



ORDINARY MEETING OF COUNCIL

To be held at 5pm on

Tuesday 15 December 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

9 December 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 15 December 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 15 DECEMBER 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 17 November 2020

Attachments

- 1 Minutes - Ordinary Council - 17/11/2020 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held on 17 November 2020 be received and accepted.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5pm on

TUESDAY 17 NOVEMBER 2020

Council Chambers
11 Manning Street, KIAMA NSW 2533

Item 3.1

Attachment 1

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2020

MINUTES OF THE ORDINARY MEETING OF
THE COUNCIL OF THE MUNICIPALITY OF KIAMA
HELD IN THE COUNCIL CHAMBERS, KIAMA
ON TUESDAY 17 NOVEMBER 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 20 October 2020

20/326OC

Resolved that the Minutes of the Ordinary Council Meeting held on 20 October 2020 be received and accepted.

(Councillors Way and Reilly)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2020

3.2 Extraordinary Council on 1 October 2020

20/327OC

Resolved that the Minutes of the Extraordinary Council Meeting held on 1 October 2020 be received and accepted.

(Councillors Way and Reilly)

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

Against: Nil

3.3 Extraordinary Council on 3 November 2020

20/328OC

Resolved that the Minutes of the Extraordinary Council Meeting held on 3 November 2020 be received and accepted.

(Councillors Way and Reilly)

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

Against: Nil

4 BUSINESS ARISING FROM THE MINUTES

Nil

5 DECLARATIONS OF INTEREST

Nil

6 TABLING OF PETITIONS AND OTHER DOCUMENTS

Nil

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2020

7 PUBLIC ACCESS SUMMARY

Name	Item No.	Subject
Tim Colless	12.1	10.2019.185.1 - Lot 1 DP 610751 - 38 Long Brush Road, Jerrara - Eco-tourist facility with 4 tents, secondary dwelling (manager's residence), new access, signage and 5 space car park to be constructed in 2 stages
Nick Currie	12.1	10.2019.185.1 - Lot 1 DP 610751 - 38 Long Brush Road, Jerrara - Eco-tourist facility with 4 tents, secondary dwelling (manager's residence), new access, signage and 5 space car park to be constructed in 2 stages
Geoff Bailey	12.2	10.2019.233.1 - Lot 2 DP 1202029 - 11 Willowvale Road, Willow Vale - Use of Crooked River Wines for 4 events each year over a 3 year period with events including a variety of live music, food, culture, sporting and community events
Joseph Felice Bronwyn Seiden	12.2	10.2019.233.1 - Lot 2 DP 1202029 - 11 Willowvale Road, Willow Vale - Use of Crooked River Wines for 4 events each year over a 3 year period with events including a variety of live music, food, culture, sporting and community events
Sue Singh Tamara Campbell	12.4	Endorsement of Planning Proposal to reclassify 85 Attunga Avenue, Kiama Heights
Luke Richards	16.9	Question for future meeting: South Werri - Plan of Management

8 MAYORAL MINUTE**8.1 2020 Rural Women's Hidden Treasures Honour Roll - Cheryl Pearce****20/329OC**

Resolved that Council formally congratulate Cheryl Pearce who has been recognised on the 2020 Rural Women's Hidden Treasures Honour Roll for her involvement with Kiama Country Women's Association (CWA) Day Branch.

(Councillors Honey and Westhoff)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2020

9 MINUTES OF COMMITTEES

9.1 Minutes: Health and Sustainability Committee - 13 October 2020

20/330OC

Resolved that:

1. the Minutes of the Health and Sustainability Committee Meeting held on 13 October 2020 be received for information.
2. Merryn Joske, Dianne Tierney and Camilla Kerr-Ruston be endorsed by Council as members of the Health and Sustainability Committee.
3. Council undertake a comprehensive strategic plan and review centred on Kiama Heights, considering walkability, accessibility and general recreation space as guided by Walkable Neighbourhoods in NSW Healthy Planning Action Resource No. 2 to support the physical activity and healthy built environment deliverables of the NSW Healthy Eating and Active Living Strategy. This plan should be considered a trial in that area, if successful, eventually to follow for all urban centres of our LGA. A suitable budget should be suggested for possible inclusion in our 2021/22 budget

(Councillors Rice and Reilly)

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

Against: Nil

9.2 Minutes: Jamberoo Youth Hall s355 Committee - 18 October 2020

20/331OC

Resolved that the Minutes of the Jamberoo Youth Hall s355 Committee General Meeting held on 18 October 2020 be received and accepted, and the following resolution noted:

1. *JYH supports the position that the existing fence partially separating Reid Park and Kevin Walsh Oval be removed and re-purposed elsewhere.*

(Councillors Watson and Way)

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

Against: Nil

Councillors Brown and Steel entered the meeting at 05:08 pm.

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2020

9.3 Minutes: Kiama Local Traffic Committee - 3 November 2020

20/332OC

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 3 November 2020 (Attachment 1) be received and the following recommendations accepted:

- 4.1 That an untimed 'No Parking' zone be created in the proximity of the steps in Belinda Street Gerringong, with the installation of regulatory signage and line marking.
- 5.1 That approval be given to implementation of traffic calming treatments and associated regulatory signage with additional edge line marking and RPM's along Shoalhaven Street, Kiama between Barney Street and Noorinan Street, as per the attached linemarking and signage plans (Attachment 2)
- 5.2
 - i) That the temporary traffic changes (Attachment 3) associated with the L'Etape Australia event on 20 March 2021 be endorsed subject to organisers complying with the requirements of relevant roads authority, Transport for NSW and NSW emergency services.
 - ii) Note that approval of these traffic changes will allow the organiser to undertake detailed planning and engagement for the event, which will minimize resident and rural land holder impacts. Local residents must be informed of the details of the event, and road closures clearly communicated to all residents in the municipality.
- 5.3 That approval be given to the implementation of a No Stopping zone in Noble Street, Gerringong in accordance with the attached signage plan (Attachment 4), in addition to an unbroken yellow line along the No Stopping zone.
- 5.4 That approval be given to the implementation of a No Stopping zone and Bus zone in Wilson Street, Kiama in accordance with the attached signage plan (Attachment 5), in addition to an unbroken yellow line along the No Stopping zone to be extended around the corner into Marks Street.
- 5.5 That approval be given for on-street car parking bays to be signposted and line-marked in Belinda Street, Gerringong on the eastern and western approaches to the Fern Street roundabout (as per Attachment 6), after direct consultation with affected property owners.

(Councillors Way and Reilly)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2020

9.4 Minutes: Planning Committee - 23 September 2020

20/333OC

Resolved that the Minutes of the Planning Committee Meeting held on 23 September 2020 be received and accepted.

(Councillors Rice and Westhoff)

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

Against: Nil

COMMITTEE OF THE WHOLE

20/334OC

Resolved that at this time, 5.10pm, 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

(Councillors Way and Reilly)

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

Against: Nil

10 PUBLIC ACCESS REPORTS

20/335OC

Committee recommendation that at this time, 5:10pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Rice and Brown)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2020

- 12.1 10.2019.185.1 - Lot 1 DP 610751 - 38 Long Brush Road, Jerrara - Eco-tourist facility with 4 tents, secondary dwelling (manager's residence), new access, signage and 5 space car park to be constructed in 2 stages**

20/336OC

Committee recommendation that Council approve Development Application No 10.2019.185.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Way and Reilly)

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

Against: Councillor Sloan

- 12.2 10.2019.233.1 - Lot 2 DP 1202029 - 11 Willowvale Road, Willow Vale - Use of Crooked River Wines for 4 events each year over a 3 year period with events including a variety of live music, food, culture, sporting and community events**

20/337OC

Committee recommendation that Council:

1. Approve Development Application No 10.2019.233.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report except as amended below:

(a) Condition (6) under heading 'General' be amended as follows:

- (6) Two (2) weeks prior to the commencement of any event, subject of this consent, the event organiser and/or the person/s having the benefit of this consent is to provide Council and the owners/residents of properties on Willowvale Road and Baileys Road, and any other adjoining properties, with a notice of the upcoming event. This notice can be provided by way of signage, letterbox drop etc. and is to include the following details:

- The dates, times, patron capacity, and schedule of the event and;
- The name, address and contact telephone number of the event coordinator and or complaint manager.

(b) All conditions under headings 'On Site Sewer Management System' and 'Toilet cleaning/additional portable toilets' be deleted and replaced with the following conditions:

On Site Effluent Management

- (1) Within 12 months from the date of this consent, a new/upgraded On-Site Sewage Management System, as recommended by the

MINUTES OF THE ORDINARY MEETING**17 NOVEMBER 2020**

Soil and Site Assessment For Onsite Wastewater Disposal Report (REF: 3775WW) prepared by Harris Environmental Consulting, is to be installed and be operating.

Note: A separate approval, under Section 68 of the Local Government Act 1993, to install and operate the new/upgraded On-Site Sewage Management System is required.

- (2) When events, the subject of this consent, are held, the event organiser and/or the person/s having the benefit of this consent shall ensure for the provision of the following sanitary facilities:
- a. events with patron numbers between 2,001 and 2,500:
 - i. 10 male water closets; and
 - ii. 18 male urinals; and
 - iii. 20 female water closets; and
 - iv. 20 hand basins.
 - b. events with patron numbers less than 2,001:
 - i. 9 male water closets; and
 - ii. 15 male urinals; and
 - iii. 18 female water closets; and
 - iv. 12 hand basins.

Note: The existing toilets within the existing restaurant are to be used exclusively for the VIP patrons of these events. Portable toilets, which collect wastewater for off-site removal, will need to be brought on site to provide the required sanitary facilities.

- (c) The consent is to include clarification that the imposed conditions only apply to the four 'major' events as defined in conditions (3) and (4) under the heading 'General'.
2. Require the applicant to commence the preparation of a Planning Proposal and submit this to Council, to seek the inclusion of function centres within the permissible land use table for the subject site.

(Councillors Brown and Way)

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

Against: Nil

12.4 Endorsement of Planning Proposal to reclassify 85 Attunga Avenue, Kiama Heights

20/338OC

Committee recommendation that Council defer endorsement of the planning proposal and form a small group to meet the land owners of the property at the rear

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2020

of 85 Attunga Avenue, Kiama Heights, in the immediate future, to discuss access options from 85 Attunga Avenue to Easts Beach.

(Councillors Brown and Sloan)

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

Against: Councillors Honey and Way

16.9 Question for future meeting: South Werri Plan of Management

20/339OC

Committee recommendation that Council arrange a meeting of local organisations and residents to discuss the management and care of South Werri dunes and South Werri Beach taking into account the drafting of the South Werri Plan of Management.

(Councillors Brown and Steel)

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

Against: Councillors Reilly and Westhoff

An amendment was **moved** by Councillor Reilly and **seconded** by Councillor Rice that Council, in conjunction with the development of the plans of management, arrange a meeting of local organisations and residents to discuss the management and care of South Werri dunes and South Werri Beach.

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

For: Councillors Reilly, Rice, Sloan and Westhoff

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

11 REPORT OF THE GENERAL MANAGER

11.1 2021 Ordinary Council Meeting Schedule

20/340OC

Committee recommendation that Council move the Ordinary Council meeting scheduled for November 2021 to the 4th Tuesday of the month, being 23 November 2021 to allow for Councillor attendance at the Local Government NSW Annual Conference.

(Councillors Reilly and Watson)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2020

11.2 Councillor Neil Reilly attendance at NSW Coastal Forum 18 and 19 November 2020

20/341OC

Committee recommendation that Council approve the attendance of Councillor Reilly to the NSW Coastal Forum to be held on 18 and 19 November 2020.

(Councillors Way and Sloan)

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

Against: Nil

11.3 COVID-19 Financial Relief Package - update

20/342OC

Committee recommendation that Council extend until 31 December 2020 the COVID-19 Relief Package initiatives to waive outdoor dining fees and continue ensuring small businesses are paid within two weeks of receiving a correctly rendered invoice.

(Councillors Watson and Westhoff)

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

Against: Nil

11.4 Destination Kiama Tourism Advisory Committee - Kiteboarding Australia funding application

20/343OC

Committee recommendation that Council endorse the decision of the Destination Kiama Tourism Advisory Committee to provide support to the 2020 NSW State Wave Titles (28-29 November 2020) to the value of \$3,500 as set out in Kiteboarding Australia's funding application.

(Councillors Brown and Watson)

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

Against: Councillor Reilly

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2020

Councillor M Way left the meeting at 06:01 pm.

Councillor M Way returned to the meeting at 06:03 pm.

11.5 Operational Plan Quarterly Report July to September 2020

20/344OC

Committee recommendation that Council receives the Operational Plan 2020-21 progress report for the period July to September 2020.

(Councillors Westhoff and Rice)

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

Against: Nil

11.6 Request for in-kind donation and sponsorship: Australia Day 2021

20/345OC

Committee recommendation that Council provide in-kind support for the provision of waste services, road occupation including advertising, native title (if applicable) and sponsorship of \$1,000 to Gerringong Lions Club, Kiama Downs Surf Club, Kiama Rotary and Jamberoo Red Cross for the Australia Day 2021 breakfasts should they be able to proceed under public health orders. Further, that the community groups be advised Council would appreciate appropriate recognition of Council's support of the event on behalf of the community.

(Councillors Westhoff and Rice)

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

Against: Nil

11.7 Reimbursement: Development modification application 10.2018.279.2

20/346OC

Committee recommendation that Council:

1. reimburse the development modification application fees of \$1,186.00 for DA 10.2018.279.2 to the member of the Kiama Power Australian Football Club who paid these lodgement fees.
2. note the correspondence received from the President of Kiama Junior Australian Football Club, Mr Dirk Ovenden, dated 12 November 2020 (Attachment A).

(Councillors Watson and Steel)

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2020

Attachment

A Email from Kiama Junior Australian Football Club re 10.2018.279.2

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

Against: Nil

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES

12.3 2020 Health and Sustainability Grants - Round 6

20/347OC

Committee recommendation that Council endorse the recommendation for funding for the following three Health and Sustainability Grant applications:

1. Parkinson's Kiama - \$700.00
2. Kiama Bicycle User Group - \$750.00
3. Kiama Rotary - \$1,500.00.

(Councillors Sloan and Rice)

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

Against: Nil

12.5 Jamberoo Sewerage Connection- Current Development Applications- Fees Reimbursement Request

20/348OC

Committee recommendation that Council provide a reimbursement of all fees paid for the applications numbered 10.2020.28.1, 10.2020.83.1 and 10.2020.96.1, once the applications have been withdrawn from Council.

(Councillors Steel and Reilly)

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

Against: Nil

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2020

12.6 Lot D DP 160615 - 66 Collins Street, Kiama - Outcomes of Heritage Assessment and Interim Heritage Order

20/349OC

Committee recommendation that Council:

1. Allow the Interim Heritage Order to run its course
2. Following the lapsing of the IHO continue the assessment of Development Application 10.2019.230.1
3. Notify the owners of the property of the resumption of Development Assessment.

(Councillors Rice and Brown)

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

Against: Nil

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

1. remove the Interim Heritage Order over Lot D DP 160615 – 66 Collins Street, Kiama
2. notify the owners of the property of this resolution
3. continue the assessment of Development Application 10.2019.230.1
4. in agreement with the owner, seek to preserve in perpetuity the visual character of that dwelling, indeed, the surrounding area in their ownership.
5. undertake preparations for a Southern Town Centre Residential Heritage Conservation Area working collaboratively with all owners.

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

For: Councillors Reilly and Westhoff

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

12.7 Request to Remove Restriction-as-to-User - Lot 320 DP 703905 – 74 Barton Drive, Kiama Downs

20/350OC

Committee recommendation that Council delegate authority to the Mayor and General Manager to affix the Council seal to the relevant documentation to release the restriction as to user secondly referred to in the Section 88B Instrument attached to Deposited Plan 703905, specifically for Lot 320 known as 74 Barton Drive, Kiama Downs.

(Councillors Watson and Brown)

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2020

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

Against: Nil

13 REPORT OF THE INTERIM DIRECTOR CORPORATE AND COMMERCIAL SERVICES

13.1 Annual Financial Statements 2019/2020

20/351OC

Committee recommendation that Council:

1. Refer the Draft Financial Statements for 2019/2020 to Council's auditors for audit under sect 413(1).
2. Resolves in accordance with sect 413 (2c) that the annual financial report is in accordance with:
 - the *Local Government Act 1993* and the Regulations made there under;
 - the Australian Accounting Standards and professional pronouncements;
 - the Local Government Code of Accounting Practice and Financial Reporting;
 - presents fairly the Council's operating result and financial position for the year;
 - accords with Council's accounting and other records; and
 - that the Council is not aware of any matter that would render this report false or misleading in any way.
3. Adopt the Councillors/Management "Statement" and resolve that it be signed and attached to the Financial Statements for 2019/2020.
4. On receipt of the Audited Reports, forward a copy to the Office of Local Government.

(Councillors Brown and Way)

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

Against: Nil

13.2 Financial Report for the period ending 30 September 2020

20/352OC

Committee recommendation that Council receive and adopt the revised budget for the period ending 30 September 2020.

(Councillors Brown and Watson)

MINUTES OF THE ORDINARY MEETING

17 NOVEMBER 2020

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

Against: Nil

13.3 Statement of Investments - October 2020

20/353OC

Committee recommendation that Council receive and adopt the information relating to the Statement of Investments for October 2020 with the following amendments to the table of Council investments as at 31 October 2020:

1. The NAB investment with a maturity date of 07/10/20 be changed to 07/04/21
2. The NAB investment with a maturity date of 14/10/20 be changed to 14/04/21

(Councillors Brown and Way)

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

Against: Nil

13.4 TOMRA reverse vending machine Jubilee Park Gerringong - proposed licence

20/354OC

Committee recommendation that Council:

1. enter into a licence agreement with TOMRA Collections Pty Limited for the operation of a reverse vending machine over part Lot 7010 DP1026773 (Jubilee Park) for a term of one year and rental of \$12,000 pa (ex GST) plus a one year performance based option with rental determined by market rent review
2. assess the one year option period based on compliance with the provisions of State Environmental Planning Policy (Exempt & Complying Codes) 2008 and the relevant conditions of the licence
3. delegate authority to the Mayor and/or General Manager to sign all documentation associated with this licence agreement.

(Councillors Sloan and Way)

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

Against: Councillors Brown, Watson and Westhoff

MINUTES OF THE ORDINARY MEETING

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14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

Nil

15 REPORT OF THE ACTING DIRECTOR BLUE HAVEN

Nil

16 REPORTS FOR INFORMATION

20/355OC

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

- 16.1 Community donations update
- 16.2 Illegal Dumping Compliance Officer's Quarterly Report - 1 July to 30 September 2020
- 16.3 Minutes: Central Precinct - 22 September 2020
- 16.4 Minutes: Jamberoo Valley Ratepayers and Residents Association - Annual General Meeting and General Meeting held 6 October 2020, and General Meeting held 4 November 2020
- 16.5 Minutes: Minnamurra Progress Association - 3 November 2020
- 16.6 Parking Statistics - October 2020
- 16.7 Question for future meeting: Directorate staff numbers
- 16.10 Questions for Future Meetings Register as at 6 November 2020
- 16.11 South Coast Cooperative - Annual General Meeting - 26 October 2020
- 16.12 Update on Planning Proposal to rezone and reclassify part of Iluka Reserve, Kiama Downs.

(Councillors Sloan and Steel)

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

Against: Nil

16.8 Question for future meeting: IT system improvement to Council Chambers

20/356OC

Committee recommendation that Council:

- 1. provide details of an IT system to meet requirements as outlined in this report

MINUTES OF THE ORDINARY MEETING

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2. provide cost estimates to purchase and install this system
3. propose where these funds can be accessed from in the budget
4. provide a report back to the February 2021 Council meeting.

(Councillors Way and Reilly)

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

Against: Nil

RESUMPTION OF ORDINARY BUSINESS

20/357OC

Committee recommendation that at this time, 6.59pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Brown and Westhoff)

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

Against: Nil

ADOPTION OF COMMITTEE OF THE WHOLE REPORT

20/358OC

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 20/335OC to 20/356OC above.

(Councillors Sloan and Steel)

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

Against: Nil

17 ADDENDUM TO REPORTS

Nil

MINUTES OF THE ORDINARY MEETING**17 NOVEMBER 2020**

18 NOTICE OF MOTION

Nil

19 QUESTIONS FOR FUTURE MEETINGS**19.1 Bombo Quarry - community input**

Councillor Reilly requested a report on suggested strategies to retain Council's right to planning and prevent it falling into State significant projects excluding our community's input, now that Boral are in discussion with State Rail and that Bombo Quarry is cited in our Local Strategic Planning Statement as an area of identified growth. The matter was referred to the Director Environmental Services for investigation and report.

19.2 Development applications "called up" by Council

Councillor Brown requested a report on the number of development applications which have been "called up" by the current Councillors which provides the following details: Councillor name/s; date; development application details; staff recommendation and the Council decision. The matter was referred to the Director Environmental Services for investigation and report.

19.3 Development applications - financial threshold

Councillor Brown requested a report on the number of development applications reported to Council during the current term due to the application being above the financial threshold, which provides the following details: date; development application details; staff recommendation and the Council decision. The matter was referred to the Director Environmental Services for investigation and report.

19.4 Heritage officer update

Councillor Rice requested an update on the appointment of a local or regional heritage officer and whether any Council staff have taken up the heritage training offered by the Office of Environment and Heritage. The matter was referred to the Director Environmental Services for investigation and report.

19.5 Electric bike infrastructure

Councillor Rice requested a report on how Kiama can steadily move towards providing appropriate and secure infrastructure for charging and parking of these valuable vehicles, as more residents in Kiama are riding electric bikes which should help reduce community emissions. The matter was referred to the Director Engineering and Works for investigation and report.

MINUTES OF THE ORDINARY MEETING

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19.6 Planning controls to support tree retention and protection

Councillor Rice requested a report, in advance of Kiama’s Urban Greening Strategy and Biodiversity Corridor studies, outlining what is being planned by Council to align planning controls to support tree retention and protection, and how and when this will be progressed. The matter was referred to the Director Environmental Services for investigation and report.

19.7 Attunga Avenue footpath

Councillor Way requested a report on the potential addition of a footpath at Attunga Avenue, Kiama Heights, that would link with the Coastal Walking Track at the eastern end and for the report to include costings. The matter was referred to the Director Engineering and Works for investigation and report.

19.8 Jerrara Eco Resort

Councillor Way requested a report on the progress for Jerrara Eco Resort at Jerrara Dam since the project was allocated to the Economic Development Committee, the report to include a timetable to move the project forward from the planning to construction phases. The matter was referred to the Director Corporate and Commercial Services for investigation and report.

20 CONFIDENTIAL SUMMARY

Not required.

21 CONFIDENTIAL REPORTS

Nil.

22 CLOSURE

There being no further business the meeting closed at 7.03pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 15 December 2020.

.....
Mayor

ATTACHMENT A

Cathie Bax

From: Kiama J AFC <kiamajafc@gmail.com>
Sent: Thursday, 12 November 2020 10:10 AM
To: Mark Honey; Andrew Sloan; Matt Brown; Neil Reilly; Kathy Rice; Warren Steel; Don Watson; Mark Way; Mark Westhoff
Cc: Kerry McMurray; Council; Aaron Shelley; Matthew Cunningham
Subject: Council meeting 1711/2020 - Agenda item 11.7 Reimbursement: Development modification application 10.2018.279.2

Dear Kiama Councillors,

As President of the Kiama Power Junior AFL Club, I would like to acknowledge your support on rebuilding the clubrooms. Progress is to plan, with the ground floor level taking shape. We are also on budget at this time. There have however been 2 unbudgeted costs incurred for council requirements - a DA modification fee of \$1,186.00 and a Section 711 Contribution of \$7,647.54. Both of these were paid by a volunteer at our club so as not to halt building timelines.

Agenda item 11.7 for the forthcoming meeting on page 207 recommends (blue font)

"That Council reimburse the development modification application fees of \$1,186.00 for DA 10.2018.279.2 to the member of the Kiama Power Australian Football Club who paid these lodgement fees."

We appreciate this and request that this recommendation be accepted.

Unfortunately not included in the recommendation, and only suggested further in the article, is how to repay the Section 711 fee.

"Council could provide a one-off donation to the club for this amount however it could not be processed as a "refund" of these fees within the system."

Kiama Power Junior AFL Club would request that this donation also be approved at the November 17 meeting, so the club can then repay the monies to the volunteer in a timely way.

Regards

Dirk Ovenden
PRESIDENT
[Kiama Junior Australian Football Club](#)

E: kiamajafc@gmail.com

W: www.kiamapowerafl.com

M: 0467 805 188

PO BOX: 565 KIAMA NSW 2533

- 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 Seasons Greetings

Attachments

Nil

Enclosures

Nil

RECOMMENDED

That Council extends to all, the wish for a happy and peaceful Christmas and for a safe and prosperous New Year.

REPORT

In what has been an extraordinary year I have pleasure, on behalf of the Councillors and staff, in wishing all residents of the Kiama Local Government Area (LGA) a happy Christmas and a peaceful and prosperous New Year.

To our staff I also extend the season's greetings and express our thanks for the work done for our community during the year. I ask the General Manager and his Directors to pass on the Council's best wishes to all of Council's employees. We wish them and their families all the best for the Christmas and New Year period.

Best wishes to our community groups and volunteers who help to make the lives of all of us so much better both at Christmas time and throughout the year. I am sure that I speak for all Councillors in thanking all those who help make to make Kiama LGA such a great place to live. The support they have given to the community during such a disrupted year has been outstanding.

Thank you to everyone, individuals and community groups who donated to the Mayor's Giving Trees this year. You will make many children extremely happy this Christmas and Council is grateful for your generosity.

Wherever you are at Christmas, I wish you a merry one with friends and family. If you are travelling anywhere during the festive season, stay safe on the roads.

9 MINUTES OF COMMITTEES

9.1 Minutes: Catchment and Flood Risk Management Committee - 10 November 2020

Responsible Director: Environmental Services

Attachments

1 [Minutes](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Catchment and Flood Risk Management Committee Meeting held on 10 November 2020 be received and accepted.

BACKGROUND

Attached for Councillors' information are the minutes of the Catchment and Flood Risk Management Committee meeting held on 10 November 2020.

Minutes of the Kiama Catchment and Flood Risk Management Committee meeting held on Tuesday 10 November 2020 via Zoom at 4:00pm.

Present: Clr. Andrew Sloan, Clr Mark Westhoff, Byron Robinson (KMC), Darren Brady (KMC), , Nathan Pomfreit (DPIE) Ben Pinch, Graham Pike, Michael Gleeson, Tanya George, Warren Holder, Serena Cortijo (UoW)

1. Apologies: Andrew Williams (DPIE), Andrew Monk (TfNSW), Jason Carson (LLS)

2. UoW student Serena Cortijo, presentation of honors thesis – Estuarine vegetation assessment and analysis of trends for the Minnamurra and Crooked River

Serena provided an overview of her findings from her research project to the committee. The project was put up for consideration by KMC and DPIE as part of the annual honors research projects called by the University of Wollongong. Serenas project showed similar trends to other estuaries, with mangroves and casuarinas encroaching on saltmarsh in the Minnamurra, and mangroves encroaching on saltmarsh in the Crooked River. Crooked River had however gained a small amount of saltmarsh over time which was different to other south coast estuaries. Serena also tested two different methods for mapping using high resolution satellite imagery, and drone photography. The study and GIS information will be made available to KMC and DPIE following submission and assessment of the thesis by the UoW.

3. Minutes of previous meeting

Confirmed as accurate.

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

4. Business arising from the minutes

BR is still to organise a field walk over / tour of the estuaries for MG and TG and other interested committee members.

5. Future flood risk management of unnamed creek, Young Street Jamberoo

GP raised a number of issues about the flood impacts in the catchment of the unnamed creek originating on rural land above Macquarie Street:

- An open drain runs into a large culvert under Macquarie St which feeds into smaller diameter pipes which can't deal with the flow.
- In high rainfall events, surface water from Beattie and Young Street, and water forced out of the stormwater drainage pipes is funnelled through the back of the School of Arts / Pre-school, causing above floor flooding, and potentially affecting the RFS building.
- Then the water runs under Allowrie St, into a creek bed on the golf course, which is being heavily scoured, mobilising sediment.

These issues are impacting the ongoing viability of the preschool and mental anguish to a number of affected residents.

[16/52325]

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

GP asked how Council was going to respond to this.

DB explained Council is aware of a number of issues to do with this water course and catchment. There are a number of historic issues:

- Old box culverts in established areas, and not feasible to upgrade to deal with all runoff
- Culvert under Allowrie St is likely to be a heritage item (sandstone arch)

Solutions will likely require a number of different actions to reduce flooding, and can't be done in a case by case piecemeal approach.

Council is engaging flood management specialist to look at short term solutions to alleviate flooding in SOA / Preschool. Council will also need to undertake a larger scale investigation to deal with all the issues within the catchment. Council will be engaging a specialist in the next quarter. NP offered to provide support for looking at the issues within the catchment.

GP also reported an old bath tub stuck in the culvert.

Action: DB to send GP details / photos of sandstone culvert under Allowrie St. GP to send DB details of the bathtub blocking the culvert.

6. Minnamurra and Gerroa sand mine updates / discussion

TG and WH gave committee updates on community presentations to the Independent Planning Commission for the Dunmore sand mine extension, with issues around the lodging of the proposal within transitional arrangement timeframes, Bangalay Sand Forest, potential effects on estuarine vegetation and cultural heritage being raised by the community. WH also gave an update on the Gerroa sand mine proposal. Dunmore is being assessed by the IPC and Gerroa is being assessed by the DPIE. WH said GEPS had a meeting with the DPIE and raised a number of issues specifically around the northern paddock and number of mature swamp mahogany which were proposed to be removed (101), and the significance of cultural heritage identified at the site.

7. Hyams Creek potential project funding next steps

BR updated the committee on the Hyams Creek project:

- Expecting a contract from LLS in the next two weeks
- Three quotations for the works received so ready to proceed with the project once contract is signed.
- Expecting to start in Feb / March 2021

8. Other business

MG wanted the committee and Council to note that similar to Crooked River, Werri Lagoon had significant salt marsh returning on the flats east of Fern Street. MG also commented that he and community members had raised the issue of timing of the Werri entrance opening, and would like to see it at the top of the high tide. DB noted that this is the process set out in the entrance opening policy, and staff open it on the high tide falling, however due to staff / machinery and timing constraints it was sometimes not exactly on the high tide.

[16/52325]

This is **Page 2** of the Kiama Catchment and Flood Risk Management Committee meeting held on 25 August 2020.

MG also asked about the Baileys Island Project. BR confirmed that works had begun on Baileys Island, and once a significant amount of work had been completed, it may be possible for a site visit by the committee, however the COVID situation makes it difficult with access across the Sydney Water site.

MW raised the issue of the Gerringong flooding and asked what was happening. DB indicated that the process would be similar to Jamberoo and was already underway. A specialist was being engaged to look at the particular issues in the recently affected areas. There would be recommendations coming from this.

There being no further business the meeting closed at 5.30pm

Next meeting proposed for February 2 2021, 4:00pm, subject to confirmation of Council meeting date in February.

[16/52325]

This is **Page 3** of the Kiama Catchment and Flood Risk Management Committee meeting held on 25 August 2020.

9.2 Minutes: Destination Kiama Tourism Advisory Committee - 1 December 2020Responsible Director: Office of the General Manager

Attachments

- 1 Minutes Destination Kiama Tourism Advisory Committee - meeting 01/12/2020 [↓](#)
- 2 Destination Kiama and Surfing NSW Partnership Update 2020/2021 Q1 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Destination Kiama Tourism Advisory Committee Meeting held on 1 December 2020 be received and the following recommendations accepted:

1. The post event report for quarter 1 2020/21 Surfing NSW Partnership be accepted.
2. The Kiama Events Actions plan matrix be amended per the recommendations contained in the report.

BACKGROUND

The Minutes of the Destination Kiama Tourism Advisory Committee meeting held on 1 December 2020 are attached for Councillors' information.

Also attached is the post event partnership report for the first quarter 2020/2021 from Surfing NSW.

Meeting Notes

Destination Kiama Tourism Advisory Committee

1 December 2020 @ 5.30pm at The Pavilion

PRESENT: Councillor Matt Brown, Councillor Warren Steel, Rob Sciacchitano, Cameron McDonald, Marcus Testoni

Invited guests Catherine Shields Chair Destination Sydney Surrounds South (DSSS)

Attending Kerry McMurray
Megan Hutchison (Acting Manager Tourism and Events and ED Manager)

1. Acknowledgment of Country

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

2. Apologies

Nil

3. Welcome to DSSS – Chair Catherine Shields

Ms Shields is the new Chair of DSSS as previous Chair Colin Waller has now stepped down-but is still a board member. New staff has also been engaged:-

Shannan Perry- Hall | General Manager
Aaron Matis | Industry Development Manager
Natasha McQueen | Business Support

Ms Shields gave an overview of projects and priorities for DSSS with a specific focus on developing the visitor economy.

- Agritourism Reforms – to provide the ability to allow potential investment and diversification on Rural properties
- Review of the Artisan Food and Wine Clauses
- Bushfire Recovery Grant – successful application with a focus on road trips and events
- Great South Coast Walk – a short video has been produced and is on the DSSS linked in page. They have applied for funding to develop branding and the Kiama Coastal Walk will be a part of this project. National Parks are also a part of this project as many of these walks takes place within national parks
- South Coast School of Excellence- a program to target up skilling within hospitality and tourism. Via TAFE will also focus on careers in the hospitality sector
- NRMA Electric Highway- also providing coordination on the locations with 3 sites identified within the Kiama LGA.
- DSSS Industry Symposium – 15 December at The Pavilion Kiama. Members of the Tourism Advisory Committee were invited to register.

4. New digital mapping of Kiama Coastal Walk- Presentation by Ella Russell – UOW Intern

Council's Tourism and Marketing Co-ordinator Stacey Jones provided an overview of some of the marketing campaigns that we have been undertaking and introduced the Kiama Coastal Walk video that has just been produced by GT Media. The video can be found at https://www.youtube.com/watch?v=L_SvHP58h70

Over the July to September period we saw the Kiama Coast Walk page surpass our homepage in website visitation – with 19,654 page views and 20% of the entire website entrances coming via this one page. Time on page was just over 5 minutes, which is very high. This lead Stacey to review UX (user experience) via FullStory.com showing us how users navigate this page. Users were appearing to zoom in to see the jpeg map we had (not a very good map) to use while actually walking on the coast walk. Also anecdotal evidence via the Kiama Visitor Centre supported complaints that visitors were frustrated and 'getting lost' using these maps. Hence the need for a new digital map that will help users navigate the walk in real-time using familiar apps/platforms on their smartphones.

- September 2020 – record number of website visits to date (31,822)
- November 2020 – reached 10K followers on Instagram.
- July 2020 – record number of Instagram impressions and profile views

Stacey also introduced UOW Intern Ella Russell who has been working with council for the past 3 months on the following projects:

- Kiama Coast Walk digital maps: Alpaca and Google Maps
To see the progress that Ella has made on this project go to <https://embed.alpacamaps.com/journey/ba03fa4e-0374-11eb-96fe-067ec0c7e8f4/default>
<https://www.google.com.au/maps/d/viewer?mid=1WXR7vSUjclC1QUxzvDUndF e2uA8Bo2V6&ll=-34.69889843220177%2C150.84088849999998&z=12>
- 2 x blogs: Health & Wellness and Pet-friendly holidays in the area
- Assisted with social media posts since 30 Sept
- Assisted with collating digital marketing stats
- Reached out on behalf of Destination Kiama to local businesses to gather information for blog posts
- Joined a Zoom We Are Explorers meeting to brainstorm and discuss future campaigns
- Regarding the Coastal walk digital maps, the potential exists to also add QR codes and links to other historical and significant information on the walks.

The Chair thanked Ella for all of her hard work and wished her well with her future career endeavours.

5. Chair Report

Chair Councillor Brown provided a report into the resignation of previous Manager of Tourism and Events Karen Ronning who has recently resigned from Council.

Councillor Brown acknowledged Karen's important achievements and thanked her for her dedication and professionalism.

A full report can be found at the conclusion of these minutes.

6. Business arising from the Minutes

Item 3.1 Highway Bypass Signs

Roads and Maritime Services have advised that there are still delays as the footings for the Kiama signs have to be redesigned due to rock underneath- hoping to be installed in December

Item 3.2 2021 Visitors Guide

The 2021 Visitors guide is on track to be printed by March 2021 with most of our regular advertisers indicating their willingness to readvertise to this reduced format.

7. Kiama Tourism and Events Strategy / Priority Projects

7.1 Kiama Tourism Opportunity Plan – implementation

Beach and Foreshore Activation - Next Steps	Lead	Action/update / outcome
Council to approach Surf Club Committees with overview of the market opportunity to assess interest.	Destination Kiama / KMC	No activity in this period
Council to support Surf Clubs in developing concepts and investigating regulatory /management approvals with Crown Land and other relevant agencies.	Destination Kiama / KMC / Surf Clubs	No activity in this period

Headland, Harbour and Foreshore Activation – Next Steps	Lead	Action/update / outcome
Firming up concepts to a level of detail sufficient to engage Crown Lands in consultation.	Economic Development / KMC	The draft Kiama Harbour Revitalisation Framework is currently with Minister Constance for comment before the Plan will be placed on broader community Consultation. South Coast Marine Tourism Study-Boating Plan is about to commence. Members of the TAC will be included in this process.

Activating Walking and Trail Experiences - Next Step	Lead	Action/update / outcome
Formal engagement with key stakeholders to investigate the feasibility of progressing with the identified walks (incl. relevant landowners, NPWS, Roads and	Director of Engineering & Works	Digital Mapping of Coastal Walking trail New video has also been produced New Walking Guide has been produced

Activating Walking and Trail Experiences - Next Step	Lead	Action/update / outcome
Maritime service, neighbouring councils, private landowners and Crown Lands).		https://kiama.com.au/wp-content/uploads/2020/11/Destination-Kiama-Walking-Guide-November-2020-Spreads.pdf

Jerrara Dam Activation Options - Next Steps	Lead	Action/update / outcome
Conduct a site audit to clarify development potential and identify constraints.	Economic Development / KMC	Planning for this project has been proposed for inclusion in the 21/22 Budget
Prepare a site prospectus outlining the principal investment opportunities as a means of testing the market, consisting of: <ul style="list-style-type: none"> - Eco-accommodation - Nature-based recreation opportunities - Health and wellness - Events 	Economic Development / KMC	Presentation by the Manager of Strategic Planning were given to the Economic Development Committee. The Kiama DCP is currently being reviewed and will be including the location potential accommodation sites.

Visitor Accommodation - Next Steps	Lead	Action/update / outcome
Consideration of visitor accommodation policy within the Local Environment Plan review.	Director of Environmental Services	Presentation by the Manager of Strategic Planning were given to the Economic Development Committee. The Kiama DCP is currently being reviewed and will be including the location potential accommodation sites
Development of prospectus /guide to accommodation development opportunities as a means of promoting region-wide opportunities.	Economic Development / KMC	

4.2 Develop and promote a year round events calendar

Destination and Major Events seeking support:

- 2020 November – New Zealand Warriors Rugby League in Kiama from 16/11-20/12/20. Will be guests at the December Tourism After Hours
- 2020 November 28,29- Kiteboarding Australia NSW State Kiteboarding Titles \$3,500 - Agreed at the November Council meeting
- 2021 NSW Country Rugby Union Championships – Proposal to come
- KISS arts festival – Proposal to come

4.3 Post Event Reports

The following post event reports were received and tabled:

- Q1 2020/21 Surfing NSW Partnership Report

Recommendation:

That the post event report for quarter 1 2020/21 Surfing NSW Partnership be accepted

Moved: Councillor Steel

Seconded: Marcus Testoni

4.4 The Pavilion

- The sale of the Grand Piano housed at The Pavilion is progressing via Haworth Music.
- Staff have been busy servicing wedding inquiries and moving events to 2021- 15 weddings confirmed in November
- The Pavilion is open and has been hosting events, ensuring we are COVID safe.
- A new page has been added to The Pavilion website featuring team building activities and businesses, covering both passive and active offerings.
- The Pavilion Marketing Plan is in development.
- 5 school formals held in December
- Two successful Great Southern Nights events held in November
- DSSS Symposium event to be held in December for 120 guests
- Currently being inundated with booking enquiries due to the amount of space available in the auditorium

4.5 Events - Other

Information Report- Amendment to the Kiama Events Action plan

Council's internal Kiama Events Group has recommended that the Kiama Events Matrix be amended to correctly reflect changes that have been made to Council's Donations and Sponsorship policy.

A copy of these amendment have been attached for information.

Recommendation:

That the Kiama Events Actions plan matrix be amended per the recommendations contained in the report.

Moved: Councillor Steel

Seconded: Marcus Testoni

Winter Festival Ideas -

The Committee were asked to consider event ideas for a winter festival that would be in place of the cancelled New Year's Eve event and were encouraged to bring their ideas to the February meeting.

4.6 Market and promote the Kiama area

- *Business Events Planner* – Is now complete and can be found at the Destination Kiama Website <https://kiama.com.au/explore/plan/business-events>
- *2021 Kiama Visitor Guide* – Will be produced in smaller numbers in March 2021.
- *Dining Guide* now complete and available on the Destination Kiama Website <https://kiama.com.au/wp-content/uploads/2020/11/DK-Version-2-Dining-Guide.pdf>
- Kiama Coastal Walks video now complete- will also be available on the Destination Kiama Website

4.7 Community and industry engagement

Above and Beyond

The nominations for the Summer 2020 Above and Beyond Award were considered by the Committee and two recipients selected. The recipients are:

- Barry Booth- a Volunteer at The Visitor centre
- Emily-Jade Graham Bell a dedicated staff member at Café Kiama.

They will be receive their recognition at the Tourism after Hours event on 7 December.

Tourism After Hours

The next Destination Kiama Tourism after Hours event is being held at The Sebel Kiama on 7 December 2020. This event will double as a welcome for the NZ Warriors. Registrations are essential and a COVID safe event plan has been prepared.

4.8 Industry development priorities

- 2020 DSSS Symposium- 15 December at The Pavilion Kiama. Invitations have been distributed to the Committee and Councillors.
- The Smartphone Video Workshop – is being schedule for February 2021
- NSW First Wine Tourism Webinars – Being Held in December
- DSSS Domestic Partnerships Campaign Update – to be circulated

4.9 Tourism development and strategic partnerships

- Illawarra Shoalhaven Joint Organisation Visitor Economy Working Group (and Cycling Strategy) – No meeting held during this period
- Destination Sydney Surrounds South – New Staff Appointed – General Manager Shannan Perry Hall new Chair Catherine Shields. New initiatives being introduced
- Surfing NSW – continuing with their scheduled program
- Crown Lands Plans of Management –ongoing

4.10 Visitor Servicing

- Visitor numbers are down year to date (the VIC was closed from 24 March to 1 June). Good news is that spending per head is up.
- Our partnership count is currently 205 member and we are on track to reach the same number at June 2020 of 217 by June 2021.
- Toilet block upgrade- progressing and should be complete by Christmas

4.11 General Business

- Kiama Community Radio – Partnership agreements signed

The next meeting will be held **Tuesday 2 February 2021**

Meeting closed: 7.10pm

Attachment:

Dear Committee,

It is with regret to officially inform you of the resignation of Karen Ronning.

Karen has been an amazing asset to Tourism for Kiama, Gerringong and Jamberoo.

Without waffle, I provide the following dot points to show her incredible contribution:

Summary of Destination Kiama Achievements since inception in mid - 2017

1. Organisational outcomes

- Manager of Tourism and Events appointed in August 2017
- Appointment of staff – Visitor Information Centre, Destination Events and Marketing
- New administration, financial management, systems and processes created
- New Partnership/Membership structure for Destination Kiama developed
- Introduction and integration of a Council tourism and Major & Destination events team
- Industry, stakeholder and community consultation for all strategy development

2. Strategic outcomes:

a. **New Tourism and Events Strategic Plan 2018 -2021** completed in late 2017

Our Vision: The Kiama area will welcome and inspire visitors year-round to experience our distinctive natural landscapes, relaxed lifestyle, arts, culture and events.

b. **Tourism Opportunity Plan** completed in mid-2018:

- Community and industry workshops held in Kiama, Gerringong and Jamberoo
- Online survey distributed by Destination Kiama and Council to community, businesses and stakeholders
- Presentations to and discussions with the Economic Development Committee, Destination New South Wales, Destination Sydney Surrounds South, the Central Precinct, Department of Premier and Cabinet, Illawarra Shoalhaven Joint Organisation, National Parks and Wildlife Service and internally to Council staff.
- Updates on strategy implementation and outcomes provided to each Tourism Advisory Committee meeting and to Councillor briefings Priority projects now identified and included in Operational Plans

c. **Events Action Plan** (internal document) completed in late 2018:

- Two workshops held for all Council staff involved in events, to discuss issues, opportunities and priorities
- Classification of events – Major, Destination, Community and Civic c. Council Events Working Group now established, meeting quarterly to work on Action Plan implementation
- LEAN Process completed by GM for Community Events.
- Guidelines and processes developed for Destination Events funding and reporting
- Two annual Event Boot Camps have been held for Major and Destination Event Organisers
- Ongoing process and servicing improvements for Event Organisers
- Marketing Toolkit for Destination Events completed in 2020.

d. **Marketing strategy** completed and updated annually:

- Survey distributed by Destination Kiama and to all stakeholders for input
- Brand pyramid has been completed
- Splash logo trademark secured
- New Brand assets have been created

e. **The Pavilion** – Branding and Marketing Strategy – completed in June 2018 and has since been updated annually

f. **Kiama Tourism Monitor** (data collection and reporting) – established to monitor and measure performance

3. Operational Outcomes – as per our seven (7) identified Priority Areas as identified in the Tourism and Events Strategic Plan.

3.1. Destination and Experience Development

- The identification of our Destination Hero Experiences
- Ongoing encouragement and support our tourism and events industry to continue to innovate and deliver high quality visitor experiences
- Information and support provided on DNSW Product Development Funding, inclusive of hosting a Destination NSW Workshops and forums
- Assist businesses access DSNW funding e.g. Seacliff House
- Assist and support several businesses to navigate Council processes and improvements
- Identify our destinations core emotional benefit via the Community and Industry Survey - completed
- Brand Pyramid developed and completed
- Share examples (global) of best practice in tourism experience development

3.2. Market and promote visitation to the Kiama area

- Develop a new Website (kiama.com.au) – completed in 2019. Maintain and regularly update website. Usage up approx. +20% YOY
- New content created – E.g. ‘Meet the Locals’ video series – see Jamie Warren etc

- New You Tube Channel created
- New Destination Kiama Facebook page created
- Ongoing management of social channels and creation and implementation of a Social Media Strategy
- Significant increase in social media audience size and level of engagement
- New image library created
- Highline marketing strategy completed and updated annually
- Ongoing media sourcing and hosting
- New Style Guide completed and ongoing management of Destination Kiama brand assets
- New Style Guide for The Pavilion completed
- Successfully undertake the 2017, 2018 and 2019 UNSPOILT Destination Marketing Campaigns in partnership with Destination NSW and our surrounding LGA's Current 2019 Campaign Stats to date. This includes: Out of Home Advertising (OOH), Digital, Social, Search Engine Optimisation, New content creation and photo shoot, Conversion partnership with Trip Advisor, Stayz, Booking.com, Australian Traveller, Electronic Direct Mail, Public Relations activities & media visits, Additional HomeAway partnership and Electronic Direct Mail & social activity
- Participate in the Grand Pacific Drive co-operative marketing activity and research
- Participate in the International Media Marketplace and Travmedia network
- Host travel trade delegations, international media and VIP visits in partnership with Destination NSW.
- Successfully create and distribute our annual Kiama area Visitor Guide – generating a profit in 2019 and attracting record levels of investment from local businesses.
- Produce new collateral – e.g. Kiama Coast Walk, new Dining Guide, Business Events Guide, Mandarin language guide to Kiama, Event Guides, new Blowhole brochure, Accommodation Guide, etc.
- New blog post created and distributed
- New 2020 Winter and Spring Accommodation offers collated and promoted
- 2020 Bushfire Recovery Marketing campaign delivered
- 2020 Winter campaign delivered
- Destination Kiama COVID-19 Strategy created and implemented
- Kiama@Home platform created and maintained
- New marketing materials for The Pavilion developed – Website, Folders, Brand, Corporate Gifts ++
- Empty Esky partnership and recovery activities
- Co-ordinate new Highway signs for Kiama and Gerringong in partnership with the RMS

3.3 Deliver and promote a year round events strategy

- Successful and safe delivery of New Years Eve 2017, 2018 & 2019
- Increased NYE sponsorship income
- Secure the 2018, 2019 & 2020 (postponed) World Bodyboarding Titles
- Secure the 2020 Australian Open of Surfing Championship Round
- Secure LeTape (2 events) Australia by Tour De France
- Secure the 2019 & 2020 Kiama Skatifest
- Secure the NRL Kangaroos Training Camp

- Secure 'Great Southern Nights Funding' for multiple events in 2020
- Create and manage the Play it Forward Bushfire Recovery Concert in January 2020
- Development of Destination Event Funding Guidelines, Application Forms and approval and reporting processes
- Increased promotion of events via digital and social platforms, in hard copy via event flyers etc, Public Relations activities and fostering partnerships.
- Via The Pavilion, active participation in organising Kiama I Do, which is also sponsored by Destination Kiama
- Via The Pavilion - successfully co-ordinate and host conferences such but not limited to: Cities Power Partnerships Summit; Coastal Councils Conference; Palliative Care Conference; Roads and Maritime Conference
- Co-ordination of 2019 Australia Day
- Promote DNSW Event Funding and support applications
- Successful Event Boot Camps held for local event organisers in 2018 and 2019 - 50 participants over the two years & strong satisfaction in post event feedback
- Ongoing Concierge Service for (19) Destination Event organisers
- Increase usage of The Pavilion for Weddings
- Customer journey for local event organisers mapped, to support compliance process improvements
- Major and Destination Events Marketing Guide completed in 2020

3.4 Industry Development

- Trip Advisor and Google industry Workshop held in partnership with Tourism Shellharbour
- HomeAway by Stayz workshop for accommodation providers
- UNSPOILT Campaign Information sessions held for local businesses in partnership with Destination NSW in 2018 and 2019.
- Tourism Australia Forum held in 2018.
- Hosted the NSW Tourism Ministers Forum.
- Hosted online COVID events and updates for local businesses
- Promotion of other events and opportunities offered by others, such as the Kiama and District Business Chamber
- Worked with a number of local businesses on experience development ideas and improvements
- Requested additional businesses and experiences be included in new DNSW Touring Routes
- Participated in the NSW Food and Wine Tourism Strategy discussion, held at Gerringong
- Several Australian Tourism Data Warehouse Workshops (ATDW) held for local businesses, as well as one on one appointments. o ATDW Total Kiama area listings in 2017/18 = 110 o ATDW Total Kiama area listings in 2018/19 = 179

3.5. Community and Industry engagement

- Partnership/Membership to Destination Kiama for 2018/19 is up 36% on 2017/18
- A minimum of four Tourism After Hours events have been held per annum which are well attended, at which updates are provided, questions asked and answered and feedback received.
- A monthly E-News has been created and distributed to a database of over 600 local businesses and stakeholders
- A Destination Kiama Facebook page has been created and updated almost daily on our activities and opportunities (Over 1000 Followers)

- Tourism Opportunity Plan consultation - Workshops held in Kiama, Jamberoo and Gerringong as well as meetings with key stakeholders, business leaders and government agencies. Online survey conducted.
- Marketing, Website and Branding – Industry and Community Survey completed
- Participation in various committees, discussions and meetings from Gerringong to U3A to Conferences to Precincts
- Regional distribution of the Kiama Area Visitor Guide
- NEW quarterly Above and Beyond Award created (promotion, portal, new flyer, certificate, judging and media).

3.6 Tourism Development and Strategic Partnerships

- Tourism Opportunity Plan - 5 priorities identified
 - **Surf Clubs activation:**
 - Multiple meetings held to date with all Surf Clubs
 - Additional meetings held with the Gerringong Surf Club stakeholders as well as with Surfing NSW
 - Changes to the zoning needed.
 - **Kiama Harbour activation:**
 - Funding from State Government secured for Master Planning
 - Master planning process as being led by the NSW State Government has been completed and a DRAFT document has been prepared
 - **Jerrara Dam**
 - In discussion by the Economic Development Committee
 - **Walking trails:**
 - Extend the Kiama Coast Walk to Gerroa – draft route is on public display
 - Investigate the Illawarra Escarpment Walking Trail concept – review completed
 - **Accommodation** strategy and investment prospectus to be created
 - In discussion by the Economic Development Committee
- Alignment of Tourism Opportunity Plan and integration with the South Coast Marine Tourism Strategy
- Meetings held with Department of Premier and Cabinet, National Parks and Wildlife Service and Destination Sydney Surrounds South with a feasibility study to progress.
- Ongoing Partnerships with: Destination NSW; Destination Sydney Surrounds South
- National Parks and Wildlife Service – Member of the South Coast Advisory Committee; South Coast Local Government Tourism Managers; Surfing NSW; Tourism Australia; Stayz / Home Away; Department of Premier and Cabinet; Illawarra Airport
- Accessibility: - An increased focus on accessibility
- Sustainability – An Increased focus on ‘being a great guest’ and reflecting community values
 - Include key messaging in the Kiama Area Visitor Guide and online
- Access – transport links, nodes and networks
- Multiple discussions held with NSW NPWS to discuss Minnamurra Rainforest improvements and experience development and delivery
- RFS Fundraising

3.7. Visitor Servicing

- In Person – at the Blowhole Point Visitor Information Centre

- Service Online, Email & Phone enquiries
- Accreditation – maintain a Level 1 Accredited Visitor Information Centre 364 days a year at Blowhole Point.
- Support the ongoing operation of a Level 3 Accredited Visitor Information Centre at Jamberoo.
 - Support the opening of a new Visitor Information outlet in Gerringong
- Regular Staff training activities and familiarisations o Visual merchandising o Working with Volunteers o First Aid o Destination NSW ‘First’ program
- The creation of new systems and processes
- The introduction of regular stocktakes
- New Staff uniforms and nametags
- New Operations Manual completed
- New Business Plan completed
- Co-ordinate and grow our Volunteer Program
- Increased the amount of locally sourced arts, crafts and produce
 - o 2017/18 Retail sales = \$68981 o 2018/19 Retail sales = \$71079
- Update and improve our publications
- Install a new hanging space to display and sell local art
- Complete the Visitors Centre Mural

In Summary –Our Measure of Success in Sustainable Growth in Overnight Visitor Expenditure (OVE) this latest Kiama Tourism Monitor, which uses Tourism Research Australia data, modelled for our area by Tourism Strategy Development Services, show that since inception Destination Kiama has delivered record results (increases in expenditure) for our LGA.

