



ORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 20 October 2020

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

COUNCIL OF THE MUNICIPALITY OF KIAMA

Council Chambers
11 Manning Street
KIAMA NSW 2533

14 October 2020

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 October 2020** commencing at **5pm** for the consideration of the undermentioned business.

Yours faithfully



Kerry McMurray
General Manager

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**AGENDA FOR THE
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL
TUESDAY 20 OCTOBER 2020**

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 Ordinary Council on 22 September 2020

Attachments

- 1 Minutes - Ordinary Council - 22/09/2020 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held on 22 September 2020 be received and accepted.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 22 SEPTEMBER 2020

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

**MINUTES OF THE ORDINARY MEETING OF
THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON TUESDAY 22 SEPTEMBER 2020 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, Interim
Director Corporate and Commercial Services, Director
Engineering and Works and Acting 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 18 August 2020

20/230OC

Resolved that the Minutes of the Ordinary Meeting of Council held on 18 August 2020 be received and accepted.

(Councillors Steel and Reilly)

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

Against: Nil

4 BUSINESS ARISING FROM THE MINUTES

Nil

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

20/231OC

Resolved that at this time 5.01pm, Council bring forward item 11.1 Election of Mayor and item 11.2 Election of Deputy Mayor.

(Councillors Steel and Reilly)

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

Against: Nil

11.1 Election of Mayor

The Mayor vacated the Chair and the General Manager assumed the Chair.

The General Manager, acting as Returning Officer, advised that one nomination for the position of Mayor had been received, this being for Councillor Honey.

The General Manager then formally declared that this being the case Councillor Mark Honey was elected to the position of Mayor unopposed for the period until September 2021.

At this time, 5.02 pm the General Manager vacated the Chair and Councillor Honey as newly elected Mayor assumed the Chair.

11.2 Election of Deputy Mayor

At this time, 5.01 pm, the General Manager, acting as Returning Officer, advised that two nominations for the position of Deputy Mayor had been received, those being for Councillor Sloan and Councillor Watson.

20/232OC

Resolved that Council proceed with the election of the Deputy Mayor for the 12 month term and that such election be conducted by way of secret ballot.

(Councillors Reilly and Rice)

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

Against: Nil

Voting by way of secret ballot for the election of the Deputy Mayor was then conducted, with the results being 5 votes in favour of Councillor Sloan and 4 votes in favour of Councillor Watson.

The Returning Officer then formally declared Councillor Sloan elected as the Deputy Mayor for the period until September 2021 by 5 votes to 4.

MINUTES OF THE ORDINARY MEETING**22 SEPTEMBER 2020****5 DECLARATIONS OF INTEREST**

Nil

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

7 PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Debra Sandy Ken Sandy	12.2	10.2019.179.1 – Lot 12 DP 1259233 (LOT 103 DP 561082 at the time the application was lodged) - 96 Rose Valley Road, Rose Valley – Farm shed
James Harris	12.3	Planning Proposal - Rezone part of 48 and 86 Campbell Street, Gerringong
Cliff Mason	14.2	Minnamurra Boardwalk grant variation
Steve Moore	16.10	Question for future meeting: Rest Park Gerringong - Trees

8 MAYORAL MINUTE**8.1 Congratulations: Kiama Meals on Wheels on 50 years of service****20/233OC**

Resolved that Council congratulate Kiama Meals on Wheels on 50 years of operation and formally acknowledge Marion Witheridge and Ann Dawes for their 50 years of service.

(Councillors Honey and Way)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

9 MINUTES OF COMMITTEES

9.1 Minutes: Access Committee meeting - 7 August 2020

20/234OC

Resolved that the Minutes of the Access Committee Meeting held on 7 August 2020 be received and accepted noting the motion that Blue Haven investigate the provision of an access ramp at the back of Barroul House that facilitates movement from road level to the footpath for users of the accessible parking.

(Councillors Sloan and Way)

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

Against: Nil

9.2 Minutes: Community Safety Committee - 13 February and 2 July 2020

20/235OC

Resolved that the Minutes of the Community Safety Committee meetings held on 13 February 2020 and 2 July 2020 be received and accepted, and that Council acknowledges the successful partnership with the Lake Illawarra Police District in monitoring Council's CCTV footage, and thanks the Police for their diligent work in apprehending the main break and enter offender for a series of recent CBD burglaries.

(Councillors Rice and Sloan)

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

Against: Nil

9.3 Minutes: Health and Sustainability Committee - 6 August 2020

20/236OC

Resolved that the Minutes of the Health and Sustainability Committee Meeting held on 6 August 2020 be received and accepted.

(Councillors Rice and Westhoff)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

9.4 Minutes: Kiama Cultural Board - 27 August 2020

20/237OC

Resolved that the Minutes of the Kiama Cultural Board Meeting held on 27 August 2020 be received and accepted.

(Councillors Watson and Reilly)

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

Against: Nil

9.5 Minutes: Kiama Local Traffic Committee - 1 September 2020

20/238OC

Resolved that Council:

1. receive and accept the Minutes of the Kiama Local Traffic Committee Meeting held on 1 September 2020 (attachment 1); in doing so approve the following recommendations:
 - 5.1 No parking restrictions, O'Keefe Place Kiama – approve the implementation of a proposed No Parking zone in O'Keefe Place, Kiama in accordance with the attached signage plan in Attachment 2.
 - 5.2 Signposted Work Zone, 141 Belinda Street Gerringong – approve the proposed Work Zone adjacent to 141 Belinda Street, Gerringong in accordance with the signage plan provided in Attachment 3 of this Report, subject to a Traffic Management Plan being prepared that incorporates traffic controllers being utilised during construction deliveries.
 - 5.3 No Parking Zones, Commissioners Lane and Darien Avenue Kiama – approve the creation of an untimed 'No Stopping' zone in the cul-de-sac of Commissioners Lane along with the implementation of an untimed 'No Parking' zone in the cul-de-sac of Darien Avenue, Kiama, with the installation of regulatory signage and line marking in accordance with the plans in Attachment 4 and 5.
 - 5.5 Traffic Management, Churchill Street Jamberoo – do not endorse intersection proposals in Attachments 7, 8 and 9 of this report, and that a proposal and plan be submitted to the next Traffic Committee meeting for Chapel Lane to become a one-way lane, west bound.
2. Amend recommendation 5.4 to read:

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

- 5.4 The proposal to install a 2 hour timed parking zone on the western side of Manning Street, Kiama fronting the property of Kiama Furniture One at 131 Manning Street, Kiama be returned to the Kiama Local Traffic Committee for further review and consideration.

(Councillors Way and Sloan)

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

Against: Councillor Brown

9.6 Minutes: Economic Development Committee - 26 August 2020

20/239OC

Resolved that the Minutes of the Economic Development Committee Meeting held on 26 August 2020 be received and the following recommendations accepted:

1. That Council consider including in the 2021/22 budget the cost of engaging a consultant to undertake a feasibility and business case study of the previously identified Options 2 and 3 of the Jerrara Dam Site Development Options Report (to cover both lots).

(Councillors Watson and Steel)

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

Against: Nil

COMMITTEE OF THE WHOLE

20/240OC

Resolved that at this time, 5.31pm, 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 Interim Director Corporate and Commercial Services
Report of the Director Engineering and Works
Reports for Information

(Councillors Reilly and Rice)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

10 PUBLIC ACCESS REPORTS

20/241OC

Committee recommendation that at this time, 5.31pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Watson and Way)

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

Against: Nil

12.2 10.2019.179.1 – Lot 12 DP 1259233 (LOT 103 DP 561082 at the time the application was lodged) - 96 Rose Valley Road, Rose Valley – Farm shed

20/242OC

Committee recommendation that Council approve Development Application No 10.2019.179.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Watson and Way)

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

Against: Councillors Rice and Sloan

12.3 Planning Proposal - Rezone part of 48 and 86 Campbell Street, Gerringong

20/243OC

Committee recommendation that Council not support this Planning Proposal, to rezone part of Lot 2 DP 1168922 and part of Lot 11 DP 1045242 – 48 and 86 Campbell Street, Gerringong, as it is inconsistent with the Kiama Local Strategic Planning Statement 2020 and therefore fails the strategic merit test.

(Councillors Sloan and Watson)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

14.2 Minnamurra Boardwalk grant variation

20/244OC

Committee recommendation that Council:

1. note that the variation request to increase funding for the Minnamurra Boardwalk project was not successful and the offer from the State Government to identify alternative projects to replace the original project and utilise the unspent grant funds within the Municipality
2. note that no Council budget is available to fund the \$11 million gap in place of the unsuccessful grant variation and that the Minnamurra Boardwalk project remains a project of interest to Council that could be progressed if a suitable external funding source became available
3. approve the proposal to substitute the following projects to replace the Boardwalk project –
 - a) Jamberoo Valley Cycleway extension
 - b) Investigation and design development for Kiama Bends (Princes Highway) shoulder widening including consideration of the Old Mill road as an alternative or complementary route
 - c) Omega Flat – Fern Street, Gerringong pathway – revised elevated design and costing
 - d) Town Centre bicycle facilities improvements
 - e) Network connectivity improvements to the Minnamurra Bike Skills Track.

(Councillors Way and Brown)

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

Against: Nil

16.10 Question for future meeting: Rest Park Gerringong - Trees

20/245OC

Committee recommendation that Council

1. notes the specific circumstances outlined by Mr Moore in Public Access on 21 September 2020 and trim the gum to the extent which will remove the overhanging branches to the property of 13a Chittick Place, Gerringong as well as removing the three casuarina trees abutting the fence of this property to allow natural warmth to his family as well as remove the safety risk of cleaning up the constant debris left by these trees as well as remove the constant worry his household has during high wind that a large branch could cause harm to a person on the family property.

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

2. consults the residents of 26 Greta Street, Gerringong and other affected residents to assess the impact of the trees from Rest Park to the amenity of their living conditions and take appropriate action.

(Councillors Brown and Steel)

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

Against: Councillors Rice, Sloan and Way

An amendment was **moved** by Councillor Sloan and **seconded** by Councillor Reilly that Council:

1. notes the specific circumstances outlined by Mr Moore in Public Access on 21 September 2020 and trim the gum to the extent which will remove the overhanging branches to the property of 13a Chittick Place, Gerringong as well as removing the most westerly casuarina tree abutting the fence of this property to allow natural warmth to his family as well as remove the safety risk of cleaning up the constant debris left by these trees as well as remove the constant worry his household has during high wind that a large branch could cause harm to a person on the family property.
2. consults the residents of 26 Greta Street, Gerringong and other affected residents to assess the impact of the trees from Rest Park to the amenity of their living conditions and take appropriate action.

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

For: Councillors Sloan and Way

Against: Councillors Brown, Honey, Reilly, Rice, Steel, Watson and Westhoff

11 REPORT OF THE GENERAL MANAGER

Item 11.1 Election of Mayor and item 11.2 Election of Deputy Mayor were dealt with earlier in the meeting.

11.3 Amendment to the Model Code of Conduct and Procedures

20/246OC

Committee recommendation that Council agree to make the required changes to Council's Code of Conduct for Councillors and the Procedures for the Administration of the Code of Conduct as detailed in the new Model Code of Conduct 2020 and the new Procedures for the Administration of the Model Code of Conduct.

(Councillors Brown and Watson)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

11.4 Council Committees - appointment of committees and memberships for 2020/2021

The General Manager declared a significant pecuniary interest in relation to the appointment of Councillors to the General Manager's Performance Review Committee.

The General Manager left the meeting at 6.05pm and returned at 6.13pm.

20/247OC

Committee recommendation that Council endorse the committee structure for 2020/2021 as detailed in the report with the following amendment:

1. that the councillor membership for the Performance Review Committee be changed to Councillors Honey, Sloan, Reilly and Steel.

(Councillors Brown and Watson)

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

Against: Nil

11.5 Councillor delegates to other bodies 2020/2021

20/248OC

Committee recommendation that Council endorse its representatives to outside organisations for 2020/2021 as detailed in the report with the following amendment:

1. That Councillor Rice replace Councillor Reilly as the representative on the Illawarra Shoalhaven Joint Organisation Board.

(Councillors Sloan and Watson)

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

Against: Nil

11.6 Delegations of functions of Council to the General Manager

20/249OC

Committee recommendation that Council delegate to the General Manager:

1. All of the delegable functions of the Council, excluding those functions specified in clauses (a) to (u) of section 377(1) of the Local Government Act 1993.

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

2. Specific Council delegations as follows:
 - a. to write off monies due to Council up to and including the amount of \$2,500 provided such writing off is in accordance with the provisions of the Act
 - b. to approve contributions towards legal expenses sought by the Local Government NSW providing such payments do not exceed \$1,000
 - c. to waive the replacement cost of domestic waste garbage and recycling bins due to extenuating circumstances following investigation in relation to a claim
 - d. the power to negotiate prices with prospective purchasers of Council land within parameters set by Council, subject to approval by Council
 - e. to approve donations to community members/groups of up to \$500.
3. The authority to approve development applications up to a value of \$2,000,000 where a proposal complies with statures planning instruments and Council's policies and codes and where no more than 3 objections are received, except:
 - a. where developments are for subdivisions of over 30 allotments
 - b. where a Councillor requests that the matter be put before Council; and
 - c. the development application is very likely to attract significant public interest and community input in relation to the preservation of coastal and scenic landscapes
 - d. approve development applications reliant on the application of SEPP No.1 and clause 4.6 of the Kiama Local Environment Plan 2011 where the variation to the development standard sought is a minor nature or effect
 - e. approve development applications seeking minor variations to Council's Development Control Plans when the variations are of a minor nature of effect
 - f. refuse development applications once approved where approval of such application is prohibited under the Local Government Act or Regulation, or Environment Planning Instrument or where the application is so far outside Council's code or policy requirements that conditions to rectify deficiencies cannot be embodied in the approval
 - g. approve (but not refuse) applications for extensions of time for development applications previously approved by Council or its officers where the planning position remains unchanged
 - h. the authority to take appropriate action and if necessary commence legal proceedings and/or issue a penalty infringement notice in relation to unauthorised development.
4. The authority to:
 - a. delegate 'appropriate persons' under Division 1, Part 164 of the Local Government (General) Regulation 2005 (NSW), and
 - b. appoint 'authorised officers' under section 372 of the Biosecurity Act 2015.

(Councillors Rice and Steel)

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

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

Against: Nil

11.7 Delegations of functions of the Council to the Mayor

20/250OC

Committee recommendation that Council delegate to the Mayor:

1. to supervise and advise the General Manager in the exercise of that officer's powers, duties and functions
2. to review (in conjunction with the Council's review panel) the performance agreement for the General Manager, and report at least annually thereon to Council
3. to authorise any work which in the opinion of the Mayor is urgent at a cost not to exceed \$50,000.

(Councillors Westhoff and Sloan)

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

Against: Nil

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

12.1 10.2019.227.1 - Lot 19 DP 156143 - 139 Manning Street, Kiama - Demolition of existing dwelling & associated structures, construction of attached dual occupancy & 2 Lot Torrens Title Subdivision

20/251OC

Committee recommendation that Council approve Development application 10.2019.227.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Sloan and Reilly)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

20/252OC

Committee recommendation that Council engages in a review of Kiama Development Control Plan Chapters 3 and 6 to ensure that respect for local character, including roof pitch in areas adjoining older urban development, is consistently reflected throughout these chapters and reinforced by related controls.

(Councillors Rice and Brown)

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

Against: Nil

Items 12.2 and 12.3 were dealt with earlier in the meeting as Public Access Reports.

13 REPORT OF THE INTERIM DIRECTOR CORPORATE AND COMMERCIAL SERVICES

13.1 Section 355 Committee - Jamberoo Youth Hall

20/253OC

Committee recommendation that Council:

1. appoint the following community members to the Jamberoo Youth Hall Committee under the Policy as permitted under section 355 of the Local Government Act 1993:
 - Ms Roslyn Neilson
 - Mr Stuart Richards
 - Ms Megan Collins
 - Ms Vivienne Marris
 - Ms Cathy Delhaas
 - Ms Karlee Matthews
 - Mr Greg Walsh
 - Ms Nicole Rodgers
2. advise the appointed community members to hold an inaugural committee meeting and elect office bearers through a Returning Officer and advise Council in writing of the committee positions within 7 days of the inaugural meeting
3. provide confirmation to the Jamberoo Youth Hall Committee in writing of the establishment of the committee and date of commencement of committee responsibility for the management of the Jamberoo Youth Hall

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

4. amend the Section 355 Committee Policy by formally recognising the Jamberoo Youth Hall Committee and the adopted Committee Charter to be the "care, control and management of the Jamberoo Youth Hall."

(Councillors Reilly and Way)

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

Against: Nil

13.2 Statement of Investments - August 2020

20/254OC

Committee recommendation that Council receive and adopt the information relating to the Statement of Investments for August 2020.

(Councillors Brown and Reilly)

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

Against: Nil

14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

14.1 Coastal Walking Track - Gerringong to Gerroa

20/255OC

Committee recommendation that Council:

1. adopts Council's preferred route concept for the future extension of the Coastal Walking Track between Boat Harbour, Gerringong and Black Head, Gerroa.
2. lodges an application for funding with the NSW Government under the Coastal Lands Protection Scheme for land acquisition and track implementation based on the concept proposal.

(Councillors Way and Brown)

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

Against: Nil

Item 14.2 was dealt with earlier in the meeting at Public Access Reports.

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

15 REPORT OF THE ACTING DIRECTOR BLUE HAVEN

Nil

16 REPORTS FOR INFORMATION

20/256OC

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

- 16.1 Councillor Meetings Register - 12 June 2020 to 15 September 2020
- 16.2 Kiama suicide response coordination
- 16.3 Minutes: Central Precinct - 25 August 2020
- 16.4 Minutes: Minnamurra Progress Association - 4 August 2020 and 1 September 2020
- 16.5 Minutes: South Precinct meeting - 20 August 2020
- 16.6 Notification of exhibition of new Housing Diversity State Environmental Planning Policy
- 16.7 Parking Statistics - August 2020
- 16.8 Question for future meeting: Councillor numbers
- 16.9 Question for future meeting: Development Application for IGA building, Jamberoo - solar panels
- 16.11 Question for future meeting: Significant Tree Register - Landcare assistance
- 16.12 Questions for Future Meetings Register as at 16 September 2020
- 16.13 Review of Illawarra-Shoalhaven Regional Plan
- 16.14 Short Term Rental Accommodation Policy - Outlining Process
- 16.15 TOMRA Reverse Vending Machine Gerringong.

(Councillors Westhoff and Sloan)

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

Against: Nil

RESUMPTION OF ORDINARY BUSINESS

20/257OC

Committee recommendation that at this time, 6.41pm, 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 Watson)

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

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

Against: Nil

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

20/258OC

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 20/241OC to 20/256OC above.

(Councillors Westhoff and Sloan)

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

Against: Councillor Watson

17 ADDENDUM TO REPORTS

Supplementary item 21.4 was dealt with in Confidential Committee.

18 NOTICE OF MOTION

Nil

19 QUESTIONS FOR FUTURE MEETINGS

19.1 Accessibility to South Bombo

Councillor Brown requested a report on accessibility to south Bombo from Kiama. The matter was referred to the Director Engineering and Works for investigation and report.

19.2 Vegetation - south end Werri Beach

Councillor Brown requested a report on:

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

- (a) the vegetation at the south end of Werri Beach
- (b) how Council is, or could, work with community groups, like Gerringong Bowling Club and Landcare, to remove the debris from flooding due to recent rainfall, and removing dead and inappropriate flora.

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

19.3 Portable pump track

Councillor Sloan requested a report on the locations for the portable pump track and assess South Werri Reserve adjoining the Gerringong skate park, as a suitable location. The matter was referred to the Director Engineering and Works for investigation and report.

19.4 Kiama Council branding

Councillor Reilly requested a report on suggestions for branding of Kiama Council, including use of the wave logo which is currently used for Destination Kiama. The matter was referred to the Director Environmental Services for investigation and report.

20 CONFIDENTIAL SUMMARY

20/2590C

Resolved that at this time, 6.43pm, 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 Westhoff)

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.

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

20.1 Exclusion Of Press And Public:

20/260OC

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 ACTING GENERAL MANAGER

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

21.2 PURCHASE OF TWO 11000KG GVM TIPPER TRUCKS

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.

21.3 TENDER EVALUATION FOR BARNEY STREET CULVERT 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.

21.4 RESPONSE ANALYSIS REPORT - RFT KIAMA-930318 (DATA MIGRATION STRATEGY AND SERVICES)

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 Sloan and Westhoff)

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

Against: Nil

21 CONFIDENTIAL REPORTS

21.1 Acting General Manager

20/261OC

Committee recommendation that Council approve the Director Engineering and Works, Mike Dowd and the Director Environmental Services, Jessica Rippon, to fulfil the role of General Manager during periods of leave of the General Manager of greater than three consecutive business days.

(Councillors Brown and Watson)

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

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

Against: Nil

21.2 Purchase of two 11000kg GVM Tipper Trucks

20/262OC

Committee recommendation that Council approve the purchase of two (2) Hino FD1124 trucks with tipping bodies from Illawarra Hino at a capital value of \$269,182 + GST.

(Councillors Brown and Way)

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

Against: Nil

21.3 Tender evaluation for Barney Street Culvert Replacement

20/263OC

Committee recommendation that Council approve the award of Tender KIAMA-924203 – Construction of Barney Street Concrete Culvert Replacement to Affective Service Australia with a contract price of \$433,793 excluding GST, plus a contingency allocation of \$43,379 (10%) for costs associated with potential latent conditions relating to piling work.

(Councillors Way and Rice)

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

Against: Nil

21.4 Response Analysis Report - RFT KIAMA-930318 (Data Migration Strategy and Services)

20/264OC

Committee recommendation that Council:

1. Accept the tender from AAXT for the provision of a Data Migration Strategy and Services for Kiama Municipal Council.

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

2. Authorise the Mayor and General Manager to sign and seal documentation relating to the tender.

(Councillors Sloan and Watson)

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

Against: Nil

Close of Confidential Committee of the Whole:

20/265OC

Committee recommendation that at this time, 6.48 pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Steel and Reilly)

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.

20/266OC

Resolved that that the Confidential Committee of the Whole recommendations numbered 20/259OC to 20/264OC be confirmed and adopted.

(Councillors Watson and Rice)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

22 SEPTEMBER 2020

22 CLOSURE

There being no further business the meeting closed at 6.49pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 20 October 2020.

.....
Mayor

Item 3.1

Attachment 1

3.2 Youth Engagement meeting minutes - 27 August 2020

Responsible Director: Office of the General Manager

Attachments

- 1 Youth Engagement Meeting Minutes - 27 August 2020 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Youth Engagement Meeting held on 27 August 2020 be received and accepted.



MINUTES OF THE YOUTH ENGAGEMENT MEETING

commencing at 10.00am on

THURSDAY 27 AUGUST 2020

Kiama High School
Saddleback Mountain Road, KIAMA NSW 2533

MINUTES OF THE YOUTH ENGAGEMENT MEETING

27 AUGUST 2020

MINUTES OF THE YOUTH ENGAGEMENT MEETING
HELD AT THE KIAMA HIGH SCHOOL,
KIAMA, ON THURSDAY 27 AUGUST 2020 AT 10.00AM

PRESENT: Mayor – Councillor M Honey,
Deputy Mayor – Councillor A Sloan,
Councillors M Brown, K Rice and M Westhoff

IN ATTENDANCE: General Manager, Director Environmental Services, Interim Interim Director Corporate and Commercial Services and CFO, Director Engineering and Works, and Acting Director Blue Haven, Jane Litterich, SRC Coordinator Kiama High School, Student Representative Council.

1 APOLOGIES

Apology

20/008YOU

Resolved that the apology tendered from Councillors N Reilly, W Steel, D Watson, M Way be accepted and the leaves of absence granted

(Councillors Westhoff and Brown)

For: Councillors Brown, Honey, Rice, Sloan and Westhoff

Against: Nil

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Youth Engagement Meeting held on 15 August 2019

20/009YOU

MINUTES OF THE YOUTH ENGAGEMENT MEETING

27 AUGUST 2020

Resolved that Council receive and accept the Minutes of the Youth Engagement Meeting held on 15 August 2019.

(Councillors Westhoff and Rice)

4 BUSINESS ARISING FROM THE MINUTES

Nil

COMMITTEE OF THE WHOLE

20/010YOU

Resolved that at this time 10.07am, Council form itself into a Committee of the Whole to deal with matters listed in the Reports for Information.

(Councillors Sloan and Brown)

For: Councillors Brown, Honey, Rice, Sloan and Westhoff

Against: Nil

5 REPORTS FOR INFORMATION

20/011YOU

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

- 5.1 Sports club grants for 2020/2021
- 5.2 Youth Engagement Meeting - August 2020 - Road Safety Projects 2020-2021
- 5.3 Kiama Library Hours
- 5.4 Art Workshop - Mental Health Month
- 5.5 SENTRAL Youth Services Update
- 5.6 Kiama Local Strategic Planning Statement 2020
- 5.7 Kiama Leisure Centre - Photovoltaic Solar System
- 5.8 Employee Matters - Work Placement Opportunities in Local Government
- 5.9 Development of Kiama Municipality Local Pest Management Plan.

(Councillors Sloan and Brown)

6 SUBMISSIONS BY STUDENT REPRESENTATIVE COUNCIL

MINUTES OF THE YOUTH ENGAGEMENT MEETING

27 AUGUST 2020

- 6.1 The Student Representative Council requested financial assistance to create awareness, educate and celebrate our local areas, history and culture, and also work with the school in producing a school uniform with artwork. Assistance is also sought in naming the school buildings and bus bay street.

The school has been meeting and holding workshops with Anthony McKnight and Greg Smart to understand the history of the area and gain an understanding of the local dreaming stories. From those stories grow visual representations, making sure it is true and as local as can be.

Council's Manager Community and Cultural Development advised Council was successful in securing funding to identify aboriginal cultural and historical places of significance. Council is currently establishing a steering group of local aboriginal people so that the project is driven and designed by local aboriginal people. It may include developing signage for sites, self-touring, aboriginal businesses running their own cultural tours.

Director Engineering and Works confirmed the road of the bus bay currently does not have a street name. Council does have a Street and Reserve Naming Committee with a process policy for naming of streets who meet on an as-needs basis.

Action:

Council's Director Engineering and Works to provide a copy of the street naming process and policy to Kiama High School.

Kiama High School to contact Director Engineering and Works when they have a proposed name in order for the Director to prepare a report to the Streets and Reserves Naming Committee inviting the school to attend the meeting.

Council's Aboriginal Liaison Officer to work with and support the school on providing Aboriginal words for buildings, and assist with artwork for school uniforms.

- 6.2 Pot holes at Gerringong – driving hazard

This matter has been dealt with. No further action required.

- 6.2 Mental health funding – Request for Council funding for Mental Health First Aid training/refresher for Year 12 - \$5,000 for a year group

The Student Representative Council advised Years 8 and 10 currently receive Mental Health First Aid training, however are requesting funding of \$5,000 for refresher training for Year 12 students. This would be carried out by the Student Support Officer the school has recently employed.

Director Environmental Services advised recently Council had a resolution on the response to the recent deaths by suicide. Council are acting on that resolution and have met with Illawarra Shoalhaven Suicide Prevention Collaborative, Illawarra Health and Co-ordinator working through a strategy on how we can respond and continue to respond including a health related response, community response, community development/capacity building response and a look at programs such as mental health refresher training,

MINUTES OF THE YOUTH ENGAGEMENT MEETING

27 AUGUST 2020

compassionate conversations which are linked directly with schools. Council's website has been updated with Mental Health Support information.

Councillor Andrew Sloan is aware that Makuta Masks have approached the school and are keen to support Kiama High School.

Council's Manager Community and Cultural Development advised many organisations are willing to come forward and assist in this training.

Action:

Jane Litterich to liaise with Council's Manager Community and Cultural Development to find organisations willing to assist in mental health training.

Jane Litterich to liaise with Principal Catherine Glover and Councillor Andrew Sloan to discuss Makuta Masks offer of help.

6.3 Progress report of the state of play at Gerringong library

The General Manager provided an update that the roof line exceeded development consent approval and the Council resolution was that the building would need to be brought back into line. Council are currently working to have redesign work done to development consent approved height. With the delays encountered, Council has taken a decision to proceed with the expansion of Figtree Lane carpark expected to commence in the next 3 to 4 weeks with completion before Christmas.

Council's Director Environmental Services advised the museum is nearing completion. There is still some work in the library portion to finalise remediation around height. Work will commence on that as soon as new plans have been finalised.

6.4 Youth Centre grant - creative grants suspended

Council's Manager Community and Cultural Development advised a round of cultural grants which were endorsed by Council were suspended due to COVID. A range of cultural grants will still be run this year, there is one currently open at present.

Two grants that sit within Community and Cultural Community team, of which there is a Cultural Grant which weights applications from young people favourably. There is another grant program, the Health and Sustainability grants which include opportunities to develop proposals based around supporting positive mental health.

Action:

At a future Youth Advisory Committee meeting Council's Community and Cultural Development Officer and Health Promotion Officer attend the meeting and outline the process for applying for those grants, working with the students to shape their proposal to fit within the grant guidelines.

6.5 Cultural Grant from Pheona Cashman

MINUTES OF THE YOUTH ENGAGEMENT MEETING

27 AUGUST 2020

Pheona Cashman, through the Student Representative Council, suggested a collaboration with Council to do murals or community arts projects with funding grants. Kiama has some amazing places along our coast line where we could do some sculptural pieces that could be inter changeable. Potentially funding support to have local artists do workshops with our gifted and talented etc. Would also be great to get our special unit involved with some tactile sculptures that could be set up for kids with special needs in our local playgrounds. There are so many things that I would love to do or be a part of but, unfortunately, funding for such things are hard to come by or there is that much red tape that it becomes too overwhelming.

Action:

Pheona Cashman to contact Council's Community and Cultural Development Officer for further information on grants opportunities.

6.6 Aboriginal help in our area. What are they doing?

Jane Litterich thanked Council's Aboriginal Liaison Officer, Trish Levett for coming into school one period a week. Believes it is really helping to build connection between kids, kids families and the school.

Council's Manager Community and Cultural Development advised we are taking deliveries of food from OzHarvest and making this available to families on the 2nd and 4th Monday of each month. Flyers have been distributed through school network to make families aware of this.

6.7 Lights at Soccer field , Kiama Quarry soccer fields

Main field is the best we have in the community, the other fields are not as suitable. As such the Student Representative Council have requested lights at the grandstand end.

Action:

Director Engineering and Works to take this on as an action for review and respond to the school, including Councillors on the correspondence. There are arrangements with the clubs in terms of who is responsible for certain components, however lights would be the responsibility of Council including maintenance.

6.8 Fencing structure at pavilion show ground – unstable and wobbly at certain spots

Council has a program in this year's budget to repair and replace fencing.

Action:

Student Representative Council to email Council and request a meeting on site with Director Engineering and Works.

6.9 Extra seating at show ground

MINUTES OF THE YOUTH ENGAGEMENT MEETING

27 AUGUST 2020

Director Engineering and Works advised this is also part of the grant Council is reviewing and can be discussed during the site meeting.

6.10 Gerringong netball courts safety concern

The Student Representative Council have concerns around unsafe features. These include bolts which need to be ground down, eastern side of courts where the concrete slopes down into the grass umpires on the side could fall back, the hill down to the courts is unsafe as it's slippery and wet, and there are holes in the netting at the back of the courts where children climb over the fence to retrieve balls. There have been many injuries.

Action:

Student Representative Council to email Council and request a meeting on site with Director Engineering and Works.

7 QUESTIONS FOR FUTURE MEETINGS

7.1 Can the speed limit on Riverside Drive, Kiama Downs be changed?

Council's Director Engineering and Works advised it is a Council owned road however speed limits are decided by State Government.

Action:

Director Engineering and Works will request a review of the speed limit on behalf of the school.

7.2 There are safety concerns at the intersection of Barney and Shoalhaven Streets. For safety reasons it would be great to have a roundabout.

Action:

Student Representative Council to email Council and request Director Engineering and Works take this matter up with the Kiama Local Traffic Committee.

8 CLOSURE

There being no further business the meeting closed at 11.27am.

These Minutes were confirmed at the Ordinary Meeting of Council held on 22 September 2020

.....
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 Mayor's Giving Tree

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council endorse the Mayor's Giving Tree appeal.

REPORT

Each year the Mayor of Kiama has a "Giving Tree" for children at Christmas. Residents and organisations are invited to place gifts for children from 0-14 years under the tree which are distributed to local children for Christmas.

In past years, this expression of support from our Municipality, particularly for those in our community who may not be able to fully celebrate Christmas, has been both strong and enthusiastic.

I would like to express my appreciation for that support and hope that once again, the residents and community groups of the Municipality will support this project which benefits many children in our community.

Gifts may be left under the "Giving Tree" situated in the Kiama Library and the foyer of the Council Administration Building during opening hours from Thursday 12 November to Thursday 10 December 2020.

It would be appreciated if the gifts were not wrapped as they need to be sorted into age groups for distribution.

I am sure through the community's generosity many children in the Kiama area will enjoy and share the happiness of Christmas which they might not otherwise do.

9 MINUTES OF COMMITTEES

9.1 Minutes: Access Committee Meeting - 2 October 2020

Responsible Director: Environmental Services

Attachments

- 1 Minutes of the Access Committee meeting held on 2 Oct 2020 via Zoom [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Access Committee Meeting held on 2 October 2020 be received and accepted.

BACKGROUND

This report provides the minutes of the Access Committee meeting held 2 October for Councillors' information.

Of note is the Committee's wish for Council to be thanked for the new concrete footpath built at end of Tasman Drive linking Geering Street to Pacific Avenue, Gerringong.

Minutes of the Kiama Access Committee meeting held on Friday 2 October 2020 in the on-line Zoom meeting at 10am.

Present: Graham Fairbairn, Dr George Puris, Nick Guggisberg, Chris Cassidy, Merryn Joske, and Steve Fox (as an observer).

1. **Apologies:** Cllr Neil Reilly, Janelle Burns, Darren Brady.

2. **Minutes of previous meeting**

Motion: that the minutes of the meeting held 7 August 2020 are an accurate record of the meeting.

Moved: Graham Fairbairn **Seconded:** Chris Cassidy **Carried**

3. **Business arising from the minutes**

3.1 *Committee Membership*

Manager Community & Cultural Development welcomed Steve Fox as an observer to the committee.

Consideration of Mr Fox's Expression of Interest (EOI) to join the committee.

Motion: To accept Steve Fox's EOI to join the committee

Moved: Merryn Joske **Seconded:** Dr Puris **Carried**

3.2 *Proposed stairs at Bombo Quarry*

Manager Community & Cultural Development reported that the Council noted this motion but did not endorse it and no referral was made for an access assessment to be carried out.

3.3 *Access ramp from road level to footpath at Blue Haven Bonaira*

The meeting was informed that the matter was noted by Council but not endorsed. Manager Community & Cultural Development informed the committee that he has observed that a walkway had been created directly to the existing ramp under the portico, and an additional ramp has been created in front of the Residential Aged Care facility.

3.4 *Connections between Blue Haven Bonaira and Terralong*

Manager Community & Cultural Development reported that he has followed this matter up and was informed by the Manager of Blue Haven that due to Covid-19, this initiative is currently not being pursued.

6. **General Business:**

6.1 *Need for a Stop sign at the back entrance to Blue Haven Terralong Stage 5 near the boom gate.*

[16/52325]

This is **Page 1** of the Kiama Access Committee meeting held on 8 July 2016.

Merryn Joske stated she has observed several near misses due to drivers not appropriately looking out for other drivers, and believes a stop sign for drivers entering or leaving the under building parking would make this area safer.

Action: Manager Community & Cultural Development to refer the matter to Blue Haven Independent Living Units Manager.

6.2 *Cross over of walkway in Collins Lane*

Traffic committee needs to consider this including considering placement of painted “←Look →” on the footpath for pedestrians before they cross Collins Lane, as well as potentially an additional stop sign for drivers as they approach the crossing point when leaving Collins Lane.

Action: Manager Community & Cultural Development to refer the matter to Council’s Traffic Committee for consideration.

6.3 *The wooden steps from Terralong St down to Black Beach near the Post Office*

Merryn Joske reported that these stairs need some attention to improve their visual differentiation between each step, with the currently painted front edges peeling, therefore these edges need repainting.

Action: refer to Manager Engineering & Works

6.4 *Thoroughfare at the Terraces near Hungry Monkey.*

Merryn Joske reported that it gets very crowded in front of Hungry Monkey at times which creates a hazard for pedestrians, and particularly people with disability and especially people with a vision impairment, to move through this area.

Graham Fairbairn reported that he has observed the Hungry Monkey’s Covid Safety Marshall managing the area quite well, but the area is quite narrow making it difficult for people waiting for a table or take away food to be near enough to hear when their names are called without creating a hazard for pedestrians passing by.

Action: MC&CD to write to the Hungry Monkey asking that their Marshall also monitors safe pedestrian access past their venue.

7. **Business without notice**

7.1 *Accessible parking spaces in Fig Tree Lane in Gerringong*

The Committee noted the area is being redeveloped and propose to monitor the accessible parking spaces in Fig Tree Lane as this area is redeveloped, as well as the new Library.

7.2 *New concrete path in Gerringong*

The committee asked for the new pathway at the end of Tasman Drive linking Geering St to Pacific Ave to be acknowledge as a fantastic addition in Gerringong and to thank Council for building this.

8. **Next meeting:**

[16/52325]

The next meeting of the Kiama Access Committee will be held on Friday 4 December 2020 starting at 10am online.

There being no further business the meeting closed at 11.05am

Item 9.1

Attachment 1

[16/52325]

This is **Page 3** of the Kiama Access Committee meeting held on 8 July 2016.

9.2 Minutes: Catchment and Flood Risk Management Committee - 25 August 2020

Responsible Director: Environmental Services

Attachments

- 1 Minutes - 25 August 2020 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Catchment and Flood Risk Management Committee Meeting held on 25 August 2020 be received and accepted.

BACKGROUND

Attached for Councillors' information are the minutes of the Catchment and Flood Risk Management Committee Meeting held on 25 August 2020.

**Minutes of the Kiama Catchment and Flood Risk Management Committee meeting
held on Tuesday 25 August 2020 via Zoom at 4:00pm.**

Present: Clr. Andrew Sloan, Byron Robinson (KMC), Darren Brady (KMC), Andrew Williams (DPIE), Jason Carson (LLS), Nathan Pomfreit (DPIE) Ben Pinch, Graham Pike, Michael Gleeson, Tanya George

1. **Apologies:** Clr Mark Westhoff, Warren Holder

2. **Minutes of previous meeting**

Confirmed as accurate.

Moved: Graham Pike **Seconded:** Michael Gleeson **Carried**

3. **Business arising from the minutes**

Matters arising covered in Agenda items.

4. **The Minnamurra River proposed classification and categorisation of Council managed Crown Land under the Crown Land Management Act – clarification and update**

The map associated with the proposed classification of the Crown Land parcels associated with the Minnamurra River, and a link to the Crown Land Classification guidelines was provided prior to the meeting.

Council's Property section were overseeing the classification and development of plans of management for all parcels of Crown Land which they now have care and control of, which is now to be managed as if it were public land under the Local Government Act.

This means Councils are required to have plans of management in place for the land, which includes classifications consistent with the legislation. It had already been noted in preliminary feedback that some parcels identified on the map classified as community use, were inconsistent with the Coastal SEPP mapping which had these areas mapped as coastal wetlands.

Graham Pike asked when the land would be officially classified and the timeframes for the plans of management to be developed.

Andrew Williams indicated that DPIE feedback would be that the classification of the Crown Land parcels should be consistent with the SEPP mapping and the objectives of the coastal SEPP relating to that land.

Byron Robinson was not aware of the exact dates, however the proposed classifications were required to go out to public consultation and exhibition, and members of the committee would be invited to the information session in early September relating to the classification process.

Clr Andrew Sloan indicated it was his understanding that the proposed classifications had still to come back before Council following public exhibition for Council to endorse.

This is **Page 1** of the Kiama Catchment and Flood Risk Management Committee meeting held on 25 August 2020.

5. Coast and Estuary Grants proposed projects

Byron Robinson gave a brief update to the committee on the projects being prepared for application for funding under the next round of the NSW Coast and Estuary program. This included:

- Blue Angle Creek stabilisation works, currently seeking advice and quotations for works identified in the options assessment report
- Minnamurra River – Charles Avenue rock wall assessment by coastal engineer to provide structural assessment and priority repair and / or alterations for the existing walls
- Small bank stabilisation project at James Oates Reserve boat ramp which Council will try to source funding for through LLS

Clr Andrew Sloan asked if there was any merit in applying for funding for works to fix the large rock wall near the bridge on Riverside Drive.

Byron Robinson indicated that he had taken Soil Conservation Service representatives to the site for an assessment and advice. They had requested any geotechnical information prior to giving any advice.

This would more than likely require consideration from Council prior to putting in a funding application under the NSW Coast and Estuary program due to uncertainty around costing and methodology.

Graham Pike indicated his advice was it would require 800K to repair. Darren Brady indicated that preliminary assessment during the Minnamurra boardwalk investigation showed there were solutions which required considerably less, however we will seek further advice from SCS.

Action: Byron Robinson/Darren Brady to forward geotechnical information to SCS.

6. Hyams Creek potential project funding next steps

Byron Robinson reported that he was developing a project with NSW LLS to undertake riparian works on Hyams Creek in the Council reserve on the corner of Churchill Street and Gibsons Crescent. LLS are looking to work with interested landholders along the creek to make a demonstration site. Byron is currently seeking quotations and costings to provide LLS and submit an EOI for funding.

Graham Pike requested a copy for the project area map to present to the JVRRA to communicate the project and raise interest and support.

Action: Byron Robinson to provide Graham Pike with a map of the proposed project site.

7. Scheduling and funding sources for repair/replacement of Minnamurra revetment – Riverside Drive

The subject was extensively discussed in previous parts of the meeting. Ben Pinch asked if there would be adverse impacts from repairing the wall. Andrew Williams indicated that even if Council were to repair the wall under the allowances of a certified CZMP, there would still be requirements to consider impacts of the works in line with legislation.

8. Progress of the Minnamurra River CZMP and recommendations/tasks

Graham Pike is concerned the major works identified in the CZMP have not been completed, one being the repair of the revetment at Riverside Drive. He believes the only way to progress is to have an estuary health officer employed as per the CZMP actions.

Byron Robinson explained there were many activities and projects feeding into achieving the actions identified in the CZMP, and reiterated Council is able to control outcomes and implement actions on its land, however many catchment actions require engagement and interest from landholders in the catchment, and is effectively dealt with by LLS in their role supporting agriculture/biosecurity on private land.

9. Minnamurra River estuary clean up of flood debris

Graham Pike noted that most of the flood debris he had seen had been cleaned up however there was some debris just upstream of the Swamp Road bridge which could cause issue in future events. He also noted there were several silage bails in the billabong.

Darren Brady reported that the works crews were working through 100's of CRMs and if there were any further issues should be registered in Council's CRM system to ensure they are recode and actioned. He noted that if they were on private land Council does not undertake clean ups on private land in most circumstances.

Tanya George asked if there was anything in place to deal with silage wrap.

Michael Gleeson noted he had been involved in something in the Broughton Creek catchment with the Landcare group at Foxground.

Jason Carson reported there had been a silage recycling program a number of years ago, however the program is not functioning at this point as the wrap material was too contaminated to recycle. He also noted that LLS works with landholders with post flood clean up as part of their emergency management role to coordinate with landholders and plan management responses.

10. Other business

Michael Gleeson asked if someone could show him the issues identified in the CZMP regarding the Minnamurra River to give him some background. Byron Robinson said he would be able to show Michael around at a time that suited. Michael also enquired about water quality data for Werri Lagoon.

Byron Robinson explained there wasn't much recent data due to the local Streamwatch program being discontinued. Byron indicated that Council officers may sample for a particular issue but not on a regular monitoring basis. Byron explained that following the development of the open coast Coastal Management Program, the Minnamurra and Crooked River CZMPs would need updating to comply with the Coastal Management Act requirements. At this time it is likely that other estuaries without estuary management/coastal zone management plans (eg Werri Lagoon, Spring Creek, Munna Munnorra Creek), would need to be looked at as well. This may include water quality/estuary process studies.

There being no further business the meeting closed at 5.30pm

Next meeting proposed for Tuesday 10 November 2020, 4:00pm

9.3 Minutes: Community Safety Committee - 10 September 2020

Responsible Director: Environmental Services

Attachments

- 1 Minutes - Community Safety Committee - 2020 - September [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Community Safety Committee Meeting held on Thursday 10 September 2020 be received and accepted.

BACKGROUND

The minutes of the Kiama Community Safety Committee meeting held Thursday 10 September 2020 are attached for Councillors' information.



Minutes

Community Safety Committee

Date:	10 September 2020	Time:	3.30pm	Venue:	Zoom
Chairperson:	Cr Kathy Rice			Minutes:	Louise Croker
Meeting Objective:	Quarterly meeting of the Community Safety Meeting				
Present:	Chris Cassidy, Cr Kathy Rice, Louise Croker, Nick Guggisberg, Aapo Skorulis, Inspector Daniel Richardson,				
Apologies:	Merryn Joske, Camilla Kerr Ruston				

Acknowledgement of Country by Cr Kathy Rice

1. Previous Minutes

Motion: That the minutes are a true and accurate record of the previous meeting.

Moved: Aapo Skorulis **Seconded:** Chris Cassidy **CARRIED**

2. Business Arising

2.1 Interim meeting minutes to be sent to committee members for review before going to Council meeting, once they have been ratified by the Director Environmental Services.

2.2 Audit of Kiama Skate Park
Council's response to recent deaths by suicide in the Kiama local government area has taken priority for the SENTRAL Youth Services. The Community and Cultural Development Officer has been in contact with the relevant Officer in the Lake Illawarra Police District, Crime Prevention Unit and will follow up once the Youth Services are able to resume engagement with this project.

2.3 CCTV Standard Operating Procedures and Code of Conduct
As the CCTV policy sits across all of Council a project group is being set up within Council to be led by Mike Dowd, Director Engineering and Works. The Director Engineering and Work's previous experience with CCTV at Wollongong Council will likely lead to changes to current documentation and processes. It is anticipated that the Code of Conduct will be adjusted to apply across every CCTV system Council owns and operates. The Committee will only have input/oversight into the public area CCTV systems but will be kept appraised as the project group begins work.

The Committee has requested that given the committees role in CCTV review;

- a written CCTV report be provided to each Committee meeting.



- any auditing reports be presented to the Committee once they are available. The Manager Community and Cultural Development advised that one independent and a two internal audits have been completed to date, but audits will also be required on a regular basis going forward.

- 2.4 The Committee has requested that any documents requiring reading or feedback may be forwarded at any time rather than just prior to next meeting.
- 2.5 Inspector Dan Richardson advised that from June to September 2020, nine incidents of Domestic and Family Violence occurred, all involved were residents of the Kiama local government area. Seven incidents where in Kiama and two in Kiama Heights. Three incidents involved young people with family members and two of the young people had existing mental health issues.
- 2.6 Meetings are currently being organised and progressed with Managers to review the draft strategies for the Community Safety Plan.

3. Police - Current Crime Data – presentation by Inspector Dan Richardson

3.1 June to September – Kiama LGA - 63 incidents reported in total

- Malicious damage (randomly driving past cars and smashing them with a hockey stick) – 29 incidents in Kiama – up to 70 incidents across the Lake Illawarra Police District. A group of three people including a young person have been apprehended.
- Steal from Motor Vehicle – 10 incidents – most were vehicles which were unlocked.
- Two stolen cars – Minnamurra and Kiama – both with keys left in vehicle and unlocked. Vehicles found at Albion Park and Dapto.
- Crime predications
 - Kiama is lucrative for offenders for property crimes as so many cars are left unlocked.
 - As people return to work after working from home during COVID, there is a potential for an increase in property crime.
- Police have increased engagement with repeat Domestic Violence offenders and checking in on victims, especially where Apprehended Violence Order's have been issued.
- Suicides have been impacting young people, and Kiama High School has been flagged as being especially impacted. Police are offering resilience programs to be held within the school.

Intel suggests that youth suicides may include mental health and possible drug use issues. Police would like to coordinate more closely with Council

and the Youth Services. The Manager Community and Cultural Development advised of the collaborative meetings being undertaken with the Department of Health, Jo Cummins (Youth Liaison Officer) has been liaised with as part of this collaboration. Police to be invited to the response group.

Cr Rice noted that she had heard that a PCYC may be set up in the Kiama Surf Club, it was advised that funding has been received to possibly run PCYC programs on a site in Kiama, but no indication of a permanent PCYC.

- A new abridged PACER program (Police, Ambulance, Clinician, Early Response) has been rolled out to Albion Park over the past 5 weeks, it is a 12 month trial. If successful we may see this program expand. The program provides on call clinicians to attend incidents with Police where mental health issues are suspected.

4. Youth Advisory Committee

4.1 Nothing to report

5. General Business

5.1 CCTV Update

As per report provided in business arising

5.2 Women's Trauma Recovery Centre

Council's Manager Community and Cultural Development is on the working group for the development of a Women's Trauma Recovery Centre in the Illawarra. The centre would provide support and care for women recovering from trauma associated with domestic and family violence. The Illawarra Women's Health Centre has initiated this project.

It was noted that there is a large disparity between domestic and family violence incidents reported to Police and those reported to frontline community services providers such as the Illawarra Women's Health Centre (IWHS). The IWHS has recently reported a rise from a two week to two month waiting list for women seeking assistance for domestic and family violence since the beginning of COVID, and are unable to meet the increased demand for service delivery.

It was suggested that there is an opportunity for community volunteer bodies such as the CWA to support services such as the Illawarra Women's Health Services in their fundraising activities in order to increase services delivery options.

5.3 Community Safety and Crime Prevention Plan

Further community consultation to be collected in conjunction with Council's Health Plan consultations, this data will be utilised to update the revised Community Safety Plan. Once the additional information from this process is obtained and any further input received from the process detailed under 2.6 above, the Plan will be reviewed by this Committee.

6. **Actions**

Action	By Whom	By When
6.1 Audit of Kiama Skate Park for safety to be organised in consultation with SENTRAL Youth Services and the Police.	Council Community and Cultural Development Officer	Once SENTRAL Youth Services is able to participate
6.2 Draft strategies to be reviewed with relevant Managers in Council in order to align with Council's Integrated Planning and Reporting.	Council Community and Cultural Development Officer	Next meeting
6.3 Progress of court case of apprehended alleged break and enter offender.	Inspector Dan Richardson	Next meeting
6.4 Minutes to go to members as interim minutes prior to going to Council	Council Community and Cultural Development Officer	Ongoing

7. **Next meeting**

Thursday 10 December 2020, 3.30pm

There being no further business the meeting closed at 4.55pm

9.4 Minutes: Jamberoo Youth Hall s355 Committee - 27 September 2020

Responsible Director: Office of the General Manager

Attachments

- 1 Minutes: Jamberoo Youth Hall s355 Committee - Annual General Meeting - 27/09/2020 [↓](#)
- 2 Minutes: Jamberoo Youth Hall s355 Committee - General Meeting - 27/09/2020 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Jamberoo Youth Hall s355 Committee Annual General Meeting and General Meeting held on 27 September 2020 be received and accepted.

BACKGROUND

A copy of the Minutes of the Jamberoo Youth Hall s355 Committee Annual General Meeting and General Meeting held on 27 September 2020 are attached for Councillors' information.

Jamberoo Youth Hall Committee - s355

Inaugural Annual General Meeting

Sunday 27 September 2020, Jamberoo Youth Hall

Present: Councillor Neil Reilly, Megan Collins, Stuart Richards, Greg Walsh, Cathy Delhaas,
Nicole Rogers, Vivienne Marris, Roslyn Neilson

Apologies: Karlee Matthews

Meeting opened 2.45 p.m.

Welcome to Country presented by Councillor Neil Reilly

Appointment of Returning Officer by general agreement: Councillor Neil Reilly

Committee Positions – Nominations

Chairperson: Megan Collins (nominated RN, seconded GW)

Vice-Chairperson: Vivienne Marris (nominated GW, seconded SR)

Secretary: Roslyn Neilson (nominated VM, seconded CD)

Treasurer: Nicole Rogers (nominated VM, seconded GW)

Bookings Officer: Megan Collins (nominated NR, seconded CD)

Maintenance Officer: Stuart Richards (nominated RN, seconded CD)

All nominations were accepted. The nominees were elected unanimously.

Councillor Neil Reilly was thanked for his services as Returning Officer.

Councillor Neil Reilly was elected unanimously as Councillor responsible for liaison between
the Jamberoo Youth Hall Committee and Kiama Council.

Bank Signatories

The current signatories of the bank account held by Jamberoo Youth Hall Association
Incorporated are Megan Collins, Nicole Rogers and Roslyn Neilson. It was resolved that the
same three people would be signatories to the new Jamberoo Youth Hall Committee s355
bank account should Kiama Council also agree. Further confirmation will occur at the next
general meeting.

Meeting closed by Chairperson Megan Collins at 3.00 p.m.

Minutes taken by Roslyn Neilson

Mobile: 0421 822 898

secretary.jamberooyouthhall@gmail.com

MINUTES: Jamberoo Youth Hall Committee (under Section 355)

General Meeting

Sunday 27 September 2020, Jamberoo Youth Hall, immediately after JYH Committee AGM

Present: Megan Collins, Cathy Delhaas, Vivienne Marris, Karlee Matthews, Roslyn Neilson, Stuart Richards, Greg Walsh, Nicole Rogers, Councillor Neil Reilly

Apologies: Karlee Matthews

Minutes taken by Roslyn Neilson

Meeting opened at 3.00 p.m. by Chairperson, Megan Collins

Welcome to Country presented by Councillor Neil Reilly

[Minutes of JYH meeting 9 August 2020](#)

Minutes accepted with no dissent.

Correspondence IN and OUT for [August](#) and [September](#) 2020

Several threads noted in extensive correspondence over the past few weeks, all part of ongoing General Business:

- Repairs and refurbishments: JYH to be kept in the loop as tenders progress.
- Attempts to plan ahead for fees, maintenance issues: Put on hold until s355 committee established
- Fence across Reid Park, and communications with JRLFC re DA for additional building in Kevin Walsh Oval

GENERAL BUSINESS

1. Establishment of JYH Committee under s355

Megan Collins congratulated all committee members and ordinary members of the Jamberoo Youth Hall Committee for achievements to date in contributing to the set-up of a Section 355 agreement with Kiama Council.

Further discussion of positions and responsibilities of committee members:

- Megan to mentor Nicole in establishing software use for Treasurer
- Ros available to back up Megan as Booking Officer, using Calendar software.
- Maintenance Officer responsible for organising cleaning, inspections etc. Stuart to draw up maintenance schedule for the JHY and organise working bees if necessary.
- A Council Staff Member is needed as a liaison person for operational matters, in addition to Councillor Reilly, who has been appointed as the Councillor responsible for liaising with Council.

ACTION: Councillor Reilly to discuss with Director of Environmental Services and Planning re appointment of a staff member to this role.

2. Establishing s355 arrangements

- Notify Council within 7 days of committee positions.

ACTION: Secretary to send minutes of AGM to Council

- We have not yet had official notification from Council re the endorsement of the committee, and we have not received a document that provides additional

information about the arrangement beyond the original draft report to Council of August 2020.

ACTION: Neil Reilly to enquire about the status of notification of the Council endorsement of committee, and the provision of additional templates relevant to Council committees

- We need to establish our specific Charter for JYH s355 Committee, including:
 - Banking
 - Accounting and reporting procedures
 - Insurance (will Council do an asset audit?)
 - Spending limits on maintenance and works
- We also need to establish operational guidelines, including:
 - Booking form
 - Cleaning arrangements
 - Advertising on Council website
 - Registered contractors for maintenance

ACTION: Secretary to arrange meeting with Council Staff member to discuss operational and financial arrangements as soon as a liaison person has been established. An agenda will have to be compiled.

- Comparisons with other halls – NOT Joyce Wheatley Community Centre. Possibly work with other local groups and their halls as our procedures settle in.

3. Repairs and refurbishments

- Follow-up from water ingress problems: Mike Dowd has notified us that this will be addressed together with repairs to western wall and refurbishments. Timing and funding still unclear.
- When regular users can't use the Youth Hall, a pro rata reimbursement of their annual fees should be provided.
- Information needed from Council re:
 - Timely advice about when the Hall will be out of action, to enable us to make future bookings
 - Whether storerooms will need to be completely cleared, and if they do, whether storage arrangements can be made
 - Safety issues for the Youth Hall during repairs and refurbishments
 - Alternative venue arrangements that might be made for regular users.

ACTION: Cathy to enquire about availability of Catholic Church Hall for regular users.

ACTION: Neil Reilly to remind Mike Dowd to keep JYH in the loop about timing of works as soon as possible, so that arrangements can be made.

4. Fence update (All fence correspondence and discussions saved [HERE](#).)

- Ros reported on JVRRA discussion 1 September: JVRRA members had never been informed about the erection of a permanent fence. Decision: JVRRA to convey to Council that due process was not followed in terms of Council consulting with community on a significant change to previous infrastructure agreements.
- Discussion: If the proposed fence joins on to NW corner of the hall, this comes within the Youth Hall boundary, so the s355 committee must be involved in plans. Placement of either permanent or temporary fence must consider Youth Hall needs. Preference for fencing not to join Youth Hall, so that facility can remain open on

JRLFC game days. Possibility of no fence at all – JRLFC could simply control the entrances on Churchill and Allowrie Streets on game days.

ACTION: Neil Reilly to raise fence issue with GM to present JYH concerns and request further discussion before the fence is completed.

5. RLFC building proposal

- JYH expects that JRLFC DA for building will be discussed with JYH committee before it is submitted.
- Greg Walsh pointed out that [legal advice](#) suggests that it is possible to incorporate JRLFC's need for a scorer's box within the Youth Hall.
- Discussion of the need for a big picture approach to planning for Youth Hall as part of Kevin Walsh Oval precinct.
- Decision at this stage to concentrate efforts on establishment of the working JYH Committee and discussions re the fence, and return to this issue at the next meeting.

6. Bookings enquiries update (Megan)

Before/After school care – Cedar Grove Family Day Care
Exercise Group pulled out – no longer a regular user
Suicide Prevention Collaborative – KMC
Senior Yoga (not Yoga) group – currently utilising Anglican Hall
December bookings 1 of 4 have been contacted. Still to contact remaining 3 re refurbishment
Keys are all accounted for except for the one given to Security Company.

7. Maintenance Planning

- Maintenance specification in original S355 document read out. Agreed that working bees will be needed.
- We will request information from council about approved contractors for cleaning and maintenance of JYH.

8. Frequency of JYH Committee meetings

Monthly meetings are planned, timed for the weekend before Council Business Meetings so that Neil Reilly can bring forward important issues.

Next JYH committee meeting: Sunday 18 October, 2.00 p.m., JYH.

Meeting closed by Chairperson Megan Collins at 5.00 p.m.

Next page: JYH Committee Action Table as at 27 October 2020

Executive Summary of ACTIONS to be taken following the 27.9.2020 JYH meeting			
Agenda Item	ACTION	Who	When
1	Discuss with Director of Environmental Services and Planning re appointment of a Council staff member to liaise with JYH s355 Committee re operational procedures.	Neil Reilly	Within a week
2	Send Minutes of JYH s355 Committee AGM to Council with information re office bearers	Secretary	Within 7 days
2	Enquire about the status of notification of the Council endorsement of JYH committee, and the provision of additional templates relevant to Council committees	Neil Reilly	Within a week
2	Arrange meeting with Council Staff member to discuss operational and financial arrangements; provide agenda for that meeting.	Secretary	ASAP after appointment of Council liaison officer
3	Enquire about availability of Catholic Church Hall for regular users during repair works.	Cathy Delhaas	Not specified
3	Remind Mike Dowd that it is urgent to keep JYH in the loop re timing of repairs and refurbishments.	Neil Reilly	Not specified
4	Raise JYH concerns re the Reid Park fence with GM, to request discussion of changes to plans before the fence is completed.	Neil Reilly	Not specified
5	Consider 'big picture' plans for JYH and sports precinct, including JRLFC plans for additional building and the legal options available.	All	Postponed until next meeting
7	Maintenance planning: Stuart to seek information from Council re contractors.		