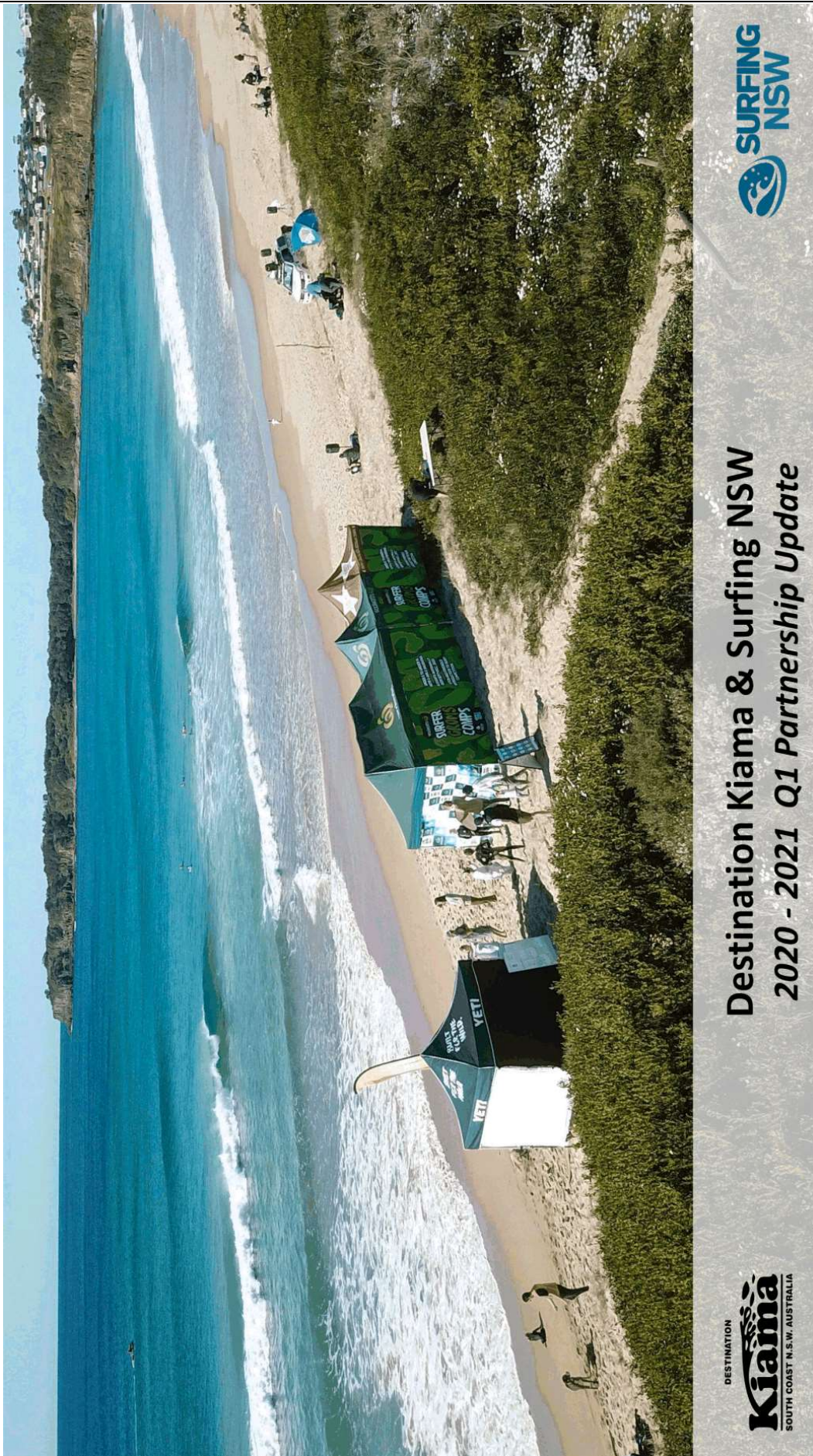
Congratulations Karen. You have left big shoes to be filled. Good luck in your next chapter.

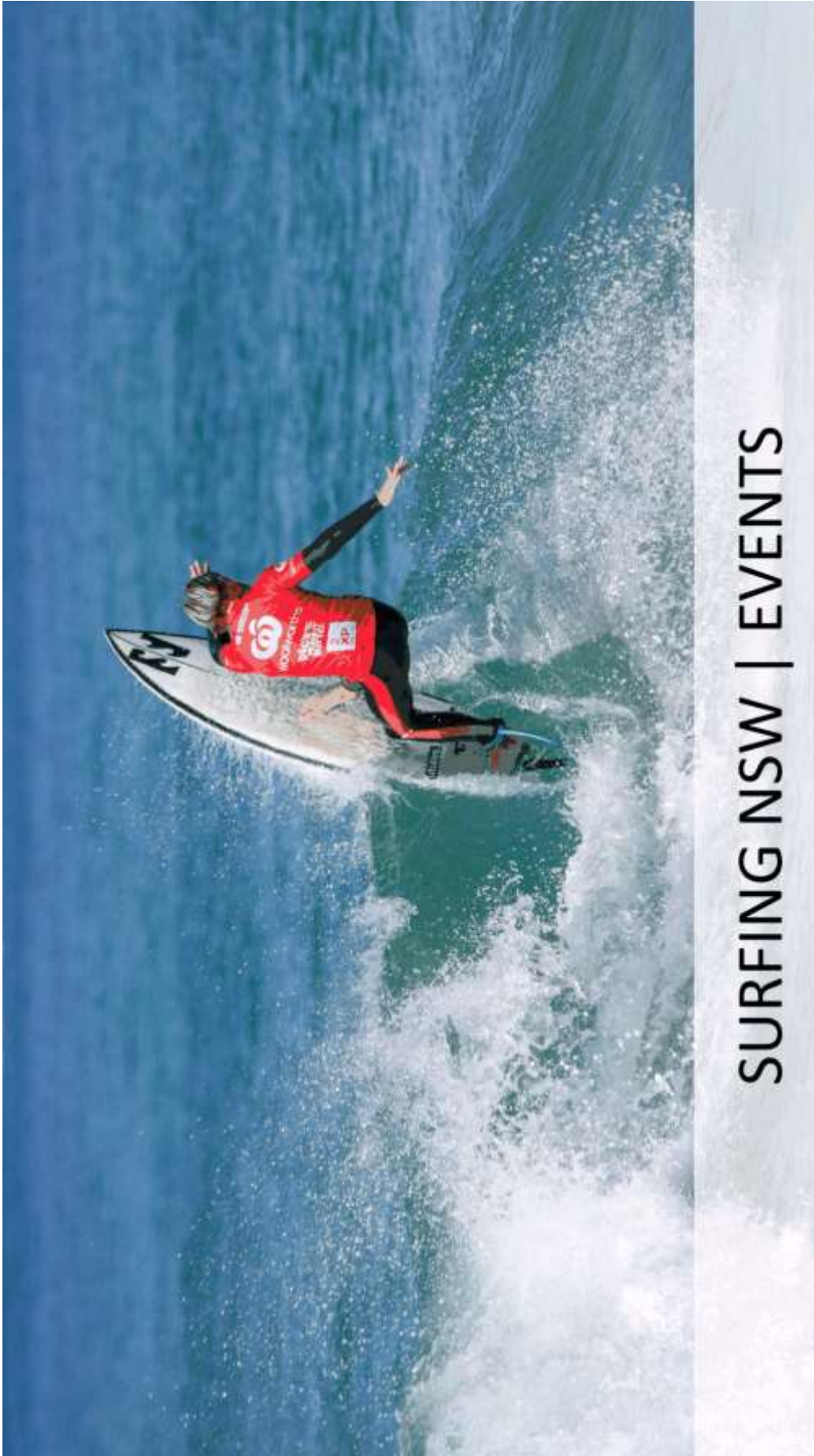
From all of us at Destination Kiama and Kiama Council.

Matt Brown

Chair

Destination Kiama





Woolworths Surfer Groms Comp pres. By Pics Peanut Butter - Kiama

Competitor Numbers: 55

Crowd Numbers: 125+

Dates: 5th September 2020

Location: Jones Beach, Kiama NSW

Event Overview:

The first Woolworths Surfer Groms Comp pres. by Pic's Peanut Butter event for 2020 took place on Saturday 5th September revealing an exciting day of action in clean one-foot surf.

Dayan Conti (Kiama Downs), Alice Hodgson (Kiama Downs) and Benjamin Kolega (Kiama Downs) all managed to claim final victories on their home beach, taking out the Under-14 Boys, Under-12 Girls and Under-8 Mixed division respectively. All three surfers put on impressive performances to claim the win on their local turf and get the local surfing contingent on their feet.



Event Winners

U14 Boys

Dayan Conti



U14 Girls

Bodhi Simon



U12 Boys

Taj Air



U12 Girls

Alice Hodgson



Event Winners

U10 Boys
Cruz Air



U10 Girls
Kendall Payne



U8 Mixed
Benjamin Kolega



Star Performers

Pics Peanut Butter Star Performers

Benjamin Kolega & Abigail Woods



Woolworths Fresh Wave Awards

Ashton Mekisic & Alice Hodgson







Media Releases



CHAMPIONS CROWNED AT WOOLWORTHS SURFER GROMS COMP PRES. BY PIC'S PEANUT BUTTER AT KIAMA.

Published Saturday 5th September 2020 9:00pm by Surfing New South Wales 177 views



The first Woolworths Surfer Groms Comp pres. by Pic's Peanut Butter event for 2020 wrapped up today following an exciting day of action in clean one-foot surf.

WOOLWORTHS SURFER GROMS COMP PRES. BY PICS PEANUT BUTTER TO LAND IN KIAMA THIS WEEKEND

Published Thursday 3rd September 2020 2:00pm by Surfing New South Wales 77 views



The 2020 Woolworths Surfer Groms Comp series pres. by Pic's Peanut Butter will get off to a flying start this Saturday when the one-day competition kicks off in Kiama.

Media Releases: 3
Database: 10K

<https://www.surfingaustralia.com/SurfingNewSouthWales/news>

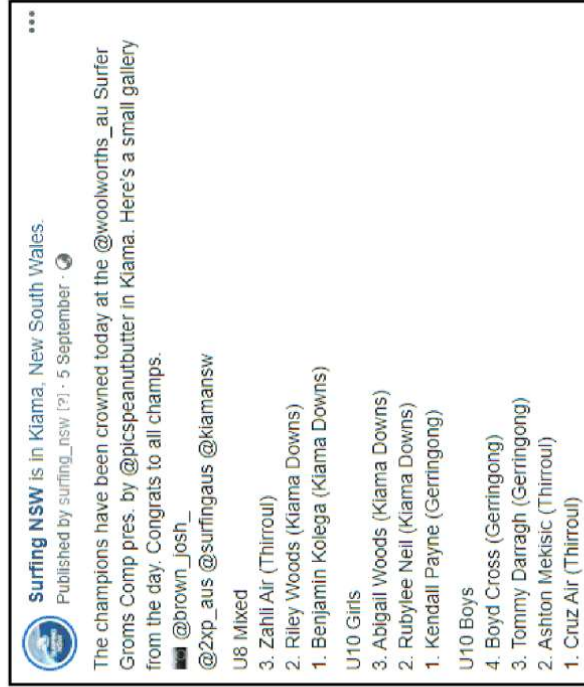
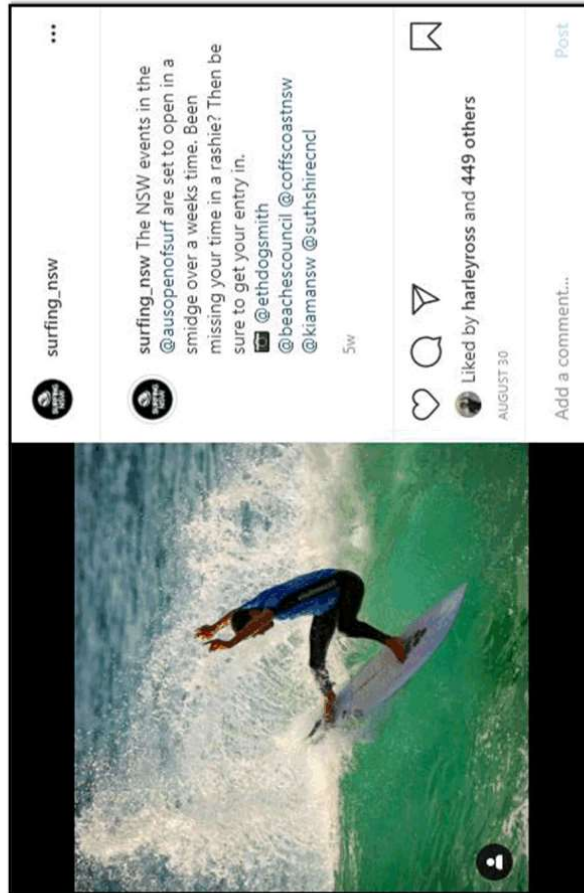
Surfing NSW Instagram / Facebook

Instagram

Posts: 3
Engagement: 2, 280+
Reach: 77, 550+

Facebook

Posts: 3
Engagement: 150+
Reach: 7, 930+





[Website / Branding](#)



[Woolworths Surfer Grom Comp – Kiama Event Page](#)

Starts Saturday 5th September 2020

Ends Saturday 5th September 2020

Location Kiama, NSW

Event status Event Completed

Divisions

- Under 8 Mixed (Parent Assist)
 - Available
- Under 10 Girls (Optional Parent Assist)
 - Available
- Under 10 Boys (Optional Parent Assist)
 - Available

Woolworths Surfer Groms Comps - Kiama

*THIS EVENT IS LIMITED TO PEOPLE WHO LIVE BETWEEN THE FOLLOWING BOUNDARIES:
- NSW / VIC Border to Stanwell Park

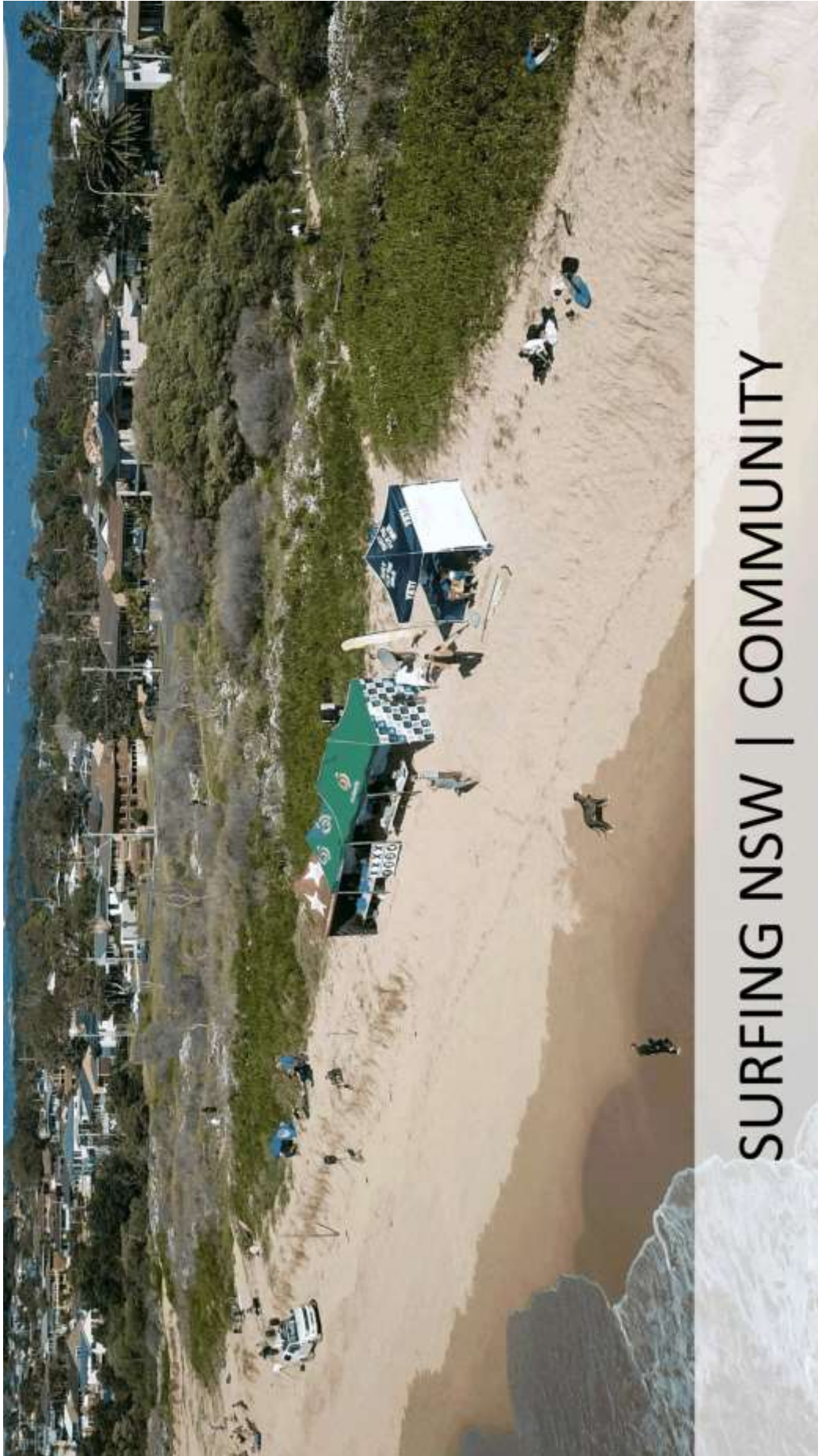
<https://www.surfingaustralia.com/SurfingNewSouthWales/event/Woolworths%20Surfer%20Groms%20Comps%20%20Kiama>



EDMs

EDMs containing Destination Kiama Banner Ads - 6



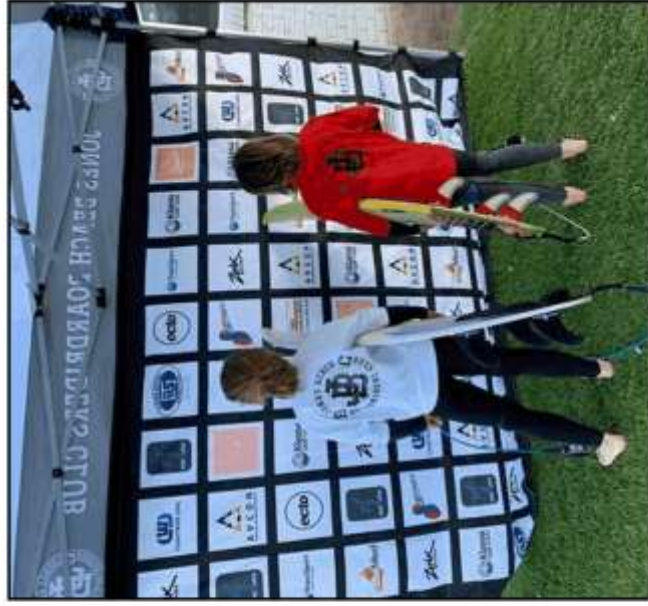


SURFING NSW | COMMUNITY



Boardriders

Surfing NSW utilised volunteers from Jones Beach Boardriders at the 1-day event in Kiama. Grommets happily lent a helping hand during the day and worked well with the team.





Item 9.2

Attachment 2

Image Gallery

Contact: ethan@surfingnsw.com.au



Dropbox Link: <https://www.dropbox.com/sh/6e6aws3q1kud6m6/AABXXp2rOSysBLrRk72Z1S9ra?dl=0>



THANK YOU



Luke Madden – CEO
luke@surfingnsw.com.au
0419 773 656



Adam Huban – Event Manager
adam@surfingnsw.com.au
0405 801 628

9.3 Minutes: Economic Development Committee - 23 September 2020

Responsible Director: Corporate and Commercial Services

Attachments

- 1 Minutes: Economic Development Committee - 23 September 2020 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Economic Development Committee meeting held on 23 September 2020 be received and accepted.

BACKGROUND

A copy of the Minutes of the Economic Development Committee meeting held on 23 September 2020 are attached for Councillors' information.

controls in place with regards to motels and hotels such as in the previous Kiama LEP.

Ed also gave an overview of the proposed process for the Kiama Town Centre Development Control Plan review. This work is being undertaken by Studio GL and will focus on strategic and prominent sites to ensure that we achieve what we desire on those sites. The Committee will receive invitations to workshops along with other community focus groups. This is happening in conjunction with the Heritage review. There are a lot of deliverables as part of this process but the end result will be a DCP that is water tight and can deliver realistic controls.

Council managed Crown Land is going through a review of the Plans of Management at the moment and the use of the land needs to be signed off by the minister. Caravan parks zoning is predominantly recreational and unlikely to be changed. 3D modelling is moving forward as a requirement for planning applications, and this will provide additional clarity to enable better assessment. It is expected that a draft DCP would be presented to the February Council meeting

5 Employment Lands Audit & Future Development Demand Requirements:

Ed Patterson presented information on the employment land zoning maps for the Municipality. The Kiama Local Strategic Planning Statement (LSPS) was adopted by Council in June 2020. One of the priorities of this strategy was to undertake an audit of employment Lands to ensure sufficient supply to meet future demand. Funding is available in 21/22 to carry out this work and this will also be done in conjunction with the rural lands study.

Councillor Matt Brown confirmed to the committee that the community do not want industrial zones in residential areas or on farm land. He advised that there will be a new LEP review and housekeeping is essential. Councillor Don Watson asked if there is an opportunity at the Minnamurra waste depot to allow for businesses to relocate there.

6 Spendmapp Presentation:

Megan Hutchison presented Spendmapp to the committee and ran through its capability and the data that it can provide in terms of spend in the locality. In addition to providing spend data the programme can also provide information on where the residents of the LGA are spending.

7 General Business and New Ideas

Economic Development

- Council are hosting a round table business event on Thursday 15 October at 5.30pm as part of Small Business Month October.

The committee was asked to save the date for the event and more information will follow shortly.

- On the 21st October The Kiama and District Business Chamber are also holding a “Supercharge Your Instagram” event for businesses at The Pavilion which is also as part of Small Business Month October.

Meeting closed at 7.05pm. Next meeting will be held at 5.30pm on 25 November 2020 at The Pavilion Kiama.

9.4 Minutes: Jamberoo Youth Hall s355 Committee - 15 November 2020

Responsible Director: Office of the General Manager

Attachments

- 1 Minutes: Jamberoo Youth Hall s355 Committee - 15/11/2020 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Jamberoo Youth Hall s355 Committee General Meeting held on 15 November 2020 be received and accepted.

BACKGROUND

A copy of the Minutes of the Jamberoo Youth Hall s355 Committee General Meeting held on 18 October 2020 are attached for Councillors' information.

S355 Jamberoo Youth Hall Committee – General Meeting

Sunday 15 November 2020, Jamberoo Youth Hall, 2.00 p.m.

MINUTES

Present: Megan Collins, Cathy Delhaas, Vivienne Marris, Ros Neilson, Neill Reilly, Stuart Richards, Greg Walsh.

Apologies: Nicole Rogers

Meeting opened 2.00 p.m. Acknowledgement of Country presented by Neil Reilly.

[Minutes](#) of JYH General Meeting 18 October 2020 – accepted (VM, MC)

[Correspondence November 2020](#)

IN: From Mike Dowd re confirmation of tender and refurbishment plans

OUT: Arrangements for initial meeting with Veronica Lee; To JRLFC re restrictions on building; To Mike Dowd requesting information on repair and refurbishment plans

EMAIL EXCHANGES: With Veronica Lee re fence meeting

Business arising from previous minutes not discussed elsewhere in the Agenda

Stuart and Greg to write to Council re danger of noncompliant electricity box on telegraph pole outside JYH.

General business

1. Memorial to Robert Curll

Agreed that when repairs are completed, JYH Committee will set up a plaque in memory of Robert Curll's contributions to Scouts and JYH

2. Report on initial meeting with Veronica Lee, Director of Corporate Services and Liaison Contact between JYH and Kiama Council, 22 October. Very useful preliminary discussions. Veronica to progress necessary delegation documents.

3. Banking. Megan, Nicole and Ros tried to arrange new Westpac account and signatories. JYH Committee's name needs to be added to KMC list of business names as registered under the Australian Business Register before our bank account can be established. Veronica has agreed to oversee this process and will advise once complete.

ACTION: JYH's account to be established when JYH Committee has been added to the ABR.

4. JYH-specific Charter for S355 document: [Draft](#) discussed at length.

ACTION: Final draft to be sent to Veronica for comment before submitting it to KMC.

5. Meetings with Kiama Council and JRLFC re planned DA for new Rugby League Club facilities.

Since the previous JYH Committee meeting, Greg Walsh advised that a meeting had been arranged with various local sporting groups and KMC to discuss the JRLFC's draft plans for an additional facility within the grounds of the Kevin Walsh Sporting Complex. Greg

requested the inclusion of representation from the JYH Committee, but this was denied by Mike Dowd; the reason given was that the issue related to the Kevin Walsh Oval.

Greg and Stuart reported the outcome of the meeting as a courtesy. In summary: the JRLFC plan to have a stand-alone storage facility north of the old tennis club building, and a separate announcer's box near the sight board at the northern end of the football field. It is also JRLFC's intention to replace the existing scoreboard with a similar sized scoreboard that is in keeping with the precinct aspect. The next meeting was planned for Tuesday 17 Nov.

Discussion: JYH Committee are in support of these plans.

6. Fence discussions – Veronica Lee has emailed Megan notifying the intention to arrange a meeting between Council and the local interested groups.

As recorded in the 18 October Minutes, JYH Committee supported removal of the existing fence separating Reid Park and Kevin Walsh Oval. Further discussion took place regarding use of the perimeter fence for game days, with queries about the fence/gate at the swimming pool side.

Neil Reilly to add to Council Business Papers 17 November in JYH Minutes: "Fence arrangements to be investigated by Council."

Discussion Outcome: waiting for further details of meeting from Veronica.

7. Repairs and refurbishments

Discussion of plans provided by Mike Dowd, including kitchen fit-out. Vivienne Marris to contact Joss Facility Management to enquire re exact start date so that volunteers can clear storerooms, regular users can make alternative arrangements, and Megan can let the pre-Christmas bookings know where they stand.

Note that no fans or aircon included in plans. Discussion: preference for fans over aircon. Could be installed in the ceiling. Costing for provision of fans to be followed up.

Greg Walsh and Stuart Richards to continue trying to understand how the funding for repairs and refurbishments has been allocated.

ACTION: Viv to contact Joss Facility Management re start date, and information conveyed to regular users as soon as possible.

8. Cleaning arrangements

Veronica Lee has supplied names of cleaners. Stuart Richards to coordinate. May need a cleaning before December bookings. Nicole Rogers having difficulty accessing hand towel dispenser.

ACTIONS: Stuart to contact cleaner to make enquiries; Megan to contact Barb Adams to check on keys. (NB Stuart has prepared a maintenance schedule.)

9. Fees: flexibility needed before refurbishments are carried out. Agreement: Megan Collins delegated to adjust fees within reasonable limits on a month-by-month basis, given current uncertainties re the state of the Youth Hall.

10. Bookings Update: Before and After School Care group is no longer interested. Several pre-Christmas bookings.

11. Return of old JYH Committee Inc. bond fees that were lodged with Council.

ACTION: Megan to write to Council with relevant financial records, requesting return of bonds.

12. Insurance

Greg Walsh: It is importance to check that Council have endorsed their insurance schedules to include the Jamberoo Youth Hall Section 355 Committee. JYH Committee must be provided with a Certificate of Currency each year regarding Council public Liability re Youth Hall as well as the interests of the Section 355 committee. Need to query whether Council covers volunteers regarding getting injured while volunteering (and possibly needing income support.)

Meeting closed 4.00 p.m. Next meeting to be decided (13 December not convenient.)

Action Summary – see following page

15 November 2020 Summary: Actions arising from the Minutes				
	Actions carried over from 18 Oct	Who	When	Out-come
	Bank account with Westpac for s355 committee.	Megan, Nicole, Ros	When JYH added to ABR list	
	Prepare for repair work: Request users to clean out storerooms	Ros	Before work starts	
	Request storage for users' equipment during repair work	Ros	Before work starts	
	Working bee to organise general storeroom	All	Before work starts	
	Venue for Little Groovers during repair work	Nicole	Before work starts	
	Danger re telegraph pole referred to KMC	Stuart, Greg	ASAP	
	Follow up on possible grant applications	All	Ongoing	
Agenda Item	New Actions from 15 Nov			
1	Memorial to Robert Curll	All	After repairs	
4	Send Draft JYH-specific charter to Veronica Lee	Ros	ASAP	
7	Contact Joss Facility Management re start date	Viv	ASAP	
7	Source and cost ceiling fans	Stuart	Before work starts	
8	Contact cleaning firm to get quotes and consider arranging a clean before December	Stuart	ASAP	
8	Contact Barb Adams to check on keys	Megan	ASAP	
11	Request refund of original bonds lodged with Council by JYH Committee Inc.	Megan	ASAP	
12	Inquire with KMC re insurance cover	Ros	ASAP	

9.5 Minutes: Kiama Access Committee Meeting - 4 December 2020

Responsible Director: Environmental Services

Attachments

- 1 Minutes - Access Committee - 4 Dec 2020 [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Access Committee Meeting held on 4 December 2020 be received and accepted.

BACKGROUND

This report provides the minutes of the Access Committee meeting held on 4 December for Councillors' information.

Minutes of the Kiama Access Committee meeting held on Friday 4 December 2020 via on-line Zoom meeting at 10am.

Present: Councillor Reilly, Graham Fairbairn, Dr George Puris, Nick Guggisberg, Chris Cassidy, Janelle Burns, Daren Brady, and Steve Fox.

1. Apologies: Merryn Joske.

Acknowledgement to Country – Cllr Reilly

2. Minutes of previous meeting

Motion: that the minutes of the meeting held 2 October 2020 are an accurate record of the meeting.

Moved: Chris Cassidy

Seconded: Graham Fairbairn

Carried

3. Business arising from the minutes

3.1 Committee Membership

Councillor Reilly welcomed Steve Fox officially to the committee now that Council have formally accepted his EOI to join the committee.

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

Manager Community & Cultural Development (MC&CD) reported that he has referred the matter to Blue Haven Independent Living Units Manager, but only just recently so the Manager hasn't really had a chance to reply yet.

Action: MC&CD to report back to the committee on this matter at the next meeting.

Cllr Reilly also noted that he has had other people mention the issue to him and he plans to raise the matter at a Blue Haven Board meeting.

Action: Cllr Reilly to raise this matter at the next Blue Haven Board meeting.

3.3 Cross over of footpath along Collins St over Collins Lane

Road Safety Officer reported that some safety signage ("Look out before you step out") is being considered for the area, plus for some other areas around the primary school in Kiama, plus near the boat ramp at Kiama Harbour.

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

Manager Engineering & Works reports that the request has been lodged to address this matter, but isn't sure if it has been done yet.

3.5 Thoroughfare at the Terraces near Hungry Monkey.

[16/52325]

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

MC&CD reports that he hasn't yet written to the Hungry Monkey asking that their Marshall also monitors safe pedestrian access past their venue, but has programmed into his diary to do so next week.

Action: MC&CD to report back to the committee on this matter at the next meeting.

4. General Business

- a) *Lack of footpath cross overs on eastern side of road at corner of Fern & Bridges Rd, Gerringong.*

Chris Cassidy reported that he reported this matter after observing that there is no cross over from the road level to the footpath.

Manager Engineering & Works reported that there are cross overs roughly 10 metres east of this intersection in consideration of pedestrian safety due to the traffic island being too narrow for pedestrians.

5. Business without notice

5.1 *Need for TGSIs at corner of Terralong St & Railway Parade*

Steve Fox reported that when walking up Terralong St and crossing Railway Parade (particularly when heading west), there is not enough differentiation between the footpath and the road surface which makes it dangerous for people who are blind.

Action: Manager Engineering & Works will follow this matter up and get some TGSIs installed. MC&CD to also ensure the Way Finding Project are incorporating disability access considerations into the project.

5.2 *Pedestrian safety issue at the Perfect Break Café in Gerringong*

Steve also raised that at the Perfect Break Café there's a 'hole in the wall' servery that when busy can cause a pedestrian safety issue for people who are blind, due to large numbers of people waiting for their coffees.

Action: Clr Reilly to follow this matter up with the business owner to bring the issue to his attention.

5.2 *Attendance of Council staff at the Access Committee meetings*

Chris Cassidy complemented the additional Council staff who regularly attend this committee meeting and their contributions. Chris stated that in his work with the Auburn City Council's Access Committee, it was difficult to get other council staff other than the Access Officer to attend meetings which impeded issues being addressed.

5.3 *Meetings for Next Year*

Should we meet face to face or continue online? Decision was made to meet face to face at the Joyce Wheatley Community Centre. MC&CD will set up the tables for safe spacing.

[16/52325]

This is **Page 2** of the Kiama Access Committee meeting held on 8 July 2016.

6. Next meeting:

The next meeting of the Kiama Access Committee will be held on Friday 5 February 2021 at the Joyce Wheatley Community Centre starting at 10am.

There being no further business the meeting closed at 10.35am

Item 9.5

Attachment 1

[16/52325]

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

9.6 Minutes: Kiama Cultural Board - 26 November 2020

Responsible Director: Environmental Services

Attachments

- 1 Minutes - Kiama Cultural Board - 2020 - November [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Cultural Board Meeting held on Thursday 26 November 2020 be received and accepted.

BACKGROUND

The minutes of the Kiama Cultural Board meetings held 26 November 2020 are attached for Councillors' information.



Minutes

Kiama Cultural Board

Date:	26 November 2020	Time:	5.32pm	Venue:	Joyce Wheatley Community Centre
Chairperson:	Mayor Mark Honey and Graeme Gherashe			Minutes:	Cultural Board
Meeting Objective:	Regular Meeting				
Present:	Nick Guggisberg, Zeynep Testoni, Cr Neil Reilly, Mayor, Mark Honey, Graeme Gherashe, Cr Don Watson, Peter McAra, Olivia Gates, Louise Croker				
Apologies:	Terri Rowe, Megan Seres, Gail Morgan				

1. **Acknowledgement to Country** by Mayor Mark Honey
2. **Previous Minutes**
Moved that the August 2020 Minutes of the Cultural Board meeting be accepted.
Moved: Graeme Gherashe **Seconded:** Cr Don Watson **CARRIED**
3. **Business Arising**
South Coast Writers Centre
Cr Reilly sought follow up regarding any new projects of the South Coast Writers Centre (SCWC). It was advised that they have a new office at Coledale, that there may be some question regarding their future funding and that while there are no new projects being undertaken in Kiama, the SCWC are currently undertaking the series of poetry workshops they were funded for through Kiama Council's Cultural Grants.

City Deal Prospectus
Cr Watson noted that the Art Centre project has been included in the Regional Development Australia, Illawarra – Shoalhaven City Deal Collaborative prospectus. The prospectus contains a 'transformative range of proposed projects, [which] when fully funded, will deliver a connected, diverse and resilient economy. Not only will the Illawarra-Shoalhaven benefit, but this inter-regional proposal enables improved liveability and growth in South-Western Sydney, including Wollondilly and Campbelltown.'

It was queried whether the potential of Council to receive bequests had been followed up, the Mayor and Manager Community and Cultural Development to follow this up for the next meeting. It was also noted that there is a need to consider the operational model as the project is now moving forward
4. **Chairperson Nomination**
Graeme Gherashe was nominated for 2021 Chairperson
Nominated: Mayor Mark Honey **Seconded:** Cr Neil Reilly **CARRIED**



The Board thanks Catherine Carr for her time as Chairperson in 2020

Moved: Mayor Mark Honey **Seconded:** Zeynep Testoni

CARRIED

Graeme Gherashe took over as chairperson.

5. Community and Cultural Development Officer (CACDO) Update

Artist Gatherings

The Artist Gatherings have had a name change to Creative's Connections. Currently co-creating with Kiama artists Michelle Springett and Olivia Deans. Next gathering to be held on Thursday 17 December, at the Joyce Wheatley Community Centre, 5.30pm to 7.30pm.

Arts Biz

Two online/face to face workshops held in collaboration with Wollongong, Shellharbour and Wingecarribee Councils. Friday 23 and Saturday 24 October, *Money is not a dirty word* and *What's it worth?* Numbers from across the Illawarra were between 8-10 attendees at both workshops.

Blog Site, Newsletter and Facebook Page

KCAN Newsletter

Averaging:

- 37.4% open rate Industry Average 38.2%
- 10.2% click rate Industry Average 6.1%

Mailchimp Followers 243

Some feedback regarding the newsletters published this year:

- Epic email, thanks for including us Louise! *Bonnie, Community Manager, WorkLife*
- Excellent newsletter. Great opportunities for art in Kiama LGA. *Liz Shaw*

Old Fire Station Community Arts Centre

The Old Fire Station bookings are currently being finalised, the venue will be fully booked for the January to June period once all bookings are consolidated. To date bookings for the period are:

- | | |
|-----------------------|-----------------|
| • Kiama Woodcrafters | 31 Dec - 6 Jan |
| • Sonia O'Shea | 7 Jan - 13 Jan |
| • Greg Vale | 14 Jan - 20 Jan |
| • Kiama Art Society | 21 Jan - 27 Jan |
| • Art4Mat | 28 Jan - 3 Feb |
| • Nathan Miller | 4 Feb - 10 Feb |
| • Nowra Quilters | 11 Feb - 17 Feb |
| • Jenny Maliphant | 18 Feb - 24 Feb |
| • Jane Wray | 25 Feb - 3 Mar |
| • Jazz and Blues Club | 4 Mar - 10 Mar |
| • Janine Coddington | 11 Mar - 17 Mar |
| • Jamberoo Art Group | 18 Mar - 24 Mar |

- Kiama Arts Trail 25 Mar - 31 March
- Heather Philpott 1 April - 7 April
- Uta Hasenkrug 8 April - 14 April
- Robyn Sharp 15 April - 21 April
- Lea and Ken Tucker 22 April - 28 April
- Illawarra Craft and Art Network 29 April to 5 May
- Frances Smith 6 May - 12 May
- HooknWood 13 May - 19 May
- Eva Illyes 20 May - 26 May
- Kiama Art Society 27 May - 2 June
- Michelle Springett 3 June - 9 June
- Illawarra Feltmakers 10 June - 16 June
- Tuesday Night Knitters 17 June - 23 June
- Janice Manning 24 June - 30 June

Exhibitions are promoted in the KCAN newsletter each month and via the KCAN website <https://kcanetwork.com/exhibition-and-arts-spaces/old-fire-station-community-arts-centre/november-the-kiama-old-fire-station/>

Inclusion on the new Council website to come.

Current 2020 bookings are now at full capacity until the end of 2020. All exhibitors who missed out on their booking due to COVID closures have now either received a new booking or received a full refund.

This year has seen an increase in the number of first time bookings from artists, with not only Kiama based artists but also creatives from the broader Illawarra and further afield (ie Camden).

OFS Statistics YTD

Calendar Year - 2020

- Total Visitors 14580
- Average Visitors/Wk 663
- Total Sales \$70,065
- Average Sales/Wk \$3184.77
- Total Kiama Artist Sales \$39,829

Financial Year - 2020/21

- Total Visitors 6582
- Average Visitors/Wk 1131
- Total Sales \$56,700.00
- Average Sales/Wk \$5688.75
- Total Kiama Artist Sales \$38,575

Capturing statistical data of OFS visitors

A short discussion was held around what type of data would be good to capture and how. Community & Cultural Development Officer to explore additional data capturing options.

Art Policies

Graeme Gherashe and Zeynep Testoni are both currently assisting with reviewing the Public Art and Busking policies. It was noted that the maintenance section of the Public Art Policy needs to be closely reviewed to incorporate a procedure and related resourcing for maintenance.

Arts Precinct*Joyce Wheatley Community Centre*

Both the Auditorium and Workshop rooms have seen an increase in usage. The auditorium is currently being used weekly by the Kiama Quilters, with the Kiama Woodcrafters also looking to meet monthly in the space.

Local artist Stacey Burgess is planning after school hour's art classes for children and young people in the auditorium. There are multiple community development groups and projects also using the space including:

- Kiama Central Precinct
- Young Women's Empowerment Group
- Compassionate Communities
- Male Perspective Working Group of the Suicide Prevention Collaborative
- Fabric Swap, and
- Chats for Change of the Suicide Prevention Collaborative

Workshop Space

The Workshop room has recently been used by Monash University to undertake interviews for a research project.

Mural Garden Project

Possible funding opportunities are being explored to undertake a community garden and mural project for the garden planter boxes outside the Joyce Wheatley Community Centre.

It was noted that a number of ideas and potential projects have been flagged as part of the Kiama Town Centre Study and it would be worth liaising with Council's Manager Strategic Planning regarding any that relate with the garden planters in Hindmarsh Park.

Kiama Central Precinct Meeting

Council's Manager Community and Cultural Development and Community and Cultural Development Officer attended and presented at the November Kiama Central Precinct meeting to update the group on the Art Centre and Arts Precinct project.

Cultural Plan

The Kiama Cultural Plan is due for renewal. As a number of Community and Cultural Services plans (Health, Safety, Disability Inclusion Action Plan and Cultural) are due around the same time, community consultation will be combined. Draft Cultural Plan survey questions will be brought to the Board once developed, for review and input.

Board members were invited to contribute either questions of themes they would like included in the survey. Mayor Mark Honey noted that a Mayoral Column discussing the survey could be a helpful way to promote consultations.

Cultural Grants Program

Feedback from Board members regarding the newly developed forms has been received via email and the first annual funding round is ready to open.

Artists Online

The PuzzleGames video was released on Friday 25 September in line with their soft EP launch at Penny Whistlers. Video can be watched here;

<https://youtu.be/JHQwoPqeT-M> Jon Harris's video was released on Friday 6 November. Video can be watched here; <https://youtu.be/uk67qNrdZ4U> Gitte Backhausen' s video is due for release at the beginning of December.

6. General Business

Art Centre

Council's Manager Community and Cultural Development provided an update on the progress of the Arts Centre, noting that parking remains an issue to be addressed prior to final submission for Development Approval.

7. Actions

Action	By Whom	By When
CACDO to contact Manager Strategic Planning regarding feedback to date re Kiama Town Centre Study relating to public artwork and gardens.	Louise Croker	21 Jan 2021
Information about the community survey to be included in the Mayoral Column.	Mayor Mark Honey, Louise Croker and Communications Unit	When required
CACDO to investigate options for recording further visitor data at the Old Fire Station.	Louise Croker	21 Jan 2021

8. **Next Meeting:** Thursday 21 January, Joyce Wheatley Community Centre

Upcoming meetings:

- Grant Application Short Listing, Tuesday 16 March 2021, 9.30am to 12noon
- Cultural Grants Short Listed Interviews Thursday 25 March 2021, 5.30pm

9. **Meeting closed:** 6.40pm

9.7 Minutes: Kiama Local Traffic Committee - 1 December 2020Responsible Director: Engineering and Works

Attachments

- 1 Minutes - Kiama Local Traffic Committee - 01/12/20 - PDF [↓](#)
- 2 Plan - Signposted Workzone - 10 Bong Bong Street Kiama [↓](#)
- 3 Traffic Management Plan - Australia Day Celebrations 2021 - Kiama Downs SLSC [↓](#)
- 4 Timed No Stopping Signage - Attunga Avenue Kiama [↓](#)
- 5 Carpark Extension - James Oates Reserve Minnamurra [↓](#)

Enclosures

Nil

RECOMMENDED

That the Minutes of the Kiama Local Traffic Committee Meeting held on 1 December 2020 (Attachment 1) be received and the following recommendations accepted:

- 5.1 That Council approve the proposed Work Zone adjacent to No. 10 Bong Bong Street, Kiama in accordance with the signage plan (Attachment 2).
- 5.2 That Council approve the traffic changes associated with the Australia Day Event at Kiama Downs SLSC on 26 January 2020 from 6:30 am to 1 pm subject to organisers complying with the following conditions:
 - a. The event organiser comply with the Traffic Management Plans (Attachment 3).
 - b. Notification of the closures be given to Police, local emergency services, businesses and affected residents.
 - c. An advertisement be placed in the local media advising of the closure a minimum of seven days prior to the event.
 - d. That the organiser obtains the appropriate approval from the Police.
- 5.3 That Council approves the creation of a timed 'No Stopping' zone, Mondays and Thursdays between 7am to 9am in the cul-de-sac end of Attunga Avenue, Kiama Heights, with the installation of regulatory signage and line marking (Attachment 4).
- 5.4 That Council approves the installation of signage and linemarking as proposed to create formalised parking spaces at James Oates Reserve, Minnamurra (Attachment 5).



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

commencing at 9.00am on

TUESDAY 1 DECEMBER 2020

Via GoTo Meeting

Item 9.7

Attachment 1

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 1 DECEMBER 2020

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

HELD VIA GOTO MEETING

ON TUESDAY 1 DECEMBER 2020 AT

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

1 APOLOGIES

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 Tuesday 3 November 2020

[20/044LTC](#)

Resolved that the Minutes of the Kiama Local Traffic Committee Meeting held on 3 November 2020 be received and accepted.

[\(Member Darrell Clingan and Member Craig Gray\)](#)

4 BUSINESS ARISING FROM THE MINUTES

Nil

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 1 DECEMBER 2020

5 REPORT OF RMS DELEGATED FORMAL ITEMS

5.1 Signposted Work Zone - 10 Bong Bong Street, Kiama

20/045LTC

Resolved that the Committee endorse the proposed Work Zone adjacent to No. 10 Bong Bong Street, Kiama in accordance with the signage plan provided in Attachment 1 of this Report.

(Mayor Mark Honey and Member Andy Gaudiosi)

5.2 Proposed road closure - Australia Day Event in Kiama Downs

20/046LTC

Resolved that the Committee recommends that the traffic changes associated with the event on 26 January 2020 from 6:30 a.m. to 1 p.m. be approved subject to organisers complying with the following conditions:

1. The event organiser comply with the Traffic Management Plans shown in Attachment 1.
2. Notification of the closures be given to Police, local emergency services, businesses and affected residents.
3. An advertisement be placed in the local media advising of the closure a minimum of seven days prior to the event.
4. That the organiser obtains the appropriate approval from the Police.

(Member Andy Gaudiosi and Member Darrell Clingan)

5.3 No Stopping zone - Attunga Avenue, Kiama Heights

20/047LTC

Resolved that the Committee approve creation of a timed 'No Stopping' zone, Mondays and Thursdays between 7am to 9am in the cul-de-sac end of Attunga Avenue Kiama Heights, with the installation of regulatory signage and line marking.

(Mayor Mark Honey and Member Andy Gaudiosi)

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 1 DECEMBER 2020

5.4 James Oates Reserve, Minnamurra - Carpark formalisation

20/048LTC

Resolved that the Committee approves the installation of signage and linemarking as proposed to create formalised parking spaces at James Oates Reserve, Minnamurra.

(Member Andy Gaudiosi and Mayor Mark Honey)

6 GENERAL BUSINESS

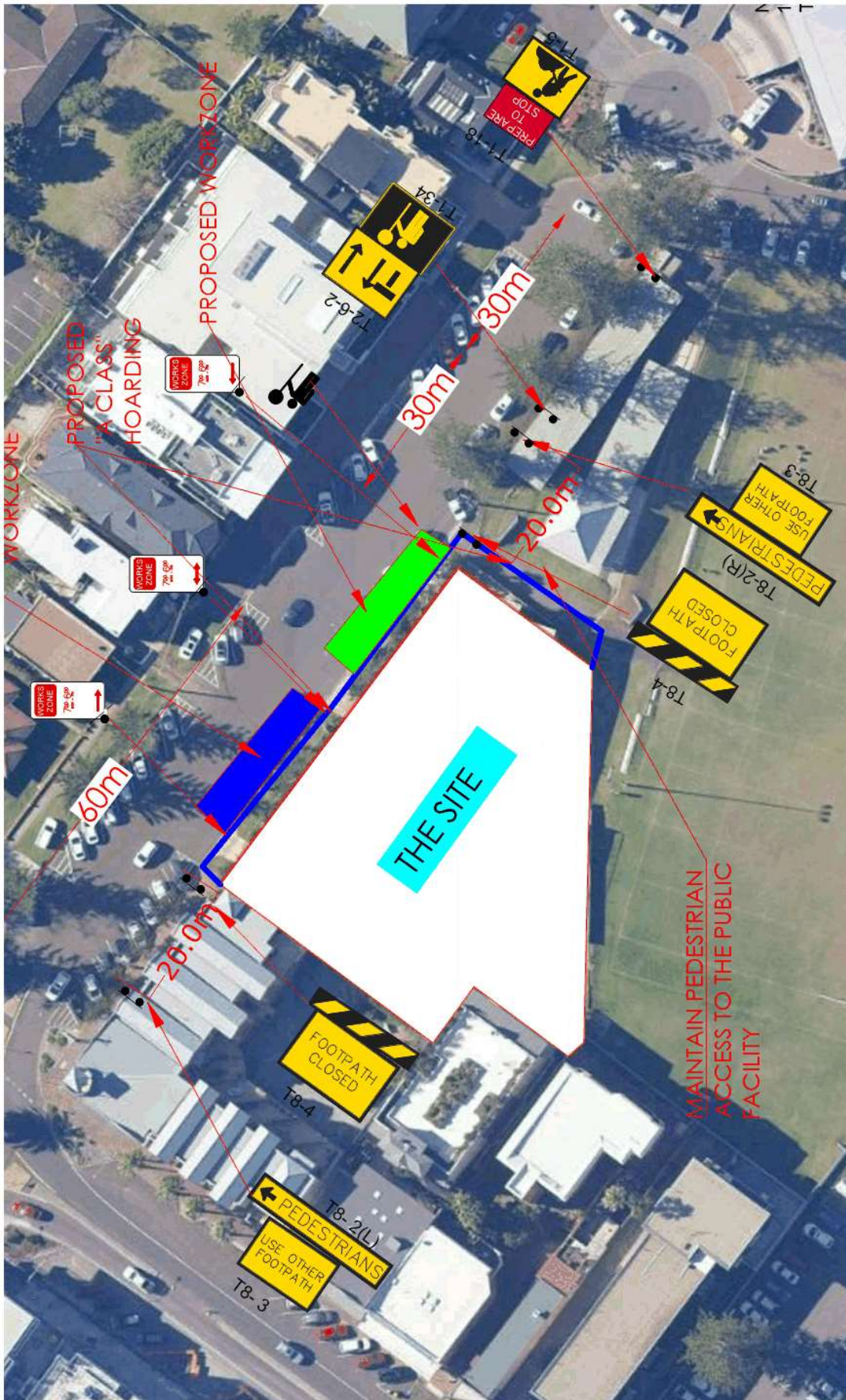
7 CLOSURE

There being no further business the meeting closed at 9.26am

These Minutes were confirmed at the Ordinary Meeting of Council held on 15
December 2020

.....
.....
Mayor

Director Engineering & Works



PROJECT NO - PT 101	DRAWING TITLE- ATTACHMENT C - CONSTRUCTION PHASE	
DRAWING NO - PT 10	CLIENT- DARTANYON CONSTRUCTION PTY LTD	
NOTES -	PROJECT ADDRESS - 10 BONG BONG ROAD, KIAMA	

www.invation.com

Legend

	Cone
	PEDESTRIAN ROUTES
	TRAFFIC CONTROL T LEADER
	TRAFFIC CONTROLLER

***Pedestrians shall not be directed onto roadway unless traffic controllers are used to control site and proper measures are put in place to conform with AS 1742.3**

*** For works on and around footpath a minimum width of 1.2 m shall be maintained at all times for pedestrians to pass unhindered**

Date: 24/11/2020 **Author:** Micheal Carrasco **Client:** KIAMA DOWNS SURF LIFE SAVING CLUB
Location: 150 North Kiama Drive, Kiama Downs, NSW Project: AUSTRALIA DAY FESTIVAL
Author: Micheal Carrasco **Card No.:** 0051920735 **PLAN#:** MC 2146

Comments:
 Please note all modifications made to this plan must be done by only a TCMAP Team Leader that holds the relevant qualifications to amend Traffic Control Plans. If Modifications are necessary to be made please make sure to amend this plan print name, sign and date in the correct places.
 TCP'S are a guide of works that have strategically planned by not only Traffic Control Management And Planning but also the Clients Planners.
 Please note this is a site specific plan that should be set up accordingly to plan and if for any reason an amendment is required to help improve job site to make it safer make sure to modify this plan.
 Please don't hesitate to call the office if your unsure of anything.
 Remember a safe job site is a good environment which ensures everybody goes home safe.

TRANSPORT NSW
 Traffic Management
 This qualification enables you to prepare Traffic Management Plans and control roadworks on Urban Management Plans.

MICHAEL CARRASCO
 Traffic Controller
 12022022

Prepared a Work Zone Traffic Management Plan for
 150 North Kiama Drive, Kiama Downs, NSW Project: AUSTRALIA DAY FESTIVAL
 24/11/2020

AUTHOR SIGNATURE



SIGNAGE DETAILS

R5-400 (R) R5-400 (LR) R5-400 (L)

S1 S2 S3

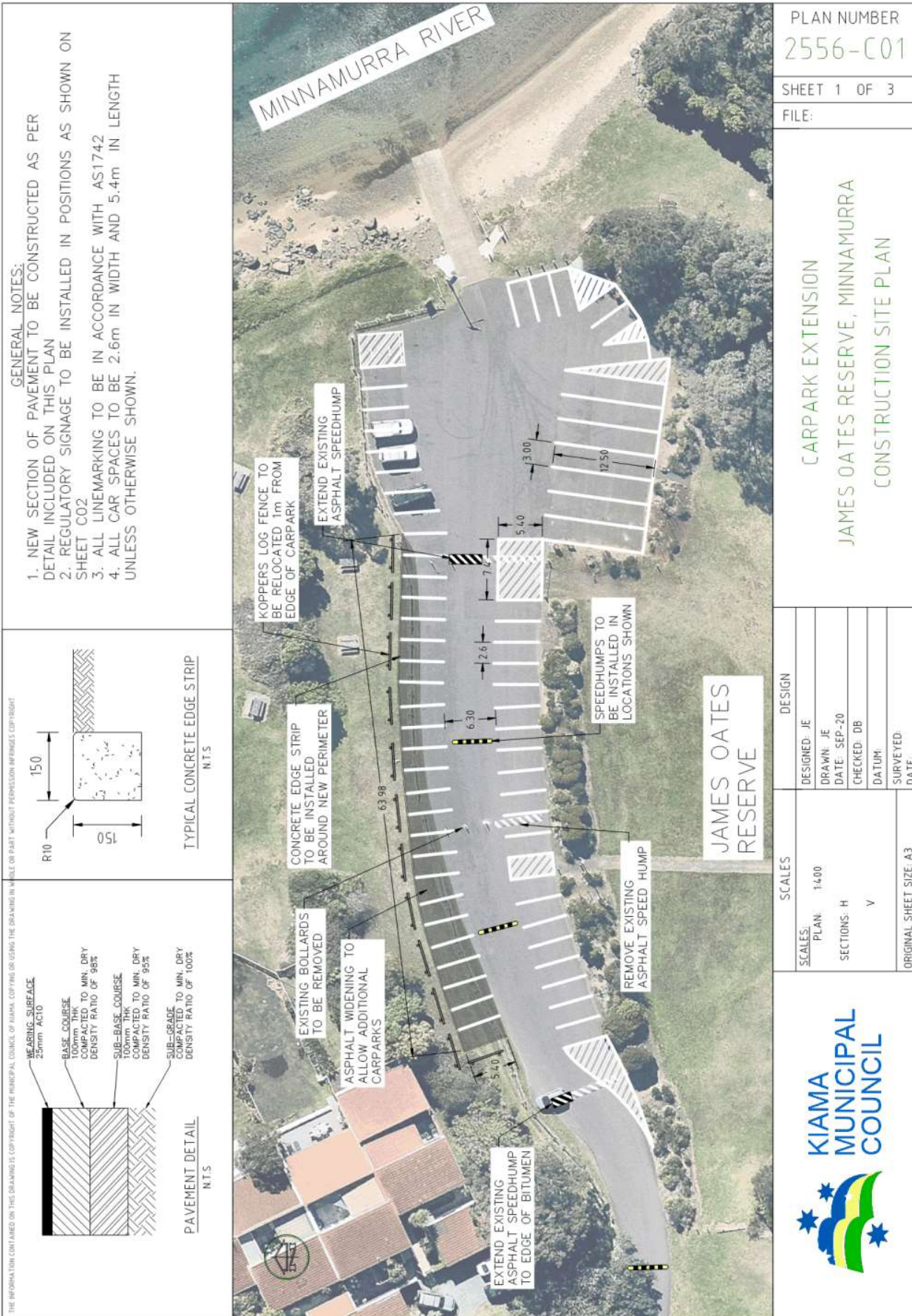
SIGNAGE SCHEDULE	
CODE	QTY
R5-400 (R)	1
R5-400 (LR)	1
R5-400 (L)	1

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

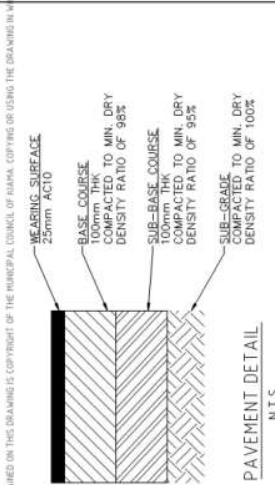
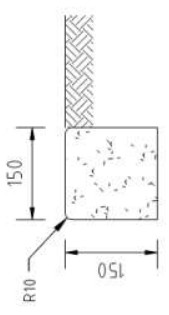
NEW SIGN AND POST

REGISTER OF INSTALLATION OF REGULATORY SIGNS

REGISTER NUMBER 2020-34	TIMED NO STOPPING SIGNAGE ATTUNGA AVENUE, KIAMA	 KIAMA MUNICIPAL COUNCIL
SCALES PLAN NTS SECTIONS		
DESIGNED JE DRAWN JE DATE OCT-20 CHECKED JB	SHEET 1 OF 1 FILE: J:\ENGINEERING SERVICES\TRAFFIC	



- GENERAL NOTES:**
1. NEW SECTION OF PAVEMENT TO BE CONSTRUCTED AS PER DETAIL INCLUDED ON THIS PLAN
 2. REGULATORY SIGNAGE TO BE INSTALLED IN POSITIONS AS SHOWN ON SHEET C02
 3. ALL LINEMARKING TO BE IN ACCORDANCE WITH AS1742
 4. ALL CAR SPACES TO BE 2.6m IN WIDTH AND 5.4m IN LENGTH UNLESS OTHERWISE SHOWN.