9.5 Minutes: Kiama Local Traffic Committee - 6 October 2020Responsible Director: Engineering and Works

Attachments

- 1 Minutes - Kiama Local Traffic Committee - 06/10/20[↓](#)
- 2 Updated Plan - Timed Parking Zone - Manning Street Kiama[↓](#)
- 3 Signage - Loading Zone - Kiama Visitors Information Centre[↓](#)
- 4 Changes to Signage - Bathers Development - Manning Street[↓](#)

Enclosures

Nil

RECOMMENDED

That Council receive and accept the Minutes of the Kiama Local Traffic Committee Meeting held on 1 September 2020 (Attachment 1); in doing so approve the following recommendations:

- 4.1 That the item relating to the 2 Hour Timed Parking Zone - 131 Manning Street Kiama, be referred back to Council, with an updated plan clarifying the No Stopping Zone (Attachment 2).

The deferred recommendation from September's Council Meeting (Item 5.4 of Kiama Local Traffic Committee Minutes of Committees Report for September) recommends Council approves the creation of a time limited parking zone on the western side of Manning Street, Kiama fronting the property of Kiama Furniture One at 131 Manning Street Kiama, through the installation of regulatory signage with restrictions of 2 Hour Parking between 8.30am - 6.00pm Monday to Friday and 9am – 12pm Saturdays.

- 5.2 That approval be given to the implementation of a temporary Loading Zone in Blowhole Point Road, Kiama, for the duration of the Visitor Information Centre amenities refurbishment construction in accordance with the attached signage plan (Attachment 3).
- 5.3 That Approval be given to the alteration of existing combined bus and loading zone in Manning Street, Kiama to a separated Bus and Loading Zone as follows:
1. Bus Zone: 6am – 12.30pm Monday to Friday, then 2P Parking: 12.30pm – 5pm Monday to Friday, 9am - 12pm Saturday.
 2. Loading Zone: 8am – 12.30pm Monday to Friday, then 2P Parking: 12.30pm – 5pm Monday to Friday, 9am - 12pm Saturday.

As per the attached signage plans (Attachment 4)



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

commencing at 9.00am on

TUESDAY 6 OCTOBER 2020

Held Via GoTo Meeting

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 6 OCTOBER 2020

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

HELD VIA GOTO MEETING

ON TUESDAY 6 OCTOBER 2020 AT 9.00AM

PRESENT: Councillor M Honey (Mayor) (Chairman), Andy Gaudiosi (Transport for NSW Representative), Craig Gray (NSW Police Representative), Darrell Clingan (Local Member's Representative), Neil Reilly (Councillor), Darren Brady (Manager Design and Development), Janelle Burns (Kiama Council Road Safety Officer), Chris Balzarano (Council Ranger) and Alyson Hodgekiss (Minutes)

1 APOLOGIES

Mark Way (Councillor), Mike Dowd (Director Engineering and Works)

2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Kiama Local Traffic Committee Meeting on 1 September 2020

[20/032LTC](#)

[Resolved](#) that the Minutes of the Kiama Local Traffic Committee Meeting held on Tuesday 1 September 2020 be received and accepted.

(Mayor Mark Honey and Member Andy Gaudiosi)

4 BUSINESS ARISING FROM THE MINUTES

4.1 2 Hour Timed Parking Zone - 131 Manning Street Kiama

NR advised that Council deferred the proposal recommended by Traffic Committee due to concerns with site limitations for traffic exiting Farmer Steet on to Manning Street.

JB advised that there was a misinterpretation relating to this report. She advised that there are no changes proposed for the existing No Stopping area. The recommendation was for the existing unregulated parking zone to be changed to a 2 hour parking zone, south of the existing No Stopping zone.

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 6 OCTOBER 2020

NR requested that the aerial plan be resubmitted identifying this.

20/033LTC

Resolved that the item be referred back to Council, with an updated plan clarifying No Stopping Zone.

(Mayor Mark Honey and Member Darrell Clingan)

4.2 Signposted Work Zone - No. 141 Belinda Street Gerringong -

DC asked DB what action has been taken for individual marked parking spaces in front of this work zone. DB advised that a plan has been prepared, however it was not finalised in time to get to this meeting.

5 REPORT OF RMS DELEGATED FORMAL ITEMS

5.1 No Parking zone – Belinda Street, Gerringong

20/034LTC

Resolved that DC will further investigate this matter, and will contact Gareth Ward's office to see if he can get in touch with the individual that had made the request, to find out what the difficulty is.

(Member Darrell Clingan and Member Andy Gaudiosi)

5.2 Temporary loading zone – Blowhole Point Road, Kiama

20/035LTC

Resolved that approval be given to the implementation of a temporary Loading Zone in Blowhole Point Road, Kiama for the duration of the amenities refurbishment construction in accordance with the attached signage plan.

(Member Darrell Clingan and Mayor Mark Honey)

5.3 Bus and Loading Zone - Manning Street, Kiama

20/036LTC

Resolved that Approval be given to the alteration of existing combined bus and loading zone in Manning Street, Kiama to a separated Bus and Loading Zone as follows:

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 6 OCTOBER 2020

1. Bus Zone: 6am – 12.30pm Monday to Friday, then 2P Parking: 12.30pm – 5pm Monday to Friday, 9am - 12pm Saturday.
2. Loading Zone: 8am – 12.30pm Monday to Friday, then 2P Parking: 12.30pm – 5pm Monday to Friday, 9am - 12pm Saturday.

As per the attached signage plans.

(Mayor Mark Honey and Member Darrell Clingan)

6 GENERAL BUSINESS

6.1 Request for speed reduction in Gerroa

DC reported that he has received a request from Gerroa Community Association regarding traffic issues at Gerroa. GCA have had a meeting with MD in relation to these issues. They are requesting Crooked River Road to be changed from 60km per hour to 50km per hour, which would bring Gerroa in line with Gerringong. DB stated that speed limits are controlled by Transport for NSW, and are not regulated by Council, however he will relay the request on to Transport for NSW. AG noted that he would not have a problem with this, and he supports the reduction in the speed limit in Gerroa. AG suggested entry treatments should be considered by Council to reinforce the reduced speed limits.

6.2 Illegal Parking - Noble Street and Fern Street Gerringong

DC reported that shop keepers located on Noble Street and Belinda Street in Gerringong are complaining about people parking all day, in 2 hour parking spots. CB noted that this has been an issue since the development, and rangers are currently on a tight schedule, however they will do more inspections in the area.

6.3 Vehicles advertised for Sale - Fern Street, Gerringong

JB stated that she has received a complaint from the South Precinct, regarding vehicles being advertised for sale, and parked along Fern Street, opposite the church. These vehicles are causing problems for residents trying to exit and access their properties. DC stated that this has been brought up a number of times in previous Traffic Committee meetings, and there is not much that can be legally done about it.

NR mentioned that Sutherland Shire Council currently publicise that you are not allowed to have any kind of advertising on a public street without Council authority. CB commented on this, stating that the legislation states that you cannot sell an object, which is separate to a vehicle. There is nothing that Council can legally do, if vehicles are legally parked, with a for sale sign in the window. DB stated this came up in the November Traffic Committee Meeting, where Council wrote to the Minister for Local Government, requesting a change in the current legislation. Section 68 of the Local Government Act needs to be amended to allow prohibition

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 6 OCTOBER 2020

of vehicles advertised for sale on roadsides. Council have not received a response as yet.

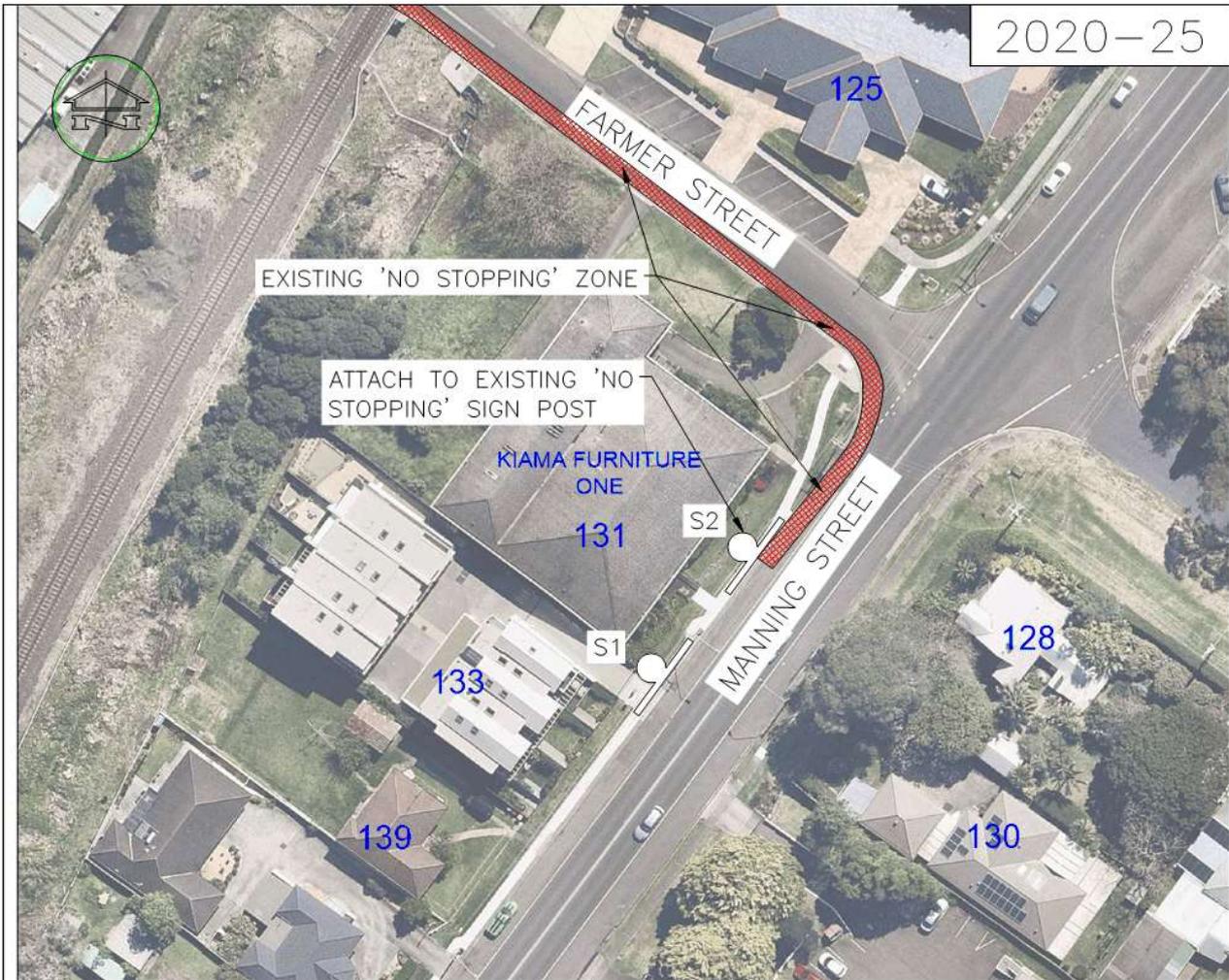
7 CLOSURE

There being no further business the meeting closed at 9.34am

These Minutes were confirmed at the Ordinary Meeting of Council held on 3
November 2020

.....
.....
Mayor

Director Engineering & Works



SIGNAGE DETAILS



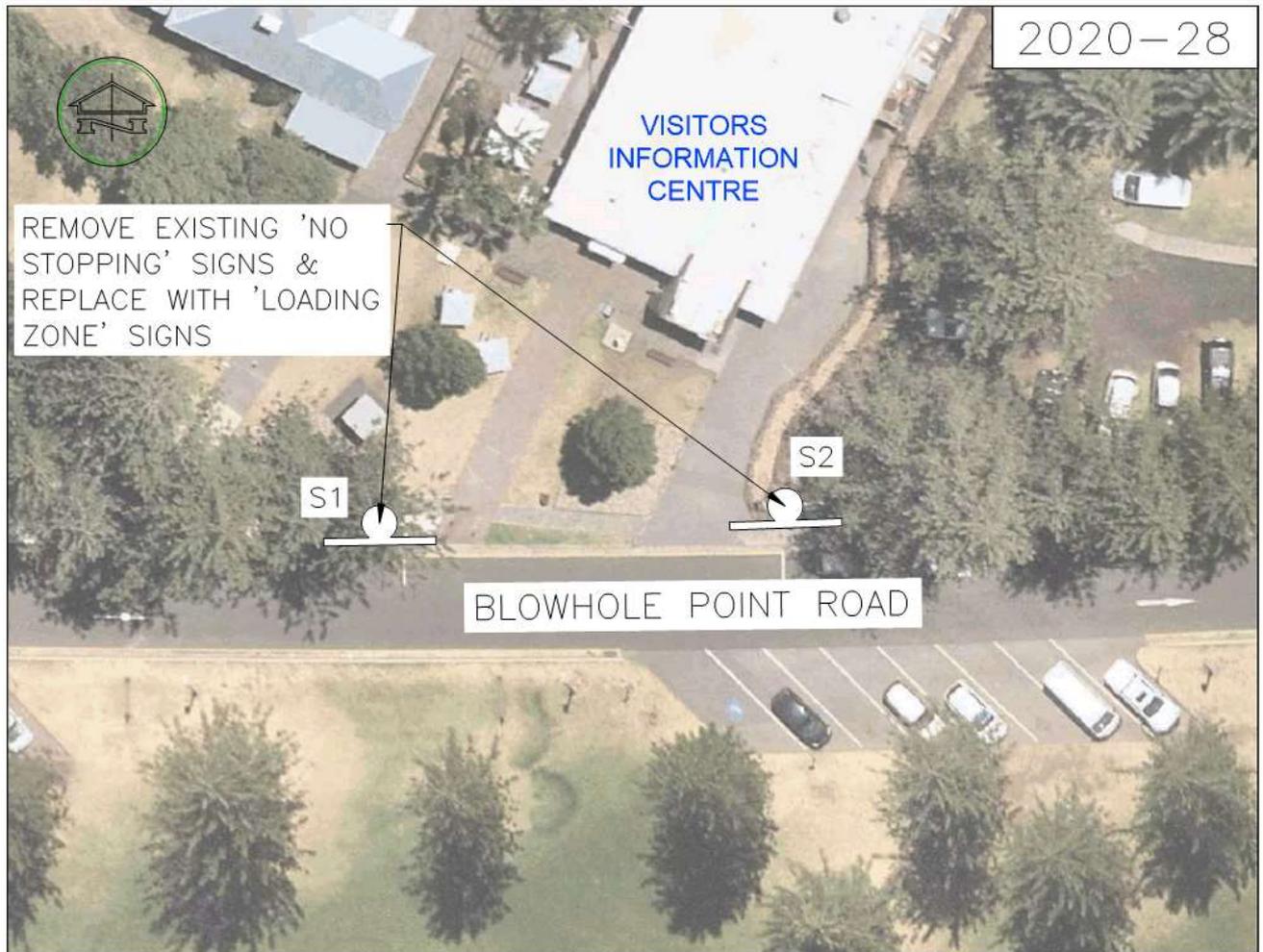
SIGNAGE SCHEDULE	
CODE	QTY
r5-2 (R)	1
r5-2 (L)	1

- NOTES:
 1. REGULATORY SIGNAGE TO BE INSTALLED IN POSITIONS AS SHOWN.
 2. ALL SIGNS SHALL BE IN ACCORDANCE WITH THE AS1742.1.

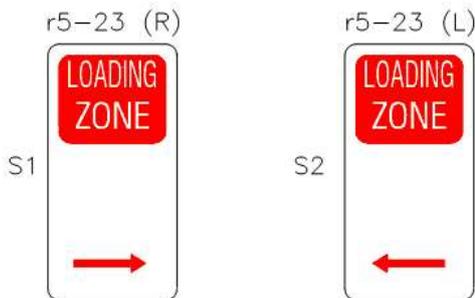
NEW SIGN AND POST

REGISTER OF INSTALLATION OF REGULATORY SIGNS

REGISTER NUMBER 2020-25	TIMED PARKING ZONE MANNING STREET KIAMA	KIAMA MUNICIPAL COUNCIL
SCALES PLAN NTS SECTIONS		SHEET 1 OF 1
DESIGNED JE DRAWN JE DATE AUG-20 CHECKED DB		FILE: J:\ENGINEERING SERVICES\TRAFFIC



SIGNAGE DETAILS



SIGNAGE SCHEDULE	
CODE	QTY
r5-23 (R)	1
r5-23 (L)	1

NOTES:

1. REGULATORY SIGNAGE TO BE INSTALLED IN POSITIONS AS SHOWN.
2. ALL SIGNS SHALL BE IN ACCORDANCE WITH THE AS1742.1.

 NEW SIGN AND POST

REGISTER OF INSTALLATION OF REGULATORY SIGNS

REGISTER NUMBER
2020-28

SCALES
PLAN NTS
SECTIONS

DESIGNED JE
DRAWN JE
DATE SEP-20
CHECKED DB

LOADING ZONE SIGNAGE
VISITORS INFORMATION CENTRE
BLOWHOLE POINT ROAD



SHEET 1 OF 1

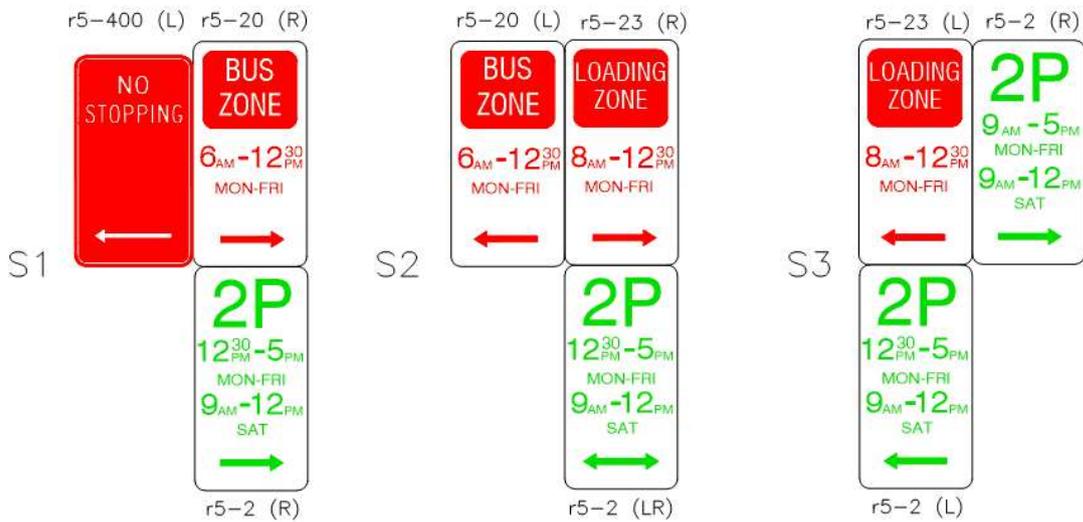
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Item 9.5

Attachment 4

SIGNAGE DETAILS



REGISTER OF INSTALLATION OF REGULATORY SIGNS

REGISTER NUMBER
2020-26

SCALES
PLAN NTS
SECTIONS

DESIGNED JE
DRAWN JE
DATE SEP-20
CHECKED DB

CHANGES TO SIGNAGE
BATHERS DEVELOPMENT
MANNING STREET



SHEET 1 OF 1

FILE: J:\ENGINEERING SERVICES\TRAFFIC

9.6 Minutes: Youth Advisory Committee - 22 September 2020

Responsible Director: Environmental Services

Attachments

- 1 Minutes - Youth Advisory Committee - 22 September 2020 [↓](#)

Enclosures

Nil

RECOMMENDED

That the minutes of the Youth Advisory Committee Meeting held via video conference on 22 September 2020 be received and accepted.

BACKGROUND

The minutes of the Youth Advisory Committee meeting held on 22 September 2020 are attached for Councillors' information.

**Minutes of the Kiama Youth Advisory Committee meeting held on Wednesday 22
September, 2020 online at 10:50am**

Chair: Benjamin Lavis

Minutes: Melissa Andrews

Present: Mason Chmurycz, Kirra Marcucci, Mia Purcell, Emma Trudgett, Olivia Cunningham, Charlie Meredith, Thomas McMahon, Amali Park, Ruby Sylvester, Bella Bolto, Lara Farrell, Tabitha Morley, Preston Seiler, Jirawadee Tangwattanakitt, Jack Thorne, Amelia Behan, Sidney George, Carlo Cullen, Emma Murphy, Benjamin Lavis, Somerset O'Connell, Melissa Andrews (Kiama Municipal Council), Nick Guggisberg (Kiama Municipal Council), Carla James (Kiama Library), Mallory McLennon (Kiama Municipal Council), Louise Croker (Kiama Municipal Council), Jane Littrich (Kiama High School), Councillor Mark Westhoff (Kiama Municipal Council), Councillor, Neil Reilly (Kiama Municipal Council), Rachel Peedom (Makuta), David griffin (Makuta), Belinda Krull (Makuta).

- 1. Acknowledgement of Country:** Councillor Mark Westhoff
- 2. Welcome new SRC members and introductions:** Councillor Mark Westhoff
- 3. Apologies:** Mrs Catherine Glover

4. Election of Chair:

Nominated: Benjamin Lavis **Seconded:** Mason Chmurycz, Carlo Cullen
CARRIED

5. Minutes of previous meeting:

Moved: Councilor Mark Westhoff **Seconded:** Mrs Jane Litterich
CARRIED

6. Business arising from previous meetings:

6.1 Pedestrian Crossing – Saddleback Mt Rd

Melissa Andrews reported that she had followed up with the Engineering and Works and they will undertake a second traffic study in term 4, 2020. The study needs to ascertain the need for a pedestrian crossing after the previous study showed vehicle and pedestrian traffic did not meet the threshold set by the RMS supplement to the Australian standards; which details about warrants for pedestrian crossings. For the information of the committee, this information can be found here: <https://www.rms.nsw.gov.au/business-industry/partners-suppliers/documents/guidelines/as1742-p10.pdf>

6.2 Kiama Skate Park Safety Audit

The audit of Kiama Skate Park was put on hold due to COVID and changing roles within Illawarra Local Area Command's (ILAC) Police Officer responsible for the audit. Thomas McMahon, Ben Lavis and Sidney George indicated their availability to participate in an audit of Kiama Skate park after dark. Sam Scobie had indicated his interest previously but was not at this meeting to confirm.

6.2.1 **Action:** Louise Croker to set up a meeting time with ILAC to conduct the safety audit.

6.2.2 **Action:** Nominated Young People to contact Melissa Andrews melissaa@kiama.nsw.gov.au with their email addresses in order to coordinate participation.

7. Reports:

7.1 *SENTRAL Programs*

Werri Beach Mural

SENTRAL hosted 2 design workshops followed by a Saturday of painting with mural artist Sam Hall to create a visual message of hope for the Gerringong Community.

The 11 young people who participated wanted to ensure that a message of love and hope was expressed to the community through their artwork and came up with the message of togetherness that has been an integral part of the collective community response to the grief experienced at the loss of its young people to suicide.

Youth workers at KHS

In term 4 Dylan is available for individual support at KHS every Thursday afternoon between 12 and 3pm.

Rubi is available Friday Afternoons between 12 and 3pm at KHS.

Students can refer to the program by speaking to Ms Power or any other teaching staff or by contacting SENTRAL. Staff will then send a message to students to call them to the library for their session.

Empower with Dylan

6 young men from KHS Year 10 have participated in EMPOWER with Dylan this term. The program covers topics to educate and empower young people including goal setting, mental health, sexual health and healthy relationships. Students are referred by Ms Power or SENTRAL staff.

The next Empower with Rubi program will be in term 2, 2021.

Level Up

Level Up is a new program designed to link young people to work and training opportunities. Bookings are essential through our Facebook page or <https://bit.ly/levelupSENTRAL>

SENTRAL Fitness

Fitness sessions with Dylan every Thursday at 4pm tailored to suit participants. During COVID bookings are preferred so we can manage numbers. Please book through:
<https://sentralfitness.eventbrite.com.au>

SENTRAL Website

We have been working with Council's Communications Team to create a new, dedicated website full of info about our programs as well as other useful youth-specific info. We have had a few difficulties with content and hope to have the website live by October 1.

Next Gen

The below programs are funded through a grant from NSW Government and the whole project is managed by SENTRAL youth services with training delivered by Kiama Community College.

- Next Gen Barista Skills – A 2 hour short course designed for individuals and job seekers who are wishing to learn some basic practical Barista skills. Free for young people 15-25. Places available.
- Next Gen Café Skills- This course will equip you with useful tools for working in a local café environment and prepare you for work. Free for young people 15-25. Places available.
- Next Gen Digital – KHS students are referred to the program via Ms Hicks. They work with local Businesses to create low cost social media, e-newsletter and website update collateral. By being part of this program businesses can establish or improve their online profile and generate more exposure for their business whilst supporting local High School students studying Commerce, IT and Business Studies to develop employability skills and experience. Students are paid a nominal amount for their work plus they get expert mentoring and experience working for real clients.

More info here: <https://www.kiama.nsw.gov.au/Council/News/NEXTGEN-Work-Readiness-Training>

7.2 *Kiama Library*

Kiama Library Services resumed on the 1st of June working within the Public Health orders provided by the NSW Government. 30 people were allowed on site for a maximum of a 30-minute visit. Restrictions have been relaxed recently and the library is now able to provide bookable study spaces at Kiama Library. Morning, afternoon, Tuesday and Thursday evening timeslots are available for 3 hour periods. Bookings can be made via the Kiama Library website or Library App.

Kiama Library App.

You can now access Kiama Library Services from your Apple or Android phone or device. Manage your account, search the catalogue, renew and reserve books, access the eLibrary, find out what's on and more. The new App even allows you to self-checkout your items by simply scanning the items barcode within the library building or print directly from your device to our Kiama Library printers! Visit the library within 48 hours to pay and release your print job. The App is available from the App Store for iOS devices or Google Play for Android. Use your Kiama Library membership number to set up your account and start browsing.

PIPs

Kiama Library has received a selection of award-winning personal Interest Projects (PIPs) that are available to be read in the library. While PIPs cannot be photocopied, photographed or removed from the library, they are a valuable source of information providing examples of introductions, content and conclusions to assist in writing your own.

Chalk Art Packs

Kiama Library has developed 'Chalk Your Walk' packs for Mental Health Month. Packs will be available from all Kiama Library service branches. Packs include mental health resources, mindfulness activities, a sweet treat and some chalk. Use the chalk to write or draw positive uplifting messages on the sidewalks through the Kiama LGA townships. Take photos of any messages you come across and tag Kiama Library Service and use #kiamachalkyourwalk on Facebook and Instagram. We encourage everyone to get involved and cover our towns with message of support and love.

8 Community Safety:

No issues of concern were raised.

9 General Business:

9.1 Makuta Masks – Rachael Peedom and David Griffin

Makuta Masks is a volunteer based community group that was created as a response to the mental health needs and suicide cluster that arose in Kiama LGA during mid-2020. Their intention is to raise funds for local mental health and wellbeing projects for young people. The group fundraises by making and selling face masks in the local community and online.

Makuta has formed a board to decide on how to allocate funds raised and asked for nominations from the SRC. (Lara Farrell nominated herself to join the board following the meeting).

Makuta also supports a local fundraising project facilitated by one Fitness Kiama called Push Ups for a Purpose Website event: <http://www.onefitness247.com/events-web-app/push-ups-with-a-purpose> and asked the SRC to consider supporting and promoting this project at KHS.

9.1.1 Action: Makuta to provide a role description for board membership to be distributed to the SRC and SENTRAL Youth Services contacts.

9.2 Modular Pump Track – Mallory McLennan

Council has secured funding to purchase a movable pump track that can be taken apart in pieces and moved around to different locations in the LGA to provide a space for young people to ride scooters, bikes and skateboards.

Council will schedule the track to be moved to a different location each school holidays and it will stay in that location for the following term. They have identified Gerringong as the first location in the Christmas Holidays 2020/21.

9.3 Sanctuary Place Quarry Bike Skills Track – Mallory McLennan

The earthen downhill style bike skills park is planned to be built in the disused Minnamurra Quarry. In addition to the bike skills track there will be a small pump track and balance track. The currently design is currently on public exhibition <https://www.kiama.nsw.gov.au/Council/News/Final-design-for-Minnamurra-Bike-Skills-Track>

Mallory is happy to accept comments and feedback from this committee via the following address: council@kiama.nsw.gov.au.

9.4 *Youth Opportunities Funding Application: Create to Connect Project*

Melissa asked for the committee's feedback and endorsement on the SENTRAL Youth Service's application under the NSW Government's Youth opportunities funding. The proposed project is a youth-driven creative arts project that empowers young people to develop their skills by linking them with intergenerational mentoring, skills development and opportunities to showcase their work.

The project will leverage the mental health, wellbeing and career enhancing benefits of self-expression through creative exploration and community connection.

The feedback from the committee was that it is a great idea and they are particularly supportive of more mural projects.

Resolved that the committee endorse the project.

Moved: Benjamin Lavis **Seconded:** Mason Chmurycz
CARRIED

At 11:45am the Senior SRC members left the meeting for a prior engagement and the chair was passed to Preston Seiler.

9.5 *Actions from 2020 Youth Engagement Meeting*

The items from the Youth Engagement meeting on August requiring action from the SRC were discussed and follow up action planned.

9.5.1 Action (item 6.8 & 6.9): Melissa Andrews to set up a meeting with Thomas McMahon and Council's Director Engineering and works to inspect and troubleshoot fencing and seating issues at Kiama Pavilion and Showground.

9.5.2 Action (item 6.10): Melissa Andrews to set up a meeting with Charlie Meredith and Council's Director Engineering and works to inspect and troubleshoot safety issues at Gerringong Netball Courts.

9.5.3 Action (item 7.2): The SRC to email Council and request that the Director Engineering and Works consider safety concerns at the intersection of Barney and Shoalhaven Streets and the installation of a roundabout and that the Director Engineering and Works take this matter up with the Kiama Local Traffic Committee.

10. Next Meeting:

Thursday November 12.

There being no further business the meeting closed at 11.55am

Committee Of The Whole***RECOMMENDATION***

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

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

10 PUBLIC ACCESS REPORTS

11 REPORT OF THE GENERAL MANAGER

11.1 Request for donation: PCYC - Fit 4 Life program

CSP Objective: 1.0 A healthy, safe and inclusive community

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

Delivery Program: 1.1.5 Facilitate sport and health related facilities and programs

Summary

This report seeks to endorse waiving of the licence fee for the use of School Flat, Black Beach Kiama for the Lake Illawarra Police Citizens Youth Club (PCYC) to run the Fit for Life program.

Finance

The licence fee is \$500 (GST exempt).

Policy

This event complies with Council's Donations Policy.

Consultation (Internal)

Property

Engineering & Works

Communication/Community Engagement

The Fit for Life program will be available for all young people in the community to participate in and will be promoted through the usual channels.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council approve waiving the licence fee for the use of Black Beach Reserve by the Lake Illawarra PCYC to run the Fit for Life program for our local young people.

BACKGROUND

As part of recent strategies for suicide prevention the Lake Illawarra PCYC have been requested to run the NSW Police Commissioner's Fit for Life program in Kiama.

Report of the General Manager

11.1 Request for donation: PCYC - Fit 4 Life program (cont)

Fit4Life is an entry level activity ran by PCYC and the NSW Police using boxing/fitness, incidental education and consistent mentoring to encourage youth at risk to connect and remain engaged in a youth friendly, physically and culturally safe environment.

Fit For Life is an early intervention program designed to engage youth ages 10 to 17 who are at risk of poor choices and anti-social behaviour. Through physical fitness, nutrition and social engagement, Fit for Life aims to improve overall wellbeing as well as prevent and divert youth from offending behaviours.

The program is usually only offered at the PCYC however it is proposed to operate the program at School Flat, Black Beach, Kiama from 7am to 8:30am each week starting the first Tuesday of Term 4.

PCYCs are not-for-profit organisations.

Item 11.1

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank

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

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

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

Item 12.1

Summary

This report reviews Development Application No 10.2020.73.1 which involves the construction of a rural dwelling.

The report recommends that Council approve Development Application No 10.2020.73.1 as the proposal is:

- Permissible in the RU2 Rural Landscape zone, complies with the zone objectives and is consistent with the relevant development standards of the Kiama LEP 2011, with the exception of the minimum lot size for the erection of a dwelling house development standard under Clause 4.2A of the LEP; and
- generally consistent with the requirements of Kiama DCP 2020.

Request for exception to this LEP development standard has 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 (newspaper advertisement and letter notification).

Notification Period: 14 days from 16/07/2020 to 30/07/2020.

Submissions: Nil submissions.

Reason for the Report

This application is referred to Council because staff are not delegated to determine applications where variations to any statute or Council policy are more than of a minor nature or affect.

In this case the proposal seeks a variation of 38.6% to the 40ha minimum lot size development standard for a dwelling in the zone under Clause 4.2A of the LEP. In

Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

order to vary this standard a written request for the variation by the applicant was made under cl. 4.6 of LEP 2011.

Attachments

- 1 10.2020.73.1 - plans [↓](#)
- 2 10.2010.73.1 - DPIE concurrence letter [↓](#)
- 3 10.2020.73.1 - Clause 4.6 submission [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council approve Development Application No 10.2020.73.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

BACKGROUND**Background**

The development application history is as follows:

DA No	Description	Lodgement	Determined	Decision
10.2011.129.1	Dwelling & access road	16/06/2011	14/10/2011 13/04/2012	Refused (delegated) 82A review approved (delegated)
10.2011.129.2	Dwelling & access road	02/04/2015	18/05/2015	Approved
10.2014.276.1	Detached shed	08/12/2014	22/01/2015	Approved

The Development Consent No 10.2011.129.1 was refused under staff delegation due to the extent of non-compliances.

The applicant lodged a Section 82A review of determination 10.2011.129.2 which was supported by additional information to address the previous applications deficiencies. This application received concurrence to vary the minimum allotment size from the Department of Planning and the application was granted consent by the Development Services Manager under staff delegation in 2012.

The proposed development, if approved, will supersede the dwelling approved under Development Consent No 10.2011.129.2.

Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

In such circumstances, Development Consent No 10.2011.129.2 would ordinarily need to be formally surrendered, however, the driveway and retaining wall approved under the consent have been constructed in accordance with that approval.

It should be noted that the proposed dwelling is sited in the same location as the dwelling approved by Development Consent No 10.2011.129.2, which means once it is constructed, the need to surrender the original consent to prevent a second dwelling being constructed on the land is redundant.

Development Site

The property is described as Lot 2 DP 709501 which is located at Connors Creek Road, Broughton Village.

The overall site measures 24.55 ha and is generally described as rectangular in shape.

The site currently contains a Class 10 building (farm building) and is bounded by rural land containing principally dwellings, pasture and bushland.

The site is zoned part RU2 - Rural Landscape, Part E2 - Environmental Conservation and Part E3 - Environmental Management under Kiama LEP 2011.

The property is approximately 60% cleared and is undulating in topography, with a general fall toward the east.

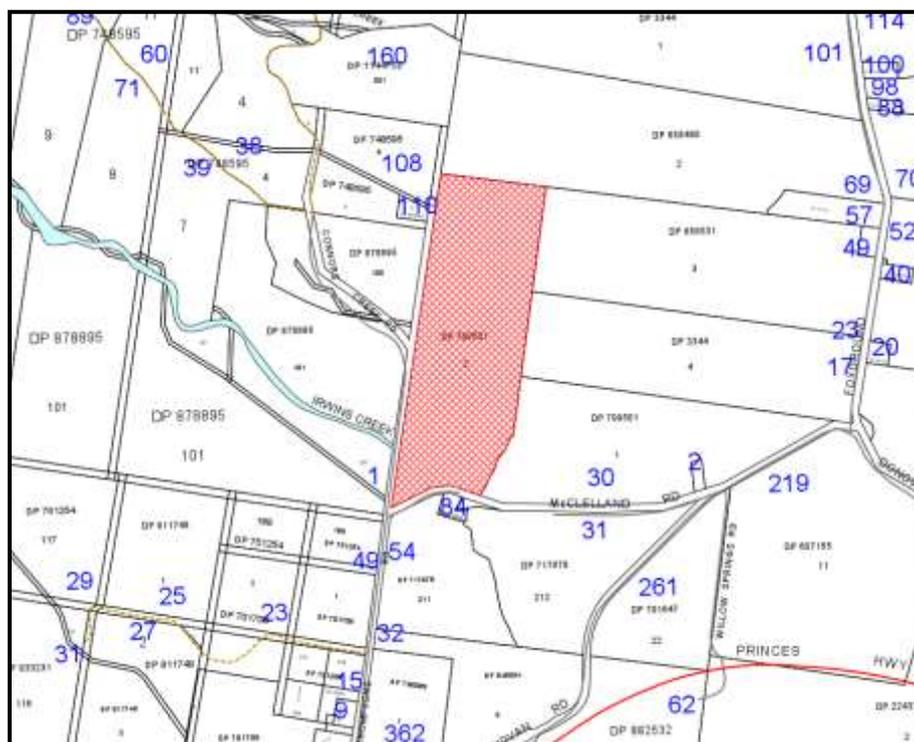


Figure 1 – Locality Plan (↑N)

The site drains overland through to a natural watercourse.

Access to the property is obtained via an existing access driveway off the formed section of Connors Creek Road, through a strip of land identified as a Crown Road reserve that passes through Lot 6 DP 748595, before entering the site and linking with the existing driveway within the property.

Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

This existing driveway was approved and constructed as part of the consent issued in respect of Development Application No 10.2011.129.2.

The site is serviced by electricity and telecommunications.

The site is subject to the following constraints:

- Bushfire affectation;
- Flooding affectation;
- Potential Aboriginal objects;
- Easements for transmission lines;
- Areas mapped in Kiama LEP 2011 as terrestrial biodiversity/ riparian land and watercourses (Category 1, 2 & 3).

Item 12.1

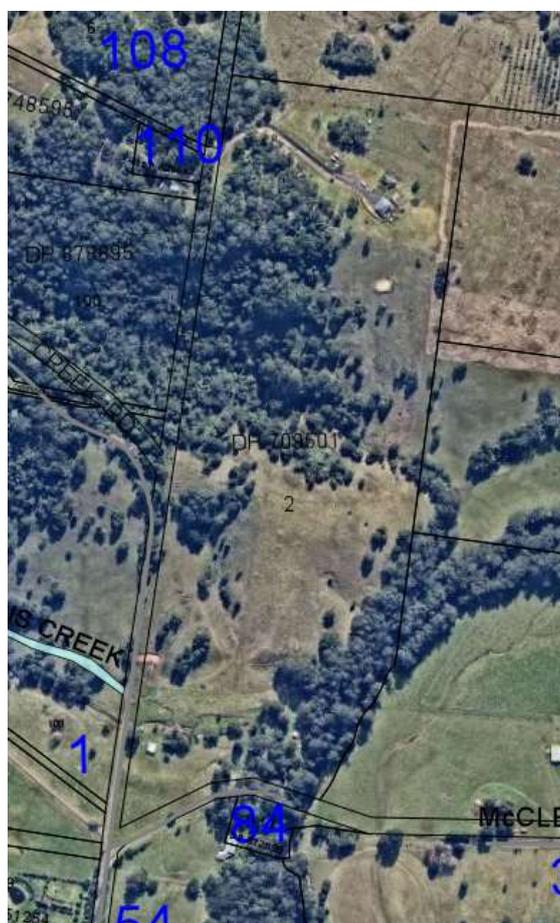


Figure 2 – Site Photograph (2019/20 View) (↑N)

Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)



Figure 3 – north-eastern aspect from proposed dwelling site towards Foxground

Description of the Proposed Development

The proposal involves the construction of a rural dwelling.

The details of the dwelling is as follows:

Dwelling 608m² floor area + Garage 76m² floor area (Total 684m²)

Lower Floor

- Workshop
- Gym and Games room opening onto covered outdoor area
- Kids play area
- Hobby room
- Wine cellar
- Bathroom
- Kitchenette
- Storage
- Sub-floor

First Floor

- 4 x bedrooms (Bed 1 with WIR, ensuite)
- Media room
- Bathroom with separated WC
- Entry foyer and open plan kitchen, dining, lounge opening onto balcony

Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

Dwelling 608m² floor area + Garage 76m² floor area (Total 684m²)

- Sunroom
- Laundry
- WC
- Garage

The proposal is shown in Figures 4 - 8 below:

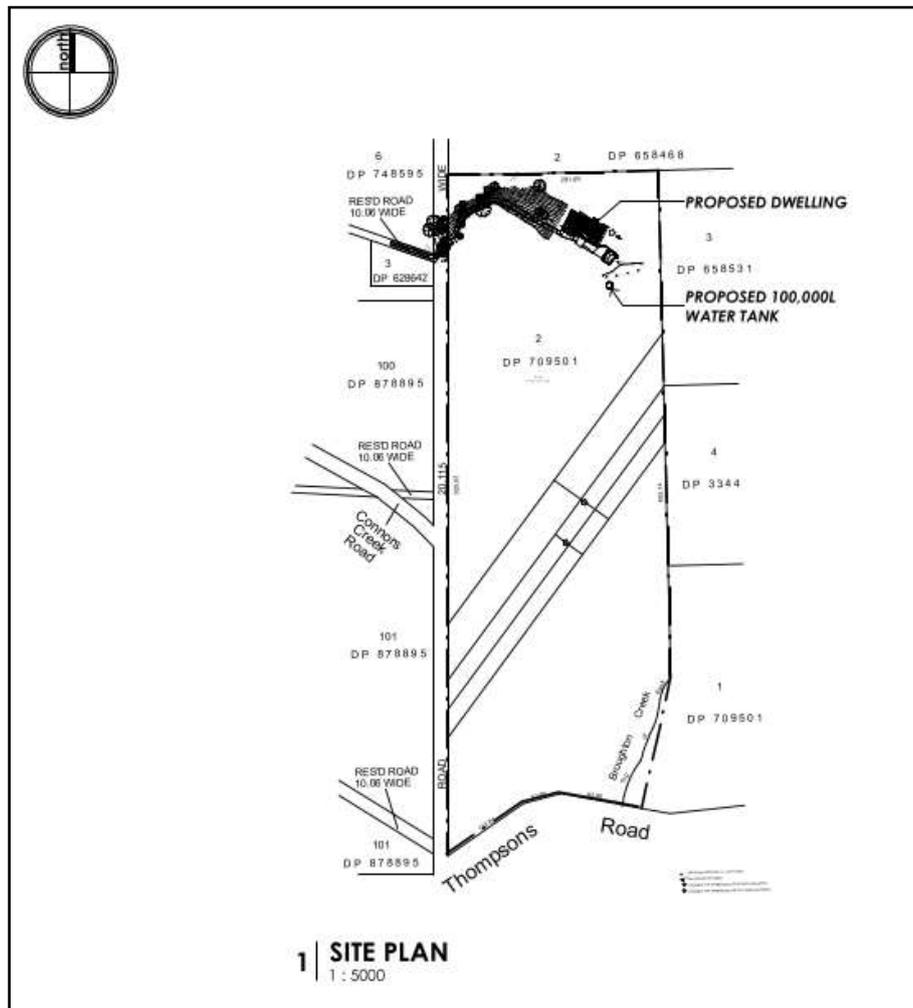


Figure 4 – Site Plan

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12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

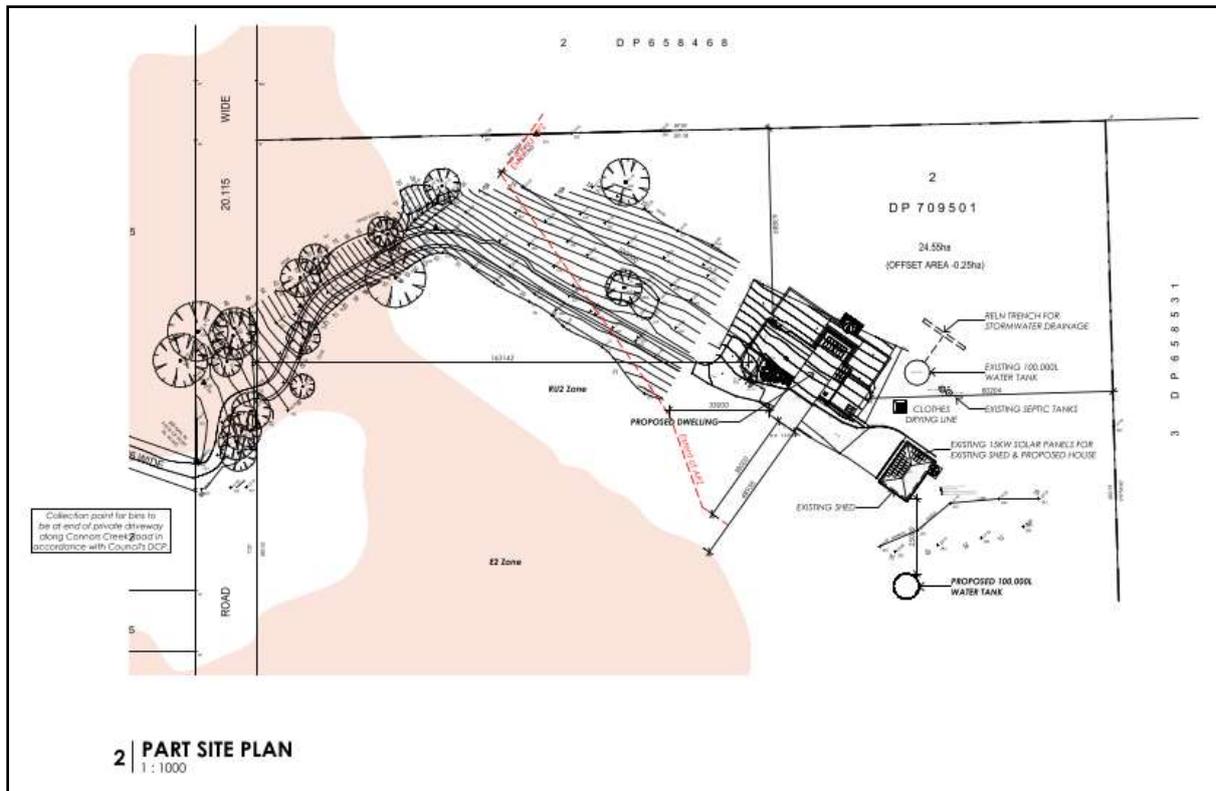


Figure 5 – Partial Site Plan

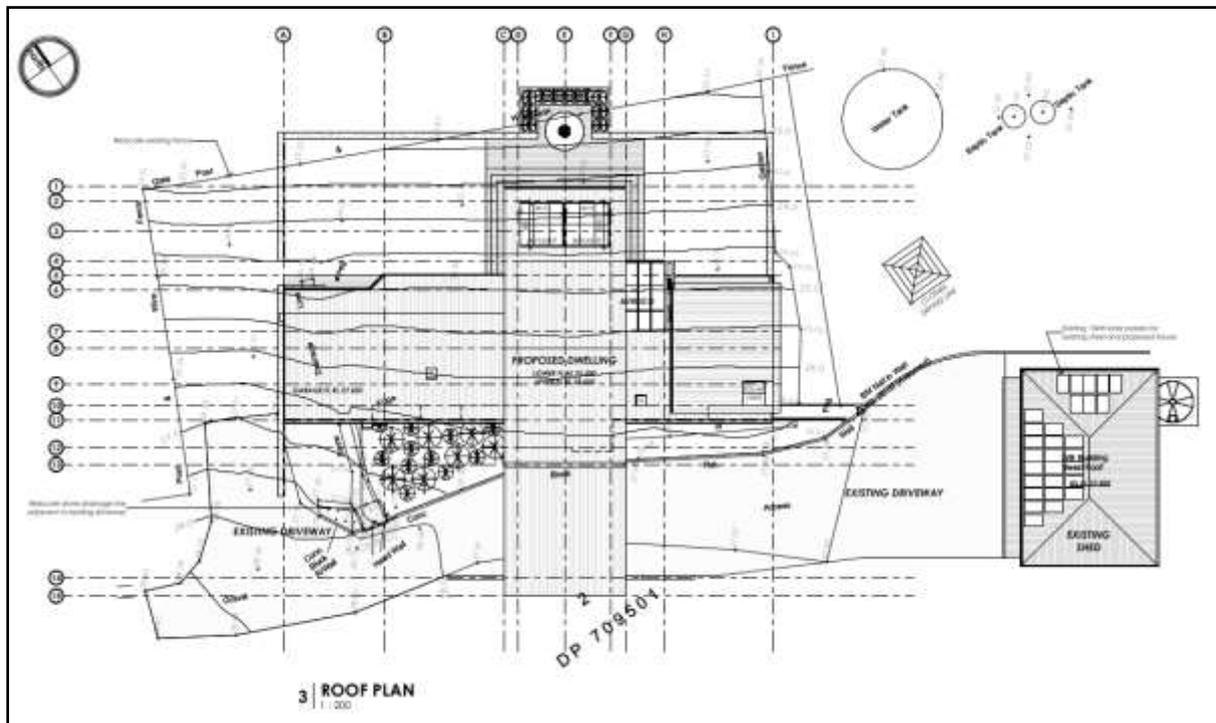


Figure 6 – Roof Plan

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Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)



Figure 7 – Elevations

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Figure 8 – 3D Elevations, finish materials and colours

Section 4.15 Assessment

The proposed development has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended) and the following matters are considered relevant.

Relevant Environmental Planning Instruments

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

A BASIX Certificate (1097899S) was lodged for the new dwelling with the application, which demonstrates that the dwelling has been designed in accordance with BASIX.

- State Environmental Planning Policy No 55 - Remediation of Land

Clause 7 of the SEPP No 55 requires Council to consider whether the land is contaminated, and if it is contaminated, if remediation works are required.

Council is unaware of any historic land use that would deem the site unsuitable for the proposed development, therefore the land is considered to be suitable for the proposed use.

Development consent was previously granted for a dwelling on the property, wherein it was accepted that the land was suitable for the proposed use. The proposed dwelling is in the same location as the previously approved dwelling.

Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Clause 9 and 10 of the SEPP (Vegetation in Non-Rural Areas) 2017 outlines that consent is required for the clearing of certain vegetation in non-rural areas. Council's DCP 2012 outlines that certain trees can be removed without requiring consent. No trees are proposed to be removed as part of this development.

- State Environmental Planning Policy (Primary Production and Rural Development) 2019

The SEPP (Primary Production and Rural Development) 2019 was published in the Government Gazette on 28 February 2019 and simplifies the NSW planning system by consolidating, updating and repealing provisions in five former agriculture-themed SEPPs.

It supports the NSW's agricultural sector, which is a major contributor to the success of the NSW economy, providing exports and jobs.

The aims of the policy are as follows:

- to facilitate the orderly economic use and development of lands for primary production,*
- to reduce land use conflict and sterilization of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,*
- 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,*
- 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,*
- to encourage sustainable agriculture, including sustainable aquaculture,*
- to require consideration of the effects of all proposed development in the State on oyster aquaculture,*
- 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.*

Comment

It should be noted:

- the site is not considered State significant agricultural land; and
- the proposal does not seek consent for farm dams and other small scale and low risk artificial water bodies; and
- the proposal does not seek consent for a livestock industry; and
- the proposal does not seek consent for sustainable aquaculture.

Furthermore, the proposal reasonably balances:

Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

-
- residential development with (onsite and neighbouring) primary production involving the grazing of livestock; and
 - the protection of native vegetation and biodiversity since no clearing is proposed; and
 - the protection of water resources by the siting of the development away from mapped watercourses and riparian land.

Overall, the proposed development will have no unreasonable or significant impact on the existing uses of the land in the vicinity of the development, nor is the development incompatible with the existing uses of the land in the vicinity of the development.

Kiama LEP 2011

Specific clauses requiring consideration:

- Clause 2.3 - Zone objectives and Land Use Table

The subject land is zoned part RU2 Rural Landscape, Part E2 Environmental Conservation and Part E3 Environmental Management 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 RU2 Rural Landscape zone within which the development is proposed.

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.

The objectives of the RU2 Rural Landscape zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To protect agricultural land for long term agricultural production.*
- *To provide opportunities for employment-generating development that adds value to local agricultural production through food and beverage processing and integrates with tourism.*

The development proposal is considered to be consistent with the zone objectives since:

- i. it does not, within reason, adversely impact the rural landscape character of the locality; and
 - ii. it will provide for a range of compatible land uses (dwelling houses are permissible in the zone); and
 - iii. it will not unacceptably impact on the use of the land, or neighbouring land, for agricultural purposes.
- Clause 4.2A Erection of dwelling houses on land in certain rural and environmental protection zones.

Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

Clause 4.2A identifies the circumstances where Council may permit the erection of a dwelling house on land zoned RU1, RU2 and E3. In this respect Clause 4.2A(3) has four sub parts: (a), (b), (c) and (d). Clause 4.2A(4) makes Clause 4.2A(3) sub parts (b), (c) and (d) inoperable 5 years after the LEP was adopted, as is now the case.

Clause 4.2A(3)(a) specifies the minimum lot size under the LEP Lot Size Map to permit the erection of a dwelling house. In this instance the subject property is identified as requiring a minimum lot size of 40ha on the Lot Size Map.

The subject lot has an area of 24.55 Ha, being approximately 39% under the minimum lot size standard. As the subject site is less than the minimum lot size on the Lot Size Map, the proposed development does not comply with the provisions of Clause 4.2A. Exception to this development standard is sought under Clause 4.6 of the LEP.

- Clause 4.6 - Exceptions to Development Standards

Clause 4.6 of Kiama LEP 2011 is a provision that provides for a process to consider variations to minimum lot size development standards and other development standards under the Kiama LEP 2011.

The objectives of Clause 4.6 of LEP 2011 are:

- a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(2) of LEP 2011 enables development consent to be granted for development even though the development would contravene a development standard imposed by the LEP.

Clause 4.6(3) of LEP 2011 stipulates that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard demonstrating that:

- a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- b) there are sufficient environmental planning grounds to justify contravening the development standard.*

Proposed Variation

The subject allotment comprises an area of 24.55 Ha. The subject property is therefore 15.45 Ha under the minimum lot size requirement prescribed by Clause 4.2A(3)(a), representing a departure to this development standard of approximately 39%.

Accordingly, the applicant has provided a written clause 4.6 exception request to justify varying the minimum lot size (see attached) development standard of clause 4.2A(3)(a).

The applicant's request for exception to the development standard concludes with the following paragraph:

Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

“This Statement has addressed the provisions of Clause 4.6 of Kiama LEP 2011 and demonstrates that the variation sought to the development standards of Clause 4.2A(3)(a) (Erection of dwelling houses on land in certain rural and environmental protection zones) is justifiable and should be given concurrence to. It is emphasised that Council has previously supported the erection of a dwelling on the RU2 Rural Landscape zoned portion of the subject site in approving DA 10.2011.129.1 in 2012 and modification 10.2011.129.2 in 2015. The proposed dwelling is to be located in the same location as the dwelling approved under DA 10.2011.129.1. The bulk and scale resulting from the proposed dwelling is consistent with the existing and recently approved dwellings in the immediate locality. Further, the approval of a number of dwellings in the vicinity of this site has altered the context of this rural environment. The proposal does not require significant (of any) tree removal and the dwelling will not have any unreasonable adverse impacts on views or visual amenity of the RU2 Rural Landscape zone. We therefore request that concurrence be granted to variation to the 40ha minimum lot size requirement contained in clause 4.2A(3) of KLEP 2011 to allow for the erection of a dwelling in the RU2 Rural Landscape zone on a lot with a site area of approximately 24.55ha.”

Item 12.1

Assessment of Variation

Clause 4.6 (Exceptions to development standards) of Kiama LEP 2011 enables exceptions to development standards including minimum lot size.

1. Is the planning control in question a development standard?

- *Is the control a development standard, or a guideline?*
- *What is the zoning of the land?*
- *What are the objectives of the zone?*
- *Under what clause is the development standard listed?*
- *What are the objectives of the development standard?*

Comment

The expression ‘development standards’ is defined in section 4(1) of the EPA Act as follows:

‘development standards’ means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of:

- (a) *the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- (b) *the proportion or percentage of the area of a site which a building or work may occupy,*

Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

-
- (c) *the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
 - (d) *the cubic content or floor space of a building,*
 - (e) *the intensity or density of the use of any land, building or work,*
 - (f) *the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
 - (g) *the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,*
 - (h) *the volume, nature and type of traffic generated by the development,*
 - (i) *road patterns,*
 - (j) *drainage,*
 - (k) *the carrying out of earthworks,*
 - (l) *the effects of development on patterns of wind, sunlight, daylight or shadows,*
 - (m) *the provision of services, facilities and amenities demanded by development,*
 - (n) *the emission of pollution and means for its prevention or control or mitigation, and*
 - (o) *such other matters as may be prescribed.*

The key elements of a development standard are as follows:

- i. It must be a provision of an EPI or the regulations made under the EPA Act (thus excluding, among other things, a DCP).
- ii. The provision must be one 'in relation to' the carrying out of development.
- iii. The provision must be one by or under which one or more requirements are specified, or one or more standards are fixed, in respect of any aspect of that development.

In this regard, the minimum lot size requirement pursuant to cl. 4.2A(3)(a) is a development standard as it prescribes a specified minimum lot size standard for the erection of a dwelling house.

2. What is the development standard being varied?

- *Is the development standard a performance based control?*
- *What is the numeric value of the development standard?*
- *What is the proposed numeric value of the development standard?*
- *What is the percentage variation (extent of variation)?*

Comment

Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

The development standard proposed to be varied within the application is the 40 hectare minimum lot size requirement for dwelling entitlement under clause 4.2A(3)(a) of the LEP.

The subject site comprises an area of 24.55 Ha. The subject site is therefore 15.45 Ha under the minimum lot size requirement prescribed by clause 4.2A(3)(a). This represents a departure to the development standard of approximately 39% (extent of variation).

3. Is compliance unreasonable or unnecessary in the circumstances of the case?

- *Is the planning control in question a development standard?*
- *What is the underlying object or purpose of the standard?*
- *Is the underlying objective or purpose of the standard not relevant to the development thereby making compliance with any such development standard unnecessary?*
- *Would the proposal, despite numerical non-compliance be consistent with the relevant environmental or planning objectives?*
- *Would the underlying objective or purpose be defeated or thwarted were compliance required, making compliance with any such development standard unreasonable?*
- *Is the "zoning of particular land" unreasonable or inappropriate so that a development standard appropriate for that zoning was also unreasonable and unnecessary (as it applied to that land) so that consequently compliance with that development standard is unnecessary and unreasonable?*
- *Has Council by its own actions, abandoned or destroyed the development standard, by granting consent that departs from the standard, making compliance with the development standard by others both unnecessary and unreasonable?*
- *Whether the environmental planning grounds to contravene the standard have in fact been demonstrated?*
- *Is the objection well founded?*

The applicant has responded with the following comment arguing that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:

"The underlying objective or purpose is not relevant to the development:

This is not applicable as the objective of the Development Standard is relevant to the development. However, the numerical standard itself is considered to have less relevance than the more stringent requirements imposed for development within the RU2 Rural Landscape zone under KLEP 2011 and KDCP 2020, which are intended to minimise environmental impacts and address site suitability. Council is requested to place greater emphasis on the ability of the development

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12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

to meet environmental and design criteria in its consideration of an appropriate lot size for the proposed dwelling.

That the objective would be defeated or thwarted if compliance was required:

This is not applicable as the objective of the Development Standard is relevant to the development.

That the development standard has been virtually abandoned or destroyed by the Council's own actions in departing from the standard:

It is considered that the 40ha minimum lot size for development on RU2 zoned land has been virtually abandoned by Council in the immediate vicinity of the subject site and Connors Creek Road, with evidence from review of aerial imagery indicating that a number of dwellings have been erected on lots of RU2 zoned land that do not meet the 40ha minimum lot size. Given Council's online development application register does not contain a complete set of development approvals it is not possible to confirm whether these dwellings comprise replacement of existing lawfully erected dwellings, as permitted by subclause (5)(a) or whether variation to Clause 4.2(A) has been permitted.

The zoning of the land is unreasonable or inappropriate:

The zoning of the land may be appropriate however the requirement for a 40ha minimum lot size for the erection of a dwelling on RU2 zoned land is inappropriate given that the development in this RU2 zone has occurred in a manner and visual density similar to the adjacent E2 zone and RU2 lands to the west."

The applicant's written request under clause 4.6(3)(a) of Kiama LEP 2011 arguing that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, concludes with the following overall points:

- *"Kiama Council has previously shown its support for the erection of a dwelling house on the RU2 portion of the subject site in approving DA 10.2011.129.1 and modified DA 10.2011.129.2.*
- *The proposed dwelling utilises the same positioning as that approved under DA 10.2011.129.1.*
- *The site is located in a broader context of mixed land-use zonings (E3, E2 and RU2) and review of aerial imagery shows that there are dwellings erected on RU2 land on lots of less than 40ha.*
- *The proposed dwelling is modest in scale and comparable in built form, materials and finishes to other dwelling houses in the vicinity.*
- *The proposal will have no greater adverse impact than if the minimum lot size was met.*
- *The dwelling will not have any unreasonable adverse impacts on views of adjoining dwellings or the visual setting of the RU2 Rural Landscape zone.*
- *The proposal does not require significant (if any) tree removal and the dwelling is nestled behind an existing, extensive stand of trees."*

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12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

Comment

The statement above that “*proposed dwelling is modest in scale and comparable in built form, materials and finishes to other dwelling houses in the vicinity*” is not entirely agreed with and remains in contention.

The proposed dwelling has a total internal floor area, over two floors, of 684m² including the garage. This is not modest in scale, particularly in the context of Broughton Village and Foxground and is generally larger than most other dwellings that can be seen in the area.

Notwithstanding this, it is acknowledged that the proposed dwelling is suitably designed and sited on the property, is not beyond the measure of a dwelling that could be expected on a rural property and will not stand out excessively within the broader rural landscape.

The relevant Objective, in this instance, of clause 4.2A is “*to minimise unplanned rural residential development*”. It should be noted that, despite dwellings being sited on undersized allotments within the locality of the subject site, this does not correlate with Council abandoning the development standard for the minimum lot size to erect a dwelling on a rural allotment.

The circumstances surrounding the undersized allotments with dwellings within proximity of the subject site are generally subject of older, and since repealed, environmental planning instruments that did not have a minimum 40 ha lot size requirement for the creation of a lot or for the erection of a dwelling.

Having regard to these circumstances, Council does not consider that the development standard has been abandoned. However, the existing settlement pattern does provide grounds to justify relaxing the development standard in this instance due to the non-disparate proximity of nearby dwellings in Broughton Village.

The applicant’s argument that the proposal will have no greater adverse impact than if the minimum lot size was met is generally accepted. The RU2 zoning of the subject land permits dwellings and dwellings are an excepted element within the surrounding landscape. The written request has sufficiently argued the relevant objective of the minimum lot size standard is satisfied notwithstanding non-compliance with the numeric standard.

It is also recognised that there is an active consent in place for a dwelling on the land, as approved under 10.2011.129.1/2. This consent has been preserved by the construction of the access driveway and retaining walls approved under that application. The approved dwelling has a similar footprint to the proposed dwelling and is sited in effectively the same location. It is therefore reasonable to acknowledge that refusal of the development application on the basis of strict compliance with the development standard will not prevent the construction of a dwelling on the land.

Having regard to the above it is accepted that strict compliance with the development standard is unreasonable and unnecessary under the circumstances.

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12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

4. Are there sufficient environmental planning grounds for contravening the standard?

- *Have the controls been abandoned?*
- *Have the cumulative effect of similar approvals undermined the objective of the development standard or the planning objectives for the zone being achieved?*
- *What is the desired future character?*
- *Is the proposal consistent/compatible with that desired future character?*
- *Has any visual intrusion been minimised?*
- *Whether the environmental planning grounds to contravene the standard have in fact been demonstrated?*

The applicant's written request under clause 4.6(3)(b) of Kiama LEP 2011 states:

- *"The density, built form and outcomes of the development comparable to that of other dwellings in the vicinity of the subject site and is suitable, as the development is integrated and constructed in an area that consists of a number of zonings (RU2, E2 and E3).*
- *The dwelling is not highly visible from the public domain.*
- *The inability to meet the minimum lot requirement specified for the site will not impact on the functioning of the site, which is currently not used for agricultural production.*
- *The erection of a dwelling on a lot that is approximately 24.55ha is not likely to have significant adverse visual, privacy or amenity impacts to other properties or public areas than if the minimum 40Ha lot size development standard were met.*

In addition, the proposed development is satisfactory having regard to environmental planning grounds, including:

- *No impact on adjoining neighbours (setbacks and overshadowing);*
- *It does not prejudice State, Regional or Local Planning objectives for the area;*
- *Other development standards contained within KLEP 2011 (as discussed in the Statement of Environmental Effects prepared by Tasman Design);*
- *Section 4.15C of the Environmental Planning and Assessment Act 1979.*

In addition, the submitted plans illustrate that the proposed dwelling is an acceptable outcome and does not result in any detrimental impact in terms of visual impact, disruption of views, loss of privacy or any other adverse impacts than if the minimum lot size was met."

Comment

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12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

With a floor area of about 684m² over 2 storeys, the proposed dwelling is by most standards large. However, as is illustrated in the 3D elevations (Figure 8), the low profile design of the dwelling, its proposed finish colours and materials, along with its siting hunkered into the hillside, means the dwelling is not expected to present as being visually excessive within the Broughton Village and Foxground landscape.

This landscape includes dwellings/buildings that are dispersed amongst cleared fields and remnant bushland, with heavier bushland on the middle and upper slopes leading up the escarpment. Inclusive of the proposed dwelling, in terms specifically of the density of rural housing, it is anticipated that the Broughton Village and Foxground landscape would be visually indistinguishable from other similar rural parts of the Municipality such as Willowvale, Toolijooa, and Jamberoo Valley.

The visual impact of the proposed development is considered to be acceptable in terms of both the 24.55Ha allotment upon which it is sited, as well as the broader landscape. The points made above by the applicant are therefore accepted.

It is also reiterated that the property currently has an active consent for a dwelling on the land. Although this is a single storey dwelling compared to the currently proposed two-storey dwelling, there will be additional built form within the landscape irrespective of the outcome of this proposal.

Having regard to the above it is accepted that there are sufficient environmental planning grounds for non-compliance with the development standard under the circumstances.

5. Any matter of significance for state or regional environmental planning, and the public benefit of maintaining the standard.

- *Does granting the variation raise any matters of state or regional significance?*
- *Has the concurrence of the Director-General has been obtained?*
- *How would strict compliance hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Act.?*
- *Is there public benefit in maintaining strict compliance with the standard?*

Comment

The NSW Department of Planning, Industry & Environment (DoPIE) issued concurrence to the application on 24 August 2020. In granting concurrence to the application, the Department "*formed the view that the proposed variation does not raise matters of State or regional significance and that there is no public benefit in upholding the minimum lot size in this instance.*"

The proposed exception is local in its context and scale and is therefore not considered raise any matters of state or regional significance. The view formed by DoPIE is concurred with in this regard.

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12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

Clause 4.6(4)(a) of the LEP also requires that development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that -
- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

As discussed within this 4.6 assessment, it is generally accepted that the applicant's written request has adequately addressed the matters required to be demonstrated by sub-clause (3).

With respect to Clause 4.6(4)(a)(ii) i.e. the public interest, the applicant comments as follows:

"The minimum lot size for the erection of a dwelling on RU2 land is not met, however the proposed dwelling is in the public interest as it meets the objectives of the development standard and zone as:

- *The development is consistent in design and character of the residential dwelling houses on lots to the immediate west on Connors Creek Road and Ridge Lane, which have altered the context of the area. Further, a number of dwellings appear to be located on lots which do not meet the minimum 40ha lot size for development on RU2, E2 and E3 land.*
- *The development will be constructed of colours, materials, and finishes that are appropriate for a rural landscape setting.*
- *The development footprint comprises minimal site coverage, thereby retaining the majority of the site for agricultural activities."*

Comment

Given these circumstances and the related justification provided within the applicant's request, the proposed development is expected to be both generally consistent with the objectives of Clause 4.2A as well as the RU2 zone within which the development is sited. The written request demonstrates the proposed development is in the public interest because it is reasonably consistent with the objectives of the development standard and the objectives for the zone within which the development is to be carried out.

Conclusion

The proposed development is considered consistent with the relevant provisions of Kiama LEP 2011, is permissible within in the RU2 Rural Landscape zone and is consistent with the objectives and controls of Kiama DCP 2012.

Overall, it is concluded that exception to the development standard of Kiama LEP 2011 Clause 4.2A should be granted under the circumstances for the reasons outlined and discussed within this report.

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12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

Planning Circular PS 18-003, issued 21 February 2018, by the Department of Planning and Environment, states that Council may assume the Director-General's concurrence for certain exceptions to development standards. The proposed variation is beyond the threshold for assuming the concurrence of the Director General. The concurrence of the Planning Secretary has been obtained and is attached to this report. As the exception exceeds 10% of the development standard it is required to be reported to Council for determination.

In regards to Clause 4.6(7) of Kiama LEP 2011 and subject to the recommendation being endorsed by the elected Councillors, Council will keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in sub-clause (3).

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.

Clause 6.3 Flood planning

Clause 6.3 applies to land at or below the flood planning level. The flood planning level means "the level of the 1:100 ARI (average recurrent interval) flood event plus 0.5m freeboard."

The proposed dwelling is sited on the lower spur and side of a ridge at an elevation of approximately 23m AHD. The Category 2 watercourse traversing the site is on the opposite side of the ridge to the dwelling (refer to Figure 9).

The siting of the proposed development satisfies Clause 6.3.

Clause 6.4 – Terrestrial Biodiversity

Clause 6.4 lists considerations for proposals which involve works within land identified as "Biodiversity Land". Parts of the site have been identified as "Biodiversity Land".

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12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)



Figure 9 – Terrestrial Biodiversity Map (↑N)

The proposed development is unlikely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land as the dwelling itself will not be constructed within land identified as “Biodiversity Land”.

The Bushfire Protection Assessment Report prepared by Ecological, dated 12 November 2018 advises that no clearing is required for the development to meet the Asset Protection Zone APZ’s identified, and on this basis the Statement of Environmental Effects concludes that there will be no adverse impact upon threatened flora or fauna or their habitats. The proposal is demonstrated on the site plan (refer to Figure 4) to be clear of the mapped Terrestrial Biodiversity land and coinciding E2 zoned land.

The proposal complies with the objectives of the clause.

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Clause 6.5 – Riparian land and watercourse

Clause 6.5 lists considerations for proposals which involve works within proximity to watercourse. Category 1, 2 & 3 watercourses are present on the site.

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Figure 10 – Riparian Land & Watercourses Map (Category 1 watercourse (red line), Category 2 watercourse (green line) and Category 3 watercourse (blue line)) (↑N)

In this regard Clause 6.5 is triggered by works occurring within:

- i. 40m of the top of the bank of a Category 1 watercourse, or
- ii. 20m of the top of the bank of a Category 2 watercourse, or
- iii. 10m of the top of the bank of a Category 3 watercourse, or

The proposed development does not include works within these catchments and therefore Clause 6.5 is not triggered by the proposal.

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12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

Clause 6.12 – Essential services

Clause 6.12 lists essential services (including suitable road access) 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.

Other than electricity, telecommunication and road access, which is already available to the site, the proposed development does not involve or require any essential service connection. On-site effluent disposal is required and water will be supplied via on-site rainwater tanks.

The proposed development is consistent with the relevant provisions of Kiama LEP 2011 and is permissible within in the RU2 Rural Landscape zone.

Any Draft Environmental Planning InstrumentsDraft 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 purpose of the Draft SEPP is to promote the protection and improvement of key environmental assets for their intrinsic value and the social and economic benefits they provide.

The Draft SEPP proposes to integrate provisions from seven existing SEPPs relating to catchments, waterways, urban bushland and world heritage:

- State Environmental Planning Policy No 19 - Bushland in Urban Areas;
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011;
- State Environmental Planning Policy No 50 - Canal Estate Development;
- Greater Metropolitan Regional Environmental Plan No 2 - Georges River Catchment;
- Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2-1997);
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
- Willandra Lakes Regional Environmental Plan No 1 - World Heritage Property.

The draft State Environmental Planning Policy (SEPP) - Environment 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 January to 13 April 2018.

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12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

The gazettal of the draft SEPP bringing it into law, is not considered to be imminent or certain because the public consultation periods closed on 13/04/2018.

It is proposed the new land remediation SEPP will:

- Provide a state-wide planning framework for the remediation of land;
- Maintain the objectives and reinforce those aspects of the existing framework that have worked well;
- Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land;
- Clearly list the remediation works that require development consent;
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent.

Additionally, an underpinning objective of the Draft SEPP is to transfer the requirements to consider contamination when rezoning land to a direction under Section 9.1 of the Environmental Planning and Assessment Act 1979.

As the proposal is in relation to the erection of a dwelling, and it is not mapped as being contaminated, it is considered that the proposed development is consistent with this draft planning instrument.

Kiama DCP 2020

The proposed development is considered to be consistent with the relevant objectives and controls under Kiama DCP 2020.

Any Planning Agreement

Nil.

Any Matters Prescribed by the Regulations

- Clauses 93, 94 and 94A

The proposal does not involve a change of use or additions and alterations to an existing building, or the erection of a temporary building.

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.

- Landscape

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 and its proposed finish colours and materials is consistent with relevant planning instruments and is not inconsistent with the landscape.

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12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

- Noise

Construction works will generate some noise, though conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours. No ongoing significant noise impacts are expected as a result of the development.

- Privacy and Overlooking

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

- Overshadowing

The proposed development does not result in overshadowing impacts for neighbours.

- Views

The proposal will have no unreasonable impact upon views currently available from neighbours.

- Vehicular Access, Parking and Manoeuvring

Sufficient car parking is proposed. Manoeuvring is compliant with AS/NZS 2890.1 – 2004 and the driveway will comply with required gradients.

- Stormwater Management

A satisfactory drainage design has been provided with the application. All stormwater will drain to the existing system.

- Environmental Impacts

Vegetation Removal – No vegetation is to be removed.

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

Impact on Soil Resources – 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 existing system. Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

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

The Suitability of the Site for the Development

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

Other issues to consider include:

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12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

- Bushfire

The nearest bushfire prone land is on land above the proposed dwelling site.

The application is accompanied by a Bushfire Protection Assessment Report prepared by Ecological, dated 12 November 2018, which concludes that the proposed dwelling complies with the specifications and requirements of 'Planning for Bush Fire Protection 2019'.

Notably, in terms of Asset Protection Zones (APZ), the report comments that the "APZs are already in place as outlined below and no tree removal or vegetation clearance is required to support the proposed development.

- ≥100 m to the north-west;
- 33 m to west;
- 38 m to the south-west; and
- ≥50 m in all remaining directions."

Should development consent be granted, conditions of consent will be imposed relating to bushfire protection.

- Traffic and Access

No concerns are raised with the proposal in relation to traffic and access matters.

Access to the dwelling is obtained via existing internal access driveway linking with external access roads.

- Agricultural land productivity

The subject site is partly cleared, partly vegetated land.

The topography of the land is undulating, with limited opportunity for viable agricultural use.

The proposed dwelling is sited adjacent to the existing farm building and access driveway in the northern sector of the property. This is appropriate having regard to potential future agricultural use of the remainder of the cleared land.

- Contamination from previous land uses

There is no evidence of site contamination on this or adjacent sites. The site is unlikely to be contaminated.

- Safety, security and crime prevention

The proposed development does not raise any concerns relating to safety, security and crime prevention.

The presence of a dwelling on the land will likely enhance security for the site and its existing farm building and infrastructure, as well as create passive surveillance for the security of neighbouring dwellings.

- Effect on public domain

The proposal is expected to have an acceptable impact on the public domain.

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12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

- BCA compliance

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

- Construction impacts

Construction works will generate some noise, though conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours.

Submissions

Public Submissions

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, nil submissions were received.

External Referrals

The application was referred to the following State Government Departments:

- The NSW Department of Planning, Industry & Environment (DoPIE).

The DoPIE issued their concurrence to the application on 24 August 2020. In granting concurrence to the application, the Department "*formed the view that the proposed variation does not raise matters of State or regional significance* and that there is no public benefit in upholding the minimum lot size in this instance."

Internal Referrals

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

- Building Assessment Officer

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

- Subdivision & Development Engineer

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

- Landscape Design Officer

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

A Landscape Plan was not deemed to be necessary in this case due to the visually remote position of the proposed development from public vantage points (e.g. Foxground Road) and from neighbouring dwellings.

The applicant also pointed out existing landscaping of the property adjacent to the proposed dwelling.

The Public Interest

The proposal is considered to be consistent with all relevant Environmental Planning Instruments (excepting Clause 4.2A of LEP 2011, as discussed within the report) and DCP 2020.

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12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

The proposal 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, excepting Clause 4.2A of LEP 2011, wherein the applicant has sought exception to this development standard under clause 4.6, which is supported under the circumstances of the case.

The proposed development is consistent with relevant Kiama DCP 2020 Chapters. The proposed development is consistent with the objectives of the RU2 Rural Landscape 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 10.2020.73.1 dated - except as amended by the following conditions: (g005.doc)
- (2) The dwelling shall be maintained as a single occupancy structure. (g011.doc)
- (3) The development shall be completed in accordance with the approved colour schedule shown on the approved Elevations Plans. (g014.doc)
- (4) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable issue of a Construction Certificate. (g030.doc)
- (5) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority. (g040.doc)
- (6) The 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)

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

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12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

Contributions) Plan shall be paid to Council **prior to the issuing of a Construction Certificate**. The total contribution required for the development is **\$18,563.69**.

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

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

Where:

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

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

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

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.

Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

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

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

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

- (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 separate application shall be submitted to and approved by Council for the Onsite Sewerage Management System prior to issue of the Construction Certificate. (pt040.doc)
- (5) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a Showing the name, address and telephone number of the Principal Certifying Authority for the work;
 - b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c Stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed. The sign will be provided by the nominated Principal Certifying Authority for the relevant fee. (pt060.doc)

- (6) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel. (pt062.doc)
- (7) Details of compliance with conditions of consent under the heading Bush Fire Hazard Management and AS3959 – Building in Bush Fire Prone Areas shall be provided to the Accredited Certifier prior to the issue of the Construction Certificate. (pt065.doc)
- (8) The applicant shall submit engineer’s details of the foundation based on geotechnical advice prepared by a suitably qualified geotechnical engineer. Such detail/advice is to be provided prior to the issue of a Construction Certificate. (pt070.doc)

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)

Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

Site Facilities

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

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

Erosion and Sedimentation Controls/Soil and Water Management

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

Stormwater Management

- (1) The stormwater drainage system shall be completed in accordance with the details approved by the accredited Certifying Authority. (sm006.doc)
- (2) Overflow waters from the rainwater tank and all other roof waters not directed to the rainwater tank must be discharged clear of the building and other structures. The point of discharge must:
 - a disperse water so as not to cause erosion
 - b not direct waters onto adjoining properties

Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

-
- c. not drain to an area where it may damage footings or other buildings
 - d. not drain toward the effluent management area
 - e. not cause a nuisance.

Details are to be submitted to the Certifying Authority prior to release of the Construction 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) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level. (bu120.doc)
- (6) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)
- (7) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;
Monday to Friday - 7.00 am to 5.00 pm
Saturdays - 8.00 am to 1.00 pm
No construction work is to take place on Sundays or Public Holidays. (bu151.doc)
- (8) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)

Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

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- (9) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to Council prior to release of the Occupation Certificate and release of any bond or security deposit paid in relation to this application.

Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (bu154.doc)

Bushfire Hazard Management

- (1) The development shall be completed in accordance with “*Planning for Bush Fire Protection 2019*”. (bhm005.doc)
- (2) At the commencement of building works and in perpetuity the property around the dwelling shall be managed as follows:
- North-west for a minimum distance of 11m as an Inner Protection Area.
 - West for a minimum distance of 11m as an Inner Protection Area.
 - South-west for a minimum distance of 23m as an Inner Protection Area.

Requirements for an Inner Protection Area are outlined within section 7.4 and Appendix 4 of ‘Planning for Bushfire Protection 2019’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’.

- (3) New construction on the roof, sub-floor and north-western and south-western elevations must comply with section 3 and section 7 (BAL 19) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.
- (4) New construction on the north-eastern and south-eastern elevations must comply with section 3 and section 7 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bush fire-prone areas or NASH Standard (1.7.14 updated) National Standard Steel Framed Construction in Bushfire Areas – 2014 as appropriate and Section 7.5 of Planning for Bush Fire Protection 2019.
- (5) With the exclusion of providing an alternative property access road, access shall comply with the provisions of section 7.4 of ‘Planning for Bush Fire Protection 2019’.
- (6) The provision of water, electricity and gas shall comply with section 7.4 of ‘Planning for Bush Fire Protection 2019’, including the provision of a minimum 30,000L static water supply.
- (7) All landscaping within the site shall comply with the principles of Appendix 5 of ‘Planning for Bush Fire Protection, 2006’.
- (8) Above ground water storage tanks shall be coloured or painted in earth tones to blend with the natural environment. (bhm025.doc)

Prior to Occupation

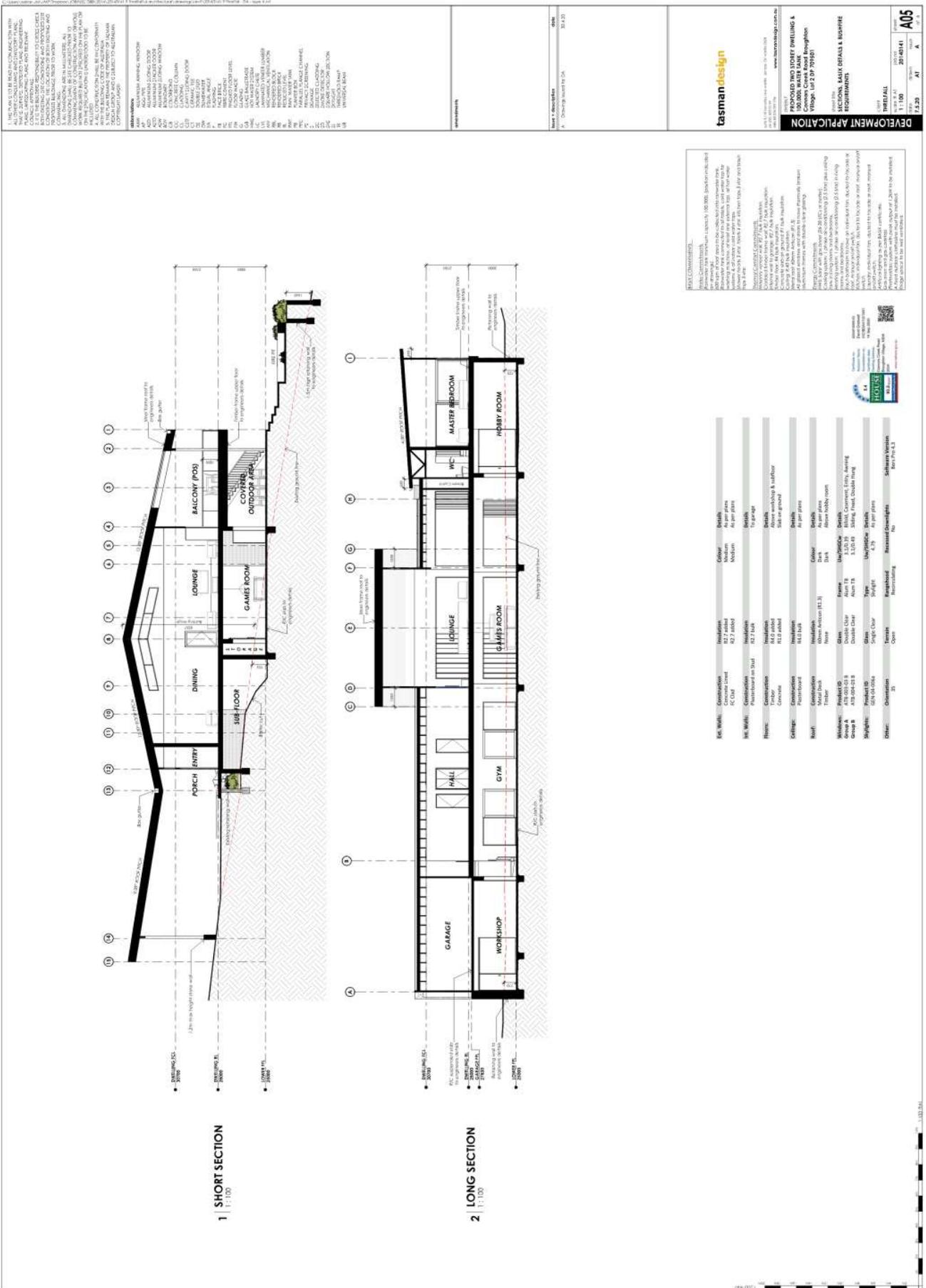
- (1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to and approved by Council prior to issue of the Final Occupation Certificate.

Report of the Director Environmental Services

12.1 10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank (cont)

-
- Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)
- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)
 - (3) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979. (po005.doc)
 - (4) The Onsite Sewage Management System and the effluent disposal area shall be completed in accordance with all conditions of approval and in accordance with the Effluent Disposal Report, prior to the issue of any Occupation Certificate. (po020.doc)
 - (5) Prior to the issue of an Occupation Certificate the applicant shall obtain accurate street numbering for the development from Council's Geographical Information Services section. (po025.doc)









Planning,
Industry &
Environment

Mr Kerry McMurray
General Manager
Kiama Council
PO Box 75
KIAMA NSW 2533

IRF20/3869

Attn: Brett Elliot

Dear Mr McMurray

Request for Concurrence under Clause 4.6 Kiama LEP 2011 – DA 10.2020.73.1 Dwelling House on Lot 2 DP 709501, Connors Creek Road, Broughton Village.

I refer to your request dated 15 July 2020 for the concurrence of the Secretary of the Department of Planning, Industry and Environment under Clause 4.6 of the Kiama Local Environmental Plan 2011 (LEP) to vary the minimum lot size (development standard) for the erection of a dwelling house in a rural zone on Lot 2 DP 709501.

If approved by Council the development application would enable the erection of a dwelling house on an allotment with an area less than the 40-hectare minimum lot size required for a dwelling house under clause 4.2A of the LEP.

After careful consideration, I have formed the view that the proposed variation does not raise matters of State or regional significance and that there is no public benefit in upholding the minimum lot size in this instance. I am pleased to advise that, as the Secretary's delegate, I have decided to grant concurrence to the application.

Should you have any questions in relation to this matter please contact Nathan Foster, Planning Officer, of the Department's Southern Regional office on 4247 1825.

A handwritten signature in black ink, appearing to read 'Graham Judge'.

24.08.2020
Graham Judge
Acting Manager
Southern Region



Unit 5, 174 – 182 Gipps Road
P O Box 7163
Gwynneville 2500

T 02 4228 7833
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Kiama Municipal Council
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Kiama NSW 2533
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7 July 2020

**Additional Information for Development Application 10.2020.73.1
Clause 4.6 'Exceptions to Development Standards'
Variation Statement – Clause 4.2(A) Minimum Lot Size
Proposed Dwelling at Lot 2 DP 709501 Connors Creek Road, Broughton Village**

TCG Planning has been engaged by Tasman Design to prepare a Clause 4.6 Exceptions to Development Standards Report to accompany a Development Application for a proposed dwelling at Lot 2 DP 705901 Connors Creek Road, Broughton Village. TCG understands that Development Application 10.2020.73.1 for the proposed dwelling was recently lodged with Kiama Municipal Council, however a request for additional information from Council, dated 12 June 2020, advises the following:

1. The subject lot does not have a dwelling entitlement under the provisions of Kiama Local Environmental Plan (LEP) 2011. It will therefore be necessary to prepare a written request, under Clause 4.6 of the LEP, objecting to the 40Ha minimum lot size development standard of Clause 4.2A of the LEP for the erection of a dwelling. The written request must be well founded, with specific regard to Clause 4.6 and should be prepared by a suitably qualified person.

The subject site has an area of approximately 24.55Ha and the proposed dwelling is to be erected on part of the land that is zoned RU2 Rural Landscape under Kiama Local Environmental Plan (KLEP) 2011. Accordingly, the submission of a written request under Clause 4.6 is required to be submitted justifying variation to the 40Ha minimum lot size development standard for the erection of a dwelling house on land in certain rural and environmental protection zones under 4.2A of Kiama LEP 2011. A formal *Clause 4.6 Exceptions to Development Standards Report* is attached to this correspondence (**Attachment 1**).

Please do not hesitate to contact the applicant in the first instance, or the undersigned if further clarification is sought.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'Elaine Treglown', with a horizontal line underneath.

Elaine Treglown,
Director, TCG Planning

Attachment 1

Clause 4.6 'Exceptions to Development Standards' Statement

1 Introduction

Clause 4.6 'Exceptions to Development Standards' of Kiama Local Environmental Plan (KLEP) 2011 provides the ability to contravene a development standard with approval of the consent authority and concurrence by the Director-General. A development standard is defined by the Environmental Planning and Assessment Act, 1979 as:

"Provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development".

The objectives of Clause 4.6 are as follows:

- a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
- b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

This statement is therefore provided to justify variation to Clause 4.2A 'Erection of dwelling houses on land in certain rural and environmental protection zones' in accordance with Clause 4.6 of that Plan, as the application of the requirement of a 40Ha minimum lot size is considered unreasonable or unnecessary for this particular development.

2 Description of Development

The development application seeks approval for the erection of a two storey dwelling house with a 200,000 litre water tank on land known as Lot 2 DP 705901 Connors Creek Road, Broughton Village. The proposed dwelling and water tank are to be located in the north-eastern portion of the site, as detailed in the Architectural Plans plans prepared by Tasman Design (dated April 2020). The subject site is predominantly zoned RU2 Rural Landscape, with a portion of the north-west of the site zoned E2 Environmental Conservation and a portion of the south-east of the site zoned E3 Environmental Management pursuant to KLEP 2011. The proposed dwelling and water tank are to be wholly located on land that is zoned RU2 Rural Landscape.

3 Variation to Clause 4.2A 'Erection of dwelling houses on land in certain rural and environmental protection zones'

Background

Clause 4.2A applies to land in the RU2 Rural Landscape zone and seeks to minimise unplanned rural residential development whilst enabling the replacement of lawfully erected dwelling houses in rural protection zones. Subclauses 3, 4 and 5 stipulate the following with regards to the proposed erection of a dwelling house at Lot 2 DP 705901 Connors Creek Road, Broughton Village, on the portion of land that is zoned RU2 Rural Landscape:

'(3) Development consent must not be granted for the erection of a dwelling house on land in a zone to which this clause applies, and on land on which no dwelling house has been erected, unless the land is—

- (a) a lot on that is at least the minimum lot size specified for that land by the Lot Size Map, or*
- (b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or*

- (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling would have been permissible if the plan of subdivision had been registered before that commencement, or
 - (d) an existing holding.
- (4) Subclause (3)(b), (c) and (d) ceases to apply if—
- (a) an application for development consent referred to in that subclause is not made in relation to that land within 5 years after the day this Plan commences, or
 - (b) an application for development consent referred to in that subclause is made in relation to that land within 5 years after the day this Plan commences, but the application is refused.
- (5) Despite subclause (3), development consent may be granted for the erection of a dwelling house on land to which this clause applies if—
- (a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or
 - (b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by—
 - (i) a minor realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose.

Council has previously granted development consent for the erection of a 'dwelling house and access road' on Lot 2 DP 705901 Connors Creek Road, Broughton Village in its issuing of DA 10.2011.129.1 on 13 April 2012. TCG has been unable to view this file at the date of preparing the current Clause 4.6 Statement, as Council has advised that the file (10.2011.129.1) has been moved to archives. However, TCG has viewed email correspondence between Kiama Municipal Council and the applicant (Tasman Design), dated 15 June 2020, in which Council confirms that 'the development consent issued in respect of development application no. 10.2011.129.1 for a dwelling on the land was, at the time, reliant on a SEPP 1 objection to resolve the issue of permissibility. The development application was assessed under Kiama Local Environmental Plan (LEP) 1996.'

Kiama Council has demonstrated their continued support for the erection of a dwelling house at Lot 2 DP 705901 in approving modification to DA 10.2011.129.1 on 18 April 2015. The modified development application DA 10.2011.129.2 is described as "modified – dwelling and access road". TCG understands that the dwelling was never erected and the development consent DA 10.2011.129.1 has lapsed.

The subject site presently contains a shed that was approved and constructed pursuant to DA 10.2014.276.1 and which is to be retained.

Table 1 below provides a summary of the development approvals and modifications relating to the subject site.

Table 1: Development approvals and modifications relating to Lot 2 DP 705901 Connors Creek Road, Broughton Village (as provided by Tasman Design and available through Council's online records)		
Development Consent	Development Description	Comment
10.2011.129.1	Dwelling and access road	Approved 13 April 2012, dwelling not constructed.
10.2011.129.2	Modified – dwelling and access road	Approved 18 April 2015.
10.2014.276.1	Shed	Approved 22/01/2015 – erected.

Extent of Variation Sought

Clause 4.2A(3) of KLEP 2011 permits the erection of a dwelling where there is no existing dwelling on land zoned RU2 Rural Landscape. A minimum lot size of 40ha applies to the subject site according to the KLEP 2011 'Minimum Lot Size' Map. The subject site has a minimum lot size of approximately 24.55ha.

Variation Request

Table 2: Compliance with KLEP 2009 - Contravention of Clause 4.2A 'Erection of dwelling houses on land in certain rural and environmental protection zones'	
Clause 4.6 Exceptions to Development Standards	Response/Justification
<p>(1) Objectives</p> <p>a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, and</p> <p>b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.</p>	<p>Flexibility is sought for the application of the minimum lot size in clause 4.2A(3)(a) of KLEP 2011. The particular circumstances for this are as follows:</p> <ul style="list-style-type: none"> ▪ Kiama Council has previously shown its support for the erection of a dwelling house on the RU2 portion of the subject site in approving DA 10.2011.129.1 and modified DA 10.2011.129.2. ▪ The proposed dwelling utilises the same general positioning as that approved under DA 10.2011.129.1. ▪ The site is located in a broader context of mixed rural and environmental management land-use zonings (E3, E2 and RU2) and review of aerial imagery shows that there are dwellings in the vicinity that have been erected on RU2 land on lots of less than 40ha. <p>Further, as shown on the submitted plans prepared by Tasman Design:</p> <ul style="list-style-type: none"> ▪ The bulk and scale resulting from the proposed dwelling is comparable with existing dwellings in the immediate locality. ▪ The dwelling will not have any unreasonable adverse impacts on views or visual amenity of the RU2 Rural Landscape zone. ▪ The proposal does not require significant (if any) tree removal. ▪ The dwelling is located and designed so as not to negatively impact on the riparian corridor and land of terrestrial biodiversity located on site. ▪ Vehicle access to the dwelling is to be as per the driveway positioning approved under DA 10.2014.276.1. <p>Justified</p>
<p>(2) Consent may, subject to this clause, be granted for development even though the development may contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</p>	<p>Clause 4.6(6) specifies the standards which may not be varied under this clause and includes specified subdivisions in the RU1 Primary Production, <u>Zone RU2 Rural Landscape</u>, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living.</p> <p>The subject site is located in the RU2 Rural Landscape zone, however the proposed development does not include a subdivision of the land, therefore this sub-clause is not relevant.</p> <p>Not applicable.</p>
<p>(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:</p>	<p>This table comprises the written request seeking to justify the contravention of the minimum lot size development standard.</p>
<p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p>	<p><i>In Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009, para 61, Commissioner Person summarises the considerations from Wehbe v Pittwater Council [2007] NSWLEC 827 at [42] per Preston CJ, and notes in para 62 that clause 4.6 can be considered in a similar way to that of SEPP 1.</i></p> <p>In Wehbe at [44]-[48] Preston CJ identified other ways in which an applicant might establish that compliance with a development standard is unreasonable or unnecessary, namely: that the underlying objective or purpose is not relevant to the development; that the objective would be defeated or thwarted if compliance was required; that the development standard has been virtually abandoned or destroyed by the Council's own actions in departing from the standard; or that the zoning of the land is unreasonable or inappropriate.</p> <p>A response to each of these approaches is therefore provided as it relates</p>

Table 2: Compliance with KLEP 2009 - Contravention of Clause 4.2A 'Erection of dwelling houses on land in certain rural and environmental protection zones'	
Clause 4.6 Exceptions to Development Standards	Response/Justification
	<p>to the current proposal:</p> <p><i>The underlying objective or purpose is not relevant to the development:</i> This is not applicable as the objective of the Development Standard is relevant to the development. However, the numerical standard itself is considered to have less relevance than the more stringent requirements imposed for development within the RU2 Rural Landscape zone under KLEP 2011 and KDCP 2020, which are intended to minimise environmental impacts and address site suitability. Council is requested to place greater emphasis on the ability of the development to meet environmental and design criteria in its consideration of an appropriate lot size for the proposed dwelling.</p> <p><i>That the objective would be defeated or thwarted if compliance was required:</i> This is not applicable as the objective of the Development Standard is relevant to the development.</p> <p><i>That the development standard has been virtually abandoned or destroyed by the Council's own actions in departing from the standard:</i> It is considered that the 40ha minimum lot size for development on RU2 zoned land has been virtually abandoned by Council in the immediate vicinity of the subject site and Connors Creek Road, with evidence from review of aerial imagery indicating that a number of dwellings have been erected on lots of RU2 zoned land that do not meet the 40ha minimum lot size. Given Council's online development application register does not contain a complete set of development approvals it is not possible to confirm whether these dwellings comprise replacement of existing lawfully erected dwellings, as permitted by subclause (5)(a) or whether variation to Clause 4.2(A) has been permitted.</p> <p><i>The zoning of the land is unreasonable or inappropriate:</i> The zoning of the land may be appropriate however the requirement for a 40ha minimum lot size for the erection of a dwelling on RU2 zoned land is inappropriate given that the development in this RU2 zone has occurred in a manner and visual density similar to the adjacent E2 zone and RU2 lands to the west.</p> <p>Overall:</p> <ul style="list-style-type: none"> ▪ Kiama Council has previously shown its support for the erection of a dwelling house on the RU2 portion of the subject site in approving DA 10.2011.129.1 and modified DA 10.2011.129.2. ▪ The proposed dwelling utilises the same positioning as that approved under DA 10.2011.129.1. ▪ The site is located in a broader context of mixed land-use zonings (E3, E2 and RU2) and review of aerial imagery shows that there are dwellings erected on RU2 land on lots of less than 40ha. ▪ The proposed dwelling is modest in scale and comparable in built form, materials and finishes to other dwelling houses in the vicinity. ▪ The proposal will have no greater adverse impact than if the minimum lot size was met. ▪ The dwelling will not have any unreasonable adverse impacts on views of adjoining dwellings or the visual setting of the RU2 Rural Landscape zone. ▪ The proposal does not require significant (if any) tree removal and the dwelling is nestled behind an existing, extensive stand of trees. <p>Provided and Justified</p>
(b) that there are sufficient environmental planning grounds to justify contravening the development standard.	<p><i>In Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009, Commissioner Person determined that it is necessary for applicants to show sufficient grounds particular to the development in a Clause 4.6 objection.</i></p> <p>The following particular circumstances are relevant for this site and the development:</p> <ul style="list-style-type: none"> ▪ The density, built form and outcomes of the development

Table 2: Compliance with KLEP 2009 - Contravention of Clause 4.2A 'Erection of dwelling houses on land in certain rural and environmental protection zones'	
Clause 4.6 Exceptions to Development Standards	Response/Justification
	<p>comparable to that of other dwellings in the vicinity of the subject site and is suitable, as the development is integrated and constructed in an area that consists of a number of zonings (RU2, E2 and E3).</p> <ul style="list-style-type: none"> The dwelling is not highly visible from the public domain. The inability to meet the minimum lot requirement specified for the site will not impact on the functioning of the site, which is currently not used for agricultural production. The erection of a dwelling on a lot that is approximately 24.55ha is not likely to have significant adverse visual, privacy or amenity impacts to other properties or public areas than if the minimum 40Ha lot size development standard were met. <p>In addition, the proposed development is satisfactory having regard to environmental planning grounds, including:</p> <ul style="list-style-type: none"> No impact on adjoining neighbours (setbacks and overshadowing); It does not prejudice State, Regional or Local Planning objectives for the area; Other development standards contained within KLEP 2011 (as discussed in the Statement of Environmental Effects prepared by Tasman Design); Section 4.15C of the <i>Environmental Planning and Assessment Act 1979</i>. <p>In addition, the submitted plans illustrate that the proposed dwelling is an acceptable outcome and does not result in any detrimental impact in terms of visual impact, disruption of views, loss of privacy or any other adverse impacts than if the minimum lot size was met.</p> <p>Justified</p>
(4) Consent must not be granted for development that contravenes a development standard unless: (a) the consent authority is satisfied that:	
(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and	<p>This Variation statement provides a discussion in support of the justification for varying the development standards as indicated in (3) above. In our opinion, there is sufficient justification provided to support a variation to the minimum lot size requirements.</p> <p>Satisfied</p>
(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and Kiama LEP 2011: Objectives of the Standard (a) to minimise unplanned rural residential development, (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones. The objectives of the RU2 Rural Landscape zone: <ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To maintain the rural landscape 	<p>The minimum lot size for the erection of a dwelling on RU2 land is not met, however the proposed dwelling is in the public interest as it meets the objectives of the development standard and zone as:</p> <ul style="list-style-type: none"> The development is consistent in design and character of the residential dwelling houses on lots to the immediate west on Connors Creek Road and Ridge Lane, which have altered the context of the area. Further, a number of dwellings appear to be located on lots which do not meet the minimum 40ha lot size for development on RU2, E2 and E3 land. The development will be constructed of colours, materials, and finishes that are appropriate for a rural landscape setting. The development footprint comprises minimal site coverage, thereby retaining the majority of the site for agricultural activities. <p>Justified</p>

Table 2: Compliance with KLEP 2009 - Contravention of Clause 4.2A 'Erection of dwelling houses on land in certain rural and environmental protection zones'	
Clause 4.6 Exceptions to Development Standards	Response/Justification
<p>character of the land.</p> <ul style="list-style-type: none"> To provide for a range of compatible land uses, including extensive agriculture. To protect agricultural land for long term agricultural production. To provide opportunities for employment-generating development that adds value to local agricultural production through food and beverage processing and integrates with tourism. 	
<p>(c) the concurrence of the Director-General has been obtained.</p>	<p>Council will need to consult with the Department of Planning and Infrastructure as to whether the concurrence of the DG can be assumed in accordance with Planning Circular PS 03-003-Variations to Development Standards (Department of Planning, May 2003).</p> <p>Addressed</p>
<p>(5) In deciding whether to grant concurrence, the Director-General must consider:</p>	
<p>(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, &</p>	<p>The contravention of this development standard does not raise any matter of significance for state or regional environmental planning. Refer to further discussion below in this table.</p> <p>Addressed</p>
<p>(b) the public benefit of maintaining the development standard, and</p>	<p>There is no public benefit by maintaining the development standard, as there are no identifiable adverse impacts to approval being granted to the submitted design. If the minimum lot size standard for the erection of a dwelling on this land were met, the use of the balance of the land may be hindered by the inability to construct a dwelling for onsite management purposes.</p> <p>Justified</p>
<p>(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.</p>	<p>It is considered that there are no environmental planning considerations that would hinder the Director-General from providing concurrence.</p> <p>Addressed</p>

Conclusion: This Statement has addressed the provisions of Clause 4.6 of Kiama LEP 2011 and demonstrates that the variation sought to the development standards of **Clause 4.2A(3)(a)** (Erection of dwelling houses on land in certain rural and environmental protection zones) is justifiable and should be given concurrence to. It is emphasised that Council has previously supported the erection of a dwelling on the RU2 Rural Landscape zoned portion of the subject site in approving DA 10.2011.129.1 in 2012 and modification 10.2011.129.2 in 2015. The proposed dwelling is to be located in the same location as the dwelling approved under DA 10.2011.129.1. The bulk and scale resulting from the proposed dwelling is consistent with the existing and recently approved dwellings in the immediate locality. Further, the approval of a number of dwellings in the vicinity of this site has altered the context of this rural environment. The proposal does not require significant (of any) tree removal and the dwelling will not have any unreasonable adverse impacts on views or visual amenity of the RU2 Rural Landscape zone. We therefore request that concurrence be granted to variation to the 40ha minimum lot size requirement contained in clause 4.2A(3) of KLEP 2011 to allow for the erection of a dwelling in the RU2 Rural Landscape zone on a lot with a site area of approximately 24.55ha.

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

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

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

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Summary

This report reviews the Development Application No 10.2020.44.1 which involves the construction of a secondary dwelling, access driveway, and ancillary equipment shed and associated earthworks.

The report recommends that Council refuse Development Application No 10.2020.44.1 as the proposal is:

- not consistent with the aims of Kiama LEP 2011 and does not satisfy the objectives of the RU1 Primary Production Zone; and
- not consistent with the overall objectives of Chapter 6 of Kiama DCP 2012;
- not consistent with the objectives Section 1, Chapter 6 of Kiama DCP 2012;
- not suitable for the site; and
- not in the public interest.

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 08/04/2020 to 22/04/2020.

Submissions: Two submissions.

Reason for the Report

This report is submitted to Council because only the elected Council can determine applications involving more than a minor variation to the development control plan. The application has also been called up by Councillors for determination by the elected Council.

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Attachments

1 10.2020.44.1 - plans [↓](#)

Enclosures

Nil

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RECOMMENDATION

That Council refuse Development Application No 10.2020.44.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for the following reasons:

1. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act 1979* contained in Section 4.15(1)(a)(i), the development is unacceptable and must be refused because the proposal is inconsistent with the aims of *Kiama Local Environmental Plan 2011*, specifically cl 1.2(2)(d), since the proposal does not protect agricultural land and restrict its fragmentation for purposes other than primary production.
2. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act 1979* contained in Section 4.15(1)(a)(i), the development is unacceptable and must be refused because the proposal is properly characterised as a secondary dwelling, farm building and access driveway and is permissible in the zone but does not satisfy the relevant objectives of the RU1 Primary Production Zone prescribed in Clause 2.1 to *Kiama Local Environmental Plan 2011*, and therefore the proposal is unacceptable with respect to the requirements of Clause 2.3 to *Kiama Local Environmental Plan 2011* because the proposed development is not consistent with the objectives of the RU1 Primary Production Zone since the site planning:
 - i. does not encourage sustainable primary industry production by maintaining and enhancing the natural resource base; and
 - ii. does not encourage diversity in primary industry enterprises; and
 - iii. does not minimise fragmentation and alienation of resource lands. The proposed secondary dwelling is in the middle of existing pasture currently containing livestock and fragments the land further through the construction of a 4m wide driveway exceeding 400m in length; and
 - iv. does not minimise conflict between land uses within the zone as the proposal is not clustered and creates competing needs between residential amenity and agricultural practices; and
 - v. does not protect the land for long term agricultural production as the proposed development dissects the existing land zoned for primary production purposes for residential purposes.
3. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act 1979* contained in Section 4.15(1)(a)(iii), the proposal is unacceptable and must be refused because the proposal is inconsistent with the

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- overall objectives of Chapter 6 of *Kiama Development Control Plan 2012* since the siting of the proposed secondary dwelling and access driveway:
- i.* do not protect agricultural land and cause its fragmentation by purposes other than for primary production; and
 - ii.* do not ensure that the proposal does not inhibit the use of agricultural land for agricultural purposes.
4. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act 1979* contained in Section 4.15(1)(a)(iii), the proposal is unacceptable and must be refused because the proposal is inconsistent with the objectives of Section 1, Chapter 6 of *Kiama Development Control Plan 2012* because:
- i.* the dispersed siting of the proposal from the existing rural dwelling and farm buildings do not ensure that rural housing and ancillary development is designed and sited to protect agricultural land due to the fragmenting of the land by the development; and
 - ii.* the isolated siting of the proposal from the existing dwelling and farm buildings is considered to negatively impact upon existing and possible future agricultural uses on the subject site; and
 - iii.* the distant siting of the proposal from the existing dwelling and farm buildings increases the potential for land use conflict between rural dwellings and agricultural activities due to the scattering of the development on the site; and
 - iv.* the siting of the proposal on a ridge and removed from the existing dwelling and farm buildings is not considered to maintain Kiama's scenic rural landscapes and low density residential nature representing a poor site planning outcome that amounts to an overdevelopment of the site.
5. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act 1979* contained in Section 4.15(1)(a)(iii), the proposal is unacceptable and must be refused because the proposal does not comply with Chapter 6 Section 1, un-numbered control and controls C2, C7, C12, C14, and Section 3 controls C21 and C24 of *Kiama Development Control Plan 2012* because:
- i.* contrary to the requirements of the unnumbered control at Section 1 Chapter 6, the proposed secondary dwelling is located on a ridge, saddle or knoll; and
 - ii.* contrary to the requirements of the control at C2 - Section 1 - Chapter 6, the site planning of secondary dwelling and its access driveway is not designed in a way to avoid or mitigate the visual impact of development on the landscape as viewed from a public place; and
 - iii.* contrary to the control at C7 - Section 1 - Chapter 6, the siting of proposed secondary dwelling and its access driveway does not protect agricultural land from fragmentation since it is not grouped with existing development

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- on the property, and does not minimise the impact on the scenic landscape in circumstances where other sites in close proximity could be used instead; and
- iv. contrary to the control at C12 - Section 1 - Chapter 6, the proposed ancillary development is not clustered around the principal dwelling and neither does it share the same access; and
 - v. contrary to the control at C14 - Section 1 - Chapter 6, the proposed secondary is not clustered with other buildings, is not sited in an area with low visual impact, results in the loss of agricultural land and has significant land take for the proposed driveway; and
 - vi. contrary to the control at C21 - Section 3 - Chapter 6, the proposal involves more than one access road connected to a public road; and
 - vii. contrary to the control at C24 - Section 3 - Chapter 6, the location and design of the access road does not minimise the amount of land suitable or potentially suitable for agriculture being permanently lost for agricultural production.
6. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act* contained in Section 4.15(1)(b) the proposal is unacceptable and must be refused because of the likely adverse impacts of the development on the rural environment and its use for agricultural production, and the visual impacts of the development being located on a ridge adversely impacting the scenic quality of the rural landscape.
7. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act* contained in Section 4.15(1)(c) the proposal is unacceptable and must be refused because the site is not suitable for the proposed development since:
- i. the site planning is focused on rural residential purposes and results in a proliferation of dwellings/structures that do not contribute to the land being used for agricultural purposes; and
 - ii. the dispersal of the development on the site will likely give rise to land use conflicts with little opportunity for mitigation; and
 - iii. the scattering of the development and the extent of driveway proposed causes the sterilisation of agricultural lands in favour of non-rural development.
8. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act* contained in Section 4.15(1)(d) the proposal is unacceptable and must be refused because submissions have been lodged objecting to the development on grounds of:
- i. Not clustering development; and
 - ii. Development on undersized lot; and
 - iii. Adverse traffic impacts; and

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iv. Commercial use not agricultural; and

v. Loss of agricultural land & land use conflicts.

9. Having regard to the matters for consideration in the *Environmental Planning and Assessment Act* contained in Section 4.15(1)(e) the proposed development is not in the public interest since the relevant objectives and controls of Development Control Plan 2012 have been generally consistently applied by the Council since its adoption, and have not been abandoned by decisions made by the Council, and controls should be given determinative weight.

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BACKGROUND

Pre-lodgement History

13 September 2019

The applicant requested a Development Assessment Unit (DAU) Meeting to discuss the proposal.

Council staff initially declined a formal DAU meeting due to the small scale of the proposal being outside the scope of the charter for DAU meetings which is developments involving 3 or more units.

Despite this, in order to assist the customer, Council's Development Assessment Coordinator provided preliminary written advice to the applicant stating that the proposal did not comply with the requirements of Chapter 6 of the Kiama DCP 2012.

In these circumstances the applicant was advised that the proposed would not likely be supported in its current state due to the site planning positioning the development on a ridge and scattered across the site, and further advising that the site planning should be adjusted to bring development to the north-east corner of the site adjacent to Willowvale Road and clustered with existing development to comply, and to minimise impacts on the agricultural land and the scenic quality of the rural landscape.

6 February 2020

The applicant requested further feedback from Council on the proposal which Council staff agreed to consider and provide a response in writing.

The applicant provided plans showing six potential locations for the development on the site. These locations varied between being clustered with the existing development on the site and being located on the southern portion of the site in a similar location to the siting of the proposed development subject to this application.

Advice was provided by staff in response to the request based on the general principles concerning each of the six site compliance with the objectives and controls of Chapter 6 of the Kiama DCP 2012.

The following advice was provided to the applicant:

"In conclusion none of the 6 sites strictly comply with the DCP requirements, however, sites and 1 and 2 exhibit the least significant departures, and could be considered.

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Site 3, 4, 5 and 6 are unlikely to be supported due to the significant non-compliance with the DCP relating to clustering, access, and avoiding rural development in elevated and potentially visually conspicuous locations such as knolls and ridgelines. Ultimately if those locations are pursued, staff would report the application to Council for determination likely recommended for refusal.”

The location of the secondary dwelling as proposed in this application is Site 6 from the pre-lodgement advice.

Consent History

The development application history is as follows:

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DA No	Description	Lodgement	Determined	Decision
06.1992.372.1	Dwelling	21/09/1992	12/10/1992	Approved
06.1995.106.1	Garage	24/03/1995	11/05/1995	Approved
10.1999.398.1	Conversion of existing shed to studio	15/09/1999	29/10/1999	Approved
10.2002.231.1	Dwelling additions, additions to studio and carport	26/07/2002	02/08/2002	Approved
12.2004.35.1	Inground swimming pool	26/08/2004	26/08/2004	Approved – Private Certifier
10.2005.53.1	Construction of Garage and additions to existing dwelling and home hosting	16/02/2005	08/06/2005	Approved
10.2006.204.1	Tennis Court	06/07/2006	31/10/2006	Approved
10.2006.221.1	Use of repaired and enhanced existing dam	24/07/2006	14/05/2007	Refused
10.2007.68.1	Use of machinery shed	26/03/2007	11/05/2007	Approved
10.2007.161.1	Use of dam	16/06/2007	05/08/2008	Deferred Commencement
10.2015.210.1	Temporary use of land for events	01/09/2015	16/10/2015	Withdrawn

Development Control Plan

The application was lodged on 30 March 2020, just prior to the commencement of the Development Control Plan 2020 on 4 April 2020. However, the application is subject the provisions of Development Control Plan 2012 since the savings and transitional

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provisions of the DCP 2020 require that an application lodged but not finally determined prior to the commencement of the plan, must be determined as if the DCP 2020 had not commenced.

Development Site

The property is described as Lot 1 DP 796950 which is located at 169 Willowvale Road, Willow Vale.

The overall site measures 20.27ha and is irregular in shape. The site currently contains Class 1 and Class 10 buildings and is bounded by residential and rural development containing principally dwellings, pasture and other agricultural practices.

Existing development on the site consists of a dwelling house, a 2-bedroom studio, garage, tennis court, freestanding deck/ pergola structure, swimming pool, stone retaining walls and a farm dam as shown in Figure 2.

The site is zoned RU1 Primary Production, E2 Environmental Conservation and E3 Environmental Management under Kiama LEP 2011. The proposed development is wholly located within the portion of land zoned RU1 Primary Production.

The location of the proposed secondary dwelling is pasture on a ridgeline that slopes moderately away from the proposed secondary dwelling to the north-east and south-west.

The site drains overland to the existing natural water courses located on the site.



Figure 1 – Locality Plan

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Figure 2 – Site Aerial Photograph (Source: *Nearmap*)

Access to the property is gained via direct frontage to Willowvale Road (ie a Public Road) with an informal access to the rear paddocks on the western boundary of the site. The site is not serviced by reticulated water or sewer and is currently serviced by electricity.

The site is subject to the following constraints:

- Bushfire affectation;

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- Services/easements;
- Areas mapped in Kiama LEP 2011 as terrestrial biodiversity, and riparian land and watercourses.

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Figure 3 – Location of secondary dwelling facing north to Willowvale Road



Figure 4 – Location of secondary dwelling facing east to Gerringong

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Figure 5 – Location of secondary dwelling facing south



Figure 6 – Location of proposed shed facing south

Description of the Proposed Development

The proposal involves the construction of a secondary dwelling, ancillary equipment shed and associated earthworks. The details of the proposed development are as follows:

- Secondary Dwelling:

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-
- 146.68m² secondary dwelling consisting of a pitched roof finished in colorbond cladding, monument in colour;
 - Solar powered electricity supply;
 - Gravel area adjacent to the proposed secondary dwelling with space for two (2) vehicles;
 - Vehicular access is gained from Willowvale Road with a proposed driveway to the dwelling approximately 430m in length;
 - Use of existing 30,000L water tanks and installation of 3 x 10,000L water tanks adjacent to the proposed shed.
 - Farm Shed:
 - 225m² floor area.
 - Height of 6.1m - 7.267m finished in colorbond cladding, monument colour.
 - The shed is proposed to provide storage for rural residential and primary production purposes, the storage of a water pump and batteries for a solar system being established in conjunction with this development.
 - Retaining wall to the south of the proposed shed varying in height from 400mm to 900mm.
 - Earthworks:
 - The proposal involves the removal of two stockpiles of earth sited between the proposed secondary dwelling and shed. The material was moved to its location as part of the construction of farm dams on the site. The materials measure 788m² in size and are proposed to be used on site to create a level pad for the proposed shed.