PLAN NUMBER
2556-C01

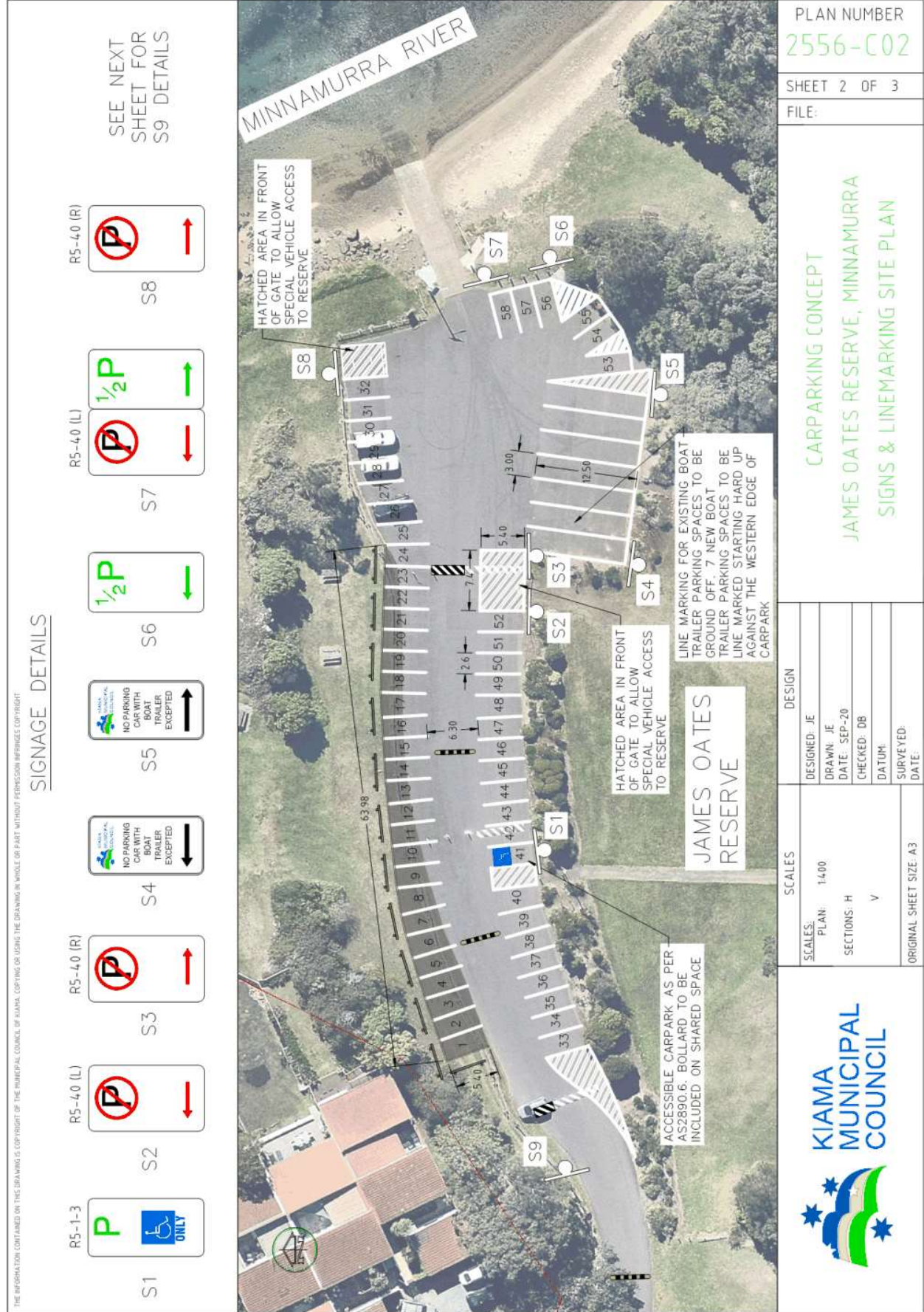
SHEET 1 OF 3

FILE:

CARPARK EXTENSION
JAMES OATES RESERVE, MINNAMURRA
CONSTRUCTION SITE PLAN

SCALES		DESIGN	
DESIGNED: JE	PLAN: 1:400	DRAWN: JE	DATE: SEP-20
CHECKED: DB	SECTIONS: H	CHECKED: DB	DATUM:
SURVEYED: DATE:	V	DATUM:	SURVEYED: DATE:
ORIGINAL SHEET SIZE: A3			





S9

PLAN NUMBER
2556-C03

SHEET 3 OF 3

FILE:

CARPARKING CONCEPT
JAMES OATES RESERVE, MINNAMURRA
SIGNS & LINEMARKING SITE PLAN

SCALES	DESIGN
DESIGNED: JE	
DRAWN: JE	
DATE: SEP-20	
CHECKED: DB	
DATUM:	
SURVEYED:	
DATE:	

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9.8 Minutes: Youth Advisory Committee - 12 November 2020

Attachments

- 1 Minutes - Kiama Youth Advisory Committee Meeting [↓](#)

Enclosures

Nil

Item 9.8

RECOMMENDED

That the Minutes of the Kiama Youth Advisory Committee Meeting held on 12 November 2020 be received and accepted.

Minutes of the Kiama Youth Advisory Committee meeting held on Thursday 12th
November, 2020 online at 10:45am

Chair: Benjamin Lavis (Kiama High School)

Minutes: Terri Hallett (CENTRAL Youth Centre)

Present: Councillor Mark Westhoff (Kiama Municipal Council, [KMC]), Councillor Neil Reilly (KMC), Mrs Jane Littrich (Kiama High School), Melissa Andrews (CENTRAL Youth Services Coordinator), Grace Reid (CENTRAL Youth Centre), Terri Hallett (CENTRAL Youth Centre), Carla James (Kiama Library), Dr Monty Badmin (Kiama Stronger Communities Group)

Kiama High School (KHS) students: 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 Tangwattanakit, Jack Thorne, Amelia Behan, Sidney George, Carlo Cullen, Emma Murphy, Benjamin Lavis, Somerset O'Connell.

1. **Acknowledgement of Country:** Benjamin Lavis
2. **Apologies:** Lara Farrell (KHS), Nick Guggisberg (KMC)
3. **Business arising from previous meetings:**

3.1 *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 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>

3.2 *Kiama Skate Park Safety Audit*

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

The audit of Kiama Skate Park was put on hold due to COVID and changing roles within the Illawarra Local Area Command's (ILAC) and the Police Officer responsible for the audit. Council staff have made multiple attempts to contact ILAC to schedule a date for the audit with no success.

- 3.2.1 **Action:** Council's Community & Cultural Development Officer to set up a meeting time with ILAC to conduct the safety audit.
- 3.2.2 **Action:** CENTRAL Youth Services Coordinator to coordinate attendance with

Thomas, Ben, Sam and Sidney once a date has been set for the audit.

4. General business

4.1 Request for youth representatives on Kiama Stronger Communities Group

Dr Monty Badami detailed his work as a Social Anthropologist and his involvement with Kiama Stronger Communities Group, working to improve the mental health and wellbeing of the Kiama Community. He discussed the absence of youth voices in the wider community and requested nominations from committee members to provide input to the Group.

Benjamin Lavis stated that students would like to have input into mental health. He and other students present expressed interest in being involved in the community discussions.

4.1.1 **Action:** Benjamin to email Dr Monty Badami (montybadami@gmail.com) with nominees.

5. New business

5.1 Appreciation to Council for support of NAIDOC Activities

Mrs Littrich acknowledged and extended her appreciation to Council for the success of the NAIDOC celebration at Warri Beach on the 10th November and gave special thanks to Council's Aboriginal Liaison Officer, Trish Levett. Mrs Littrich noted the difficulty in attracting Elders to the event because of competing commitments during NAIDOC Week and financial restrictions, suggesting maybe holding the celebration outside of NAIDOC week in future years. This year's celebration was funded by a grant Trish secured.

Clr Reilly thanked all involved in the NAIDOC celebration and said he would be happy to meet with Mrs Littrich and Council staff to see how council can further support the event in future.

5.1.1 **Action:** Clr Reilly to set a meeting with Mrs Littrich and Council staff.

6. Reports:

6.1 SENTRAL Programs

Youth workers at KHS

Students can self-refer to see one of our Youth Workers 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 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. Year 10 students are referred by Ms Power or SENTRAL staff. The next Empower with Rubi program will be in term 2, 2021 followed by Empower with Dylan in Term 3.

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 information. The website is now completed and launched. <https://sentral.kiama.nsw.gov.au/>

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.

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

On Ya Bike

A new project where the young people fix push bikes under the guidance of a youth worker at the centre.

Un-named project

Temporarily called the 'Young People's Program' is a program with changing activities that are aimed at building self-confidence, and self-advocacy skills as well as providing resources, knowledge and assistance to improve mental, physical and social wellbeing.

6.2 *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 study spaces at Kiama Library without bookings. 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 bookings, 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

'Chalk Your Walk' was a success.

3D Printed Planters Workshop

26th November from 5:00pm to 6:30pm with a cost of \$5 and BYO laptop. No experience is required, and you will be able to take home a small planter, bookings are required.

Escape Room

14th of January 2021, Kiama Library are hosting a Lord of the Rings themed escape room at the Kiama Community College. If there is a lot of interest, the Library may schedule a second day on the 13th of January 2021 to allow extra spaces.

Consultation with Young People

Council Library Officer, Carla asked for input on the types of activities that are most valuable for young people. She would like the committee to provide input on future programs.

- 6.2.1 *Action:* CENTRAL Youth Services Coordinator to add to the agenda for the next meeting 'consultation with members' regarding the types of activities they would like Kiama Library to provide.

7. Community Safety:

No issues of concern were raised.

8. Next Meeting:

TBA – CENTRAL Youth Services Coordinator and Jane Littrich to organise dates for next year.

There being no further business the meeting closed at 11.35am

Committee Of The Whole***RECOMMENDATION***

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

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

10 PUBLIC ACCESS REPORTS

11 REPORT OF THE GENERAL MANAGER

11.1 Amendment to the Model Code of Conduct and Procedures

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

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

Delivery Program: 4.2.1 Manage effective risk framework across council

Item 11.1

Summary

Council agreed at the 22 September 2020 meeting to make the required changes to its Code of Conduct and the Procedures for the Administration of the Code of Conduct based on the amended Model Code of Conduct 2020 and the amended Procedures for the Administration of the Model Code of Conduct. Council is required to adopt a Code of Conduct and Procedures based on the Model Code and Procedures.

The purpose of this report is to seek formal adoption by Council of its 3 amended Codes and procedures: the Code of Conduct for Councillors; the Code of Conduct for Council Staff, Contractors and Volunteers; the Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers; and the Procedures for the Administration of the Code of Conduct as attached to this report.

A copy of the Office of Local Government circular 20-32 Amendments to the Model Code of Conduct for Local Councils in NSW and Procedure is attached for Councillors' information.

Finance

N/A

Policy

Code of Conduct for Councillors

Code of Conduct for Council staff, contractors and volunteers

Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers

Procedures for the Administration of the Code of Conduct

Consultation (Internal)

Public Officer / Corporate Planner

Communication/Community Engagement

The Codes of Conduct and Procedures are available on Council's website.

Report of the General Manager

11.1 Amendment to the Model Code of Conduct and Procedures (cont)

Attachments

- 1 OLG circular 20-32 Amendments to the Model Code of Conduct for Local Councils in NSW and Procedure [↓](#)

Enclosures

Nil

Item 11.1

RECOMMENDATION

That Council adopts the changes to the Code of Conduct for Councillors; the Code of Conduct for Council Staff, Contractors and Volunteers; the Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers; 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.

BACKGROUND

The amendments made in response to the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134 (Cornish) also extend to the Codes applying to Council staff, contractors, volunteers, committee members, delegates and advisors. Consequently the amendments to the Code of Conduct for Council staff, contractors and volunteers; and the Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers require adoption.

Council agreed at the meeting of 22 September 2020 to increase the \$50 cap on the value of gifts that may be accepted to \$100 and that items with a value of \$10 or less are not “gifts or benefits” for the purpose of the Code and do not need to be disclosed.

Circular Details	20-32 / 14 August 2020 / A708384
Previous Circular	19-25 – Penalties available to councils for code of conduct breaches by councillors
Who should read this	Mayors / Councillors / General Managers / Joint Organisation Executive Officers / Complaints Coordinators / Conduct Reviewers
Contact	Council Governance Team/ 02 4428 4100/ olg@olg.nsw.gov.au
Action required	Council to Implement

Amendments to the Model Code of Conduct for Local Councils in NSW and Procedures

What's new or changing

- The *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures) have been amended in response to the decision by the Supreme Court in the matter of *Cornish v Secretary, Department of Planning, Industry and Environment* [2019] NSWSC 1134.
- Amendments have also been made to the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
- The new Model Code of Conduct and Procedures have been prescribed under the *Local Government (General) Regulation 2005*.
- The new prescribed Model Code of Conduct and Procedures are available on the Office of Local Government's (OLG) website.

What this will mean for your council

- The new Model Code of Conduct and Procedures take effect immediately. This is because the amendments to the Procedures largely reflect existing practice following the Supreme Court's decision and the amendments to the Model Code of Conduct are minor in nature.
- Councils should adopt a code of conduct and procedures based on the prescribed Model Code of Conduct and Procedures as soon as possible.
- Councils' complaints coordinators should bring this circular to the attention of their council's conduct reviewers. Complaints coordinators should also inform conduct reviewers when the council has adopted a new code of conduct and procedures and provide copies.

Key points

Amendments to the Procedures

- Consistent with the Supreme Court's decision, councils have the following options when taking disciplinary action against councillors for breaches of their codes of conduct under the new Procedures:
 - that a councillor be formally censured for the breach under section 440G of the *Local Government Act 1993* (the Act), or

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- that a councillor be formally censured for a breach under section 440G and the matter referred to OLG for further disciplinary action under the misconduct provisions of the Act.
- The process for censuring councillors for breaches of the code of conduct has been significantly strengthened to ensure councillors are made publicly accountable to their electors for their conduct. When censuring councillors, councils are required to specify in their resolution the grounds on which the councillor is being censured by disclosing the investigator's findings and determination and any other grounds that the council considers may be relevant or appropriate.
- Councillors may seek to avoid public censure for breaches of the code of conduct by voluntarily agreeing to undergo training or counselling, to apologise for their conduct or to give undertakings not to repeat their conduct before the investigator finalises their report to the council. Investigators can finalise their investigations without a report to the council where they consider these to be an appropriate outcome to the matter they are investigating. However, it will remain open to investigators to finalise their report and to recommend censure where they consider this is appropriate and warranted.
- The process for referral by councils of code of conduct breaches by councillors to OLG for further disciplinary action under the misconduct provisions of the Act has been streamlined. Investigators are required to consult with OLG before recommending the referral of matters to ensure the conduct in question is sufficiently serious to warrant disciplinary action for misconduct and that there is sufficient evidence of the breach to allow OLG to take further disciplinary action.
- Other amendments have been made to the Procedures to:
 - allow panels of conduct reviewers to be appointed without a resolution of the council, and
 - allow the referral of investigators' reports to OLG for action under the misconduct provisions of the Act where the council will not have a quorum to deal with the matter.

Amendments to the Model Code of Conduct

- The Model Code of Conduct has been amended to:
 - remove as a breach, failure to comply with a council resolution requiring action in relation to a code of conduct breach (because it is now redundant)
 - update the language used to describe the various heads of discrimination in clause 3.6 to reflect more contemporary standards
 - include in the definition of council committee and council committee members, members of audit, risk and improvement committees (ARICs) in anticipation of the commencement of the requirement for all councils to appoint an ARIC following the next local government elections.
- Amendments have also been made to the gifts and benefits provisions of the Model Code of Conduct in response to feedback from some councils. The amendments:
 - lift the \$50 cap on the value of gifts that may be accepted to \$100
 - clarify that items with a value of \$10 or less are not "gifts or benefits" for the purposes of the Model Code of Conduct and do not need to be disclosed

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- clarify that benefits and facilities provided by councils (as opposed to third parties) to staff and councillors are not “gifts or benefits” for the purposes of the Model Code of Conduct, and
- remove the cap on the value of meals and refreshments that may be accepted by council officials in conjunction with the performance of their official duties.
- Councils are not obliged to amend their codes of conduct to lift the cap on the value of gifts that may be accepted if they do not wish to. It is open to councils to retain the existing \$50 cap or to impose another cap that is lower than \$100.

Where to go for further information

- For further information please contact the Council Governance Team on 02 4428 4100 or by email at olg@olg.nsw.gov.au.



**Tim Hurst
Deputy Secretary
Local Government, Planning and Policy**

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11.2 Minutes and motions: South Precinct - 15 October 2020, 19 November 2020 and amended 21 November 2019

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

CSP Strategy: 4.3 Council and the community working together

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

Item 11.2

Summary

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

Finance

N/A

Policy

Local Strategic Planning Statement

Plans of Management

Consultation (Internal)

N/A

Communication/Community Engagement

Councillors and staff regularly attend and address Precinct meetings.

Attachments

- 1 Minutes: South Precinct - 19/11/2020 [↓](#)
- 2 Motion: South Precinct - Coastal Walking Track stage 2 [↓](#)
- 3 Motion: South Precinct - South Werri Dunes and beach [↓](#)
- 4 Minutes: South Precinct - 15/10/2020 [↓](#)
- 5 Minutes: South Precinct - 21/11/2019 as amended [↓](#)

Enclosures

Nil

Report of the General Manager

11.2 Minutes and motions: South Precinct - 15 October 2020, 19 November 2020 and amended 21 November 2019 (cont)

RECOMMENDATION

That Council receive and accept the:

1. Minutes of the South Precinct meeting held on 19 November 2020 and that the motions relating to the South Werri Dunes and beach, and the Coastal Walking Track Stage 2 be noted.
2. Minutes of the South Precinct meeting held on 15 October 2020
3. Amended Minutes of the South Precinct meeting held on 21 November 2019.

BACKGROUND

The South Precinct minutes of the meeting held on 19 November 2020 are presented for Councillors' information and include a motion relating to the Coastal Walking Track Stage 2 and a motion relating to the South Werri Dunes as attached.

The South Precinct minutes of the meeting held on 15 October 2020 are also provided.

Recent discussions at a South Precinct meeting has disclosed that a motion relating to Werri Beach dune vandalism was omitted from the 21 November 2019 minutes. These have now been amended and are submitted to Council as true and correct.

**MINUTES OF THE SOUTH PRECINCT MEETING
held on Thursday 19 NOVEMBER 2020 Gerringong Town Hall**

Meeting Opened: 7:30 pm

Attendance:

Chair: Damian Morris **Minutes:** Shane Douglas

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

Apologies: Leanne Mitchell, Patrick Mahedy, Derek McMahon, Mark Westoff, Alma McPherson, Helen McDermott, Sandra McCarthy, and Chris Cassidy.

Moved: acceptance of apologies **carried**

Minutes of Previous Meeting

Moved: that the minutes of the ordinary meeting of Thursday 15 October 2020 be accepted. **Moved:** Robert Coady **Seconded:** Damian Morris **carried**

Business Arising From Minutes:

Correction Safety Hazzard on Fern Street, Brian Corless believes this to be a Council issue and hopes Council will take lead role in this.

Correspondence IN:

- [Gerroa Environmental Protection Society](#)
- [Covid Safe Australia Day Grants Fiona](#)
- [GCA Newsletter](#)
- [Fiona Phillips Social Services speech](#)
- [Fiona Phillips Aged Care](#)
- [Fiona Phillips Appropriation Bill](#)
- [Kiama Town Centre KMC](#)
- [Red Cross Additional Support Grant](#)
-

Correspondence OUT:

- November Minutes
- Agenda for December meeting.
- KMC Business papers November

Executive Report

- Nothing to report

Council Papers/Development Applications

Report saved. Presented at the meeting by Raewyn.

Traffic Committee: No Standing zone proposed on Belinda Street "steps located at the Old School Park".

Safety Committee: No meeting.

Treasurer's Report

Balance \$ 642.92

General Business:

- Roy Schmidt gave update on:
 - CCAG and importantly spoke about the Illawarra and Shoalhaven Regional Plan. Howard Jones also briefly spoke on this.
 - GCA- spoke about parking and STRA.
 - Shane Douglas gave update on Bendigo Community Bank Gerringong branch being located in "Baby Clinic" Town Hall. Planning and building had been on hold because of Covid-19.
 - Linda Brazier spoke about Kiama Community Radio, started in July, and currently has a survey via www.kiamacommunityradio.org
 - Warren Holder spoke about Boral Gerroa, and Minnamurra Sand Mining. Friends on Minnamurra meeting soon to discuss future legal action.
 - GEPPS strongly against proposal to mine "northern paddock".
 - Ken Sandy discussion regarding web site setup for South Precinct. <https://possiblekspblog.blogspot.com/>
Motion has been presented to meeting.
 - Howard Jones spoke regarding Stage 2 Coastal Walk (extension). Motion moved: Howard Jones seconded: Stephen Brazier. Carried By All. (Motion attached)
 - Werri Beach Sand Dunes. North end Parkland Crown Land. Plan of Management Werri Beach. Ailee Calderbank first Saturday landcare Werri Beach.
 - Howard Jones Motion for Werri Beach Vegetation management. Motion Howard Jones. Seconded: Susan Griffiths. Carried By All. (Motion attached)
 - Tomra granted 12 month license for Reverse vending machine.

Meeting closed: There being no further business the Chair closed the meeting at 8:32pm

Next Meeting: Thursday 17 December 2020 Gerringong Town Hall.

Motions:

[South Werri Beach Sand Dunes](#)

[Kiama South Coastal Walk Extension Gerringong to Gerroa](#)

Motion re Coastal Walking Track stage 2

That South precinct notes:

- (a) the decision of Council in September to endorse the preferred route for the Stage 2 of the Coastal Walking track and to lodge an application for funding under the Coastal Lands Protection Scheme.
- (b) The comment in the director's report in September, that 90% of the previously identified land under the scheme had been acquired.
- (c) That whilst the State Government is being asked to purchase the land, there are still costs to Council for preparatory work and organisational work which needs to be done to facilitate and support any application to the State Government.

As a result, the South Precinct would like to be informed about

- (a) Whether stage 2 of the walking track is included in the Coastal Lands Protection Scheme and
- (b) Whether there are any plans currently in place to provide Council budgetary support for "on the ground" and organisational work associated with a stage 2 application, given that as the scheme approaches finality funding may become scarce and Council may need to act quickly.

The South Precinct also requests that at some future meeting, Council staff might make a presentation to the Precinct on stage 2 of the Coastal Walking Track.

Motion re South Werri Dunes and beach

That South Precinct notes:

- (a) The decision by Council to convene a meeting of organisations and residents of Gerringong and Gerroa that have an interest in the future of South Werri beach and dune area.
- (b) That it was stated by staff at the meeting that the area in question is Crown Land and is currently managed by Council on behalf of the Crown.
- (c) That changes to that management would have to wait until the current Plan of Management development process was completed. This was estimated to be about June 2021.
- (d) That there remain a number of biodiversity mapping, zoning and categorisation inconsistencies that have to be resolved before a full understanding of management options is available (as mentioned at the 20 October 2020 Council meeting and in the Kiama Local Strategic Planning Statement).

As a result, South Precinct requests Council to ensure that the proposed meeting has a focus on:

- (a) Making clear to the community how it can have an input into the Draft Plan of Management process for Council managed Crown land at south Werri Beach, i.e. the dune vegetation aspect of the Crown land reserve.
- (b) Providing the community with a scientific understanding of best practice coastal management, including dune vegetation management and particularly in relation to increasing climate change impacts.
- (c) Explaining the role that Werri Beach dune care has had in being the principal carer of dune vegetation at Werri Beach for approximately eighteen years and providing interested parties with contact details so that they may get in touch with the organiser of Werri Beach dune care if they wish to volunteer to assist in dune care management.
- (d) Providing the community with an explanation as to what actions Council has taken in regard to dune vegetation vandalism at Werri Beach.

And that the South Precinct be given sufficient notice that its members can be notified.

**MINUTES OF THE SOUTH PRECINCT MEETING
held on Thursday 15 OCTOBER 2020 Gerringong Town Hall**

Meeting Opened: 7:30 pm

Attendance:

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: Leanne Mitchell, Patrick Mahedy, Derek McMahon, Mark Westoff, Alma McPherson, Helen McDermott, Sandra McCarthy, Raewyn Thomson, and Shane Douglas.

Moved: acceptance of apologies **carried**

Minutes of Previous Meeting

Moved: that the minutes of the ordinary meeting of Thursday 17 September 2020 be accepted. **Moved:** Chris Cassidy **Seconded:** Damian Morris **carried**

Business Arising From Minutes:

Correction Safety Hazzard on Fern Street, Brian Corless believes this to be a Council issue and hopes Council will take lead role in this.

Correspondence IN:

- Invitation to Connecting Over Fair Food- Online Event.
- Jupiter St Tree Clearing
- Parking on Fern St Anne Mout
- DA 215 Princess Hwy Kiama Heights KMC
- [GCA newsletter](#)

Correspondence OUT:

- October Minutes
- Agenda for November meeting.
- KMC Business papers October

Executive Report

- Nothing to report

Council Papers/Development Applications

Report saved. Presented at the meeting by Damian.

Traffic Committee: Reduction in speed limit from 60 to 50 km/h on Crooked River Rd. Parking on Noble Rd, parking all day in 2 hour parking vehicles for sale on Fern St.

Safety Committee: No meeting.

Treasurer's Report

Balance \$ 642.92

General Business:

- Neil Reilly spoke regarding Crown Lands.
- David Kleinhamms spoke in regards to STRA issues at Gerroa.
- William Barber: Lloyd Rees Reserve rubbish issue at North end Werri Beach, where the walking track ends.
- William Barber spoke regarding issues of parking in a NO STOPPING ZONE on the Western side of Pacific Ave, at North end Werri Beach.

Meeting closed: There being no further business the Chair closed the meeting at 8:32pm

Next Meeting: Thursday 19 November 2020 Gerringong Town Hall.

Motion

As council has accepted that the pedestrian trip hazard in Fern St Gerringong, opposite Gerring St and into Noble Reserve, extends beyond the immediate area surrounding the Telstra manholecover and into Noble Reserve, I request that council staff take a proactive role in coordinating with Telstra to ensure that work to rectify this hazard is completed in an urgent and timely way."

**MINUTES OF THE SOUTH PRECINCT MEETING
held on Thursday 21st November 2019 at Gerringong Town Hall**

AMENDED MINUTES

Meeting Opened: 7.30 pm

Attendance: 27 as per attendance book

Chair: Chris Cassidy **Minutes:** Shane Douglas

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

Apologies: Warren Holder, Alma Macpherson, Cr Westhoff, and Cr Reilly.

Moved: acceptance of apologies Chris Cassidy/ Shane Douglas
carried

Minutes of Previous Meeting

Moved: that the minutes of the ordinary meeting of Thursday 24th October 2019 be accepted.

Jennifer/ Susan Griffiths
carried

Business Arising From Minutes: Amendment to October minutes as the motion regarding Cars parked for sale on Fern Street had been omitted.

Special welcome to: Andrew Wales Gerringong Association.

Correspondence IN:

1. Mayor's Giving Tree.
2. KMC Kiama Local Strategic Planning Statement tech papers.
3. Lorraine notice DA 168 Fern Street Gerringong planning
4. Cr Westoff apology & objection to DA for 168 Fern Street.
5. Susan Short Term Rental Accommodation
6. Gerringong Association invitation for Tuesday 26th November meeting @ bowling club.

7. Andrew Morgan Werri Sand Dune vegetation vandalism

Correspondence OUT: November Minutes to FB, Discussion Group and KMC.

Executive Report

- Chris raised FB 3rd party advertising. Outcome is that the issue will be discussed by Executive and then sent to SP discussion group prior to the November Meeting.
- Search made regarding KMC invite to comment on draft CCP.

Council Papers/Development Applications (Damien Morris)

- 128 Fern Street Meeting cancelled further action.

Report saved in November Minutes.

Traffic Committee

Minutes entered into Correspondence. Moved Stephen Brazier 2nd Chris Cassidy.

Safety Committee

No meeting, nothing to report.

Treasurer's Report

Balance \$146.72

General Business

1. Motion of thanks & congratulations to Derek McMahon for the work he does in raising money every year for Convoy through the People's Truck. Moved: Stephen Brazier 2nd Chris Cassidy.
2. Chinese Wasp web site www.wackthewasp.simplesite.com
3. **Gerringong Association update:** Andrew Wales gave the following update
 - 6th December 2019 Christmas Sorree with a Christmas Light Competition.
 - RMS endorsed 2 signs North & South Entrance from the bypass.
 - More trees on Fern Street are having lights installed for Christmas.
 - Planning meeting for 26th November gathering all town groups and clubs.
4. Cooke Park no Facilities for disabled
5. Raise question with Council regarding policy for Carers Of Handicapped people attending aqua classes at Leisure Center.
6. Helen McDermott from Gerringong Historical Society gave a presentation on a book launch called "A Vision Splendid The People & Times of Gerringong".
7. Andrew Morgan- Werri Beach Sand Dunes, extensive pruning has occurred.

Amended to read "extensive vandalism has occurred."

- Motion from Andrew Morgan as follows:

"South Precinct acknowledges the hard work of the community and council in establishing and maintaining a viable, vegetated dune system at Werri Beach for over 30 years. South Precinct believes these dunes and their associated vegetation are a valuable community asset that protects against erosion and provides a valuable habitat for birds, reptiles and small mammals. South Precinct supports the Council in their efforts to eliminate tree vandalism on Werri Beach and throughout the Kiama municipality by adopting responses as set out in their Tree and Vegetation Vandalism Policy 2018."

Proposed: Andrew Morgan 2nd Stephen Brazier **CARRIED**

8. Motion from Susan Griffiths " That South Precinct write to the Commissioner for Fair Trading and request a telephone contact and email address for any complaints regarding Short Term Rental Accommodation in the period between now and the draft code being implemented. Moved Susan 2nd Linda Brazier passed.

9. Annette Pust Spoke about affordable housing.
10. Motion from Stephen Brazier " KMC to provide policy to completely Ban 4 wheel driving on any Beach for Recreation" 2nd Susan Griffiths. Passed

Meeting closed: There being no further business the Chair closed the meeting at 9.30pm

Next Meeting: Thursday 19th December 2019

11.3 2019-2020 Annual Report

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

CSP Strategy: 4.3 Council and the community working together

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

Summary

This report presents the 2019-2020 Annual Report, which has been prepared in accordance with section 428 of the *Local Government Act 1993*.

Finance

As per adopted budget

Policy

Local Government Act 1993

Consultation (Internal)

All departments were consulted in the development of this report

Communication/Community Engagement

This report informs the community on Council's achievements in implementing its Delivery Program.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

[That Council receives and endorses the 2019-2020 Annual Report.](#)

BACKGROUND

Section 428 of the *Local Government Act 1993* requires all councils to prepare a report on its achievements in implementing its Delivery Program, which must be posted on the Council website and provided to the Minister by the end of November each year. Council's financial statements for 2019-2020 have been audited by the NSW Audit Office. However, due to unforeseen circumstances the audit has not yet been finalised and an extension has been granted by the Office of Local Government to finalise the audit by 23 December 2020.

The Annual Report is an important means of communication between Council and the Community, providing information on progress made towards achieving the objectives and strategies contained in the Community Strategic Plan and four-year Delivery Program.

Report of the General Manager

11.3 2019-2020 Annual Report (cont)

The report also includes other information which is prescribed by legislation, including:

- amount of rates and charges written-off during the year
- details of any overseas visits by Councillors, Council staff or other persons representing Council
- Mayoral and Councillor expenses and cost of provision of facilities in relation to their civic duties
- details of all Government contracts over \$150,000
- summary of amounts incurred in relation to legal proceedings
- summary of work carried out on private land
- total amount granted to financially assist others (community groups, grants, etc.)
- information relating to external bodies, corporations, partnerships and joint ventures entered into
- information relating to Council's Equal Employment Opportunities management plan and other human resources activities
- information relating to the progress on delivery of strategies contained in Council's Disability Inclusion Action Plan
- senior staff remuneration
- information relating to rates and charges, access and equity, the National Competition Policy and Competitive Neutrality
- condition of public works and infrastructure
- management of the Companion Animals Act
- Government Information (Public Access) Act
- Public Interest Disclosure Act

As mentioned above, Council's financial statements for 2019-2020 have not yet been finalised by the NSW Audit Office. Therefore, this audited financial information will be provided to Council by separate report at a later date.

The Annual Report 2019-2020 will be provided prior to the Council meeting once finalised for printing.

12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**12.1 10.2019.112.2 - Lot 100 DP 1175715 - 1215 Jamberoo Road, Curramore - Modified - Demolition of existing water slides and pool & construction of water slides, children's play area & pedestrian facilities**

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 the Section 4.55 Modification of Consent Application No. 10.2019.112.2 which involves the modification of consent for the demolition of existing water slides and pool & construction of water slides, children's play area & pedestrian facilities.

The report recommends that Council approve Section 4.55 Modification of Consent Application No 10.2019.112.2 as the proposal is:

- Permissible on the site under Schedule 1 – Additional permitted uses of Kiama LEP 2011; and
- generally consistent with the Kiama Development Control Plan 2020 (DCP).

Finance

N/A

Policy

N/A

Consultation (Internal)

Please refer to “Internal Referrals” section in this report.

Communication/Community Engagement

Required: Yes (newspaper advertisement and letter notification)

Notification Period: 14 days from 28/07/2020 to 11/08/2020

Submissions: Nil submissions

Reason for the Report

This report is submitted to Council because only the elected Council can determine applications to modify development consents with a Capital Investment value exceeding \$2 Million.

Report of the Director Environmental Services

12.1 10.2019.112.2 - Lot 100 DP 1175715 - 1215 Jamberoo Road, Curramore - Modified - Demolition of existing water slides and pool & construction of water slides, children's play area & pedestrian facilities (cont)

Attachments

1 10.2019.112.2 - Plans [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council approve Section 4.55 Modification of Consent Application No. 10.2019.112.2 under Section 4.55 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

BACKGROUND

Development Site

The property is described as Lot 100 DP 1175715, which is located at 1215 Jamberoo Road, Curramore.

The overall site measures 22ha and is irregular in shape. The site currently contains the Jamberoo Action Park and is bounded by rural land containing principally dwellings and pasture land. Jamberoo Road adjoins the site to the east.

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

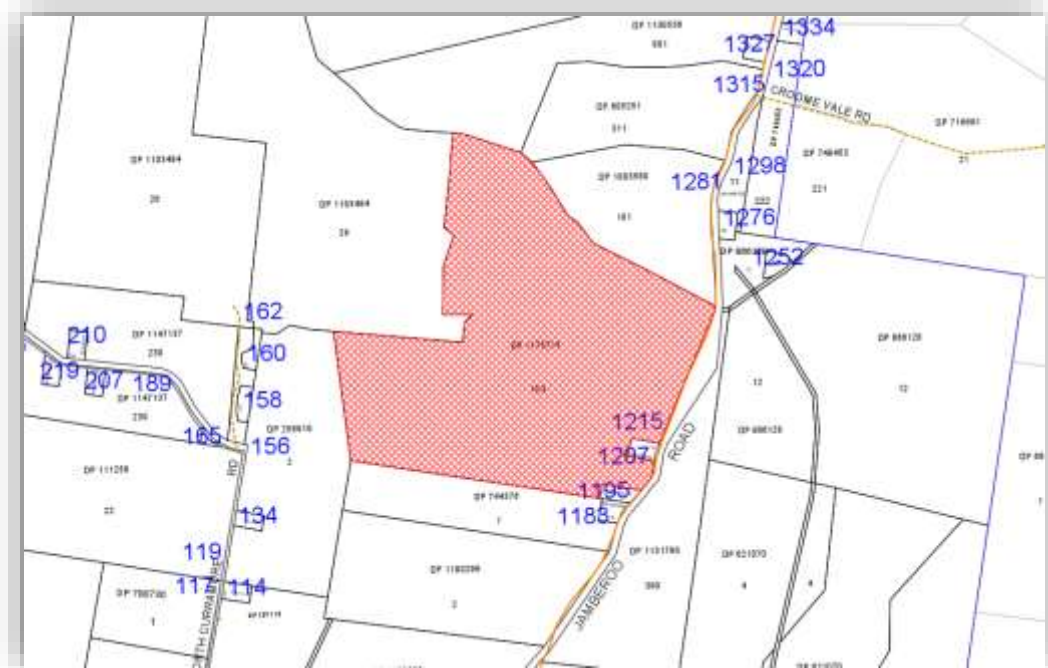
The site is undulating in topography, but generally inclines progressively steeply toward the north-west.

The site is generally cleared of vegetation with the exception of the north and west of the site that supports remnant pockets of vegetation, as well as intermittent groups of trees and landscaping within the park.

The site drains through the existing system to the adjoining public road/natural watercourse.

Report of the Director Environmental Services

12.1 10.2019.112.2 - Lot 100 DP 1175715 - 1215 Jamberoo Road, Curramore - Modified - Demolition of existing water slides and pool & construction of water slides, children's play area & pedestrian facilities (cont)



Item 12.1

Figure 1 – Locality Plan (↑N)

Access to the property is obtained from Jamberoo Road. The site is serviced with electricity and telecommunications.

The site is subject to the following constraints:

- Bushfire affectation.
- Potential flooding affectation.
- Potential aboriginal objects.
- Services/easements.
- Areas mapped in Kiama LEP 2011 as terrestrial biodiversity/riparian land and watercourses.

Report of the Director Environmental Services

- 12.1 10.2019.112.2 - Lot 100 DP 1175715 - 1215 Jamberoo Road, Curramore - Modified - Demolition of existing water slides and pool & construction of water slides, children's play area & pedestrian facilities (cont)

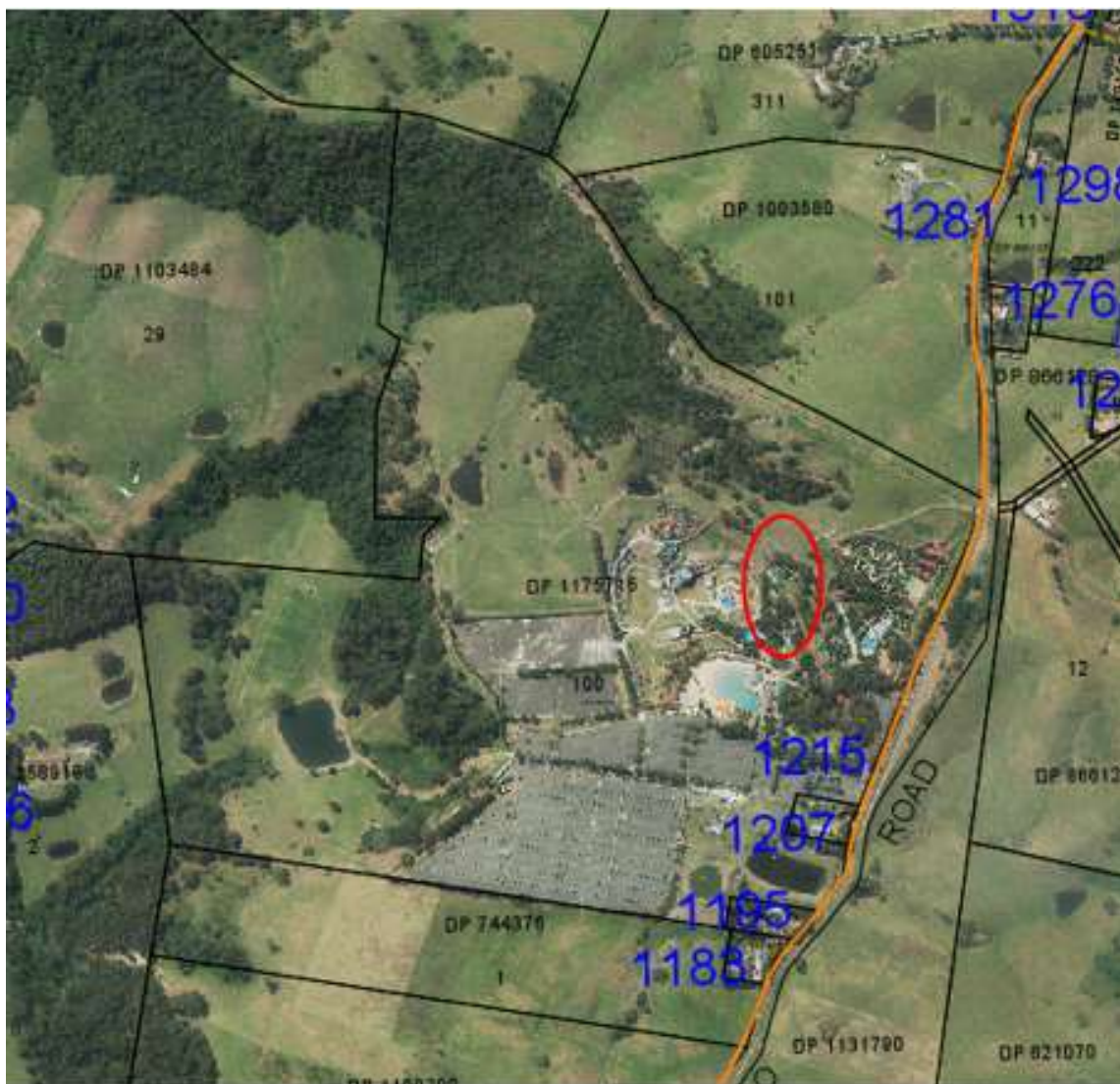


Figure 2 – Site Photograph – general development area circled in red (2016 View, ↑N)

Item 12.1

Report of the Director Environmental Services

- 12.1 10.2019.112.2 - Lot 100 DP 1175715 - 1215 Jamberoo Road, Curramore - Modified - Demolition of existing water slides and pool & construction of water slides, children's play area & pedestrian facilities (cont)



Figure 3 – Development Site Photograph as circled above (2019/20 View, ↑N)

Section 4.15 Assessment

The proposed modification 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

Background

The recent Development Application history is as follows:

Item 12.1

Report of the Director Environmental Services

12.1 10.2019.112.2 - Lot 100 DP 1175715 - 1215 Jamberoo Road, Curramore - Modified - Demolition of existing water slides and pool & construction of water slides, children's play area & pedestrian facilities (cont)

DA No.	Description	Lodgment	Determined	Decision
10.2009.126.1	Addition to recreation park	12/06/2009	27/08/2010	Appeal dismissed
10.2011.2.1	Expansion and upgrade of Jamberoo Action Park	06/01/2011	14/07/2011	Approved by Joint Regional Planning Panel
10.2011.2.2	Expansion and upgrade of Jamberoo Action Park	30/11/2011	01/03/2012	Approved
10.2011.2.3	Expansion and upgrade of Jamberoo Action Park	14/09/2012	19/09/2012	Approved
10.2011.2.4	Expansion and upgrade of Jamberoo Action Park	28/01/2015	12/03/2015	Approved
10.2012.170.1	Use of sealed carpark	15/08/2012	15/10/2012	Approved
10.2013.114.1	Ticket sales building, toilet block and toboggan track work	30/05/2013	31/07/2013	Approved
10.2019.112.1	Demolition of existing water slides and pools and construction of water slides, children's play area, picnic shelters and pedestrian facilities.		17/12/2019	Approved

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The proposal does not conflict with previous development consents granted.

Description of the Consented Development

The development consent issued in respect of Development Application No 10.2019.112.1 was for the demolition of existing 2 water slides and 2 pools and construction of 'Velocity Falls' water slides, 'Koala Cove' children's play water park, shelters, pedestrian facilities including a bridge straddling the Velocity Falls slides for pedestrians and a toboggan tube, lookout platforms and landscaping including artificial rock landform and an artificial waterfalls.

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The approved Velocity Falls water slide consist of 10 individual slides, including 8 'Kraken Racer' slides, 1 multi bump slide and 1 'Turbo Twister' slide.

The approved Koala Cove new children's water play area consists of pools and aqua play structures, including small slides and interactive water play, on "soft landing" style flooring.

Approved shelters include 6 picnic shelters, 6 double cabanas and 2 triple cabanas, as well as well as queue shelters at the top of the Velocity Falls slides and 1 at the base of the slides.

No alterations to the existing access and onsite vehicle parking arrangements were proposed.

The theme of the 'Velocity Falls' water slide is inspired by Fitzroy Falls, with finish colours adopting those of the local escarpment.

Soil and material excavated from the site for the purpose of the development, along with demolition waste, is to be disposed of at an appropriate waste facility.

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Figure 4 – Approved development 10.2019.112.1 (Velocity Falls, Koala Cove, shelters etc.)

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Figure 5 – Approved Velocity Falls development 10.2019.112.1

Description of the Proposed Modified Development

The applicant summarizes the proposed modifications to the approved development as follows:

- 1) *“Alteration to the position of the approved waterslide within the site to minimise excavation, reduce conflicts with existing installations.*
- 2) *The colour of the waterslide is generally consistent with the theme originally proposed, however slight changes to the colour of the waterslide are necessary due to manufacturing limitations.*
- 3) *Minor changes to pedestrian facilities associated with the new rides.*
- 4) *Minor changes to the design and location of the proposed picnic huts.*
- 5) *It is proposed to include a condition of consent allowing the development to be carried out in three stages. Stage 1 being for the velocity falls and stage 2 being the construction of the proposed cabanas and landscaping, Stage 3 is the construction of Koala Cove.*
- 6) *It was originally outlined within the submitted Waste Minimisation Plan to dispose of excavated fill material to an approved landfill location. In the interest of achieving better environmental outcomes, it is now proposed to re-use the fill on site. This will minimize truck movements, associated noise, impacts on local roads and it will ensure excavated material remains onsite.”*

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Beyond this, it was noted that the approved pedestrian/toboggan bridge over the new slides is now proposed to include pillars and suspension cables to emulate a suspension bridge, in line with the rain forest theme of the approved Velocity Falls attraction.

The applicant advises that the pillars will have a finish height of 9.4m above natural ground level.

Furthermore, the approved development includes 6 picnic shelters, 6 double cabanas and 2 triple cabanas, amounting to 14 buildings, while the proposed modified development involves 17 buildings, consisting of 15 cabanas (12 double cabanas, 3 triple cabanas) and 2 BBQ shelters. These buildings are all located at the base and either side of the approved Velocity Falls slide, in a comparable location to the originally approved cluster of buildings.