The details of the secondary dwelling is as follows:

Proposed Secondary Dwelling 146.68m² GFAGround Floor

- Bedroom 1 with ensuite
- Open plan kitchen, dining, living
- Galley style laundry and pantry
- Covered breezeway
- Bedroom 2 and 3 each with ensuite connected to main section of dwelling via breezeway

The proposal is shown in Figures 7-14 below:

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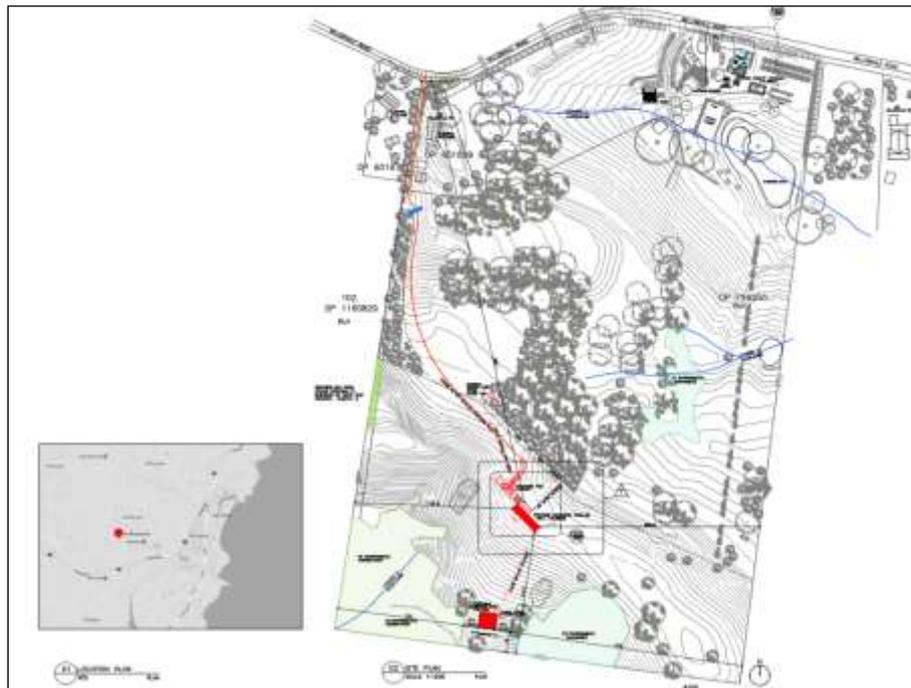


Figure 7 – site plan

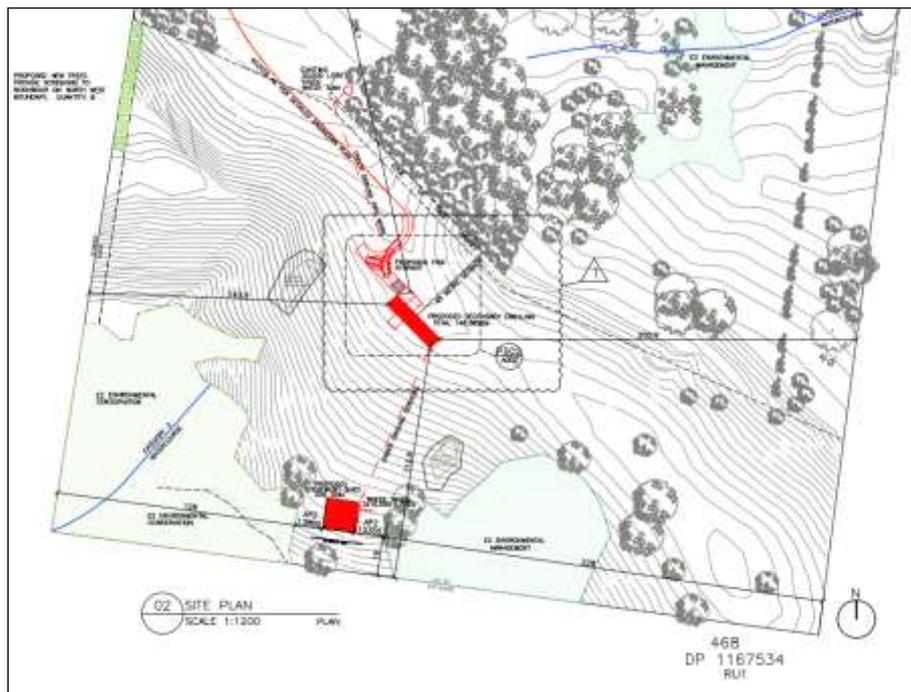


Figure 8 – site plan

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Figure 9 – north and south elevations (secondary dwelling)



Figure 10 – east and west elevations (secondary dwelling)

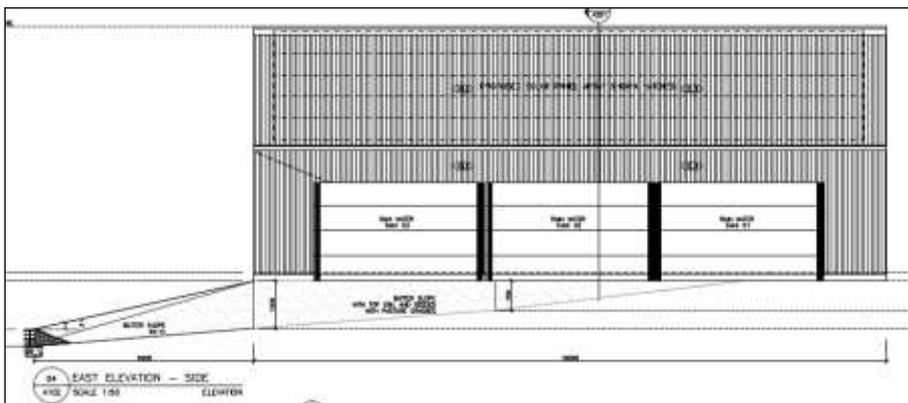


Figure 11 – east elevation (shed)

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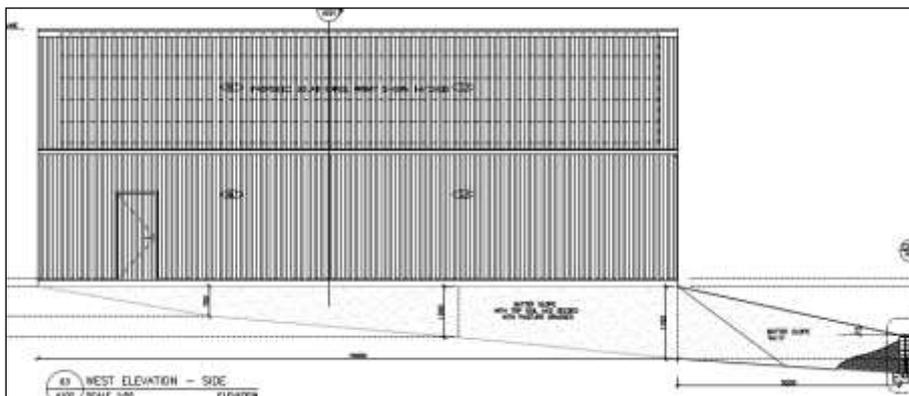


Figure 12 –west elevation (shed)

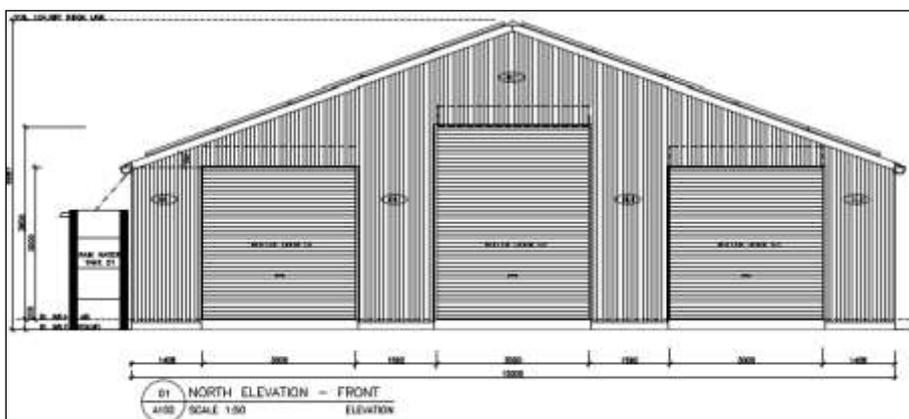


Figure 13 – north elevation (shed)

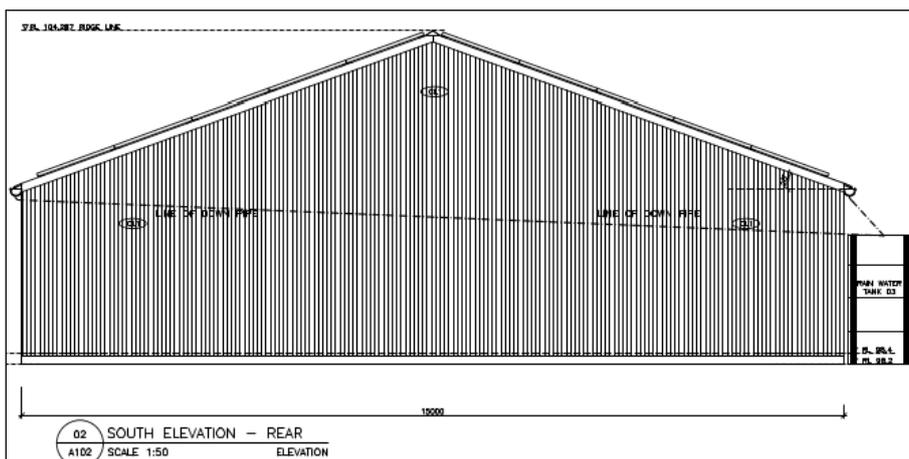


Figure 14 – south elevation (shed)

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.

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Relevant Environmental Planning Instruments

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

A BASIX Certificate (1075669S) was lodged for the new dwelling with the application which demonstrates that each dwelling has been designed in accordance with BASIX.

- State Environmental Planning Policy No 55 - Remediation of Land

Clause 7 of the SEPP No 55 requires Council to consider whether the land is contaminated and if it is contaminated if remediation works are required.

The applicant has stated that the land has been used for grazing only and that no chemicals have been used in conjunction with the grazing operation.

A site inspection of the property by Council officers did not show any structures (such as a cattle or sheep dip) that would suggest that potentially contaminating activities have occurred on the site.

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.

- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Clause 9 and 10 of the SEPP (Vegetation in Non-Rural Areas) 2017 outlines that consent is required for the clearing of certain vegetation in non-rural areas.

Council's Development Control Plan (DCP) 2012 outlines that certain trees can be removed without requiring consent.

No trees are proposed to be removed as part of this development.

- State Environmental Planning Policy (Primary Production and Rural Development) 2019

The SEPP (Primary Production and Rural Development) 2019 was gazetted on 28 February 2019 and simplifies the NSW planning system by consolidating, updating and repealing provisions in five former agriculture-themed SEPPs.

It supports the NSW's agricultural sector, which is a major contributor to the success of the NSW economy, providing exports and jobs. The aims of the policy are as follows:

- to facilitate the orderly economic use and development of lands for primary production,*
- 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,*
- 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,*
- to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage,*

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in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,

- (e) to encourage sustainable agriculture, including sustainable aquaculture,*
- (f) to require consideration of the effects of all proposed development in the State on 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.*

The proposed development is considered to be inconsistent with the aims 3(a) and (b) that underpin this policy as the proposed development will not facilitate the orderly use of lands for primary production.

Furthermore, it will likely give rise to land use conflicts with little opportunity for mitigation and the sterilisation of agricultural lands in favour of rural residentially focus.

- Kiama LEP 2011

Specific clauses requiring consideration:

Clause 2.3 - Zone objectives and Land Use Table

The location of the subject proposal is zoned RU1 Primary Production under Kiama LEP 2011.

The proposal is defined as a *secondary dwelling* and ancillary development including a shed and access driveway, under the provisions of LEP 2011, which are permitted with consent in the RU1 Primary Production 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.

The objectives of the RU1 Primary Production zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To protect agricultural land for long term agricultural production.*
- *To provide opportunities for employment-generating development that adds value to local agricultural production through food and beverage processing.*

It is considered that the proposed development is not consistent with the objectives of the RU1 Primary Production zone as the proposal:

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-
- does not encourage sustainable primary industry production by maintaining and enhancing the natural resource base; and
 - does not encourage diversity in primary industry enterprises; and
 - does not minimise fragmentation and alienation of resource lands. The proposed secondary dwelling is located in the middle of existing pasture currently containing livestock and fragments the land further through the construction of a 4m wide driveway exceeding 400m in length; and
 - does not minimise conflict between land uses within the zone as the proposal is not clustered and creates competing needs between residential amenity and agricultural practices; and
 - does not protect the land for long term agricultural production as the proposed development dissects the existing land being used for primary production purposes for residential purposes.

The proposed development is focused on rural residential purposes and results in a proliferation of dwellings/structures that do not contribute to the land being used for agricultural purposes. Furthermore, it will likely give rise to land use conflicts with little opportunity for mitigation and the sterilisation of agricultural lands in favour of non-rural development.

Clause 4.2A Erection of dwelling houses on land in certain rural and environmental protection zones.

Clause 4.2A does not apply to the proposed development as there is an existing dwelling house located on the property. A *secondary dwelling* is permissible with consent in the RU1 Primary Production Zone.

Clause 4.3 - Height of Buildings

Clause 4.3 does not apply to the proposed development as the site is not identified on the Height of Buildings Map.

Clause 4.4 - Floor Space Ratio

Clause 4.4 does not apply to the proposed development as the site is not identified on the Floor Space Ratio Map.

Clause 5.4 – Controls relating to miscellaneous permissible uses

Clause 5.4 lists considerations for proposals which involve miscellaneous permissible uses, in this case; secondary dwellings. Clause 5.4(9) outlines that total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60m²;
- (b) 100% of the total floor area of the principal dwelling.

The proposal complies with the objectives of the clause and as the proposed total floor area of the principal dwelling is 147m² and the total floor area of the proposed secondary dwelling is also 147m².

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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 or adjoining properties, therefore it is considered that the proposed development will not adversely impact on heritage.

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.

Clause 6.4 – Terrestrial Biodiversity

Clause 6.4 lists considerations for proposals which involve works within land identified as “Biodiversity Land”.

The proposed development is unlikely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land as the dwelling itself will not be constructed within land identified as “Biodiversity Land”. The reforming of the existing internal access road has been designed, sited and will be managed to avoid any significant adverse environmental impact. The proposal complies with the objectives of the clause.

Clause 6.5 – Riparian land and watercourse

Clause 6.5 lists considerations for proposals which involve works within proximity to watercourse.

Category 3 watercourses are present on the site.

The proposed development does not include works within 40m of the Category 3 watercourses on site. It is therefore unlikely that the development will have any adverse impact on watercourses or aquatic riparian habitats.

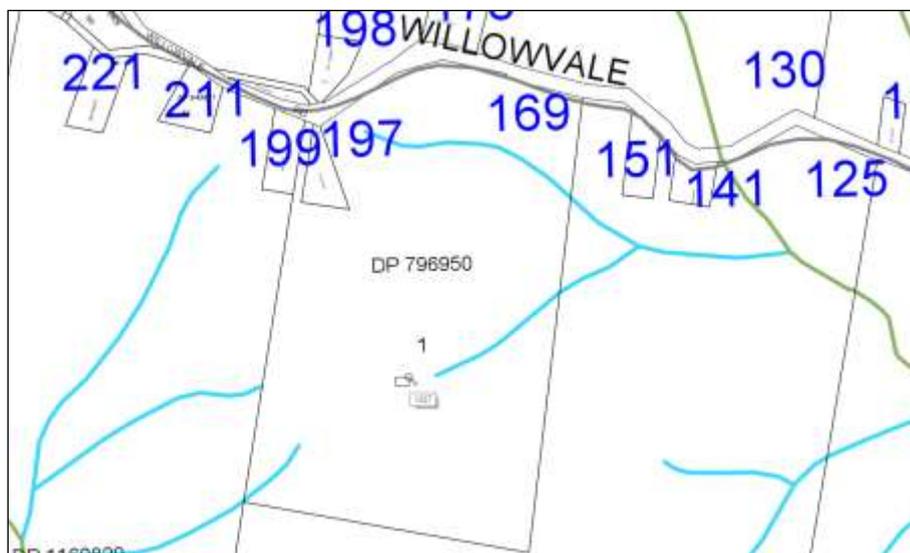


Figure 15 – Category 3 watercourses

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Clause 6.12 – Essential Services

Clause 6.12 states that development consent must not be granted unless the consent authority is satisfied that the following services that are essential for the proposed development are available or adequate arrangements have been made:

- (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.

The proposed development will be supplied with water via an existing 30,000L rainwater tank and 3 x 10,000L proposed rainwater tanks.

Electricity is proposed to be supplied to the development via a solar power system with battery storage located in the proposed shed.

Sewage is proposed to be managed and disposed of on site. An assessment report was submitted including recommendations on the size and type of system to be installed and concluded that there is adequate space on site for effluent disposal.

Stormwater is to be captured and stored on site in the proposed rainwater tanks. Access to the site is proposed via an existing access to Willowvale Road with a driveway constructed to bushfire requirements servicing the secondary dwelling.

The proposal satisfies the requirements of this clause.

Overall, the proposed development is permissible within in the RU1 Primary Production zone. However, the proposed development is considered to be inconsistent with Kiama LEP 2011 as it does not satisfy the aims of the plan nor is it consistent with the zone objectives of the RU1 Primary Production zone.

Any Draft Environmental Planning Instruments

The following draft State Environmental Planning Policies (SEPP) have been exhibited and are required to be considered:

- Draft SEPP (Environment)

The purpose of the Draft SEPP is to promote the protection and improvement of key environmental assets for their intrinsic value and the social and economic benefits they provide. The Draft SEPP proposes to integrate provisions from seven existing SEPPs relating to catchments, waterways, urban bushland and world heritage:

- State Environmental Planning Policy No 19 - Bushland in Urban Areas;
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011;
- State Environmental Planning Policy No 50 - Canal Estate Development;
- Greater Metropolitan Regional Environmental Plan No 2 - Georges River Catchment;

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-
- Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2-1997);
 - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;
 - Willandra Lakes Regional Environmental Plan No 1 - World Heritage Property.

The draft State Environmental Planning Policy (SEPP) - Environment 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 new SEPP will retain elements of SEPP 55, and add new provisions to establish a modern approach to the management of contaminated land. The overarching objective of SEPP 55 is to promote the remediation of contaminated land to reduce the risk of potential harm to human health or the environment. This objective remains relevant and will be replicated in the new SEPP. The key operational framework of SEPP 55 will be maintained in the new SEPP.

The proposed development is considered to be consistent with the requirements of the draft SEPP.

Kiama Development Control Plan 2012

The subject application was lodged on 30 March 2020. Kiama DCP 2020 became effective on 4 April 2020, therefore the Kiama DCP 2012 is the applicable DCP.

The proposed development is inconsistent with the objectives of Chapter 6 of the Kiama DCP 2012.

The non-compliances are addressed below:

Chapter 6 – Rural Development

Section 1 - Design and Siting Controls for Rural Dwellings/Alterations

Objectives

- *To ensure that rural housing and ancillary development is designed and sited to protect agricultural land.*
- *To ensure that all rural housing and ancillary development does not impact on existing and any possible future agricultural uses on the land on which it is sited or adjoining lands.*
- *To protect and maintain Kiama’s scenic rural landscapes and low density rural residential character.*
- *To minimise the impact of rural residential development on agricultural land and land occupied by native vegetation, endangered ecological communities and threatened species.*

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-
- *To minimise the potential for land use conflict between rural dwellings and agricultural activities carried out or likely to be carried out on adjoining land.*
 - *To protect rural residential amenity.*
 - *To protect rural heritage items and their rural landscape settings.*

Controls

- *A dwelling house, secondary dwelling or ancillary development or their building envelope must not be located on a ridge, saddle or knoll.*

The proposed development is located on a ridge/hill and is not sited to protect and maintain Kiama's scenic rural landscapes in circumstances where more suitable sites are available for the development.

The other sites on the property are considered more suitable because they are not located on a ridge/hill and do not undermine the protection of Kiama's scenic rural landscapes, are clustered with existing development, and do not result in the loss of agricultural land. This non-compliance is discussed further below under the heading "The Likely Impacts of the Proposed Development - Visual Impact".

The proposal does not comply with C7, C12, C14, C21 and C24 in Chapter 6 of the Kiama DCP 2012. The applicant submitted variation requests to C14 and C21 which have been summarised below. It is noted that a variation request was not submitted for all DCP non-compliances, however, a number of these controls have the same intent and the justifications provided by the applicant can be applied to each non-compliance.

C7 - Rural dwellings and ancillary development must be designed and sited to protect agricultural land; avoid/minimise their impact on the natural environment and the scenic landscape; and be clustered rather than dispersed over the property.

The proposal does not comply with this control, and the applicant provided the following written justification:

It is acknowledged that the proposal does not result in the clustering of development. The subject site is significantly constrained by a number of legislative and environmental constraints as well as significant existing infrastructure and improvements that warrant protection in the form of mature landscaped gardens which comprise mature trees and well-established gardens centred around an in-ground pool and tennis court and feature dam. Consideration of these constraints demonstrates that the proposed location is the best outcome in the development of a secondary dwelling that best addresses the competing constraints and results in the best planning outcome.

In addition to the above, and in consideration of other constraints that apply in the development of the site, other expert assessments demonstrate that the proposed location of the secondary dwelling enables compliance with Planning for Bushfire Protection 2019 and the submitted geotechnical assessment demonstrates that the site is suitable for the erection of a dwelling and the disposal of effluent and no special geotechnical constraints apply in this location.

Comment

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The proposed development is not clustered which results in a proliferation of non-rural structures dispersed over the property.

It is acknowledged that there are a number of environmental constraints on the property, however, this is to be expected of a site with both agricultural and environmental values.

In addition to environmental constraints, the siting of the proposal is also impacted by the existing development on the site including a dwelling, studio, barn, tennis court, farm dam, matured gardens and other ancillary structure.

If the only suitable location on the site is located over 400m from existing development and requires the construction of a 430m long 4m wide driveway through existing pasture used for grazing purposes, this suggests that the proposal is an overdevelopment of the site and has potential to change the nature of the site from agriculture to residential. The proposed variation is not supported.

Figure 16 below highlights the significant distance between the proposed developments and existing development on the site.



Figure 16 – aerial photograph (Source: SEE prepared by Cowman Stoddart Pty Ltd dated March 2020)

Council has refused similar applications also seeking to propose development that is not clustered. Development Application 10.2017.115.1 proposed a tennis court and pavilion located over 400m from existing development on the site but utilising the same

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access and driveway as the existing dwelling. The application was refused due to the proposal being located on a ridgeline, not being clustered with existing development, not protecting agricultural land and the shared access for ancillary development being too distant.

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

The proposal does not comply with this control, and the applicant provided the same justification listed above under control C7.

Comment

The proposed shed is located approximately 530m from the principal dwelling and does not utilise the same accessway. As discussed under C7, the applicant's proposed variation to clustering requirements is not supported by Council staff as it has an adverse impact on potential agricultural land and is considered to be an overdevelopment of the site.

C14 – Secondary dwelling must be located to minimise visual impact and the loss of agricultural land and taking into consideration:

- *Clustering with other buildings.*
- *Sites with low visual impact.*
- *Preference being given to sites with lower agricultural value.*
- *Sites should not require removal of vegetation.*
- *Preference is given to sites where land take for driveways is minimal.*

The proposal does not comply with this control, and the applicant provided the following written justification:

The proposal has been designed and sited to protect agricultural land by:

- *Ensuring that adequate setbacks are provided to existing and potential future agricultural land uses;*
- *By minimising the loss of agricultural land by utilizing an existing access and following as far as is practical existing fence lines;*
- *By removing stockpiled material having an area of 788 m² and rehabilitating this area to enable its agricultural use.*

The proposal does not adversely impact the existing or future agricultural use of the site which is minimal given the size of the site, and its limited capacity for agricultural use. The proposal has been carefully sited and designed to ensure that no impacts are incurred on native vegetation, endangered ecological communities, and threatened species. No vegetation will be removed to accommodate the secondary dwelling equipment shed, or access and the relevant asset protection zone.

The impacts on agricultural land are minimised by utilising an existing access way to Willowvale Road, which continues through the site to the location of the

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-

secondary dwelling following an existing fence line. Furthermore, overall impacts are minimised by the rehabilitation of land to enable its agricultural use.

The length of the access road is minimised, being aligned in the most direct manner, and following existing fence lines where practicable through the site.

Comment

See C7 for discussion regarding clustering of development.

It is noted that the proposal does not require the removal of vegetation, however, the siting of the proposed secondary dwelling, shed and driveway adversely impact on agricultural productivity/capacity on the land as well as not ensuring that land lost from agriculture for driveways is minimised.

The land is further fragmented through the piping required to connect the secondary dwelling to the existing 30,000L rainwater tank located adjacent to the proposed driveway, and connecting the secondary dwelling to proposed rainwater tanks adjoining the proposed shed.

Additionally, the site is not serviced by reticulated sewer, therefore, an onsite sewage management system is also required which will sterilise more agricultural land.

The submitted Geotechnical Assessment recommends an aerated waste treatment system (or similar) with disposal via irrigation over an area not less than 516m² or a septic tank system with evapotranspiration-absorption beds within the area shown in Figure 17 below:

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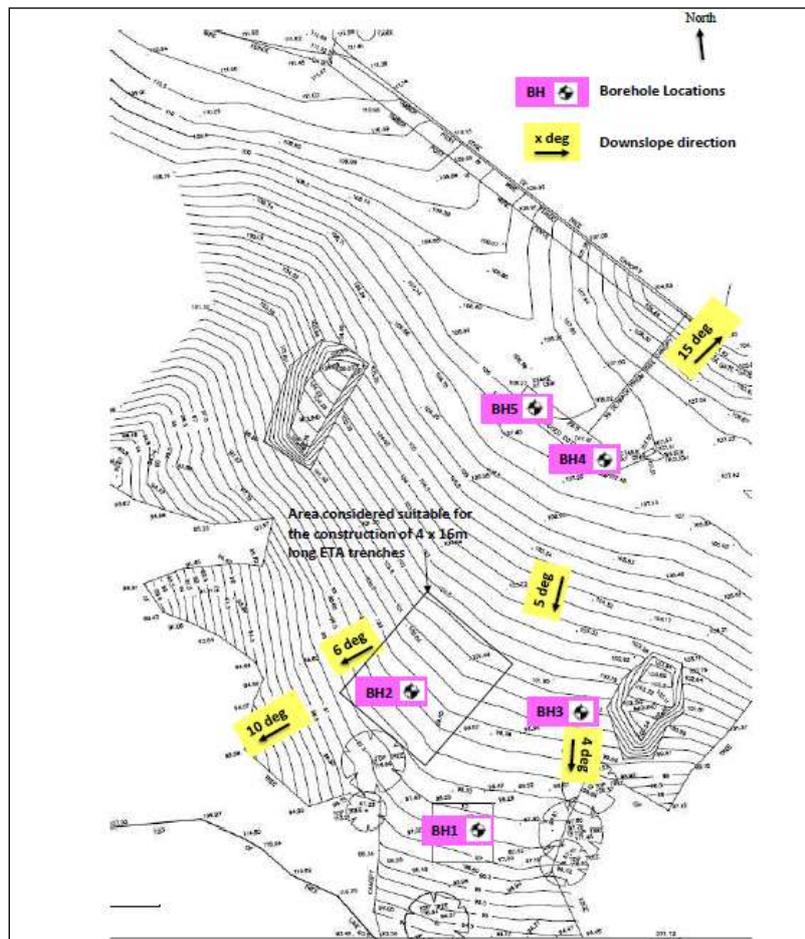


Figure 17 – sketched site plan showing area suitable for Sewage Management (Source: Onsite Disposal of Effluent Assessment prepared by Southern Geotechnics NSW)

The location in which effluent disposal will occur is rendered unusable and further fragments land suitable for agricultural purposes.

The applicant advances that there will be minimal impact upon potential agricultural land as the proposed driveway is an extension of an existing driveway largely following the existing fence line and an existing track.

This statement is considered to be simplistic and does not accurately represent the scale of the proposed driveway. The existing driveway servicing 197 Willowvale Road is approximately 60m long, leaving an additional 370m x 4m of land to be impacted to service the access for the secondary dwelling.

As stated in the applicant’s submission, the proposed driveway will follow the existing fence line and then continue along an existing track to the site of the proposed secondary dwelling. The proposed driveway will follow an existing fence line for approximately 100m, leaving 330m x 4m of driveway to be constructed dissecting existing paddocks.

Figure 18 below shows the location of the proposed driveway on the boundary between 169 and 199 Willowvale Road.

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Figure 18 – Location of Proposed Driveway facing north to Willowvale Road

Figure 19 below is an aerial photograph of the site and shows the existing track the applicant is referring to.

It can be seen that this existing track is informal in nature and is not comparable to the proposed 4m wide (with one 6m wide passing bay) driveway constructed to standards outlined in the relevant *Planning for Bushfire Protection 2019* publication.



Figure 19 – existing track

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The applicant states that the proposal does not impact future agricultural use of the site which is minimal given the size of the site and existing constraints.

Council staff do not consider this to be reasonable justification to further limit the agricultural capacity of the site through the construction of residential development and therefore the proposed variation is not supported.

C21 - Except as required to meet bush fire safety requirements in the particular circumstances of the land, only one access road to a lot or land holding is permitted to be connected to a public road. This does not apply to access to paddocks.

The proposal does not comply with this control, and the applicant provided the following written justification:

Vehicular access to the proposed development is via an extension of the existing access along the western boundary of the site, continues through the site generally following an existing track, and contains a passing bay in accordance with the recommendations of the Bushfire Protection Assessment.

The access way also services a neighbouring property and provides the only physical and practical access to that allotment, and as such, it will always exist, with the access being the subject of a right of way benefiting the adjoining land.

The proposed access will not require the removal of any vegetation, skirting around existing trees to enable their retention. The location of the proposed access does not cross identified watercourses. The proposed access exists in conjunction with three (3) other existing vehicular access points off Willowvale Road and which service the subject site being located generally in the vicinity of the existing dwelling. This land serves no other purpose but the provision of access for the subject site and adjoining land. In the event that it is unavailable for access, it is in effect sterilised from any use at all. Council's objection cannot be sustained.

Comment

It is acknowledged that the access point to be utilised by the development is existing, however, the nature of its current use is to provide access to 197 Willowvale Road via a right of carriageway, and provide farm vehicle access to paddocks located in the southern portion of the subject site.

As expressed in the control, it does not apply to access to paddocks.

The proposal seeks to increase the use of the access by an additional dwelling and therefore does not comply with this control and is not supported.

C24 - The location and design of an access road and services infrastructure must minimise the amount of land suitable or potentially suitable for agriculture being permanently lost for agricultural production.

See discussion and assessment against C14 for applicant's justification and the assessing officer's comments regarding potential loss of agricultural land.

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The proposal contains a number of significant non-compliances with the Kiama DCP 2012 and is not considered to achieve the objectives of the controls and is not supported.

Any Planning Agreement

Nil.

Any Matters Prescribed by the Regulations

- NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast

The proposal does not compromise the strategic actions or principles (Appendix C - Table 3) adopted within the *NSW Coastal Policy 1997*.

- Australian Standard AS 2601 - 1991: The Demolition of Structures

The proposal is not inconsistent with Australian Standard AS 2601 - 1991: *The Demolition of Structures*

- Clauses 93, 94 and 94A

The proposal does not involve a change of use or additions and alterations to an existing building, or the erection of a temporary building.

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 reasonable when considered in relation to the context of the site. The proposed development is setback more than 400m from the street and therefore will have minimal impact on the streetscape.

- Noise

Construction works will generate some noise, though conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours. No ongoing significant noise impacts are expected as a result of the development.

- Privacy and Overlooking

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

- Overshadowing

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The proposal is not considered to have an adverse impact in regard to overshadowing. The proposed secondary dwelling is single storey and is not within the immediate vicinity of other residential development.

- Visual Impact

The proposed development is located on a ridgeline and therefore has the potential for adverse visual impacts on the rural scenic landscape when viewed from public places and adjoining properties.

The applicant submitted a Photographic Visual Assessment (PVA) to support the siting of the proposed secondary dwelling. The Photographic Visual Assessment is included at Attachment 2 to this report. The applicant elected not to include the proposed shed in this assessment since it is located below the secondary dwelling and screened by existing vegetation.

It should be noted that the photographs in the PVA do not contain photomontages, so the visual impact of the development cannot be properly assessed from this information. The assessment is limited to an understanding of the potential visibility of the site of the secondary dwelling in the landscape, but the impact of the visual intrusion of bulk and scale of the approximately 5.2m high, and 30m long structure in the landscape has not been addressed in the study.

The following commentary is extracted from the applicant's submitted visual assessment:

The visual catchment of the proposed development is potentially substantial given the siting of development on the higher portion of the property. However, the site displays a number of characteristics that limits the visibility, and thereby prominence of development, in the form of:

- *site topography, particularly steeply sloping land that restricts views to certain areas and remnant mature vegetation; and*
- *established vegetation in the form of forested lands.*

Conclusion

Having regard to the Photographic Visual Assessment undertaken, it is considered that the siting and design of the proposed secondary dwelling will not result in significant visual impacts given that:

- *The subject site is zoned RU1 Primary Production under the provisions of the Kiama LEP 2011. It is noted that the objectives of the RU1 zone include sustaining and encouraging primary production and diversity in primary industry enterprises, minimising the fragmentation and alienation of resource lands, minimising conflict between land uses and conserving and maintaining agricultural land for agricultural production, and provide opportunities for employment generating development that add value to primary produce, the productive prime crop and pastureland, and the economic potential of the land. Nowhere do the zone objectives identify the need to protect visual amenity.*

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- *The Photographic Visual Assessment undertaken above demonstrates that the proposed secondary dwelling will not be unreasonably prominent in the landscape, is visible only from distances well separated from the actual site, and even then, the extent of vegetation largely filters views of the building.*
- *The proposed secondary dwelling has a simple architectural aesthetic, consistent with agricultural buildings, and this will be entirely consistent with that expected in rural areas.*
- *Also evident is the fact that the locality is one where dwellings, rural buildings and other commercial buildings are obvious in the landscape. The locality is not one that is void of other buildings/structures.*
- *In light of the above, it is considered that the simple architectural style, coupled with the use of darker colours that is proposed, will ensure that the secondary dwelling will be appropriate under the circumstances and will be absorbed into the landscape such that it will not be unduly prominent.*

The following figures are extracted from the applicant's submitted visual assessment:

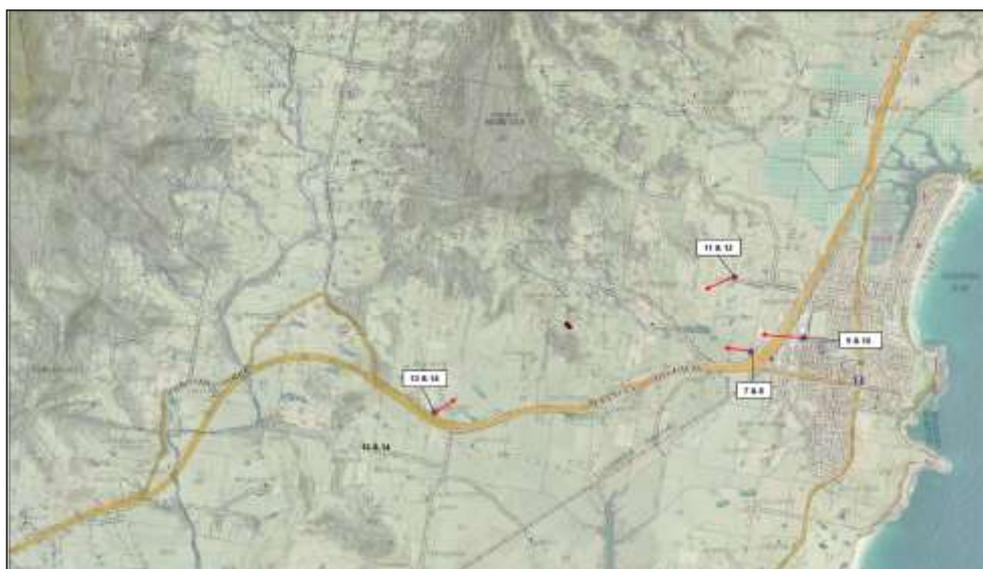


Figure 20 – location of photos for visual assessment (Source: Photographic Visual Assessment prepared by Cowman Stoddart Pty Ltd dated March 2020)

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Figure 21 –view from Sims Road/Princes Highway On-Off Ramp (Plate 7 of Photographic Visual Assessment prepared by Cowman Stoddart Pty Ltd dated March 2020)



Figure 22 – magnified view from Sims Road/Princes Highway On-Off Ramp (Plate 8 of Photographic Visual Assessment prepared by Cowman Stoddart Pty Ltd dated March 2020)

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Figure 23 – view from Nelson Street, Gerringong (Plate 9 of Photographic Visual Assessment prepared by Cowman Stoddart Pty Ltd dated March 2020)



Figure 24 – magnified view from Nelson Street, Gerringong (Plate 10 of Photographic Visual Assessment prepared by Cowman Stoddart Pty Ltd dated March 2020)

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Figure 25 – view from entrance to 89 Sims Road (Plate 11 of Photographic Visual Assessment prepared by Cowman Stoddart Pty Ltd dated March 2020)



Figure 26 – magnified view from entrance to 89 Sims Road (Plate 12 of Photographic Visual Assessment prepared by Cowman Stoddart Pty Ltd dated March 2020)

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Figure 27 – view from Princes Highway (Plate 13 of Photographic Visual Assessment prepared by Cowman Stoddart Pty Ltd dated March 2020)

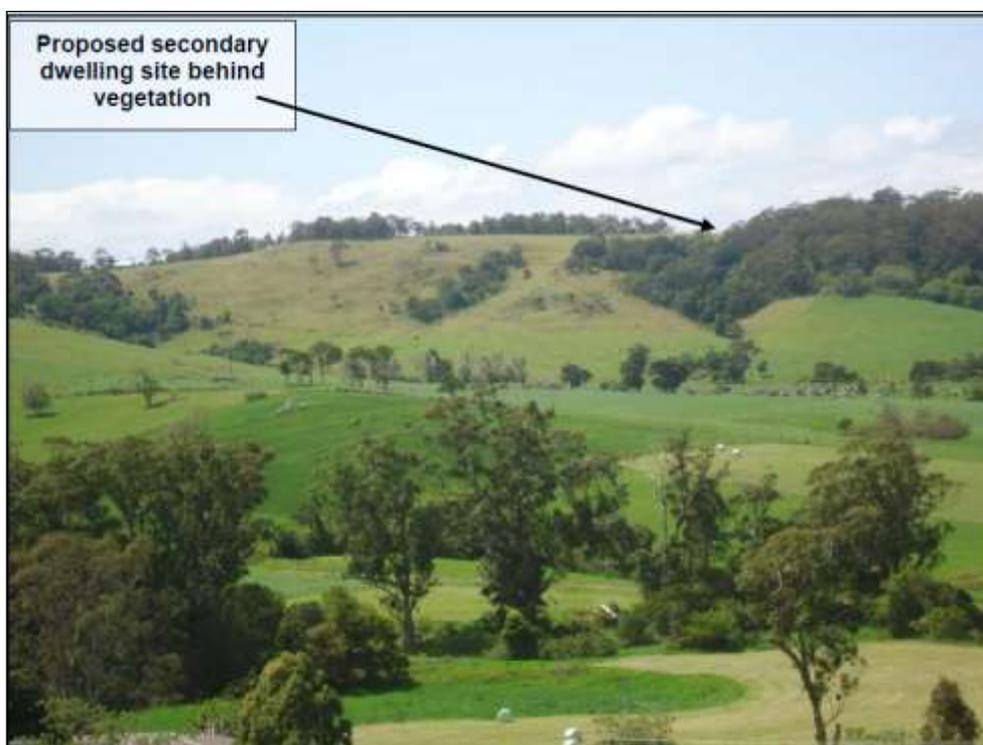


Figure 28 – magnified view from Princes Highway (Plate 14 of Photographic Visual Assessment prepared by Cowman Stoddart Pty Ltd dated March 2020)

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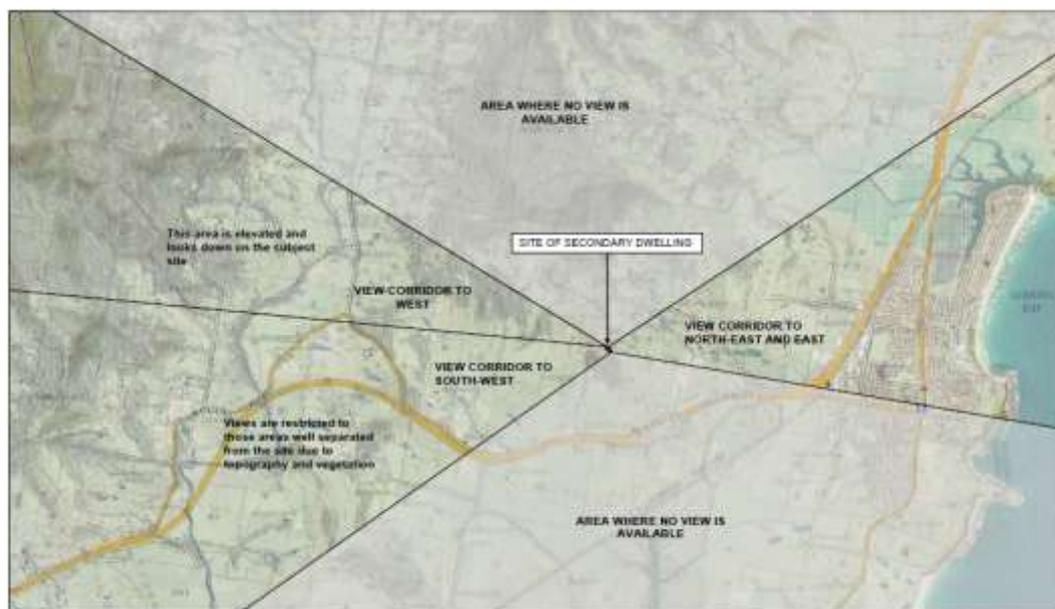


Figure 29 – visual catchment (Figure 4 of Photographic Visual Assessment prepared by Cowman Stoddart Pty Ltd dated March 2020)

Comment

Figure 20 identifies the locations surrounding the subject site where photos were taken to assess the visual prominence of the proposed secondary dwelling:

Figures 21 and 22 are taken from Sims Road/Princes Highway on-off ramp looking west towards the subject site and location of the proposed secondary dwelling.

The applicant claims that the proposed secondary dwelling will not be visible from this location due to the topography of the site and the differences in levels of the locations preventing views over the brow of the ridge.

However, assessment of the plans of the dwelling site indicate that its footprint is at RL 107.5m, and the brow of the ridge is at RL 108.5m. Whilst the structure is approximately 5.2 m high, only 1.0m is shielded by the brow of the ridge, and 4.2m of the structure will be visible in the landscape to the east of the site.

On this basis the applicants claim that the topography shields the visual impact of the structure in the landscape is a misrepresentation of the survey information submitted with the application. The Council staff assessment indicates that the structure will be visible.

Figures 23 and 24 are taken from Nelson Street, Gerringong (Gerringong Business Park) looking west towards the subject site and the location of the proposed secondary dwelling.

The applicant claims that the proposed secondary dwelling is unlikely to be visually prominent when viewed from this location due to the topography of the site preventing viewing over the brow of the ridge.

Again, however, assessment of the plans of the dwelling site indicate that its footprint is at RL 107.5m, and the brow of the ridge is at RL 108.5m. Whilst the structure is

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approximately 5.2 m high, only 1.0m is shielded by the brow of the ridge, and 4.2m of the structure will be visible in the landscape to the east of the site.

On this basis the applicants claim that the topography shields the visual impact of the structure in the landscape is a misrepresentation of the survey information submitted with the application, and the visual impacts of the development.

The Council staff assessment indicates that the structure will be somewhat more visible in Gerringong because the elevation of the viewer is at a higher level than the Sims Road/Princes Highway on-off ramp.

Views of the development from this location are distant and mitigation of the visual impacts through the architectural design of the secondary dwelling are considered unsubstantiated since the east facing windows will emit glare, and the structure will be visible.

The secondary dwelling is 5.2m high, and 6.6m wide with an east elevation approximately 25.6m² in area. Although the structure is single storey, the east elevation is constructed of metal cladding (in darker colours), with at least 20m² of its facade visible in the landscape protruding above the ridgeline. The structure will appear as a farm building on the ridgeline and is of minimal architectural quality.

Figures 25 and 26 above are taken from the entrance to 89 Sims Road looking south-west towards the subject site and location of the proposed secondary dwelling.

The proposed secondary dwelling will be visible from this location.

The submitted visual assessment states that the secondary dwelling will appear as an extension of the forest vegetation and will not be prominent.

Again, however, assessment of the plans of the site of the dwelling indicate its elevation is at RL 107.5m. When viewed from this location, the north elevation will be approximately 5.2m high and 29.5m long, so 150.4m² of the structure will be visible in the landscape to the north of the site.

Views of the development from this location are distant and mitigation of the visual impacts through the architectural design of the secondary dwelling appearing as an extension of the forest vegetation is considered unsubstantiated since the north facing windows will emit glare, and the full extent of the side of the structure will be visible.

Although the structure is single storey in nature, the north elevation is constructed of metal cladding (in darker colours), with at least 27m² of its north elevation containing glass sliding doors, and potentially highly reflective and visible in the landscape perched on the ridgeline. The structure will appear as a long farm building on the ridgeline, is of minimal architectural quality, and visually conspicuous, potentially significantly disrupting the scenic quality of the rural landscape from the north.

Figures 27 and 28 are taken from the Princes Highway looking north-east towards the subject site and the location of the secondary dwelling. The proposed secondary dwelling is highly visible from this location due to its elevated position on the ridgeline.

The applicant claims these views will be partially obstructed by existing vegetation and are distant views in the background landscape.

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Again, however, assessment of the plans of the site of the dwelling indicate that it is sited at an elevation of RL 107.5m.

When viewed from this location, the south elevation will be visible, and is approximately 5.2m high and 29.5m long, so 150.4m² of the structure will be visible in the landscape from the Princes Highway to the south of the site.

Views of the development from this location are distant and mitigation of the visual impacts through vegetated screen by existing trees is considered unsubstantiated since the Council staff site inspection revealed the highway is visible from the site of the dwelling and it is not wholly screened.

A photograph taken by staff from the location of the dwelling to the south, shows the Princes is clearly visible as shown below:



Figure 30 - site photograph – south view to Princes Highway

Although the structure is single storey in nature, the south elevation is constructed of metal cladding (in darker colours), with at least 27m² of its south elevation containing glass sliding doors, and potentially highly visible in the landscape perched on the ridgeline.

The structure will appear as a long farm building on the ridgeline, is of minimal architectural quality, and visually conspicuous, potentially significantly disrupting the scenic quality of the rural landscape at this gateway location into the Municipality from the south.

Overall, the visual impacts are considered detrimental and in combination with the undesirable precedence that they will set with respect to site planning in the primary production zone, and the loss and fragmentation of agricultural land, the impacts are considered unacceptable.

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12.2 10.2020.44.1 - Lot 1 DP 796950 - 169 Willowvale Road, Willow Vale - secondary dwelling, ancillary equipment shed and associated earthworks (cont)

In this case more suitable sites are available at the property that do not have adverse impacts on the scenic quality of the landscape and primary production capacity of the land.

- Vehicular Access, Parking and Manoeuvring

Sufficient car parking is proposed.

Manoeuvring is compliant with AS/NZS 2890.1 – 2004 and the driveway will comply with required gradients.

- Stormwater Management

A satisfactory drainage design has been provided with the application.

All stormwater from the dwelling will be piped to the 3 x 10,000L rainwater tanks adjacent to the proposed shed which will be fitted with an overflow pipe leading to a pit and 2 x 4.5m long drains. Council's Subdivision and Development Engineer raised no objections to the proposed stormwater management system.

- Environmental Impacts

Vegetation Removal – The submitted application states that no vegetation is to be removed as part of the proposed development.

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

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

Impact on Water Resources – Rainwater tanks will be provided, as required by BASIX. Stormwater will be conveyed to the proposed rainwater tanks. Controls will be implemented during construction to minimise sedimentation.

- Social and Economic Impacts

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

The Suitability of the Site for the Development

The proposal does not fit within the landscape, and the settlement pattern in the locality and the site attributes are not considered to be conducive to the proposed siting of the 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

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12.2 10.2020.44.1 - Lot 1 DP 796950 - 169 Willowvale Road, Willow Vale - secondary dwelling, ancillary equipment shed and associated earthworks (cont)

period two submissions were received. One additional submission was received during this period but was later withdrawn.

Additionally, a further submission was received after the notification period and therefore was not counted to the total number of submissions being 2. The submissions raised the following (summarised) matters of concern:

	Objection	Assessment Officer's Comment
Item 1	Clustering of Development	<p>Submissions received during the notification period and correspondence received outside of the notification period have raised significant concerns regarding the lack of clustering of development proposed in this application and the associated impacts including loss of agricultural land, impact on views/scenic amenity and the requirement for new access to the site.</p> <p>Council staff share concerns regarding the lack of clustering in the proposal and the potential impacts of this.</p> <p>As discussed in Kiama DCP 2012 section of this report, the lack of clustering leads to potential land use conflicts, fragmentation of agricultural land, potential impacts on rural amenity and provides an indication to Council staff that the proposal results in an overdevelopment of the site.</p> <p>Furthermore, it is considered that such constraints are not a suitable justification to abandon the relevant controls and otherwise indicate that the site is not suitable for the proposed development.</p> <p>In their submission, the applicant has stated that co-location of the proposed development with existing development on the site is not possible due to site constraints such as topography, bushfire prone land, watercourses, vegetation removal and the location of existing development.</p> <p>The assessment indicates that the site constraints can be avoided by siting the secondary dwelling in the north-east corner of the site adjacent Willowvale Road which will cause minor loss of some gardens that already are not used for agricultural purposes.</p>
Item 2	Permissibility	A submission has raised question over the permissibility of a secondary dwelling due to the site being under the

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12.2 10.2020.44.1 - Lot 1 DP 796950 - 169 Willowvale Road, Willow Vale - secondary dwelling, ancillary equipment shed and associated earthworks (cont)

	Objection	Assessment Officer's Comment
		<p>minimum lot size. A secondary dwelling is a permissible land use within the RU1 Primary Production zone, and Kiama LEP 2011 does not contain a requirement for the lot to be of a certain size for a secondary dwelling. The site contains an existing dwelling and therefore a secondary is permissible.</p>
Item 3	Traffic Impacts	<p>Submissions received raised concerns regarding the potential traffic impacts associated with the proposal.</p> <p>Concerns related to the single lane rural nature of Willowvale Road and the increase in usage impacting upon safety of drivers using the road.</p> <p>The application was referred to Council's Subdivision and Development Engineer who raised no concerns regarding traffic generation.</p>
Item 4	Commercial Nature/Intended Use	<p>Submissions received raised concerns regarding the commercial nature of the existing and possible commercial nature proposed development on the site leading to land use conflicts given the rural nature of the locality.</p> <p>It is noted that Clause 6.10 of Kiama LEP 2011 allows for short-term rental accommodation to be undertaken without development consent and is not a matter for consideration in the subject application.</p> <p>The subject application is for a secondary dwelling and an ancillary shed. Commercial uses are not being proposed as part of this application, and therefore commercial uses (that require development consent) are not considered part of this application.</p> <p>As discussed throughout this report, Council staff consider the proposal unreasonably results in the site characteristics changing from that of primary production to a rural-residential focus.</p>
Item 5	Loss of Agricultural	<p>Submissions received raised concerns regarding the potential fragmentation and loss of agricultural land in</p>

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12.2 10.2020.44.1 - Lot 1 DP 796950 - 169 Willowvale Road, Willow Vale - secondary dwelling, ancillary equipment shed and associated earthworks (cont)

	Objection	Assessment Officer's Comment
	Land & Land Use Conflicts	<p>favour of residential development creating land use conflicts.</p> <p>Council staff consider these concerns to be valid and agree that the proposed development has the potential to fragment agricultural land and reduce its capacity for primary production purposes in favour of residential development.</p> <p>Throughout consultation and creation of the Kiama Local Strategic Planning Statement 2020 (LSPS), the protection of existing agricultural land for farming was identified as a key priority and area of importance for the community. Input from the community was an integral component throughout the creation of the LSPS.</p> <p>The subject application is in direct contrast to the values of the community and is not considered to be in the public interest for these reasons.</p>
Item 6	Access and Driveway	<p>Submissions received raised concerns regarding potential privacy/amenity loss due to the proposed driveway and additional usage of the existing access.</p> <p>Submissions included concerns regarding the visual amenity impacts of the proposed driveway on adjoining properties and properties within the vicinity of the development.</p> <p>Figure 16 located earlier in this report depicts the location of the proposed driveway adjacent to 199 Willowvale and the existing vegetation currently screening the property.</p> <p>The submitted SEE states that no vegetation is to be removed as part of the application, therefore it is considered that the existing vegetation will partially screen a portion of the proposed driveway adjoining 199 Willowvale Road.</p> <p>Concerns have been raised regarding potential visual impacts on properties on Willowvale Road as a result of the proposed driveway.</p>

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12.2 10.2020.44.1 - Lot 1 DP 796950 - 169 Willowvale Road, Willow Vale - secondary dwelling, ancillary equipment shed and associated earthworks (cont)

Objection	Assessment Officer's Comment
	<p>Properties to the west of the subject site are unlikely to be unreasonably impacted upon by the proposed development in regard to visual impacts.</p> <p>The proposed driveway will largely be screened by the existing vegetation on the western fence line.</p> <p>Further screening in the form of trees will be planted to mitigate any potential impacts.</p> <p>This screening/planting is shown in Figure 31 below extract of the submitted site plan:</p>

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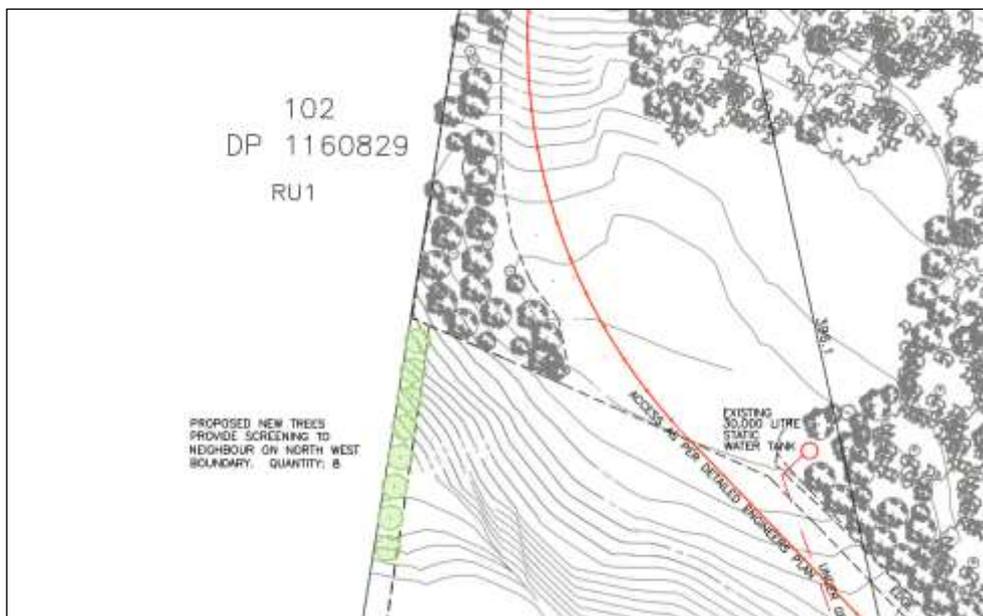


Figure 31 – site plan showing proposed tree planting on the western boundary

External Referrals

The application was referred to the following State Government Departments:

- NSW Rural Fire Service (RFS)

The application was referred to the NSW RFS in accordance with Clause 55(1) of the EPA Regulation 2000.

The NSW RFS did not support the proposal due to non-compliance with Planning for Bushfire Protection 2019.

The applicant submitted amended plans and an amended Bushfire Assessment Report addressing the issues raised by the NSW RFS.

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12.2 10.2020.44.1 - Lot 1 DP 796950 - 169 Willowvale Road, Willow Vale - secondary dwelling, ancillary equipment shed and associated earthworks (cont)

The application was re-referred to NSW RFS who raised no objections to the amended proposal subject to conditions of consent should consent be granted.

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.

- Environmental Health Officer

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

- GIS Officer

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

- 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 inconsistent with the aims of Kiama LEP 2011, the objectives of the RU1 Primary Production Zone, and the objectives and controls of Kiama DCP 2012.

The proposed development is not in the public interest since the relevant objectives and controls of the Development Control Plan 2012 have been consistently applied by the Council since its adoption and have not been abandoned and should be given determinative weight.

In these circumstances the approval of this application would set an undesirable and unacceptable planning precedent for other future rural/residential development in rural zones, which would result in dispersed ancillary development in the rural and environmental zones throughout the Municipality fragmenting and sterilising agricultural land, and disrupting the scenic quality of the rural zone with development on ridgelines, saddles and knolls.

The proposal is therefore not considered to be in the public interest and should be refused.

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12.2 10.2020.44.1 - Lot 1 DP 796950 - 169 Willowvale Road, Willow Vale -
secondary dwelling, ancillary equipment shed and associated earthworks
(cont)

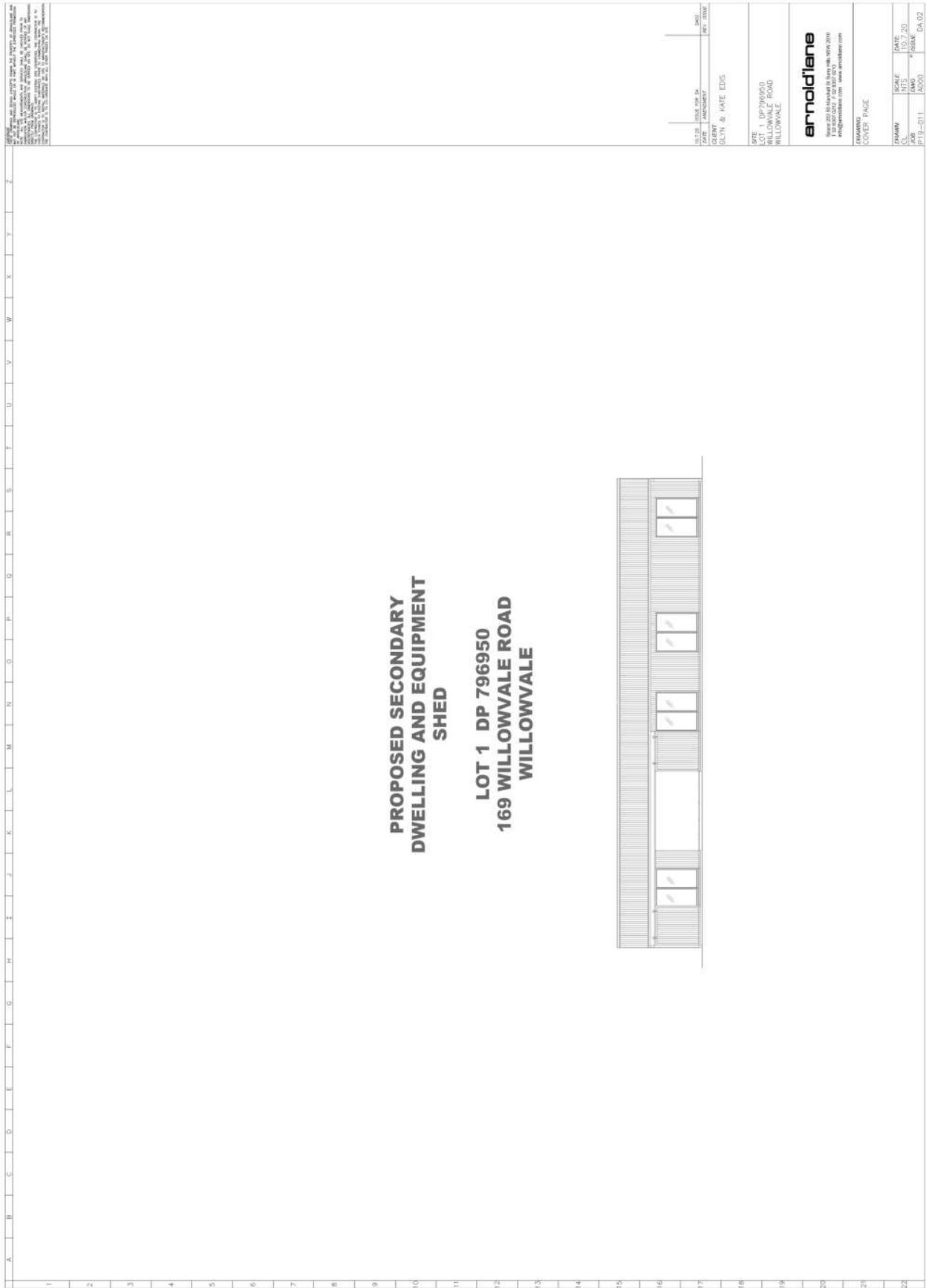
Final Comments and Conclusions

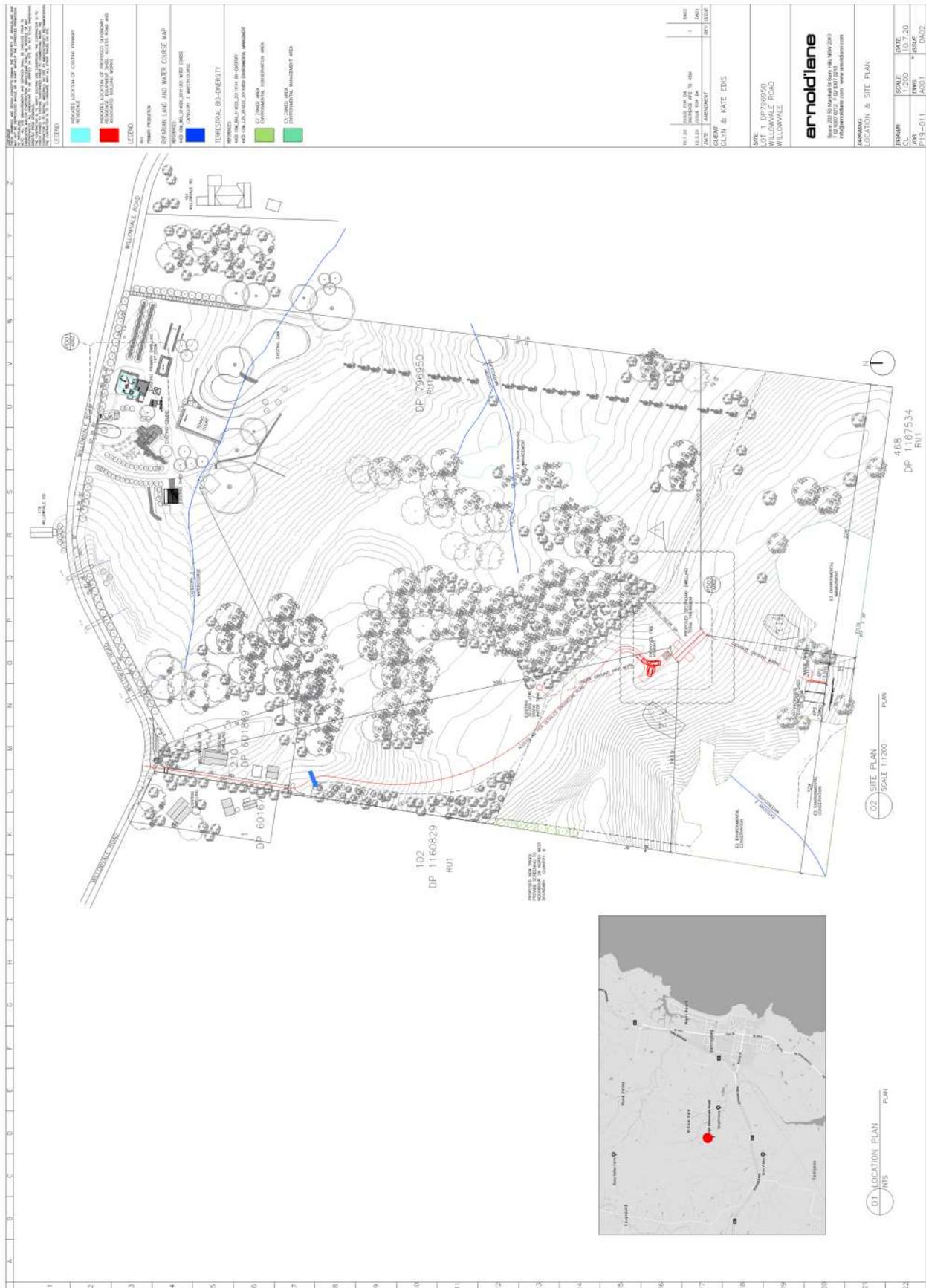
The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposal is inconsistent with the aims of Kiama LEP 2011, the objectives of the RU1 Primary Production Zone and relevant Kiama DCP 2012 Chapters.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised. Concerns raised in submissions have been considered and warrant refusal of the application.

The proposed development is unreasonable and refusal is recommended.

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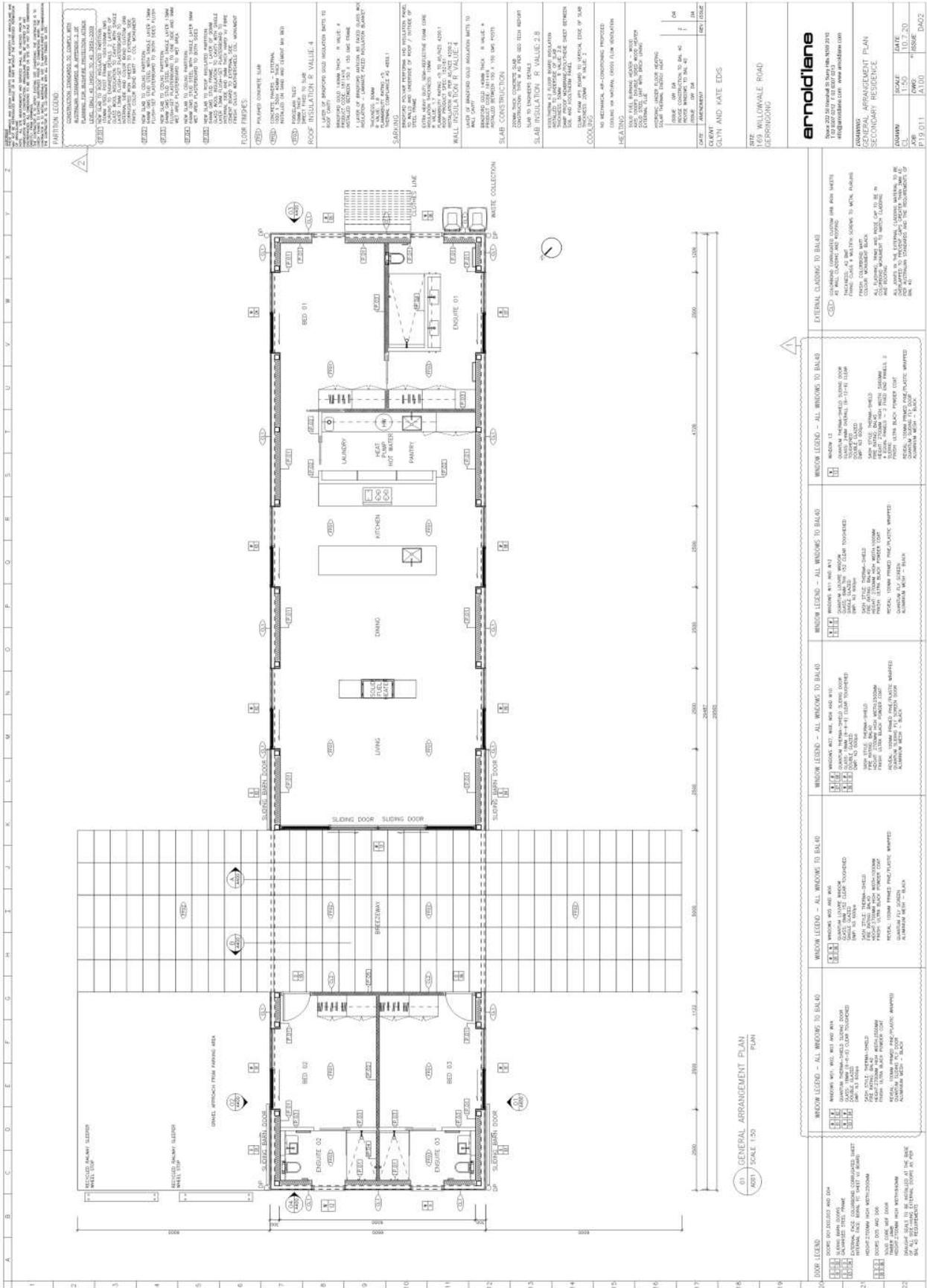


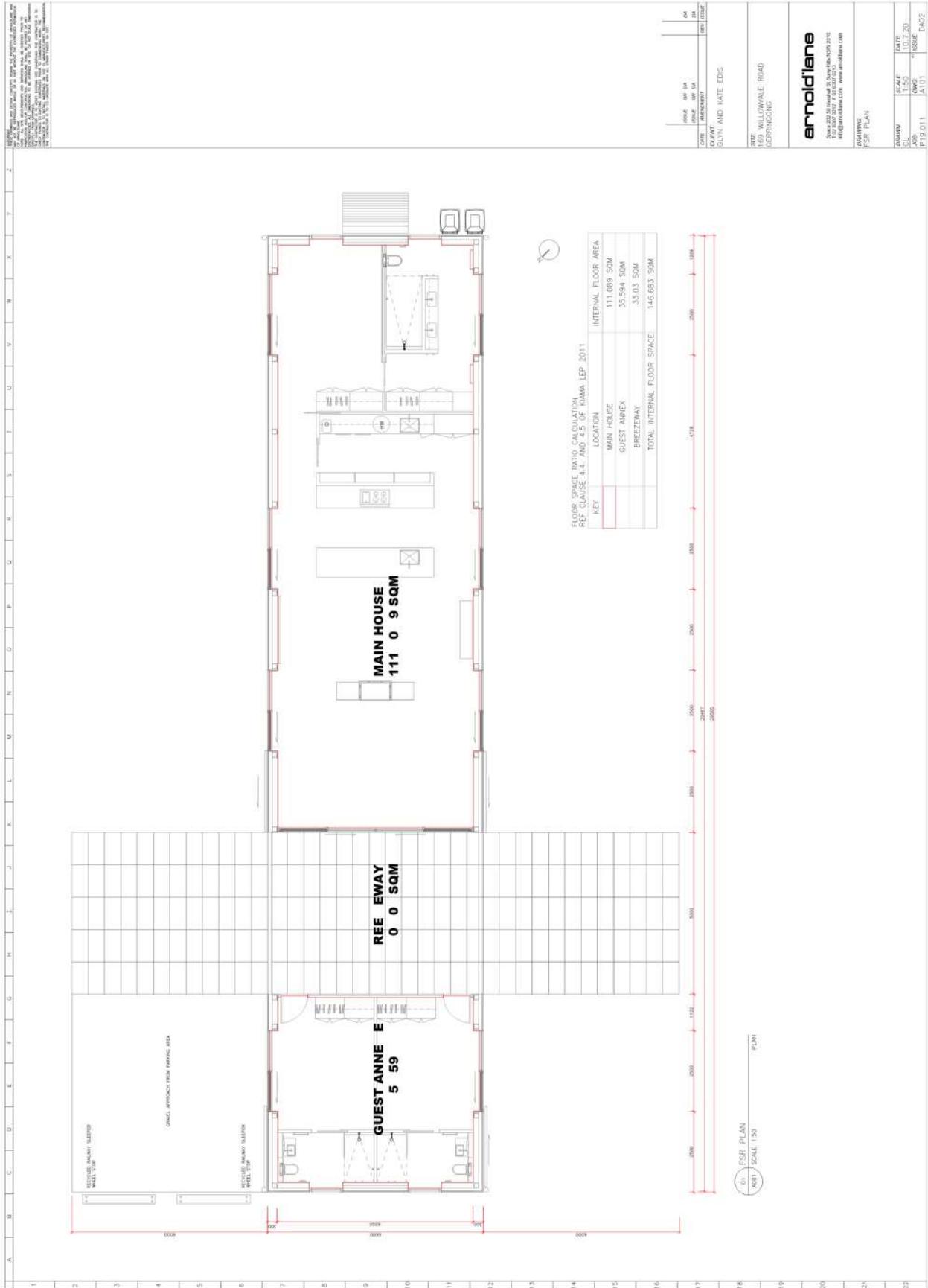


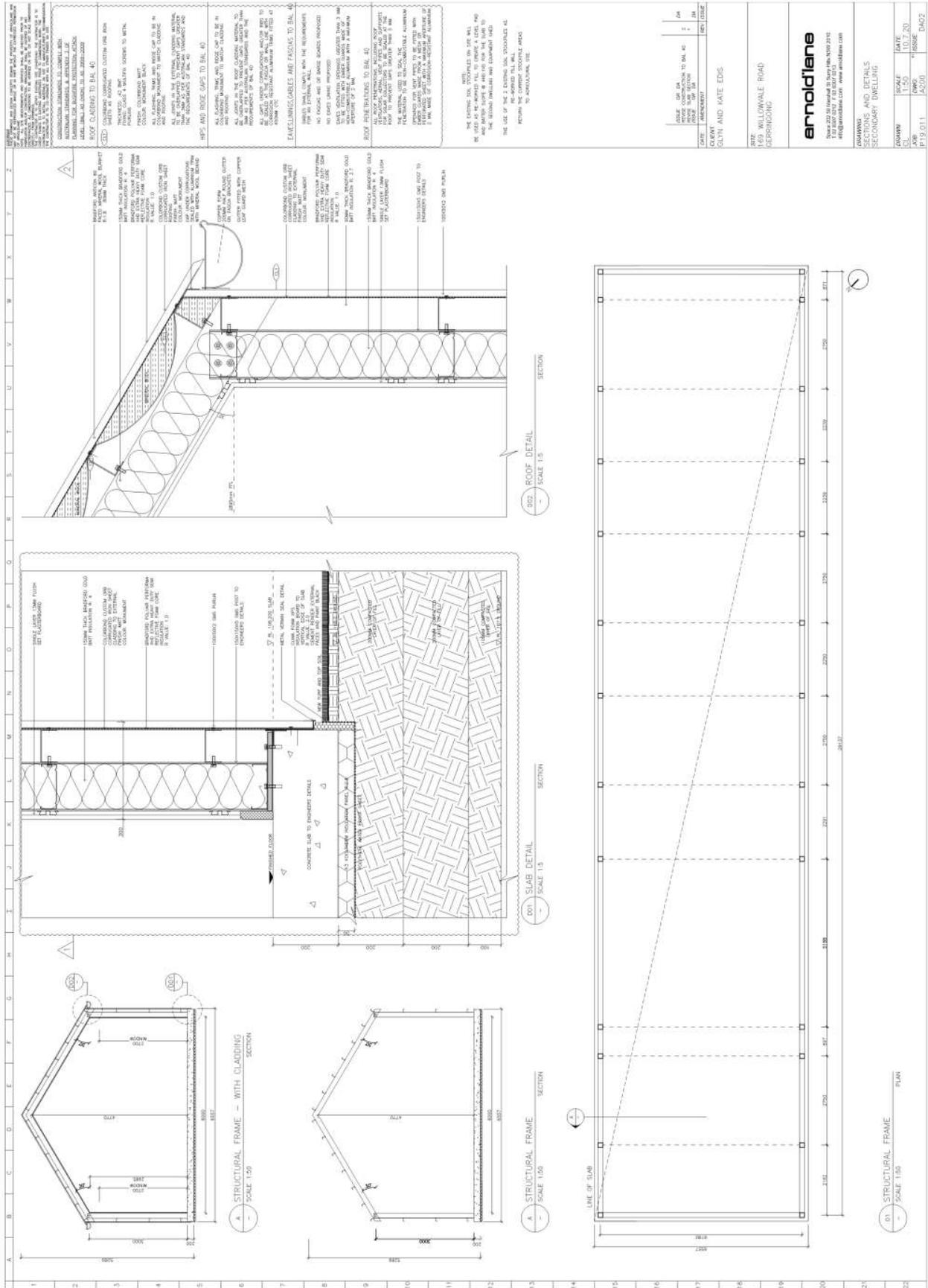
Attachment 1 Item 12.2

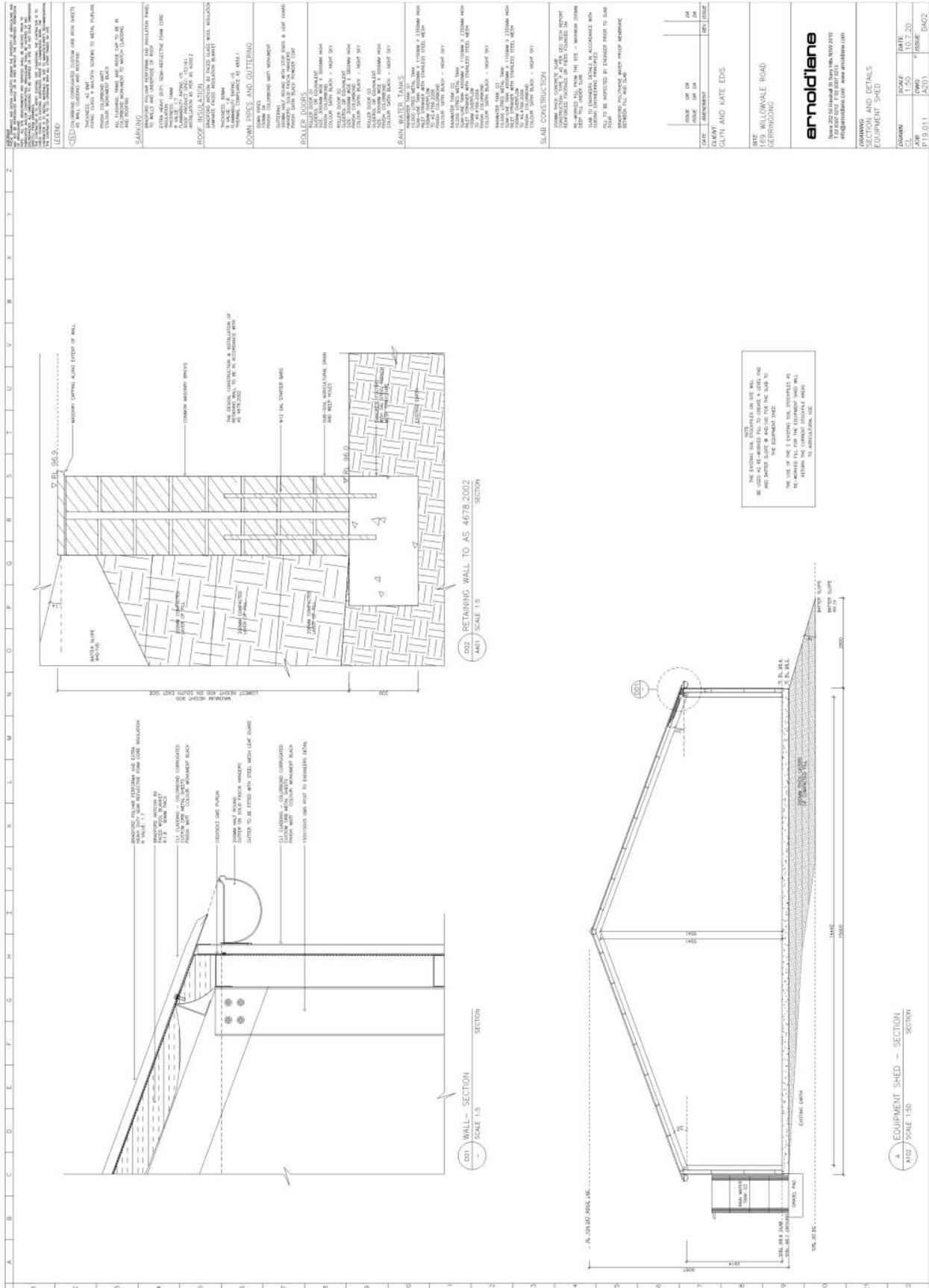


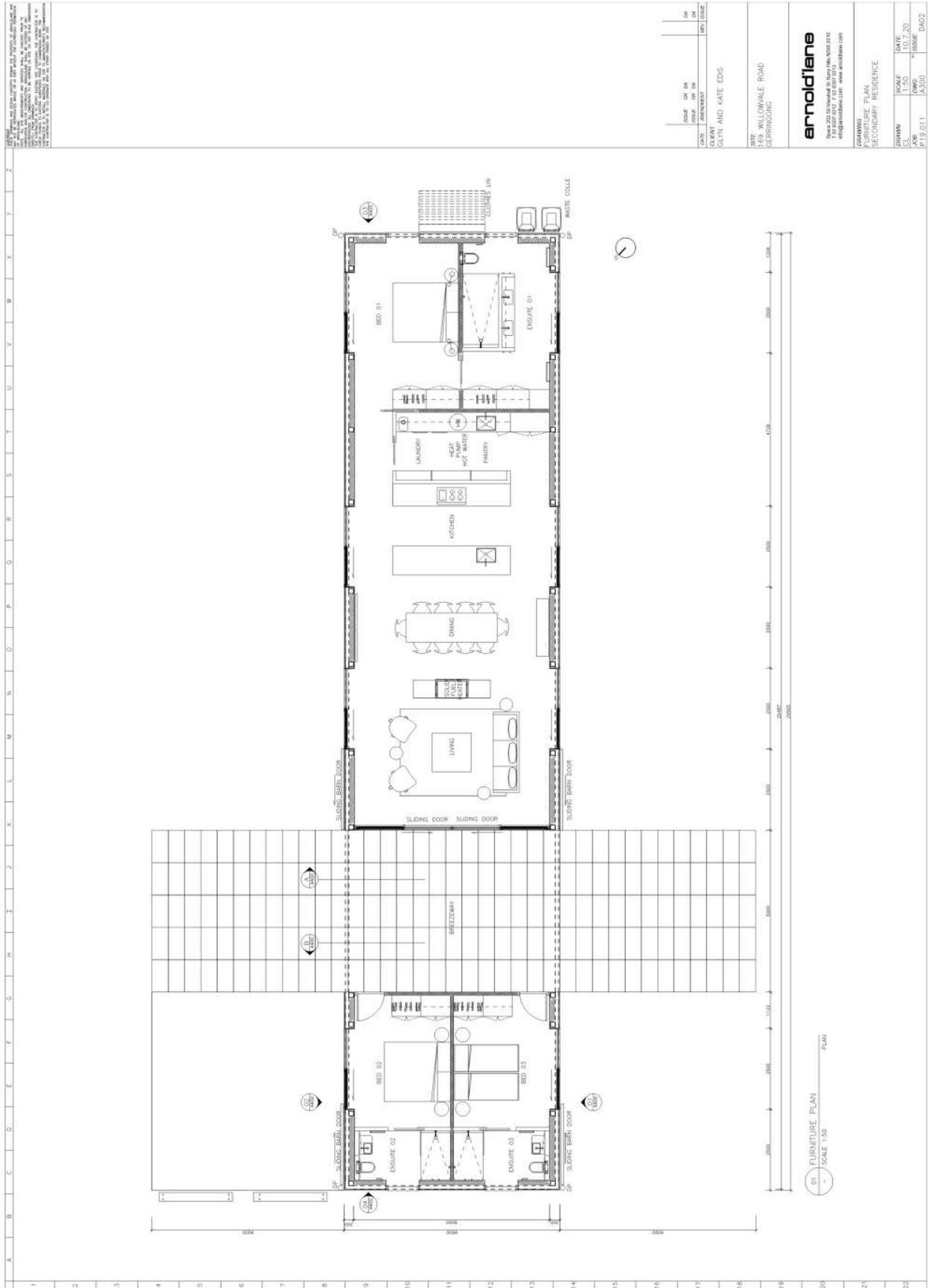


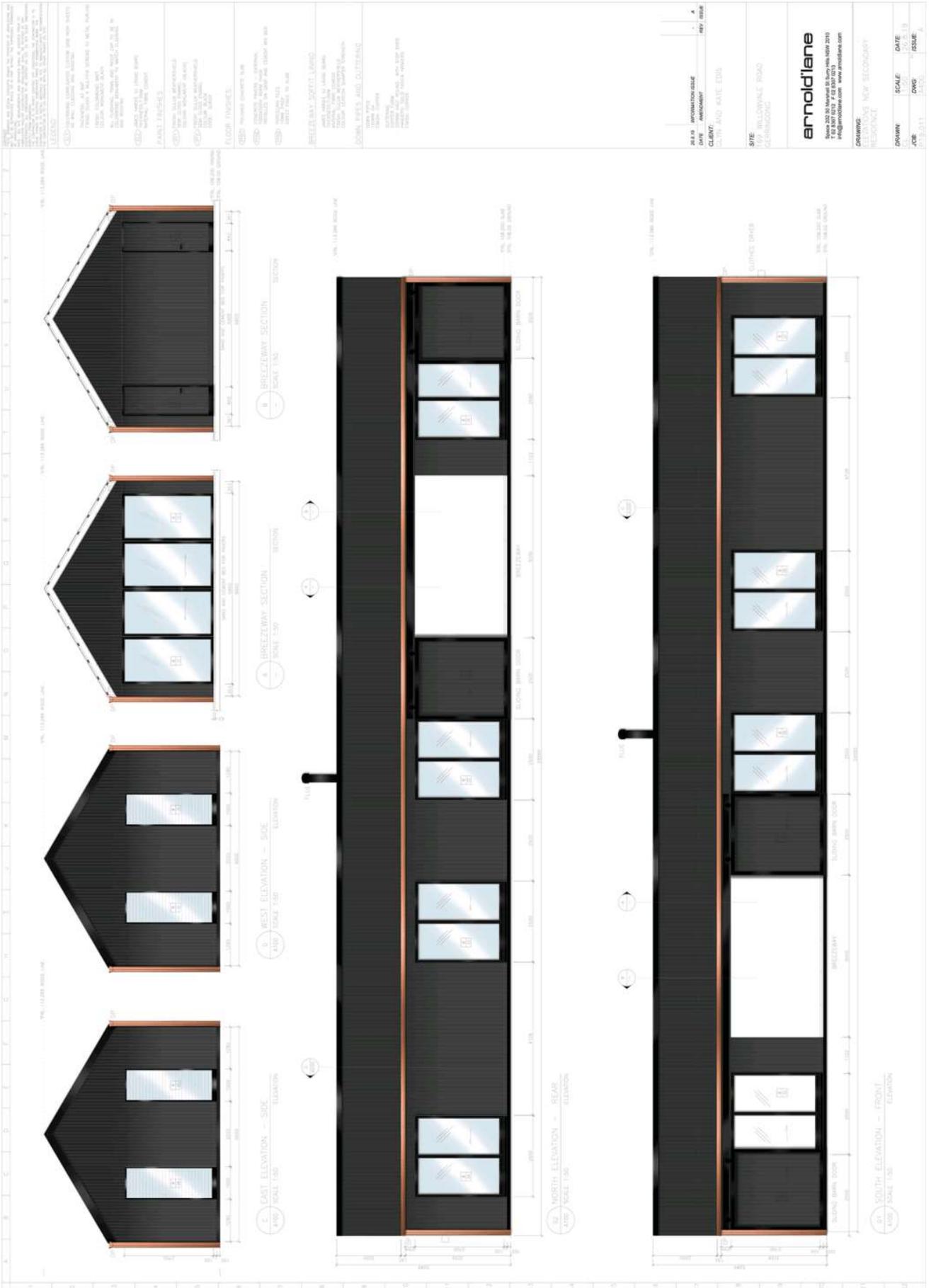


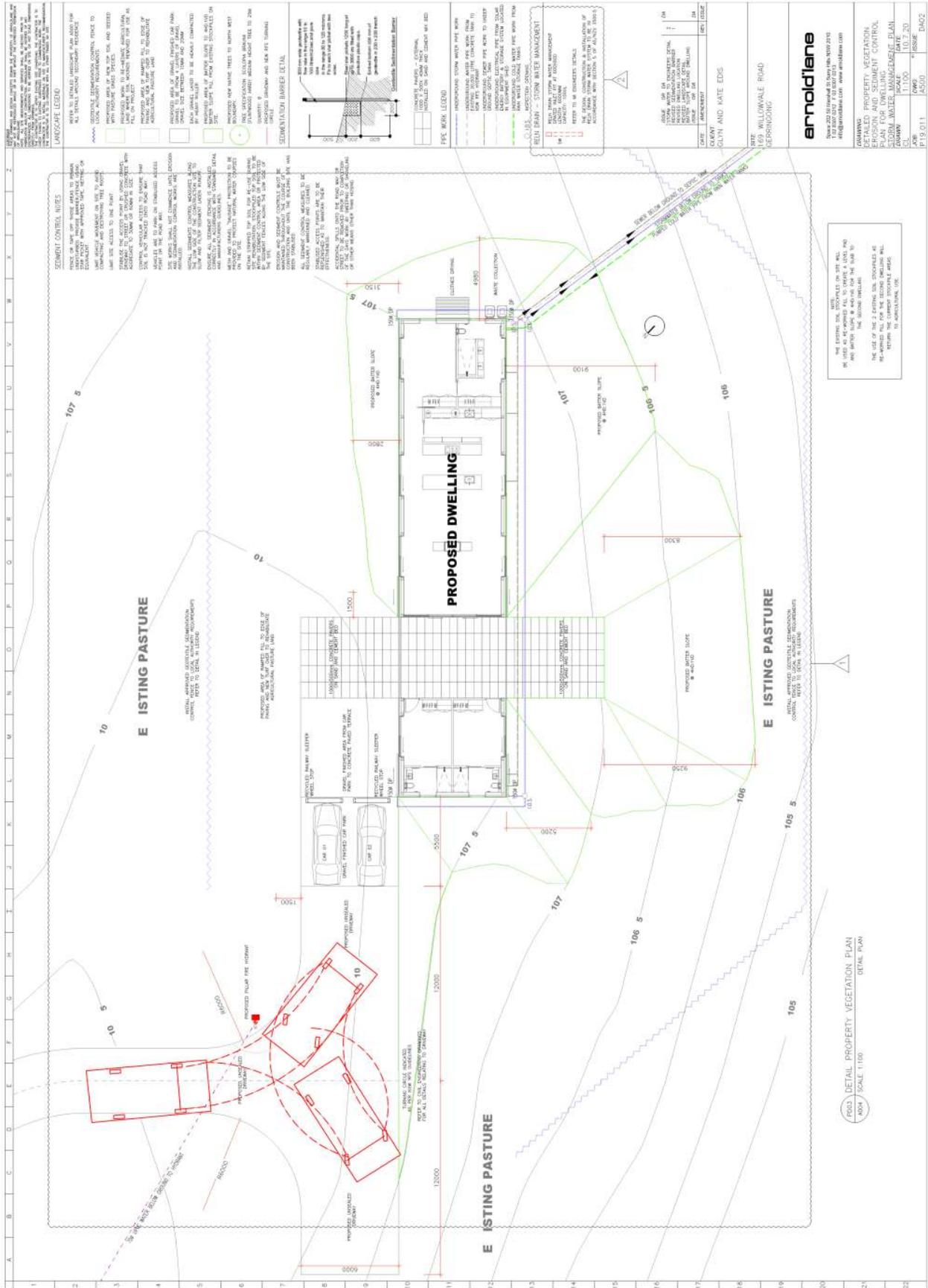












12.3 Housekeeping Amendments to Kiama Local Environmental Plan 2011 to address mapping anomalies

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

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

Delivery Program: 2.1.1 Develop and implement appropriate land use plans

Summary

This report seeks Council's endorsement to prepare a 'housekeeping' Planning Proposal (PP) to make amendments to the *Kiama Local Environmental Plan (LEP) 2011* which will incorporate:

- Annotating land zoned SP2 Infrastructure for the correct purpose in accordance with the types of infrastructure defined within *State Environmental Planning Policy (Infrastructure) 2007* and *Standard Instrument Local Environmental Plan*;
- Rezoning Public Reserves, which are incorrectly zoned, from residential, rural and environmental zones to RE1 Public Recreation;
- Rezoning of 20 Eddy Street, Kiama, from SP2 Infrastructure to B2 Local Centre to facilitate the adaptive reuse of the site for the purposes of a community facility (Kiama Men's Shed); and
- Rezoning of 133 North Kiama Drive, Kiama Downs, which is incorrectly zoned, from R2 Low Density Residential to SP2 Water Supply System.

Finance

Subject to endorsement by Council, the Planning proposal will need to be exhibited in accordance with legislative requirements and Council policy. This would require payment for advertising in the local newspaper.

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. Council's *Planning Proposal Policy* states that Council will only prepare a maximum of two (2) 'housekeeping' PP's per calendar year. Should Council resolve to undertake this PP, it will be the first of the calendar year and therefore consistent with this policy.

Consultation (Internal)

Internal consultation with Council's Property team, regarding Council's reserves, has occurred.

Communication/Community Engagement

Should Council support the preparation of the PP, the Gateway Determination (if granted) 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*.

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12.3 Housekeeping Amendments to Kiama Local Environmental Plan 2011 to address mapping anomalies (cont)

Attachments

- 1 Attachment A - SP2 zoned land incorrectly annotated [↓](#)
- 2 Attachment B - Land to be rezoned RE1 Public Recreation [↓](#)
- 3 Attachment C - State Agency owned land [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council

1. Endorse the preparation of a Planning Proposal for housekeeping amendments to the Kiama LEP 2011 to:
 - a. Amend land use annotations for land zoned SP2 Infrastructure;
 - b. Rezone Public Reserves to RE1 Public Recreation;
 - c. Rezone 20 Eddy Street, Kiama, from SP2 Infrastructure to B2 Local Centre; and
 - d. Rezone 133 North Kiama Drive, Kiama Downs, from R2 Low Density Residential to SP2 Infrastructure – Water Supply System.
2. Forward the Planning Proposal to the Department of Planning, Industry and Environment for Gateway Determination.
3. Request plan-making delegations from the Department of Planning, Industry and Environment.

BACKGROUND

The purpose of the 'housekeeping' PP is to ensure land zoned SP2 Infrastructure contains the correct annotation on the Land Zoning Map, to ensure Public Reserves are appropriately zoned and to ensure sites owned by state agencies such as Transport for NSW and Sydney Water are zoned appropriately. The following background is provided for the proposed amendments:

- SP2 Land

It has become apparent through the application of the LEP that a number of parcels of land zoned SP2 Infrastructure have been annotated incorrectly on Land Zoning Maps in the Kiama LEP 2011. LEP practice note PN 10-001 provides guidance to Councils on zoning infrastructure land in standard instrument LEP's. *Principle 4.2 – Generic land use map annotations* within the practice note states that the land use annotations on the Land Zoning Map should use the infrastructure categories contained within the Infrastructure SEPP or the Standard Instrument dictionary, rather

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12.3 Housekeeping Amendments to Kiama Local Environmental Plan 2011 to address mapping anomalies (cont)

than the specific type of infrastructure. An example of this is 206 and 210 Terralong Street, Kiama (Figure 1) as shown below:



Figure 1 - Current Zoning Annotation of 206 & 210 Terralong Street

The sites are zoned *SP2 Fire Station & Ambulance*. Fire station and ambulance are not defined land uses within the Standard Instrument LEP nor are they one of the 25 types of infrastructure prescribed by the Infrastructure SEPP, therefore this PP will seek to amend the annotation to *emergency services facility*. This is consistent with the LEP practice note as *emergency service facility* is a defined land use within the Standard Instrument LEP as well as being one of the 25 types of infrastructure prescribed by the Infrastructure SEPP. This is one example of a number of sites that have been identified throughout the LGA having the same error.

- Public Reserves

It has been identified that a number of Public Reserves throughout the LGA are not zoned for public recreation purposes or their zone boundaries do not correctly reflect the use of the site. These are zoning anomalies that are proposed to be corrected as part of this PP, if endorsed by Council. The sites identified for rezoning to RE1 Public Recreation are listed within Attachment 2. An example of this is Mathoura Reserve within Elambra Estate (Figure 2) as shown below:

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12.3 Housekeeping Amendments to Kiama Local Environmental Plan 2011 to address mapping anomalies (cont)

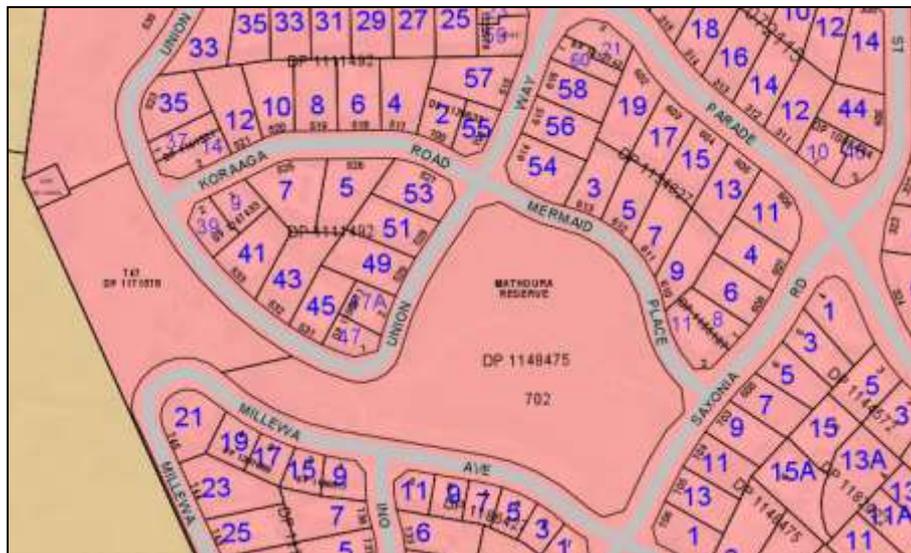


Figure 2 - Current Zoning of Mathoura Reserve, Elambra Estate

The site is currently zoned R2 Low Density Residential even though its intended use was never for residential purposes. The reasoning for the current zoning is that final subdivision layouts are not known at the time a PP is being considered, therefore it is not logical to rezone a portion of the site to RE1 Public Recreation as the boundaries may change during the assessment of a development application, therefore requiring another PP to amend the zone boundaries.

Another example is Boxsell Reserve (Figure 3) shown below. The entire site is a Public Reserve with a split zoning (RE1 Public Recreation and E2 Environmental Conservation) due to a part of the site being mapped as Terrestrial Biodiversity land (Figure 4).



Figure 3 - Current Zoning of Boxsell Reserve

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12.3 Housekeeping Amendments to Kiama Local Environmental Plan 2011 to address mapping anomalies (cont)



Figure 4 - Terrestrial Biodiversity Overlay

It is standard practice that lands mapped as Terrestrial Biodiversity are zoned E2 Environmental Conservation, therefore the current zoning boundaries as shown in Figure 3 are proposed to be amended to correct the clear zoning anomaly. The land mapped as Terrestrial Biodiversity will be zoned E2 Environmental Conservation and the remainder of the site will be zoned RE1 Public Recreation.

- State Agency Owned Land

If endorsed by Council, this PP will seek to rezone 20 Eddy Avenue, Kiama, from SP2 Infrastructure to B2 Local Centre. Council were approached by Sydney Trains (Transport for NSW) regarding a PP on the site to facilitate future reuse for the purposes of a community facility (specifically the Kiama Men’s Shed). The site is a former depot and has been considered surplus to operational requirements. The possibility of creating an additional permitted use on the site was also discussed, however, this option would restrict potential future use for purposes other than a community facility on a site well positioned in close proximity to public transport and the Kiama Town Centre that is potentially suitable for a number of uses permissible in the B2 Local Centre Zone.

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12.3 Housekeeping Amendments to Kiama Local Environmental Plan 2011 to address mapping anomalies (cont)



Figure 5 – 20 Eddy Street, Kiama

This PP will also seek to rezone 133 North Kiama Drive, Kiama Downs, from R2 Low Density Residential to SP2 Water Supply Systems. The site is owned by Sydney Water Corporation and currently contains water supply infrastructure as shown in Figure 6 below:

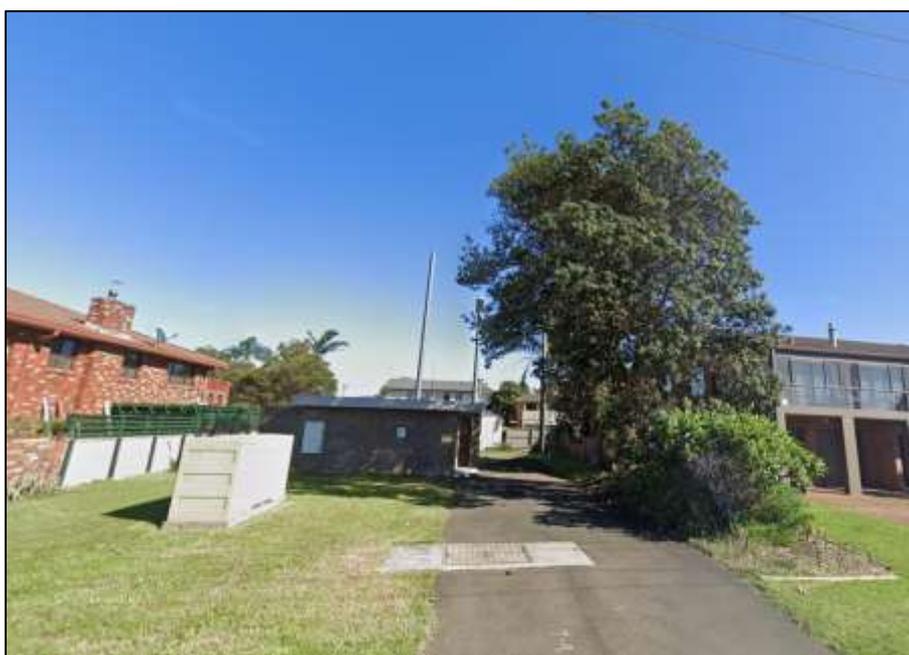


Figure 6 - 133 North Kiama Drive, Kiama Downs

Site Details

The PP applies to a number of sites throughout the Kiama Local Government Area (LGA). For ease of reference, the sites have been grouped and listed in table format attached to this report:

- Attachment A - SP2 Zoned Land Incorrectly Annotated
- Attachment B – Public Reserves to be zoned for Public Recreation
- Attachment C – State Agency owned land to be rezoned

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12.3 Housekeeping Amendments to Kiama Local Environmental Plan 2011 to address mapping anomalies (cont)

Assessment of Planning Proposal against relevant Legislation

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. A detailed assessment of the proposal's strategic and site specific merit will be carried out as part of the preparation of the PP should Council endorse its preparation. The following legislation/policies will apply to the assessment of the PP to establish its strategic merit:

- *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. In this regard it is considered that the proposal gives effect to the Illawarra-Shoalhaven Regional Plan, specifically *Goal 1 – A prosperous Illawarra-Shoalhaven* through increasing availability of land able to be used for commercial purposes, and *Goal 5 – A region that protects and enhances the natural environment* through the retention and protection of lands used for public recreation purposes and open green spaces. A more detailed assessment regarding consistency with the ISRP 2015 will be undertaken as part of a Planning Proposal Report should Council resolve to support the preparation of this PP.

- *Kiama Local Strategic Planning Statement 2020*

At the June 2020 meeting, Council adopted the Kiama Local Strategic Planning Statement (LSPS) 2020. The PP is not inconsistent with, and gives effect to, the themes and planning priorities contained within the Kiama LSPS. A key outcome from the LSPS was that the community wanted to see the natural environment and open space retained and protected. The rezoning of community land from rural and residential zones to the RE1 Public Recreation zone is consistent with this key outcome derived from the community workshops conducted as part of the preparation of the LSPS and is consistent with *Theme 4 – Mitigate and adapt to climate change and protect our environment* as it seeks to retain and protect environmental lands and open green spaces. The PP is also consistent with *Theme 2: Develop a Diverse and Resilient Economy* and *Planning Priority 7 Strengthen Commercial Centres* through the rezoning of 20 Eddy Street from SP2 Railway to B2 Local Centre. This rezoning provides opportunities for commercial development on a site within close proximity to the Kiama Town Centre and other integral services such as the Kiama Train Station. A more detailed assessment regarding consistency with the LSPS will be undertaken as part of a Planning Proposal Report should Council resolve to support the preparation of this PP.

- *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.

Subject to Council endorsement, a detailed assessment against all directions will be undertaken as part of the preparation of the PP. A preliminary assessment indicates that the PP would be consistent with the relevant directions, and any inconsistencies are able to be justified. Inconsistencies include the rezoning of residential and rural

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12.3 Housekeeping Amendments to Kiama Local Environmental Plan 2011 to address mapping anomalies (cont)

lands. These sites are Public Reserve on title and are being rezoned for public recreation purposes to match their use as community land in which residential and rural development is not able to be carried out, therefore justifiably inconsistent with the relevant directions.

- *State Environmental Planning Policies (SEPP's)*

Subject to Council endorsement, a detailed assessment against relevant SEPPs will be undertaken as part of preparation of the PP. *State Environmental Planning Policy No 55 – Remediation of Land* is the only applicable SEPP to this PP. SEPP 55 applies to 20 Eddy Street as the PP seeks to rezone the site from SP2 Infrastructure to B2 Local Centre. As the PP will involve the rezoning of 20 Eddy Street, the property owners provided a preliminary site investigation to identify if any contaminants are present on site and what types of development are suitable for the site in its current state. The assessment concluded that in its current state, the site is suitable for commercial, industrial development and medium to high density residential development. Land uses permissible within the B2 Local Centre zone are consistent with the appropriate uses identified within the study. The remainder of the sites subject to this PP do not include rezoning that would permit residential development and therefore are not subject to consideration of SEPP 55 as part of this PP.

Plan Making Delegation

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

Conclusion

The necessity to make the intended amendments to the Kiama LEP 2011 has become evident as a result of the past nine (9) years since the publication of the Kiama LEP 2011. The proposed amendments will:

1. Amend land use notations for sites zoned SP2 Infrastructure to be consistent with the use of the site(s);
2. Rezone Public Reserves to RE1 Public Recreation;
3. Rezone 20 Eddy Street, Kiama, to facilitate the adaptive reuse of the site surplus to Sydney Trains requirements for the purposes of a community facility being the Kiama Men's Shed; and
4. Rezone 133 North Kiama Drive, Kiama Downs, from R2 Low Density Residential to SP2 Water Supply System

If Council agree with the outlined intended amendments, staff will prepare a Planning Proposal and subsequently submit it to the Department of Planning, Industry and Environment for a Gateway Determination. If a Gateway Determination is issued the Planning Proposal will be publicly exhibited and subsequently reported back to Council for final endorsement.

Attachment A - SP2 Zoned Land Incorrectly Annotated

Site Lot and Plan	Address & Locality	Current Zoning	Proposed Amendment
Lot 14 DP 869959	205 Terralong Street, KIAMA	SP2 SES	SP2 Emergency Services Facility
Lot 51 & 52 DP 804377	206 & 210 Shoalhaven Street, KIAMA	SP2 Fire Station and Ambulance	SP2 Emergency Services Facility
Lot 1 DP 106081	24 Terralong Street, KIAMA	No land use assigned – Post Office	SP2 Public Administration Building
Lot 1 Section 5 DP 758563	30 Terralong Street, KIAMA	No land use assigned – NSW Police	SP2 Emergency Services Facility
Lot 7033 DP 1061038	32 Terralong Street, KIAMA	No land use assigned – NSW Police	SP2 Emergency Services Facility
Lot 48 DP 250008	46 Blackwood Street, GERRINGONG	SP2 Fire Station	SP2 Emergency Services Facility
Lot 100 DP 803472	7 Railway Parade, KIAMA	SP2 Library	SP2 Information and Education Facility
Lots 206 & 207 DP 1164476 Lot 10 DP 1167819	Fern Street, GERRINGONG	No land use assigned – On/off ramp	SP2 Classified Road
Lot 1 DP 1056775	Meehan Drive, KIAMA DOWNS	SP2 Community Facilities	SP2 Water Storage Facility
Lot 51 DP 830172	Saddleback Mountain Road, KIAMA	No land use assigned	SP2 Water Supply System

Attachment B - Land to be zoned for Public Recreation

Site Lot and Plan Number	Address and Locality	Current Zoning	Proposed Amendment
Lot 8 DP 839577	7 Bland Street, KIAMA	R2 Low Density Residential	RE1 Public Recreation
Lot 600 DP 1044512	Bland Street, KIAMA	R3 Medium Density Residential	RE1 Public Recreation
Lot 88 & 89 DP 838437	Burnett Avenue, GERRINGONG	R2 Low Density Residential	RE1 Public Recreation
Lot 86 DP 838437	Burnett Avenue, GERRINGONG	R2 Low Density Residential	RE1 Public Recreation
Lot 8 DP 850163	Elouera Place, KIAMA	R2 Low Density Residential	RE1 Public Recreation
Lot 1429 DP 1061892	Eugene Street, KIAMA	R2 Low Density Residential	RE1 Public Recreation
Lot 53 DP 884475	Fern Street, GERRINGONG	B2 Local Centre	RE1 Public Recreation
Lot 91 DP 838437	Fern Street, GERRINGONG	Part RE1 Part E2 Environmental Conservation	Amend zone boundaries to reflect Terrestrial Biodiversity Layer
Lot 1319 DP 1060995	Greyleigh Drive, KIAMA	RU2 Rural Landscapes	RE1 Public Recreation
Lot 300 DP 1059841	Greyleigh Drive, KIAMA	RU2 Rural Landscapes	RE1 Public Recreation
Lot 199 DP 1042913	Greyleigh Drive, KIAMA	RU2 Rural Landscapes	RE1 Public Recreation
Lot 100 DP 1042908	Greyleigh Drive, KIAMA	RU2 Rural Landscapes	RE1 Public Recreation
Lot 2 DP 1065404	Headland Drive, GERROA	E3 Environmental Management	RE1 Public Recreation

Lot 52 DP 1098436	Jamberoo Road, KIAMA	E2 Environmental Conservation	RE1 Public Recreation
Lot 2 DP 1056775	Meehan Drive, KIAMA DOWNS	SP2 Community Facilities	RE1 Public Recreation
Lot 747 DP 1171578	Millewa Avenue, GERRINGONG	R2 Low Density Residential	RE1 Public Recreation
Lot 1310 DP 1060995	Old Saddleback Road, KIAMA	R2 Low Density Residential	RE1 Public Recreation
Lot 499 DP 1064140	Old Saddleback Road, KIAMA	R2 Low Density Residential	RE1 Public Recreation
Lot 21 DP 264151	Tanner Place, KIAMA	R2 Low Density Residential	RE1 Public Recreation
Lot 702 DP 1148475	Union Way, GERRINGONG	R2 Low Density Residential	RE1 Public Recreation
Lot 535 DP 1111492	Union Way, GERRINGONG	R2 Low Density Residential	RE1 Public Recreation
Lot 206 DP 1180016	Union Way, GERRINGONG	R2 Low Density Residential and RU2 Rural Landscapes	RE1 Public Recreation
Lot 206 DP 1156196	Wells Street, GERRINGONG	R2 Low Density Residential	RE1 Public Recreation

Attachment C - State Agency owned Land

Site Lot and Plan	Address	Current Zoning	Proposed Amendment
Lot 1 DP 883525	20 Eddy Street, KIAMA	SP2 Railway	B2 Local Centre
Lot 909 DP 236615	133 North Kiama Drive, KIAMA DOWNS	R2 Low Density Residential	SP2 Water Supply System

12.4 Jamberoo Sewerage Capacity

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

Council has been made aware that Jamberoo has reached capacity for connections to reticulated sewerage for all dual occupancy developments. This was advised to Council last month, as part of a standard referral to Sydney Water for an existing Development Application that was under assessment by Council Staff.

On finding this advice the applicant was notified immediately and further information was sought from Sydney Water.

This information has now been provided by Sydney Water and is included within this report.

Finance

The provision of reticulated sewerage services rests with Sydney Water. This infrastructure is not provided by Council. The financial implications for Sydney Water are significant and Council has been advised that funding has not been allocated for any upgrade of the existing infrastructure within the Jamberoo township.

There are also financial implications for the community and landowners given that a number of blocks which allow dual occupancy developments cannot currently be developed as they are unable to be connected to reticulated sewerage.

Policy

Council's existing policy is that development within the Jamberoo Township must be connected to the reticulated sewerage system

Consultation (Internal)

N/A

Communication/Community Engagement

Further communication and consultation will be required to be undertaken with the community, given the significance of this circumstance. Sydney Water have advised that they have developed a communication and engagement strategy and that a team will be working with the community in regards to this matter.

Attachments

1 Attachment 1 [↓](#)

2 Attachment 2 [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council:

- a) Express disappointment that adequate planning has not been undertaken and advice has not been provided by Sydney Water to Council and our residents regarding the capacity of the system at Jamberoo
- b) Work with Sydney Water to engage with and communicate to the Jamberoo Community that the sewerage system is at capacity.
- c) Consider further options relating to existing permissible uses within the Jamberoo township and R5 zone, following further investigation and consultation to undertake such changes
- d) Strongly advocate to Sydney Water and the NSW Government for continued planning and upgrade options to be in place and funded for the Kiama Municipality.

BACKGROUND

In 1999, Sydney Water Corporation proposed that the Jamberoo be serviced with a conventional gravity collection system with transfer of sewerage collection of treatment to Bombo Treatment Plant. A gravity system is the most common type of sewerage system in urban areas. It includes gravity flows to the pipe network and pumping stations to transfer wastewater. This proposal for Jamberoo included a reuse of treated effluent by a transfer pipeline back to Jamberoo.

At this time, there was strong community opposition against increasing ocean outfall in the vicinity of Bombo Beach. There was significant community support for either ceasing or reducing ocean outfall effluent by maximising reuse for agricultural or other purposes (e.g. irrigation on the Kiama Golf Course) in the longer term.

In 2003 a report was commissioned which outlined the proposal which included a low pressure sewerage pumping system utilising macerator units. At this time it was estimated that the system would support approximately 460 dwellings with an estimated capital cost of \$14.4 million. This was commissioned as part of the Priority Sewerage Program to address the problems of un-sewered areas in Sydney and Illawarra regions.

This system was constructed and monitoring was undertaken by Sydney Water to ensure capacity was managed. Council as part of standard practice has sought advice from Sydney Water for any development within Jamberoo to ensure that capacity is available for any proposed development. This forms a standard referral letter which is provided to Sydney Water during a Development Application process.

Requirements are also outlined within Council's Development Control Plan which require proposed subdivisions seek support from Sydney Water during the early stage of planning. These provisions include:

5.1.37	<i>In the event that the urban residential subdivision cannot be adequately serviced by reticulated water and sewerage supplies, then Council is unlikely to support any such application.</i>
5.1.36	<i>It is recommended applicants consult with servicing authorities at an early stage in the planning process to ensure that all allotments can be appropriately serviced by reticulated water and sewerage and, electricity and telecommunications supplies.</i>
5.1.38	<i>Where a subdivision is approved, a condition of consent will be imposed requiring the submission of a Notice of Requirements from Sydney Water Corporation to Council prior to the release of the Construction Certificate for the proposed subdivision. Additionally, a separate condition of consent will be imposed requiring the submission of a Section 73 certificate from Sydney Water Corporation which confirms that satisfactory arrangements have been made for reticulated water and sewerage infrastructure to the subdivision</i>

It should also be noted that any development undertaken under a Private Certifier may not seek the concurrence of Sydney Water and may have been approved without confirming sewerage connection availability.

Council recently became aware of the capacity issues when a referral was sent to Sydney Water as part of the development application process. This response is dated 11 August 2020 (ref: 185927). Sydney Water provided the below response with regards to wastewater servicing:

- *“The proposed development is located within the Jamberoo Pressure sewer area.*
- *The pressure sewer system has reached design capacity and no further uncommitted capacity is available.*
- ***A wastewater connection to the proposed development cannot be supported at this point in time.***
- *It is recommended the proponent investigates and arranges an off main private on-site wastewater management system to service their development subject to Council approval.”*

Current Capacity

On receiving advice from Sydney Water, Council has undertaken discussions with Sydney Water and sought formal advice regarding the current capacity of the system. The following questions asked by Council and responses provided by Sydney Water are detailed below:

Council Question	Sydney Water Advice
What is the current capacity of the system at Jamberoo?	<i>System was designed for 503 lots</i>
What has been included within this capacity?	<i>363 developed properties in 2004 and a further 140 lots. This additional 140 lots were based on 2 proposed subdivisions (at the</i>

Report of the Director Environmental Services

12.4 Jamberoo Sewerage Capacity (cont)

	<p><i>time of the design-2004) of 100 lots and the 40 lots spread throughout the town infill development.</i></p> <p><i>The 2 subdivisions considered were:</i></p> <ul style="list-style-type: none"> ○ <i>77 lots between Drualla Rd & Chapel Lane</i> ○ <i>23 lots at the norther end of Tate Place</i>
Is there a specific lot plan or boundary area that is part of the capacity calculations?	<i>A map has been provided and is located as attachments to this report</i>
Can any dual occupancy developments be serviced in Jamberoo?	<i>We cannot allow any dual occupancy developments because the system is at capacity. See attached the latest Jamberoo connections tracker.</i>
What ability does Sydney Water have to upgrade this system?	<i>PSP is a government funded program and was built to provide improved wastewater services to environmentally sensitive areas determined by the Environmental Protection Agency (EPA). System was built under the program to cater for a defined boundary area. Therefore upgrading the system is not in the current program to cater for growth</i>
Has any planning occurred to enable this upgrade to occur?	<i>No</i>
What other options are available to residents and landholders given that pump out and onsite sewerage management is not able to occur within many of the existing parcels of land?	<i>Existing reticulation mains and the transfer main to SPO779 is at capacity. Developments outside the boundary such as Allowrie St, Jamberoo is currently assessing the system capacity to connect at this pump station.</i>

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Council Policy - Onsite Sewerage Management

Sydney Water's referral advice suggests that applicants seek advice and support from Council for the management of sewerage onsite. This is problematic advice and simply seeks to pass the responsibility back onto Council. In many cases the size of existing lots prohibits onsite sewerage management. This is part of the reason for the establishment of the sewerage system in the first place. Furthermore, Council's existing policy, and requirements under the Local Government Act, do not support the use of onsite sewerage management or pump out as a solution in residential areas.

Council's current policy as specified under Section 128 (Order no 24) of the Local Government Act requires the owner of any the premises which is located within 75m's of a sewerage system (namely the Sydney Water Corporations Jamberoo Pressure

Report of the Director Environmental Services

12.4 Jamberoo Sewerage Capacity (cont)

Sewerage System and Kiama and Gerringong and Gerroa Sewerage Schemes) to connect their premises to the sewerage system.

Council cannot support any proposal for an onsite sewage management systems (including pump out, trenches, evapotranspiration beds, aerated treatment systems or wet & dry composting) in residential or urban zoned areas for the following reasons:

- The proposal to consider allowing onsite sewage management systems will create a precedent for any similar developments not only in the Jamberoo township, but also all other townships which have all premises connected to the sewerage network in the Kiama LGA.
- Any changes to Council’s policy to consider and allow onsite sewerage systems to be installed will first require a community consultation process to be undertake (in this case with the residents of Jamberoo Township) Council will then have to resolve to amended its current policy.
- Section 8A (2) (Guiding principles for councils) of the Local Government Act 1993. The following principles apply to decision-making by councils (subject to any other applicable law):
 - Councils should consider the long term and cumulative effects of actions on future generations.
 - Councils should consider the principles of ecologically sustainable development.
 - The proposal to consider and allowing onsite sewage management systems in the Jamberoo Township is also contrary to the previously adopted NSW State Governments and community based objectives for the Sydney Water Corporations Jamberoo Priority Sewerage Program as outlined in the Environmental Impact Statement (EIS) for the Priority Sewerage Program – Jamberoo by the Department of Infrastructure, Planning and Natural Resources (2003).

The below listed impacts of onsite sewage management that were used to support the original sewer connection in the Jamberoo township:

- Adverse impacts on surface water quality (and by interference of groundwater quality) as identified by monitoring and modelling;
- Potential public health issues from:
 - Direct and indirect exposure to pathogens in effluent or effluent contaminated soil;
 - Exposure to pathogens by recreational use of some local streams; and
 - Community objections, including health risks, odours, and pollution, from the continuation of existing sewage management practices.

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Item 12.4

Report of the Director Environmental Services

12.4 Jamberoo Sewerage Capacity (cont)

Community concern about the impact of a sewerage scheme on the growth of the Jamberoo Township.

Current Development Applications Impacted

Most concerning for Council and the community is that the fact that Sydney Water believes that the township has reached capacity and that this is only now being advised. Expectations would have been that some notice or advice would have been provided earlier to enable information to be provided to residents in a timely manner.