The modified proposal is shown in Figures 6 - 17 below:

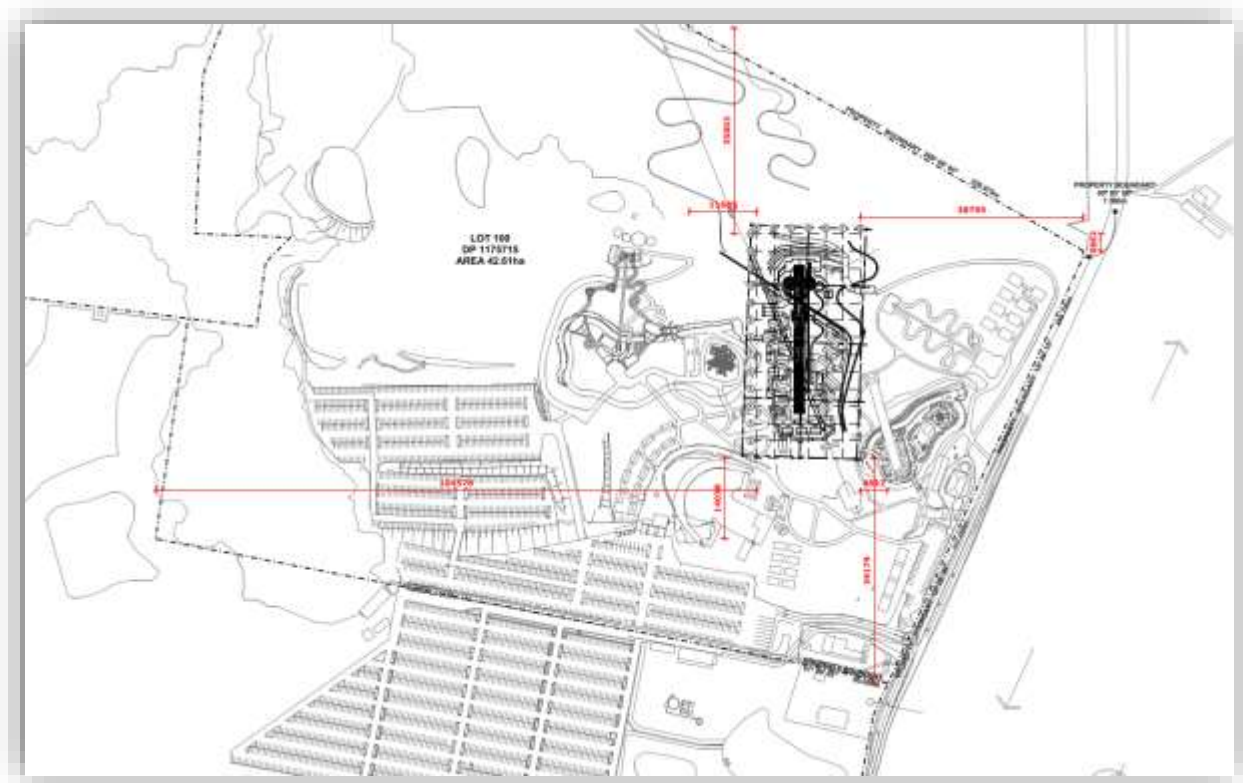


Figure 6 – Site Plan

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12.1 10.2019.112.2 - Lot 100 DP 1175715 - 1215 Jamberoo Road, Curramore - Modified - Demolition of existing water slides and pool & construction of water slides, children's play area & pedestrian facilities (cont)

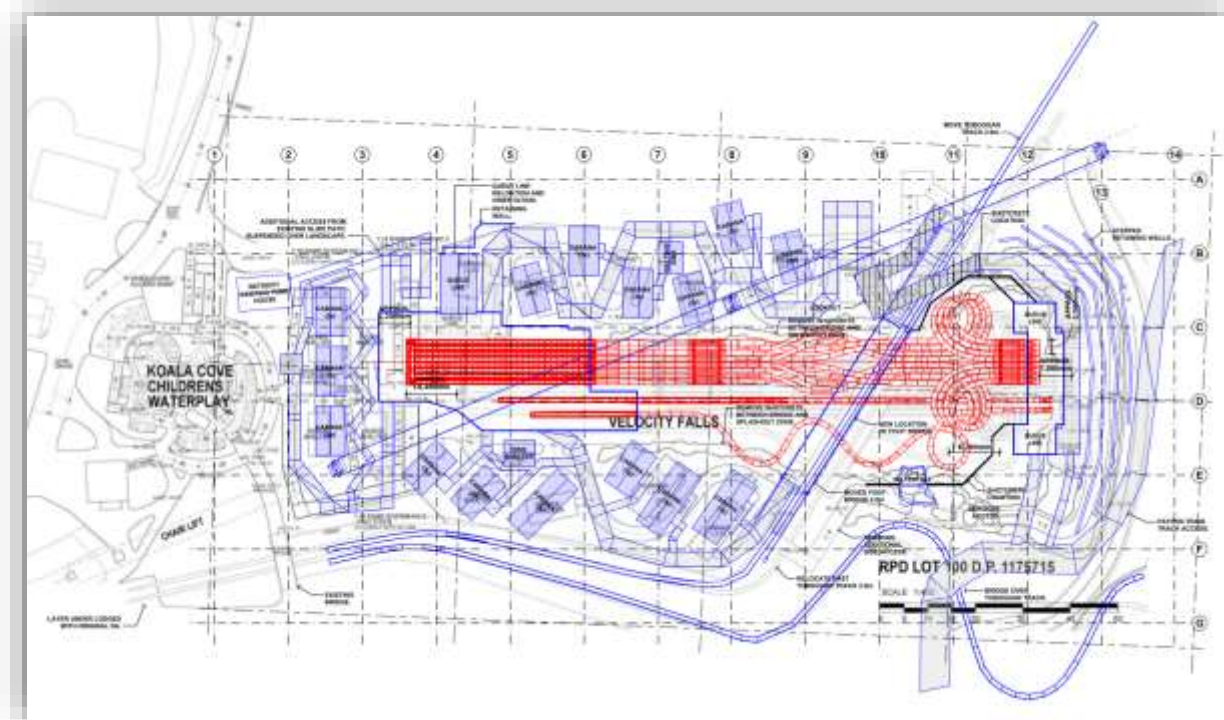


Figure 7 – Modified Plan

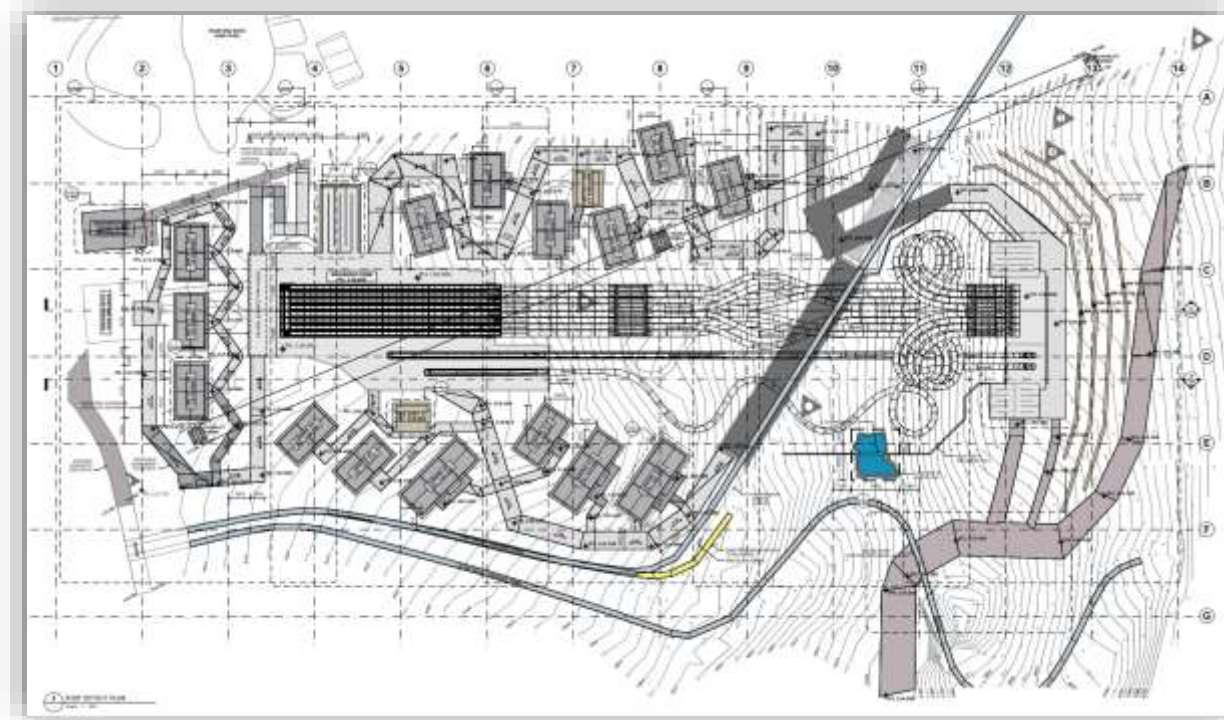


Figure 8 – Ride Setout Plan

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12.1 10.2019.112.2 - Lot 100 DP 1175715 - 1215 Jamberoo Road, Curramore - Modified - Demolition of existing water slides and pool & construction of water slides, children's play area & pedestrian facilities (cont)

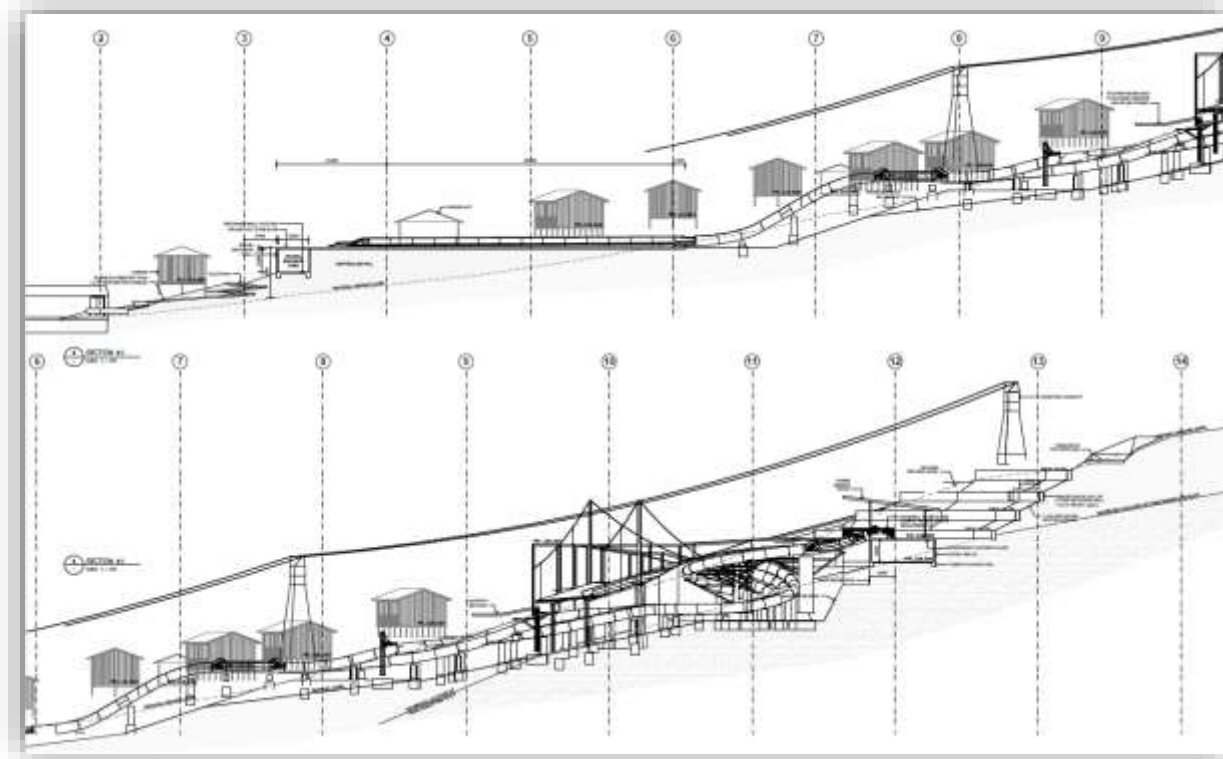


Figure 9 – Cross Section 1

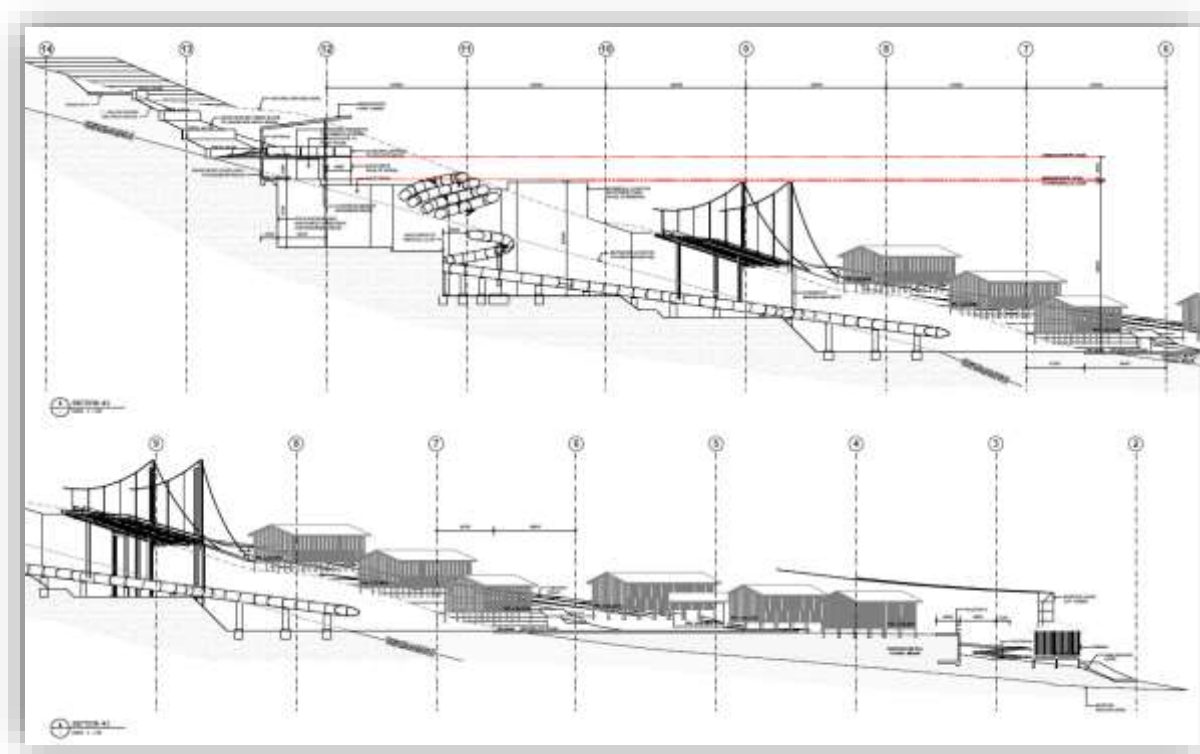


Figure 10 – Cross Section 2

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12.1 10.2019.112.2 - Lot 100 DP 1175715 - 1215 Jamberoo Road, Curramore - Modified - Demolition of existing water slides and pool & construction of water slides, children's play area & pedestrian facilities (cont)

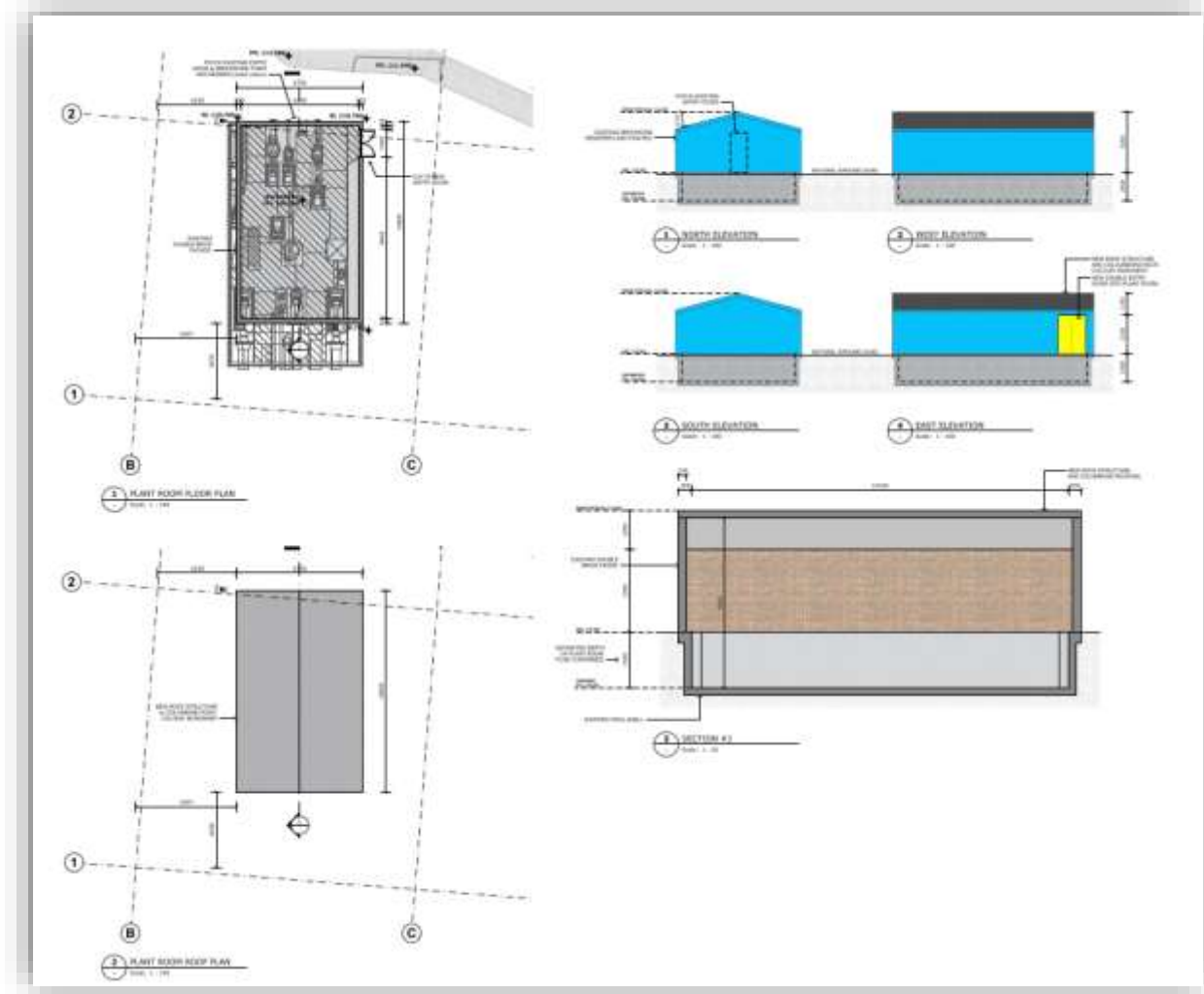


Figure 11 – Lower Pumping Station Floor plan, Roof plan, Elevations

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Figure 12 – Pedestrian/toboggan Bridge



Figure 13 – 3D Elevations

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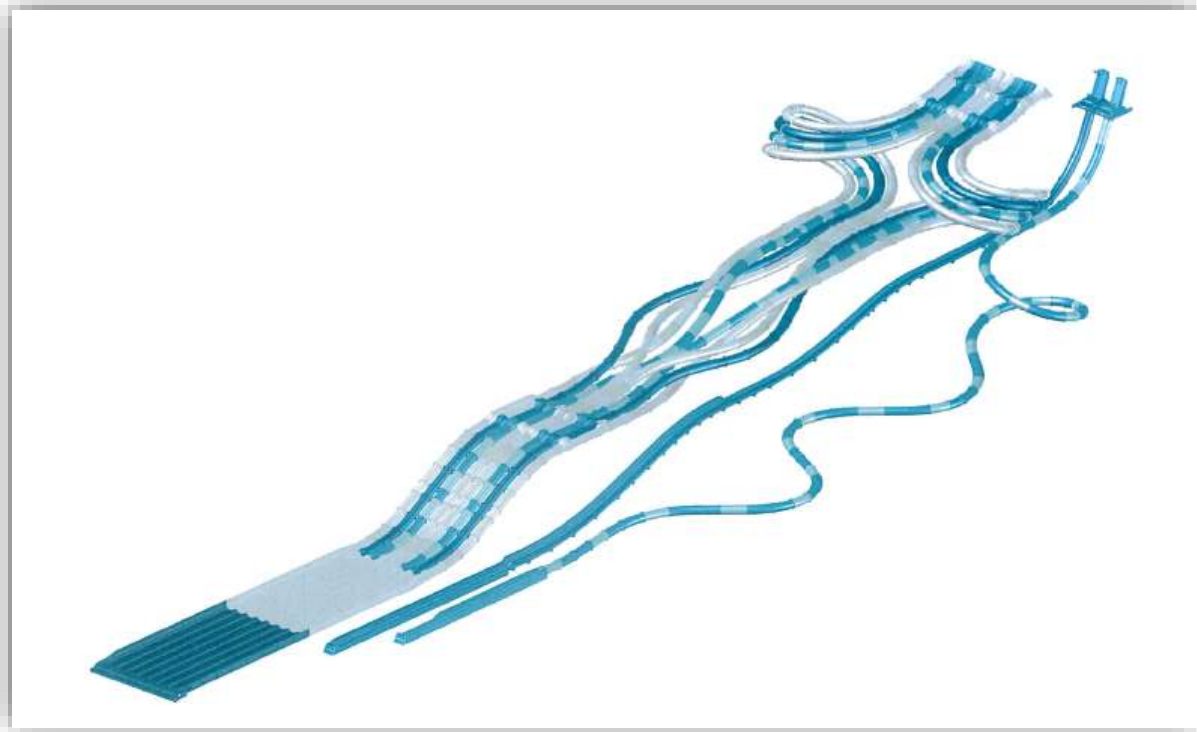


Figure 14 – Overall Slide Finish Colour

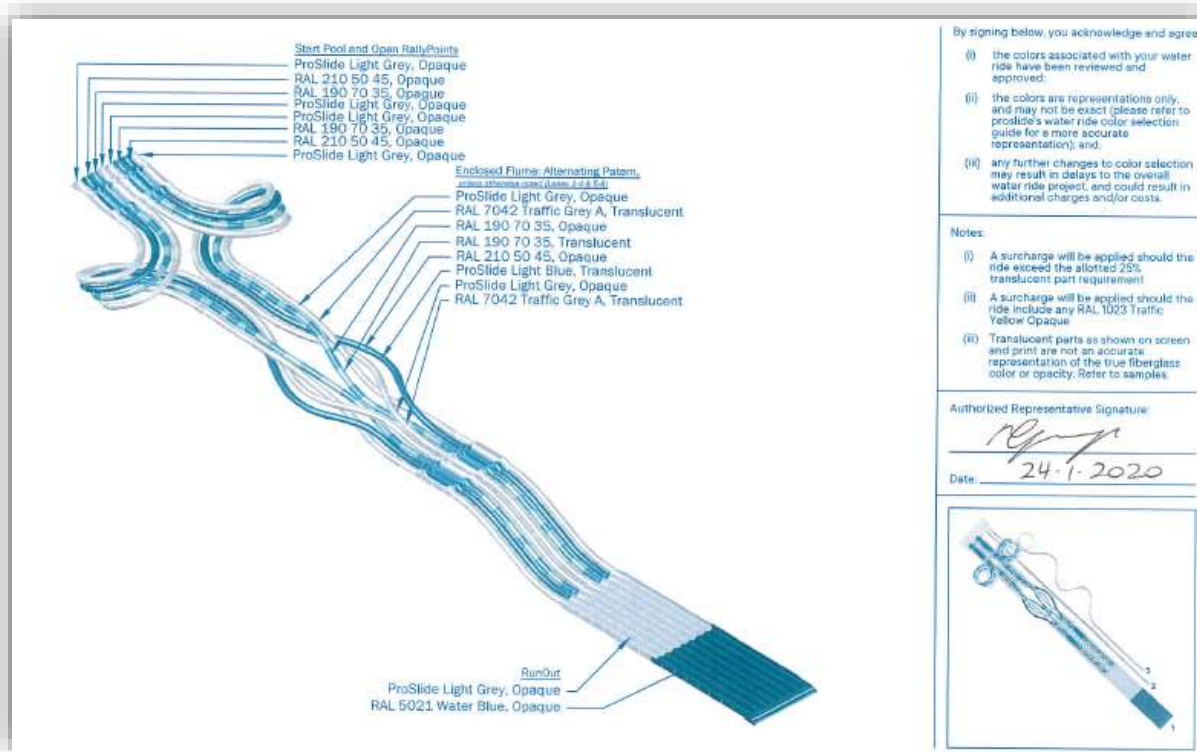


Figure 15 –Slide Finish Colour

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12.1 10.2019.112.2 - Lot 100 DP 1175715 - 1215 Jamberoo Road, Curramore - Modified - Demolition of existing water slides and pool & construction of water slides, children's play area & pedestrian facilities (cont)

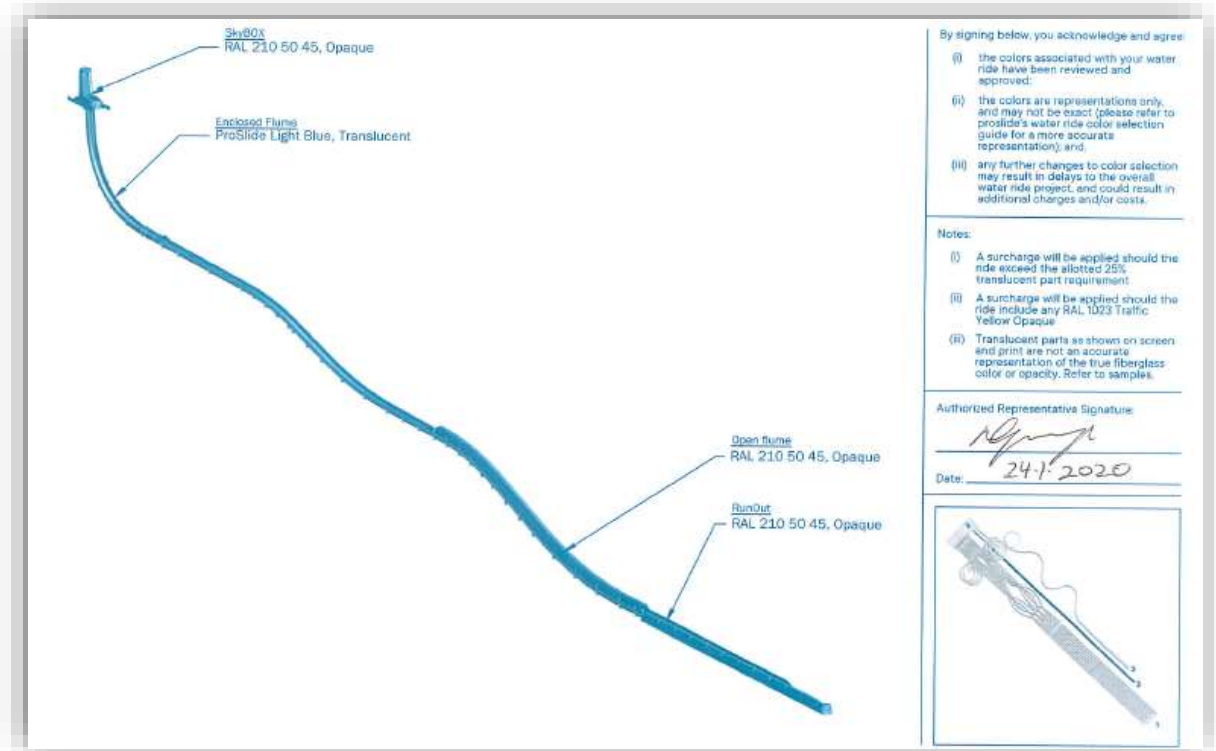


Figure 16 –Slide Finish Colour

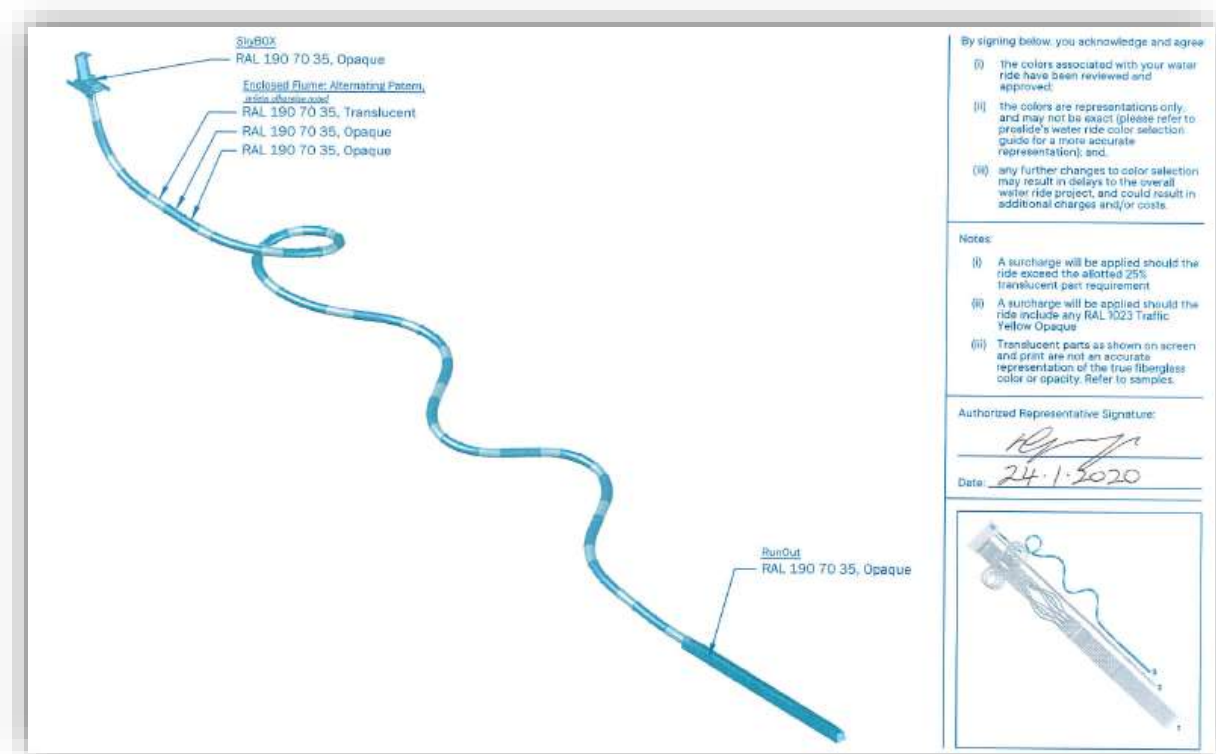


Figure 17 –Slide Finish Colour

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Modified - Demolition of existing water slides and pool & construction of
water slides, children's play area & pedestrian facilities (cont)

Section 4.55 Modification

Under Section 4.55 of the Environmental Planning and Assessment Act 1979, Council, when considering a request to modify a determination, must:

- a) *be satisfied that the development as modified is substantially the same development as the development for which consent was originally granted;*
- b) *consult with any relevant authority or approval body;*
- c) *notify the application in accordance with the regulations;*
- d) *consider any submissions made; and*
- e) *take into consideration the matters referred to in Section 4.15 as are of relevance to the development the subject of the application.*

These matters are addressed below:

Substantially the Same Development

Is the development substantially the same development?

Section 4.55(1A) and 4.55(2) of the Environmental Planning and Assessment Act 1979 requires the consent authority to be satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.

A Council must first determine whether the modified development will be 'substantially the same' as the development that was originally approved (before any modifications had been made to it). Councils must therefore decide in the circumstances if a development will be substantially the same development.

Councils must compare the likely impacts of the proposed modified development, including the environmental, social and economic impacts, with the impacts of the original development

"Substantially the same" in this context means essentially or materially having the same essence.

This involves a comparison of the proposed modifications to the approved development and the development originally approved involves both a qualitative and quantitative analysis.

When a Council looks at the impacts of the proposed modified development, the modified development includes all modifications made to the development since the original consent was granted.

When a Council looks at the impacts of the original development, the Council must consider the impacts of the original development as if they were occurring at the time the modification application is determined, not at the time the original application was determined. This comparison takes into account any changes to the external environment that have occurred since the original development consent was granted.

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Where the applicant seeks to modify an aspect of the development that has been modified before, the Council must make the comparison between the proposed modified development and the original development carefully.

In relation to the characterisation of the modified development according to the land-use definition in the Dictionary to Kiama LEP 2011, the land-use has not changed from that which was originally approved, which satisfies the requirements of Clause 2.3(1)(b) to Kiama LEP 2011 as development that may be carried out only with consent.

The bulk, size, shape, finishes and general height are materially the same as in the approved development overall. Similarly, the site coverage, setbacks and landscaped areas of the modified proposal are consistent with the consented development.

The development being modified is therefore substantially the same development as the development for which consent was originally granted.

Consultation with any Relevant Authority or Approval Body

The NSW RFS were consulted in the assessment of the proposed modification. No other authorities or bodies were required to be consulted.

Application notification in accordance with the Regulations

The application was notified in accordance with the regulations and Council's policy.

Consideration of any Submissions

The submissions received have been addressed in the report below under the heading 'Public Submissions'.

Matters referred to in Section 4.15 as are of relevance to the Development

The matters of relevance are addressed below:

Relevant Environmental Planning Instruments

State Environmental Planning Policy No 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 suitable for the proposed use. The proposed modification does not alter this.

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. The Ecological report dated 14 February 2019 accompanying the development application did not identify any unacceptable environmental impact. The vegetation on the development site is believed to be derived from previous landscaping of the original waterslide and was a cleared paddock when the grass skiing started. The clearing of trees is below Biodiversity Offset Scheme threshold. This is not significantly altered by the proposed modification.

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State Environmental Planning Policy (Infrastructure) 2007

Section 104 of the SEPP relates to traffic-generating development. Where a proposed traffic generating development, of a purpose identified in Column 1 of the Table to Schedule 3 of the SEPP, involves the enlargement or extension of an existing premises, Section 104 requires the consent authority to give written notice to RMS of the development application and take into consideration any submission from RMS before determining the application. Column 3 of the Table to Schedule 3 of the SEPP applies to development having direct access to a classified road. Jamberoo Road is a classified road.

Schedule 3 of the SEPP prescribes that an application is only required to be referred to RMS if the proposed development (of the purpose proposed) is expected to result in an increase of 50 or more motor vehicles per hour onto the classified road.

In the original application the applicant pointed out that the proposed (subsequently approved) water slide and child play pool replace existing water slides and pool. Although the scale of the replacement development is substantially larger than the existing slides, the applicant contended that the increased visitation numbers because of the proposed development would not exceed 50 motor vehicles. The proposed modification does not alter this.

Council's Engineers have raised no objection to this position. As with the original application, the modified proposal has not been referred to RMS under Section 104 of the SEPP as it is not deemed to be necessary having regard to Schedule 3.

Kiama Local Environmental Plan 2011Clause 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 Local Environmental Plan (LEP) 2011. The approved development the subject of the modification is defined as a '*recreation facility (major)*' under the provisions of the LEP 2011, which are prohibited in the RU2 Rural Landscape zone within which the development is proposed.

Schedule 1 of the LEP - Additional permitted uses, identifies at 1 use of certain land at Jamberoo Road, Curramore. The Schedule identifies part of Lot 1 DP 1070506 and part of Lot 3 DP 258919, identified as "1" on the Additional Permitted Uses Map (Figure 18 below).

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Figure 18 – Additional Permitted Uses Map 007\

Lot 1 and Lot 3 have since been amalgamated into the current Lot 100 DP 1175715.

Schedule 1 states that development for the purpose of...

“a recreation facility (major) being an amusement park, function centre and any other facilities associated with an amusement park, such as shops, refreshment rooms and amenities”

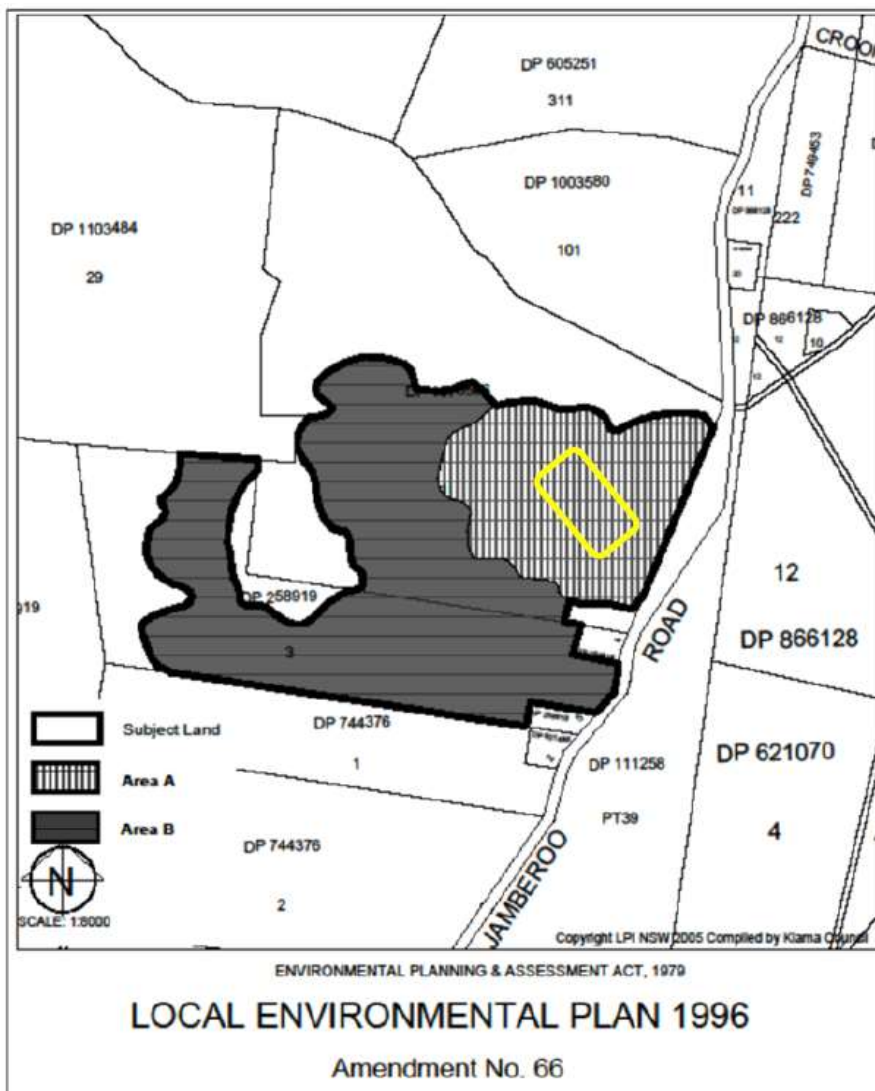
...may be permitted in area A.

Area A covers the existing amusement park inclusive of the area proposed to be re-developed under this development application (indicated in the yellow rectangle in Figure 19 below).

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Figure 19 – Areas A & B

As with the original approval, the proposed modified development is therefore permissible under Schedule 1 of Kiama LEP 2011.

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.

Since the Jamberoo Action Park is included as an additional permitted use under Schedule 1 of the LEP, and would otherwise be a non-conforming use in the zone, the RU2 zone objectives have been considered but have been given little weight in the assessment of this application.

The objective of most relevance is:

To maintain the rural landscape character

Having regard to the approved development, the modification proposed does not alter the development such that it is considered to be contrary to the above objective.

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-

Specific clauses requiring consideration:

Clause 4.3 Height of Buildings

Clause 4.3 requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map. The subject site is not identified on the height of building map as being subject to a building height limit under Clause 4.3.

The artificial stone waterfall feature has a height of 9.8m above natural ground level and the proposed new imitation suspension bridge towers will have a height of 9.4m above natural ground level.

As the building height development standard of Clause 4.3 does not apply to the site, building height is a merit issue considered below under 'The Likely Impacts of the Development – Landscape/Visual Impact'.

Clause 5.10 Heritage Conservation

Clause 5.10 lists requirements for heritage conservation. A basic Aboriginal Heritage Information Management Services (AHIMS) search was undertaken in the original 4.15 assessment that identified no aboriginal sites, relics or places being recorded, or that have been declared, in or near the subject property.

Clause 6.2 Earthworks

Clause 6.2 lists considerations for proposals that involve earthworks.

The approved development involves substantial earthworks. The earthworks associated with the modified proposal indicated in the cross sections (Figures 7 & 8 above).

The approved development involved removal of surplus excavated material from the site to an approved waste facility; however, the modified proposal involves retaining the excavated material on-site in a cleared, vacant depression above the Funnel web slide, as shown in Figure 20 - 23 below:

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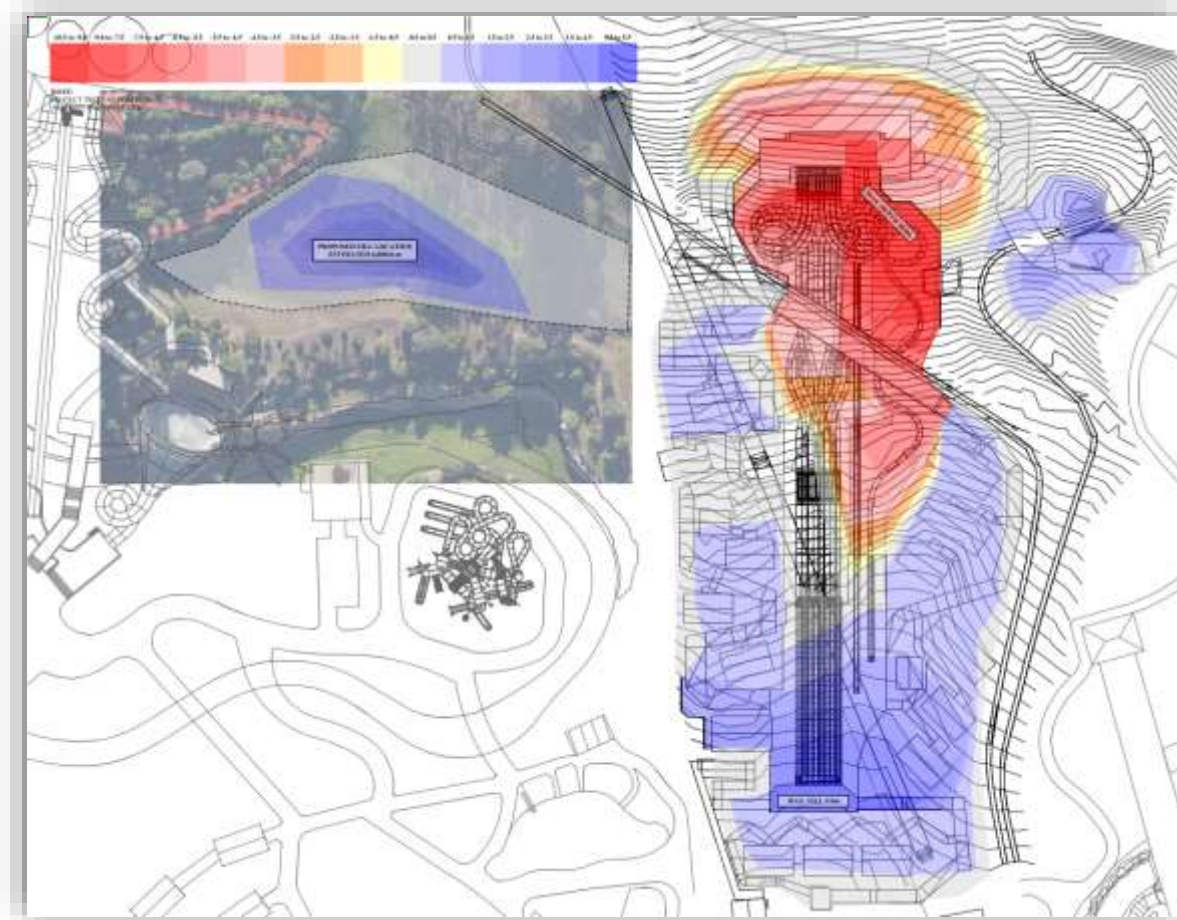


Figure 20 – Site Cut & Fill Plan

The area proposed to accommodate the surplus excavated material is a depression on the site and the fill is proposed to be graded to marry soil levels to the natural ridge. The applicant states:

“The intend is to fill the natural depression in the land between the proposed slide and the funnel web. We anticipate a volume of 6,000cbm of fill can be placed within this natural depression. The fill will not appear as a stockpile, but as a natural graded embankment. The fill will not extend past the existing natural vegetation. The fill in this location will be placed under geotechnical supervision to ensure stability.

Slope shall not be greater than 2 (L):1 (H) as per Geotech advice.

The final surface will be seeded with natural grasses.”

The applicant provided the following diagrams illustrating the proposed additional filling:

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Figure 21 – Fill location between the approved slide and Funnel Web

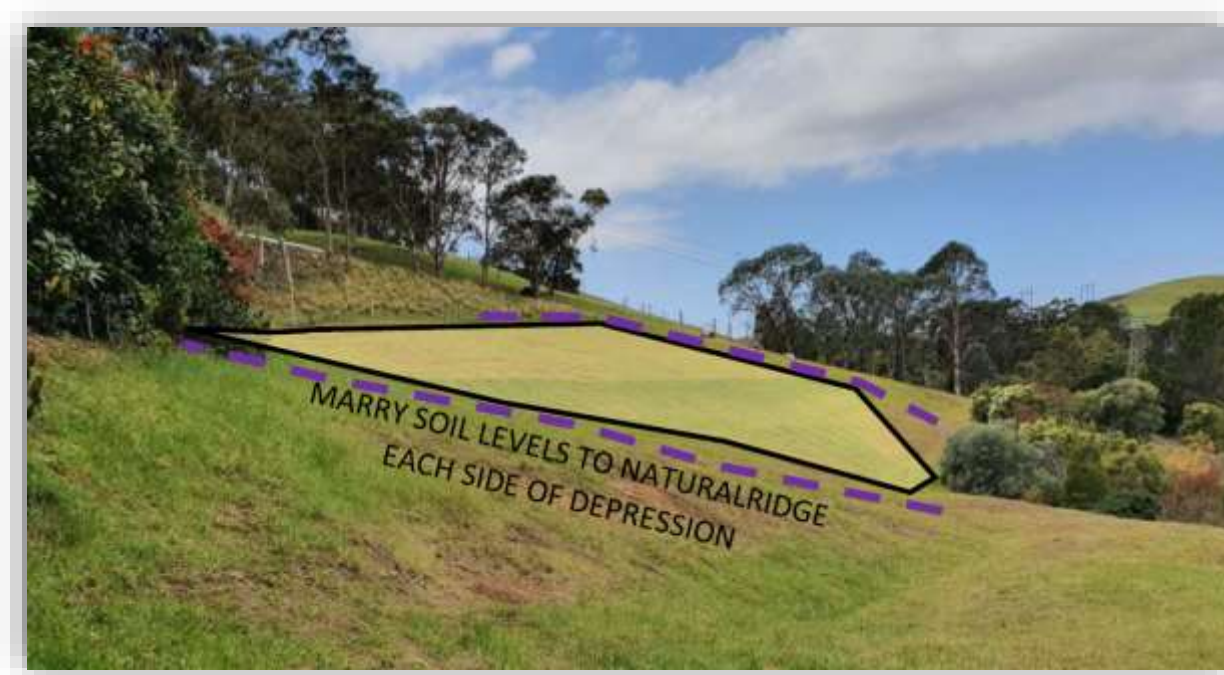


Figure 22 – View Point 'A' (from Figure 17)

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Figure 23 – View Point 'B' (from Figure 17)

The proposed filling of land above the Funnel Web will conform to the landform of the site and will not have a detrimental impact on environmental functions and processes, neighbouring uses cultural or heritage items or features of the surrounding land.

The modified proposal complies with the objectives of the clause and the proposal is acceptable having regard to the matters to be considered under sub-clause (3). Since the proposed earthworks are ancillary to the approved development, separate development consent is not required.

Clause 6.3 Flood planning

The approved development, and the modified development proposed by way of this application, is situated on elevated land above the flood planning level. No flooding concerns are raised.

Clause 6.4 Terrestrial biodiversity

The subject property contain stands of remnant vegetation, much of which is on the higher slopes in the northwest sector of the property and toward the west of the property. The majority of this remnant vegetation is mapped as terrestrial biodiversity under Kiama LEP 2011.

The mapped terrestrial biodiversity land coincides with the E2 Environmental Conservation and part of the E3 Environmental Management zoned land on the property.

The proposed modified development remains sufficiently clear of the mapped terrestrial biodiversity land and as such is designed, sited and will be managed to avoid any significant adverse environmental impact.

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Clause 6.5 – Riparian land and watercourses

Clause 6.5 lists considerations and requirements for land identified as containing riparian land and watercourses. The subject property is traversed by mapped Category 2 and 3 watercourses, with the Category 3 watercourse adjacent to the proposed development site.

As with the approved development, the proposed modified development is unlikely to result in any significant adverse impact on the watercourse or on water quality within the watercourse.

Implementation of erosion and sediment control measures will be conditioned to occur during construction of the development, should consent be granted.

The proposal meets with the objectives of the clause and the matters that are required to be satisfied prior to issue of consent.

The proposed development is consistent with the relevant provisions of the Kiama LEP 2011 and is permissible with consent under Schedule 1.

Draft State Environmental Planning Policy

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

Draft SEPP 55 – Land Remediation

The new SEPP will retain elements of SEPP 55, and add new provisions to establish a modern approach to the management of contaminated land.

The overarching objective of SEPP 55 is to promote the remediation of contaminated land to reduce the risk of potential harm to human health or the environment. This objective remains relevant and will be replicated in the new SEPP. The key operational framework of SEPP 55 will be maintained in the new SEPP.

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

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.

Kiama Development Control Plan (DCP) 2020

As with the approved development, the proposed modified development is generally consistent with the relevant objectives and controls under Kiama DCP 2012.

The main control of relevance to the modification is control C1 under Chapter 6 Rural Development, which specifies that an 8.5m building height limit is applied to, in general, all rural development.

This was discussed within the report submitted to Council in December 2019 for the approved development. The proposed modified development introduces 4 pillars around the approved single span footbridge/toboggan bridge (see Figure 12), to emulate a suspension bridge. The applicant advises that these pillars will have a finish height of 9.4m above natural ground level.

As DCP 2020 is the in-force DCP at the time of lodgement of the modification, the application must be assessed against DCP 2020. DCP 2020 does not include the 8.5m rural building height performance control that applied under the previous DCP 2012. Notwithstanding this, the visual impact of the proposed new pillars, for instance, are address on merit under 'The Likely Impacts of the Proposed Development – Landscape'.

The proposed modified development is otherwise considered generally consistent with the relevant objectives and controls within DCP 2020.

Any Planning Agreement

Nil

Any Matters Prescribed by the Regulations

NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast

The proposal does not compromise the strategic actions or principles (Appendix C - Table 3) adopted within the *NSW Coastal Policy 1997*.

Australian Standard AS 2601 - 1991: The Demolition of Structures

The proposal is not inconsistent with Australian Standard AS 2601—1991: *The Demolition of Structures*

Any Coastal Zone Management Plan

Nil

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The Likely Impacts of the Proposed Development

Landscape/Streetscape

From a landscape and streetscape perspective, the proposed modifications that have the most significant visual implications are (in no particular order):

- 1) Velocity Falls finish colours
- 2) Velocity Falls slide heights
- 3) Filling of land above the Funnel Web slide
- 4) Pillars and cables to emulate suspension bridge

Velocity Falls finish colours

The dominant element of the approved development is the Velocity Falls water slides, which adopts 'natural' finish colours reproducing a local waterfall and gorge. Comparison of Figure 5 (approved Velocity Falls) and Figure 14 (proposed modified Velocity Falls) demonstrates that the proposed modified finish colours are consistent with the approved development. Additional articulation is introduced with the modified colours, with some of the tubes being multi-coloured rather than a single colour. This helps promote the aesthetic and illusion of a waterfall and is considered acceptable from a visual perspective.

Velocity Falls slide heights

It is noted that the proposed modified Velocity Falls waterslide, with modified cutting and filling of the site, results in the lower parts of the Velocity Falls slides elevated above existing ground level where previously the slide was predominantly below natural ground level. This is illustrated in Figures 24 & 25 below (please note natural ground level lines):



Figure 24 – Extract of approved cross section of Velocity Falls

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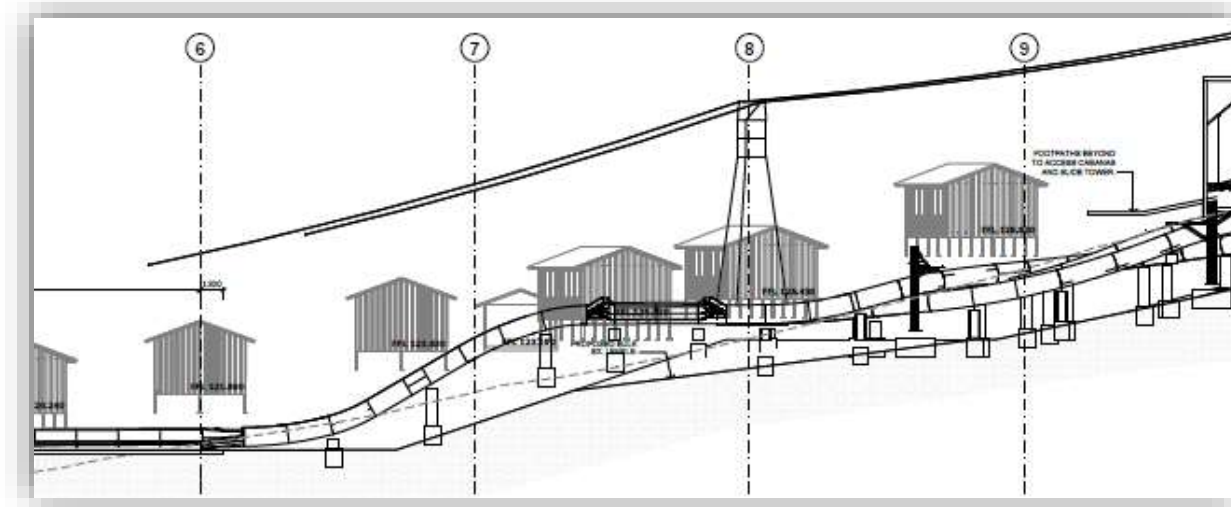


Figure 25 – Extract of approved cross section of Velocity Falls (dashed line indicated natural ground level)

The part of the Velocity Falls slide in question is the lower part of the attraction on less elevated land and is visually enveloped by the existing Jamberoo Action Park, as opposed to the top part of the slide, which is on more elevated and visually prominent land. The proposed modified slide heights are considered acceptable in terms of visual impacts.

Filling of land above the Funnel Web slide

This matter is identified and discussed above under Kiama LEP 2011 Clause 6.2 Earthworks. Once the excavated material is top dressed and grassed the landscape/streetscape visual implications of this aspect of the proposed modification are considered acceptable. As described, the excavated material will fill an existing depression in the land, with the finished filling conforming to the landform, meaning that once the fill material is settled and stabilised with grass cover the filling is expected to be visually cohesive with the hillside and landform.

Pillars and cables to emulate suspension bridge

The approved pedestrian/toboggan bridge over the Velocity Falls slides, under this modification, is proposed to include pillars and suspension cables to emulate a suspension bridge, which the applicant advises is more in line with the rain forest theme of the approved Velocity Falls attraction (refer to Figure 12). The applicant advises that the pillars will have a finish height of 9.4m above natural ground level.

As a structure, the pillars and suspension cables are visually lightweight elements. It is not a solid, bulky structure but rather, for the most part a visually permeable structural form. In many ways the pillars and cables are comparable and compatible with the existing chair lift at the park, which is not an obvious structural element in the context of the overall park. Although tall, at 9.4m above natural ground level, the proposed pillars with the suspension cables is generally considered acceptable in terms of visual impact.

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Overall, the design of the proposed modified development is considered reasonable when considered in relation to the context of the site and the existing Jamberoo Action Park infrastructure. The bulk, scale and design of the modified proposal is consistent the approved development, is consistent with relevant planning instruments and is generally not inconsistent with the prevailing Landscape/Streetscape having regard to the context of the development and the site.

Noise

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

Privacy and Overlooking

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

Overshadowing

The approved development and the proposed modified development do not have any adverse impact in terms of overshadowing.

Views

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

Vehicular Access, Parking and Manoeuvring

Sufficient car parking is available, as discussed with the original assessment.

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 of significance is to be removed. Council's Landscape Officer has raised no objection to the proposed modification.

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 have been imposed in relation to soil and water management controls to be implemented during construction. Satisfactory implementation of these controls will prevent significant impacts on soil resources. No change to this is brought about with the proposed modification.

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Impact on Water Resources – 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:

Traffic and Access

The development (and the existing development) obtains access directly from Jamberoo Road, being a classified road.

The approved development was not referred to RMS under Section 104 of SEPP (Infrastructure) 2007, as it was not deemed necessary having regard to Schedule 3 as no new car parking is proposed in the application that would otherwise mandate a referral to RMS. The proposed modification does not alter this.

Council's Engineers have raised no concerns with the modified proposal in relation to parking, traffic or access matters.

Contamination from previous land uses

There is no evidence of site contamination on this or adjacent sites that may present a problem for the development.

Effect on public domain

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

Utility needs and supply

The development is serviced by electricity and telecommunication services.

The proposed modified development is not likely to increase visitation rates of an extent that requires additional WC facilities and associated on-site disposal loading.

Similarly, existing water supplies (including potable supplies) and treatment systems are expected to be capable of supporting the approved and modified development.

- Safety, security & crime prevention

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

Operational waste

The modified proposal does not alter the existing waste collection service. Waste water will be disposed of via the existing system.

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-

Operational noise

This matter is discussed above under 'The Likely Impacts of the Development – Noise'. No significant concern is raised.

Risks to people & property from natural & technological hazards

- Bushfire risk – The subject land is mapped as being bushfire prone under Council's Bushfire Prone Land Planning Maps. The land mapped as bushfire prone encompasses the north-west/western section of lot 100.

The proposed modification was referred to the NSW Rural Fire Service (RFS) for comment. On 31 July 2020 the RFS responded confirming that they had no further requirements beyond the recommendations previously made dated 2 August 2019.

- Flooding – No significant concern is raised in relation to potential flooding. The proposed development is on elevated land and the proposed modification does not alter this or introduce further matters related to flooding.
- Geotechnical assessment – A geotechnical report (prepared by Coffey Geotechnics) was submitted in support of previous development application on the land. Council's Building Surveyor has raised no geotechnical concerns.

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.

SubmissionsPublic Submissions

Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period, no submissions were received.

External Referrals

The application was referred to the following State Government Departments.

The NSW Rural Fire Service (RFS).

The RFS have considered the modified proposal and no objection has been raised in relation to the proposed development.

The RFS recommend that the:

“proposed development shall comply with the recommendations outlined in the previous response dated 2 August 2019 with reference DA19072419720 BB.”

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The recommendations referred to were incorporated into the development consent notice issued at the time and this will not change should the modification be approved.

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. No modified 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. No modified conditions of development consent have been recommended should the application be approved.

Landscape Design Officer

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

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

Final Comments and Conclusions

The proposed modification has been assessed having regard to all relevant matters for consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act, 1979, and is considered to be substantially the same development.

The Section 4.55 Modification of Consent Application No 10.2019.112.2 is consistent with Kiama Local Environmental Plan 2011 and relevant Development Control Plan 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 modified development and no significant concerns are raised.

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The proposed modified development is considered to be reasonable and conditional approval is recommended.

Draft Conditions of Development Consent**General**

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2019.112.1 dated 17/12/2019 except as amended by the plan/drawing and supporting documents endorsed by Council as 10.2019.112.2 dated xx/xx/xxxx and except as amended by the following conditions: (g005.doc)

The development shall be undertaken in three (3) stages, as follows:

- Stage 1 – Demolition of existing slide and construction of Velocity Falls;
- Stage 2 - Construction of cabanas and landscaping around Velocity Falls; and
- Stage 3 – Demolition of existing children's water park and construction of Koala Cove.

Separate Construction Certificates and Occupation Certificates are to be obtained for each stage.

- (2) The Velocity Falls development and the shade shelters/cabanas are to be finished in external colours consistent with those indicated on the approved Drawing No. DA-04 Issue C stamped 10.2019.112.1, except as amended by the plans prepared by Proslide Technology Inc dated January 20, 2020 Sheets 1 – 4 inclusive and Drawing No. A-200, stamped 10.2019.112.2. Full details of the external schedule of finishing colours shall be submitted to Council prior to the issue of the Construction Certificate and shall be to the satisfaction of the Director of Environmental Services (g014.doc)
- (3) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable issue of a Construction Certificate. (g030.doc)
- (4) The development must not be occupied until such time as all conditions of this Development Consent, as relevant to each stage, are met or unless other satisfactory arrangements are made with the Principal Certifying Authority. (g040.doc)
- (5) The developer shall obtain a Controlled Activity Approval under the Water Management Act 2000. Written notification from the Natural Resources Access Regulator shall be submitted to the accredited Certifying Authority prior to the issue of any Construction Certificate.

Alternatively, written advice is to be received from Natural Resources Access Regulator confirming that a controlled activity approval is not required, with such written advice to be submitted to, and to the satisfaction of, the accredited Certifying Authority.

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This development consent does not permit any works required by the Natural Resources Access Regulator unless they are consistent with the approved plans.

(g045.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)
- (7) The developer shall provide and maintain temporary fencing around the development site to prevent unauthorised entry into the site by persons and shall remove the temporary fencing upon completion of all work. (g140.doc)
- (8) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:
- The variation in hours required.
 - The reason for that variation.
 - The type of work and machinery to be used. (g165.doc)
- (9) Prior to exportation of waste (including fill or soil) from the site, the waste materials must be tested and classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines. Materials identified for off site disposal must be removed by a suitably qualified contractor to an appropriately licensed waste facility. All waste disposal receipts shall be retained by the site manager and made available to Council on request to validate disposal of waste.
- (10) At all times work shall be carried out in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.

Contributions

- (1) A contribution under Section 7.12 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94A (Indirect Contributions) Plan shall be paid to Council prior to the issuing of a Construction Certificate. The total contribution required for the development is \$66,150.00, apportioned over the three (3) stages as follows:
- Stage 1 - \$39,690.00 (60% of total contribution)
 - Stage 2 - \$13,230.00 (20% of total contribution)
 - Stage 3 - \$13,230.00 (20% of total contribution)

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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.

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

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

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

- (3) A 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)

- (4) 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)
- (5) 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)

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.

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- d All the above requirements must be in place for the duration of the construction works. (esc005.doc)
- (2) The developer shall submit to the Principal Certifying Authority for approval prior to the issue of the construction certificate for the development, a detailed Erosion and Sedimentation Control Plan (ESCP) applying to the whole development site designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007). The ESCP shall consider the following, but not be limited to:
- a Minimise the extent of exposed areas at any time.
 - b Placement of temporary fill to fabric barriers down slope of exposed areas.
 - c Diverting surface run-off from upstream works as necessary to minimise to sediment pick-up.
 - d Provide temporary slope drainage as appropriate to avoid scour of embankments.
 - e Covering of stockpiles.
 - f Early installation of landscaping and water quality controls.
 - g Revegetation/resetting disturbed areas.
 - h Filtration of stormwater inlets and outlets.

All works on the site must be in accordance with the approved ESCP for the full duration of construction works and must provide an overall site detail. For staged development an ESCP shall be provided for each stage of the development. (esc015.doc)

- (3) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work. (esc020.doc)

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)

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-
- (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)

Demolition Works

- (1) Security fencing shall be provided around the perimeter of the demolition site and any additional precautionary measures taken, as may be necessary to prevent unauthorised entry to the site at all times during the demolition period.
(dw010.doc)

(2) **Asbestos – Statement Required**

No later than seven days prior to the demolition of any building or structure, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must also be provided:

- (a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-1991; and
- (b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991.

Asbestos – Licensed Contractors

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

Asbestos – Notification of Neighbours

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

Asbestos – Tip receipts

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

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Asbestos – Clearance Certificate

Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

Asbestos – Less than 10m² of Bonded Asbestos Sheeting

Demolition works involving the removal of less than 10m² of bonded asbestos sheeting may be carried out by a licensed builder who has completed an appropriate bonded asbestos removal course.

Completion of demolition works

Council will monitor and review the demolition of the structure to ensure all conditions of consent application to the removal of asbestos has been satisfied.

(dw015.doc)

Vegetation Management

- (1) No tree(s) shall have backfill placed around its base or have the original ground level altered. (vm010.doc)
- (2) No machinery, builder's materials and/or waste shall be located in or near any forested area or any area mapped as Terrestrial Biodiversity.

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 developer shall control the emission of dust from the site and in this regard watering and dust suppression equipment shall be kept on the site and used for this purpose. The developer must ensure that the contractor is able to control emission of dust from the site on weekends when windy conditions prevail. (cec025.doc)

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- (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 retaining walls in excess of 1.0 metre high. (bu105.doc)
- (7) 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)
- (8) Construction and demolition work, delivery of materials and plant, etc. shall only take place between the following hours;
- Monday to Friday - 7.00 am to 5.00 pm
Saturdays - 8.00 am to 1.00 pm
- No construction work is to take place on Sundays or Public Holidays. (bu151.doc)
- (9) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)

Geotechnical Requirements

- (1) Only clean fill (i.e. natural materials such as earth, rock and stone) is to be used in the development. Under no circumstances are any other material including (but not limited to) building, demolition, concrete, road materials and/or putrescible wastes, permitted to be used as filling on site. (gr060.doc)
- (2) All earthworks associated with the development shall be completed in accordance with AS 3798-2007 Guidelines on Earthworks for Commercial and Residential Developments. (gr075.doc)
- (3) No tree(s) shall have backfill placed around its base or have the original ground level altered. (vm010.doc)
- (4) No machinery, builder's materials and/or waste shall be located in or near any forested area or any area mapped as High Conservation Value.
- (5) All fill material excavation or ground activities must be managed under the Civil Contractors Unexpected Finds Guidelines Protocol for managing contamination.
- The placement of fill must not:
- Cause danger to life or property or damage to any adjoining building or structure on the lot or to any adjoining lot, and
 - Not redirect the flow of any surface or groundwater or cause sediment to be transported onto an adjoining property.

Bushfire Hazard Management

- (1) The provision of all new and the modification of any existing water, electricity, and gas services shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

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- (2) A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning - A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'. A draft plan shall be provided to the local NSW RFS District Office for comment. Any return comment from the District shall be adopted into an amended plan prior to issue of any Occupation Certificate.
- (3) All landscaping within the site shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Landscaping Works

- (1) A detailed landscape plan shall be approved by the Principal Certifying Authority prior to issue of the Construction Certificate for Stage 2. The plan shall be prepared in accordance with Chapter 8 of Kiama Development Control Plan 2012 and shall be consistent with the landscape concept plan. (lw010.doc)
- (2) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)
- (3) At the end of the 26 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent. (lw035.doc)
- (4) Prior to issue of the Occupation Certificate for Stage 2 the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent. (lw170.doc)

Health Requirements

- (1) The recreational water treatment system must be designed to ensure that the water supply, when treated, will comply with the *Public Health Act 2010* and *Public Health Regulations 2012* as amended and the *Public Swimming Pool and Spa Pool Advisory Document (NSW Health, 2013)* as amended.
- (2) All recreation water supplied to the pools and other water features must be tested and treated to a quality that complies with the *Public Health Act 2010* and *Public Health Regulations 2012* as amended and the *Public Swimming Pool and Spa Pool Advisory Document (NSW Health, 2013)* as amended.
- (3) Routine daily, weekly and monthly microbiological and chemical sampling for all recreational waters (i.e. swimming and wading pools, and all water features) must be undertaken in accordance with *Public Swimming Pool and Spa Pool Advisory Document (NSW Health, 2013)* as amended.

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-

- (4) Monthly microbiological sampling and analysis is not limited to but must include heterotrophic plate count, thermo tolerant coli forms and where appropriate pseudomonas aeruginosa. The samples must be tested by a NATA Accredited Laboratory for compliance with the *Public Swimming Pool and Spa Pool Advisory Document (NSW Health, 2013)* as amended. These results must be kept on site at all times and must be provided to Council as part of the Annual Audit Report.
- (5) A register or log must be developed and maintained to record the results of every water test undertaken on the pools and other water features on a daily, weekly and monthly basis. The register is to be kept up to date and on site and made available when requested by Council and submitted as part of the Annual Audit Report for Recreational Water Supply.
- (6) The backwash supernatant from the recreational water filtration system must be disposed of to the On-site Sewerage Treatment Facility.
- (7) The water feature and the pool must comply with the requirements set out in the *Public Health Act 2010* and *Public Health Regulations 2012* as amended.

Prior to Occupation

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

Supporting documentation (dockets/receipts) showing type of material, weight and details of NSW EPA licensed waste facility, verifying recycling and disposal, shall be attached to the Waste Compliance Sheet. (po002.doc)

- (2) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

NOTE: A Fire Safety Certificate must be provided in accordance with the Environmental Planning and Assessment Regulations 2000 prior to the issue of an Occupation Certificate excepting Class 1(a), 10(a) & 10(b) structures. (po005.doc)

- (3) The Bush Fire Hazard Management requirements shall be completed to the satisfaction of the Principle Certifying Authority prior to the issue of any Occupation Certificates. (po035.doc)

Site Operations

- (1) The development shall not interfere with the amenity of the neighbourhood by reason of noise, waste water, waste products, odours or otherwise. (sop085.doc)

JAMBEROO ACTION PARK



COVER SHEET

G-000

DESCRIPTION
 COVER SHEET

PAGE SCALE PAGE SIZE
 NTS A1

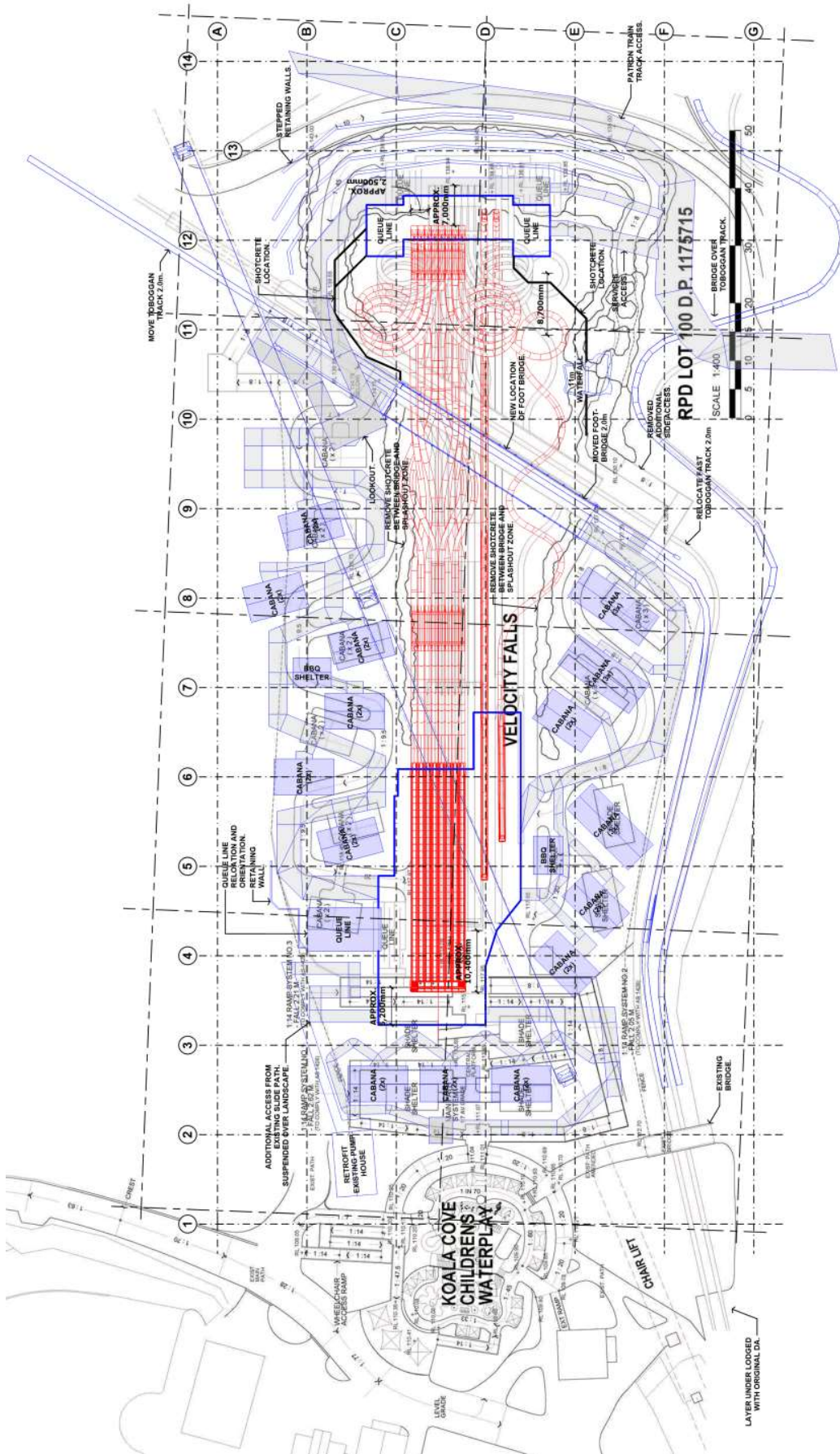
REVISION	DATE	COMMENTS
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2	2019/08/01	Issue for approval
3	2019/08/01	Issue for approval
4	2019/08/01	Issue for approval
5	2019/08/01	Issue for approval
6	2019/08/01	Issue for approval
7	2019/08/01	Issue for approval
8	2019/08/01	Issue for approval

Client name: Jamberoo Action Park
 Project name: Jamberoo Action Park
 Project location: Jamberoo Road, Curramore
 Project number: #070/2019

PROJECT ENGINEER
 PROSLIDE
 CONSULTANTS
 PROJECT NAME: JAMBEROO ACTION PARK
 PROJECT LOCATION: JAMBEROO RD, CURRAMORE
 PROJECT NUMBER: #070/2019

CLIENT
 JAMBEROO
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progenia
 CONSULTANTS
 CONSULTANTS TO THE CLIENT
 CONSULTANTS TO THE CLIENT



A-050

DESCRIPTION
 DA MODIFICATION
 PLAN (CHANGES)

PAGE SCALE 1:500 PAGE SIZE A1

REVISION	DATE	COMMENTS
1	2019.11.20	ISSUE FOR DA
2	2019.11.20	ISSUE FOR DA
3	2019.11.20	ISSUE FOR DA
4	2019.11.20	ISSUE FOR DA
5	2019.11.20	ISSUE FOR DA
6	2019.11.20	ISSUE FOR DA
7	2019.11.20	ISSUE FOR DA
8	2019.11.20	ISSUE FOR DA
9	2019.11.20	ISSUE FOR DA
10	2019.11.20	ISSUE FOR DA
11	2019.11.20	ISSUE FOR DA
12	2019.11.20	ISSUE FOR DA
13	2019.11.20	ISSUE FOR DA
14	2019.11.20	ISSUE FOR DA

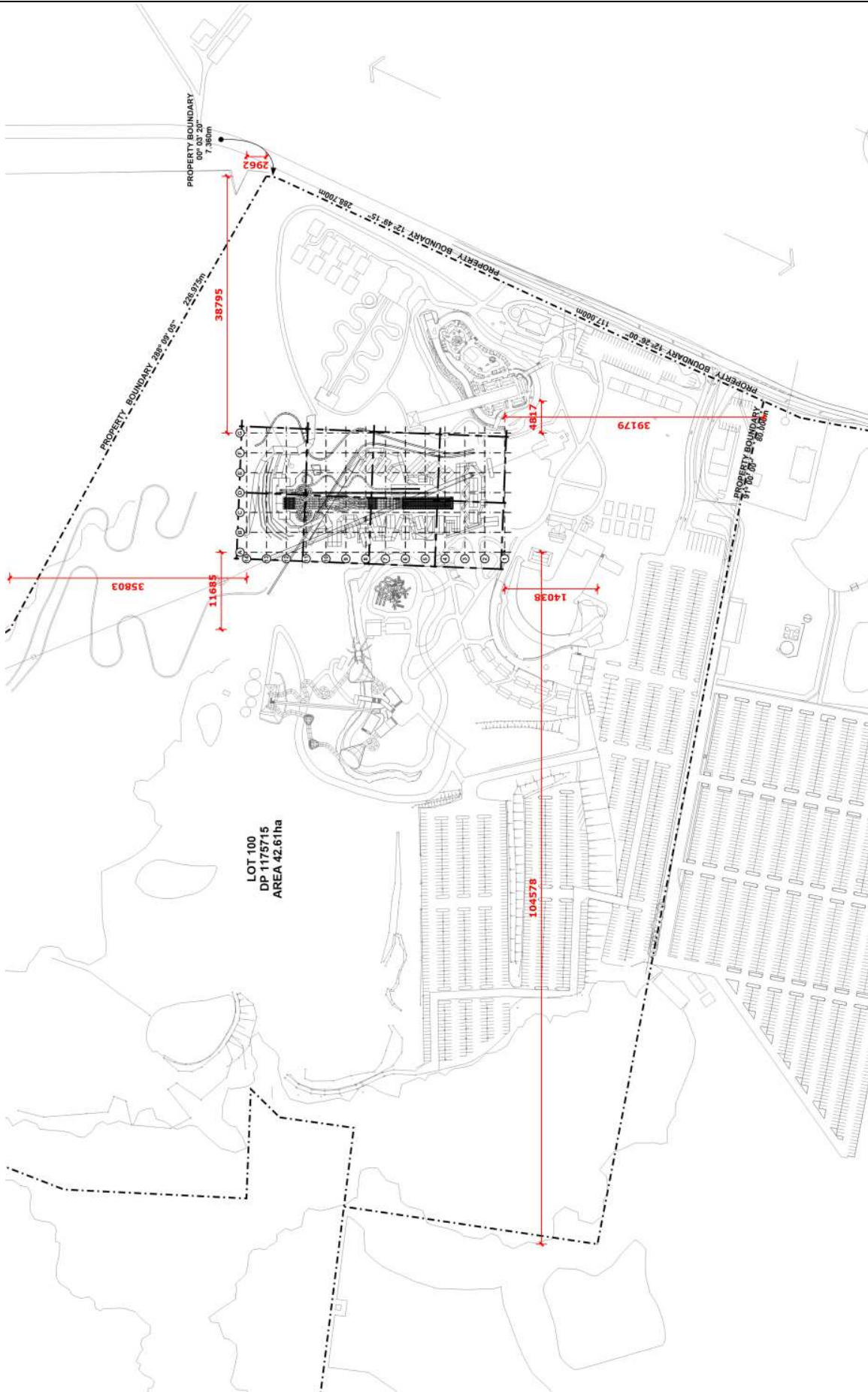
CLIENT
 JAMBEROO ACTION PARK
 PROJECT
 VELOCITY FALLS
 LOCATION
 1215 JAMBEROO RD, CURRAMORE
 PROJECT NUMBER
 #070 2019

PROJECT ENGINEER
 P-C-ELEMENT
 SLIDE DESIGNER & MANUFACTURER
 PROSLIDE TECHNOLOGIES

BUILDING DESIGNER
 ARCHITECTS & INTERIORS
 ARCHITECTS



1 DA MODIFICATION PLAN (Changes)
 SCALE: 1:500



LOT 100
 DP 1175715
 AREA 42.61ha

G-100

DESCRIPTION
 General Site Plan

PAGE SCALE 1:1250 PAGE SIZE A1

REVISION	DATE	COMMENTS
1	10.01.20	ISSUE FOR TENDER
2	20.01.20	ISSUE FOR TENDER
3	20.01.20	ISSUE FOR TENDER
4	14.01.20	ISSUE FOR TENDER
5	14.01.20	ISSUE FOR TENDER
6	20.01.20	ISSUE FOR TENDER
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8	20.01.20	ISSUE FOR TENDER

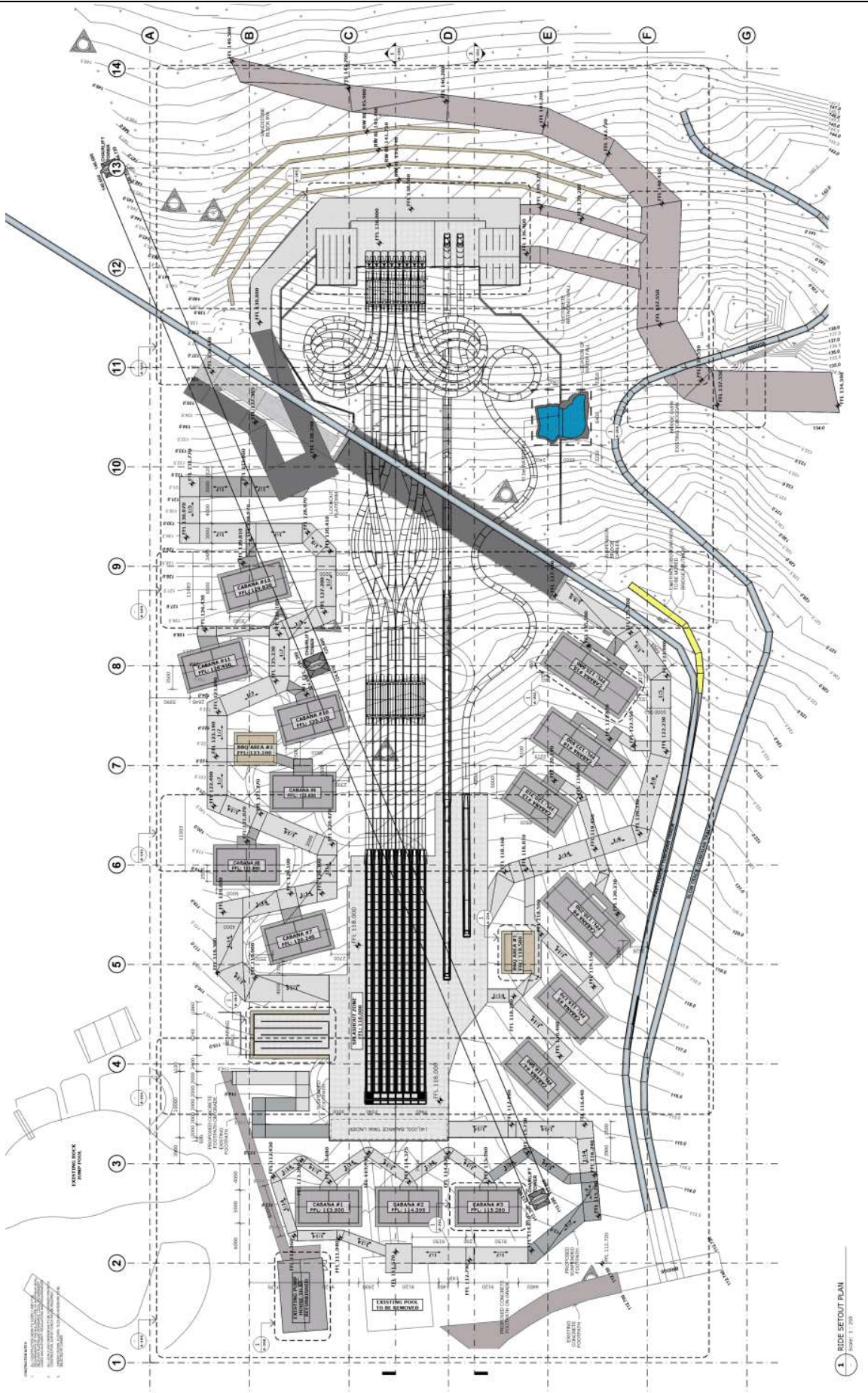
CLIENT
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PROJECT ENGINEER
ELEMENT
 SLIDE DESIGNER & MANUFACTURER
PROSLIDE

CLIENT
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A-000

DESCRIPTION
 RIDE SETOUT PLAN

PAGE SCALE 1 : 250 PAGE SIZE A1

REVISION	DATE	COMMENTS
1	10.01.20	ISSUE FOR TENDER
2	20.01.20	ISSUE FOR TENDER
3	20.01.20	ISSUE FOR TENDER
4	20.01.20	ISSUE FOR TENDER
5	20.01.20	ISSUE FOR TENDER
6	20.01.20	ISSUE FOR TENDER
7	20.01.20	ISSUE FOR TENDER
8	20.01.20	ISSUE FOR TENDER
9	20.01.20	ISSUE FOR TENDER
10	20.01.20	ISSUE FOR TENDER
11	20.01.20	ISSUE FOR TENDER
12	20.01.20	ISSUE FOR TENDER
13	20.01.20	ISSUE FOR TENDER
14	20.01.20	ISSUE FOR TENDER

DATE: 10.01.20
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

CLIENT: JAMBEROO ACTION PARK
 PROJECT: VELOCITY FALL
 LOCATION: 1215 JAMBEROO RD, CURRAMORE
 PROJECT NUMBER: #070 2019

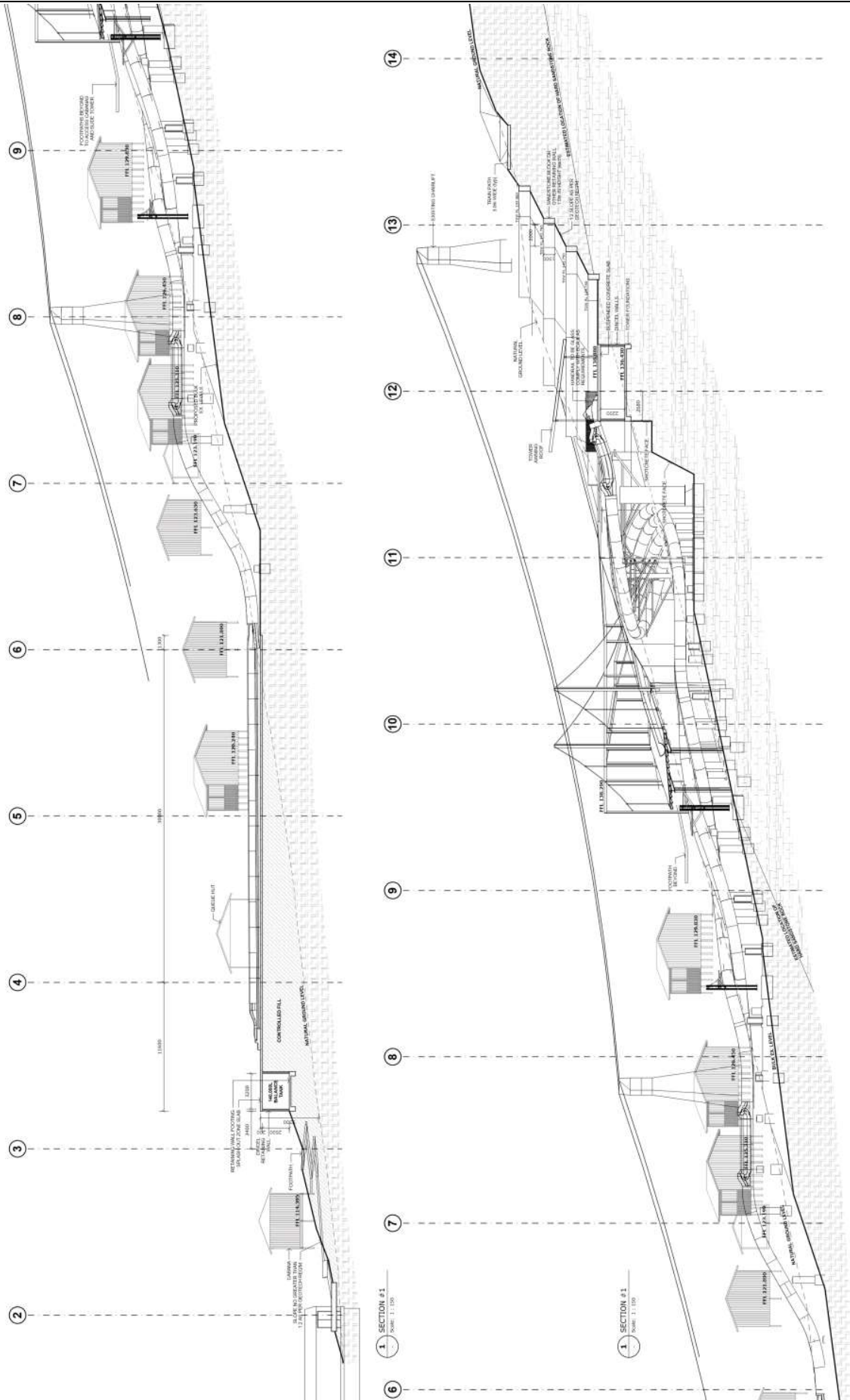
PROJECT ENGINEER: G E L E M E N T
 SLIDE DESIGNER & MANUFACTURER: PROSLIDE TECHNOLOGIES INC

PROGENIA
 BUILDING DESIGNER
 ARCHITECTURE & INTERIOR DESIGN
 1215 JAMBEROO RD, CURRAMORE
 NSW 2155

CLIENT: Jamberoo
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1 RIDE SETOUT PLAN
 Sheet 1 of 20

Attachment 1 Item 12.1



A-300

DESCRIPTION
SECTION #1

PAGE SCALE 1:150 PAGE SIZE A1

REVISION	DATE	COMMENTS
1	10.01.20	ISSUE FOR TENDER
2	20.01.20	ISSUE FOR TENDER
3	20.01.20	ISSUE FOR TENDER
4	24.01.20	ISSUE FOR TENDER
5	24.01.20	ISSUE FOR TENDER
6	24.01.20	ISSUE FOR TENDER
7	24.01.20	ISSUE FOR TENDER
8	24.01.20	ISSUE FOR TENDER
9	24.01.20	ISSUE FOR TENDER
10	24.01.20	ISSUE FOR TENDER
11	24.01.20	ISSUE FOR TENDER
12	24.01.20	ISSUE FOR TENDER
13	24.01.20	ISSUE FOR TENDER
14	24.01.20	ISSUE FOR TENDER

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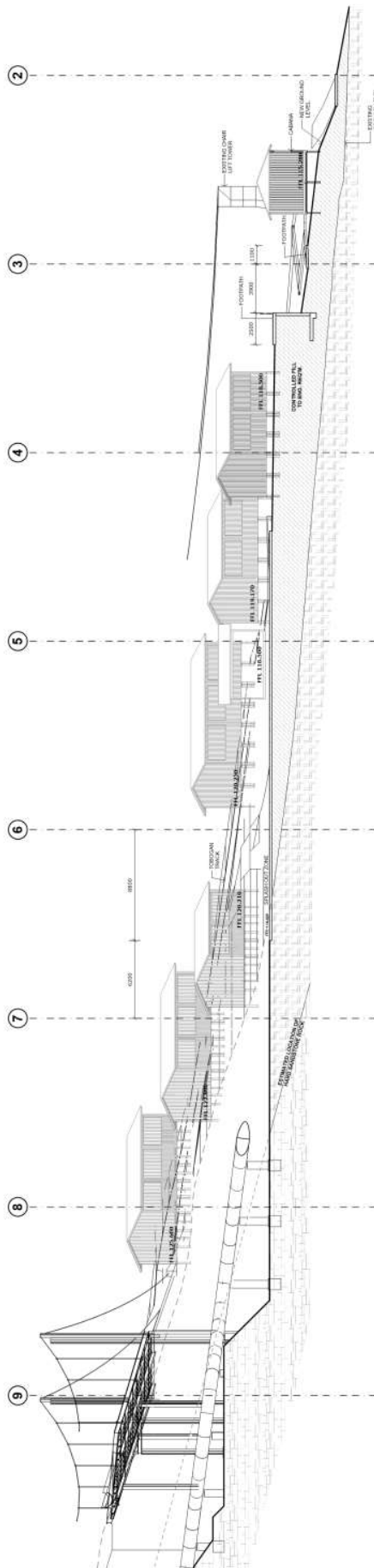
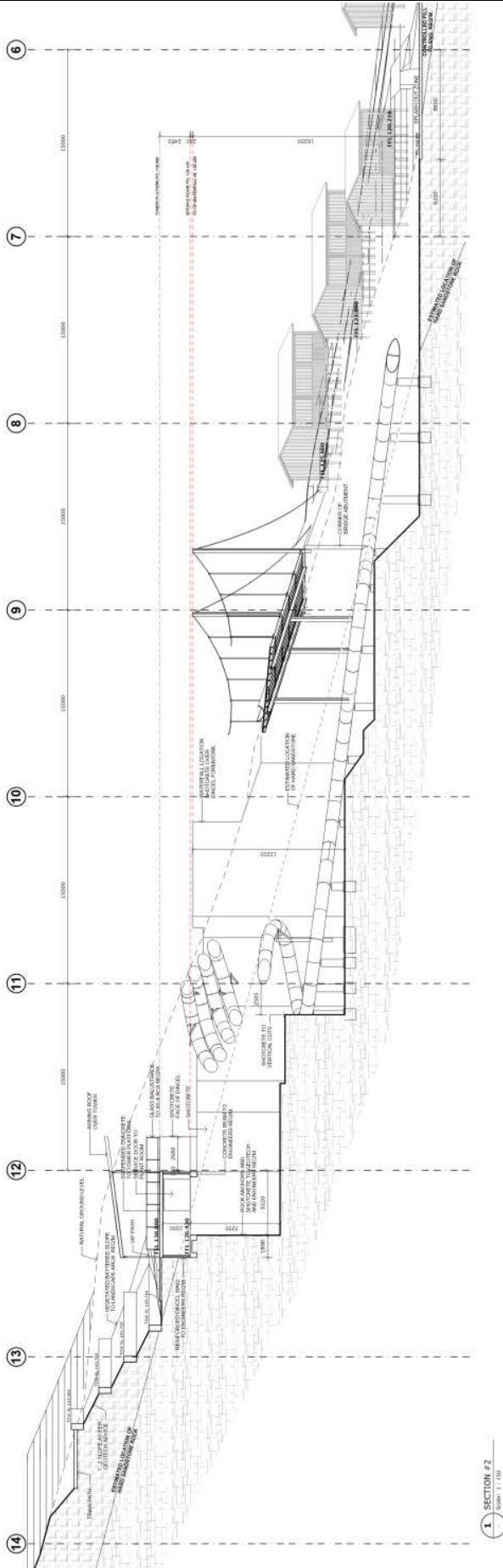
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A-301

DESCRIPTION
 SECTION #2

PAGE SCALE 1:150
 PAGE SIZE A1

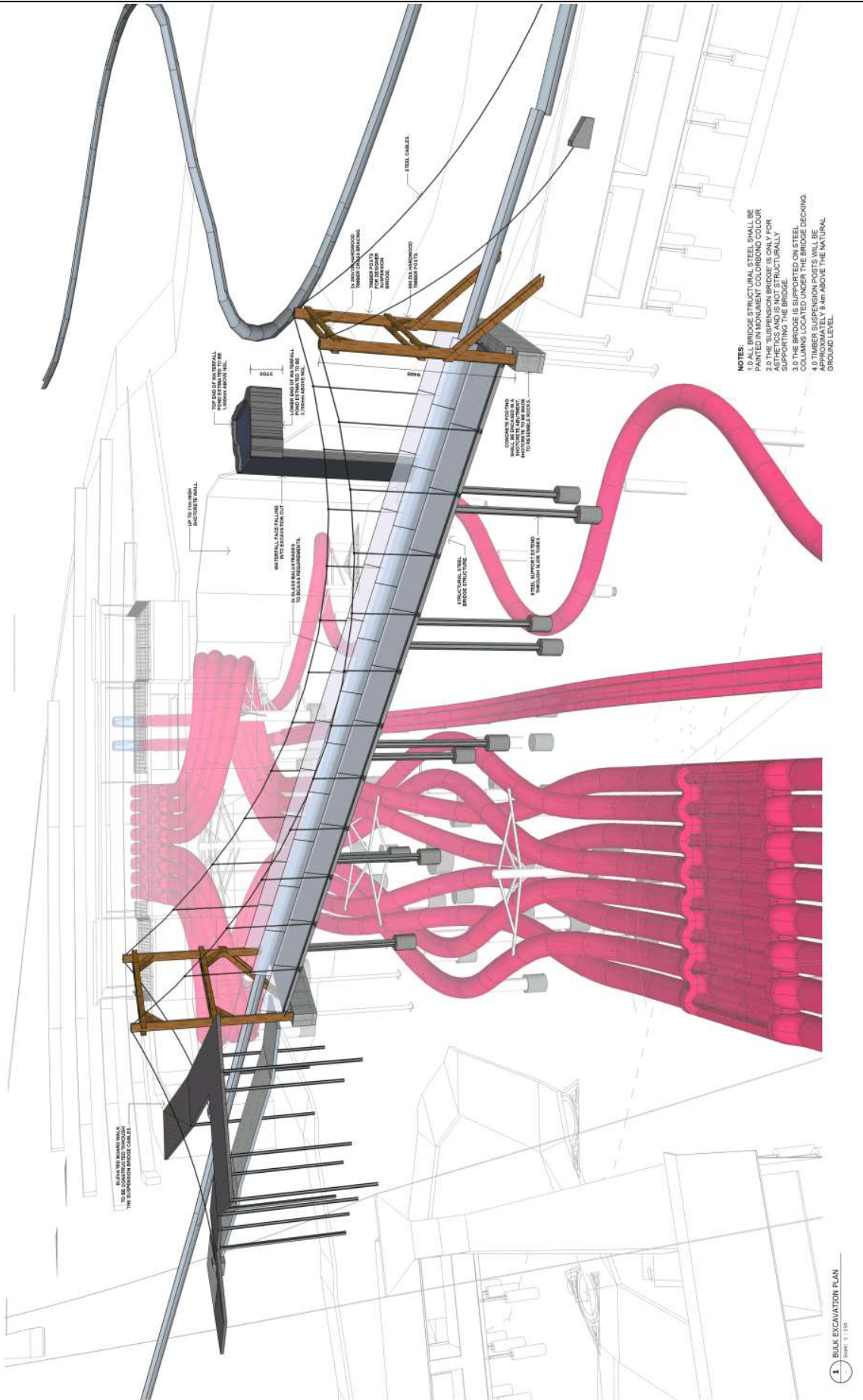
REVISION	DRAWN BY	DATE	COMMENTS
1	SR	10.01.20	ISSUE FOR TENDER
2	SR	20.01.20	Issue Location & Section
3	SR	20.01.20	Issue Location - FINAL
4	SR	24.04.20	DA MODIFICATION CHANGE
5	SR	24.04.20	DA MODIFICATION CHANGE
6	SR	24.04.20	DA MODIFICATION CHANGE
7	SR	24.04.20	DA MODIFICATION CHANGE
8	SR	24.04.20	DA MODIFICATION CHANGE
9	SR	24.04.20	DA MODIFICATION CHANGE

CLIENT

PROJECT ENGINEER
 P-C ELEMENT
 SLIDE DESIGNER & MANUFACTURER

SITE: JAMBEROO ACTION PARK
 PROJECT: VELOCITY FALL
 LOCATION: 1215 JAMBEROO RD, CURRAMORE
 PROJECT NUMBER: #070 2019

PRELIMINARY DESIGNER
 ARCHITECTURE & CIVIL ENGINEERING
 4/15/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000



A-990

DESCRIPTION
 SUSPENSION
 BRIDGE

PAGE SCALE
 N T S

PAGE SIZE
 A1

REVISION	DATE	COMMENTS
1	15.01.20	ISSUE FOR TENDER
2	20.01.20	ISSUE FOR TENDER
3	20.01.20	ISSUE FOR TENDER
4	14.01.20	ISSUE FOR TENDER
5	14.01.20	ISSUE FOR TENDER
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10	20.01.20	ISSUE FOR TENDER

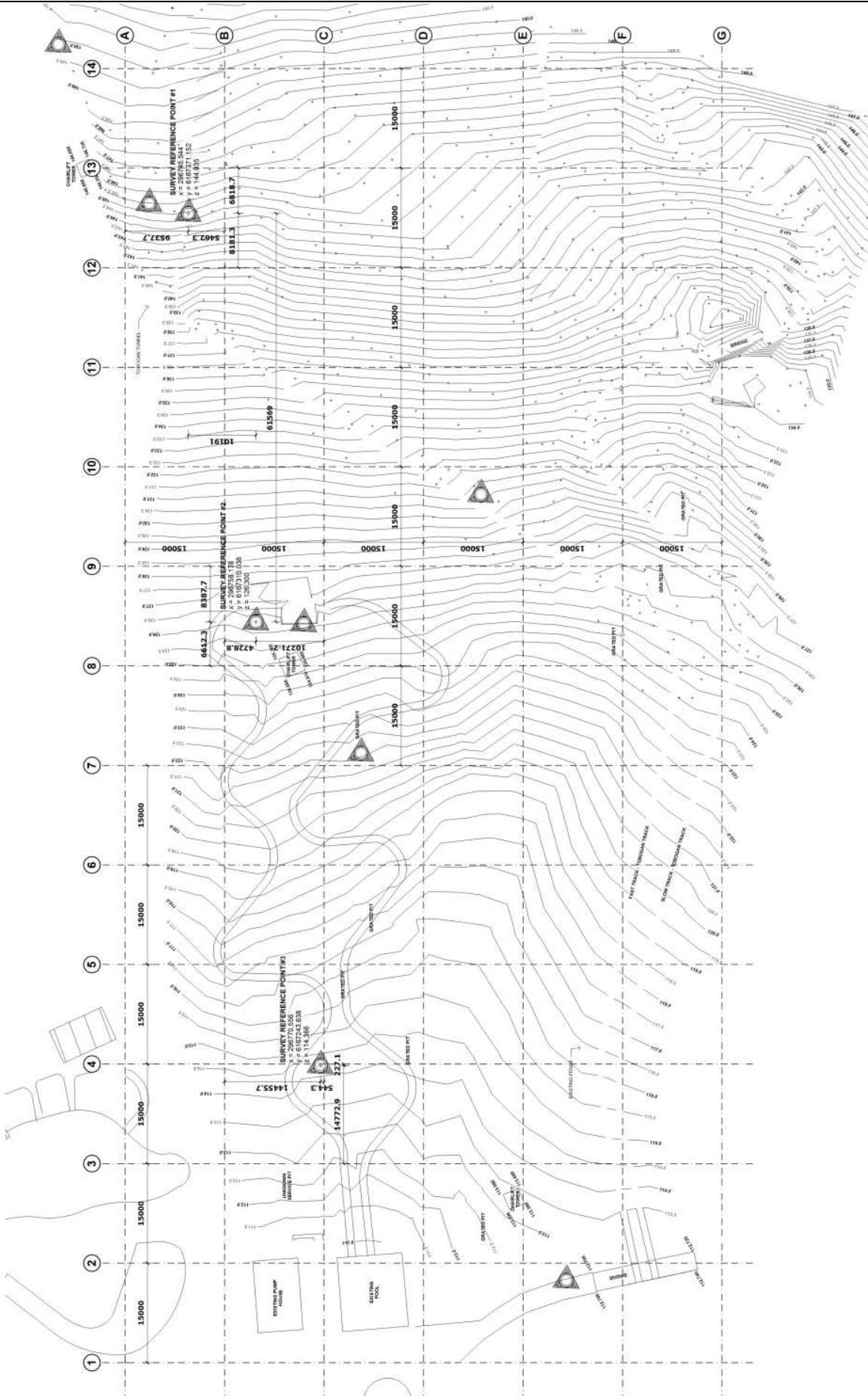
NOTES:
 1.0 ALL BRIDGE STRUCTURAL STEEL SHALL BE PAINTED IN MONUMENT COLOUR
 2.0 THE BRIDGE SHALL BE SUPPORTED ON STEEL DECKING
 3.0 THE BRIDGE IS SUPPORTED ON STEEL DECKING
 4.0 TIMBER SUPPRESSION POSTS WILL BE APPROXIMATELY 8m ABOVE THE NATURAL GROUND LEVEL

DATE	BY	DESCRIPTION
15.01.20	SR	ISSUE FOR TENDER
20.01.20	SR	ISSUE FOR TENDER
20.01.20	SR	ISSUE FOR TENDER
14.01.20	SR	ISSUE FOR TENDER
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20.01.20	SR	ISSUE FOR TENDER
20.01.20	SR	ISSUE FOR TENDER
20.01.20	SR	ISSUE FOR TENDER
20.01.20	SR	ISSUE FOR TENDER

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progenia

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G-150

DESCRIPTION
 GRID-LINE SETOUT
 PLAN

PAGE SCALE 1:150
 PAGE SIZE A1

REVISION	DRAWN BY	DATE	COMMENTS
1	SR	10.01.20	ISSUE FOR TENDER
2	SR	20.01.20	Issue Location & Section
3	SR	20.01.20	Issue Location & Section
4	SR	14.01.20	Issue Location & Section
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7	SR	20.01.20	Issue Location & Section
8	SR	20.01.20	Issue Location & Section

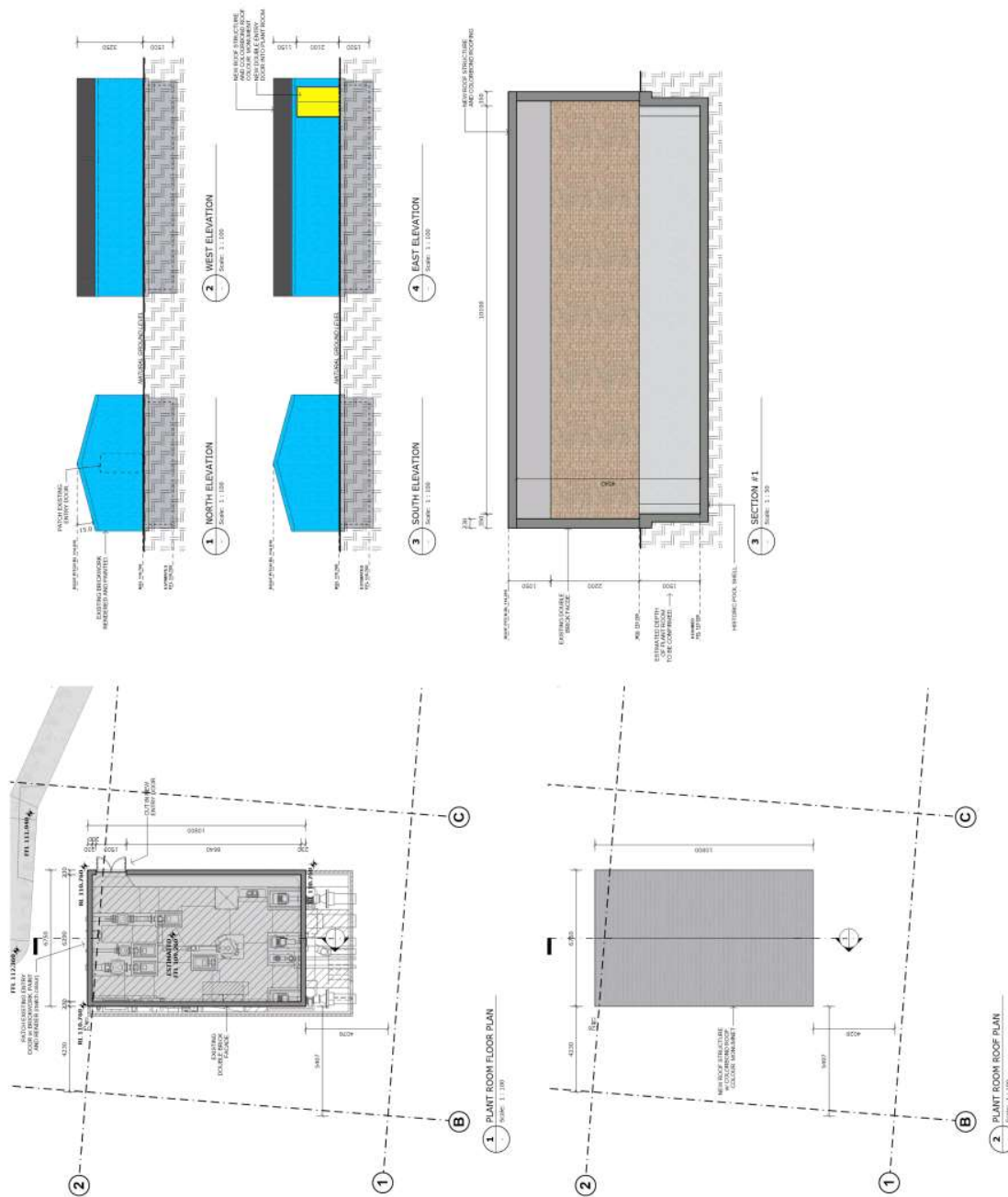
CLIENT
 JAMBEROO ACTION PARK
 VELOCITY FALL
 1215 JAMBEROO RD, CURRAMORE
 NSW 2212
 PROJECT NUMBER
 #070 2019

PROJECT ENGINEER
 G E L E M E N T
 SLIDE DESIGNER & MANUFACTURER
 PROSLIDE TECHNOLOGIES INC

CLIENT DESIGNER
 PROGENIA
 1215 JAMBEROO RD, CURRAMORE
 NSW 2212
 PHONE 02 9471 5000



Attachment 1
 Item 12.1



A-200

DESCRIPTION
Lower Pumping Station

PAGE SCALE
1:100

PAGE SIZE
A1

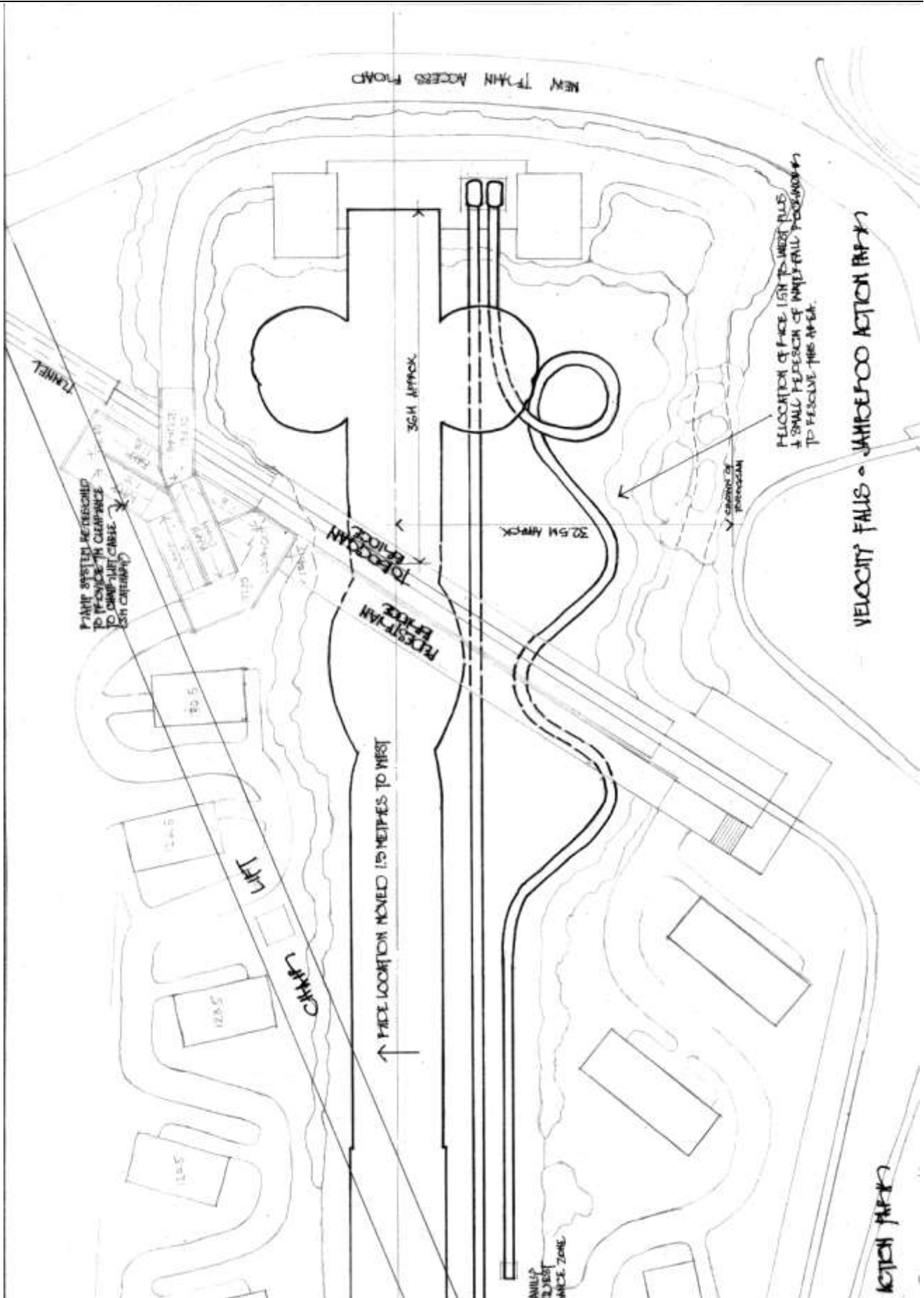
REVISION	DATE	COMMENTS
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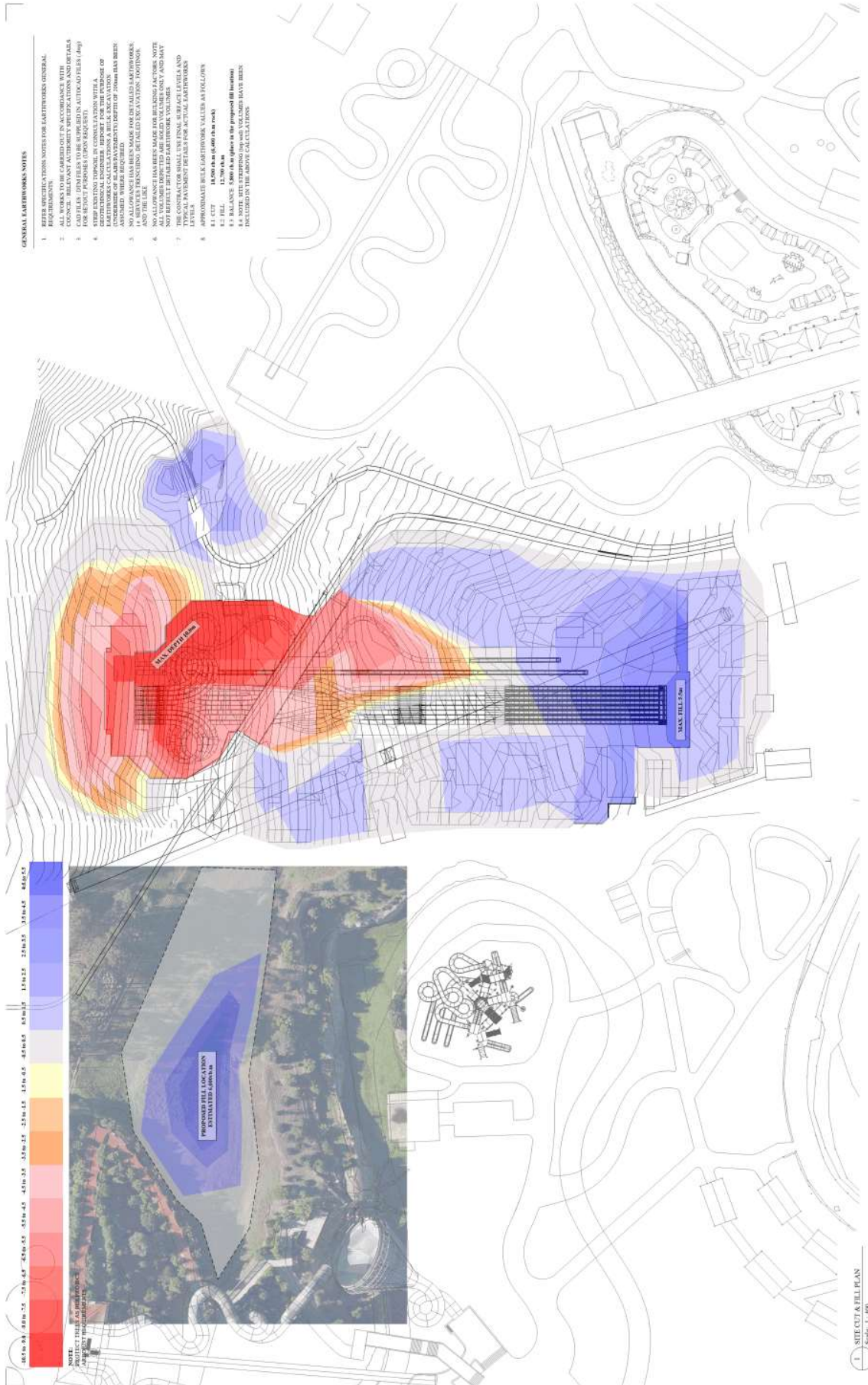
CLIENT: JAMBEROO ACTION PARK
PROJECT: VELOCITY FALL
LOCATION: JAMBEROO ACTION PARK
PROJECT NUMBER: #070 2019

PROGENIA
SLIDE DESIGNER & MANUFACTURER
PROSLIDE TECHNOLOGIES

PROJECT ENGINEER
ELEMENT
SLIDE DESIGNER & MANUFACTURER
PROSLIDE TECHNOLOGIES

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- GENERAL EARTHWORKS NOTES**
1. REFER SPECIFICATIONS NOTES FOR EARTHWORKS GENERAL.
 2. ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH CHOICE. RELEVANT AUTHORITY SPECIFICATION AND DETAILS FOR EARTHWORKS TO BE CARRIED OUT IN ACCORDANCE WITH CHOICE.
 3. REFER TO THE EARTHWORKS GENERAL NOTES FOR EARTHWORKS TO BE CARRIED OUT IN ACCORDANCE WITH CHOICE.
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 8. REFER TO THE EARTHWORKS GENERAL NOTES FOR EARTHWORKS TO BE CARRIED OUT IN ACCORDANCE WITH CHOICE.