Observations of the situation is that changes to legislation, which have allowed the development of two properties on one allotment, have resulted in an unexpected increase in the capacity demand and that planning by Sydney Water had only occurred on the assumption of one dwelling per allotment.

There are a number of development applications that are currently before Council, which are directly impacted by the advice received from Sydney Water. These applications include:

- 10.2020.28.1 - dual occupancy development comprising existing 2 bedroom dwelling & proposed 3 bedroom dwelling with strata title subdivision. Lot: 402 DP: 1209559, 34 Wyalla Road, Jamberoo.
 - Lodged 2/3/2020, advice from Sydney Water unable to service development with sewer received 17/8/2020 through e-planning portal.
- 10.2020.83.1 - demolition of existing dwelling and outbuilding and 2 lot Torrens title subdivision of the land. Erection of a 3 bedroom dwelling on proposed lot 1 and the construction of an attached dual occupancy development each with 3 bedrooms on proposed lot 2. Lot: 121 DP: 597136, 13 Beattie Street, Jamberoo. Lodged 4/6/2020, advice from Sydney Water unable to service development with sewer received 17/8/2020 through e-planning portal.
- 10.2020.96.1 – 3 lot strata subdivision in stages, stage 1 – retention of existing dwelling house and construction of a carport with 2 lot strata subdivision, stage 2 – construction of an attached dual occupancy development each with 3 bedrooms on proposed rear lot with 2 lot strata subdivision. Lot: 61 DP: 1195795, 46 Allowrie Street, Jamberoo. Lodged 23/6/2020, advice from Sydney Water unable to service development with sewer received 17/8/2020 through e-planning portal.

Council needs to determine the options for these developments which now only include:

- Refusal - due to the proposals inability to connect with the sewerage system
- Deferred commencement – subject to ability to connect to the sewerage system (at some future point in time)

Way Forward

Under the Kiama LEP 2011 the Jamberoo Village is zoned R2 Low Density Residential. Dual occupancies, secondary dwellings and terraces houses are permissible in the R2 zone. This means that applications can still be lodged with either Council or a private certifier despite the inability to connect to the sewerage system. Advice can be provided to all landholders to explain the circumstance which may

Report of the Director Environmental Services

12.4 Jamberoo Sewerage Capacity (cont)

prevent the lodgment of future applications, however landholders still retain the development rights to develop their land subject to approval. Whilst current landholders may now be aware of the circumstance this does not mean that all future landholders will be aware and may still purchase land with the intention of development.

Council has included notations on Planning Certificates issued for properties in Jamberoo to advise of the circumstance however these can only be applied to Part 5 of the Certificate. Part 5 is not compulsory to be requested and included as part of a contract of sale.

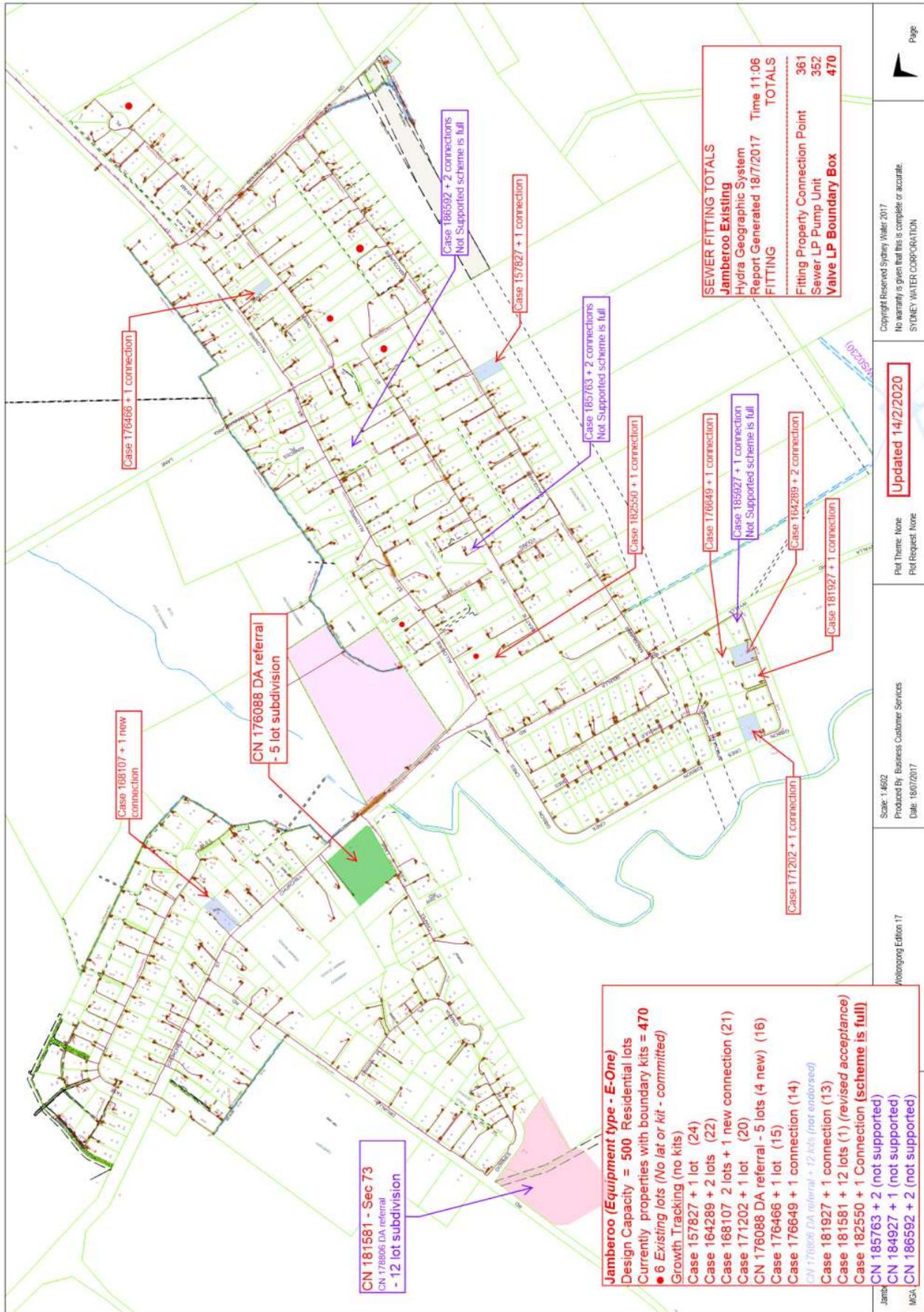
Council could consider to prepare a Planning Proposal to:

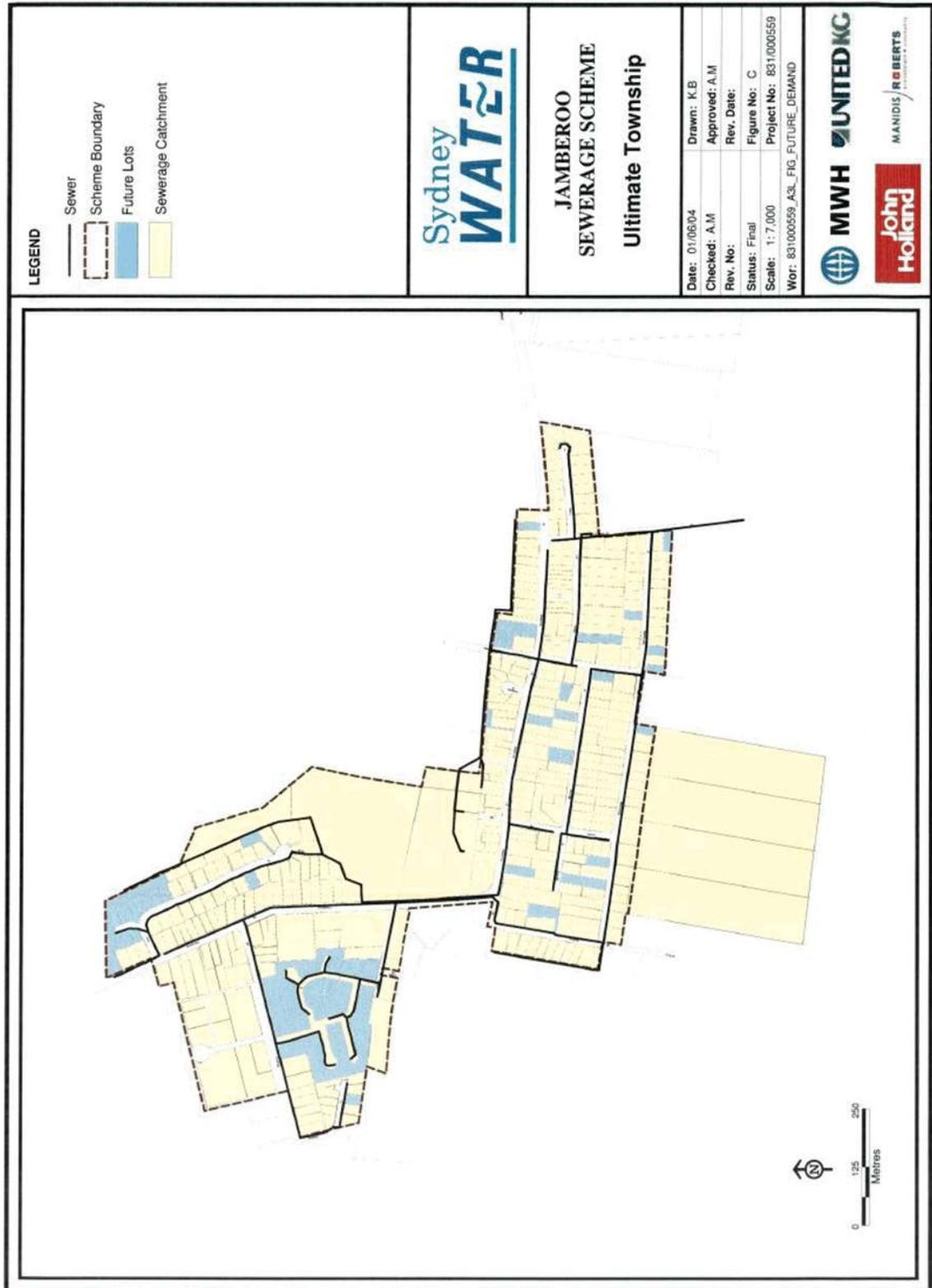
- Amend the land use table for the R5 zone to prohibit:
 - Dual occupancies
 - Secondary dwellings
- Rezone Jamberoo to R5.
- Increase the minimum lot size in Jamberoo to limit the amount of subdivision potential

This would also remove the ability for Complying Development Certificates CDCs being issued in Jamberoo (only to then find out that they are unable to be developed due to the inability to be connected to the sewerage system) and makes a clear statement regarding future development. In effect this would be considered “back zoning” land and would need significant engagement to occur with the community and further investigation by staff to provide the required data to make such a significant decision.

As a first step it is recommended that Council work closely with Sydney Water to clearly communicate and engage with the local community. This is to ensure all landholders are aware of the circumstance and have clear guidance on what can be connected and what cannot.

Council is already strongly advocating to Sydney Water and the NSW Government to seek commencement of appropriate planning for the upgrade of the existing system and will continue to advocate for the community.





Item 12.4

Attachment 2

13 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

13.1 Council managed crown land Plans of Management and land categorisations

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

Under the *Local Government Act*, a Plan of Management is required to nominate the appropriate category/categories for each community land parcel.

The Minister has directed alternate categorisations to some of the crown land parcels that were endorsed at the 17 March 2020 and 21 May 2020 Council meetings.

In order for the impending Council managed crown land draft Plan of Management (POM) to go on public exhibition, the categorisations for each land parcel need to be approved by Council and endorsed by the Minister.

Finance

N/A

Policy

Crown Land Management Act 2016 and Regulations

Local Government Act 1993 and Regulations

Consultation (Internal)

N/A

Communication/Community Engagement

In September 2020, pre-consultation was undertaken with key stakeholders, Council staff and Councillors prior to a draft POM being placed on public exhibition. As a result of this pre-consultation, representations were made to Council including commentary on some of the proposed categorisations of land parcels. The land categorisations will be able to be considered by the community during the statutory POM advertising period.

Attachments

- 1 Crown Land Classification 2020 - Seven Mile Beach - [map](#)
- 2 Crown Land Classification 2020 - Saddleback Mountain - [map](#)
- 3 Crown Land Classification 2020 - Ooarie Park and Boat Harbour - [map](#)
- 4 Crown Land Classification 2020 - Minnamurra - [map](#)

Report of the Director Corporate and Commercial Services

13.1 Council managed crown land Plans of Management and land categorisations (cont)

-
- 5 Crown Land Classification 2020 - Minnamurra and River - map [↓](#)
 - 6 Crown Land Classification 2020 - Jamberoo - map [↓](#)
 - 7 Crown Land Classification 2020 - Hindmarsh Park - map [↓](#)
 - 8 Crown Land Classification 2020 - Easts Beach - map [↓](#)
 - 9 Crown Land Classification 2020 - Coastal Walking Track - map [↓](#)
 - 10 Crown Land Classification 2020 - Blowhole Point - map [↓](#)
 - 11 Crown Land Classification 2020 - Blowhole Point and Bombo - map [↓](#)
 - 12 Crown Land Classification 2020 - Showground and Coronation Park - map [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council seek the Minister's approval for the land categories as shown on the maps accompanying this report as attachments and described on Table 1 and Table 2 in the background section of this report, in order to proceed with the preparation of a draft Plan of Management for public exhibition.

BACKGROUND

Prior to public exhibition of the draft Plan of Management (POM) for Council managed crown land, the categories for each land parcel need to be approved by Council and endorsed by the Minister. At the Council Meetings held 17 March and 19 May 2020 respectively, Council resolved to proceed with proposed categorisations.

The Minister has directed alternate categorisations for some of the crown land parcels. As the crown land manager, Council should be satisfied with the land categories. Given the Minister has altered the assigned categories determined by Council, it is important to review the changes made by the Minister.

The following table identifies the crown land parcels with agreed categorisations by the Minister. These land categories can be incorporated into the draft POM.

Table 1 - Agreed Categories

Reserve Number	Reserve Name	Categorisation
R1002914	Minnamurra River	Natural Area - Watercourse
R12984	Public Baths (Blowhole Point rock pool)	General Community Use
R87397	Blowhole Point Reserve	General Community Use Natural Area – Escarpment

Report of the Director Corporate and Commercial Services

13.1 Council managed crown land Plans of Management and land categorisations (cont)

Reserve Number	Reserve Name	Categorisation
R97438	Joyce Wheatley Community Centre	General Community Use
R180060	Old Fire Station	General Community Use
R89014	Hindmarsh Park	Park
R1017629	Kiama Coastal Walk	Natural Area - Escarpment
R71286	Gerroa Sanitary Depot	Natural Area - Bushland
R76339	Cooke Park/Gerringong Boat Harbour	General Community Use
R1010050	Jamberoo Cemetery	General Community Use
R1000307	Knights Hill (Illawarra Escarpment)	Natural Area – Escarpment

Item 13.1

The following table identifies the crown land parcels where the Minister has directed alternate categorisations to those that Council previously resolved. The last column in the table proposes Council's recommended categorisations. It is noted that some of these differ from the original categorisations proposed by staff to Council earlier this year. These are marked in bold on Table 2. The changes to categorisations by staff are a result of community engagement during the pre-consultation phase.

Table 2 - Disputed Categories

	Reserve Number	Reserve Name	Mininster's directed Categorisation	Council's nominated Categorisation
1	R1017629	Minnamurra River – area off Rangoon Road known as Rangoon Reserve	Natural Area (no sub-category given)	Park (previous General Community Use)
2	R90992	Minnamurra Headland Reserve	Park	General Community Use
3	R580000	Kiama Showground (and Chittick Oval)	Natural Area – Escarpment Sportsground General Community Use	Natural Area – Escarpment General Community Use (previous part Sportsground)
4	R131	Coronation Park (includes Surf Beach Holiday Park)	Park Natural Area – Foreshore General Community Use	Park Natural Area – Escarpment (previous General Community Use)

Report of the Director Corporate and Commercial Services

13.1 Council managed crown land Plans of Management and land categorisations (cont)

Reserve Number	Reserve Name	Mininster's directed Categorisation	Council's nominated Categorisation
			General Community Use (previous part Sportsground)
5	R91569	Easts Beach	Natural Area – Foreshore Park General Community Use
6	R80816	Ooarie Park (Werri Beach Holiday Park)	General Community Use Natural Area - Foreshore General Community Use
7	R83972	Seven Mile Beach (including Seven Mile Beach Holiday Park)	Natural Area (no sub-category given) Natural Area - Bushland General Community Use
8	R95574	Saddleback Telecommunications	Natural Area – Bushland Park Natural Area – Bushland Park General Community Use

Item 13.1

While the majority of the Minister's directed categorisations in Table 1 are not contested (and although in some cases diverge from categories promoted by Council staff), those prescribed in Table 2 warrant further review. The land category definitions exist in the *Local Government Act* to best describe landform, current uses and future uses to be conducted on each parcel. As the crown land manager Council is well placed to describe the crown land parcels and the nomination of the most appropriate categories. In this regard it is considered responsible to request the Minister to reconsider the categories provided to Council on 11 September 2020 in order for the draft POM to be placed on public exhibition. These are described in Table 2 and shown on the accompanying maps.

Summary of Disputed categories:

1. The area off Rangoon Road known as Rangoon Reserve is a small park setting embellished with picnic shelters, seating and steps to the river that the public enjoy for passive recreation purposes. Categorisation as "Park" is appropriate for this parcel, not Natural Area. Council staff initially nominated General Community Use.
2. The area of crown reserve on the Minnamurra Headland is surrounded by Council community land already categorised General Community Use in an existing Plan of Management. Categorisation should be "General Community Use" for this parcel for consistency between Plans of Management.

Report of the Director Corporate and Commercial Services

13.1 Council managed crown land Plans of Management and land categorisations (cont)

-
3. The Showground and Chittick Oval is being requested to change from Sportsground and General Community Use to exclusively “General Community Use”. The presence of The Pavilion, seasonal holiday camping as well as the events that occur in this precinct justify categorisation as General Community Use.
 4. The area of Surf Beach directed to be Natural Area is disputed as other like areas have been nominated as “General Community Use”. Some of this area contains built improvements (drainage culverts, car parking and cycleway) so should not be Natural Area. General Community Use is appropriate and consistent elsewhere.

The presence of the Kiama surf club building needs to be appropriately located as part of the original “General Community Use” category and not the Park category to ensure there are no issues with future lease arrangements of and uses within the surf club property and the diversity of usage on Coronation Park including weekly markets, commercial fitness trainers and events.

Chapman Reserve is being requested to be categorised as “General Community Use” (not Sportsground) to reflect the part use of this land for seasonal holiday camping, in association with the adjoining Surf Beach Holiday Park. Similarly, the area to the north of the holiday park is also proposed as “General Community Use” (not Natural Area) because of the cycleway, BBQ facilities, playground and seating for public use.

A “Natural Area – Escarpment” categorisation (from Sportsground) east of the holiday park and Chapman Reserve is appropriate given the natural landform.

5. Easts Beach and the southern headland comprising the walking track linking the beach with Kiama Heights residential area should be “General Community Use” (not Natural Area) to be consistent with other agreed land categorisations.
6. The area on the ocean side of Pacific Avenue at Werri Beach needs to be categorised as “General Community Use” for consistency as it is connected to Council community land already categorised General Community Use in an existing Plan of Management.
7. The Seven Mile Beach Holiday Park must be categorised as “General Community Use” (not Natural Area) consistent with the other four holiday parks. The beach area of Seven Mile Beach Reserve needs to also be “General Community Use” given the existing commercial surf school operations occurring there. The remainder is appropriately categorised as Natural Area- Bushland.
8. Saddleback Mountain Reserve contains telecommunications infrastructure and this area needs to be “General Community Use” as this is the most appropriate category reflecting the actual land activity occurring and crown licence arrangements associated with telecommunications facilities.

In summary, the proposed land categorisations nominate three of the five mandated category options. This is shown on Table 3 below. In some cases, there is more than one category assigned to an individual land parcel reflecting the diversity of landforms and uses that exist across some crown land parcels.

Report of the Director Corporate and Commercial Services

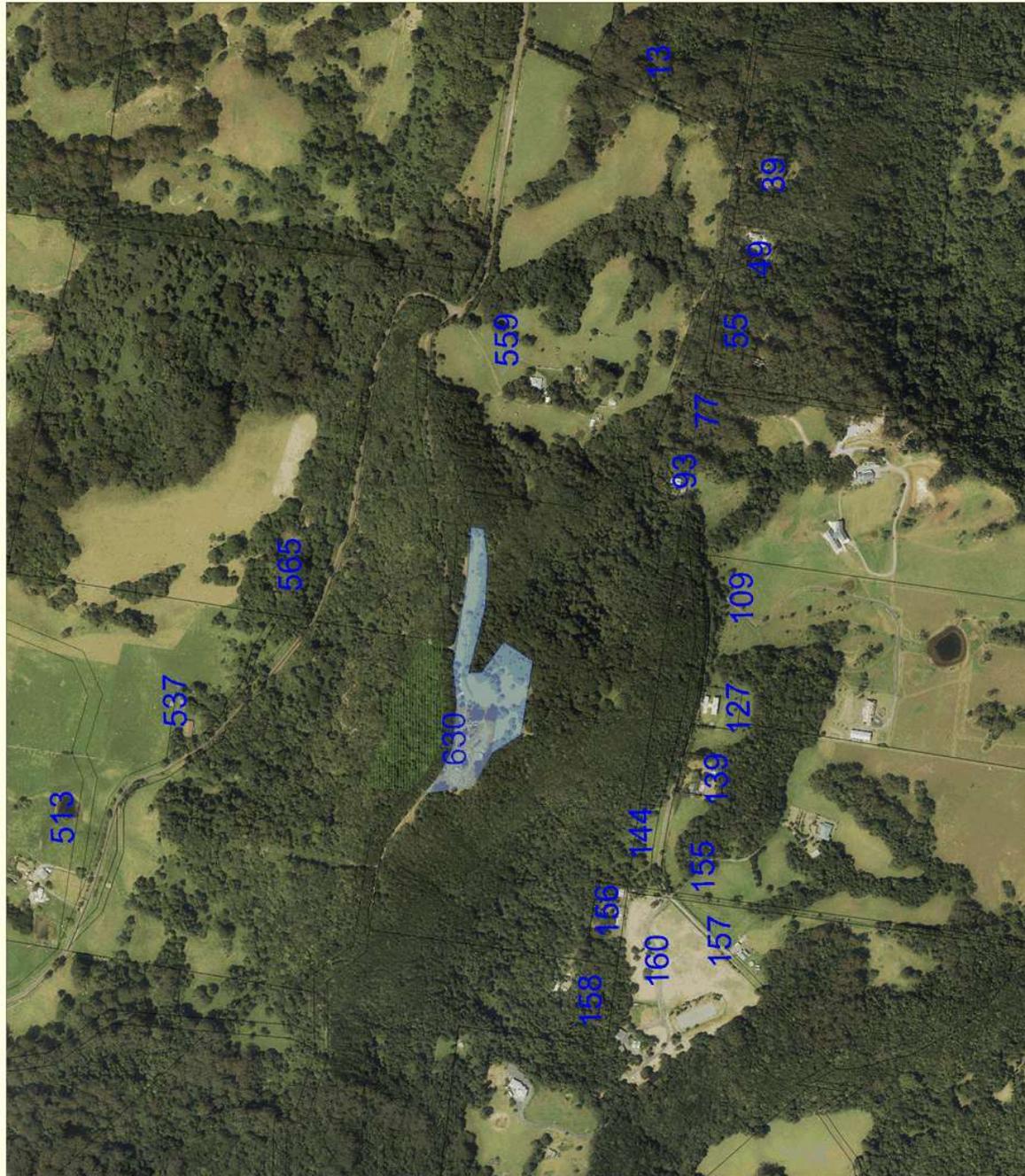
13.1 Council managed crown land Plans of Management and land categorisations
(cont)

Table 3 - Number of separate land categories over Council managed crown land

Category	Total of assigned categories across all Council managed crown land parcels
Natural Area	9
Park	3
Sportsground	0
General Community Use	13
Area of Cultural Significance	0

Item 13.1





Crown Land Classification

Category

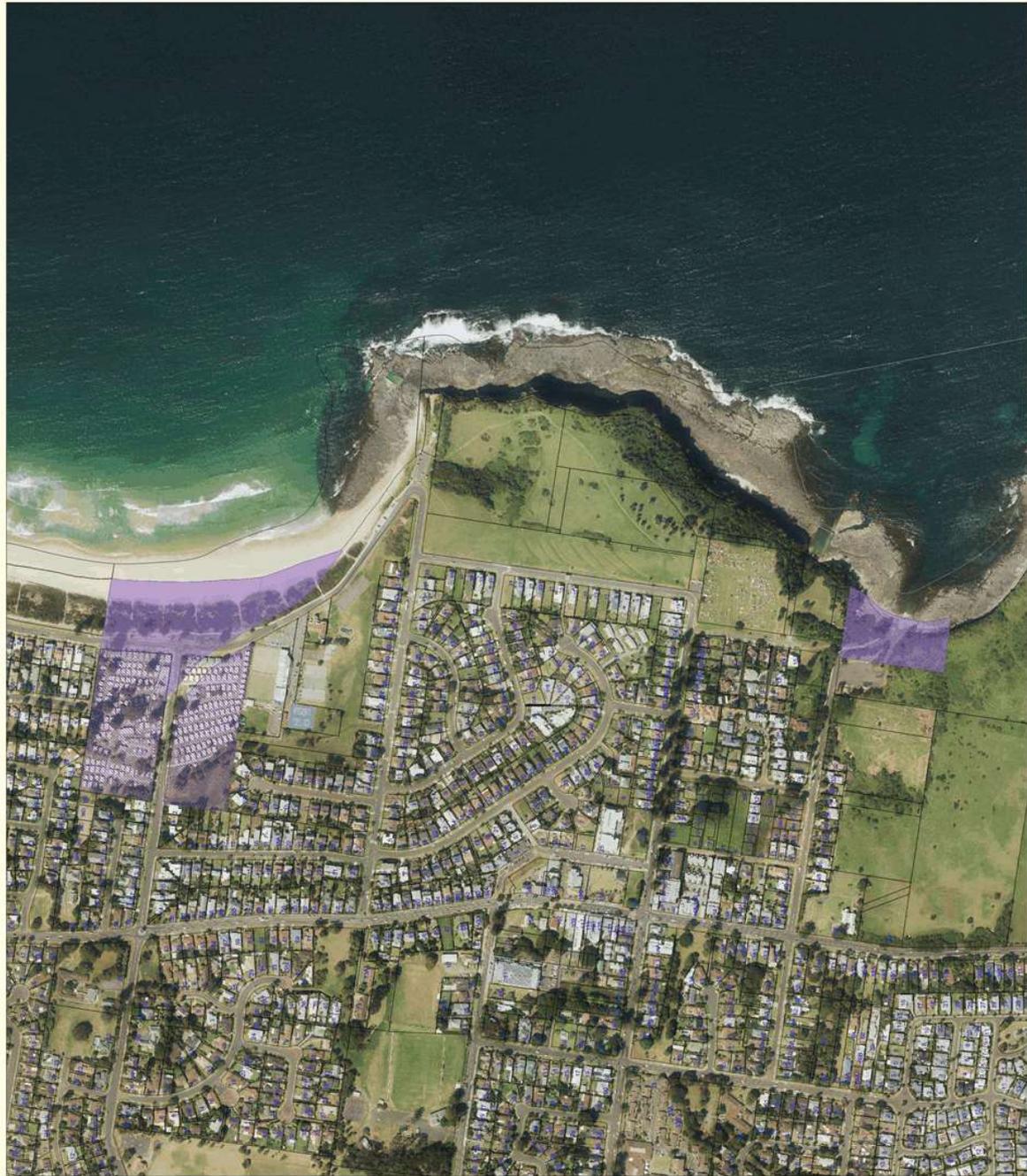
-  General Community
-  Holiday Park
-  Natural Area - Bushland
-  Natural Area - Escarpment
-  Natural Area - Watercourse
-  Park



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Base data: OS 1020

Project: CDA 1994
MCA Zone 58
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Crown Land Classification

Category

-  General Community
-  Holiday Park
-  Natural Area - Bushland
-  Natural Area - Escarpment
-  Natural Area - Watercourse
-  Park



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Crown Land Classification

Category

-  General Community
-  Holiday Park
-  Natural Area - Bushland
-  Natural Area - Escarpment
-  Natural Area - Watercourse
-  Park

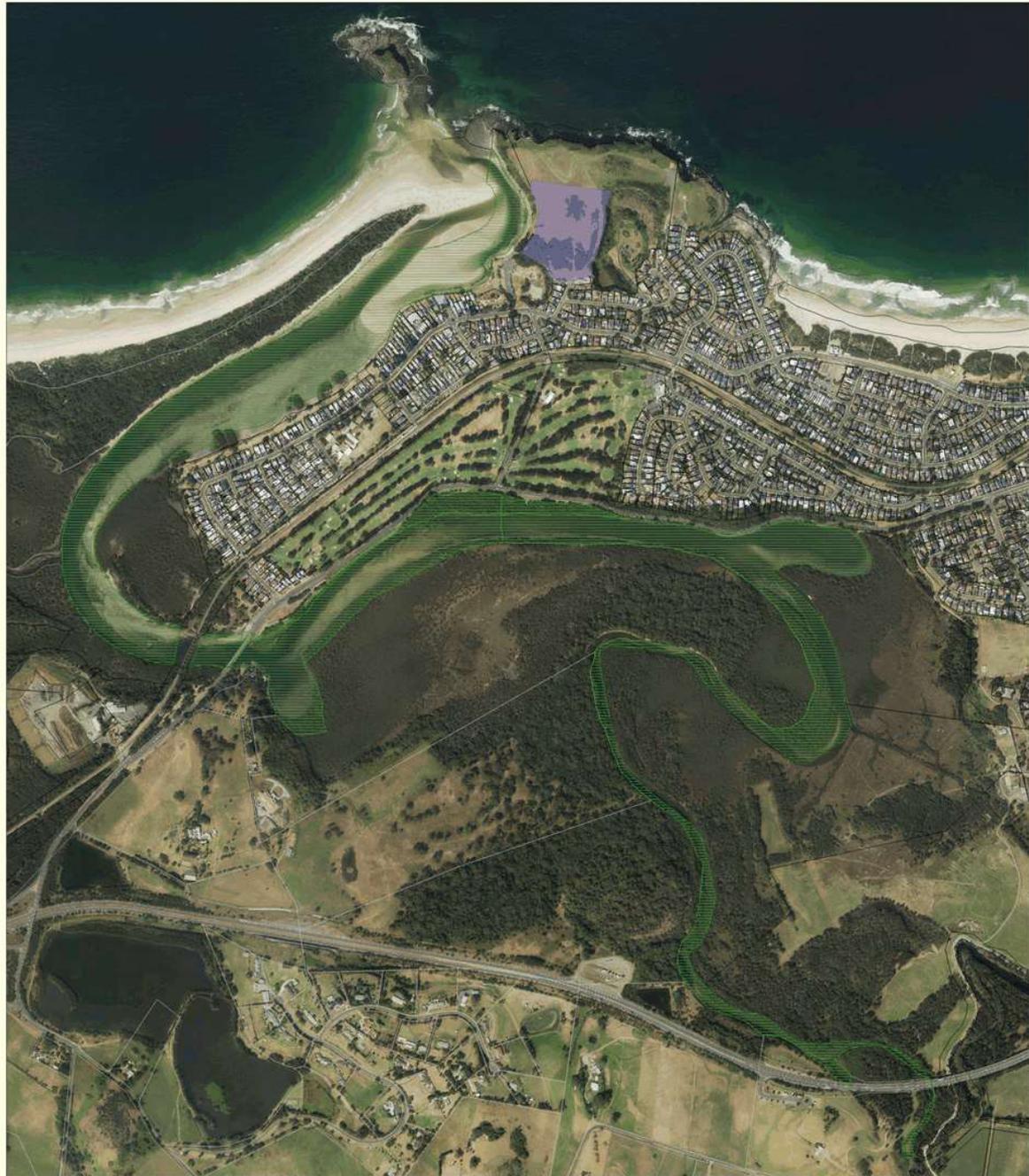


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Crown Land Classification

Category

-  General Community
-  Holiday Park
-  Natural Area - Bushland
-  Natural Area - Escarpment
-  Natural Area - Watercourse
-  Park



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Crown Land Classification

Category

- General Community
- Holiday Park
- Natural Area - Bushland
- Natural Area - Escarpment
- Natural Area - Watercourse
- Park



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Crown Land Classification

Category

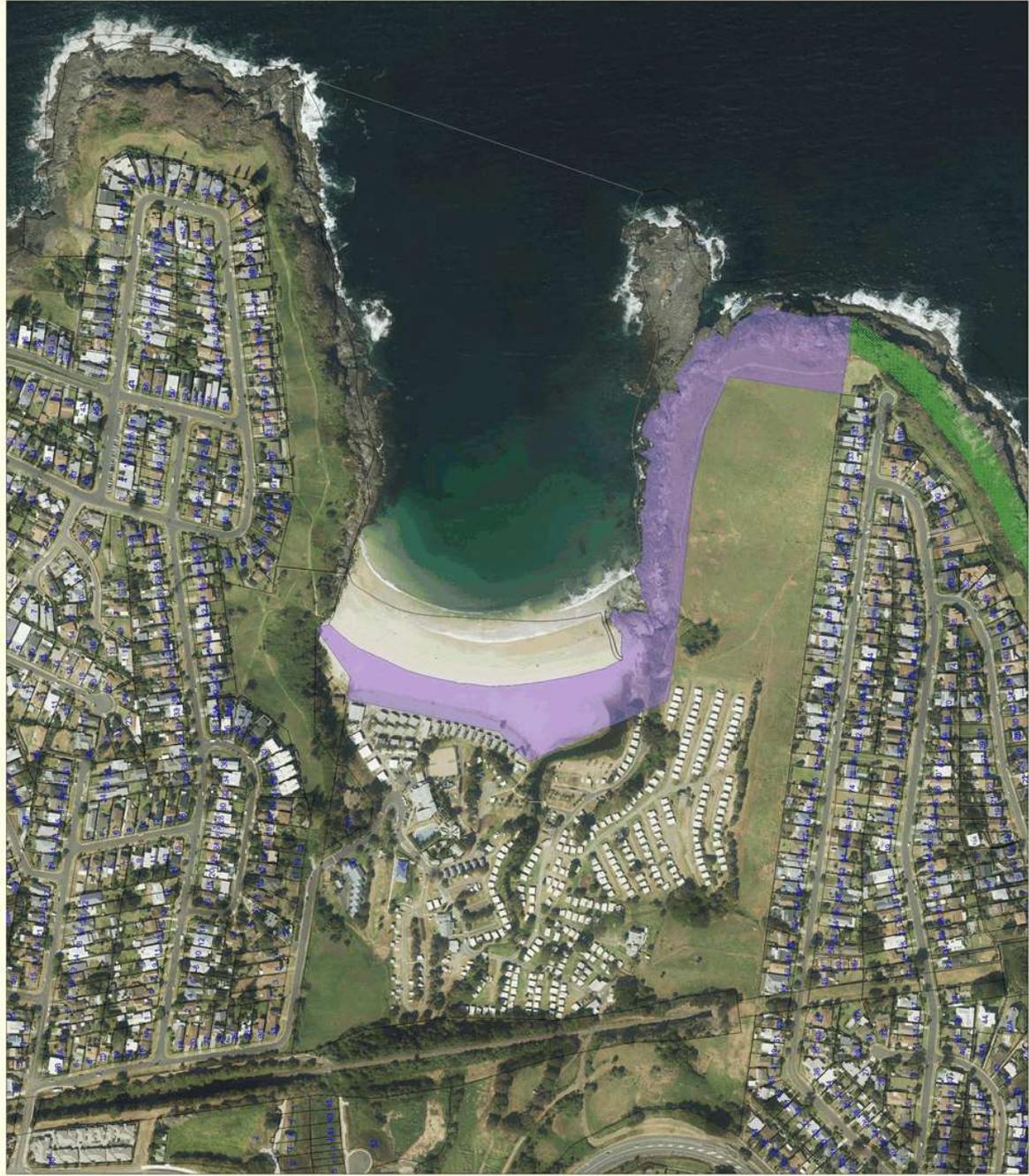
-  General Community
-  Holiday Park
-  Natural Area - Bushland
-  Natural Area - Escarpment
-  Natural Area - Watercourse
-  Park



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Proprietary: GDA 1994
MCA: Lurie 02
Scale: 1:2000 @ A4

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Crown Land Classification

Category

-  General Community
-  Holiday Park
-  Natural Area - Bushland
-  Natural Area - Escarpment
-  Natural Area - Watercourse
-  Park

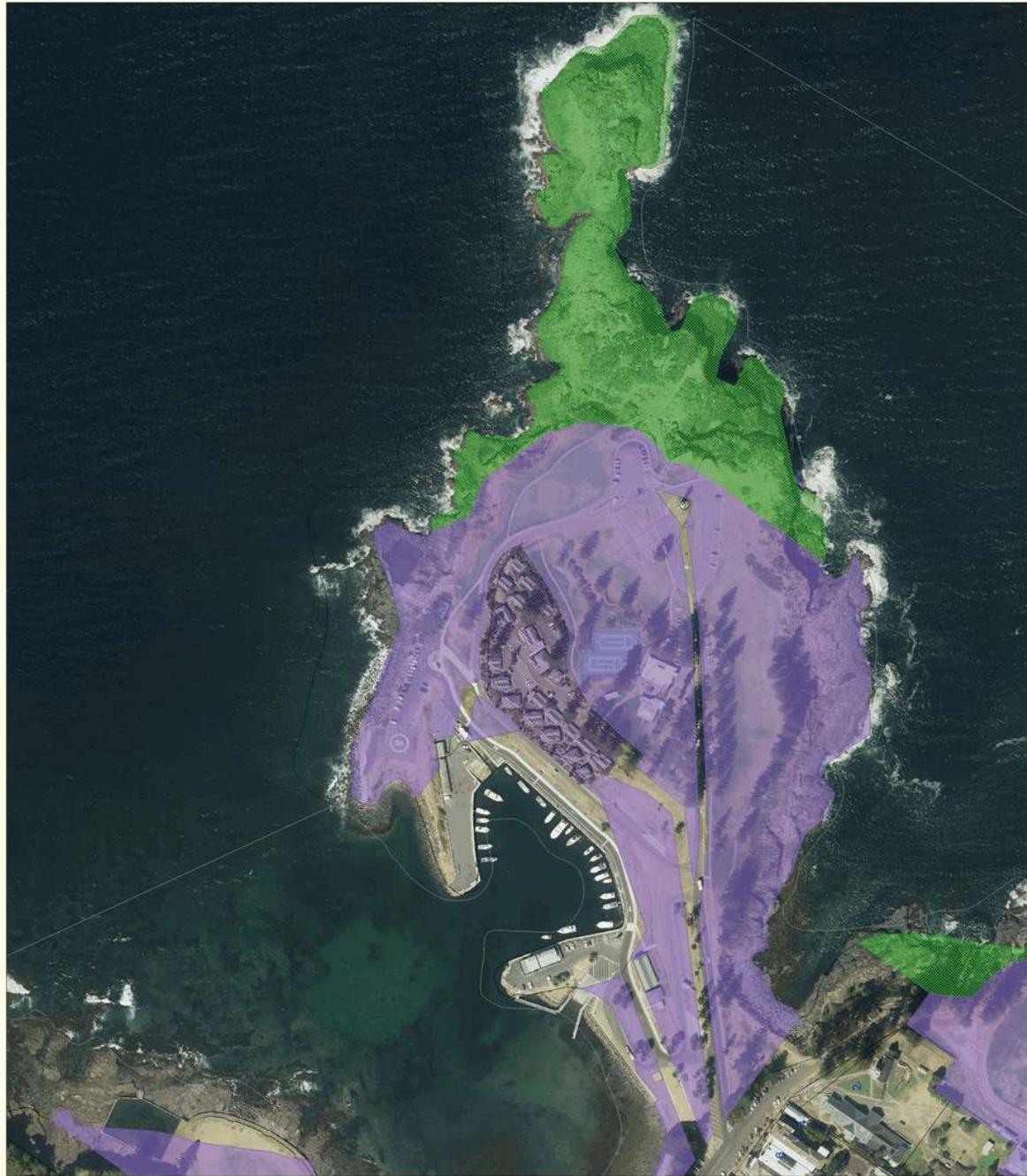


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Basis (data) 05/10/20

Project: CDA 1994
MCA - Easts BC
Scale: 1:6000 @ A4

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Crown Land Classification

Category

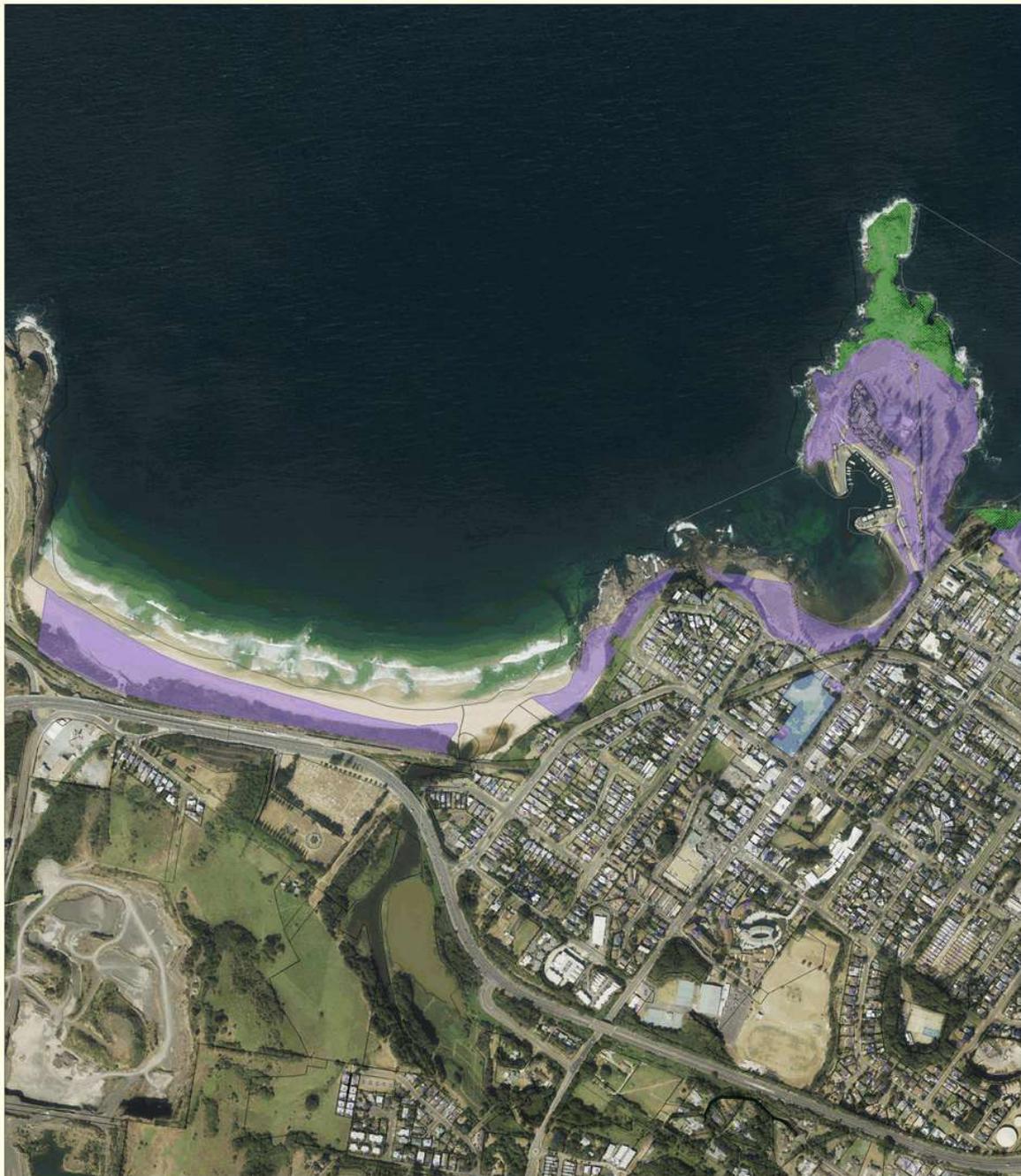
-  General Community
-  Holiday Park
-  Natural Area - Bushland
-  Natural Area - Escarpment
-  Natural Area - Watercourse
-  Park



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Blowhole Point (SP1020)

Project: CDA 1994
MAP Code 02
Scale: 1:400 @ A4

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Crown Land Classification

Category

-  General Community
-  Holiday Park
-  Natural Area - Bushland
-  Natural Area - Escarpment
-  Natural Area - Watercourse
-  Park



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Bliss (data 05/10/20)

Project No. CDA 1994
MCA - Zone 02

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Crown Land Classification

Category

-  General Community
-  Holiday Park
-  Natural Area - Bushland
-  Natural Area - Escarpment
-  Natural Area - Watercourse
-  Park



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Base data: OS 1020

Project: CDA 1994
MCA Zone 02
Scale: 1:500 @ A4

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13.2 Jamberoo Youth Hall section 355 Committee - election of office bearers

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

CSP Strategy: 4.3 Council and the community working together

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

Item 13.2

Summary

At the Council meeting on 22 September 2020, the Jamberoo Youth Hall individual committee nominations were approved by Council following an expression of interest process. The resolution of Council required the nominees to hold an inaugural Annual General Meeting to elect office bearers. This report recommends the office bearers for the Committee following the inaugural committee meeting.

Finance

N/A

Policy

Section 355 Committee Policy

Consultation (Internal)

NA

Communication/Community Engagement

NA

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council endorse:

- the following Jamberoo Youth Hall section 355 Committee positions:

Chairperson:	Megan Collins
Vice-Chairperson:	Vivienne Marris
Secretary:	Roslyn Neilson
Treasurer:	Nicole Rodgers
Bookings Officer:	Megan Collins
Maintenance Officer	Stuart Richards

Report of the Director Corporate and Commercial Services

13.2 Jamberoo Youth Hall section 355 Committee - election of office bearers
(cont)

2. Councillor Neil Reilly as the nominated Councillor to liaise between the Jamberoo Youth Hall Committee and Council.

BACKGROUND

At the Council meeting on 22 September 2020, the Jamberoo Youth Hall individual committee nominations were approved by Council following an expression of interest process. The resolution of Council required the nominees to hold an inaugural Annual General Meeting to elect office bearers. This occurred on 27 September 2020.

The Jamberoo Youth Hall Committee has advised of the following committee positions:

Chairperson:	Megan Collins
Vice-Chairperson:	Vivienne Marris
Secretary:	Roslyn Neilson
Treasurer:	Nicole Rodgers
Bookings Officer:	Megan Collins
Maintenance Officer:	Stuart Richards

Council's adopted section 355 Committee Policy does not specifically nominate a Maintenance Officer committee position. However, there is no reason this position cannot exist for the Jamberoo Youth Hall Committee as the issues relating to building maintenance are relevant for a 40-year asset. The section 355 Committee Policy of Council can be amended at Appendix 2 to acknowledge this committee position generally.

The Committee also elected Councillor Neil Reilly as the responsible Councillor to liaise between the Jamberoo Youth Hall Committee and Council. The section 355 Committee Policy provides for Council to be able to (not mandatory) "appoint one of its members, and an alternate, to each s355 Committee at any time irrespective of the maximum number of (committee) members."

The liaison role needs to be recognised by Council. The section 355 Policy (Chapter 3) allows Council to appoint one of its members to a committee at any time. In the event a Councillor or staff member becomes part of a section 355 Committee the elected Council/General Manager needs to endorse the appointment as required in the policy.

13.3 Reverse Vending Machine Gerringong - Licence for use of public land

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

CSP Strategy: 2.4 Effectively manage our waste and resources

Delivery Program: 2.4.1 Manage waste services

Summary

An information report was prepared for the 22 September 2020 meeting of Council regarding the investigations being undertaken by TOMRA to propose a suitable location in Gerringong to operate a reverse vending machine under a new licence.

TOMRA has undertaken additional investigations and due diligence. Council is seeking independent advice on the outcome of these investigations, including the noise assessment. Once completed there will be a further report to Council.

Finance

A licence agreement will require the payment of annual rental to Council.

Policy

Public Land Management Guidelines

Local Government Act 1993 & Regulations

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Consultation (Internal)

Manager Environment and Health – general advice has been given regarding potential issues around noise and waste management associated with a reverse vending machine operation.

Communication/Community Engagement

Following a previous resolution of Council, South Precinct was requested to nominate potential sites for a reverse vending machine including public and private land. These have been provided to Council in previous reports.

A proposed new licence for the reverse vending machine at Jubilee Park was previously advertised in accordance with the Public Land Management Guidelines.

Attachments

- 1 Tomra Recycling - Jubilee Park Gerringong [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council;

Report of the Director Corporate and Commercial Services

13.3 Reverse Vending Machine Gerringong - Licence for use of public land (cont)

1. notify TOMRA that a completed noise assessment for the reverse vending machine at Gerringong is required to be submitted in order for a report to be prepared by staff for the 17 November 2020 meeting of Council, and
2. allow the existing TOMRA reverse vending machine to continue to operate from Jubilee Park Gerringong on monthly holding over terms until the 17 November meeting.

BACKGROUND

Council entered into a licence agreement with TOMRA Collections Pty Limited (TOMRA) in September 2018 for a trial placement of a reverse vending machine (RVM) at Lot 7010 DP1026773 (Jubilee Park, Gerringong). It was considered important to attempt to facilitate a RVM in Gerringong based on environmental grounds and community benefit. The licence ended in September 2019 and has continued on monthly holding over terms under the agreement. The licensor has sought to enter into a new licence agreement. The proposed new licence was subsequently advertised as required by legislation and a report for Council's consideration was prepared regarding the new licence on 19 May 2020.

Council resolved on 18 August 2020 to allow the RVM to continue for a further two months. Over the last two months, TOMRA has considered other sites nominated by South Precinct including public and private land. TOMRA has indicated that the only site that satisfies the relevant operating requirements is the (current) Jubilee Park location. It is not believed that there is an alternate public land location option in Gerringong for the RVM.

The Return and Earn deposit container scheme is New South Wales' (NSW) largest litter reduction initiative and it has proven to have a significant reduction in drink litter container in streets and waterways. RVM's generally provide community benefit and contribute to environmental gains.

The Exempt and Complying Codes (2008) make provision for reverse vending machines to operate in NSW and contain development standards for RVMs (eg collection hours and days). These standards principally relate to collection times/days and would be part of a new licence agreement. In NSW, reverse vending machines are exempt development (not requiring development consent under the *Environmental Planning & Assessment Act 1979*). Being exempt development, the use is generally considered to have a relatively low environmental impact and subsequently a category of land use which the Minister has determined to be supportable as minor development.

The NSW Environmental Protection Agency (EPA) Design Guide for Container Recycling Equipment was developed as a guide for the appropriate installation of recycling equipment and facilities and considers design, operational requirements and locations. The Design Guide was developed in association with container recycling equipment being nominated as exempt development under SEPP 2008 (Exempt Codes). The proposed location considers these requirements.

The land that the reverse vending machine will be located under the proposed new licence is Council owned community land.

Report of the Director Corporate and Commercial Services

13.3 Reverse Vending Machine Gerringong - Licence for use of public land (cont)

During the previous licence advertising process, the main issue raised in submissions was noise impact. A total of 10 submissions were received during advertising. Other issues raised included:

- water accumulation (around the RVM unit)
- increased vehicle and pedestrian traffic
- truck service frequency and hours
- suitability of placement of a recycling facility on community land

It is noted that increased traffic and truck frequency/hours concerns are related to noise issues. During the term of the previous licence, TOMRA incorporated internal sound mitigation into the recycling unit to improve the operational performance of the RVM.

With regard to noise impact, TOMRA has commissioned an operational noise assessment of the RVM operations at the current Jubilee Park location. The report assessed the operating conditions of the existing reverse vending machine based on:

- glass bottles being fed into the machine (operational noise)
- a typical collection cycle (collection of waste, loading bins onto the back of a truck, crushing glass and returning the bins to the RVM unit and manoeuvring on-site) referred to as collection noise
- truck and vehicle use of the public road system adjoining the site

The operational noise assessment included background noise levels and noise readings at the nearest residential properties in Blackwood Street, Jubilee Avenue and Gowan Place during operating conditions of the RVM. The nearest residential properties are between 77m and 148m from the RVM.

At the time of writing, the noise assessment was being reviewed by Council staff. However, an independent review of the report was not able to be completed. This is necessary to be able to make an informed recommendation to Council regarding the operation of the RVM and NSW Industrial Noise Policy standards.

In consideration of the issues raised in submissions with licence advertising, the noise assessment will be appropriately reviewed and a report prepared for Council for the following meeting regarding the licence proposal and continued operation of the reverse vending machine.



Licensed Area



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Base data: 06/10/20

Project: GDA 1694
MCA Zone 95

Scale: 1:1000 @ A4

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13.4 Review of Footpath Dining Policy

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

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.1 Manage road infrastructure through the Road Asset Management Plan

Item 13.4

Summary

Council's Footpath Dining Policy is scheduled for review. Due to COVID-19 in the first half of this year, the review was delayed. The draft revised policy is proposed to be placed on public exhibition and re-reported to Council later this year.

Finance

The Footpath Dining Policy is proposed to be altered to incorporate a rental based method for the footpath area used to replace the per chair "rental" rate. The impacts of this change are addressed in the report.

Policy

Footpath Dining Policy

Roads Act 1993

Public Land Management Guidelines

Consultation (Internal)

Nil

Communication/Community Engagement

The draft revised Footpath Dining Policy is to be placed on public exhibition for comment.

Attachments

1 DRAFT - Footpath Dining Policy 2020 [↓](#)

Enclosures

Nil

RECOMMENDATION

The draft revised Footpath Dining Policy attached to this report be placed on public exhibition for 28 days in accordance with the Public Land Management Guidelines.

BACKGROUND

Council's Footpath Dining Policy is scheduled for review with the key proposed changes as follows:

Report of the Director Corporate and Commercial Services

13.4 Review of Footpath Dining Policy (cont)

- The fees charged for use of the public footpath area be based on the amount of footpath area used for outdoor dining compared to a per chair amount.
- Inclusion of a clause that permits Council to refuse an application for footpath dining that is in the vicinity of an awning extending over the public footpath that has not been appropriately certified under Council's established process under section 139 of the *Roads Act*. This is a public safety issue and needs to be expressed in the policy for transparency.

Fees

It has been a challenging year for footpath dining operators with COVID-19 and the ensuing Public Health Orders. The footpath area has been important for food premises over the last few months due to space/patron restrictions within premises and will continue to be a viable option for the maintenance of service delivery. It should be noted that since the enforced COVID restrictions in the autumn period, footpath dining operators have not been charged for use of the footpath area. This has been important for economic recovery and small business continuity.

It is considered that the proposed new rental method will be more equitable for business and also more efficient for Council to administer. The current arrangement for footpath dining charges based on a per chair usage has proven to be an ineffective system during COVID with the Public Health Orders determining footpath dining capacity based on square metres. Moving to the proposed new rental based system will facilitate the activation of changing Public Health Orders over time without conflicting with individual footpath dining consents.

Below is a comparative analysis that demonstrates that the new rental based system will result in similar usage (rental) fees for footpath dining operators.

No. of chairs	Current footpath dining charge per annum (\$)*	Current total cost per chair per annum (\$)	Area of footpath (m ²)	Proposed new footpath dining charge per annum (\$pa)**
5 chairs	702	140	5m ²	600
10 chairs	1404	140	10m ²	1200
15 chairs	2106	140	15m ²	1800
20 chairs	2808	140	20m ²	2400
25 chairs	3510	140	25m ²	3000
30 chairs	4212	140	30m ²	3600

*based on Kiama & Gerringong commercial areas rate of \$2.70/chair/week (all other areas \$1.95/chair/week)

**based on Kiama & Gerringong commercial areas rate of \$120/m² (all other areas \$90/m²)

Changing to the new rental system is not being implemented to increase revenue. However, it is expected that the new individual footpath dining rental fees, expressed over an entire year, will be different to the current charges. It is not possible in the transition to a new system that footpath dining fees can be exactly the same. In the above table, an area of 5m² has been used as it approximates the placement of a table

Report of the Director Corporate and Commercial Services

13.4 Review of Footpath Dining Policy (cont)

with four chairs, plus circulation space. It needs to be noted that under current Public Health Orders a greater circulation space is required for social distancing which requires around 7m² per table and four chairs.

However, footpath dining operators are currently not paying footpath dining fees (since Public Health Orders were introduced for dining/outdoor dining). The proposed new rental method assumes no Public Health Order distancing restrictions. When footpath dining operators are required to be charged for use of the footpath, Council can consider a reasonable pro rata rental payments where an area is not able to be used to its normal capacity.

A fixed rental for the allocated footpath area is a more simplified and equitable approach within the revised policy. The objectives of the new rental based system are to:

- align Council's footpath dining rental method to contemporary practice, noting that this method is used by other Councils
- minimise administration and inspection regimes that arise from a regulation based system determined by the number of chairs used which can be changed easily and often by an operator
- to ensure the Footpath Dining Policy is responsive to Public Health Orders

In establishing the proposed new footpath dining occupation rental, valuation advice was previously received by Council. The proposed rental structure has been purposefully designed to keep footpath dining fees for operators generally the same. At the present time this is considered a reasonable approach.

Under the revised policy the operator will be responsible for the placement, spacing and number of tables and chairs in their "rental" area. Customer focused operators will consider the dining experience of their patrons and accordingly make the appropriate provision of tables and chairs. In the immediate period the Public Health Orders prevail.

NSW Government Policy

In 2019 the NSW Outdoor Dining Policy was released by the NSW Small Business Commissioner. This opt-in policy was previously reported to Council and it was decided to retain Council's existing Footpath Dining Policy as it was achieving the objectives of the suggested opt-in format.

Presently there is discussion that the outdoor dining rules could be reviewed in NSW as a direct response to COVID. In Victoria, the suggestion is that current public areas could be transformed into designated outdoor dining areas to support food and beverage premises. This could include converting car parking, road and laneway areas to sustain outdoor dining. These changes would be transformational and more details are required from the NSW Government to determine how this may impact or benefit Kiama.

Kiama's areas of footpath dining opportunity are governed by the location of commercial premises in the separate town areas, the limited available constructed footpath, directly adjoining roadway and on-road car parking provision within commercial/business areas of the LGA. In some of the commercial areas where footpath dining occurs, the accompanying pedestrian zone (general public access) is

Report of the Director Corporate and Commercial Services

13.4 Review of Footpath Dining Policy (cont)

heavily used for substantial periods including holiday periods, weekends, etc. In Kiama there is limited opportunity for the expansion of footpath dining. However the approval system is streamlined and facilitates compliant footpath dining proposals.

Previously the application and approval system of Council was reviewed and is not a complicated process for food premises to obtain footpath dining consent. Council already allows the expansion of footpath dining in front of adjoining shops and businesses that are not food related which has been effective in facilitating outdoor dining opportunity.

Item 13.4



Footpath Dining Policy



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date approved/adopted	14 December 2004
Resolution No	TBC
Date effective	14 December 2004
Date last reviewed	20 March 2019
Next review date	1 December 2022
Department	Corporate and Commercial Services
Author	Manager Commercial Services
TRIM reference	SC589: 20/109801
Supporting documents	Application for footpath dining

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Footpath Dining Policy

1.0 Purpose

To provide guidelines to enable the establishment of footpath dining on public road reserves in the business/commercial areas of Kiama Municipality.

2.0 Objectives

Objectives of this policy are to:

- encourage the establishment of footpath dining directly related to the operation of an adjoining food business;
- ensure that footpath dining areas do not disrupt traffic and pedestrian flow or compromise safety.