TITLE: SITE BULK CUT & FILL PLAN	
SCALE: 1:400 (A1)	
VELOCITY FALLS	
PROJECT: Jamberoo Park	
CLIENT: Jamberoo Park	
DATE: 29/04/20	
BY: [Signature]	
CHK: [Signature]	
DATE: 29/04/20	
REV: 2	

REV	DATE	COMMENTS
1	28/03/20	Initial Issue - CONSULTATION
2	29/04/20	Updated After Consultation

This site plan is for the proposed earthwork works and is not to be used for construction purposes. It is for information only. The client is responsible for ensuring that the earthwork works are carried out in accordance with the relevant specifications and standards. The client is also responsible for ensuring that the earthwork works are carried out in accordance with the relevant specifications and standards. The client is also responsible for ensuring that the earthwork works are carried out in accordance with the relevant specifications and standards.

ELEMENT
consulting engineers

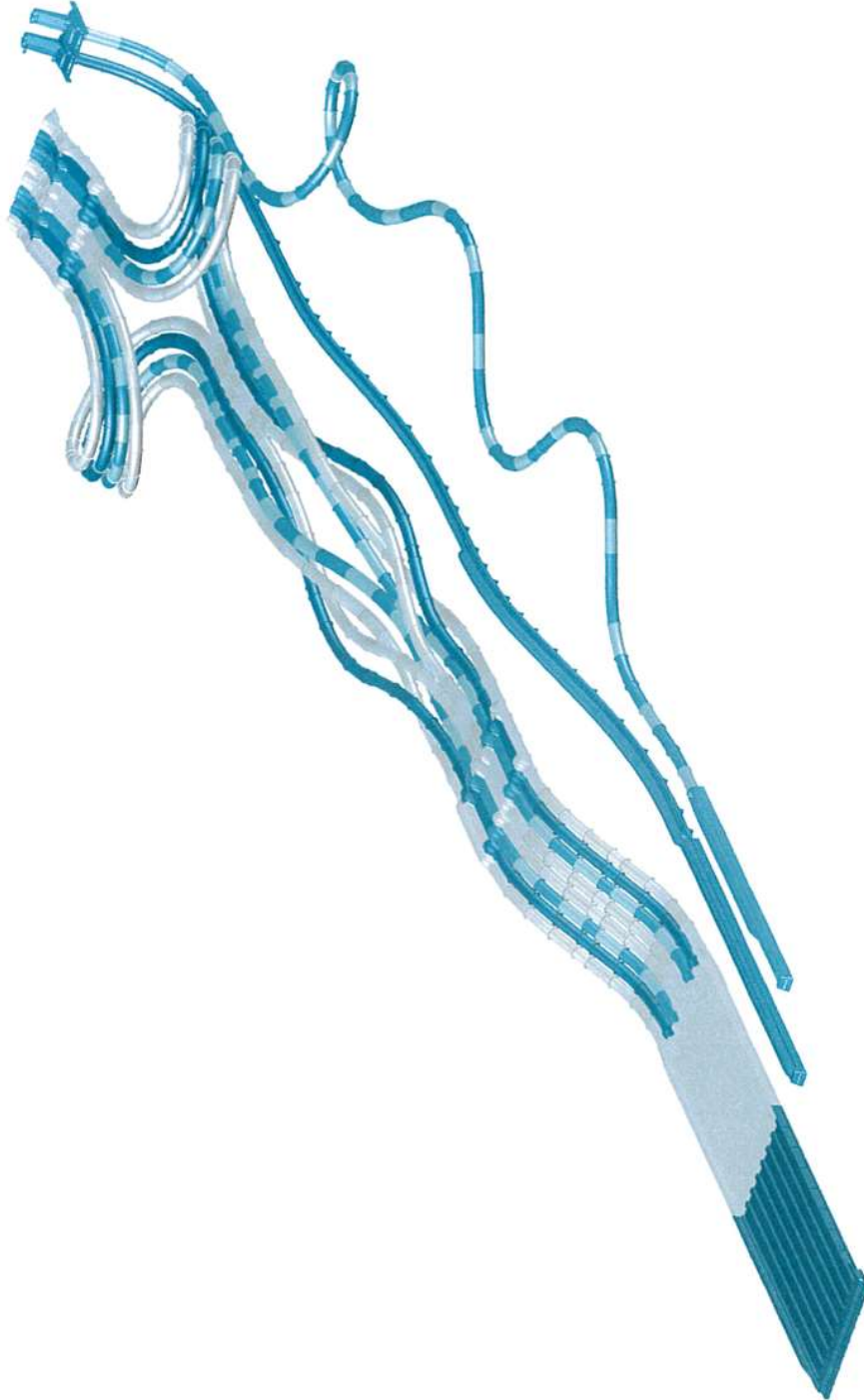
Element Consulting Engineers Pty Ltd
100/101 Victoria Road
Wollongong, NSW 2508, A.B.N. 64 631 231 941
www.element.com.au

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SPEED SLIDES - Option 1

COLOR APPROVAL | JAMBEROO ACTION PARK



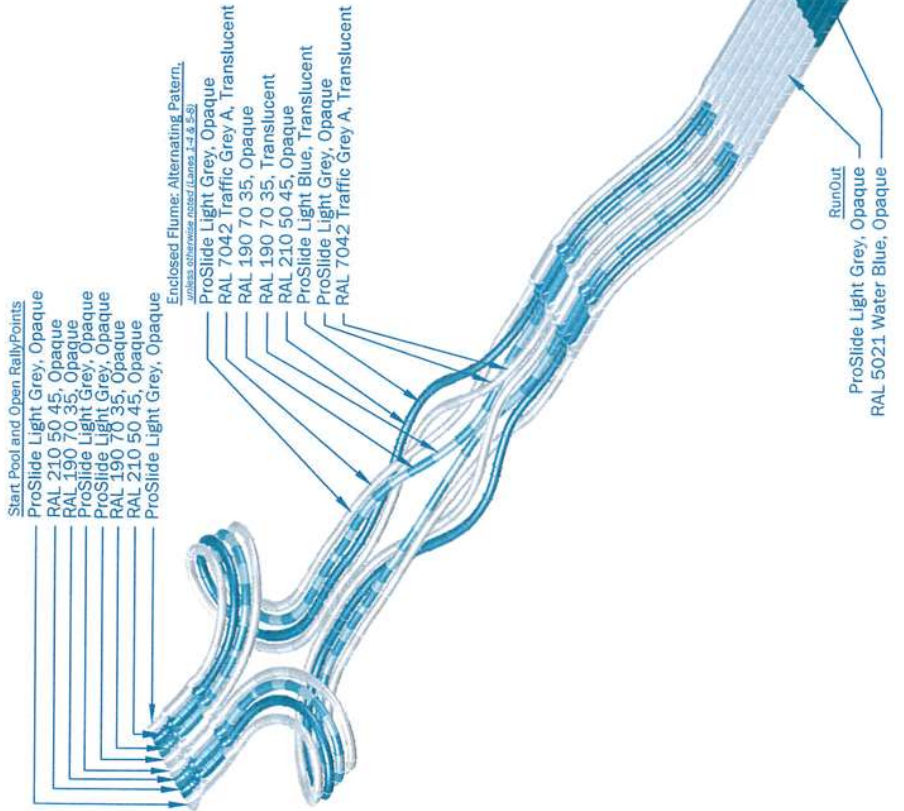
PROSLIDE
TECHNOLOGY, INC.
RIDE DESIGN
Design by: KCS&S

P16-200-0br16
January 20, 2020

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RallyRACER™ - Option 1

COLOR APPROVAL | JAMBEROO ACTION PARK



By signing below, you acknowledge and agree:

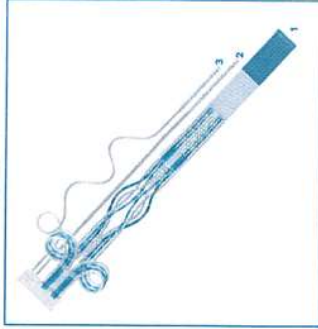
- (i) the colors associated with your water ride have been reviewed and approved;
- (ii) the colors are representations only, and may not be exact (please refer to ProSlide's water ride color selection guide for a more accurate representation); and,
- (iii) any further changes to color selection may result in delays to the overall water ride project, and could result in additional charges and/or costs.

Notes:

- (i) A surcharge will be applied should the ride exceed the allotted 25% translucent part requirement
- (ii) A surcharge will be applied should the ride include any RAL 1023 Traffic Yellow Opaque
- (iii) Translucent parts as shown on screen and print are not an accurate representation of the true fiberglass color or opacity. Refer to samples.

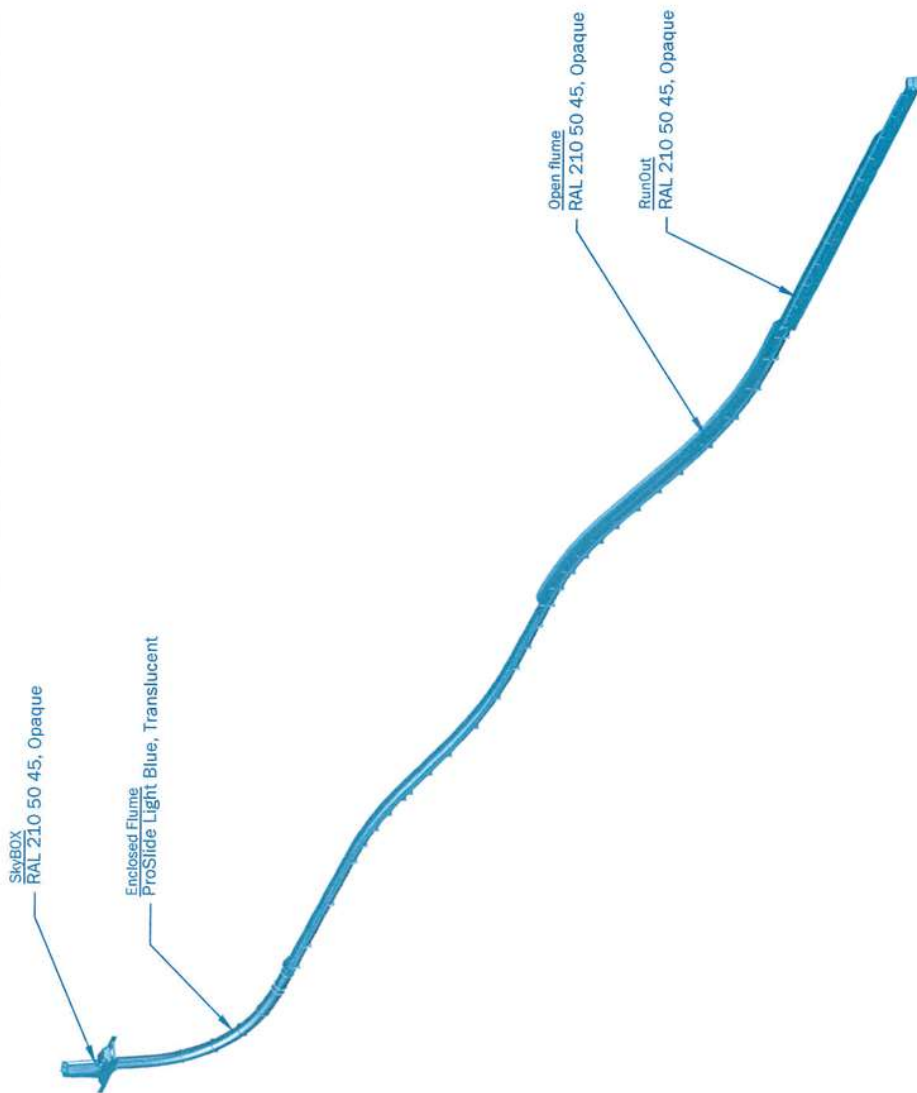
Authorized Representative Signature:

Date: 24.1.2020



MultiBUMP™ - Option 1

COLOR APPROVAL | JAMBEROO ACTION PARK



By signing below, you acknowledge and agree:

- (i) the colors associated with your water ride have been reviewed and approved;
- (ii) the colors are representations only, and may not be exact (please refer to proslide's water ride color selection guide for a more accurate representation); and,
- (iii) any further changes to color selection may result in delays to the overall water ride project, and could result in additional charges and/or costs.

Notes:

- (i) A surcharge will be applied should the ride exceed the allotted 25% translucent part requirement
- (ii) A surcharge will be applied should the ride include any RAL 1023 Traffic Yellow Opaque
- (iii) Translucent parts as shown on screen and print are not an accurate representation of the true fiberglass color or opacity. Refer to samples.

Authorized Representative Signature:

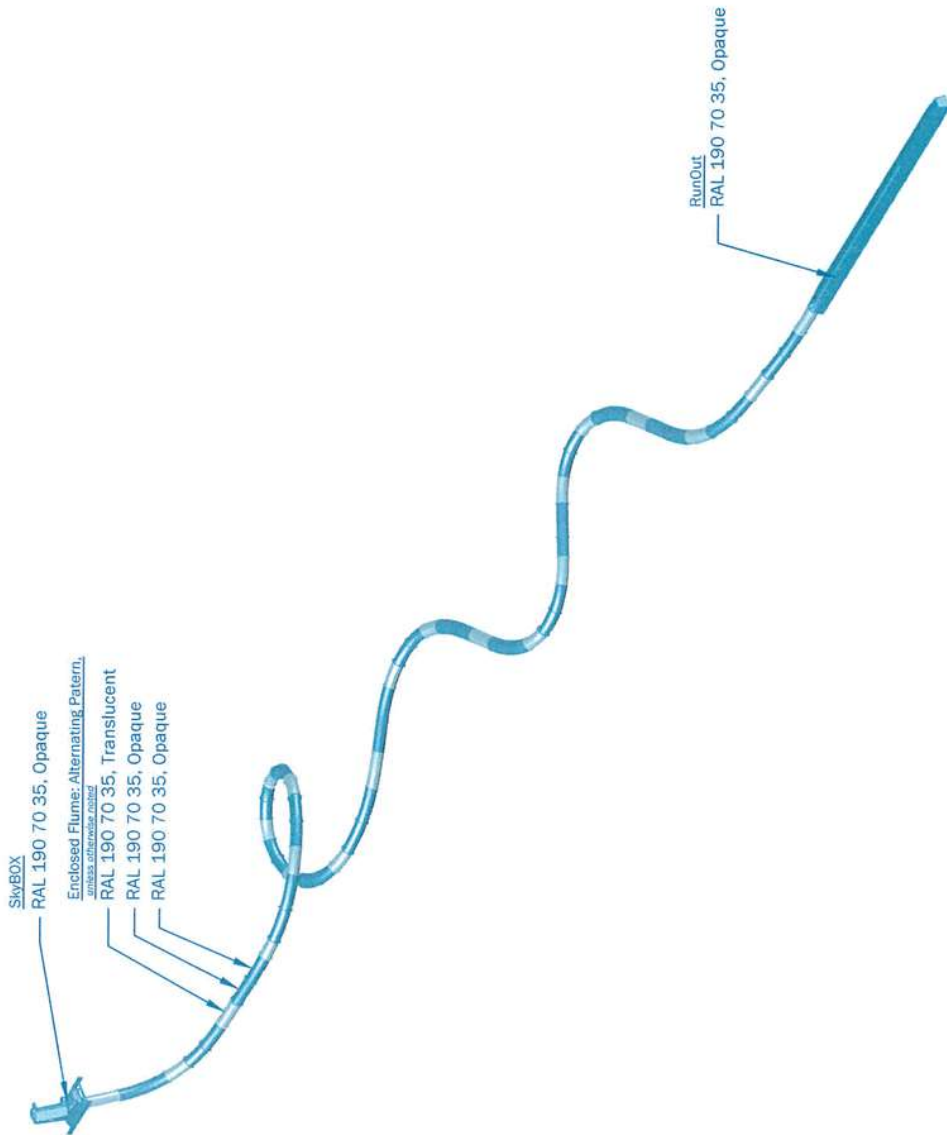
[Handwritten Signature]

Date: 24.1.2020



TurboTWISTER™ - Option 1

COLOR APPROVAL | JAMBEROO ACTION PARK



By signing below, you acknowledge and agree:

- (i) the colors associated with your water ride have been reviewed and approved;
- (ii) the colors are representations only, and may not be exact (please refer to proslide's water ride color selection guide for a more accurate representation); and,
- (iii) any further changes to color selection may result in delays to the overall water ride project, and could result in additional charges and/or costs.

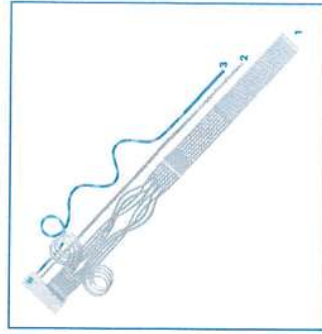
Notes:

- (i) A surcharge will be applied should the ride exceed the allotted 25% translucent part requirement
- (ii) A surcharge will be applied should the ride include any RAL 1023 Traffic Yellow Opaque
- (iii) Translucent parts as shown on screen and print are not an accurate representation of the true fiberglass color or opacity. Refer to samples.

Authorized Representative Signature:

[Handwritten Signature]

Date: 24.1.2020



12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights - Alterations and additions to existing dwelling

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 12.2

Summary

This report reviews Development Application No 10.2020.139.1 which involves the construction of alterations and additions to an existing dwelling.

The report recommends that Council refuse Development Application No 10.2020.139.1 because the proposed development is:

1. Inconsistent with Kiama Development Control Plan 2020 Chapter 6: Residential Accommodation, Building Line Controls – Front Building Lines 6.1.16, which identifies a 6m front setback for dwellings.
2. Inconsistent with Kiama Development Control Plan 2020 Chapter 6: Residential Accommodation, Building Line Controls – Building Lines for Garages and Carports 6.1.24, which identifies a 6m front setback for the proposed garage.
3. Considered to be incompatible with the existing streetscape and does not protect the established character of the neighbourhood.
4. Considered to be inappropriately designed and sited to minimise impacts on the streetscape.
5. Considered to be inappropriately designed and sited to allow for vehicles to be stack parked in front of the garage and be wholly within the site boundaries. It would lead to them being parked on the footpath road reserve and interfere with pedestrian access.
6. Considered to create an inappropriate planning outcome as the proposal will have a negative impact on the built environment in the locality.
7. Would set an undesirable planning precedent for similar inappropriate development and is therefore not in the public interest.

Finance

N/A

Policy

N/A

Consultation (Internal)

Please refer to the “Internal Referrals” section in this report.

Report of the Director Environmental Services

12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)

Communication/Community Engagement

Required: Yes (letter notification).

Notification Period: 14 days from 28/08/2020 to 11/09/2020.

Submissions: 0 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 Kiama Development Control Plan 2020.

Attachments

1 10.2020.139.1 - Plans [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council refuse Development Application No 10.2020.139.1 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 contained in Section 4.15(1)(a)(iii) the development is unacceptable and the proposal must be refused because:
 - i. The proposal is non-compliant with Kiama DCP 2020 Chapter 6: Building Line Controls – Front Building Lines 6.1.16 as the proposed development has not been provided with a 6m front setback.
 - ii. The proposed development is non-compliant with Kiama DCP 2020 Chapter 6: Building Line Controls – Building Lines for Garages or Carports 6.1.24 as the proposed development has not been provided with a 6m front setback.
 - iii. The proposed development is non-compliant with Kiama DCP 2020 Chapter 6: General Objectives 6.1.8 to ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character.
 - iv. The proposed development is non-compliant with Kiama DCP 2020 Chapter 6: Control 6.1.6 to maintain and improve the existing and future desired character/amenity of residential zones. Council will only approve of new dwelling houses/additions where they are compatible with the existing and environmental character of the locality and have a sympathetic and harmonious relationship with adjoining development.

Report of the Director Environmental Services

12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)

-
2. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(b) the development is unacceptable and the proposal must be refused because:
 - a) The proposed development has adverse impacts on the existing streetscape and does not protect the established character of the neighborhood; and
 - b) The proposed development has not been appropriately designed and sited to minimise impacts on the streetscape and will disrupt the amenity of adjoining properties; and
 - c) The proposal does not allow for vehicles to be stack parked in front of the garage and be wholly within the property boundary. This will lead to them being parked on the footpath road reserve and interfere with pedestrian access.
 3. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(b) the development is unacceptable and the proposal must be refused because the proposed development does not create a suitable planning outcome as the proposal will have an impact on the built environment in the locality.
 4. 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 and must be refused because the proposal sets an undesirable planning precedent, is inconsistent with controls in relation to the siting of development in the R2 zone, and does not reasonably mitigate the overall impacts associated with the proposal.

BACKGROUND**Development Site**

The property is described as Lot 285 DP 30126 which is located at 16 Elanora Road, Kiama Heights.

The overall site measures 739.8m² and is irregular in shape. The site currently contains a Class 1A dwelling and is bounded by residential land containing principally dwellings and crown land reserve at the rear.

The site is zoned R2 Low Density Residential under Kiama LEP 2011.

The site is cleared and slopes from the front north boundary to the south rear boundary. The site drains to the south and a stormwater drainage layout design has been provided for the dwelling to a proposed stormwater pit.

Report of the Director Environmental Services

12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights - Alterations and additions to existing dwelling (cont)



Figure 1 – Locality plan



Figure 2 – Aerial view of Elanora Road



Figure 3 – Close up aerial view of adjoining dwellings Elanora Road

The site drains to the rear of the property adjoining public reserve at the rear.

Access to the property is gained from Elanora Road.

The site is serviced with utilities including water, sewer, electricity and telecommunications.

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12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)



Figure 4 – Site photograph of existing dwelling from the west



Figure 5 – Site photograph of existing dwelling from north-east

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12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)



Figure 6 – Site photograph of existing dwelling from the north-east



Figure 7 – Site photograph of existing dwelling from the south-west

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12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)



Figure 8 – Site photograph of existing dwelling from the south



Figure 9 – Site photograph of existing dwelling from the south

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12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights - Alterations and additions to existing dwelling (cont)

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Figure 10 – Site photograph of existing dwelling from the south-west

Background

The development application history is as follows:

DA No	Description	Lodgement	Determined	Decision
10.2006.358.1	Extension of existing balcony	23/11/2006	30/11/2006	approved

Description of the Proposed Development

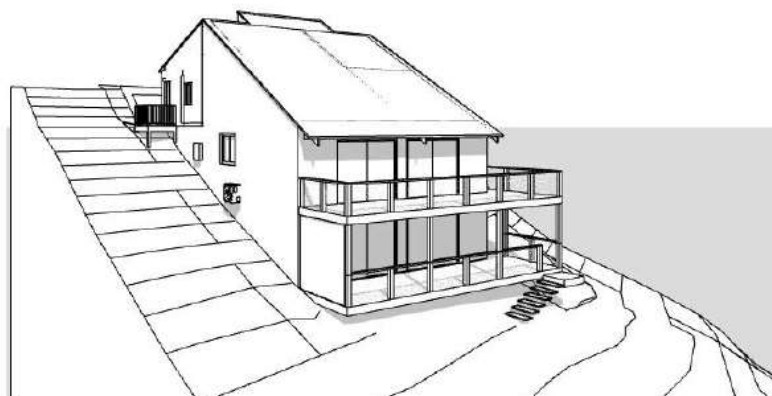
The proposal involves the construction of an alterations and additions to existing dwelling.

The existing dwelling and proposal are shown in Figures 11-18 below:

Report of the Director Environmental Services

12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)

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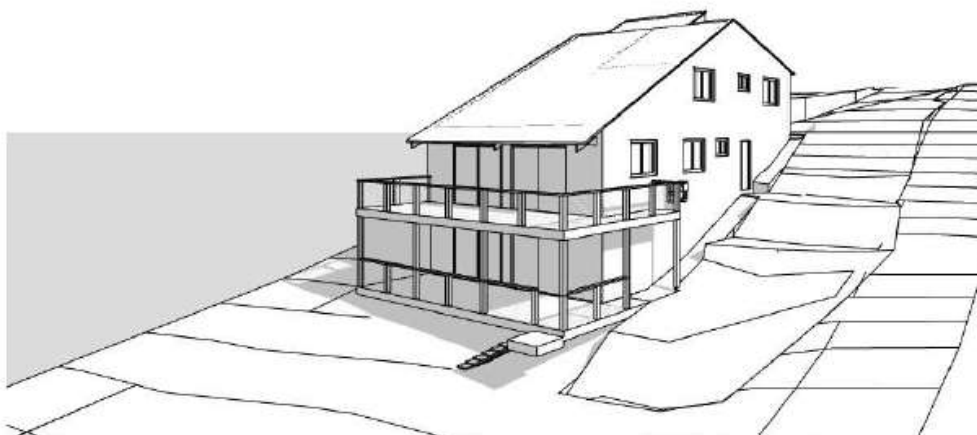
EXISTING

Figure 11 – 3D dimensional view of the existing dwelling



PROPOSED

Figure 12 – 3D dimensional view of the proposed dwelling



EXISTING

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12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)

Figure 13 – 3D dimensional view of the existing dwelling



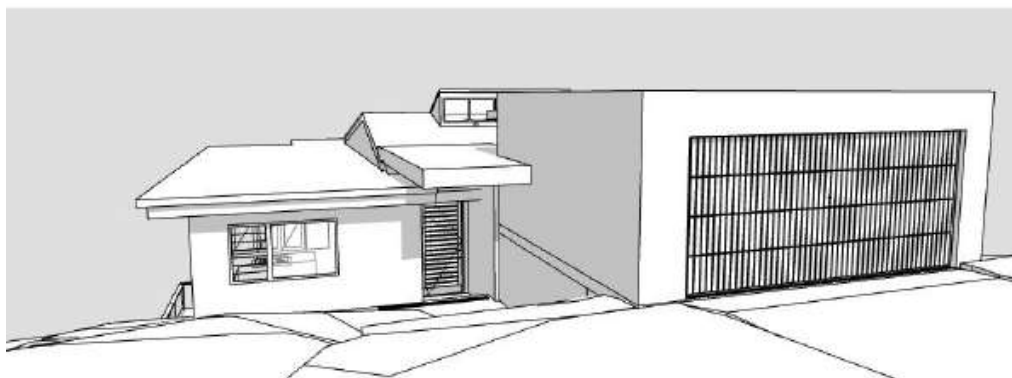
PROPOSED

Figure 14 – 3D dimensional view of the proposed dwelling



EXISTING

Figure 15 – 3D dimensional view of the existing dwelling



PROPOSED

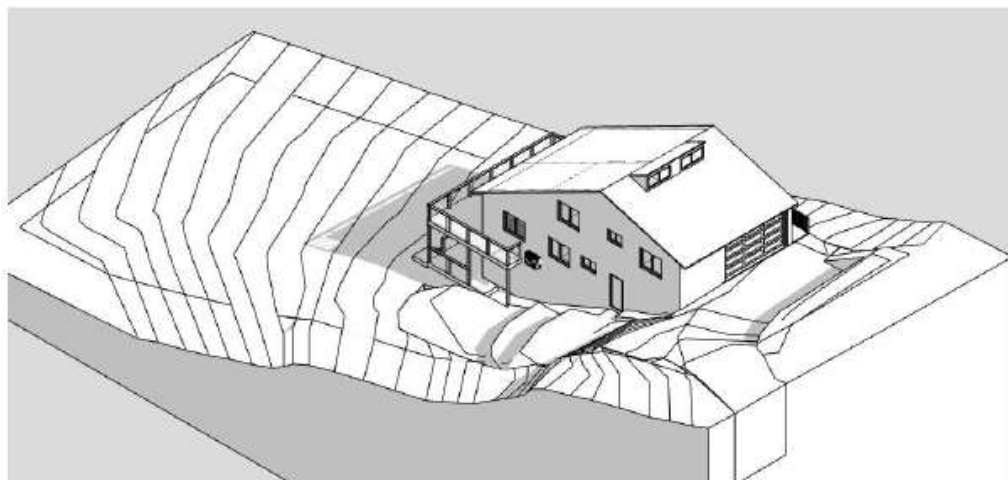
Figure 16– 3D dimensional view of the proposed dwelling

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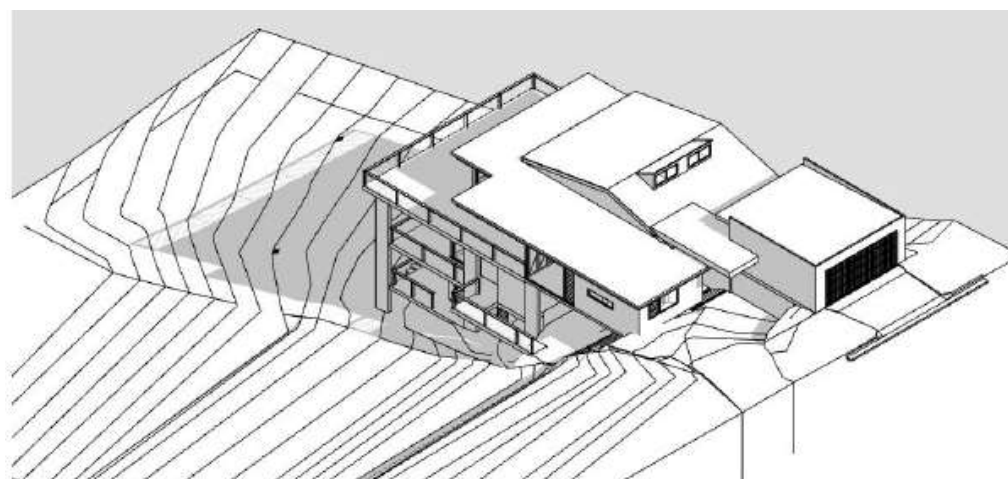
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EXISTING

Figure 17 – 3D dimensional view of the existing dwelling



PROPOSED

Figure 18 – 3D dimensional view of the proposed dwelling

Section 4.15 Assessment

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

Relevant Environmental Planning Instruments

State Environmental Planning Policy (Coastal Management) 2016

The 'coastal zone' is defined in the Coastal Management Act 2016 as four coastal management areas comprising: *Coastal Wetlands and Littoral Rainforests Area*; *Coastal Environment Area*; *Coastal Use Area*; and *Coastal Vulnerability Area*.

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12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)

The site of the alterations and additions to existing dwelling are within the mapped (*Coastal Wetlands and Littoral Rainforests Area; Coastal Environment Area; Coastal Use Area; and Coastal Vulnerability Area*).

In the *Coastal Use Area*, the focus is on ensuring appropriate urban development for coastal areas, taking into account urban design issues such and maintaining scenic qualities, visual amenity and aboriginal cultural heritage and places.

The SEPP states:

Development consent must not be granted to development on land that is wholly or partly within the coastal use area unless the consent authority:

- a) *is satisfied that the proposed development:*
 - i. *if near a foreshore, beach, headland or rock platform—maintains or, where practicable, improves existing, safe public access to and along the foreshore, beach, headland or rock platform, and*
 - ii. *minimises overshadowing, wind funnelling and the loss of views from public places to foreshores, and*
 - iii. *will not adversely impact on the visual amenity and scenic qualities of the coast, including coastal headlands, and*
 - iv. *will not adversely impact on Aboriginal cultural heritage and places, and*
 - v. *will not adversely impact on use of the surf zone, and*
- b) *has taken into account the type and location of the proposed development, and the bulk, scale and size of the proposed development.*

The proposed location of the alterations and additions to existing dwelling:

- is not near, and does not impact access to a foreshore, beach, headland or rock platform, and
- does not cause overshadowing or wind funnelling; and
- does not cause the loss of views from public places to foreshores, and
- does not adversely impact the visual amenity or scenic qualities of the coast.

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

A BASIX Certificate was lodged for the alterations and additions to the existing 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 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

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12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)

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 2020 outlines that certain trees can be removed without requiring consent. No trees are proposed to be removed as part of this development.

Kiama LEP 2011

Clause 2.3 - Zone objectives and Land Use Table

The subject land is zoned R2 Low Density Residential under Kiama LEP 2011. The proposal is defined as a dwelling house under the provisions of Kiama LEP 2011, which are permitted with consent in the R2 Low Density Residential zone.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within that zone.

As the proposal will provide for housing needs and it is considered to be consistent with the zone objectives.

Specific clauses requiring consideration:

Clause 4.3 - Height of Buildings

Clause 4.3 requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map. The height of building map identifies that a maximum building height of 8.5m applies to the site. The proposed dwelling will have a maximum height of 9.280m above existing ground level and as such does not comply.

Clause 4.4 - Floor Space Ratio

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio (FSR) map. The Floor Space Ratio (FSR) map of Kiama LEP 2011 identifies that a maximum floor space ratio of 0.45:1 applies to the site. As per the definition provided in Kiama LEP 2011 the *gross floor area* of the proposed development is 292.89m². In this regard the proposed development has an FSR of 0.39:1 with the site and as such complies.

Clause 4.6 - Exceptions to Development Standards

Clause 4.6 provides for exceptions to development standards. The applicant has requested a variation to the height of building development standards.

The applicant has provided the following justification to varying the development standard:

"7.0 – Appendix A – Clause 4.6 Exception to a Development Standard

Variation to Clause 4.3 (Height of buildings) of the Kiama Local Environmental Plan 2011.

Clause 4.6 provides Kiama Municipal Council with the flexibility to assess and determine Development Applications which do not strictly comply with the development standards of the Kiama Local Environmental Plan (LEP). These are specifically exceptions to the development standard rather than variations. The development standard, in this case where a variation is being requested, Clause

Report of the Director Environmental Services

12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)

4.3 does not expressly prohibit the operation of Clause 4.6 in relation to contravening the development standard.

The objectives of the Clause 4.6 state:

- 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.

It is our contention that the related Development Application demonstrates that strict compliance with the 8.5m maximum height of buildings development standard provided in the LEP is unreasonable and unnecessary in the circumstances (related to the proposed modified dwelling on 16 Elanora Road) and that strict compliance will not result in a better environmental outcome than complying with the standard.



What are the objectives of the zone?

Zone R2 – Low Density Residential objectives are:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To increase the supply of secondary dwellings for affordable rental housing stock.
- To provide economic and employment opportunities for people who conduct business activities from their homes where these will not adversely affect the amenity of the neighbours or the neighbourhood.

What is the development standard being varied and its numeric value?

The development standard is a maximum building height of 8.5m as shown on the LEP mapping image below:

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Alterations and additions to existing dwelling (cont)



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Under what clause is the development standard listed in the environmental planning instrument?

Clause 4.3

What are the objectives of the development standard?

The objectives of Clause 4.3 (Height of buildings) are as follows:

- To ensure future development is in keeping with the desired scale and character of the street and local area;
- To allow reasonable day light access to all developments and the public domain.

What is proposed numeric value of the development standard in your development application and the percentage variation (between your proposal and the environmental planning instrument)?

The numeric standard is 8.5m expressed as a maximum building height. As shown below, the proposed maximum building height for this proposal is 9.280m which exceeds the height limit by a maximum of 0.78m for a small area of the flat roof (which is a 9.17% variation of the standard). The 0.78m is the maximum building height exceedance over the area(s) shown with the encroachment of the balance of the area(s) quickly reducing to compliance as illustrated.

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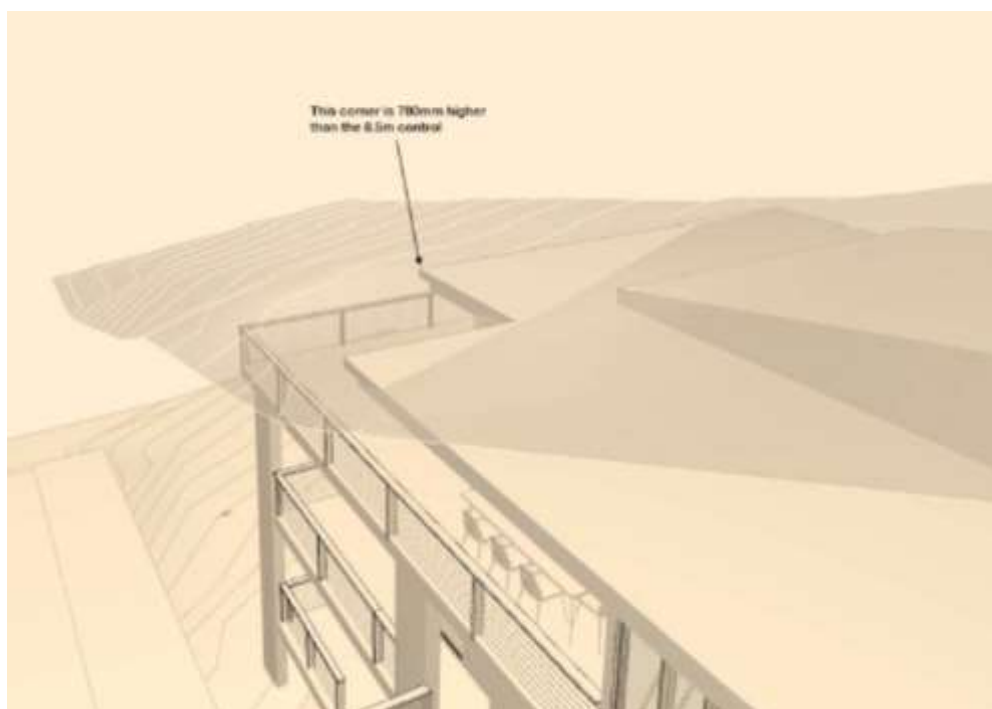
12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)

Diagram detailing 8.5m height plane over the remodelled building

As demonstrated above, this height exceedance is demonstrably minor in relation to the development as a whole.

How is the proposal consistent with the objectives of the zone in which the development is proposed to be carried out?

The proposed development is consistent with the objectives of the zone as it provides for the housing needs of the community within a low-density environment. The development also provides for detached housing within a locality dominated by detached housing. The development is compatible with other dwellings in the street which slope to the rear. The development also does not affect the amenity of neighbours or the neighbourhood as a result of this minor height exceedance.

How is the proposal consistent with the objectives of the development standard?

The proposal is consistent with the objectives of the clause. The building's minor height exceedance is consistent with objective (a) of the Clause which is to ensure future development is in keeping with the desired scale and character of the street and local area. The height exceedance is primarily related to the natural ground level slightly falling away towards the downhill (southern) side of the proposed building. In recognition of the relatively minor exceedance of maximum of 0.78m over a limited area, and the majority roof line is considered consistent with objective (a), the proposal is considered consistent with the general character of the street.

Objective (b) is to allow reasonable daylight access to all developments and the public domain and again the building's minor height exceedance is consistent with this and does not result in unreasonable loss of daylight access to adjacent development. The location of the height exceedance is primarily related to the

Report of the Director Environmental Services

12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)

natural ground level falling towards the downhill (southern) side of the building and does not result in unreasonable loss of daylight access to the property to the south of the building.

How is strict compliance with the development standard unreasonable or unnecessary in this particular case?

For this site and development proposal, strict compliance with the development standard is unreasonable and unnecessary given the likely impact of development, or lack thereof, given that the exceedance relates to a maximum height over a small area (shown is above diagram).

The height exceedance is primarily related to the natural ground level slightly falling away towards the downhill (southern) side of the proposed remodelled building. Further to this, there is no privacy impacts as a result of the building height exceeding the 8.5m limit for a small area.

How would strict compliance with the development standard hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the EP&A Act.

The objects of this Act area:

- a) To encourage:
 - i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;*
 - ii) *the promotion and coordination of the orderly and economic use and development of land.*

Strict compliance with the standard would not facilitate the proper management and development of land resources within an area zoned for residential development. Most dwellings along this section of Elanora Road are built on slopes which may result in them requiring to exceed a small area of the maximum building height to achieve desired development of the land.

Development standards are often created for optimal situations with flat sites and the introduction of Clause 4.6 is intended to allow some flexibility to allow for specific circumstances.

Are there sufficient environmental planning grounds to justify contravening the development standard?

- 1) *Generic development standards such as height do not consider site conditions such as slope and in this instance a small section of increase slope towards the downhill (southern) side of the proposed remodelled building. Furthermore, the standards do not provide exceptions to architectural designs that primarily meet the height limit.*
- 2) *The exceedance is so minor (ie 0.78m maximum exceedance over a small area) and potential beyond the scope of what a reasonable person to notice once constructed.*

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12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)

- 3) *The exceedance is a result of the site being affected by uneven slope fall at the front of the building (ie the natural ground level falling away towards the downhill [southern] side of the building. The exceedance will not 'read' from Elanora Road.*
- 4) *The exceedance is not generating unacceptable overshadowing or privacy impacts.*
- 5) *The exceedance does not add to or result in any bulk or scale issues associated with the development.*
- 6) *The exceedance does not affect the amenity of neighbours or the neighbourhood.*

How will the proposal be in the public interest?

The proposed development is consistent with the promotion and coordination of the orderly and economic use of the land which is zoned residential and fully serviced. The proposal is consistent with the objectives of the zone, as it provides for the housing needs of the community within a low-density environment. The development provides for detached housing within a locality dominated by detached housing. The development is also compatible with other dwellings in the street which are built on the natural slope of the land.

In light of the above, the proposal is considered to be consistent with the public interest."

Assessing Officer's Comment

Compliance with the development standard is unreasonable in this instance. Dwelling houses are permissible in the R2 Low Density Residential zone and the development satisfies the FSR. The applicant has outlined that the proposal is consistent with the objectives of Clause 4.3.

The proposed variation to height will not result in an undesirable outcome in the area. It will not lead to undue view loss for neighbours or significant over shadowing. Generally, the proposed dwelling complies with the relevant LEP controls.

In this regard the proposed variation is consistent with the objectives of Clause 4.3 as well as the objectives of the R2 Low Density Residential zone (i.e. provision of low-density residential development).

Accordingly, it is considered that this variation is in the public interest, well founded and acceptable in the circumstances.

In light of this it is considered appropriate to vary the height requirements of Clause 4.3 of LEP 2011.

Under Clause 64 of the *Environmental Planning and Assessment Regulation 2000* the Director-General's concurrence has been assumed for the variations applied for, in accordance with Planning Circular PS 08-003.

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12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights - Alterations and additions to existing dwelling (cont)

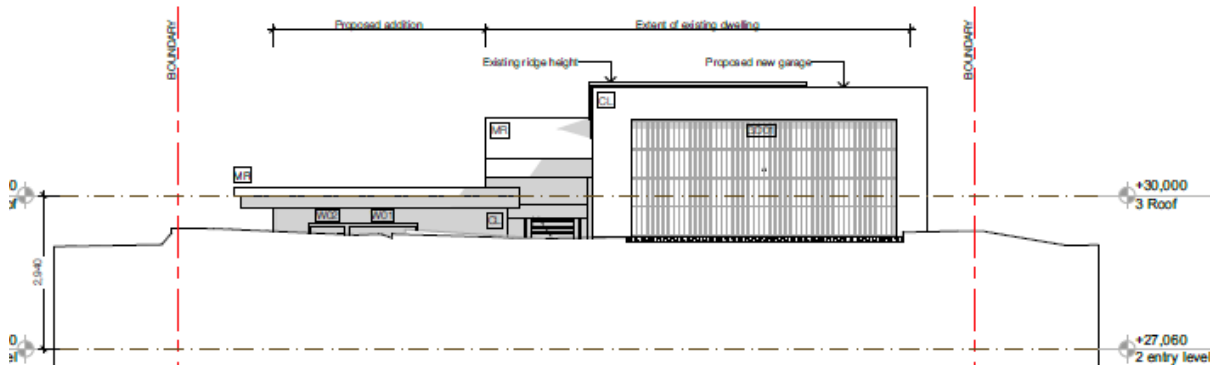


Figure 19 – Front dwelling elevation plan

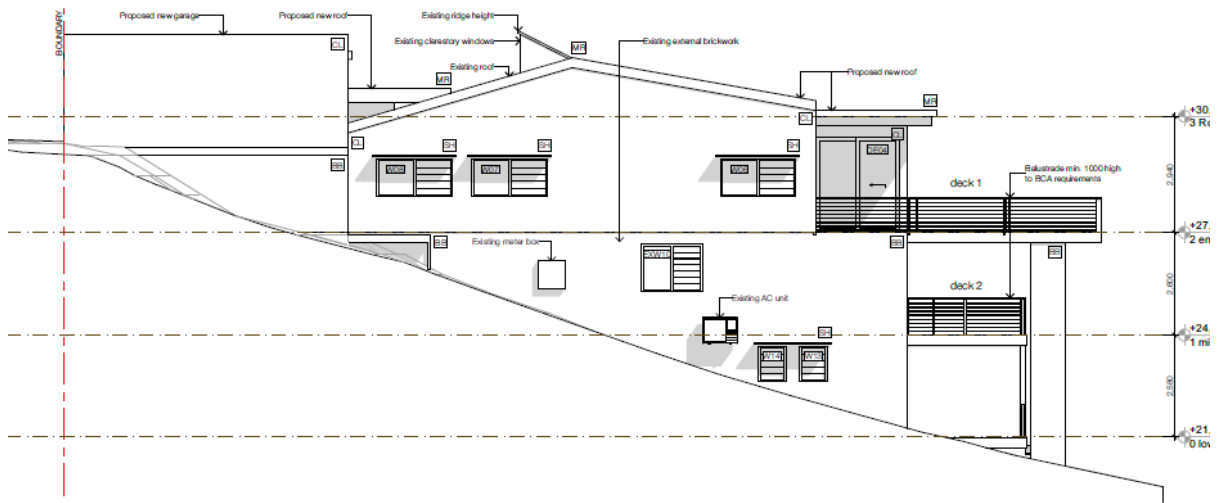


Figure 20 – Western side dwelling elevation plan

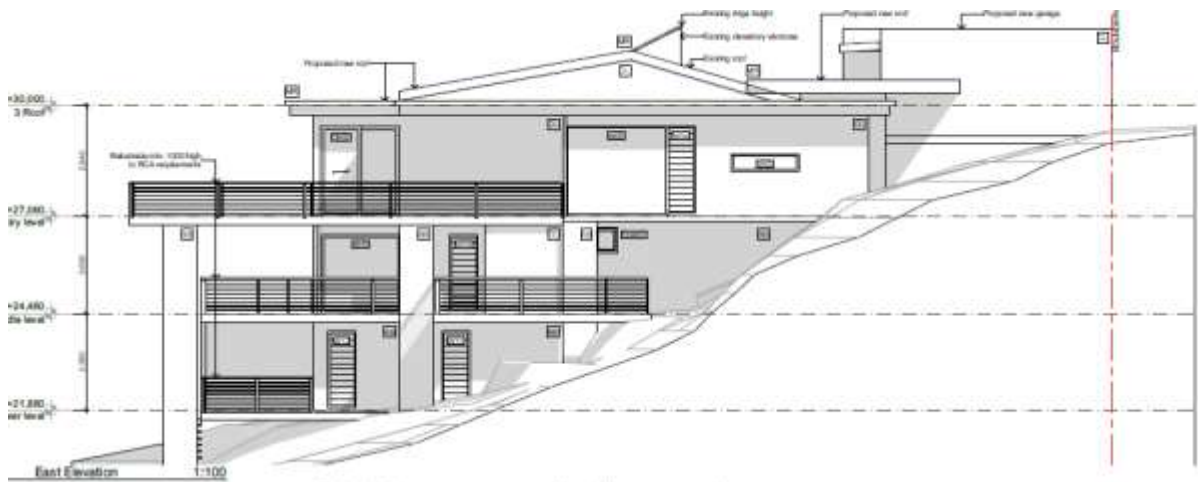


Figure 21 – Eastern side dwelling elevation plan

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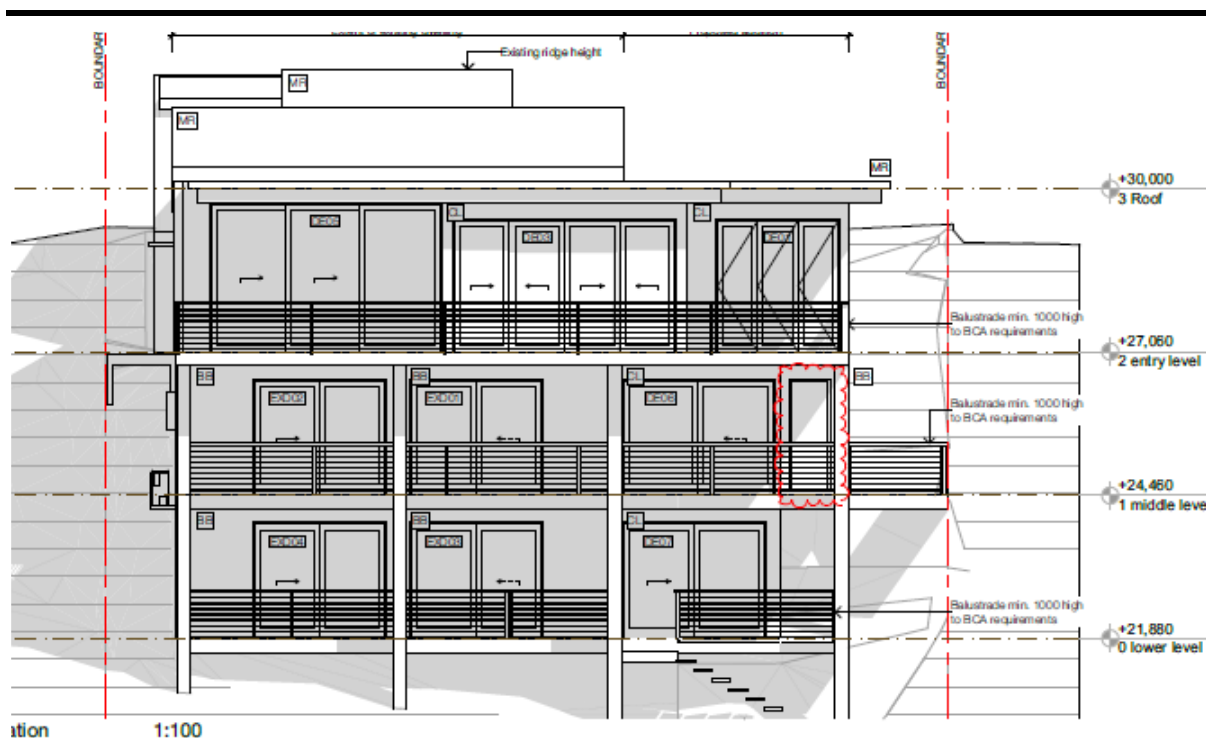
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Alterations and additions to existing dwelling (cont)

Figure 22 – Rear elevation plans

Clause 6.1 - Acid Sulfate Soils

Clause 6.1 lists requirements for land affected by Acid Sulfate Soils.

The site is subject to Acid Sulfate Soils Class 5 and the provisions requires that an Acid Sulfate Soils management plan be prepared and lodged with the development application for the proposed work unless note more than 1 tonne of soil is disturbed by the proposal.

Minimal excavation is proposed because the site is already benched, therefore less than 1 tonne of soil is expected to be disturbed.

This requirement has been satisfactorily addressed.

Clause 6.2 - Earthworks

Clause 6.2 lists considerations for proposals which involve earthworks. The proposal complies with the objectives of the clause and as the proposed earthworks are ancillary to the proposed dwelling separate development consent is not required.

The proposed development is consistent with the relevant provisions of Kiama LEP 2011 and is permissible within in the R2 Low Density Residential zone.

Any Draft Environmental Planning Instruments

Nil

Kiama Development Control Plan 2020

The proposed development is inconsistent with the objectives of Kiama DCP 2020. The non-compliances are addressed by the applicant in the table below:

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12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights - Alterations and additions to existing dwelling (cont)

Chapter 6 – Residential Accommodation

Front Line Controls – Front Building Lines

Controls	Comment
<p>6.1.16 – Front building lines should be in accordance with the building line maps or other relevant Chapters of this DCP.</p> <p>6.1.17 – Where a site is not mapped by the building line maps or covered by another Chapter of this DCP, the front building line shall be 4.5m or the average setback from the primary road of the 2 nearest dwelling houses on the same side of the primary road, whichever is the greater.</p>	<p>Required setback as per building line maps is 6m. It is proposed to construct a new garage at the entry level, the front elevation of which is set on the front boundary contrary to this provision.</p> <p><u>Variation Request</u></p> <p>As permitted in O:1.4.1 of Chapter 1 of Kiama DCP we request that Clause 6.1.16 be varied in this instance as ‘the development site has special or exceptional circumstances that justify the variation’.</p> <p><u>Justification</u></p> <p>As can be seen in the drawings accompanying the DA, the site on which the existing building is sited slopes steeply downhill. The existing garage at the lower level can only be accessed by a steeply sloping curved driveway. It is practically impossible for a vehicle to enter the garage without protracted manoeuvring. In addition to the manoeuvring problem there are also safety issues in the event of brake failure or driver mishap and also sight lines at the exit point when crossing the ramp transition. Another issue inherent in the current arrangement is pedestrian access to the dwelling is only possible for a healthy able-bodied person.</p> <p>The proposed redevelopment includes a level entry garage at street level allowing safe entry and exit for vehicles accessing the house. It also provides the ability for disabled access or ambulant disabled access allowing the owners to “age in place”. Because of the existing setback of the house it is not possible to provide this garage behind the standard building line as it would require substantial demolition of the existing house. The garage</p>

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Alterations and additions to existing dwelling (cont)

will be an integral part of the overall design with a contemporary appearance – it is in line with the objectives of providing ‘compliant car accommodation’ but cannot meet the required building setback. Under these circumstances we believe that variation Clause 6.1.16 inherent in the proposed design is justified.

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Assessing Officer’s Comment

The justification provided focuses on the short comings of the existing design and the private benefit at the expense of pedestrian safety and is clearly not in the public interest. The argument that the garage on a zero front setback will improve disabled and ambulant access to allow aging in place is questionable as the rear of the garage proposes stairs down to the dwelling.

The proposed reduced setback from the required 6m would unduly impact on the streetscape, the built environment and compromise pedestrian safety in a narrow street and is not supported. A compliant building line and garage parking setback similar to other properties in the locality that have recently be redeveloped could be instead obtained on this site. The garage could be pushed further south to comply by incorporating a suspended slab design.

There have been several developments that have been carried out in Elanora Road over the past few years for new dwellings and others involving alterations and additions. These developments have all had similar constraints caused by the steepness of the site but through skillful design they have been able to comply with the DCP setback requirements and accommodate the car parking requirements.

It should be noted that there are no other such developments within Elanora Road with a garage on a zero-line lot setback or anywhere else in Kiama Heights.

There are however two similar type developments some considerable distance away in the Kiama Heights area being that at No 36 Anembo Crescent approved in 2001 with a front setback of approx. 2.5m and No 34 Anembo Crescent approved in 2007 with setback of 1m and then there is an open carport in the same street at No 30 Anembo Crescent approved in 2013 on the boundary. The applicant will likely reference these as justification for the current proposal similarly to the way that he reduced setback at number No 36 approved in 2001 was cited as a precedent to justify a reduced garage setback at No 34 in 2007.

These precedents were established under a previous LEP and DCP controls have created an undesirable situation that has the potential to compromise the publics enjoyment and access to the footpath and potentially forces then onto the road pavement to get past parked vehicles and should not be repeated.

Report of the Director Environmental Services

12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)

Approval of garages less than the prescribed front boundary setback is not supported as it would also lead to the creation of a new undesirable precedent having regard to the current planning policies that would be cited in support of further undesirable development that compromised the streetscape due to garage dominance and is clearly not in the public interest. Elanora Road is also different to Anembo Crescent in that it enjoys more pedestrian activity as it adjoins Loves Bay and the coastal walking track.

As shown in Figure 26 below, Elanora Road is frequently parked out with vehicles along both sides leaving only single lane access for vehicles. If a vehicle were to be parked in front of the garages it would force pedestrians out onto the road pavement to skirt around vehicles parked in front of the garages overhanging the footpath and extending into the road. This would be a highly undesirable situation and likely to needlessly create a safety issue for pedestrians. The increased pedestrian activity on Elanora Road often involves tourists and visiting pedestrians who are often unfamiliar with the area and at times distracted by the dramatic views of Loves Bay may lead to them stepping out onto Elanora Road to get around vehicles protruding across the footpath area and road pavement without much thought. Those tourists from countries that are left hand drive may also step out unaware of approaching vehicles.

Furthermore, the adjoining sites both have the garages setback in excess of the required 6m. House number 18 Elanora Road was approved with the garages set back 12.8m and 14 Elanora Road is still under assessment, but the design proposes the garages be setback 7.1m. Under both these scenarios vehicles can safely park in front of the garages within the property boundaries without overhanging the footpath.

The garage dominance and negative impact on the streetscape would also lead to negative impact the adjoining properties who have proposed complaint designs set back from the street in accordance with the established setback. Approval of the garages at a zero-lot line would lead to the adjoining properties being hidden by the dominant non complaint garages.

Council's Subdivision & Development Engineer has also assessed the current proposal's setback for the garage and also considers it to be undesirable and is not able to offer any support for the proposed variation offering the following comments:

- *The setback for the proposed garage is not supported for safety reasons.*
- *The location of the proposed garage does not allow for the minimum site distance lines for pedestrian safety. The applicant shall revise their plans so as to address the requirements of Figure 3.3 of Australian Standard AS 2890.1.*
- *The applicant has advised in their email dated 22/10/2020 that " In recent time, due largely to the promotion of the Kiama Coastal Walk, pedestrian activity on Elanora Road has grown substantially from that of a quiet, residential access cul-de-sac to become a busy thoroughfare for visiting pedestrians who are often unfamiliar with the area and at times distracted." For this reason, the variation to the setback of the garage is not supported.*

The proposed development does not comply with the relevant controls of DCP 2020, and the requested variation is not supported as it would set an undesirable precedent that is clearly not in the public's interest.

Report of the Director Environmental Services

12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)



Figure 23 – Site photo of 36 Anembo Crescent, Kiama Heights



Figure 24 – Site photo taken at 34 Anembo Crescent, Kiama Heights

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Report of the Director Environmental Services

12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights - Alterations and additions to existing dwelling (cont)



Figure 25 – Site photo taken at 30 Anembo Crescent, Kiama Heights



Figure 26 – Street view of Elanora Road

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Report of the Director Environmental Services

12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)**Chapter 6 – Building Lines and Building Separation****Building Height Plane**

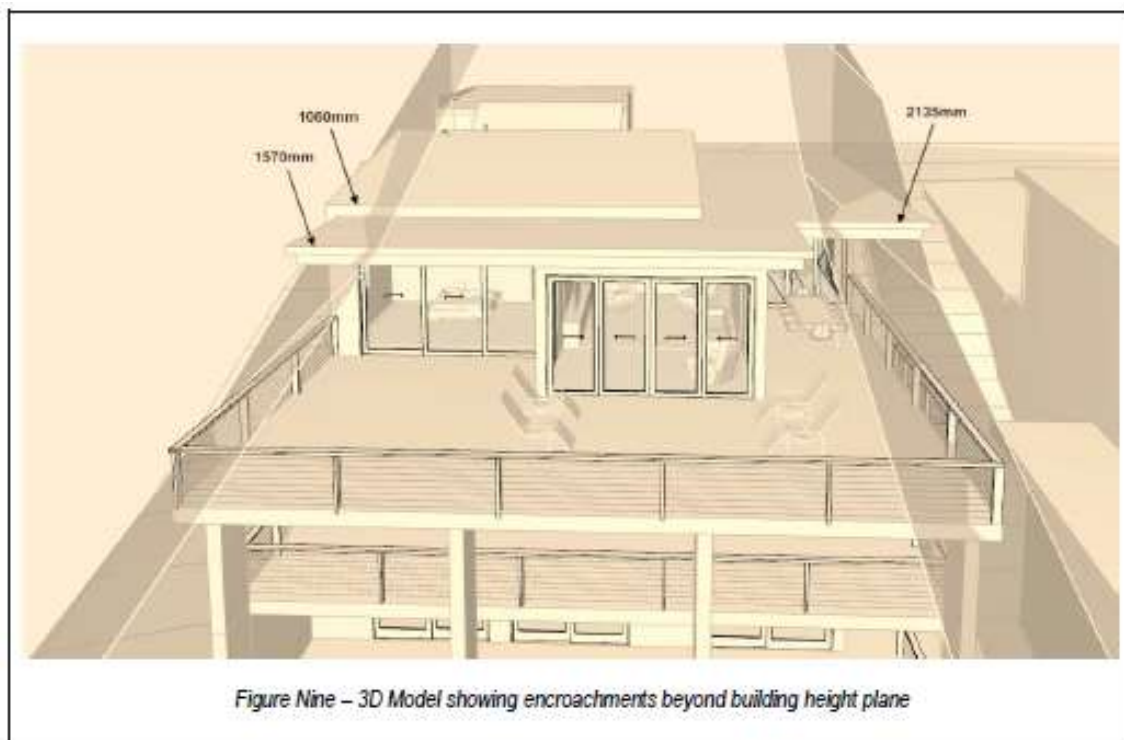
Controls	Comment
<p>6.1.15 – No part of the structure (excluding the eaves, fascia and roof gutter to a maximum width of 600mm) within the built upon area of the site shall exceed a building height plane projected at an angle of 45° over the actual land to be built upon from a vertical distance of 5m above the existing ground level at any boundary of the site.</p>	<p>There are 3 instances where the eaves of the roof protrude more than 600mm beyond the Building Height Plane specified in Clause 6.1.15. These are illustrated in figure 9 below:</p> <p>The excess encroachments are:</p> <ul style="list-style-type: none"> ➤ 480mm; ➤ 970mm ➤ 1535mm <p><u>Variation Request</u></p> <p>As permitted in 0:14.1 of Chapter 1 of Kiama DCP we request that Clause 6.1.6 be varied in this instance as the ‘development site has special or exceptional circumstances that justify the variation’.</p> <p><u>Justification</u></p> <p>As can be seen in the drawings accompanying this DA, the site on which the existing building is sited slopes steeply. From Elanora Road the dwelling will present as a single storey house. The encroachments beyond the building height plane occur because the ground level falls so steeply to the south. In line with good architectural design the building steps down the hill following the established topography. The visual impact of the variation is minimal and the value of truncating the roofs to meet this provision would be outweighed by the damage to the integrity of the architectural design. As currently design the development proposal is in line with the objective of encouraging innovative housing design which incorporates high level architectural environmental and amenity standards.</p>

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Report of the Director Environmental Services

12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)

Under these circumstances we believe that variation of Clause 6.1.15 is inherent and the proposed design is justified.

**Assessing Officer's Comment**

The justification provided is considered to be reasonable in the circumstances and proposed encroachments are unlikely to cause any significant amenity loss for neighbours. Council is supportive of the requested variation in this instance.

Any Planning Agreement

Nil.

Any Matters Prescribed by the RegulationsNSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast

The proposal does not compromise the strategic actions or principles (Appendix C - Table 3) adopted within the *NSW Coastal Policy 1997*.

Australian Standard AS 2601 - 1991: The Demolition of Structures

The proposal is not inconsistent with Australian Standard AS 2601 - 1991: *The Demolition of Structures*

Any Coastal Zone Management Plan

Nil.

Report of the Director Environmental Services

12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)

The Likely Impacts of the Proposed Development

Streetscape

The design of the proposed development is considered to be unreasonable when considered in relation to the existing setbacks of dwellings in the street.

The bulk, scale and design of the proposal is inconsistent with relevant planning instruments and is inconsistent with the streetscape along Elanora Road as there no other dwellings or garages that have a zero setback to the front boundary.

The proposed development is considered to negatively disrupt the area.

Noise

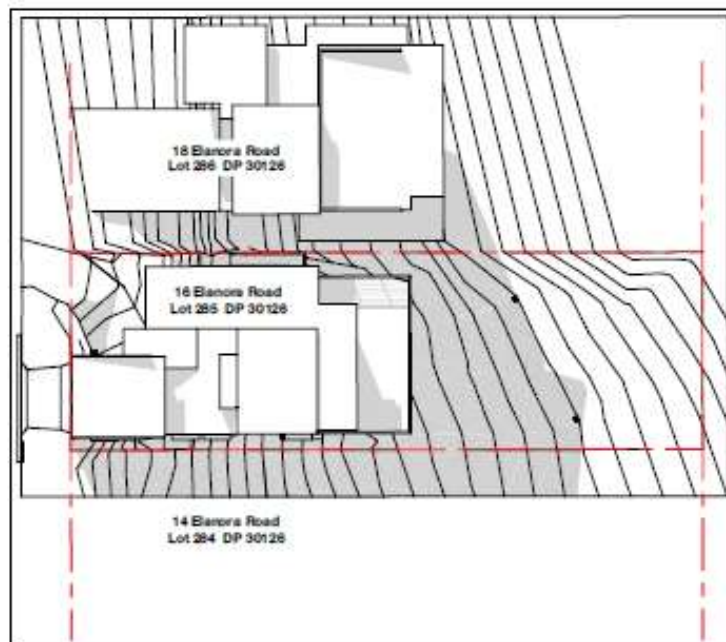
Construction works will generate some noise, though conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours. No ongoing significant noise impacts are expected as a result of the development.

Privacy and Overlooking

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

Overshadowing

Shadow diagrams have been supplied with the development application which indicate that the overshadowing impacts of the proposed development will be reasonable as shown in Figures 27-29 below:



01 21 June 9am

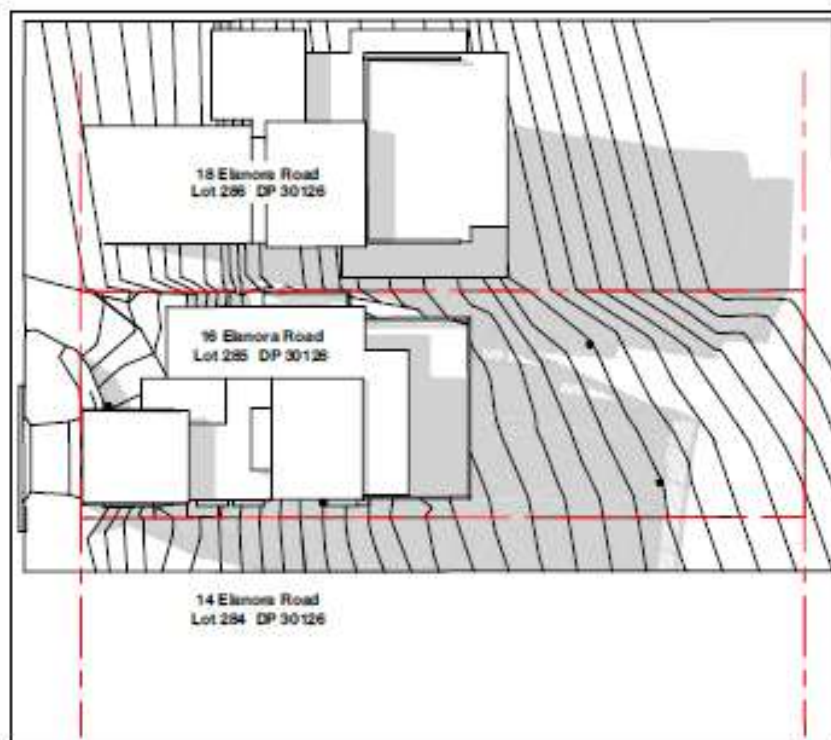
Figure 27 – 9am Shadows mid-winter

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Report of the Director Environmental Services

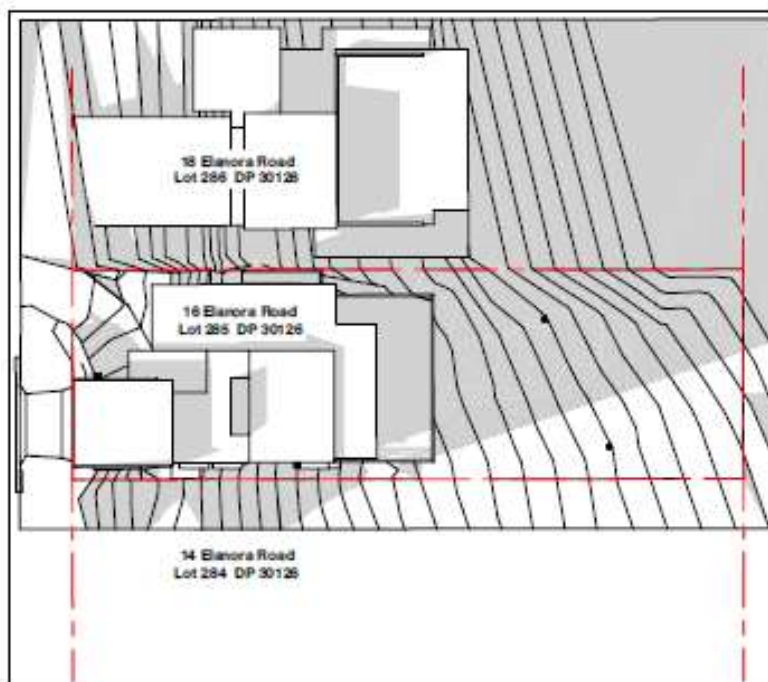
12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights - Alterations and additions to existing dwelling (cont)

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02 21 June 12pm

Figure 28 – 12 noon shadows mid-winter



03 21 June 3pm

Figure 29 – 3pm shadows mid-winter

Report of the Director Environmental Services

12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)

Views

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

Vehicular Access, Parking and Manoeuvring

Concerns have been raised by Council's Engineer with respect to and the current proposal is not supported for safety reasons as the proposed location of the garage does not allow for the minimum site distance lines for pedestrian safety. Furthermore, if a vehicle is parked in front of the garage it will obstruct the footpath forcing pedestrians onto the road.

Stormwater Management

A satisfactory drainage design has been provided with the application.

All stormwater will drain to the proposed 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 proposed drainage 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 concerns have been raised that would warrant refusal of the application.

The Suitability of the Site for the Development

The proposal largely fits in with the locality and the site attributes save for the garage proposed at a zero-lot line.

Submissions

Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period no submissions were received.

External Referrals

Nil

Internal Referrals

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

Report of the Director Environmental Services

12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)

Subdivision & Development Engineer

An objection has been raised in relation to the proposed development. The following comments have been provided:

The location of the proposed garage does not allow for the minimum site distance lines for pedestrian safety. The applicant shall revise their plans so as to address the requirements of Figure 3.3 of Australian Standard AS 2890.1.

The plans shall be revised to indicate that the width of the driveway at the kerb line is no greater than 4.5 metres.

The applicant has advised in their email dated 22/10/2020 that "In recent time, due largely to the promotion of the Kiama Coastal Walk, pedestrian activity on Elanora Road has grown substantially from that of a quiet, residential access cul-de-sac to become a busy thoroughfare for visiting pedestrians who are often unfamiliar with the area and at times distracted." For this reason, the variation to the setback of the garage is not supported.

In an effort to overcome the minimum site distance lines for pedestrian safety qualified support could be offered for an open carport on the provision that satisfactory plans and specifications are provided for assessment.

The Public Interest

The proposal is considered to be largely consistent with all relevant Environmental Planning Instruments and Development Control Plan except as discussed further above in the report.

The proposal is reliant upon justification to the Development Control Plan with regards to setback requirements and is likely to cause significant adverse impacts to the natural or built environment, is likely to cause significant adverse social and economic impacts, is not suitable for the site and therefore is considered to be inconsistent 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 inconsistent with Kiama LEP 2011 and relevant Kiama DCP 2020 Chapters. The proposed development is inconsistent with the certain Controls within Chapter 6 objectives of the R2 Low Density Residential zone.

The applicant was requested to provide plans to provide a compliant front setback of 6m in accordance with the DCP and address other matters of concern within the proposed dwelling. The applicant has provided amended plans to address some of the previous concerns which were identified in Council's additional information letter which was sent.

Some of the concerns that were conveyed to the applicant have been adequately addressed and now considered to be reasonable and supported by Council. However, the applicant has not chosen to setback the garage to comply with the DCP controls.

Report of the Director Environmental Services

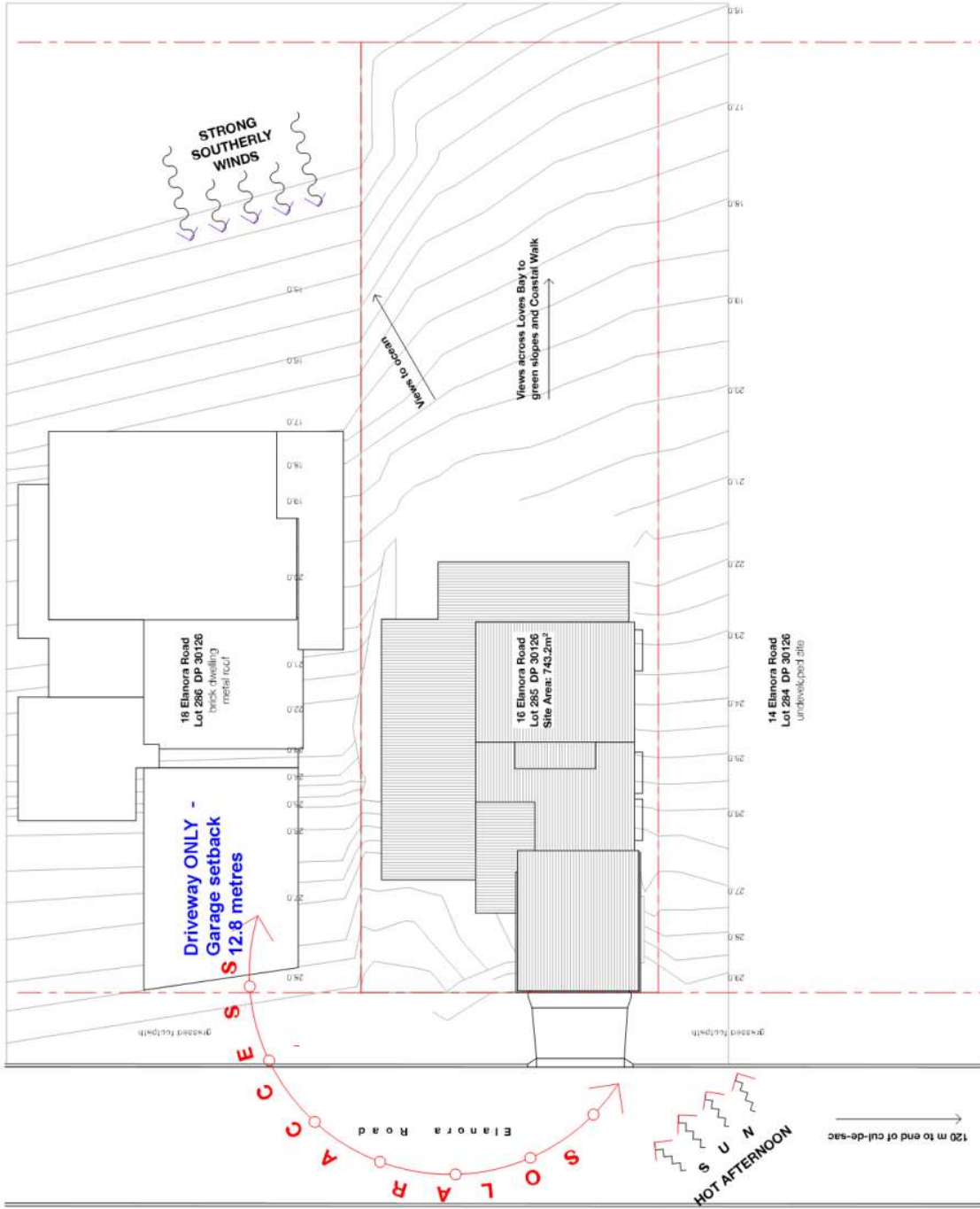
12.2 10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights -
Alterations and additions to existing dwelling (cont)

The proposal is still therefore considered to be unacceptable as the double garage being 6.4m wide and approximately 3m high will dominate the street scape, impact pedestrian safety, potentially reduce pedestrian enjoyment of public area, would set an undesirable precedent and is not in the public interest.

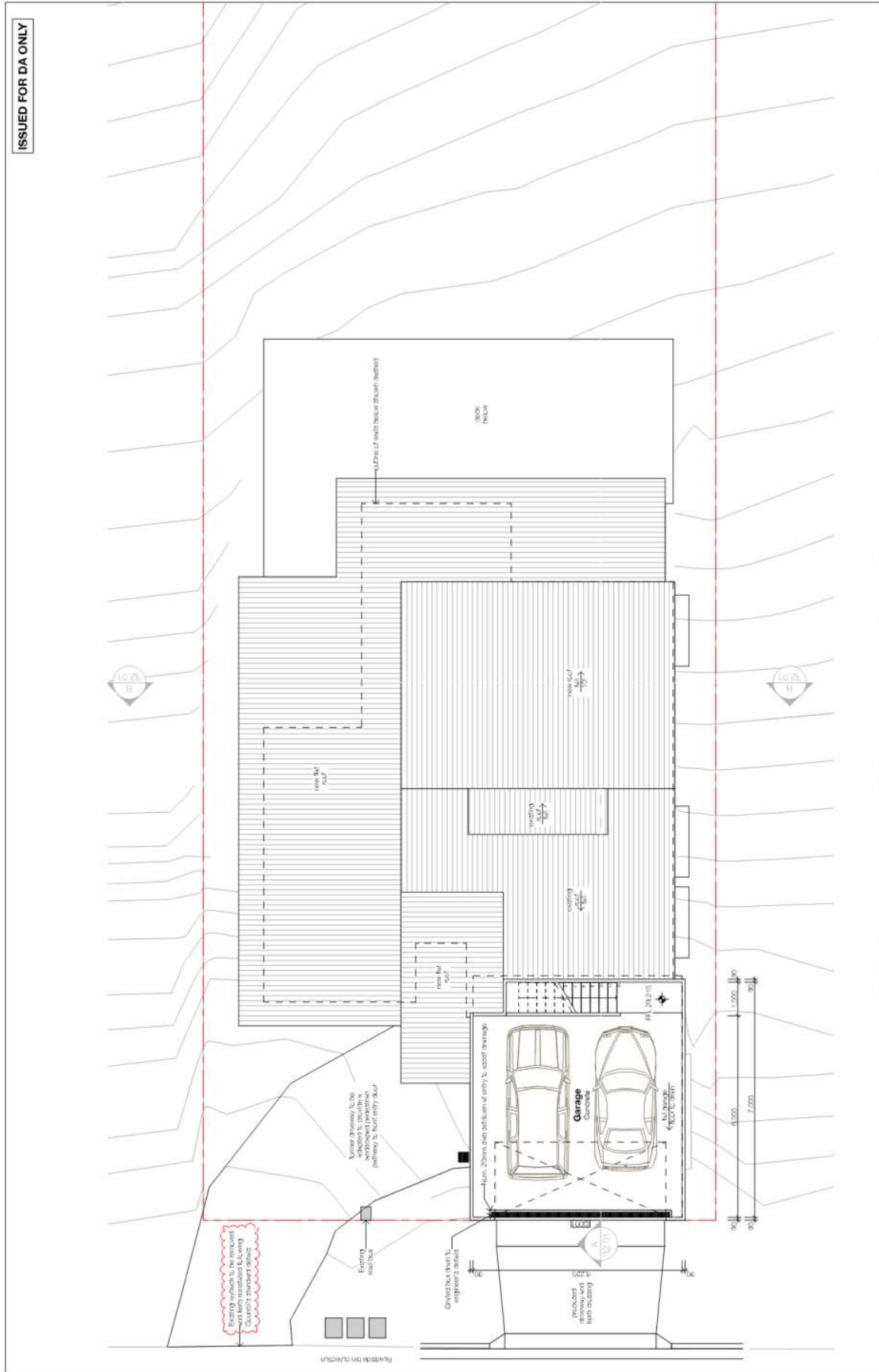
Consideration has been given to the social, economic and environmental impacts of the proposed development and significant concerns are raised.

The proposed development is considered to be unreasonable and refusal is recommended.

ISSUED FOR DA ONLY

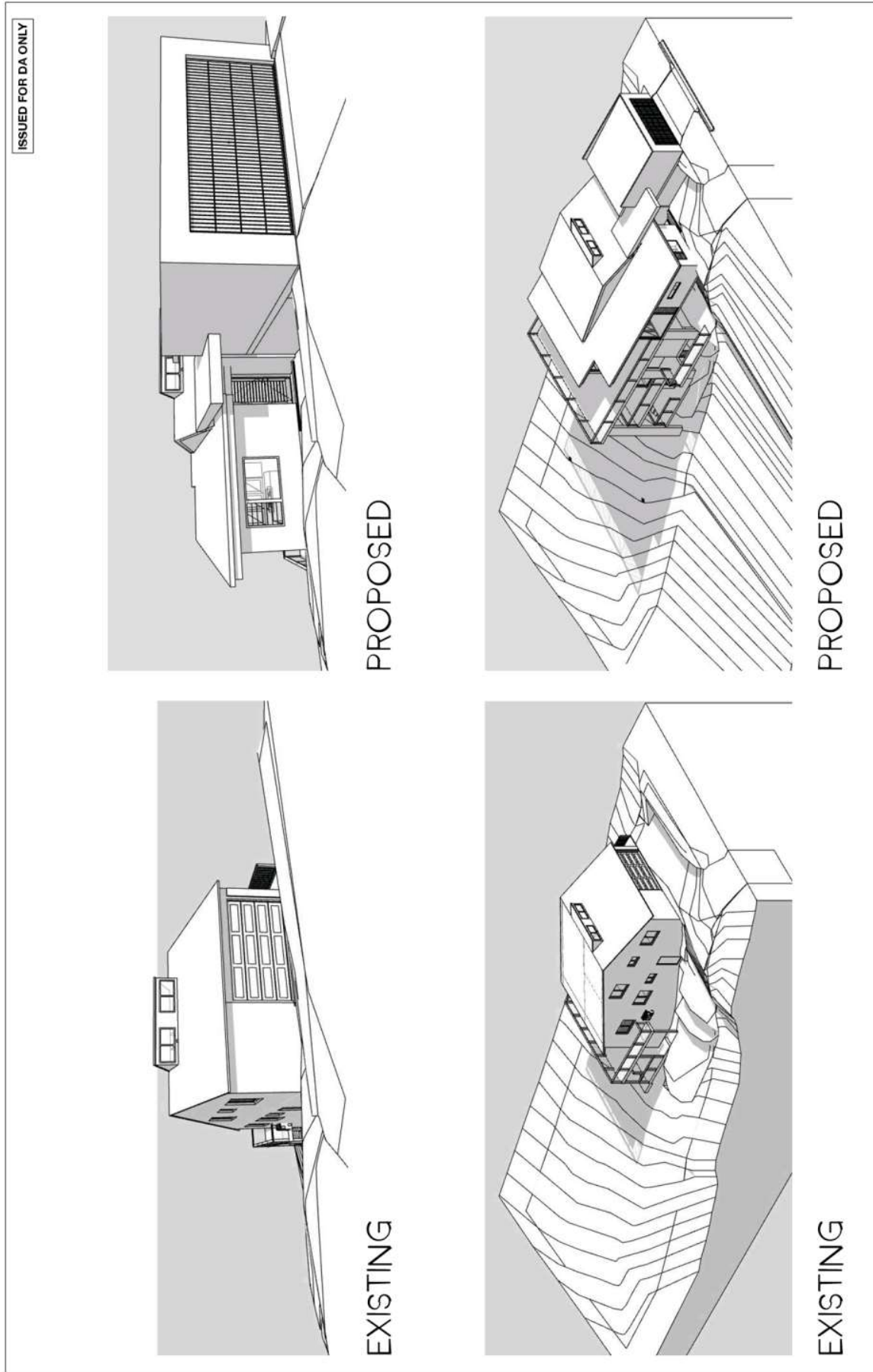


papesch ARCHITECTURE Architect's registration # 7275 P. PAPESCH (Principal) W. PAPESCH (Architect) W. PAPESCH (Architect) 18/189 Pacific Street, Kiama NSW 2533 A/N 03 937 953 155	Rev: A Date: 10/20/20 Title: Alterations & Additions to Existing Dwelling Project: 16 Elanora Road, Kiama, NSW, 2533 Client: Sylvia & Henry Denne	Project No: 10/06 Drawn: LP U/L No: 285 DP 30126	Date: 10/20/20 Date Printed: 10/20/20	Drawing Title: Site Analysis Plan Scale: 1:200 Drawing No: 10.01 Rev: A
	Notes: 1. All dimensions are in metres unless otherwise stated. 2. All dimensions are to the centre of the line unless otherwise stated. 3. All dimensions are to the face of the wall unless otherwise stated.			



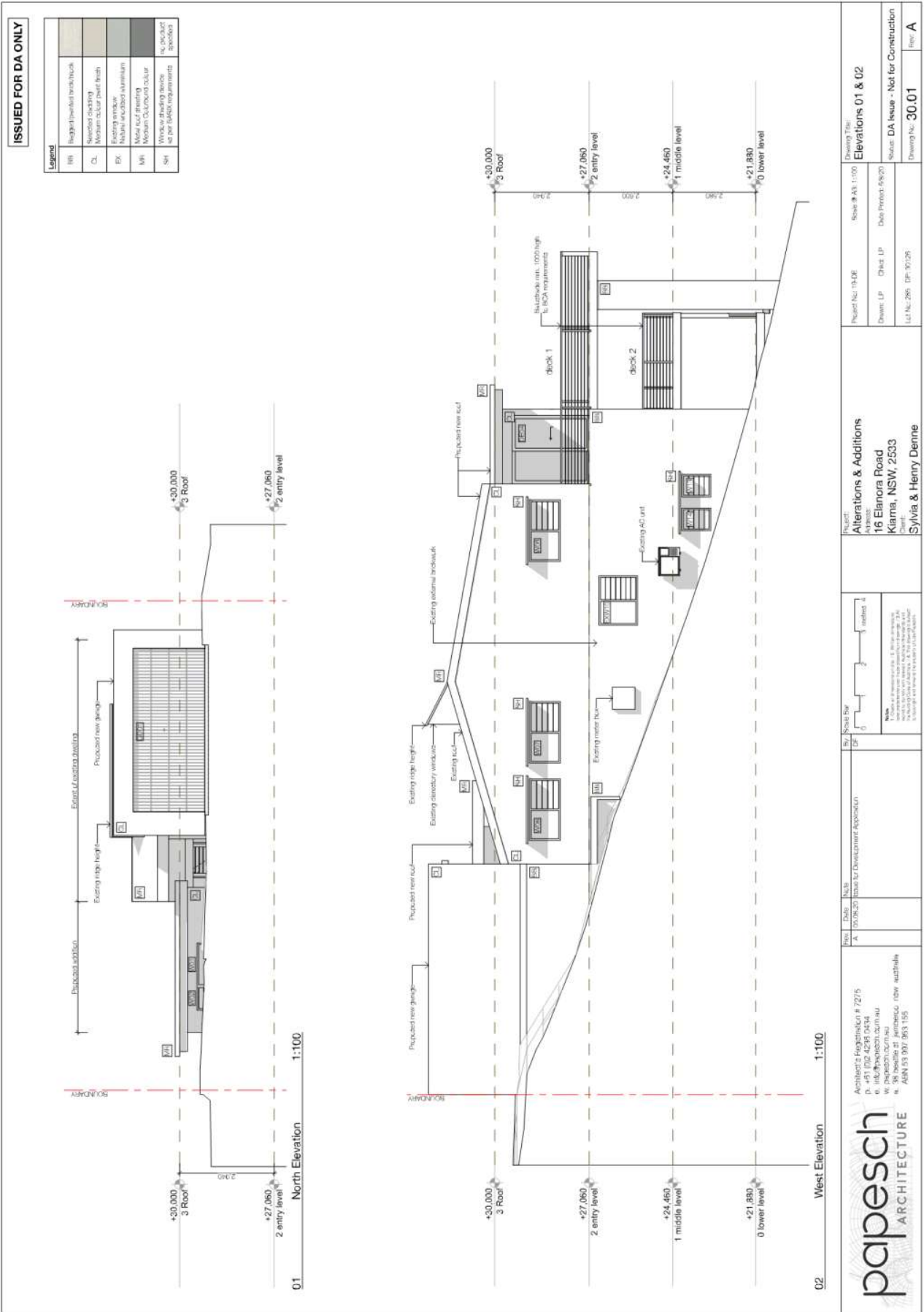
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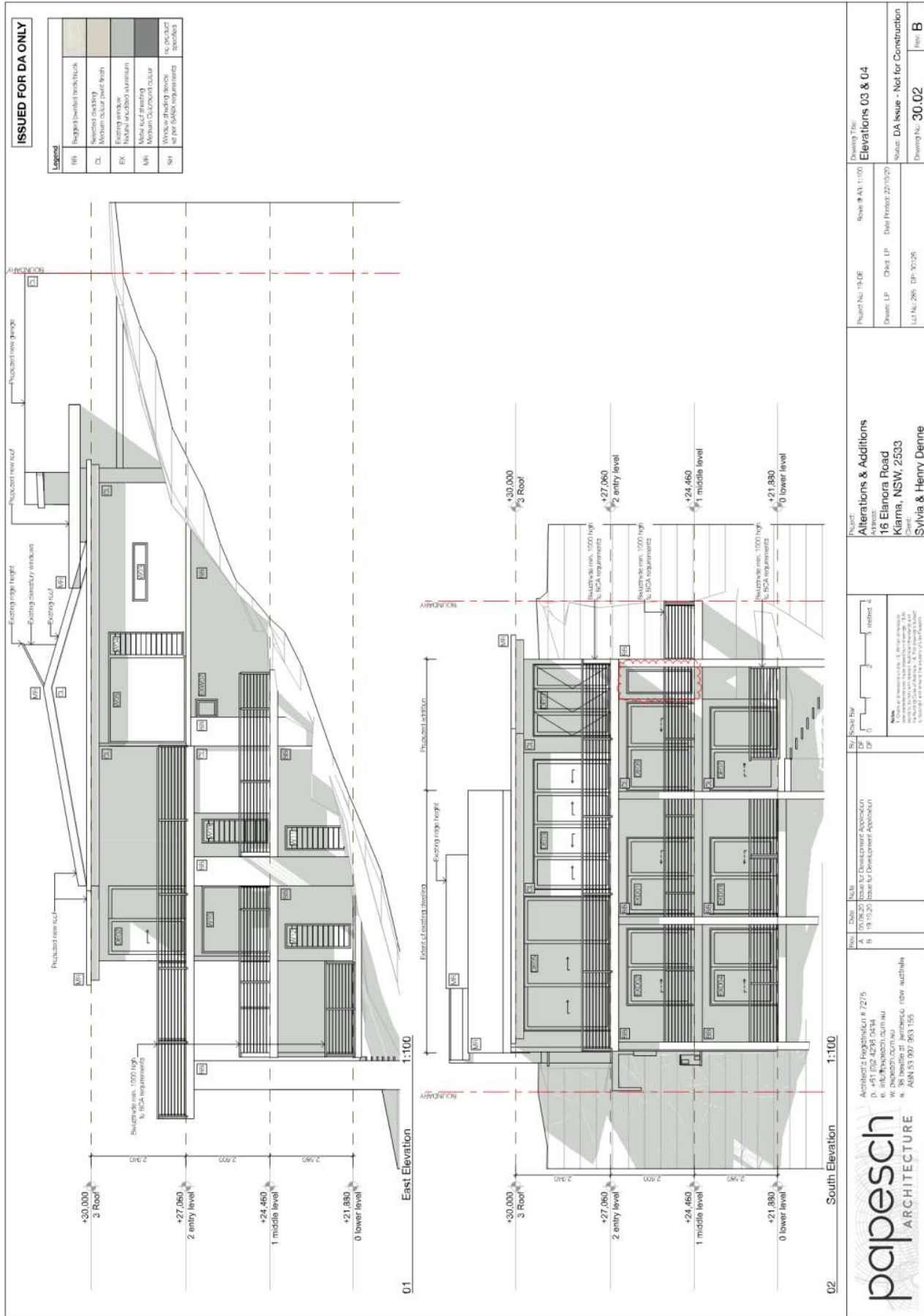
<p>Architect's Registration # 72175 P. PAPESCH ARCHITECTURE W. CHAPMAN ARCHITECT 18 Bessie St, Jerrabomberra NSW Australia A/N 03 937 963 155</p>		<p>Rev. Date R 10/10/20 Issue for Development Approval</p>	<p>By: Scale Bar DP 0 1 2 3 4 meters</p>	<p>Project: Alterations & Additions to the 16 Elanora Road Kiama, NSW, 2533 Client: Sylvia & Henry Denne</p>	<p>Project No: 19/06 Drawing Title: Garage/Roof Plan</p>
<p>Notes: 1. All dimensions are in meters unless otherwise stated. 2. All dimensions are to the face of the work unless otherwise stated. 3. All dimensions are to be taken from the datum unless otherwise stated.</p>		<p>Drawn: LP Checked: LP Date Printed: 20/10/20 L14 No: 295 DP: 30126</p>	<p>Scale: A4: 1:100 Date: 20/10/20</p>	<p>Status: DA Issue - Not for Construction Drawing No: 20.01 Rev: B</p>	



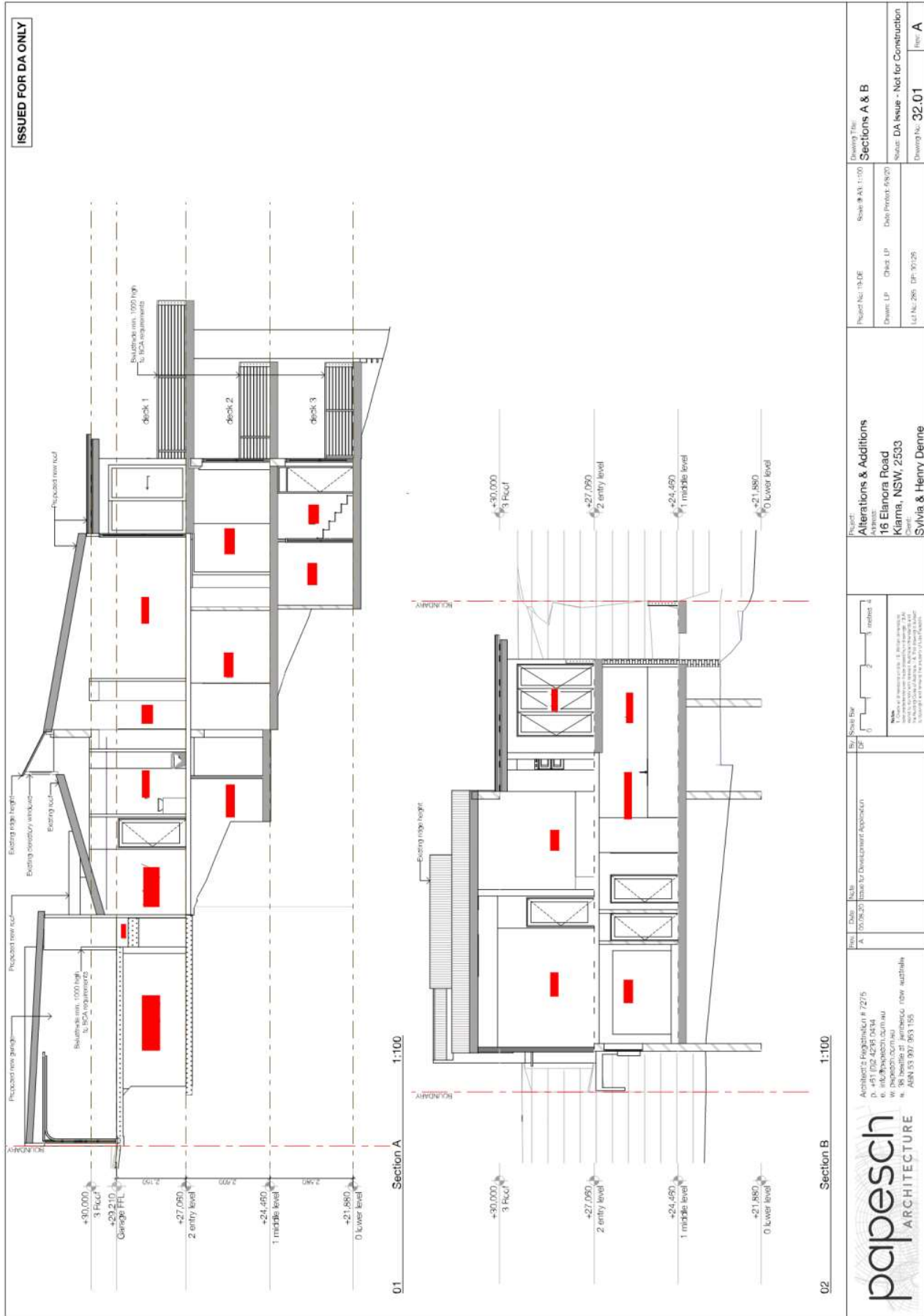
ISSUED FOR DA ONLY

Architect's Registration # 7275 P. PAPESCH ARCHITECTURE W. PAPESCH ARCHITECTURE 18/19 Beville St, Jerrabombie NSW Australia ABN 53 007 963 155	Rev: Date: Note: A: 10/08/2020 Issue for Development Application	By: Scale for: DP	Project: Alterations & Additions to the 16 Elanora Road Kiama, NSW, 2533 Client: Sylvia & Henry Denne	Project No: 19/06 Drawing Title: Existing & Proposed 3Ds - Existing 02 Sheet 02 Status: DA Issue - Not for Construction Drawing No: 35.02 Rev: A
	Date: 10/08/2020 Note: This drawing is to be used for the purpose of a Development Application only. It is not to be used for any other purpose without the written consent of P. Papesch Architecture.	Project No: 19/06 Drawing Title: Existing & Proposed 3Ds - Existing 02 Sheet 02 Status: DA Issue - Not for Construction Drawing No: 35.02 Rev: A	Scale: 1:100 Date Permitted: 05/07/20	Project No: 19/06 Drawing Title: Existing & Proposed 3Ds - Existing 02 Sheet 02 Status: DA Issue - Not for Construction Drawing No: 35.02 Rev: A





Architect: papesch ARCHITECTURE 10/102/20/139/1 16 Elanora Road Kiama, NSW 2533 SYDNEY & HENRY DENNE	Project: Alterations & Additions 16 Elanora Road Kiama, NSW 2533 SYDNEY & HENRY DENNE	Scale Bar 0 1 2 metres	By: [Signature] Date: 10/10/20	Rev: 0 Date: 10/10/20 Issue for Development Application	Project No: 10/102/20/139/1 Drawing No: 30.02	Sheet: 03 & 04 Drawing Title: Elevations 03 & 04	Issue: DA Issue - Not for Construction Drawing No: 30.02 Rev: B
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Architect's Registration # 7275 P. 14/02/2012 W. CHAPMAN ARCHITECTURE W. CHAPMAN ARCHITECTURE 18/38 Beville St, Jerrimongah NSW Australia ABN 53 907 963 155	Date: 10/05/2020 Scale: 1:100	Drawn: LP Checked: LP Date Printed: 05/07/20	Project No: 10/06 Drawing Title: Sections A & B	Scale: 1:100 Date: 10/05/2020	Project: Alterations & Additions 16 Elanora Road Kiama, NSW, 2533 Client: Sylvia & Henry Denne	Scale Bar: 0 2 meters Notes: All dimensions are in millimetres unless otherwise stated. All work to be done in accordance with the Australian Standard AS/NZS 1546:2011. The client is responsible for ensuring that the drawings are used for the intended purpose.	By: LP Date: 10/05/2020	Drawing No: 32.01 Rev: A
								Status: DA Issue - Not for Construction

12.3 10.2020.66.1 - Lot 7 DP 313028 - 21 Burke Parade, Gerroa – 2 Lot Torrens Title Subdivision

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

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

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

Item 12.3

Summary

This report reviews Development Application No 10.2020.66.1 which involves a 2 Lot Torrens Title Subdivision.

The report recommends that Council approve Development Application No 10.2020.66.1 as the proposal is:

- Permissible in the R2 Low Density Residential and complies with the zone objectives and is consistent with the relevant development standards of the Kiama Local Environment Plan 2011 (LEP), and
- Generally consistent with the Kiama Development Control Plan 2012 (DCP)

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 26/05/2020 to 09/06/2020.

Submissions: 8 submissions

Reason for the Report

This report is submitted to Council because only the elected Council determine applications involving more than 3 objections.

Attachments

1 10.2020.66.1 - Plans [↓](#)

Enclosures

Nil

Report of the Director Environmental Services

12.3 10.2020.66.1 - Lot 7 DP 313028 - 21 Burke Parade, Gerroa – 2 Lot Torrens Title Subdivision (cont)

RECOMMENDATION

That Council approve Development Application No 10.2020.66.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

BACKGROUND

Development Site

The property is described as Lot 7 DP 313028 which is located at 21 Burke Parade, Gerroa.

The overall site measures 916.9m² and is irregular in shape.

The site currently contains Class 1 and is bounded by residential land containing principally dwellings.

The site is zoned R2 Low Density Residential under Kiama LEP 2011.

The site is cleared and slopes moderately from the northern boundary to the southern boundary with a fall of 12.02m.

The site drains overland to the adjoining land and natural watercourse.

Access to the property is gained through a right of carriageway in favour of the Public Road.

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

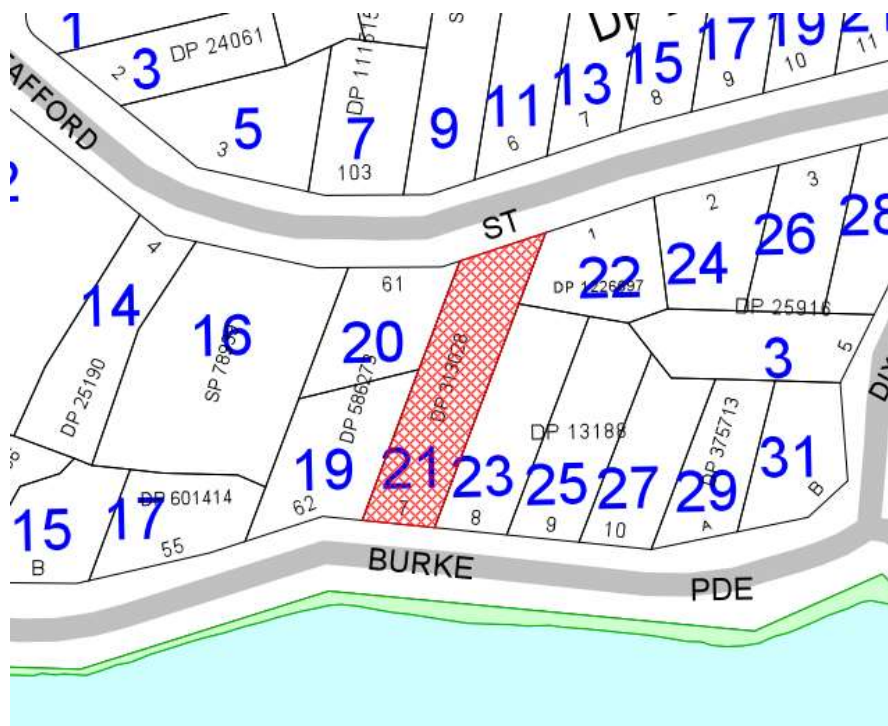


Figure 1 – Locality plan

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Report of the Director Environmental Services

12.3 10.2020.66.1 - Lot 7 DP 313028 - 21 Burke Parade, Gerroa – 2 Lot Torrens Title Subdivision (cont)

Item 12.3



Figure 2 – Site photograph – Stafford Street frontage (view of proposed Lot 2)



Figure 3 – Site photograph – Burke Street frontage (view of proposed Lot 1)

Description of the Proposed Development

The proposal involves the retention of the existing dwelling and garage which front Burke Parade and subdivision into 2 Torrens Title lots thereby creating a vacant allotment fronting Stafford Street.

Specifically, the proposal would create 2 lots as detailed in the Concept Subdivision Plan prepared by *SET Consultants Pty Ltd* submitted as part of this application.

Report of the Director Environmental Services

12.3 10.2020.66.1 - Lot 7 DP 313028 - 21 Burke Parade, Gerroa – 2 Lot Torrens Title Subdivision (cont)

Table 1 below details how the Lot will be subdivided:

Table 1: Schedule of Proposed lots		
	Proposed Lot 1	Proposed Lot 2
Area	466m ²	450m ²
Street Frontage	15.24m to Burke Parade	18.936m to Stafford Street
Buildings to be retained	Brick dwelling and garage	Vacant

Item 12.3

The proposed subdivision will involve minimal physical works. The works proposed as part of the application are associated with the construction of a drainage pipe being constructed along the eastern boundary to enable Proposed Lot 2 to drain to Burke Parade.

An easement over this drainage pipe is also proposed as part of the subdivision. The proposal is shown in Figures 3 and 4 below:

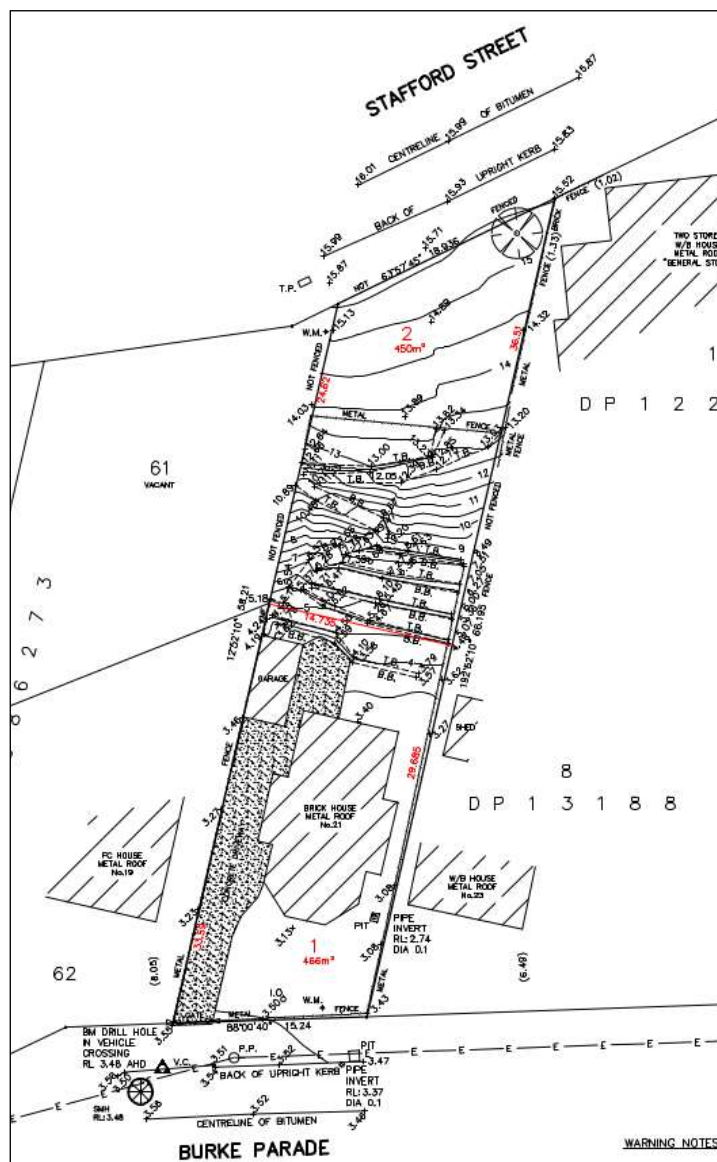


Figure 3 – Site/subdivision plan

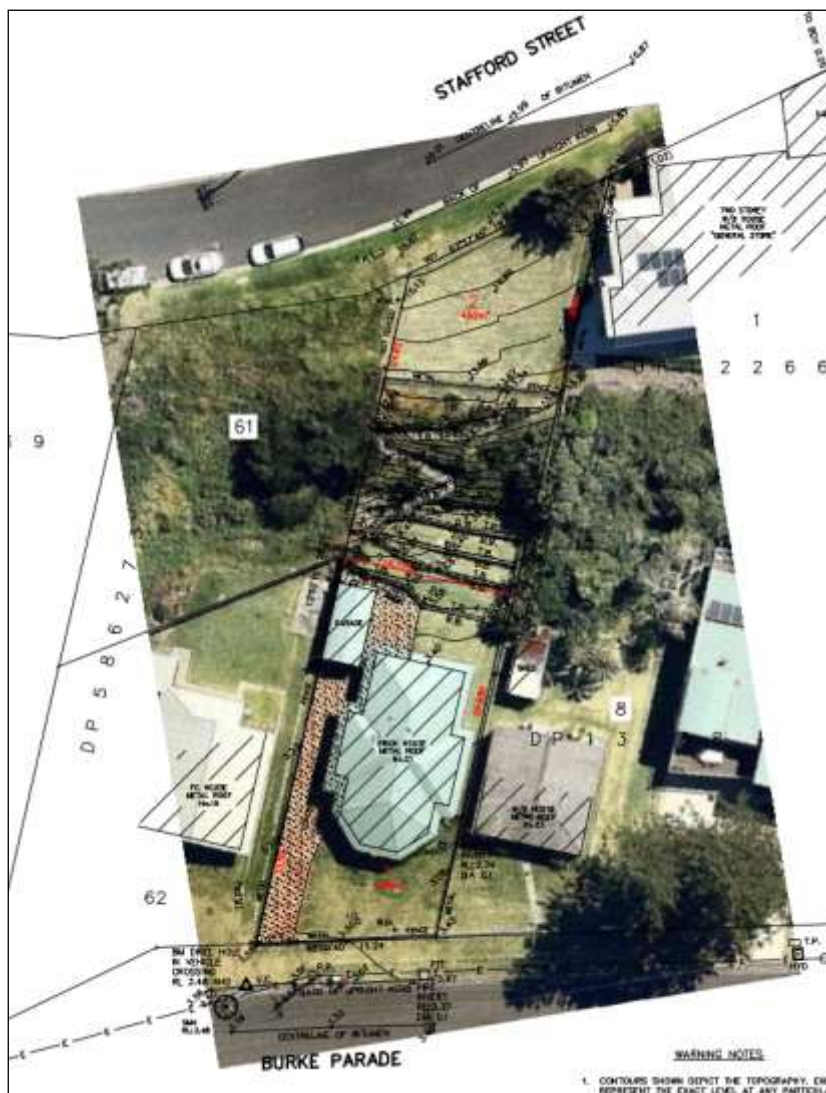


Figure 4 – Site/subdivision plan and aerial photograph

Section 4.15 Assessment

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

Relevant Environmental Planning Instruments

State Environmental Planning Policy (Coastal Management) 2016

The 'coastal zone' is defined in the Coastal Management Act 2016 as four coastal management areas comprising: *Coastal Wetlands and Littoral Rainforests Area*; *Coastal Environment Area*; *Coastal Use Area*; and *Coastal Vulnerability Area*.