3.0 Scope

Applies to all public road reserves in the Kiama Municipality in commercial or business areas under the care, control and management of Council.

4.0 References

- *Roads Act 1993*
- State Environmental Planning Policy – Exempt and Complying Development
- *NSW Smoke Free Environment Act 2000*
- *Local Government Act 1993*

5.0 Specific requirements for footpath dining

5.1 Minimum footpath pedestrian access width (*footpath pedestrian zone*)

The *footpath pedestrian zone* is for general pedestrian use with footpath dining excluded. The footpath pedestrian zone is a minimum two metres as measured from the front boundary of the shop premises, except that section of Terralong Street between Railway Parade and Collins Street where it is three metres.

In some cases, footpath dining areas in association with the adjoining food premises is more appropriately located directly next to the shopfront taking into account pedestrian movement and crossing points at adjoining roads. These locations will be assessed on merit as part of the footpath dining application process.

5.2 Footpath dining area

The conditions of use for the footpath dining area are:

- the footpath area able to be considered in conjunction with the adjoining food premises corresponds with the actual shop frontage width and clear of the footpath pedestrian zone referred to in 5.1 above. In addition, an 800mm exclusion zone exists from the roadside kerb to allow access to/from vehicles parked on the street.
- at all times a 1.5 metre exclusion zone must be maintained to all public infrastructure such as bins and public street furniture that are located within the footpath dining area.

- footpath dining directly in front of an adjoining shop will only be considered with the written consent of the shop owner. The adjoining owner can retract consent at any time.
- footpath dining can only be considered where the pavement grade or cross fall can safely support chairs and tables.
- screens, barriers and the like in conjunction with footpath dining are allowed to separate dining areas from the footpath pedestrian zone and the road. Screens and barriers need to be designed and secured and not be a hazard to users of the footpath.
- footpath dining furniture needs to consider the presentation of the footpath areas to the general public that positively contributes to the street environment.
- all furniture is to be removed from the footpath after each trading day.
- furniture needs to withstand weather conditions and be safe for use. Umbrellas must be firmly anchored.
- umbrellas cannot span outside designated approved footpath dining areas and need to maintain a vertical clearance from the ground surface of two metres.
- ancillary structures such as supplementary menus or specials boards must not interfere with patron movement and safety or be positioned in footpath pedestrian zones or exclusion zones.

5.3 Unsuitable locations

Footpath dining may not be supported where there is concentrated pedestrian traffic movement or vehicle traffic concerns such as near public transport stops or pedestrian crossing points.

Where there is an awning extending over the public footpath and no evidence has been provided to Council for structural certification of the awning for the proposed period of the footpath dining consent, footpath dining will not be supported.

5.4 Waste disposal

Street rubbish bins cannot be used for the disposal of waste associated with footpath dining.

5.5 Smoke free areas

Footpath dining areas are smoke-free in accordance with the *Smoke Free Environment Act 2000*. Signage and control of smoke-free footpath dining is the responsibility of the footpath dining consent holder.

5.6 Insurance

The consent holder must indemnify Council in respect of any claim which may arise from use/occupation of the footpath area and all actions, sums of money, costs, claims, demands and other liabilities which may be sustained or suffered or recovered or made against Council by any person during the term of a consent to operate.

The public liability insurance extended to indemnify Council is \$20,000,000 or a greater sum if notified by its insurers.

5.7 Liquor licence and alcohol free zones

Council has established alcohol free zones under section 644 of the *Local Government Act 1993* prohibiting alcohol consumption over designated public roads and footpaths in the Kiama Municipality. Any footpath dining operation intending to serve alcohol requires licensing from the NSW Liquor and Gaming Authority in the first instance.

5.8 Footpath dining occupation (rental) fees

The rental fee payable to Council for the use of the footpath for outdoor dining is based on a rate/m2 for the total footpath dining area available and is invoiced monthly. Council's Fees and Charges are reviewed annually. New and renewed footpath dining consents require payment of the application fee expressed in Council's Fees and Charges.

5.9 Term of consent

Consent for footpath dining will be granted for up to three years after which time a new consent will need to be obtained for continued use.

6.0 Application procedure

Application for consent needs to be made to Council using the Application for Footpath Dining form with the application fee.

7.0 Document control

Date reviewed	Date adopted	Amendment
20 March 2019	20 March 2019	<ol style="list-style-type: none"> Document re-formatting Correcting an anomaly and clarifying a three metre footpath pedestrian zone in Terralong Street between Railway Parade and Collins Street.
15 April 2014	15 April 2014	-
20 May 2008	20 May 2008	-

8.0 Signature

Name: Kerry McMurray General Manager	Date: Click or tap to enter a date.
Signature: 	

How to contact Council

Post

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Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

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+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
Website: www.kiama.nsw.gov.au

Office hours

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



KIAMA MUNICIPAL COUNCIL
your council. your community

13.5 Statement of Investments - September 2020

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 September 2020.

Finance

N/A

Policy

Clause 625 of the *Local Government Act 1993*

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

Kiama Municipal Council – Investment Policy

Communication/Community Engagement

N/A

Attachments

- 1 Statement of Investments - September 2020 [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council receive and adopt the information relating to the Statement of Investments for September 2020.

BACKGROUND

Attached is a copy of the Statement of Investments for September 2020.

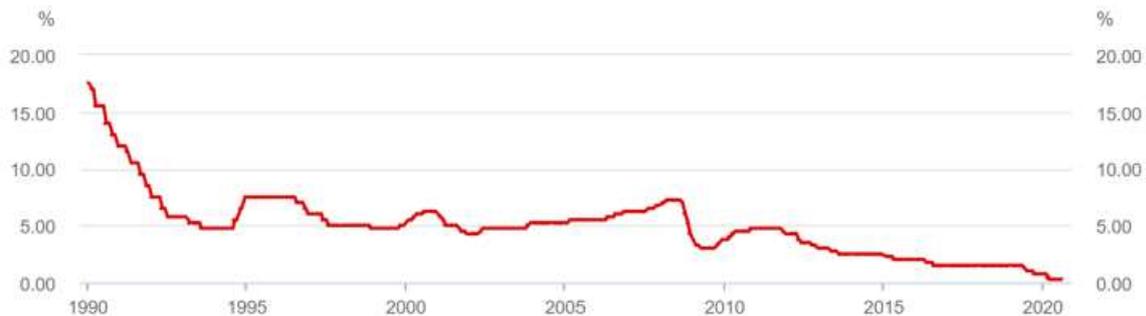
Investment commentary

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

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

A decision by the Reserve Bank board meeting on 2 September 2020 has seen the cash rate stay at 0.25%.

Graph of the Cash Rate Target



Source: RBA

Index	September 2020	August 2020
RBA Official Cash Rate	0.25%	0.25%
90 Day (3 month) BBSW Rate	0.09%	0.09%
3yr Australian Government Bonds	0.17%	0.28%
10yr Australian Government Bonds	0.84%	0.98%
US Fed Funds Rate	0.00%-0.25%	0.00%-0.25%
10yr US Treasury Bonds	0.69%	0.72%

Source: RBA, AFMA, US Department of Treasury

Certification – Responsible Accounting Officer

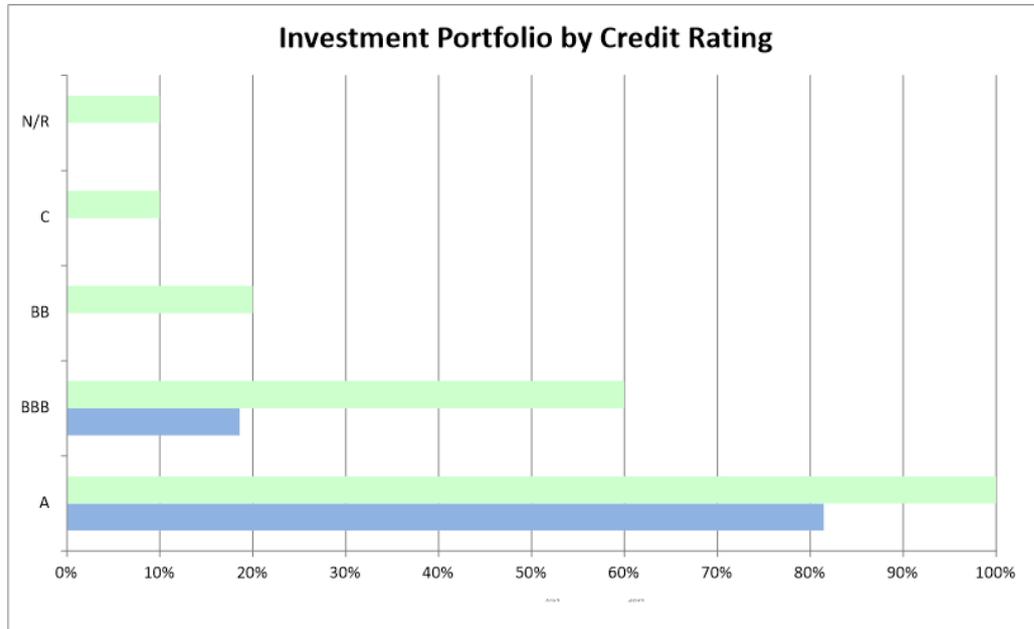
I hereby certify that the investments listed in this report have been made in accordance with Section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2005* and Council’s Investment Policy.

Item 13.5

(b) Council Investments as at 30 September, 2020

DIRECT INVESTMENTS: INSTITUTION	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
AMP	BBB	1,000,000	Term Deposit	07/09/20	08/03/21	182	0.55
AMP	BBB	500,000	Term Deposit	24/10/18	21/10/20	728	2.85
AMP	BBB	750,000	Term Deposit	28/09/20	29/03/21	182	0.55
Bank of Qld	BBB+	1,000,000	Term Deposit	24/10/18	21/10/20	728	2.90
Bank of Qld	BBB+	1,000,000	Term Deposit	02/09/20	02/03/21	181	0.75
ING Bank (Australia)	A1/A	1,000,000	Term Deposit	02/11/18	21/10/20	719	2.88
Suncorp	A	1,000,000	Term Deposit	14/07/20	25/11/20	134	0.65
Suncorp	A	1,000,000	Term Deposit	14/07/20	09/12/20	148	0.65
NAB	AAA	1,000,000	Term Deposit	26/08/20	26/02/21	184	0.70
NAB	AAA	1,000,000	Term Deposit	23/09/20	23/03/21	181	0.65
NAB	AAA	1,000,000	Term Deposit	16/09/20	16/03/21	181	0.65
NAB	AAA	1,000,000	Term Deposit	11/06/20	07/10/20	118	0.90
NAB	AAA	1,000,000	Term Deposit	11/06/20	14/10/20	125	0.90
NAB	AAA	1,000,000	Term Deposit	11/06/20	11/11/20	153	0.90
NAB	AAA	1,000,000	Term Deposit	14/07/20	04/11/20	113	0.85
NAB	AAA	1,000,000	Term Deposit	14/07/20	18/11/20	127	0.85
NAB	AAA	1,000,000	Term Deposit	14/07/20	02/12/20	141	0.85
NAB	AAA	1,000,000	Term Deposit	14/07/20	16/12/20	155	0.85
Westpac	AA-	1,503,877	Term Deposit	16/09/20	17/02/21	154	0.70
Newcastle Permanent FRN	BBB	1,014,220	Floating Rate Note	28/09/18	06/02/23	1592	1.39
Total Term Deposits & FRNs		19,768,097					1.10
TcorpIM Cash Fund	AAA	6,820,480	Cash Fund			AT CALL	0.72
Westpac	AA-	1,769,467	Bank Account	-		AT CALL	0.04
Total 'At Call' Funds		8,589,946					0.04
TOTAL CASH & INVESTMENTS		28,358,044				Average Rate- Sep 2020	0.76
						Average Rate- Sep 2019	1.86
TOTAL INVESTMENTS Aug 2020		32,342,173					
TOTAL INVESTMENTS Sep 2019		26,790,095					
							-14.05% Change in total investment over prev 1 month
							5.92% Change in total investment over prev 12 months

Note: The Westpac Bank Account balance shown above of \$1.77M includes deposits at month-end not processed to Council's financial system and excludes cheques that have not been presented.



Portfolio Limit

Long Term Credit Ratings (S&P or Moodys or Fitch)	Policy Maximum	Current Holding %	Current Investment \$
A to AAA	100%	81%	\$23,093,824
A-	40%	0%	\$0
BBB to BBB+	30%	19%	\$5,264,220
BBB- and below	5%	0%	\$0
BBB- and below	5%	0%	\$0
			\$28,358,044

(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	Developer Contributions	4,495,551
	Unexpended Grants	639,552
	Domestic Waste	3,366,658
	Waste & Sustainability	414,590
	Illawarra Shoalhaven Joint Organisation	2,332
Internally Restricted	Employees leave entitlement	2,220,000
	Carry over works	4,822,319
	Blue Haven ILU	461,115
	Blue Haven care – residential	1,517,602
	CACP	160,703
	Community bus	399,127
	Computer	320,128
	Future Projects	500,000
	Council Elections	190,000
	Holiday parks	959,050
	Land development	2,601,787
	Plant replacement	1,899,563
	Regional carer respite centre	234,245
	Waste business unit	748,755
	Energy Efficiency	1,606
	Risk Improvement Incentive	105,237
	Unexpended TCorp Loan	2,060,708
Unrestricted Funds:	Funds to meet current budgeted expenditure	237,417
TOTAL INVESTMENTS		28,358,044

The above Application of Invested Funds will change subject to the preparation of the financial statements. The values can change due to monthly movements.

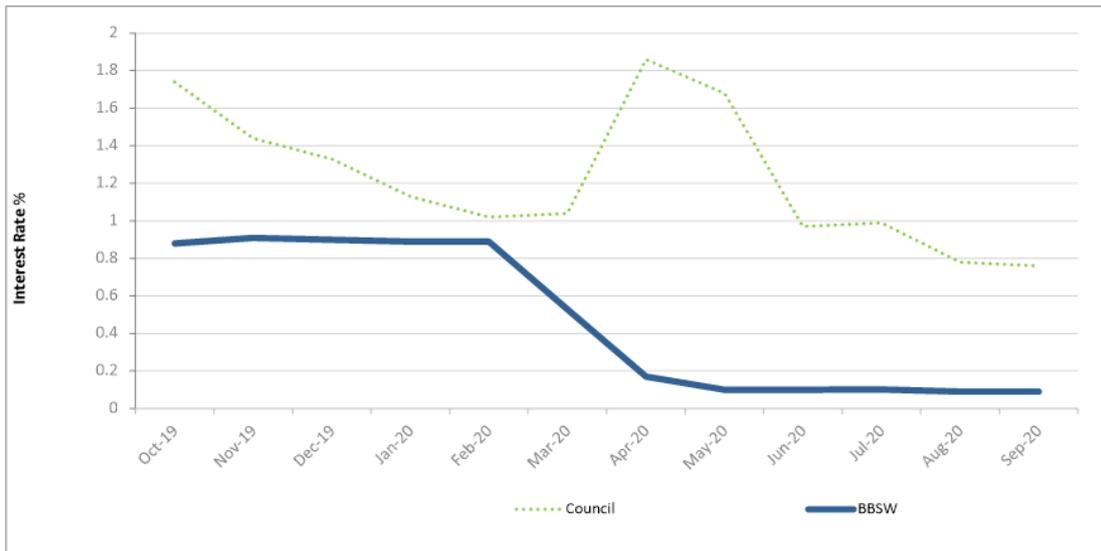
The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

(d) Investment Portfolio Performance

Investment Performance vs Benchmark

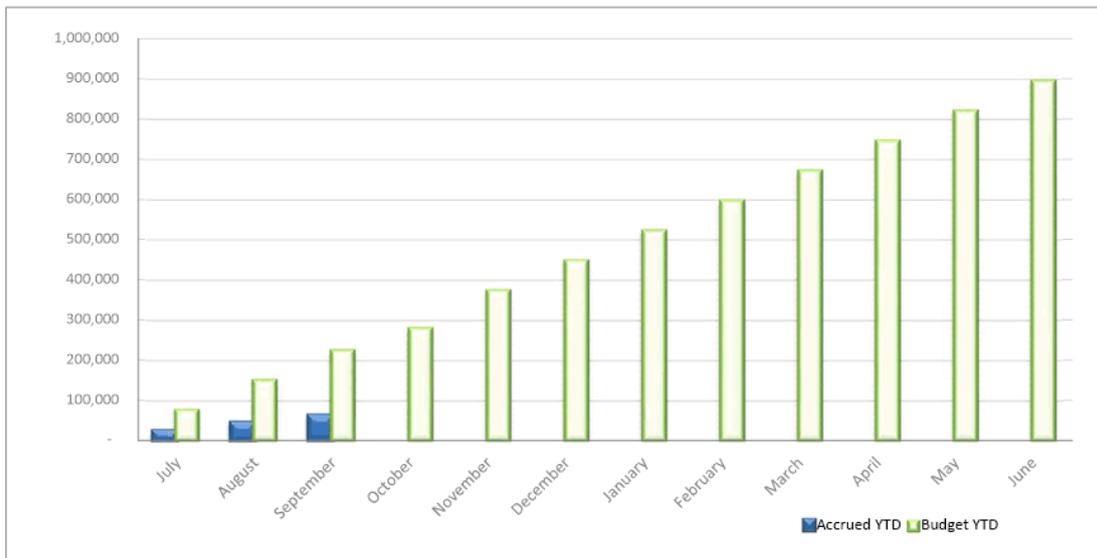
	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month average	0.76	0.09
3 month average	0.84	0.09
6 month average	1.17	0.11
12 month average	1.23	0.47

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 30 September, 2020



Council's interest on investment budget estimate is based on the sale of the remaining Independent Living Units. A review of sales will form the basis of a budget adjustment to projected interest at the end of the quarter. With the timing difference between setting the budget and investment expectations an budgetted interest will be reviewed.

14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

Nil

15 REPORT OF THE DIRECTOR BLUE HAVEN

Nil

16 REPORTS FOR INFORMATION

16.1 Annual tabling of Designated Persons Returns

Responsible Director: Office of the General Manager

As prescribed by Section 4.18 and Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Code), a Councillor or Designated Person holding that position as at 30 June of any year, must complete and lodge with the General Manager or Public Officer, within three months after that date, a return of disclosure and interest in the form prescribed by the regulations.

Under Section 4.21 of the Code, the General Manager or Public Officer must keep a register of the returns lodged under the Code and they must be tabled at a meeting of the Council being the first meeting held after the last day for lodgement, which was 30 September 2020.

The Register of Designated Persons' Disclosures will be tabled at the meeting

Communication/Community Engagement

N/A

16.2 Christmas / New Year - annual close down period

Responsible Director: Office of the General Manager

Each year, Council has an annual close down period that commences at the close of business on Christmas Eve and concludes after the New Year's Day public holiday.

While some areas remain operational between Christmas and New Year, Council has implemented an Indoor Employee Accrued Time Protocol and Outdoor Nine Day Fortnight Protocol that allow employees to work increased hours throughout the year to accrue sufficient time to cover the three usual working days that fall during the annual close down. Employees who have not worked the additional hours throughout the year are required to access other forms of leave during this period.

This year Christmas Eve falls on a Thursday and there will only be a skeleton staff working that day. It will be the responsibility of each Director to ensure there is adequate staff to support our services.

The following table details the calendar for the annual close down period:

Date	Holiday / Day	Leave
Thursday 24 December	Christmas Eve	Work day – skeleton staff only
Friday 25 December	Christmas Day	Public holiday
Saturday 26 December	Non-work day	Non-work day
Sunday 27 December	Non-work day	Non-work day
Monday 28 December	Boxing Day holiday	Public holiday
Tuesday 29 December	Usual work day	Concessional or other form of leave
Wednesday 30 December	Usual work day	Concessional or other form of leave
Thursday 31 January	Usual work day	Concessional or other form of leave
Friday 1 January	New Year's Day	Public holiday
Saturday 2 January	Non-work day	Non-work day
Sunday 3 January	Non-work day	Non-work day
Monday 4 January	Return to work	

Council's annual close down period will be from 3.30pm on Thursday 24 December 2020 with employees returning to work on Monday 4 January 2021.

Communication/Community Engagement

A communication/media program will be implemented to advise of close down period and services that will remain operational.

16.3 COVID-19 Financial Relief Package - update

Responsible Director: Office of the General Manager

The monthly review of the financial relief package has been undertaken and financial assistance has continued as minuted at the April 2020 Council meeting.

Rent review

No further applications for rent reviews have been received.

Outdoor dining fees

The waiver of outdoor dining fees remains in place.

Rate relief

As at 9 October 2020 the following rate applications and arrangements have been made:

Request to defer 4 th Instalment to 31/08/2020 (online application via Council website)	7
Request for a payment arrangement (online application via Council website)	18
Request to defer 1 st Instalment to 30/09/2020 (online application via Council website):	0
Payment arrangements and deferrals via phone/email:	56

The outstanding rates and charges balance as at 6 October 2020 compared to the previous year is as follows:

6 October 2020	\$17,029,153	67%
1 October 2019	\$15,976,664	66%

Hall hire

Additional fee waivers and reductions have been applied up until 31 December 2020 for the following:

Children's Medical Research Institute Gerringong Branch – period extended for regular hire of Gerringong Town Hall.

Jamberoo Red Cross – period extended for regular hire of Jamberoo School of Arts

Yoga classes at North Kiama Neighbourhood Centre – 50% reduction in fees

Yoga classes at Werri Beach Progress Hall – 50% reduction in fees

Reports for Information

16.3 COVID-19 Financial Relief Package - update (cont)

Holiday Parks – compensation for closure

The impact of the closure on the Holiday Parks income was assessed using the principles outlined in the National Cabinet Mandatory Code of Conduct SME Commercial Leasing Principles During COVID-19. An application of the applicable principles yielded the following formula:

Average Tourist Accommodation Income for the three previous years (for the closure period) x the relevant percentage commission x 50% (consistent with the National Code) less any payments received through JobKeeper during the closure period that offset normal wages.

The total package for the five Holiday Parks was \$111,330 (ex GST).

Local Government (General) Regulation 2005

Amendments made to the Regulation under the COVID-19 pandemic regulation-making power on 17 April 2020 were to expire on 18 October 2020 however the “prescribed period” for the purposes of sections 747A and 747AB of the Local Government Act 1993 have been extended to 25 March 2021.

Section 747A provides that during the prescribed period, a requirement for councillors or others to attend a meeting is satisfied if the meeting is held in whole or in part remotely using audio visual links.

Section 747AB limits the ability of councils to commence proceedings to recover unpaid rates and charges during the prescribed period unless certain steps have been taken to identify and address financial hardship.

Communication/Community Engagement

Information on the relief package is provided to the community via our normal print and social media channels.

16.4 Clause 4.6 Variations to LEP Development Standards - 1 July to 30 September 2020Responsible Director: Environmental Services

Below are the Clause 4.6 variations for the period 1 July to 30 September 2020.

Development Application No 10.2020.11.1 – 174 North Kiama Drive, Kiama Downs

- Residential – Single Dwelling.
- Zone: R2 - Low Density Residential.
- Standard to be Varied: Clause 4.4 – Floor Space Ration
- Extent of Variation: 1.77%
- Approved by Delegation on 31/7/2020.

Development Application No 10.2020.67.1 – 2/17 Noble Street, Gerringong

- Commercial – Medical Centre.
- Zone: B2 Local Centre.
- Standard to be Varied: Clause 6.8 – Active Street Frontage.
- Extent of Variation: Clause 6.8 is a non-numeric development standard.
- Approved by Council on 18/8/2020.

Communication/Community Engagement

Standard notification processes occurred through the DA assessment with adjoining and surrounding residents notified of the proposed variations. Any submission received was considered during the assessment and reporting process.

16.5 Illawarra Shoalhaven Local Health District - thank you

Responsible Director: Office of the General Manager

Council has received the attached correspondence from Dr Paul van den Dolder, the Director Ambulatory and Primary Health Care at the Illawarra Shoalhaven Local Health District, thanking Council for the ongoing commitment during the COVID-19 pandemic in supporting the local community to stay safe and healthy.

Item 16.5

Communication/Community Engagement

N/A

Attachments

- 1 Appreciation - COVID-19 Pandemic - Ongoing commitment and support - NSW Health Illawarra Shoalhaven Local Health District [↓](#)



Health
Illawarra Shoalhaven
Local Health District

Kerry McMurray
The General Manager
Kiama Municipal Council
PO Box 75
KIAMA NSW

Ref:DT20/93577

Dear Mr McMurray,

The Illawarra Shoalhaven Local Health District is committed to improving the health and wellbeing of our community and the creation of supportive environments for health. We could not achieve this without strong partnerships with Local Government to work towards addressing many of the social determinants of health, in particular access to healthy food, housing and transport.

I am writing to recognise the valued work that Kiama Municipal Council has undertaken during the COVID-19 pandemic to support our community to stay safe and healthy. While there have been many excellent actions we would like to highlight the following:

- Contribution to Food Fairness Illawarra - Food Security Working Group which provided good lines of communication with NGO's and the Local Emergency Management Committee.
- Distribution to Aboriginal families of food hampers which were prepared by staff with rescued food from OzHarvest.
- Provision of appropriate and clear messaging to the community especially multicultural communities regarding public health guidance and orders as well as healthy living messaging during isolation highlighting the importance of physical activity and mental wellbeing.
- Leisure Centre staff partnered with Health to support over 20 participants of the established Health Moves Program. Council staff delivered support/advisory calls and provided exercise based material for the weekly emails/letters (over 16 weeks) that were sent to participants.
- Leisure Centre staff undertook rigorous planning and risk assessments which enabled the Health Moves Program to return operating at Kiama Leisure Centres in a modified format. This was in response to overwhelming feedback from participants expressing their desire to return to this popular program once the gym reopened.

We thank you for your ongoing commitment and support for the health of the communities we serve together in your local government area.

Yours sincerely

A handwritten signature in black ink, appearing to read "Paul van den Dolder".

Dr Paul van den Dolder
Director Ambulatory and Primary Health Care

Date: 24/9/2020

16.6 Minutes: Jamberoo Valley Ratepayers and Residents Association - 1 September 2020

Responsible Director: Office of the General Manager

The minutes of the Jamberoo Valley Ratepayers and Residents Association meeting held on 1 September 2020 are attached for Councillors' information.

Communication/Community Engagement

Councillors and staff regularly attend and address Association meetings.

Meeting dates are published on Council's website.

Attachments

- 1 Minutes: Jamberoo Valley Ratepayers and Residents Association - JVRRA - 01/09/2020 [↓](#)

Jamberoo Valley Ratepayers and Residents Association

PO Box 146 Jamberoo NSW 2533

jvrrasecretary@gmail.com

JVRRA General Meeting AGENDA and BUSINESS PAPERS

Tuesday 1 September 2020, 7.30 p.m., Club Jamberoo, Verandah Room

1. **Attendees:** Vivienne Marris, Ros Neilson, Bob Neilson, Stuart Richards, John Friedmann, Narelle Day, Mary Lou Reid, Peter Brown, Glenys Day, Susie Nash, Geoff Reid, Max Brennan, Connie Dallas, Trevor Dallas, Roger Lyle, David Hall, Greg Walsh, Ray Nolan, Belinda Hibbert.
Apologies: Tim Burton-Taylor, Maria Gardener, Margaret Stephens, Lesley Friedmann, Julie McDonald.
Guests: Ed Paterson, Jessica Rippon, Belinda Hibbert and Councillor Neil Reilly.

The Chair opened the meeting at 7.35pm and welcomed Members and acknowledged Country and Traditional Owners.

The guest speakers were Ed Paterson, Manager Strategic Planning and Jessica Rippon, Director Environmental Services from Kiama Council. They presented an overview of the new Local Strategic Planning Statement (LPSP), the final version of which has included extensive responses to community input. The document will continue to be reviewed every 4 years. KMC is currently updating its Housing Strategy policy in the light of recent housing projections.

Jessica spoke about the Minnumurra Road boardwalk which is under investigation as the work was not approved by the KMC who have now sought legal advice.

Housing strategy draft plan in the Illawarra area was documented in 2016 that 2850 dwellings would be required.

[Presentation:](#)

Question from the floor:

Roger Lyle queried the placement of the permitter road around the outside of the approved of the Golden Valley Road subdivision. Is the road going to be placed on the agricultural land that was not re-zoned for residential purposed? Reply; Although roads are permitted on agricultural land, when the DA for this particular subdivision is submitted, it will have to include justification of where the road is going to be placed, and Council will consider that argument at the time.

Glenys Day asked about the Environmental impact of the Minnamurra boardwalk.

Reply; KMC is currently seeking advice about the future status of the project. The

1

process includes discussions between the applicant and committee representative KMC. The committee includes KMC staff and others with approval skills and experience.

The second guest speaker was Belinda Hibbert, Director of Jamberoo Community Preschool. The preschool building is owned by KMC, and is leased to the preschool, which is a not-for-profit, community-based organisation. The building was severely impacted in the recent flooding, with Level 3 contaminated water flooding the interiors, causing huge loss of furniture and equipment. The community has been helpful in attending working bees. Belinda is currently working with the insurance company and she has been informed that the preschool's insurance excess is going to increase to a level that will mean that any future flooding is unaffordable. Serious flooding has been a consistent problem with this building over the years. Belinda has been negotiating with KMC over rates payments etc., and reported that the Council Engineer has inspected the damage, but she remains concerned about the urgency of addressing the flooding problem. The preschool is functioning at capacity at the moment, with 30 children per day, five days per week – they serve at least 65 Jamberoo families. If they were forced to close, the Jamberoo community would be very seriously impacted. Details about how JVRRA members can contribute to the fund raising efforts were distributed. It was resolved that JVRRA would write to KMC supporting the Preschool's need to have the flooding problem addressed as a matter of urgency.

[Items required for the Preschool.](#)

2. [Minutes](#) of the JVRRA General Monthly Zoom meeting of 4 August, 2020

Moved by Ros Neilson Seconded by Glenys Day.

3. Matters arising from the Minutes not listed elsewhere in the Agenda – None.

4. [Correspondence IN](#)

- KMC DA 171 Mt Brandon Rd., Jerrara- 4 August 2020
- KMC DA 1A Allowrie St., Jamberoo – 7 August 2020
- KMC re 13 Beattie St., Jamberoo 17 August 2020
- KMC DA for 190 & 192 Riverside Rd., Jamberoo – 20 August 2020
- KMC 1A Allowrie St., Jamberoo – Application withdrawn – 20 August 2020
- KMC response to JVRRA submission re Jamberoo Mt Rd, Jamberoo – 21 Aug 20
- KMC DA re 493 Jamberoo Road, Jamberoo – 21 August 2020
- KMC – DA 65 Churchill St., Jamberoo – 3 August 2020
- We also received a thank note from Geoff Boxsell and Family

5. Correspondence OUT

- KMC re Jamberoo Youth Hall – 11 August 2020
- KMC & GM re Jamberoo Camping Site – 11 August 2020
- KMC & GM re 47 Thompson St, Kiama – 11 August 202
- Will Chyra FOMR re Minnamurra River – 11 August 2020
- Invitation to Ed Paterson & Jessica Rippon – 11 August 2020
- To Southeast Gov NSW re Deer’s - 11 August 2020
- JVRRA to Ros Neilson supporting presentation to KMC re Jamberoo Mt Rd, - 15 Aug 2020
- JVRRA to JYH supporting repairs – 15 August 2020
- KMC re DA for JYH, Jamberoo – 15 August 2020

5. Any matters arising from the Correspondence not listed elsewhere in the Agenda.

6. Treasurer’s Report for month ending 31 July 2020 – accepted by the meeting.

7. Combined Communities Advisory Group (CCAG)

- a. Monthly report of CCAG activities
- b. CCAG minutes
- c. Any items for JVRRA members to forward to CCAG for discussion?

8. Infrastructure

Walking Tracks -Minutes : John Friedmann said there is nothing to add to the minutes.

Heritage Report: Stuart Richards stated work is ongoing.

General Business

- Ros Neilson presented information together with a PowerPoint with illustrative maps on the fence that has been erected to separate Reid Park from the Kevin Walsh playing fields. Ros script from the meeting. Thank you, Ros for your work. JVRRA 2014 Minutes show difference to the open western perimeter of Reid Park. It was agreed in 2014 that capped post holes would be installed across the area from the Reid Park carpark entrance to the Youth Hall, to facilitate the erection of a temporary fencing for the convenience of the Jamberoo Rugby League Football Club, that needs to secure the grounds for 1st Grade games (usually about 8 to 10 days per year). In 2018 and 2019 reports to JVRRA from Combined Jamberoo Sporting Association indicated that funding had also been obtained to fence the section between the carpark and the playground, on the southern side of the amenity block. The plan for the post holes to allow temporary fencing to secure Keven Walsh Oval was still in place at that time, and the Cricket Club removed the permanent screen in that position to keep the continuity between Reid park and the playing fields. At this stage the fence around the perimeter of Reid Park and the fence between the carpark amenities block and the playing ground have been completed. Earlier this year, KMC started to install a permanent fence across the section where the post holes

anent had been planned, and apparently intend to continue this permanent fencing (with gates) to join the Youth Hall when repairs to the Youth Hall have been completed. This section of fence has never been discussed with JVRRA. It has a serious impact on accessibility for Jamberoo Market days, and it makes a very big difference to the openness and connectivity of the park and playing fields.

Discussion about the fence led to the conclusion that more consultation with both the community and KMC was needed, with information shared between all the sporting clubs, the Youth Hall Committee and JVRRA members.

MOTION: Moved by Vivienne Marris Seconded by John Friedmann

1. That Roger Lyle and Ros Neilson explore the possibility of using a Monkey Survey format to investigate community opinion.
 2. The information would then be shared at a meeting with all sporting clubs, Youth Hall and JVRRA Members.
 3. JVRRA would write to KMC requesting consultation about the fence.
-
9. Future Guest Speakers – Stephen Wentworth, Deer Coordinator, Illawarra from South East Local Land Services regarding the deer problem.
 10. **Date of the next JVRRA AGM and General Meeting on Tuesday 6 October 2020.**
 11. Close of meeting at 9.40pm

16.7 Minutes: Kiama District Sports Association - 28 September 2020

Responsible Director: Office of the General Manager

Attached for Councillors' information are the minutes of the Kiama District Sports Association Annual General Meeting and General Meeting held on 28 September 2020.

Communication/Community Engagement

Councillor Way and the Director Engineering & Works are the Council delegates to this committee and attend Association meetings.

Attachments

- 1 Minutes: Kiama District Sports Association - Annual General Meeting 28/09/2020 [↓](#)
- 2 Minutes: Kiama District Sports Association - General Meeting - 28/09/2020 [↓](#)



KIAMA DISTRICT SPORTS ASSOCIATION

30 Hughes Crescent, KIAMA DOWNS NSW 2533

ANNUAL GENERAL MEETING

Date: 28th September 2020

Venue: Kiama Leagues Club

Present:

Col Rathbone	President
Gail Gaynor	Treasurer
John Dawson	Secretary
Craig Scott	Trust Fund Convenor & Kiama Little Athletics
Adam Vaughan	Kiama Municipal Council
Pam Gehrman	Kiama Softball
Paul Berry	Gerringong Cricket
Paul Atkins	Kiama Senior RL
Greg Walsh	Jamberoo Combined Sports
Ross Thomas	Kiama OzTag
Mark Honey	Kiama Municipal Council, Mayor

Apologies:

Mark Way	Kiama Municipal Council
Shane Douglas	Kiama Junior Football
Daryl Mowbray	Kiama Junior Football
Paul Condon	Vice President & Gerringong All Sports
Steve Hudson	Gerringong Senior RL
Jackson Surman	Kiama Cricket
Nick McInerney	Jamberoo Touch

Meeting opened at 7:10pm

Previous Minutes

Moved Craig Scott, seconded Gail Gaynor that the minutes of the Annual General Meeting held 30th September 2019 be adopted. Carried.

Business Arising

Nil

Correspondence in and out pertaining to the AGM

Nil.

Business arising from the Correspondence

Nil.

President's Report

Attached

President: Col Rathbone 0402 800 679

Secretary: Craig Scott 0414 308 074

Treasurer’s Report

Gail Gaynor presented her Treasurer’s Report for 2019-20 along with 2 attachments and the latest bank statement. One attachment was a summary of Income and Expenditure and another for Canteen Inspections done and paid for over the past few years.

Balance as of 28th September 2020 is \$44 965.90

Moved Gail Gaynor, seconded Pam Gehrman that the Treasurers report be accepted. Carried.

Motion: Due to the disruption caused by COVID-19 and the uncertainty of whether Winter competitions would run it is suggested that the usual participation fees be waived for the 2020 Winter Season only. That is, affiliates would only need to pay their Affiliation Fee of \$30.

Moved John Dawson, seconded Paul Atkins that the motion be approved. Carried.

It was further suggested that the same would be done for the upcoming 2020-21 Summer season if the competitions were similarly disrupted. The KDSA Executive would monitor the situation and act accordingly.

Trust Fund Report

Craig Scott presented his Trust Fund Report for the period October 2019 – September 2020 along with the usual explanation and outline of historical donations.

Balance as of 28th September 2020 is \$80 447.32

Moved Craig Scott, seconded Paul Berry that the Trust Fund Report be accepted. Carried.

It was noted that there had been a request from the Kiama Junior/Senior AFL clubs for assistance with the completion of their new clubhouse development due to a shortfall in the promised assistance from the AFL parent body. This assistance would be in the form of a loan from the KDSA Trust Fund account. The terms of the loan are to be determined. It was, however, pointed out that neither AFL club had made any donations to the Trust Fund over the past 5 years.

Election of Office Bearers

The President declared all positions vacant and passed control of the meeting over to Greg Walsh for election of the 2020/2021 Executive.

President:	Col Rathbone	Nominated & accepted.
Vice President:	Paul Condon	Nominated & accepted.
Treasurer:	Gail Gaynor	Nominated & accepted.
Secretary:	John Dawson	Nominated & accepted.
Assistant Secretary	Pam Gehrman	Nominated & accepted.
Trust Fund Convener:	Craig Scott	Nominated & accepted.

Greg passed control of the meeting over to newly elected President, Col Rathbone.

It was pointed out by John Dawson that the existing Constitution, circa 1979, mentioned the position of Patron of the association. No one could remember this position ever being filled. He suggested the Mayor of Kiama, Mark Honey.

Patron: Mark Honey Nominated & accepted

Mark had been waiting outside and was invited to join the meeting. He was very proud to accept the position.

General Business

Current Fees

Moved Gail Gaynor, seconded Greg Walsh that the fees remain unchanged. Carried.

Fees for this year will be:

- Affiliation \$30.00
- Seniors \$4.00 per head.
- Juniors \$1.50 per head.

 Juniors are those members who are designated as Juniors within their club or association.

Revised Constitution

Although the revised constitution had been circulated to affiliates for reading and checking, it was pointed out that as per the existing constitution 14 days notice was required. Only 12 days had been given. It was further pointed out that the document was only in draft form and needed further modification before being formally adopted.

Motion: That the adoption of the Revised Constitution be held over until the January/February meeting so that the Executive could continue with its revision. In the meantime, it was asked that it be accepted “in principle” so that this revision could take place.

Moved John Dawson, seconded Gail Gaynor that the motion be accepted. Carried.

It was then pointed out by John Dawson that the revised Constitution, that had just been accepted “in principle”, mentioned the election of Life Members. He further advised the meeting that he had, in anticipation of the acceptance of the revised constitution, circulated to affiliates the **nomination of Col Rathbone for the Life Membership of the KDSA**. He has received unanimous support for this nomination.

Motion: That Col Rathbone be elected as the first Life Member of the KDSA in recognition of his 41 years as President and his dedicated work for sport in the Kiama Municipality.

Moved John Dawson, seconded Craig Scott that the Life Membership be endorsed. Carried.

John then invited the Mayor of Kiama, Mark Honey to come forward to present Col with a small gift of appreciation and thanks from the association for his untiring work over many years.

Meeting closed 7:50pm.



KIAMA DISTRICT SPORTS ASSOCIATION

30 Hughes Crescent, KIAMA DOWNS NSW 2533

GENERAL MEETING

Date: 28th September 2020

Venue: Kiama Leagues Club

Present:

Col Rathbone	President
Gail Gaynor	Treasurer
John Dawson	Secretary
Craig Scott	Trust Fund Convenor & Kiama Little Athletics
Adam Vaughan	Kiama Municipal Council
Pam Gehrman	Kiama Softball
Paul Berry	Gerringong Cricket
Paul Atkins	Kiama Senior RL
Greg Walsh	Jamberoo Combined Sports
Ross Thomas	Kiama OzTag
Mark Honey	Kiama Municipal Council, Mayor

Apologies:

Mark Way	Kiama Municipal Council
Shane Douglas	Kiama Junior Football
Daryl Mowbray	Kiama Junior Football
Paul Condon	Vice President & Gerringong All Sports
Steve Hudson	Gerringong Senior RL
Jackson Surman	Kiama Cricket
Nick McInerney	Jamberoo Touch

Meeting opened at 7:50pm

Previous Minutes:

Moved Ross Thomas, seconded Paul Berry that the minutes of the meeting held 3rd February be adopted. Carried

Business Arising:

Nil

Correspondence in and out:

Date	What/Action	Who	Topic
3rd February till 30th March			
2 nd February	OUT	Rhonda Beedles (Kiama Netball)	Request for Val Bruncker photo for citation
3 rd February	IN	Steve Hudson (Gerringong SRL)	Meeting apology
3 rd February	IN	Ricky Neels (Kiama SAFL)	Meeting apology
3 rd February	IN	Paul Atkins (Kiama SRL)	Meeting apology
3 rd February	IN	Anton Schippers (Gerringong FC)	Request for assistance and quote
4 th February	OUT	Alan Piper (Kiama Council) CR	Request for work at Chapman Oval
4 th February	IN	Peter Laughton (Kiama Cricket)	Enquiry regarding payment of Affiliation fees
4 th February	OUT	Kiama JFC, Kiama SFC, Kiama Las	Key to light box at Complex
4 th February	IN	Craig Scott (Kiama LAs)	Athletics Report
4 th February	IN	F Lorraine Rogers (Kiama RU)	Trust Fund donation
4 th February	OUT	Alan Piper (Kiama Council)	Lights inspection and repairs
4 th February	IN	F Michael Fletcher (Ill. Church Football)	Enquiry re booking Complex grounds for games
5 th February	IN	Dirk Ovenden (Kiama JAFL)	Booking of Bonaira and Chapman for training etc
5 th February	IN	OUT Various	Checking email addresses
5 th February	OUT	Rhonda Beedles (Kiama Netball)	Dates for RU Championships at Complex
6 th February	IN	Craig Scott (Kiama LAs)	Affiliation fees payment
7 th February	OUT	Alyson Hodgeson (Kiama Council)	Plaque citations
7 th February	IN	RE Chris Meizer (SCPSSA)	Showground booking for SC CHS RU trials
10 th February	IN	OUT Alyson Hodgeson (Kiama Council)	Enquiry re booking of Pavilion for Wedding Expo
11 th – 15 th Feb.	IN	OUT Various	Condolences for Roni Rathbone
11 th February	IN	Anton Schippers (Gerringong FC)	Booking of ovals for South Coast Sevens Comp.
11 th February	IN	OUT Alyson Hodgeson (Kiama Council)	Invitation to Mike Dowd to attend next meeting
11 th February	IN	OUT Dirk Ovenden (Kiama JAFL)	Condition of Chapman Oval after renovations
12 th February	IN	Craig Scott (Kiama Little As)	Vehicle on Ground 1 at Complex
12 th February	IN	Peter Laughton (Kiama Cricket)	Donation to Trust Fund
12 th February	IN	Jackson Surman (SCDCA)	Booking of Keith Irvine (Jamberoo)
12 th February	IN	OUT RE Matt Fownes (Mt Terry PS)	Booking of Complex for Cross Country Carnival
17 th February	IN	RE Brad Speering (Gerringong CC)	Mowing of Athol Noble and Gerry Emery Ovals
18 th February	IN	Gail Gaynor (Kiama Softball)	Lease payment for storage shed at Chapman
23 rd February	OUT	Michael Fletcher (Ill. Church Football)	Booking of Complex fields for games
23 rd February	IN	Doug MacMillan (Gerringong JRL)	Ground bookings for training
24 th February	OUT	Kiama Junior and Senior RL	Training on Chittick and Showground before tour
24 th February	OUT	Steve Whitworth (Jamberoo FC)	Booking of Kevin Walsh Oval (versus Touch)
25 th February	OUT	Various (Cricket club and Association)	Mowing and condition of Chapman Oval
25 th February	IN	OUT Various	Procedure for the mowing of sporting fields
3 rd March	IN	OUT Mark Way and others	Request for spare goalpost pads
3 rd March	OUT	Dirk Ovenden (Kiama Junior AFL)	Use of Chapman Oval for training etc
4 th March	OUT	Mike Dowd (Kiama Council)	Plaque(s) at Michael Cronin Oval
4 th March	IN	Josh Marley (Kiama RU)	Dates for Home games at Showground
4 th March	IN	OUT South Coast Flame FC	Invoice for use of Field 4 at Complex
5 th March	IN	Fiona Phillips (Member for Gilmore)	Special March Bushfire Grants Bulletin
5 th March	IN	Anton Schippers (Gerringong FC)	Use of Athol Noble Oval by SC Academy
5 th March	IN	OUT RE Michael Fletcher (Ill. Church Football)	Enquiry re use of fields and KDSA membership
5 th March	IN	OUT RE Daryl Mowbray (Kiama JFC)	Enquiry re topdressing and fertilizing Fields 2 & 3
10 th March	IN	Anton Schippers (Gerringong FC)	Training and field usage for Season 2020
11 th March	IN	OUT RE Kiama CC, Kiama FCs and Kiama Little As	Cleaning of the Complex at the end of season
12 th March	IN	OUT Peter Swan (Gerringong Uniting Ch. FC)	Affiliation with KDSA
12 th March	IN	OUT RE Doug Macmillan (Gerringong JRL)	Clash of use of Athol Noble by RL and FC on Tues.
13 th March	IN	OUT RE Tim McLoed/Mike Dowd (Council)	Chapman Point Reserve turfing etc
12 th March	IN	OUT RE Shane Douglas (KJFC) & Craig Scott (LA)	Key to lights and keypad at Complex
13 th March	OUT	Kiama OzTag and Jamberoo Cricket	Payment of Affiliation fees for past season
13 th March	IN	OUT RE B. McDougall (KSFC) & Dan Reilly (KCC)	Condition of dressings sheds at Complex
13 th March	OUT	Kiama OzTag and Jamberoo CC	Invoice for Affiliation Fees for Summer 2019-20
14 th March	OUT	Various Kiama RL contacts	Problem with the Groupd 7 RL draw – Sun 24/5
14 th March	OUT	Ryan McIlwaine (Kiama FRU)	Availability of Showground for RU
14 th March	IN	OUT RE Daryl Mowbray (KJFC) & Alan Piper (KC)	Lighting inspection specifically the Complex
14 th March	OUT	Tricia (Kiama Farmers Market)	Traffic flow at Showground for markets on Wed.
15 th March	OUT	Kiama Sen. & Jun. FC & Adam Vaughan	Semi Final at Cavalier park on Sat 21/3.
15 th March	IN	OUT Various AFL, RL and Council	Use of grounds for Cricket finals

16 th March	IN	OUT	RE		Craig Scott (LAs), Shane Douglas (KJFC) +	Key to the light box at Complex and Cols solution
16 th March	IN	OUT			M. Fownes (SCSSA) & D. Hobbs (GRL)	Tongarra School Zone RL Trials at Cronin Oval
17 th March	IN	OUT			Shane Douglas (Kiama JFC) & SC Flame	Suspension of Football comps due to COVID-19
19 th March	IN	OUT			Alan Piper, Adam Vaughan & Kiama FCs	Cancellation of CHS and Country Rugby Champs
20 th March	IN				Brendan Barr (Kiama CC)	Condition of the dressing sheds at the Complex
23 rd March		OUT			Affiliates and others	Meeting reminder and minutes
23 rd March		OUT			Mike Dowd (Council)	Meeting Invitation reminder
30th March till 25th May						
14 th March	IN	OUT			Tricia (Kiama Farmers Market)	Parking at Showground during markets
23 rd March	IN	OUT			Ryan McIlwaine (Kiama JRU)	Parking at Showground during markets
23 rd March	IN	OUT			Donna White (Kiama Leagues Club)	Cancellation of meeting
3 rd April		OUT			Affiliates	KDSA Assistance Grants - Open for applications
10 th April		OUT			Various	Citation Plaques at Sports Grounds
17 th April	IN				Fiona Phillips (Member for Gilmore)	Relief and Recovery Grants reminder
17 th April	IN				Paul Berry (Gerringong CC)	Application for an assistance grant
27 th April	IN				Fiona Phillips (Member for Gilmore)	April Grants Bulletin
27 th April	IN	OUT			Various	Top dressing of Complex grounds by Council
30 th April	IN				Ross Thomas (Kiama OzTag)	Payment of Affiliation fees
1 st May		OUT			Jamberoo Cricket Club	Payment of Affiliation fees
1 st May		OUT			Affiliates	KDSA Assistance Grants - reminder
5 th May	IN				Dawn Calvert (Kiama Little Athletics)	Ground bookings for 2020-21 season
5 th May	IN				Col Rathbone	Thankyou card
11 th May	IN				Kiama Council	Canteen inspection invoices (5)
15 th May	IN				Dirk Ovenden (Kiama JAFL)	Revised ground bookings for 2020 season
19 th May		OUT			Affiliates	Meeting cancellation
19 th May		OUT			Mike Dowd (Kiama Council)	Meeting cancellation
25th May till 10th July						
21 st May	IN	OUT			Mark Corkin (Kiama Rugby Union)	Ground bookings for training
21 st May	IN	OUT		C	Office of Sport	COVID-19 Update
21 st May		OUT			Dirk Ovenden (Kiama JAFL)	Ground bookings for training
22 nd May	IN	OUT			Alyson Hodgekiss (Kiama Council)	Ground bookings for CHS/PSSA Champs. 2021
22 nd May	IN	OUT			Steve Whitworth (Jamberoo FC)	Ground bookings for training
22 nd May	IN	OUT			Ann-Marie Balliana (Football SC)	Procedures for use of grounds for training
22 nd May		OUT			Affiliates	Procedures for use of grounds for training
25 th May	IN	OUT			Mark Corkin (Kiama Rugby Union)	Use of grounds for training
29 th May	IN				Jackson Surman (Kiama Cricket)	Update of contact details
30 th May	IN	OUT		C	Kerry McMurray (Kiama Council)	Resumption of Sport letter to affiliates
3 rd June	IN	OUT			Steve Milton (Jamberoo Croquet)	Resumption of Sport letter
3 rd June	IN	OUT			Kiama Quarriers FC	Key to light box at Complex
3 rd June	IN				Anton Schippers (Gerringong FC)	Return to training and Funding request
4 th June	IN	OUT			Chris Hudson (KJFC) & A. Piper (KC)	Goal posts at Complex
4 th June		OUT			Al Piper (Kiama Council)	New tie downs pads installed by CC at Complex
5 th June	IN	OUT			KJAFL, M. Way & Mike Dowd (KC)	Cleaning of facilities after COVID -19
5 th June	IN				Brian Harris (Jamberoo CC)	Payment of Summer 2019-20 Season fees
11 th June	IN				Steve Hudson (Gerringong SRL)	Return to Train and Play Guidelines
11 th June	IN				Mike Emin (Kiama JFC)	Improvements at Complex
11 th June		OUT			Jackson Surman (Kiama CC)	Possible start date for Cricket
11 th June	IN				David Ware (FSC)	Junior Football Comp. draw and ground usage
11 th June		OUT			Various	Meeting re improvements at Gerry Emery etc
11 th June				C	Affiliates	COVID-19 Signage and reminders
11 th June	IN				Mick Emmin (Kiama JFC)	Request for assistance grant
11 th June	IN			C	Kiama Council	Offer of signage for clubs when returning to play
12 th June	IN				Emma Timbs (Kiama SRL)	Request for assistance grant
12 th June	IN				Kristie Laird (Kiama JRL)	Request for assistance grant
12 th June	IN				Danny Glades (Jamberoo FC)	Payment of Affiliation Fee
12 th June	IN				Ann-Marie Balliana (Football SC)	COVID-19 Update to football clubs
12 th June	IN				Matthew Graham (SC AFL)	COVID-19 Update to football clubs
12 th June	IN				Emma Timbs (Kiama SRL)	Return to Train and Play update
12 th June		OUT			Various Baseball Contacts	Planned use of Gainsborough Oval by others
12 th June	IN			C	Office of Sport	COVID-19 Update
13 th June	IN	OUT			Trevor Phillips (Kiama Rotary)	Booking of Showground for Auto Expo
15 th June	IN	OUT			Scott Cooper (Kiama SFC)	Outstanding invoices for building Complex BBQ
15 th June	IN	OUT			Jackson Surman (Kiama CC)	Cricket Season start date

15 th June	IN	OUT			Alyson Hodgekiss (Kiama Council)	Red Hot Summer Tour enquiry to book Complex
15 th June	IN			C	Samantha Bell (Kiama Council)	COVID-19 Public Health Order No. 3 Restrictions
17 th June	IN	OUT		C	Mark Way (Kiama Council)	Minnamurra Bike Skills Track support request
18 th June	IN				Steve Whitworth (Jamberoo FC)	Request for assistance grant
18 th June		OUT			Alyson Hodgekiss (Kiama Council)	Sports Fields status update on Council website
19 th June	IN	OUT			Daryl Mowbray (Kiama JFC)	Request for assistance grant
19 th June	IN	OUT		C	Alyson Hodgekiss (Kiama Council)	Update on cleaning of toilets and changerooms
19 th June	IN				Ann-Marie Balliana (Football SC)	COVID-19 SAFE Plan for SC Football Clubs
22 nd June	IN				Fiona Phillips (Gilmore MP)	June Grants Bulletin
23 rd June	IN				Daryl Mowbray (Kiama JFC)	Minnamurra Bike Skills Track suggestion
23 rd June	IN	OUT			Doug McCallum (Gerringong JRL)	Use of Athol Noble and Gerry Emery for training
24 th June	IN	OUT			Anton Schippers (GFC)	Use of Athol Noble and Gerry Emery for training
24 th June	IN	OUT			Emma Timbs (Kiama SRL)	Withdrawal of assistance grant request
24 th June	IN	OUT			Carl Middleton (Kiama JRL)	Use of Gainsborough Oval for training
25 th June	IN	OUT			Various from Kiama JRL and JFC	Use of Gainsborough Oval for training etc
26 th June	IN				Dirk Ovenden (Kiama JAFL)	Request for assistance grant
27 th June	IN	OUT			Various affiliates Executive	Request for Contact Details for booking system
27 th June		OUT			Ben M (Kiama Council)	Problem with the keys at Bonaira Oval
28 th June	IN				Daryl Mowbray (General Public)	Concerns with Gainsborough Chase Reserve
28 th June	IN	OUT			J. Surman & M. Burgess (Kiama CC)	Request for support in shed extension project
1 st July	IN				Mark Way (Kiama Council)	Increased funding for Minnamurra Bike Track
1 st July	IN	OUT			M. Corkin (KRU) & Kiama JRL	Use of Showground for training by RL and RU
2 nd July		OUT			Alyson Hodgekiss (Kiama Council)	List of grounds and their usage
2 nd July	IN	OUT			Matthew Graham (SC AFL)	Request for reduction in Participation fees
2 nd July	IN	OUT			Chris Hudson (Kiama JFC) & others	Use of dugouts for storage at Gainsborough Oval
3 rd July	IN	OUT			Alyson Hodgekiss (Kiama Council)	Use of various ovals for other events in 2021
5 th July	IN				Greg Walsh (Jamberoo All Sports)	Invitation to inspect the new facilities at KW Oval
6 th July	IN	OUT			Donna White (Kiama Leagues)	Enquiry about July meeting and COVID-19 rules
7 th July	IN	OUT			Alyson Hodgekiss (Kiama Council)	Skatefest at Complex postponed to 6-8 Nov.
8 th July	IN	OUT			Emma Timbs (Kiama SRL)	Senior Season Draw
8 th July	IN	OUT			Chris Hudson (Kiama JFC)	Storage and keys to lights at Gainsborough Oval
9 th July	IN				Brian Harris (Jamberoo CC)	Completed Invoice for Summer Season
9 th July	IN				Greg Walsh (Jamberoo Sports)	Summary of meeting at Kevin Walsh Oval
9 th July	IN	OUT			Mark Corkin (Kiama Rugby Union)	Season home games plus booking for Sh'ground
10th July till 28th September						
10 th July		OUT			Affiliates	Meeting reminder
10 th July	IN			C	Fiona Phillips (Member for Gilmore)	Local Update
13 th July	IN				Tennille Davis (Gerringong JRL)	Affiliation fee payment
14 th July	IN				Craig Scott (Kiama Little Athletics)	Sports Grounds status
15 th July	IN		RE		Greg Walsh (Jamberoo Combined Sports)	Keith Irvine amenities block
15 th July	IN				Connie Dallas (Jamberoo SRL)	Affiliation fee payment
15 th July	IN		RE		Nick McInerney (Jamberoo Touch)	Light Pole concerns at Keith Irvine Oval
15 th July	IN			F	Mike Dowd (Kiama Council)	Kiama Showground and others cleaning
16 th July	IN			F	Alyson Hodgekiss (Kiama Council)	Kiama Showground and others cleaning
16 th July	IN				Jackson Surman (Kiama Cricket)	KCC Contacts details form
20 th July	IN				Alyson Hodgekiss (Kiama Council)	Red Hot Summer tour dates for 2022
20 th July	IN				Marck Corkin (Kiama Rugby)	Assistance grant application
20 th July	IN				Kristie Laird (Kiama JRL)	Assistance grant application
21 st July	IN		RE		Anton Schippers (Gerringong FC)	Ground improvements meeting
21 st July		OUT			Mike Dowd (Kiama Council)	Filed lighting at Jamberoo grounds
22 nd July	IN			C	Fiona Phillips (Member for Gilmore)	July Grants Bulletin
23 rd July	IN			C	Office of Sport	Sport Shorts
23 rd July	IN				Tony Spain and Brad Speering (GCC)	Booking of grounds procedure
23 rd July		OUT			Affiliates	Meeting cancellation
24 th July		OUT			Greg Walsh (Jamberoo Combined Sports)	Keith Irvine amenities block
27 th July		OUT			Donna White (Kiama Leagues Club)	Meeting cancellation
27 th July	IN	OUT	RE		Chris Hudson (Kiama JFC)	Quarry Grounds closure
28 th July	IN				Kylie Buchanan (Gerringong Netball)	Contacts details form
29 th July		OUT			Various affiliates and Liz Hall (Council)	Grants application success
30 th July	IN			C	Melissa Andrews (Kiama Council)	Information supporting young people
3 rd August	IN	OUT			Grant Tilling (South Coast Cricket Assoc.)	Enquiry regarding joining KDSA
3 rd August		OUT			Affiliates	KDSA Update – Grant approvals
4 th August		OUT			Kristie Laird (Kiama JRL)	Ladies League tag team enquiry

5 th August	IN		RE		Kristie Laird (Kiama JRL)	Ground closure enquiry
5 th August	IN	OUT		F	Various bodies at Jamberoo	Calendar of events at Jamberoo
6 th August		OUT			Dirk Ovenden (Kiama JAFL)	Keys to Bonaira Oval amenities block
6 th August		OUT			Nick McInerney (Jamberoo Touch)	Season start enquiry
7 th August	IN				Affiliates	Community Sport Information
7 th August	IN				Shane Douglas (Kiama JFC)	Ground closure and games cancelled
7 th August	IN	OUT	RE		Neil McLaren (Kiama Show Society)	Showground Users Group enquiry
8 th August	IN				Connie Dallas (Jamberoo SRL)	Ground closure and games cancelled
8 th August	IN			C	Fiona Phillips (Member for Gilmore)	Grants Bulletin
9 th August		OUT			The Bugle (Newspaper)	Sports Grants information
9 th August		OUT			Greg Walsh (JCS) & Mike Dowd (KMC)	Keith Irvine amenities block
13 th August		OUT			Emma Timbs (Kiama SRL)	Ground closures
17 th August	IN				Anton Schippers (Gerringong FC)	South Coast 7's ground booking
19 th August	IN				Anton Schippers (Gerringong FC)	Rl use of Athol Noble on Thursdays
20 th August	IN			C	Fiona Phillips (Member for Gilmore)	Grants Bulletin
20 th August	IN	OUT			Alyson Hodgekiss (Kiama Council)	Sportfields versus Reserves
21 st August	IN	OUT			Mallory McLennan (Kiama Council)	Gerringong amenities
21 st August	IN	OUT			Mike Dowd (Kiama Council)	Jamberoo projects
25 th August		OUT			Various affiliates	Affiliation fee payment
27 th August	IN		RE		Daryl Mowbray (Kiama JFC)	Lights at Complex
27 th August	IN	OUT		C	Alan Piper & Alyson Hodgekiss (Council)	Wet Weather policy
27 th August		OUT			Kiama, Gerringong & Jamberoo Cricket	Booking of grounds for training
27 th August	IN	OUT			Ben Williams (Gerringong CC)	Ground bookings for training
27 th August	IN			C	Office of Sport	Sport Shorts
27 th August	IN			C	Brodie Brady (Kiama Council)	Community Support Skills Training
29 th August	IN		RE		Jackson Surman (Kiama CC)	Ground booking for training
31 st August	IN	OUT	RE		Bugle Newspaper	Grants story information
1 st September	IN			C	Fiona Phillips (Member for Gilmore)	Local Update
2 nd September	IN			C	Fiona Phillips (Member for Gilmore)	Grants Bulletin
3 rd September	IN	OUT			Nick McInerney (Jamberoo Touch)	Keith Irvine Oval amenities
3 rd September	IN		RE		Ben Williams (Gerringong CC)	Gerry Emery Oval availability
3 rd September	IN			C	Fiona Phillips (Member for Gilmore)	Volunteer Grants
3 rd September		OUT			Alan Piper (Kiama Council)	Drain pipe damage at Complex
3 rd September	IN				Kristie Laird (Kiama JRL)	Availability of Showground
3 rd September	IN	OUT	RE		Nick McInerney & Mallory McLennan	Keith Irvine Oval
4 th September	IN	OUT			Mike Dowd (Kiama Council)	Jamberoo amenities
5 th September	IN			C	Kiama Municipal Council	Feast on Food facts
7 th September	IN				Craig Scott (Kiama Council)	Complex Users group – maintenance fees
7 th September	IN	OUT			Nick McInerney (Jamberoo Touch)	Grants application
7 th September	IN			C	Courtney (One Fitness Kiama)	Mental Health Fundraiser
7 th September	IN	OUT	RE		Nick McInerney (Jamberoo Touch)	Keith Irvine toilets
9 th September	IN		RE		Adam Mackrell (Kiama CC)	Gainsborough Oval availability for trial
12 th September	IN		RE		Jackson Surman (Kiama CC)	Ground availability for training
14 th September	IN		RE		Adam Mackrell (Kiama CC)	Gainsborough Oval availability for trial
14 th September	IN			C	Office of Sport	Sport Shorts
14 th September	IN			C	Kerry McMurray (Kiama Council)	Work Grant applications and Council
14 th September	IN				Kristie Laird (Kiama JRL)	Availability of Showground
15 th September	IN			C	Office of Sport	Local Sport Defibrillator Grant Program
15 th September	IN			C	Courtney (One Fitness 24/7 Kiama)	Mental Health Fundraiser for Kiama
15 th September	IN			C	Office of Sport	Local Sport Grant Program
16 th September		OUT			Alyson Hodgekiss (Kiama Council)	Plaques at sporting grounds
16 th September	IN				Alan Piper (Kiama Council)	Pictures of the placement of plaques
16 th September	IN				Taryn Hodgson (Kiama Little As)	New President of Kiama Little As
17 th September	IN			C	Fiona Phillips (Member for Gilmore)	September Grants Bulletin
17 th September	IN		RE		Mark Way (Kiama Council)	Apology for AGM
21 st September	IN				Crag Scott (Trust Fund Covenor)	Declaration of Trust for Trust Fund
22 nd September	IN		RE	C	Mallory McLennan (Kiama Council)	Modula Pumptrack locations
23 rd September		OUT			Gerringong Breakers FC	Fence at Gerry Emery Oval and mowing
23 rd September	IN	OUT	RE		Ryan Micallef (Kiama Cricket)	Availability of Cav Park for wicket use
23 rd September	IN		RE		Anton Schippers (Gerringong FC)	Availability of Gerry Emery for Finals
24 th September	IN				Shane Douglas (Kiama JFC)	Apology for AGM and thanks for support
25 th September		OUT			Donna White (Kiama Leagues Club)	Confirmation of booking for AGM
26 th September	IN				Mark Way (Kiama Council)	Confirmation as KMC rep. to KDSA mtgs

Business Arising from Correspondence

Nil

Treasurer's Report

Gail Gaynor presented her Treasurer's Report for 2019-20 along with 2 attachments and the latest bank statement. One attachment was a summary of Income and Expenditure and another for Canteen Inspections done and paid for over the past few years.

Balance as of 28th September 2020 is \$44 965.90

Moved Gail Gaynor, seconded Pam Gehrman that the Treasurers report be accepted. Carried.

Motion: Due to the disruption caused by COVID-19 and the uncertainty of whether Winter competitions would run it is suggested that the usual participation fees be waived for the 2020 Winter Season only. That is, affiliates would only need to pay their Affiliation Fee of \$30.

Moved John Dawson, seconded Paul Atkins that the motion be approved. Carried.

It was further suggested that the same would be done for the upcoming 2020-21 Summer season if the competitions were similarly disrupted. The KDSA Executive would monitor the situation and act accordingly.

Trust Fund Report

Craig Scott presented his Trust Fund Report for the period October 2019 – September 2020 along with the usual explanation and outline of historical donations.

Balance as of 28th September 2020 is \$80 447.32

Moved Craig Scott, seconded Paul Berry that the Trust Fund Report be accepted. Carried.

It was noted that there had been a request from the Kiama Junior/Senior AFL clubs for assistance with the completion of their new clubhouse development due to a shortfall in the promised assistance from the AFL parent body. This assistance would be in the form of a loan from the KDSA Trust Fund account. The terms of the loan are to be determined. It was, however, pointed out that neither AFL club had made any donations to the Trust Fund over the past 5 years.

General Business

Plaques

The plaques have been manufactured and are nearly ready for installation. Col and John recently went for a tour of some of the proposed sites with Alan Piper, KMC Outdoors Manager. Alan agreed that a stainless-steel post would be the best way to secure the plaques and would get them made in council's workshop.

Stay tuned for the announcement of dates and times for the unveiling ceremonies.

Kendalls Beach Caravan toilets

Pam Gehrman confirmed that the toilets at Kendalls Beach Caravan Park are accessible to the general public during daylight hours. This will enable Cricket players or spectators to use these toilets while the redevelopment of the amenities block at Bonaira Oval to being completed.

Grant Applications

This is a list of the grant applications received and approved before the meeting.

Applicants are reminded that –

- if their supplier is listed with Kiama Council then they can avoid paying the GST component of the cost
- if their supplier is not listed with Kiama Council then they will be liable for the GST component and

Affiliate	What	Cost of Project ex GST	Cost of Project incl GST	Amount awarded
Gerringong Cricket & Gerringong FC	Building of Awning at Gerry Emery Oval	\$12 582.00	\$13 840.00	\$12 582.00
	Council Plans for above (Total \$16 340 incl GST)	\$2 500.00	\$2 500.00	KDSA to pay
Gerringong FC	Purchase of a container	\$2 181.81	\$2 400.00	TBC
Kiama Junior FC	Purchase of a container	\$2 181.81	\$2 400.00	TBC
Kiama Senior RL	Purchase of an iPad and docking station	\$754.55	\$830.00	Withdrawn
Kiama Junior RL	Purchase of an iPad and docking station	\$662.72	\$729.00	\$662.72
	Concreting near canteen (Total \$1449.00)	\$654.55	\$720.00	\$654.55
Jamberoo FC	Purchase of a replacement line marker	\$2 200.00	\$2 420.00	\$2 200.00
Kiama CC/Mowbray	Repair of Gainsborough West Cricket nets	\$2 170.00	\$2 387.00	\$2 170.00
Kiama Junior AFL	Purchase of replacement canteen equipment	\$4 772.73	\$5 250.00	\$4 772.73
Kiama Rugby Union	Refurbish Rugby Club canteen	\$3 172.72	\$3 490.00	\$3 172.72
Kiama Softball	Purchase of essential equipment and supplies	\$454.54	\$500.00	\$454.54
Kiama Senior RL	Purchase of a replacement pie warmer	\$745.45	\$820.00	\$745.45
Totals		\$35 032.87	\$38 286.00	\$27 414.81

Leaving \$2 585.19 to be used towards the two containers when and if the clubs get approval from KMC.

However, since these projects were approved a late application from Jamberoo Touch has been received for the purchase of protective pads for the light poles at Keith Irvine Oval totalling \$882.50 ex GST.

Motion: That the grant approvals above be endorsed by the meeting.

Moved Paul Atkins, seconded Adam Vaughan that the motion be approved. Carried.

Motion: That the protective pads purchased by Jamberoo Touch be included in the list of grants above.

Moved Col Rathbone, seconded Pam Gehrman that the motion be approved. Carried.

This leaves \$1 702.69 to be used for the containers or other projects TBC.

Kiama OZ Tag

Mentioned that the lights at Gainsborough have recently been inspected by council, but wondered if they were being changed to LED lights. Mark Honey said that it is Council’s policy to change over the LED lights.

Ross commented on the recent spate of youth suicides in the area and the impact they had had on other young people and the wider community.

Jamberoo Combined Sports

Nothing

Adam Vaughan (Kiama Council Groundsman)

Asked that the excess equipment, old dugouts and goalposts at the Complex and Gerry Emery Oval be cleaned up and stored away so that council staff can better mow and service the areas.

The Secretary was asked to send letters to Kiama JFC, Kiama SFC and Gerringong FC requesting this be done.

Adam also advised the meeting that the old light pole at Gainsborough Oval and the excess goalposts at Keith Irvine Oval are going to be cut up and sold for scrap.

He also advised that the fields at the Complex are going to be top dressed this soon plus drainage will be done at the southern end of Field 3 as well as the usual spraying and aerating of most fields around the municipality.

Gerringong Cricket

The DA for the awning at Gerry Emery Oval is with Council and nearing approval.

Planning for the new season is progressing, including the development of a COVID-19 Plan. Paul asked if anyone knew how COVID Plans are affected when there are multiple users of a facility. The consensus was that the individual users needed their own plan and they are responsible for anything mentioned in their plan.

He also asked about assistance with adding signs to existing signs at the entry to Gerringong (on Fern St. near Uniting Church, Belinda St. near service station and at Gerroa). Signs have been produced by Simpson Signs, but he is not sure who should pay for them as other similar signs had been paid for by KMC. It was suggested that the club pay the invoice and then send it to the KDSA who will then reimburse GCC for 50% of the cost.

The invoice for \$517 was later forwarded to the KDSA. That is, KDSA's contribution will be \$258.50.

Kiama Junior Soccer

A segment of an apology email from Shane Douglas was read as a report from the Junior FC.

We wish to thank and congratulate the KDSA Executive and Delegates of all clubs for their tireless work effort in these very trying 2020 times.

We also want to thank those groups who use the Quarry Fields, Cricket, Little A's, and Quarriers, in the collaborative approach to working together, particularly over the last 6 months.

Thanks also to Kiama Municipal Council, and particularly the outdoor staff, in maintaining the grounds.

Because of COVID our club will be reporting a loss for the first time in more than a decade, due to downturn of registrations, and refunds that occurred with the lockdown, and uncertainty at the start of our Winter season.

As all clubs, we also suffered with the loss of sponsorship due to COVID, but rest assured the Komets will bounce back stronger next season.

Little Athletics

A COVID delayed AGM saw significant changes in the structure of our Committee Executive. We welcomed a new President, Secretary and Treasurer this year.

Preparations are well in hand for 2020-2021 season with online registrations currently being taken. Due to COVID the football season was extended into what is historically the "Summer" period. Consequently, our season will commence five (5) weeks later than usual on Saturday 10th October. Given the delayed start to the season we had considered extending beyond our normal finish date in early March. However, we thought it prudent that things return to normal as soon as possible and decided against doing so. All codes have suffered terribly during this pandemic and, hopefully, by the start of the next Winter season sanity will prevail.

The athletics track has not been marked since February this year and there isn't a single line to be seen on the surface. This presented us with quite a challenge when it came to locating all the surveyors pegs around the track. A well-attended Working Bee was conducted last Sunday, and we hope to mark the track this weekend, weather permitting.

Little Athletics moves to Friday competition as of 16th October.

Kiama Softball

Held their final games last Saturday. The strong winds meant an early adjournment to the Bowlo. Pan Pacs have been cancelled for this year.

AGM will be held in February.

There being no further business the meeting closed at 9.00pm

The meet meeting of the KDSC will be at 7pm on Monday 30th November 2020 at the Kiama Leagues Club.

16.8 Minutes: Minnamurra Progress Association - 6 October 2020

Responsible Director: Office of the General Manager

Attached for Councillors' information are the minutes of the Minnamurra Progress Association meeting held on 6 October 2020.

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 - 6 October 2020 [↓](#)

**Minnamurra Progress Association Inc
Minutes of Meeting 6 October 2020**

Acknowledgment 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: Cliff Mason, Vicki Steele, Jeremy Martens, Graeme Collinson-Smith, Phil Williams, Cheryl Collinson-Smith, Elizabeth Shorulis, Robert Westley, Janice Westley, John Haseltine, Tihapa Moanaroa, Del Draxl, John Williams, Ian Dodsworth, Rebecca Collinson-Smith, Murray Steele, Zoom attendees - Noelene and Bob Sinclair

Apologies: Denise and Ralph Stadius, Mal and Belinda Gemmell, Pat Phelan and Selwyn and Cathy Holland

Minutes of the last meeting: 1st September 2020 approved

M: Del Draxl **Sec:** Graham Collinson-Smith **AIF:** Yes **C:** Yes

Business Arising:

- 1 The Bugle article and photo on the Railway Ave garden group.
- 2 Follow up to Mike Dowd (Kiama Council) reminder letter.
- 3 Thank you letter to Norma Gore MPA Ladies Auxiliary for cheque.

Introduction of our Guest Speakers - Kiama Municipal Council

Ms Jessica Rippon, Director, Environmental Services

Mr Ed Patterson, Manager, Strategic Planning,

Jessica and Ed presented MPA with a copy of the new Kiama Local Strategic Planning Statement 2020. Much of their discussion centred round this new document.

Jessica started in her new role in March this year as Director, Environmental Services. This role takes in Library, Community gardens, Arts, Customer and Community Services, Communications and Strategic Planning. She's looking forward to working for the community and making her mark on the role and the whole customer service experience.

Ed Paterson spoke about the new Strategic Plan and the LGA's vision for the next 20 years outlined, such as zoning, heritage issues and regulating developments. The plan is based on short, medium and long-term process and will be updated periodically.

They are both very appreciative of community input and some questions from members were forthcoming such as frustrations with DA processes, face to face counter communication, and the online feedback facility and the curb side collection.

More immediate issues that arose from the recent long weekend concerned waste bin collections, camping at James Oates Reserve and parking problems at Bombo. These problems may continue with the approaching summer and they hope to address these local issues that affect ratepayers. Overall their presentation was well received and members showed appreciation.

Jessica and Ed suggested contacting Ranger Services 0409917092 with local problems.

General Business

ECO Tourist Resort Dunmore DA Members voted unanimously against this development stressing the environmental impact the development will have on our community. It was agreed unanimously to send the submission Cliff drafted on behalf of MPA members to Shellharbour Council.

Jessica said she would follow up on this development from Kiama Council's interest.

M: D Draxl **S:** Jeremy Martens **AIF:** Yes **C:**Yes

NSW Department of Environment - Boral Sand Mining

IPC Public Hearings - Register for Public Hearings by 21 Oct 2020

Live Streamed meeting 28 Oct, 12 midday. All members agreed that Cliff would speak on behalf of MPA against this sand mine development.

NB: Be aware there has been a recent spate of car and property vandalism in Minnamurra.

Correspondence:

- 1 Follow up letter to Kiama Council – review of Riverside Drive speed limit.
- 2 Letter to Kiama Council with feedback on Kiama Downs car park design.
- 3 Letter to Kiama Council with feedback regarding James Oates car park design.
- 4 Letter from Kiama Council re - our suggestions on James Oates car park.
- 5 Letterbox drop - Boral Sand Mining Proposal to Minnamurra Residences.
- 6 Notice from IPC Hearing 28th Oct on Sand Mining extensions-Invitation to register.
- 7 Notice from Shellharbour City Council-Updated ECO Tourist Resort DA.
- 8 Advice from Grant Meredith, Shellharbour CC–will accept MPA submission 48 hours after 6 October deadline.
- 9 Anonymous letterbox drop to on ECO Resort DA has errors.
- 10 From Kiama Council re Illawarra, Shoalhaven Regional Plan Review.
- 11 Acknowledgement from Kiama Council re follow-up of speed limit review.
Sent to Transport NSW.
- 12 Letter and Cheque from Norma Gore for 50% Progress Hall Insurance.

Treasures Report: We have 57 Member residences

September raffle raised \$28

Cheque deposited \$258.50

Total funds \$2,724.91

M: Ian Dodsworth **S:** Murray Steele **AIF:** Yes **C:** Yes

Raffle Winner: Tihapa Moanaroa (kindly donated prize back)

Next Meeting: 3rd November 2020 at 7.15pm

16.9 Minutes: South Precinct meeting - 17 September 2020

Responsible Director: Office of the General Manager

The minutes of the South Precinct online meeting held on 17 September 2020 is attached for Councillors' information.

Communication/Community Engagement

Councillors and staff regularly attend and address Precinct meetings.

Meeting dates are published on Council's website.

Attachments

- 1 Minutes: South Precinct - 17/09/2020 [↓](#)

MINUTES OF THE SOUTH PRECINCT

**Meeting to be held at Gerringong Town Hall
17 September 7:30 pm
Meeting Opened: 7.32 pm
Attendance: 11**

Chair: Chris Cassidy

Minutes: Damian Morris

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

Apologies: Brian Pickett, Shane Douglas, Alma McPherson, Steve and Linda Brazier

Minutes of Previous Meeting

Moved: Raewyn Thomsen

Seconded: Robert Coady

Business arising from minutes:

Question in relation to parking on Fern St, follow up with Mayor Honey

Correspondence IN:

1. 24th August Shannon Chisolm - Important observations re stormwater performance during heavy rainfall in Gerringong, 8 Aug 2020
2. Darryl Clingan from the Traffic Committee regarding work zone parking request for 141 Belinda St
3. James Wraith – Croft PI Traffic Issues
4. Cathy Bax from KMC regarding a survey for Crown Land usage
5. KMC Notice regarding commencement of works for Figtree Lane carpark
20 97449 Notice to nearby residents
6. GCA ENewsletter, September 2020
7. Christine Thompson - Jupiter St Coral tree clearing
Brian Corless – regarding footpath issues on Fern St opp Gerring St, appears to be a Telstra issue
8. Alma McPherson – regarding maintenance of Arthur Campbell Reserve

Correspondence OUT:

1. Minutes August Meeting
2. Agenda September Meeting

Executive Report: Nothing to report

Council Papers/Development Applications (Raewyn Thomson)

1. Councillor Way reducing council number from 9 to 7
2. Councillor Brown report on trees in Rest Park Gerringong
3. West Elambra – Cathy Rice has advised via the Precinct Facebook page detailing the high numbers of submissions, and notifications in the adjoining areas. And via Southern Precinct Facebook page.
4. Council officers recommend not supporting the proposal
5. Coral Tree removal in Jupiter St, issues of water quality entering boat harbor
6. Coastal walking track from Gerringong to Gerroa, seek funds from State Govt for land acquisitions for the three private properties it covers
7. Footpath issues on Fern St, opposite Gerring St
8. Re-election of Mayor and Deputy Mayor next council meeting
9. TOMRA – acoustic assessment underway, there will be a council update next council meeting, with determination in October.
10. IGA parking underneath has seen to be staff parking

Traffic Committee: Work zone for 141 Belinda St, Gerringong

Treasurer's Report: \$418 in the account, moving to Bendigo Bank

General Business

1. Neil Reilly, grant money not required from Minamurra board walk, maybe available for general use elsewhere in the community
2. Rate increase to Neil Reilly. One third of revenue from rates, balance from caravan parks, Blue Haven and other sources.
3. Concerns raised regarding access issues from the south Werri carpark to dog walking park
4. Reminder to look at the survey, in regards to crown lands management
5. Safety report in regards to break ins to unlocked cars

Meeting closed: There being no further business the Chair closed the meeting at 8.55 pm

Next Meeting: Thursday 15th October 2020 Correspondence:

16.10 Parking Statistics - September 2020

Responsible Director: Environmental Services

Patrols conducted	33
Infringements Issued	18
Total Infringement Value	\$4191
Vehicle Spaces Inspected	462
CRM requests received and actioned	12

Timed Zones	No. of patrols	PINS Issued	School Zone Patrols	No. of patrols	PINS Issued
Kiama CBD east	1	2	St Peter & Pauls	5	1
Kiama CBD west of Railway Pde	4	1	Kiama High	3	1
Gerringong CBD	2	1	Kiama Public	2	0
Other Parking	6	6	Jamberoo Public	2	0
			Minnamurra Public	4	6
			Gerringong Public	4	0

Pro-active Patrols

Offence	PINS Issued	Offence	PINS Issued
No Stopping	7	No Stopping (School Zone)	0
Bus Zone	0	Bus Zone (School Zone)	7
No Parking	1	No Parking (School Zone)	0
Unbroken Yellow Edge Line	0	Double Park (School Zone)	0
Loading Zone	1	Path/Strip/Island	1

Reports for Information

16.10 Parking Statistics - September 2020 (cont)

Mail Zone	1	Disabled Parking Zone	0
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Communication/Community Engagement

N/A

Item 16.10

16.11 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 July and 30 September 2020 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 34 new abodes were approved within the Municipality between 1 July and 30 September 2020.

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 (to date) 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	-	-	

Reports for Information

16.11 Quarterly Dwelling Approvals (cont)

Multi-unit	24	2	-	-	
Total	37	20	-	-	57

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.

With the upcoming review to the Regional Plan it is likely that this projection will be adjusted to provide a regional perspective rather than individual LGAs. 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.

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 - July-September 2020 [↓](#)



New Dwellings
From 1/7/2020 to 30/9/2020

	GERRINGONG	GERROA	JAMBEROO	KIAMA	KIAMA DOWNS	KIAMA HEIGHTS	WERRI BEACH	Total
Demolition	0	-1	0	-6	-3	0	-2	-12
Dual Occupancy/Secondary Dwelling	1	0	0	12	6	0	1	20
Dwelling	3	1	0	3	2	3	2	14
Residential Flat Building	0	0	0	12	0	0	0	12
Total	4	0	0	21	5	3	1	34

16.12 Question for future meeting: Kiama Council BrandingResponsible Director: Environmental Services

At its meeting held on 22 September 2020, Councillor Reilly requested a report on the branding of Kiama Council, including use of the wave logo which is currently in place for Destination Kiama. This report provides an update on progress of the Brand Hierarchy, Logo work and development of Brand Guidelines. Commentary about the proposed use of the Destination Kiama logo is also provided for consideration.

Background

Council has undertaken an audit and review of our brand as part of a broader Communication Strategy. The findings of this review showed that very few of the associated brands are aligned with the master brand through visual identity. As a result, the findings were that our brand is weakened and the community is unaware of some of the key services and events provided by our facilities and business units.

Two comprehensive reports on the audit's progress including recommendations have previously been presented to Council. During these discussions a consensus for changing the logo and a decision regarding what this change would be was not reached. Furthermore, given the financial impacts of COVID both for the Council and for the community, it was also considered that continuing an extensive rebranding process that would have budgetary impacts for Council and Council Business Units was not prudent and may be seen by the community as a poor choice of expenditure.

Despite this, the project has not ceased rather further work and refinement of the existing logo, colour palette and brand hierarchy, utilising existing resources and budget, has been occurring. Much of this work has been driven through the development of Council's new website and other organisational websites which required logo adjustment, colour changes and a consistent colour palette to ensure Australian Accessibility Standards were met.

Work has also been occurring on the finalisation of a brand guideline and hierarchy structure to enable the organisation to clearly understand how the existing logo should be utilised, what qualified as a cobrand and where a separate endorsed brand could be applied. This was intended to be reported to Council once complete to enable understanding and justification for the direction to be provided for consideration. This work is required regardless of what logo is ultimately selected for Council and is part of any Communication Strategy that would be developed for all organisations.

Given the request for information from Councillors this information is now provided as part of this report.

Council Logo

With the introduction of our new website, it became apparent through the application of Australian Standards, that our existing logo's colours were not accessible. To ensure our logo complied with accessibility and our site's new modern look, we used a mono (white) version of our logo.

In line with our website colour palette, we are now regularly presenting our logo in print and online in white or the accessible blue of our website. We have changed the colour

Reports for Information

16.12 Question for future meeting: Kiama Council Branding (cont)

of our logo previously to suit print formats and this change whilst subtle goes a long way to providing consistently, the ability to easily cobrand.

Brand Hierarchy

To resolve the issue of disunity a brand hierarchy has been created. This provides direction on how the logo will be used, when co-branding is required and allocates endorsed brands to specific business units of Council. No changes to existing logos have occurred with this approach and co-branding is already occurring for many of our entities which is starting to enable customers to more regularly understand Council’s full delivery of services and facilities.

Item 16.12





We will introduce our new brand hierarchy in a financially sensible manner by replacing signage, stationery etc. on a needs basis. Online changes are cost neutral.

Our new brand hierarchy and ensuing brand guidelines will instruct our services and business units in their marketing activities and ensure communications have a consistent tone of voice, social media activity and our overall look and feel. KMC brand guidelines will ensure all our marketing and communication activities are strategically aligned with our CSP. Brand guidelines will support and strengthen our promise to our community.

Brand Guideline

A brand guideline is being developed by Nucleo. These guidelines will instruct our services and business units in their marketing activities and ensure our communications have the correct tone of voice, social media activity and our overall look and feel.

KMC brand guidelines will ensure all our marketing and communication activities are strategically aligned with our CSP.

Colour Palette

A new colour palette has been created which aligns with our website, services and facilities. This colour palette was used to create the LSPS and A R Bluett documents. Comments received from the community about the LSPS is that they believe that it is an attractive document which reflects our LGA.

Reports for Information

16.12 Question for future meeting: Kiama Council Branding (cont)

Use of Destination Kiama Logo

The Destination Kiama Logo is primarily associated with tourism and is identified as an endorsed standalone brand within Council's Brand Hierarchy. The logo demonstrates an element of the Kiama Town Centre with the image of a wave or element of the Blowhole, depending on how you identify the logo.

Feedback from the review undertaken was that this logo did not relate to the rural areas of the LGA and was focused on tourism look and feel, relating to external stakeholders rather than locals.

The use of this logo would require a complete rebranding of all Council facilities and collateral. This would be an expensive exercise which has been outlined in previous reports to be in the order of an additional \$75,000 needed to be added to the Council budget for this project.

It is therefore recommended that Council continues to undertake a refresh of the existing brand and rather align brands via cobranding and the utilisation of a consistent colour palette.

Attachments

- 1 Brand Review Update [↓](#)
- 2 Powerpoint Presentation [↓](#)

Kiama Municipal Council - Brand review update

Definitions

Brand is a set of associations that stakeholders make with Council. It is a promise that helps create perception and expectation.

Logos, colour palette, marketing materials, letterhead, signage, website are all tangible brand elements that create visual identity

WHY REVIEW OUR BRAND?

In August 2019 MANEX agreed to conduct a comprehensive analysis of our brand, brand management and marketing effectiveness to assess the health of our brand, how it is positioned for success in the future.

This review aimed to identify areas of the business that are not effectively aligned with brand values. Recommendations to improve brand alignment, brand equity, brand positioning, brand management, brand elements and marketing were sought.

Stage two of the review was then based on the initial audit and consisted of creative content development and design presentation.

An external consultant was engaged to encourage open, unbiased and objective insight and analysis.

Identified issues which lead to the need for this review were:

- Our values are not being clearly articulated in our visual identity and our brand personality
- Our visual identity isn't unified, consistent and meaningful across the Council units, this weakens our brand. This lack of consistency across Council creates inefficiencies, weakens our brand and creates potential risk. EG the current uncoordinated approach to social media channels, website creation and graphic design.
- Council has several entities with their own personalities. Kiama Municipal Council doesn't have any formal brand identity guidelines. There isn't a 'look book' which includes all entities and guides how Council should look and sound.
- Council has a minimum of 16 logos in the market place plus several websites and social media channels. This is due to lack of brand guidelines and coordinated approvals.
- We are about to refresh our website and uniforms. This needs to be done in line with our brand but we don't know what that is. It is timely to have this review completed before we invest in a new website so that our online and digital service delivery can be consistent and 'on brand'.
- There are efficiencies that can be achieved in Council's graphic design outsourcing.

STAGE ONE – THE REVIEW

Núcleo was engaged to conduct the brand audit and recommendations. Núcleo conducted an audit of all existing brand assets to gain a deeper understanding of the internal and external stakeholders opinions and affinities for the brand.

January 2020

During this process, núcleo consulted with a range of key stakeholders to capture their insights in relation to the personality, aspirations and features that are unique to the people and the town of Kiama.

This audit included:

- A leadership workshop
- Councillor surveys and interviews
- Key staff workshops
- Desk top research
- Area tour and site visits
- Community research (interviews and analysis of council research including the initial LSPS findings)

1. For further detail on this stage please see attached document Núcleo 's KIAMA Audit Planning.

STAGE ONE - THE FINDINGS & RECOMMENDATIONS

Núcleo presented their findings and recommendations to MANEX, key staff and councillors in three separate sessions.

Currently KMC is represented under the master brand Kiama Municipal Council, with a consortium of 15 umbrella and associated brands, including independent brands that are closely aligned to Kiama Municipal Council. None of the associated brands are aligned with the master brand through visual identity.

The number of brands and services has become disorderly due to mergers, acquisitions and continuous growth.

Employees create variations and/or new versions of existing brands for entities and programs, along with the development of fresh independent brands.

Key findings - Internal

There is internal brand recognition of the flag representing Kiama Municipal council, however the logo holds no value or equity to members and staff of council.

Key findings - External

There is mixed feedback from the community, a number of community members having little to no external feedback brand recognition, there was an inability in some cases to identify the logo, and again no value or equity for the most part.

Key findings - The logo

Multiple versions of the master brand/KMC Logo can be found throughout marketing collateral internally and externally. Versions consist of alternate fonts, styles and placement. There is no structured guidelines or set of brand rules. There is no consistency with the use or non-use of the tagline.

PERCEPTION - KIAMA - UNPROMPTED

"Pristine, beautiful, town / village atmosphere"

"Mining"

"Proximity to Sydney"

"Coastal walks"

"The place with the blow hole"

January 2020

"Kiama has a Natural advantage"
"Heritage buildings"
"Farming heritage"
"Access to health and the environment"
"Proud to live in the Kiama region"
"Great community spirit"
"Respect for and from the community"
"Attractive"
"Kiama is - Hills, sand, water"
"Place to rear children"
"Blowhole needs to be represented"
"Tremendous scenic beauty"
"Small coastal town"
"Engaged and protective community "
"Great history and heritage"

PERCEPTION - KIAMA MUNICIPAL COUNCIL - UNPROMPTED

"People become councillors for altruistic reasons, not personal gain"
"The community respects council"
"Great place to work"
"Old and Stuffy"
"Small tight knit community"
"Website and social media not user friendly "
"Good public image"
"Council takes pride in its work"
"Wonderful initiatives"
"Lack of clear structure with entities"
"Physical community not represented by online community"
"Inclusive and connected between departments"
"Great support for community events but they don't promote their support" "People at council enjoy their job"
"Be more inclusive of minority groups"
"Not involved, specifically via online presence"
"One team, great collaboration and team work"
"Falling behind, not keeping up with times "
"Great aged care"
"I don't know what council is involved with"
"They have no online presence"
"Council is a safety net"

PERCEPTION - KIAMA MUNICIPAL COUNCIL LOGO - UNPROMPTED

"Needs to be more personalised"
"Embarrassing"
"Doesn't represent us"
"It's very bland"
"Aboriginal and Torres Strait Islanders need more representation"
"Make it more us, than a national image (Southern Cross)"
"Current logo not simple enough"
"Happy with current logo"
"It's upside down"
"There is no consistency"
"Could be more exciting"
"Like to see more indigenous branding"
"Make it represent 'US' and not just a tool for marketing"
"Old and traditional"
"Make it more like Shoalhaven"
"Don't like the stars and the colours"
"Like that it represents the environment"
"Doesn't mean anything to me"
"It is too basic"

January 2020

"I don't know what the logo is"
"Amateurish"
"Logo doesn't represent how Kiama makes you feel"

Summary of key findings

- Internal and external perceptions for most part were mirrored (reinforces strong community)
- Core function/focus of internal and external stakeholders is Community
- Community are largely unaware of functions, services and business units that serve the community
- Stakeholders believe the brand needs to represent them, the region and the values
- Community don't feel proud and represented through brand
- Bring history, culture and pristine environment through visually
- Council needs to be clearly identified by visual association
- Stakeholders feel unrepresented online
- Website is not user friendly
- Digital disconnect

Recommendations

- Develop and roll out a new brand architecture which eliminates the current series of fragmented brands.
- Ensure the brand represents the community, the region and the values and visual include the history, culture and environment
- Ensure the brand communicates to the community the services that we deliver

» *Note: Only brands that are highly differentiated and will be maintained for at least several years and will be supported by significant marketing resources should be classified as independent.*

- Re-fresh Blue Haven Aged Care Branding
- Re-fresh KMC Holiday Parks Branding
- Develop a dynamic identity for KMC

» *"a dynamic identity is a visual system that pushes the boundaries of the traditional static logo design, instead opting for logo systems with a higher level of adaptability, flexibility and personalisation"*

- Website re-development to improve user experience
- Address digital perceptions with a designated digital communications officer and communications strategy

January 2020

SUGGESTED STRATEGY

WRAP IT ALL UP

Kiama Municipal Council as a brand

PURPOSE

"To be an engaged, respected, community encompassing council that is proud of the Kiama Region and the people it serves"

ESSENCE

Collectively Devoted

VALUES

- » Beauty
- » Wonder
- » Dedication
- » Unity

PERSONALITY



HERO

Brave
Selfless
Proud

EVERYMAN

You.
Relate on a real
level

CAREGIVER

Empathise
Help
Protect

This stage cost \$24,510.

2. The complete report is attached KMC0001 – Brand review - Stage One.

STAGE TWO - THE CHALLENGE

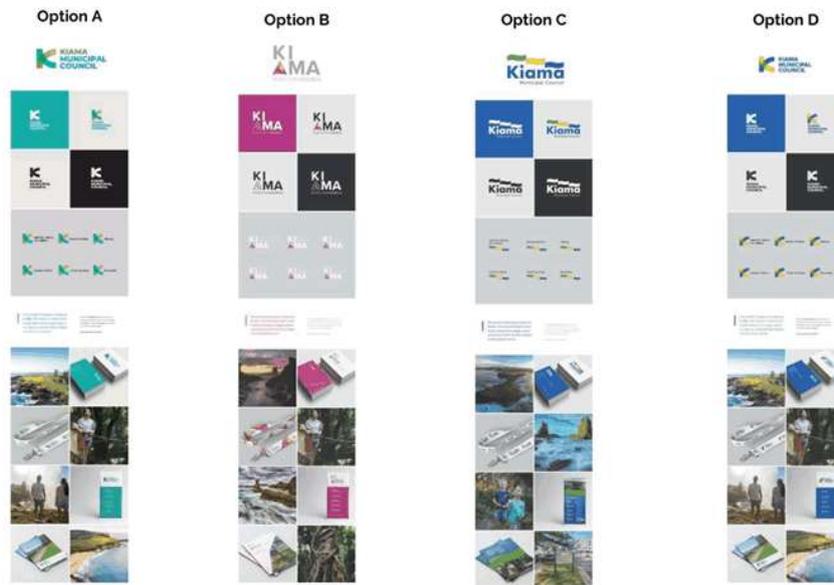
Despite being a forward thinking, in touch council. We lack a cohesive identity. Each sub-product or service have their own distinct flavour, the over-arching brand is becoming lost.

STAGE TWO - THE OUTCOME

The brand audit uncovered the need for a simplified brand architecture and the development of a dynamic identity. The new brand identity celebrates Kiama's rich sense of culture, value of natural heritage, sense of belonging and council and community working collectively. They are both vibrant and contemporary, simple yet flexible. Like the Kiama region itself, the system is encompassing, designed to work cohesively.

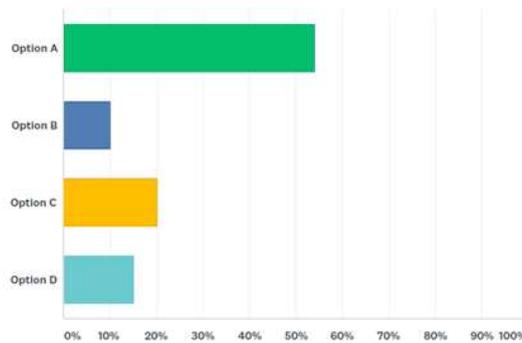
Núcleo worked with us to create a series of brand options that will resonate with our audiences.

January 2020



Staff were presented the options above and asked to vote for their preferred option via an anonymous online survey. The results were as follows:

Q1 Tell us which is your preferred option.



Vote on our new look		
Tell us which is your preferred option.		
Answer Choices	Responses	
Option A	54.24%	32
Option B	10.17%	6
Option C	20.34%	12
Option D	15.25%	9

January 2020

RECOMMENDATION
That Council adopt the new branding concept and the corresponding new logo – Option A.

Núcleo will then develop:

- a corporate brand strategy and implementation recommendations (including internal and external launch).
- Logo suite for all assets including: website, intranet, publications, social media, stationery, marketing collateral, signage, advertising
- Brand identity guidelines which include visual and written styles

This stage, when completed will cost \$22,000.

STAGE THREE - IMPLEMENTATION OF NEW BRAND AND LOGO

The planning and implementation of council’s new branding and logo will be timed to coincide with the launch of our new website. This will be in June 2020.

Our new website promises to offer our community a more streamlined, comprehensive and user-friendly way to interact with us. The look of our new website should reflect this and us.

The implementation of the new logo will be planned so that it is both financially sensible and environmentally responsible. New stationery will be ordered only once all existing supplies are depleted. Staff uniforms will be phased out by replacing on a needs basis.

STAGE THREE - COST ESTIMATE

Items	Notes	Cost
waste trucks	grant money	0
printed stationery	replace as we use up, graphic design	\$300
forms online and printed & signage	casual staff time and stickers	\$10,000
printed forms	replace as we need them (casual to update)	
publications	graphic artist	\$300
rates notices	artwork	\$400
advertising template	graphic artist	\$300
uniforms	replace as needed, graphic design	500
trucks/vehicles	magnetic decals	\$5,000
website	included	
Building signage: Kiama Library, Leisure Centre, Works deppt, Waste depot, Old Fire Station, Old chambers, Admin building, Gerringong Library, Gerringong Town Hall	internal and external	\$40,000
banners	6 pull ups, 2 tear drops, corflutes for chambers and photography	\$4,000
		\$60,800

RECOMMENDATION
That Council approve that 2019/20 budget be increased by \$60,800.

January 2020

Councillors brand review update



RESPECT



INNOVATION



INTEGRITY



TEAMWORK
EXCELLENCE



KIAMA MUNICIPAL COUNCIL
your council, your community

Why review our brand?

A review will allow us to ascertain where our brands strengths, weakness, opportunities and threats currently lie.

BRAND ON A PAGE



ENCLOSURE

KIAMA MUNICIPAL COUNCIL BRAND AUDIT | 10



Brand is more than a logo

- It is our promise
- what stakeholders think of when they think of us
- brand elements



Stage one

- Nucleo
- staff workshops including MANEX
- community engagement
- Councillor surveys and interviews



Stage one - key findings

- **Key findings - Internal**
 - What do staff think?
- **Key findings - External**
 - What do the community think of us?
- **Key findings - The logo**
 - What do we look like?



Perception – Kiama - unprompted

<p>“Pristine, beautiful, town / village atmosphere”</p> <p>“Mining”</p> <p>“Proximity to Sydney”</p> <p>“Coastal walks”</p> <p>“The place with the blow hole”</p> <p>“Kiama has a Natural advantage”</p> <p>“Heritage buildings”</p> <p>“Farming heritage”</p> <p>“Access to health and the environment”</p> <p>“Proud to live in the Kiama region”</p>	<p>“Great community spirit”</p> <p>“Respect for and from the community”</p> <p>“Attractive”</p> <p>“Kiama is - Hills, sand, water”</p> <p>“Place to rear children”</p> <p>“Blowhole needs to be represented”</p> <p>“Tremendous scenic beauty”</p> <p>“Small coastal town”</p> <p>“Engaged and protective community”</p> <p>“Great history and heritage”</p>
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Perception – Kiama Council - unprompted

“People become councillors for altruistic reasons, not personal gain”
“The community respects council”
“Great place to work”
“Old and Stuffy”
“Small tight knit community”
“Website and social media not user friendly”
“Good public image”
“Council takes pride in its work”
“Wonderful initiatives”
“Lack of clear structure with entities”
“Physical community not represented by online community”
“Inclusive and connected between departments”

“Great support for community events but they don’t promote their support”
“People at council enjoy their job”
“Be more inclusive of minority groups”
“Not involved, specifically via online presence”
“One team, great collaboration and team work”
“Falling behind, not keeping up with times”
“Great aged care”
“I don’t know what council is involved with”
“They have no online presence”
“Council is a safety net”



Perception – Our logo- unprompted

“Needs to be more personalised”
“Embarrassing”
“Doesn’t represent us”
“It’s very bland”
“Aboriginal and Torres Strait Islanders need more representation”
“Make it more us, than a national image (Southern Cross)”
“Current logo not simple enough”
“Happy with current logo”
“It’s upside down”
“There is no consistency”
“Could be more exciting”

“Like to see more indigenous branding”
“Make it represent ‘US’ and not just a tool for marketing”
“Old and traditional”
“Make it more like Shoalhaven”
“Don’t like the stars and the colours”
“Like that it represents the environment”
“Doesn’t mean anything to me”
“It is too basic”
“I don’t know what the logo is”
“Amateurish”
“Logo doesn’t represent how Kiama makes you feel”



Summary of key findings

- Internal and external perceptions for most part were mirrored
- core function/focus of internal and external stakeholders is community
- stakeholders say the brand doesn't represent them, the region and the values
- simplify brand architecture
- need to feel proud and represented through brand
- bring history, culture and pristine environment through visually
- clearly identify Council association visually
- stakeholders feel unrepresented online
- website is not user friendly
- digital disconnect



Nucleo's recommendations

- Develop and roll out a new brand architecture
- develop a dynamic identity for KMC
- website redevelopment to improve user experience



WRAP IT ALL UP

Kiama Municipal Council as a brand

PURPOSE

'To be an engaged, respected, community encompassing council that is proud of the Kiama Region and the people it serves'

ESSENCE

Collectively Devoted

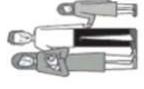
VALUES

- » Beauty
- » Wonder
- » Dedication
- » Unity

PERSONALITY



HERO



EVERYMAN CAREGIVER

- Brave
- Selfless
- Proud

- You.
- Relate on a real level

- Empathise
- Help
- Protect



Stage two – the challenge

- A forward thinking, in touch council without a cohesive identity
- each service have their own distinct flavour
- the over-arching brand is lost.



Stage two – the outcome

We need:

- a simplified brand architecture
- a dynamic identity
- to celebrate our culture, natural heritage, sense of belonging and council and community working collectively
- a brand that is vibrant, contemporary & simple yet flexible
- brand that is encompassing and designed to work cohesively.



Option A



Option B



Option C



Option D

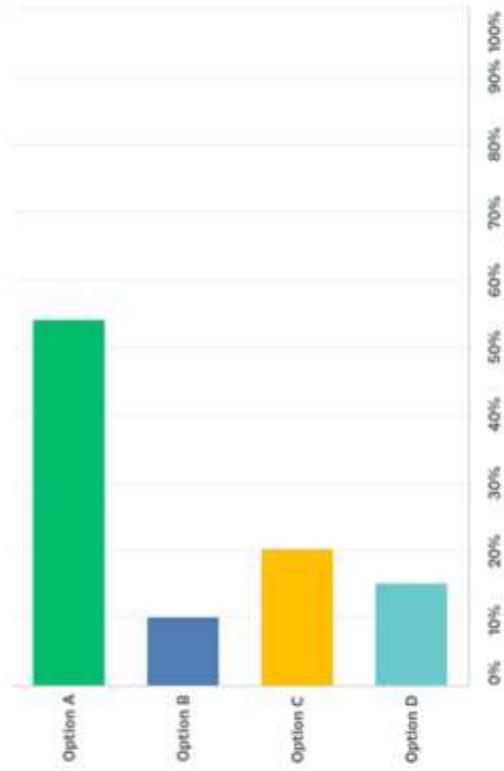


Below the branding options are five circular icons: a purple hand holding a pen, a red lightbulb, a green scales of justice, a blue family group, and a green star with rays. To the right of these icons is a vertical bar with a blue-to-green gradient and a thin blue line above it.



Staff survey results

Q1 Tell us which is your preferred option.



Questions



16.13 Question for future meeting: Modular PumptrackResponsible Director: Engineering and Works

Background

At the 22 September 2020 Council meeting, Councillor Sloan requested a report on the locations for the portable pump track and assess South Werri Reserve adjoining the Gerringong skate park, as a suitable location. The matter was referred to the Director Engineering and Works for investigation and report.

Report

At the 22 September 2020 Council meeting, Councillor Sloan requested a report on the locations for the portable pump track and assess South Werri Reserve adjoining the Gerringong skate park, as a suitable location. The matter was referred to the Director Engineering and Works for investigation and report.

REPORT

With the support of the NSW Government UCI Legacy fund, Council has purchased a modular pumptrack.

The modular pump track aims to provide a recreational facility that is readily accessible for youth in the local government area. The track system provides 36m of riding surface that is suitable for bikes, skateboards, scooters and roller blades. The track also caters to a variety of ages and skills levels.

The mobility of the track will allow Council to relocate the facility around the various localities, lessening the distance for youth to travel. Further, new modules can be added and the track can be reconfigured to create different courses to custom fit the spaces available.

The locations were determined based on the size of the reserve, its topography, accessibility and suitability for youth. The schedule was developed by considering the current reserve hire calendar, community sport activities and season. It is preferred to keep the unit on a hard stand area during wetter months to improve longevity of the unit and reduce impacts on Council's grassed reserves.

In regards to Councillor Sloan's specific request, South Werri Reserve, Gerringong was identified in the original desktop assessment for potential sites. The site was ruled out for a number of reasons including the low lying and uneven topography of the site. Further, it is considered advantageous given the social nature of youth to have the track away from skate parks, where possible, to provide an additional facility rather than an "add-on".

Once the track has completed a circuit, including Emery Park, Gerroa, potential new locations will be assessed with the track in its alternate configuration (as seen in the attachment) and considering community feedback.

The current schedule and locations were supported by the Executive and are outlined below:

- **Michael Cronin Oval, Gerringong** – 2020/21 Summer school holidays and term 1

Reports for Information

16.13 Question for future meeting: Modular Pumptrack (cont)

- **James Oates Reserve, Minnamurra** – 2021 Autumn school holidays and term 2
- **Kevin Walsh Oval, Jamberoo** – 2021 Winter school holidays and term 3
- **Gainsborough Chase Reserve, Kiama Downs** – 2021 Spring school holidays and term 4
- **Hindmarsh Park, Kiama** – 2021/22 Summer school holidays and term 1

Attachments

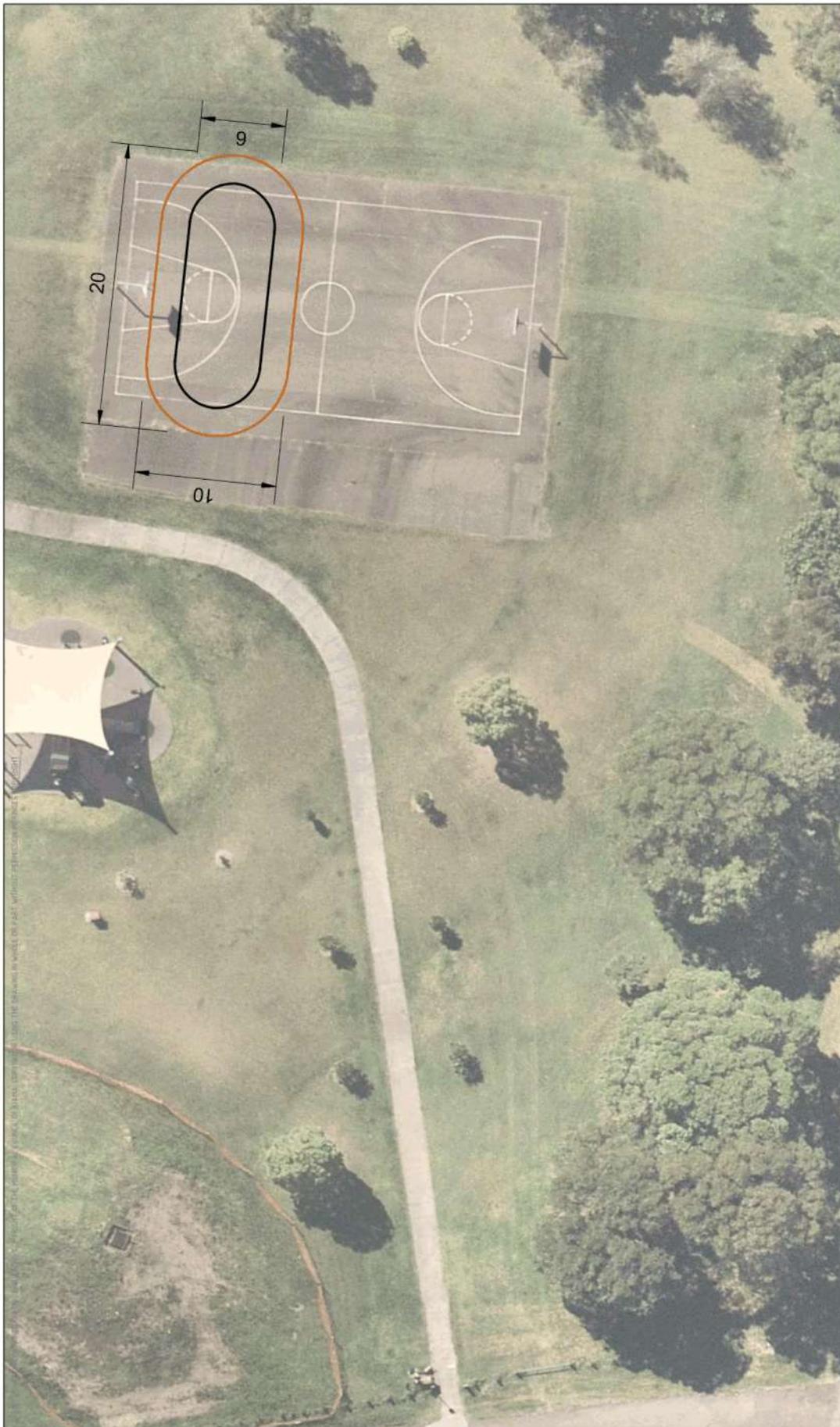
- 1 Modular Pumptrack Annual Track Locations [↓](#)
- 2 Speed Ring - Modular Pumptrack Specifications Sheet [↓](#)



PLAN NUMBER	
SHEET 1 OF 1	
FILE:	
POTENTIAL PUMP TRACK LOCATIONS JAMES OATES RESERVE MINNAMURRA	
SCALES: PLAN: 1:250 SECTIONS: H V	DESIGN: DESIGNED: _____ DRAWN: JE DATE: JUN-20 CHECKED: _____ DATUM: SURVEYED: _____ DATE:
	ORIGINAL SHEET SIZE: A3



Attachment 1 Item 16.13



PLAN NUMBER

SHEET 1 OF 1

FILE:

POTENTIAL PUMP TRACK LOCATIONS
 GAINSBOROUGH CHASE BASKETBALL COURT
 KIAMA DOWNS

DESIGN
 DESIGNED: DRAWN: JE
 DATE: JUN-20
 CHECKED:
 DATUM:
 SURVEYED: DATE:

SCALES
 PLAN: 1:250
 SECTIONS: H
 V
 ORIGINAL SHEET SIZE: A3





PLAN NUMBER

SHEET 1 OF 1

FILE:

POTENTIAL PUMP TRACK LOCATIONS
HINDMARSH PARK, KIAMA

DESIGN

DESIGNED: _____
DRAWN: JE
DATE: JUN-20
CHECKED: _____
DATUM: _____
SURVEYED: _____
DATE: _____

SCALES

SCALES: _____
PLAN: NTS
SECTIONS: H
V
ORIGINAL SHEET SIZE: A3





PLAN NUMBER	
SHEET 1 OF 1	
FILE:	
POTENTIAL PUMP TRACK LOCATIONS MICHAEL CRONIN OVAL, GERRINGONG	
DESIGNED:	DESIGN
DRAWN: JE	
DATE: JUN-20	
CHECKED:	
DATUM:	
SURVEYED:	
DATE:	
SCALES:	SCALES
PLAN: NTS	
SECTIONS: H	
V	
ORIGINAL SHEET SIZE: A3	





PLAN NUMBER
SHEET 1 OF 1
FILE:

POTENTIAL PUMP TRACK LOCATIONS
EMERY RESERVE, GERROA

DESIGN
DESIGNED:
DRAWN: JE
DATE: JUN-20
CHECKED:
DATUM:
SURVEYED:
DATE:

SCALES
PLAN: NTS
SECTIONS: H
V
ORIGINAL SHEET SIZE: A3

**KIAMA
MUNICIPAL
COUNCIL**



PLAN NUMBER
SHEET 1 OF 1
FILE:

POTENTIAL PUMP TRACK LOCATIONS
KEVIN WALSH OVAL BASKETBALL COURT
JAMBER00

DESIGN
DESIGNED: DRAWN: JE
DATE: JUN-20
CHECKED:
DATUM:
SURVEYED: DATE:

SCALES
PLAN: NTS
SECTIONS: H
V
ORIGINAL SHEET SIZE: A3



Attachment 1 Item 16.13

MODULAR PUMPTRACK SPEEDRING



Key Specifications

Track length	36m
Layout area	78m ²
Net weight	1650kg
Custom pallets	7

Assembled Dimensions (metres)



Options & Accessories

- Entry / Exit Kit
- City Armour Kit
- X1 Entry / Exit Modules (X1L & X1R)
- 8m track length extension, 4 bump modules

Riding Surface Colours



Alternative Layouts



16.14 Question for future meeting: Vegetation - South end Werri BeachResponsible Director: Engineering and Works

Background

At the 22 September 2020 Council meeting, Councillor Brown requested a report on:

- (a) the vegetation at the south end of Werri Beach
- (b) how Council is, or could, work with community groups, like Gerringong Bowling Club and Landcare, to remove the debris from flooding due to recent rainfall, and removing dead and inappropriate flora.

Current Position

In August 2020, Council received a request from the Gerringong Bowling Club to clean up storm debris washed up on Werri Beach and to undertake vegetation management/removal of vegetation in front of the Surf Life Saving Club.

In response to the August 2020 request and again in response to the September Council action, the dune area at the south end of Werri Beach was inspected by Council's Tree Management Officer who advises that there is the expected dune native species, Banksia, tea tree and wattle. There is some dead plant material as would be expected in natural areas.

In regards to vegetation in front of the Surf Life Saving Club, this is pruned low for surveillance of the beach for public safety and is pruned for observation by SLSC members. The club had sought for it to be pruned further to enhance views from their balcony and this is not a valid reason.

In terms of Council's management plans for the area, fallen branches and dead vegetation are environmentally important as they provide roosting sites for bird life, provide habitat for native fauna, add to soil bio mass, reduces soil/sand erosion and are used as brush matting to inhibit weeds. For these reasons, Council does not generally remove dead vegetation from Natural Areas that it manages, such as along Werri Beach.

Council staff have worked with Werri Dune Care for many years. The group is also occasionally helped by other service clubs. Any volunteer group would only be associated with dune vegetation works.

In regards to storm debris, Council, in general, does not clean up debris that has been deposited on the beach during storm events as this is considered a natural phenomenon and natural processes will generally clear the debris over time. In early 2020 Council agreed to undertake a one-off limited cleanup of a specific area of Werri Beach to support a major regional surfing event.

The Bowling Club were advised in this regards in a response dated 31 August 2020.

16.15 Questions for Future Meetings Register as at 9 October 2020

Responsible Director: Office of the General Manager

Attached for Councillors' information is the Questions for Future Meetings Register as at 9 October 2020.

Communication/Community Engagement

N/A

Item 16.15

Attachments

- 1 Questions for Future Meetings Register as at 9 October 2020 [↓](#)

Questions for Future Meetings Register

16/73192

No	Details	Actions
18 August 2020		
19.3	Directorate staff numbers Councillor Reilly requested a report that specifically identifies staff numbers in each directorate and section, and how positions are funded. The matter was referred to the General Manager for investigation and report.	Reporting to the November 2020 Council meeting
22 September 2020		
19.1	Accessibility to South Bombo Councillor Brown requested a report on accessibility to south Bombo from Kiama. The matter was referred to the Director Engineering and Works for investigation and report.	Reporting to the November 2020 Council meeting.
19.2	Vegetation - south end Werri Beach Councillor Brown requested a report on: (a) the vegetation at the south end of Werri Beach (b) how Council is, or could, work with community groups, like Gerringong Bowling Club and Landcare, to remove the debris from flooding due to recent rainfall, and removing dead and inappropriate flora. The matter was referred to the Director Engineering and Works for investigation and report.	Reported to the October 2020 Council Meeting.
19.3	Portable pump track Councillor Sloan requested a report on the locations for the portable pump track and assess South Werri Reserve adjoining the Gerringong skate park, as a suitable location. The matter was referred to the Director Engineering and Works for investigation and report.	Reported to the October 2020 Council Meeting.
19.4	Kiama Council branding Councillor Reilly requested a report on suggestions for branding of Kiama Council, including use of the wave logo which is currently used for Destination Kiama. The matter was referred to the Director Environmental Services for investigation and report.	Reported to the October 2020 Council Meeting.

17 ADDENDUM TO REPORTS**18 NOTICE OF MOTION**

Nil

19 QUESTIONS FOR FUTURE MEETINGS**20 CONFIDENTIAL SUMMARY****CONFIDENTIAL COMMITTEE OF THE WHOLE**

Submitted to the Ordinary Meeting of Council held on 20 October 2020

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 LAND AND ENVIRONMENT COURT APPEALS - 1 JULY TO 30 SEPTEMBER 2020

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

21.2 EXECUTIVE OFFICERS' PERFORMANCE AGREEMENTS - REVIEW FOR THE PERIOD 1 APRIL 2019 TO 31 MARCH 2020

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

21 CONFIDENTIAL REPORTS

21.1 Land and Environment Court Appeals - 1 July to 30 September 2020

Responsible Director: Environmental Services

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

21.2 Executive Officers' Performance Agreements - Review for the period 1 April 2019 to 31 March 2020

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 personnel matters concerning particular individuals (other than councillors).

22 CLOSURE