The site of the 2 Lot Torrens title subdivision is within the mapped *Coastal Environment Area* and *Coastal Use Area*.

In the *Coastal Use Area* the focus is on ensuring appropriate urban development for coastal areas, taking into account urban design issues such and maintaining scenic qualities, visual amenity and aboriginal cultural heritage and places.

Item 12.3

Report of the Director Environmental Services

12.3 10.2020.66.1 - Lot 7 DP 313028 - 21 Burke Parade, Gerroa – 2 Lot Torrens Title Subdivision (cont)

In relation to the *Coastal Use Area* the SEPP states:

Development consent must not be granted to development on land that is wholly or partly within the coastal use area unless the consent authority:

- a) *is satisfied that the proposed development:*
 - i. *if near a foreshore, beach, headland or rock platform - maintains or, where practicable, improves existing, safe public access to and along the foreshore, beach, headland or rock platform, and*
 - ii. *minimises overshadowing, wind funnelling and the loss of views from public places to foreshores, and*
 - iii. *will not adversely impact on the visual amenity and scenic qualities of the coast, including coastal headlands, and*
 - iv. *will not adversely impact on Aboriginal cultural heritage and places, and*
 - v. *will not adversely impact on use of the surf zone, and*
- b) *has taken into account the type and location of the proposed development, and the bulk, scale and size of the proposed development.*

Having regard to the above, the proposed location of the Torrens Title Subdivision:

- is not near, and does not impact access to a foreshore, beach, headland or rock platform; and
- does not cause overshadowing or wind funnelling; and
- does not cause the loss of views from public places to foreshores; and
- does not adversely impact the visual amenity or scenic qualities of the coast; and
- does not adversely impact on Aboriginal cultural heritage and places; and
- does not adversely impact on use of the surf zone.

In relation to the *Coastal Environment Area* the SEPP states:

Development consent must not be given or granted unless it has taken into consideration the ability of the development to impact on the following:

- (a) *The integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;*
- (b) *Coastal environmental values and natural coastal processes;*
- (c) *The water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1;*
- (d) *Marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;*

Report of the Director Environmental Services

12.3 10.2020.66.1 - Lot 7 DP 313028 - 21 Burke Parade, Gerroa – 2 Lot Torrens Title Subdivision (cont)

-
- (e) *Existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability;*
 - (f) *Aboriginal cultural heritage, practices and place;*
 - (g) *The use of the surf zone.*

...and...

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) *The development is designed, sited and will be managed to avoid an adverse impact referred to in sub-clause (1), or*
- (b) *If that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or*
- (c) *If that impact cannot be minimised - the development will be managed to mitigate that impact*

The proposed development is considered to be conducive with the *Coastal Environment Area* because:

The proposal involves the subdivision of land only, and there are no physical works proposed that would have an unreasonable impact upon views currently available from Stafford Street to Seven Mile Beach across the subject site because no buildings are proposed in the application.

However, consideration will need to be placed on any future application for residential development and whether it causes loss views currently available from public places to the foreshore.

An AHIMS (Aboriginal Heritage Information Management System) search has been undertaken that details there are no aboriginal sites recorded in or near the subject site. In this regard, the proposed development does not negatively impact on Aboriginal cultural heritage, practices and places.

Further, the proposed development does not negatively impact on the coastal environment, the coastal ecology of the area, any rock platform or foreshore area, or the water quality of the marine estate and under these circumstances the proposed development is considered to be consistent with this environmental planning instrument.

State Environmental Planning Policy No 55 - Remediation of Land

Clause 7 of the SEPP No 55 requires Council to consider whether the land is contaminated and if it is contaminated if remediation works are required. Council is unaware of any historic land use which would deem the site unsuitable for the proposed development, therefore the land is considered to be suitable for the proposed use.

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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.

Kiama LEP 2011

Clause 2.3 - Zone objectives and Land Use Table

The subject land is zoned R2 Low Density Residential under Kiama LEP 2011. The proposal is defined as a *Subdivision* under the provisions of LEP 2011, which are permitted with consent in the R2 Low Density Residential zone.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The relevant zone objectives are as follows:

- *To provide for the housing needs of the community within a low-density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To increase the supply of secondary dwellings for affordable rental housing stock.*
- *To provide economic and employment opportunities for people who conduct business activities from their homes where these will not adversely affect the amenity of neighbours or the neighbourhood*

The proposed development is considered to be consistent with the objectives of the R2 Zone since the development will provide for

- the opportunity to create additional housing opportunities within the low-density environment, and
- the potential for enabling other land uses that provide facilities or services to the local community; and
- the possibility of providing employment opportunities for people who work from home

Specific clauses requiring consideration:

Clause 4.1 - Minimum Subdivision Lot Size

Clause 4.1 requires that the minimum subdivision lot size is not less than the minimum size shown on the Lot Size Map. The site is listed with a minimum resulting lot size of 450m² on the lot size map.

As proposed Lot 1 will have an area of 466m², and proposed Lot 2 will have an area of 450m²; both proposed allotments have areas greater than 450m² and complies with the provisions of Clause 4.1.

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Clause 4.4 - Floor Space Ratio

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio (FSR) map. The Floor Space Ratio (FSR) map of Kiama LEP 2011 identifies that a maximum floor space ratio of 0.45:1 applies to the site.

This requires the existing dwelling to be located on a lot of a size that is large enough so that its gross floor area (GFA) does not exceed the floor space ratio.

A review of Council's records shows that the existing dwelling has an GFA of 170m² on proposed Lot 1 (area 466m²).

In this regard the existing development on proposed Lot 1 has an FSR of 0.365:1 and as such the size of the lot ensures that the existing dwelling complies with the FSR.

Clause 6.1 - Acid Sulphate Soils

Clause 6.1 lists requirements for land affected by Acid Sulphate Soils.

The site is subject to Acid Sulphate Soils Class 3 and 5 and the provisions requires that an Acid Sulphate Soils management plan be prepared and lodged with the development application for the proposed work unless more than 1 tonne of soil is disturbed by the proposal.

Minimal excavation is proposed and as a result this requirement has been satisfactorily addressed.

Any Draft Environmental Planning Instruments

Draft SEPP – 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.

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 April 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.

As the application is proposing a 2 Lot subdivision and the land is not identified as being contaminated, the proposal is considered to be consistent with this draft instrument.

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Title Subdivision (cont)

Kiama Development Control Plan 2012

The proposed development is not inconsistent with the respective controls and objectives within Chapter 7 – Subdivision in Kiama DCP 2012 that regulate subdivisions.

Allotment Size and Dimension Requirements

The key objectives that are pertinent to the application are as follows under Topic 5.1:

- O:5.1.16 To ensure the subdivision of residentially zoned land is consistent with the objectives and minimum subdivision lot size requirements of Kiama LEP 2011*
- O:5.1.17 To ensure any subdivision of land is sympathetic to the surrounding subdivision pattern and the amenity of the residential neighbourhood in that particular locality is maintained.*
- O:5.1.18 To ensure any subdivision of land provides sufficient site area to cater for the future intended housing. Kiama DCP – Chapter 5. Subdivision, Consolidation and Boundary Adjustment*
- O:5.1.19 To ensure the design of any proposed residential subdivision takes into account inherent site constraints and minimises any potential adverse environmental impacts.*
- O:5.1.20 To ensure residential lots are designed to provide sufficient lot width and depth, to cater for a suitable range of dwelling styles having regard to any site constraints or environmental qualities of that land.*
- O:5.1.21 To ensure residential lots in low density residential areas provide sufficient site area to cater for detached dwelling-houses with sufficient rear private open space which gains appropriate sunlight access during mid-winter.*
- O:5.1.26 To ensure each residential lot has a suitable building envelope to accommodate a range of different dwelling styles, in order to minimise any potential amenity or privacy impacts upon adjoining residential properties.*
- O:5.1.27 To ensure the building envelope for each residential lot takes into account all relevant constraints of the site and / or any easement or other restrictions pertaining to the land.*
- O:5.1.28 To ensure the building envelope for each residential lot takes into account any area of the subject land which contains significant remnant trees or other significant vegetation (including riparian vegetation).*
- O:5.1.29 To ensure building envelopes are appropriately positioned to maximise solar access opportunities and energy efficiency for future dwellings and rear private courtyards for each residential lot*

In relation to objective 5.1.16 the proposed subdivision is considered to be consistent with the objectives for the minimum lot size requirement of the LEP because:

- a) the subdivision reflects and reinforces the predominant subdivision pattern of the area; and

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-
- b) the likely impact of subdivision and development on the amenity of neighbouring properties is minimised; and
 - c) the lot size and shape can accommodate development generally consistent with relevant development controls; and
 - d) the subdivision is not rural residential, and therefore does not fragment land for rural residential purposes.

The proposed subdivision reinforces the predominant settlement pattern within the immediate locality.

The street layout within Gerroa generally comprises streets that run parallel to one another along the R2 Low Density zone that extends south-east towards the headland. This established settlement pattern provides for lots that can be accessed off one of the corresponding frontages dependent upon where the lot is located.

For example, the lots located between Stafford Street and Burke Parade generally consist of one lot fronting the individual street frontages. In this regard, the proposal results in one lot fronting Burke Parade and one lot fronting Stafford Street which is consistent with existing settlement pattern of the locality.

In relation to the impacts on neighbours, it is anticipated that there will be disruption to views currently enjoyed by residents at neighbouring properties on the opposite side of Stafford Street to the north of the subject site from future residential development that may be proposed to be erected on proposed Lot 2, that is the subject of this application, if development consent is granted.

The envelope design and location on proposed Lot 2 is on a generally level area and has been positioned having regard to the site constraints and controls in the DCP (such as setbacks) and is located adjacent the steep slope that traverses the subject site as shown in Figure 5 below:

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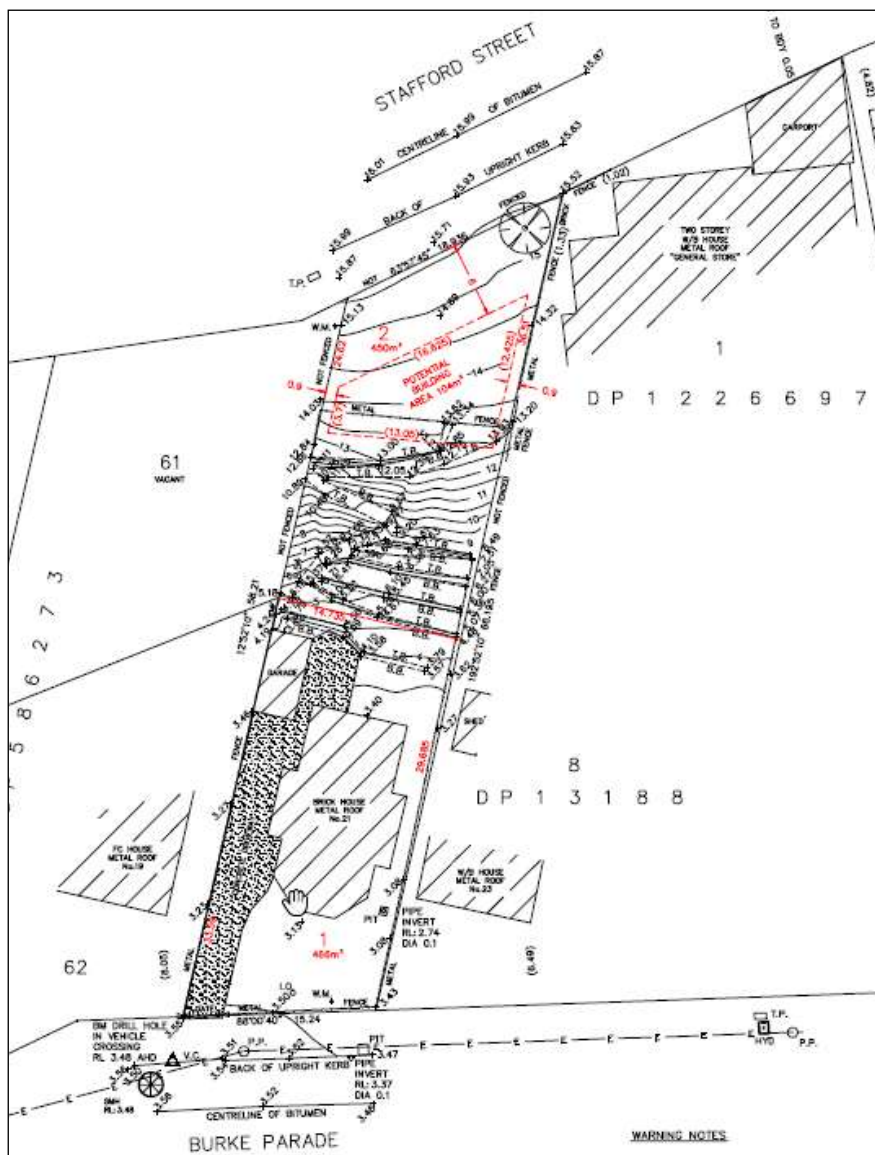


Figure 5 – Site/subdivision plan and potential building envelope

Future development on proposed Lot 2 within the nominated building envelope is expected to have detrimental impacts on views of the beach for the existing neighbours to the north.

A separate Development Application for any future development on proposed Lot 2 could be lodged either with Council, or a Complying Development Certificate (for a single dwelling) could be issued by a Certifier. It should be noted that view loss will only be further considered during assessment of any Development Application. Any Complying Development Certificate (CDC) issued will not have regard to view loss or view sharing on proposed Lot 2.

The nominated potential building envelope has an area of 104m², and as a result it is likely to accommodate a two-storey development (due to its relatively small size), which would, at best, likely significantly disrupt views, or at worst obliterate views enjoyed of the beach over the site of proposed Lot 2 by the neighbours to the north.

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However, regardless of the identified building envelope being 104m² there is potential for future development on proposed Lot 2, subject to further geotechnical advice, to use some of the steep topography at the rear of the lot and propose development that steps down the site. Such a proposal may alleviate some of the view loss for neighbours when compared with a two-storey development wholly contained within the building envelope.

This approach would require a more skillful single storey design (when viewed from Stafford Street) that steps down the subject site enabling for the potential establishment of view corridors; which is not dissimilar to the design approved in Development Application No 10.2019.95.1 at 20 Stafford Street, directly to the west of the site.

An assessment of any future development application would be required to consider the test imposed under *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140.

One of the four tests imposed under *Tenacity* stipulates the following:

A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

Having regard to the above, it is considered that the building envelope could facilitate a compliant two storey building that warrants conditional approval, which would result in the view loss impacts likely being considered reasonable since the rights to views across other privately owned property only generally arises if the development does not comply.

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*.

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Title Subdivision (cont)

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 proposal is strictly in relation to the subdivision of land and no built form is proposed. There are, however, minor subdivision works required to create a satisfactory storm water system for any future development of the land.

The streetscape is the visual identity of a neighbourhood and plays an important role in facilitating interaction between residents and creating a community.

Houses can be diverse in age, shape or style yet combine to create a community identity. At the same time, a development that is not sympathetic to the existing streetscape can significantly detract from the character of the neighbourhood.

The proposed subdivision development will not alter the existing streetscape, however, if the application is approved the future development of the lot will affect the streetscape along Stafford Street.

Any subsequent building sited in the building envelope will alter the existing streetscape along Stafford Street. However, it is considered that a sympathetic building design can fit in with the streetscape.

The proposed building envelope is considered to provide sufficient area for a design that can comply with the 0.45:1 Floor Space Ratio and the 8.5 m Height of Building development standards. In addition, as mentioned above future development could seek to extend into the steep incline which may assist with view sharing from neighbours. Under these circumstances, it has been considered reasonable to not require a dwelling design at the subdivision stage.

Privacy and Overlooking

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

Overshadowing

Shadow diagrams have not been supplied with the development application as there are no physical built form proposed.

Views

The proposal will have no unreasonable impact upon views currently available from neighbours, as no built form is proposed. This application is strictly in relation to the subdivision of land.

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Title Subdivision (cont)

However, since the northern side of Stafford Street is higher (approximately 4 or 5m) than the southern side, the natural topography of the locality lends itself to a design that accommodates view sharing outcomes. However, the nominated potential building envelope has an area of 104m², and as a result it is likely to accommodate a two-storey development (due to its relatively small size), which would likely obliterate existing views enjoyed over the site by the neighbours to the north.

Such an outcome is not considered unreasonable, since under the principles set by the Land and Environment Court in *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140, a development that complies with all planning controls would be considered more reasonable than one that breaches them with respect to view loss for neighbours.

Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. Whereas, with a complying proposal, then the view impact of a complying development would probably be considered acceptable, with the significant loss of view across a vacant portion of the site by neighbours across the road considered not unreasonable.

Therefore, it is considered that the building envelope could facilitate a two storey and compliant built form and warrant conditional approval of a Development Application or CDC which would result in view loss impacts for neighbours likely being considered reasonable.

Stormwater Management

A satisfactory drainage design has been provided with the application.

All stormwater will drain to Burke Parade.

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 street. Controls will be implemented during construction to minimise sedimentation.

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Title Subdivision (cont)

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 as a result concerns raised in submissions do not warrant refusal of the application.

The Suitability of the Site for the Development

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

Submissions

Public Submissions

Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period, 8 submissions were received which raised the following (summarised) matters of concern:

	Objection	Assessment Officer's Comment
Item 1	View Loss	<p>Many of the submissions raised concerns with unacceptable view loss</p> <p>The current proposal will have no unreasonable impact upon views currently available from neighbours, as no built form is proposed since the application is strictly in relation to the subdivision of land.</p> <p>It should be noted that development on the northern side of Stafford Street is higher (approximately 4 or 5m) than the ground level on the southern side due to the natural topography of the locality.</p> <p>The proposed potential building envelope has an area of just 104m², and as a result of the relatively small size it is likely to lead to a two-storey development being proposed, which would likely negatively impact existing views of the beach currently enjoyed over the undeveloped portion of site by the neighbours to the north.</p> <p>Such an outcome is not considered unreasonable in the circumstances, since under the principles set by the Land and Environment Court in <i>Tenacity Consulting v Warringah Council</i> [2004] NSWLEC 140 with respect to view sharing and view loss, any development that complies with planning controls would be considered more reasonable than one that breaches them with respect to view loss for neighbours.</p>

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Title Subdivision (cont)

	Objection	Assessment Officer's Comment
		<p>Having regard to the above, it is considered that the building envelope could facilitate a compliant two storey building design that is likely to be offered conditional approval, which would result in the view loss impacts likely being considered reasonable since the rights to views across other privately owned property only generally arises if the development does not comply with planning controls.</p> <p>Therefore, in relation to the impacts on neighbours, it is anticipated that there will a strong likelihood of disruption to views currently enjoyed by residents at neighbouring properties on the opposite side of Stafford Street to the north of the subject site from any proposed future residential development that may be proposed to be erected on proposed Lot 2 if the subject development consent is granted.</p>
Item 2	Car Parking/ Traffic	<p>Some submissions raised concerns with car parking and impacts on traffic.</p> <p>The Council's Subdivision & Development Engineer has raised no issues with car parking or impacts on traffic from the proposed subdivision.</p>
Item 3	Stormwater	<p>Some submissions raised concerns with stormwater being directed to Burke Parade.</p> <p>Stormwater from proposed Lot 2 has been directed to Burke Parade to take the pressure off the existing infrastructure in Stafford Street. An easement benefiting Lot 2 has been proposed over Lot 1 to facilitate this outcome.</p> <p>The Council's Subdivision & Development Engineer has raised no issues with the proposed stormwater discharge arrangements.</p>
Item 4	Property values	<p>Some submissions raised concerns with negative Impact on neighbouring property values</p> <p>This is not a matter of consideration under the EP&A Act</p>

Item 12.3

External Referrals

Nil

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Title Subdivision (cont)

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.

The Public Interest

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

Final Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and relevant Kiama DCP 2012 Chapters. The proposed development is consistent with the objectives of the R2 Low Density Residential zone.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised. Concerns raised in submissions have been considered and do not warrant refusal of the application.

The proposed development is considered to be reasonable and conditional approval is recommended.

Draft Conditions of 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 10.2020.66.1 dated 20/10/2020 except as amended by the following conditions:
(g005.doc)
- (2) No development/work is to take place until a Subdivision Works Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable issue of a Subdivisions Works Certificate. (g030.doc)
- (3) The property owners shall be made aware that all Aboriginal relics in NSW are protected under Section 90 of the National Parks and Wildlife Act 1974, which makes it an offence to knowingly damage, disturb, deface or destroy an Aboriginal relic or site, without first obtaining the written consent of the Director-General of the National Parks and Wildlife Service. If such a site is discovered, the Southern Zone Archaeologist of the National Parks and Wildlife Service shall be contacted immediately. (g050.doc)

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Title Subdivision (cont)

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- (4) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this development consent on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
- a Motor vehicle insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or Roads and Traffic Authority permit (Including Compulsory Third Party insurance). Primary producer's registration is not valid registration for use on Public Road construction work.
 - b Workers Compensation Insurance.
 - c Twenty Million Dollar Public Liability Insurance. (g155.doc)
- (5) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:
- a The variation in hours required.
 - b The reason for that variation.
 - c The type of work and machinery to be used. (g165.doc)
- (6) The roadway, footpath or Council reserve shall not be used to temporarily or permanently store building material, plant and/or machinery without the prior approval of Council.
- (7) Road Occupancy approval, pursuant to Section 138 of the Roads Act 1993 shall be obtained from Council prior to any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of the development. The following items shall be submitted to Council with the Road Occupancy application form a minimum of five days before approval is required:
- A completed application form;
 - Fees in accordance with Council's adopted fees and charges;
 - A traffic control plan endorsed by a person with Roads & Maritime Services accreditation. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RTMS Traffic Control at Worksites Manual. This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development;
 - Public liability insurance for an amount of no less than \$20M;
 - Where excavation of a road or path surface will take place, a security bond in accordance with Council's adopted fees and charges; and

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-
- Where road and footpath levels will be varied or the surface is altered, plans and specifications to Council's requirements.

Bonds and Contributions

- (1) A contribution under Section 7.11 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 & 2 shall be paid to Council prior to the issuing of the Subdivision Works Certificate. The total contribution required for the development is **\$7,366.88**. (bo005.doc)

Prior to Commencement of Works

- (1) The developer shall lodge with Council a bond of **\$3,000.00**, in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

The developer shall submit a dilapidation survey prior to commencement of any work within the road reserve.

The bond shall be refunded in full subject to the following:

- a There being no damage to the infrastructure within the road reserve.
- b Twelve (12) months has elapsed from the date of issue of the Subdivision Certificate (where included as a consent condition) and subdivision certificate (where included as a consent condition).

Note: If both certificates are required in this approval, the bond may be returned twelve (12) months from the date of the certificate issued last.

- c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council. (pt013.doc)

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

You will find attached an application form for a Subdivision Works 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.

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Title Subdivision (cont)

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)

Stormwater Management

- (1) Stormwater shall be connected to the existing system. (sm005.doc)
- (2) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of “*Section D5 Stormwater Drainage*” of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Works Certificate. (sm055.doc)
- (3) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the issue of any of the Subdivision Certificate. (sm130.doc)
- (4) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the Principal Certifying Authority for assessment and approval prior to the issue of the Subdivision Works Certificate.
- (5) Prior to issue of any Subdivision Works Certificate, the accredited Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off and allowance is made for surface run-off from adjoining properties in the design.

Civil Engineering Construction

- (1) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties. (cec015.doc)
- (2) All new construction work shall make smooth junctions with existing work. (cec060.doc)
- (3) The developer shall undertake civil engineering subdivision works in accordance with the requirements of Section C101 General – Development Construction Specification of the Kiama Development Code, as appended to Kiama Development Control Plan 2012, and civil engineering drawings approved by the Principal Certifying Authority. (cec065.doc)
- (4) The developer shall undertake engineering inspections, sampling, testing and recording of results of all constructed civil engineering works in accordance with the requirements of the Kiama Development Code Section CQC Quality Control Requirements – Development Construction Specification, as appended to Kiama

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Development Control Plan 2012 and civil engineering drawings approved by the Principal Certifying Authority. (cec070.doc)

Geotechnical Requirements

- (1) The developer shall engage a Chartered Professional Engineer practising in the field of geoscience to prepare a final report to be submitted to the Principal Certifying Authority prior to the issue of the subdivision certificate. The report shall cover, but not be limited to:
 - a The suitability of the vacant allotment for residential development. In this regard the Lot shall be given a classification in accordance with the Australian Standard AS 2870 1996 - Residential Slabs and Footings.
 - b The exact extent of any restricted building zones or any other restrictions affecting any of the allotments, with a restriction-as-to-user within the Section 88B Instrument being required

Erosion and Sedimentation Controls/Soil and Water Management

- (1) The developer shall submit to the Principal Certifying Authority for approval prior to the issue of the Subdivision Works Certificate, a detailed Soil and Water Management Plan (SWMP) designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007).

All works on the site must be in accordance with the approved SWMP for the full duration of construction works and must provide an overall site detail. For staged development a SWMP shall be provided for each stage of the development. (esc010.doc)

- (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.

Conveyancing Requirements

- (1) Under the provisions of the Conveyancing Act 1919, an instrument under Section 88B shall be prepared and shall contain the following:
 - a Any future development application shall include for approval a detailed hydrologic and hydraulic analysis prepared by a qualified person.
 - b The hydrologic and hydraulic analysis shall limit the outflows from the development site to the totally undeveloped site discharge.

Prior to Issuing of Subdivision Certificate

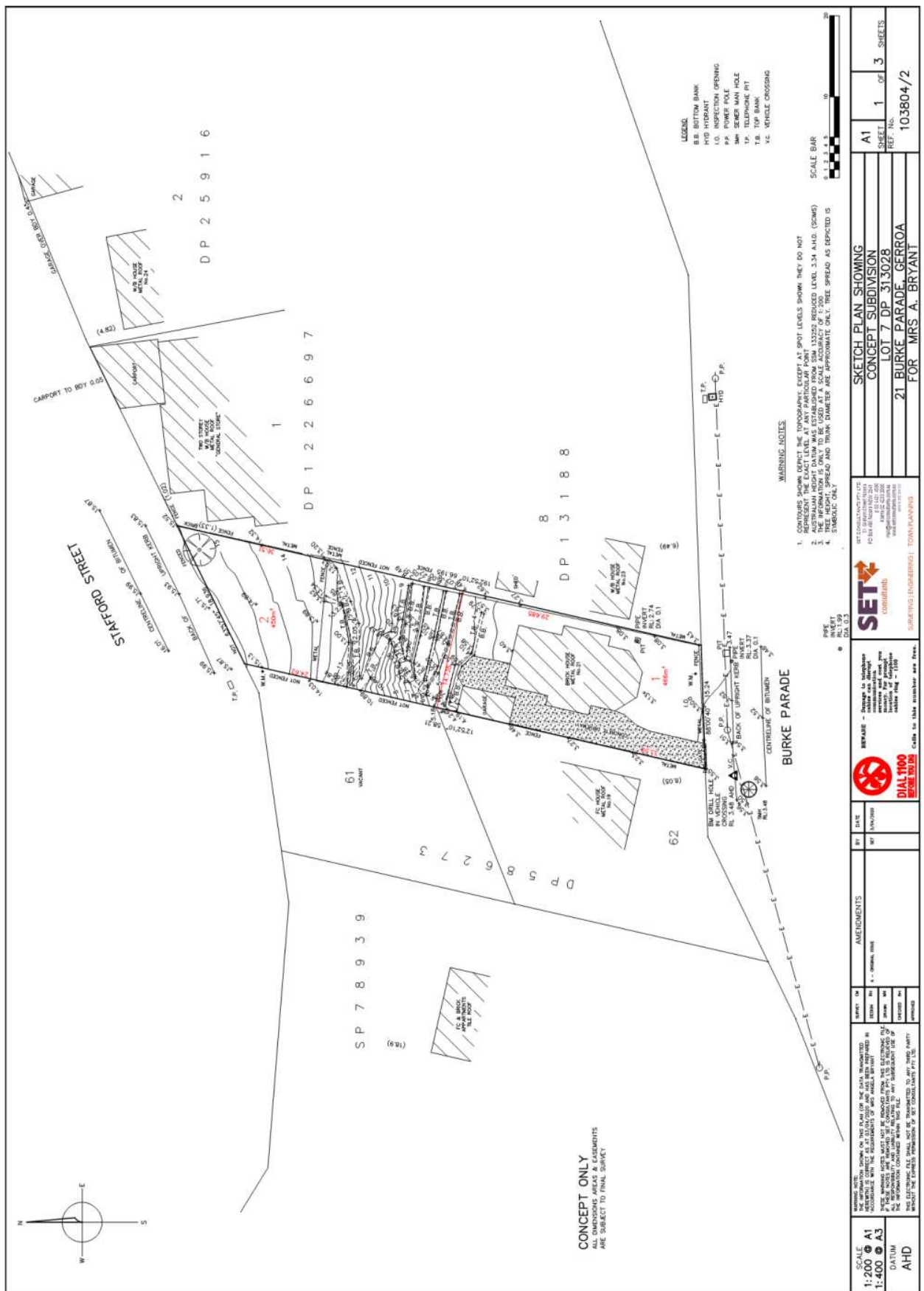
- (1) The Subdivision Certificate shall not be issued until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority. (sub005.doc)
- (2) The developer shall submit the following items to the Principal Certifying Authority prior to the issue of a Subdivision Certificate:

Report of the Director Environmental Services

12.3 10.2020.66.1 - Lot 7 DP 313028 - 21 Burke Parade, Gerroa – 2 Lot Torrens Title Subdivision (cont)

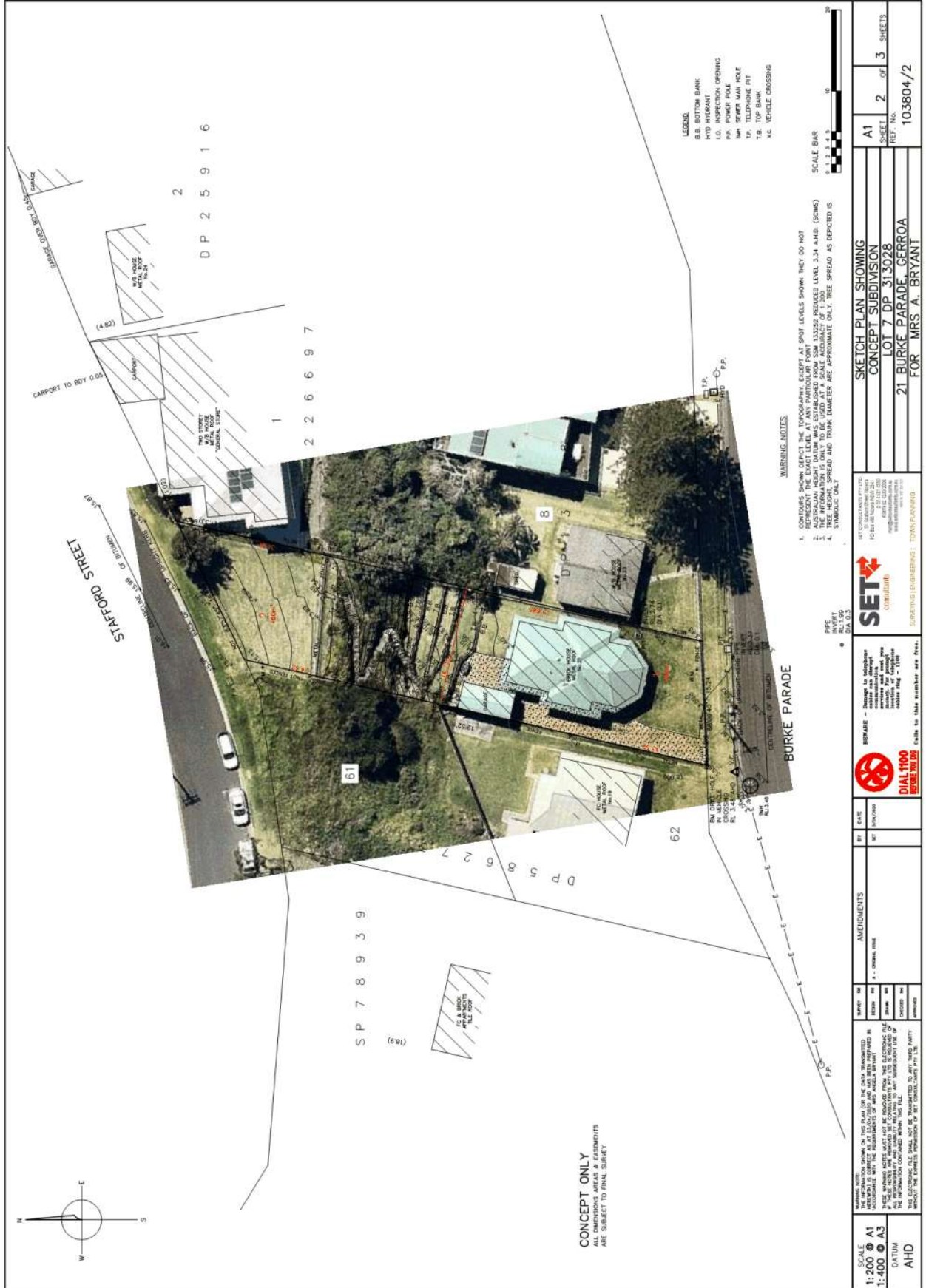
-
- a) All relevant Construction and Compliance Certificates (where these have not been issued by Council).
 - b) Payment of fees in accordance with Council's adopted fees and charges.
 - c) A Final Plan of Subdivision and four (4) copies.

A copy of the satisfactory final plan of subdivision shall also be provided as an electronic file in either DXF or DWG format. In this regard the electronic copy must be on MGA (Zone 56) orientation, where this is required by the Surveying Regulation 2001, and should preferably use co-ordinates based upon the MGA values of the nearest established permanent survey mark connected as part of the survey. It is preferred the raw boundary line work only be provided, excluding final page layout and text where possible. This must be provided electronically by email to council@kiama.nsw.gov.au including a clear reference to the relevant Development Application number.
 - d) An original Deposited Plan Administration Sheet and one copy, prepared in accordance with NSW Land & Property Information requirements.
 - e) An original Section 88B Instrument and one copy, prepared in accordance with the requirements of the Conveyancing Act 1919.
 - f) An original Subdivider/Developer Compliance Certificate (Section 73 Certificate) from Sydney Water Corporation which references the relevant development application number.
 - g) An original Notification of Arrangement from an electricity provider which references the relevant development application number.
 - h) An original Telecommunications Infrastructure Provisioning Confirmation from a communications provider which references the proposed development.
 - i) The payment of all required Section 7.11 and 7.12 Contributions identified in this consent.
- (3) The developer shall acknowledge all existing easements on the final plan of subdivision. (sub060.doc)
 - (4) The developer shall acknowledge all existing restrictions on the use of the land on the final plan of subdivision. (sub070.doc)

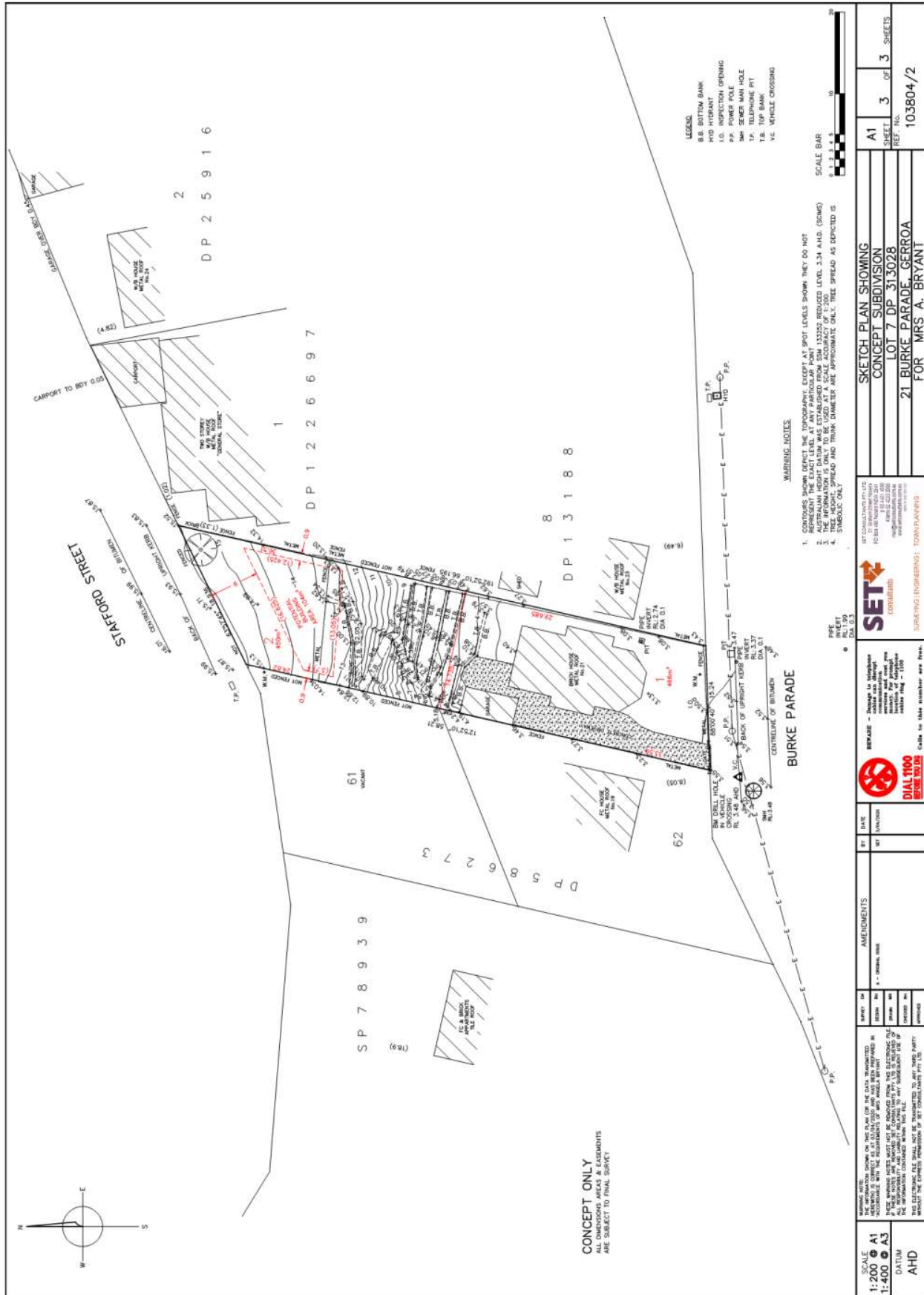


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 2. THE INFORMATION IS ONLY TO BE USED AT A SCALE ACCURACY OF 1:200
 3. SPREAD AND TRUNK DIAMETER ARE APPROXIMATE ONLY. TREE SPREAD AS DEPICTED IS STAGNANT ONLY.
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12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry

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 12.4

Summary

This report reviews Development Application No 10.2020.101.1, which involves the construction of a public staircase in Bombo Headland Quarry.

The report recommends that Council approve Development Application No 10.2020.101.1 as the proposal is:

- Permissible in the E2 Environmental Conservation and complies with the zone objectives.
- generally consistent with Kiama Development Control Plan (DCP) 2020.

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 09/07/2020 to 23/07/2018.

Submissions: 5 submissions.

Reason for the Report

This report is submitted to Council because only the elected Council can determine applications involving more than 3 objections.

Attachments

1 10.2020.101.1 - Plans [↓](#)

Enclosures

Nil

Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

RECOMMENDATION

That Council approve Development Application No 10.2020.101.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

BACKGROUND

Development Site

The property is described as Lot 2 DP 598759 which is located at Cliff Drive, Kiama Downs and contains the historical Bombo Headland Quarry.

The overall site measures 11.63Ha in area and is irregular in shape.

The site is currently vacant and is bounded by South Coast Railway to the west, Tasman Sea to the east and north and land to the south that formed part of the quarry but is now partly occupied by the Sydney Water Corporation sewage treatment plant.

The site is zoned E2 Environmental Conservation under Kiama LEP 2011.

The floor of the historic Bombo Headland Quarry is predominantly devoid of vegetation, however the land at the top of the quarry around its rim is vegetated.

The land is generally undulating and ranges from the quarry cliff face, generally flat land at the quarry base and headland slopes.

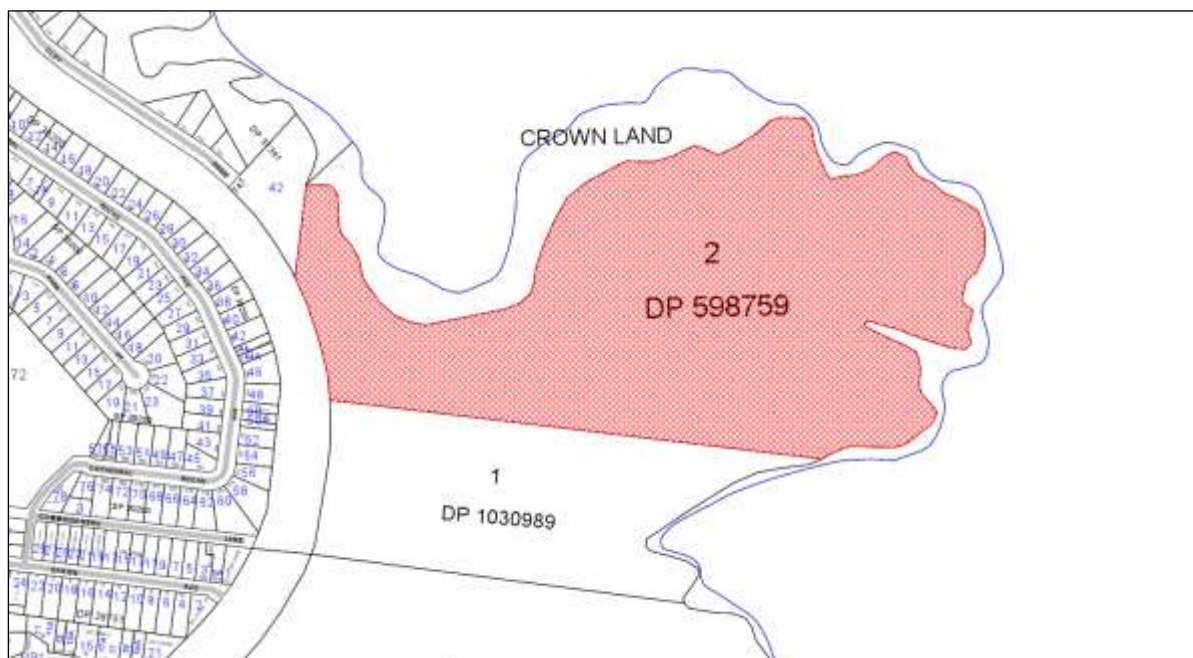


Figure 1 – Locality plan (↑N)

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Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)



Figure 2 – Site photo (↑N)

Access to the property is obtained via access track from Bombo Beach Reserve, from Darien Avenue traversing the Sydney Water Corporation plant site, and via Cliff Drive from the north.

The site is subject to the following constraints:

- State heritage item listed in the Kiama LEP 2011 called the *Bombo Headland Quarry Geological Site*; and
- noise and vibration from adjoining transport corridors; and
- potential aboriginal objects; and
- potential geotechnical instability; and
- potential contamination.

Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)



Figure 3 – Development site photograph (2019/20 View, ↑N)

Background

A search of Council's records revealed no recent development approvals involving the subject land.

Description of the Proposed Development

The proposal involves the construction of public staircase in the historic Bombo Headland Quarry providing a formal pathway from the base of the quarry to the top, linking with existing informal and unformed pedestrian foot tracks that have been worn-in to the land overtime by wear and tear from the users of the site.

A small viewing platform is incorporated into the proposed concrete staircase junction (see Figure 7 & 10) along with a concrete bicycle wheel guide installed along the inside edge of the staircase balustrade to assist users to push a bicycle up or down the stairs.

The proposal is shown in Figures 4 - 14 below:

Report of the Director Environmental Services

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Figure 4 – Site location aerial photo



Figure 5 – Location plan

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Figure 6 – Site plan

As is evident from Figure 6 above, the proposed staircase and linking pathways at the top and base of the cliff will require the removal of vegetation, which includes native and weed species.

The amount of vegetation proposed to be removed for the development amounts to 0.067Ha, made up of 0.007Ha for the pathways/stairs and an additional 0.06Ha to accommodate access for construction machinery and equipment.

Revegetation and rehabilitation of the disturbed development area with suitable native species is proposed as part of the development (see Figures 11 - 13 below).

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12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

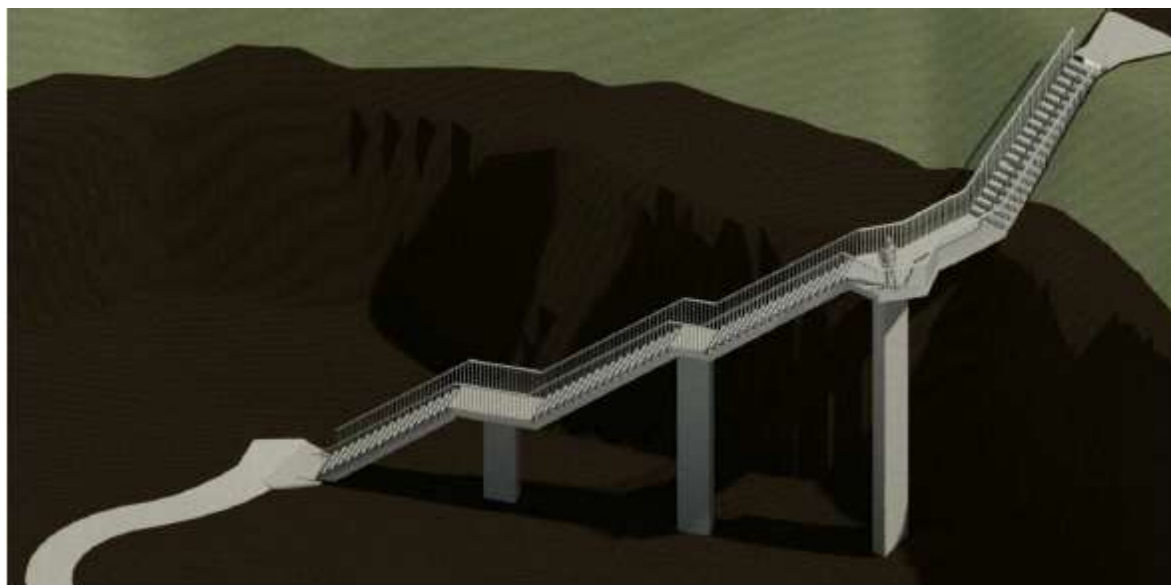


Figure 7 –In-situ staircase perspective

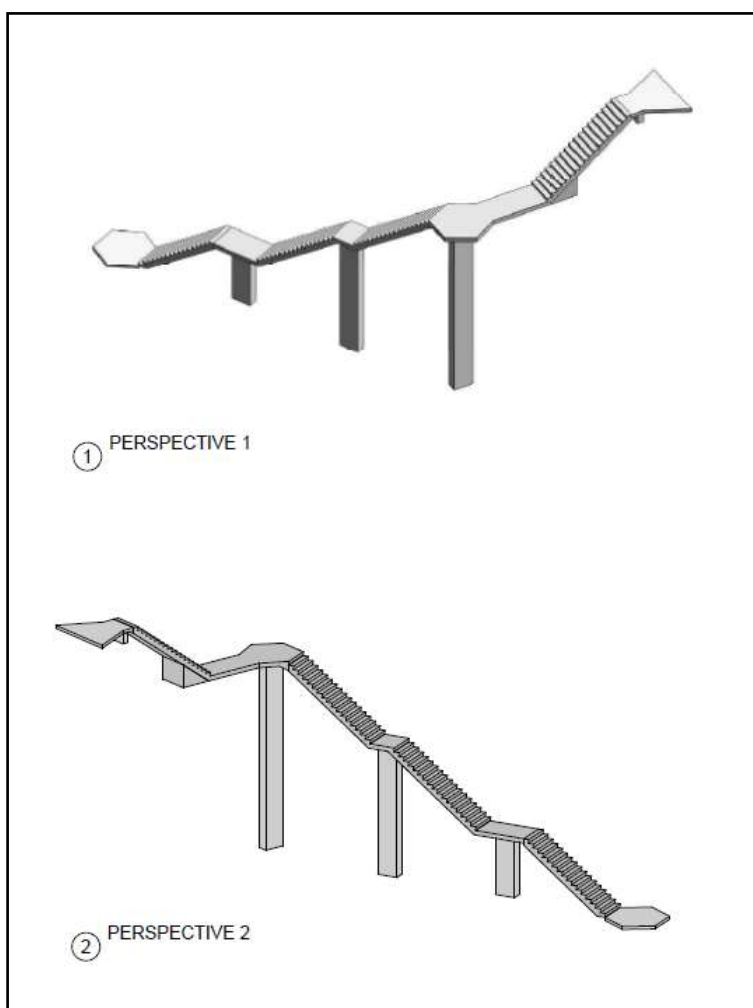


Figure 8 –3D elevations

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12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

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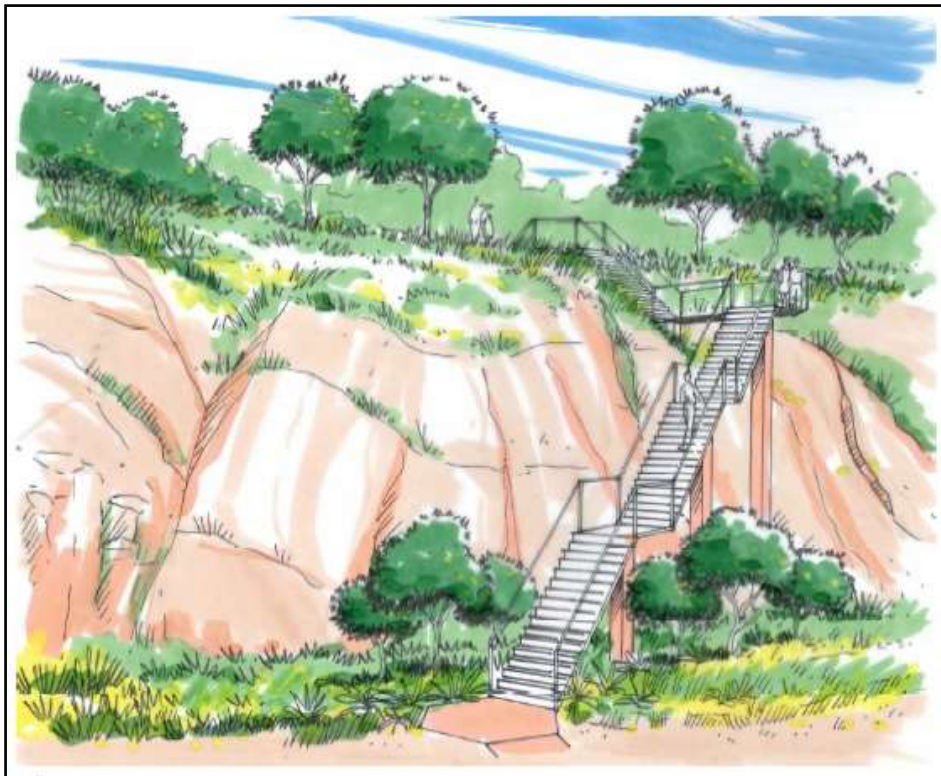


Figure 9 – Artists rendition (view from quarry floor)



Figure 10 – Artists rendition (view from top of stairs)

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12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

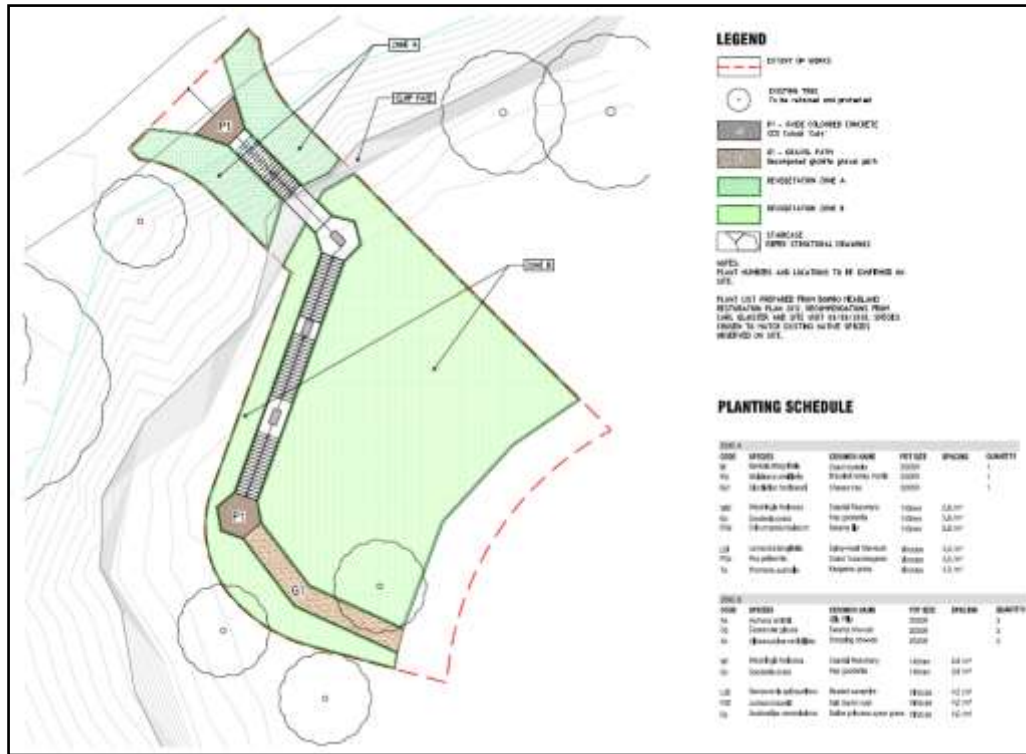


Figure 11 – Landscape plan

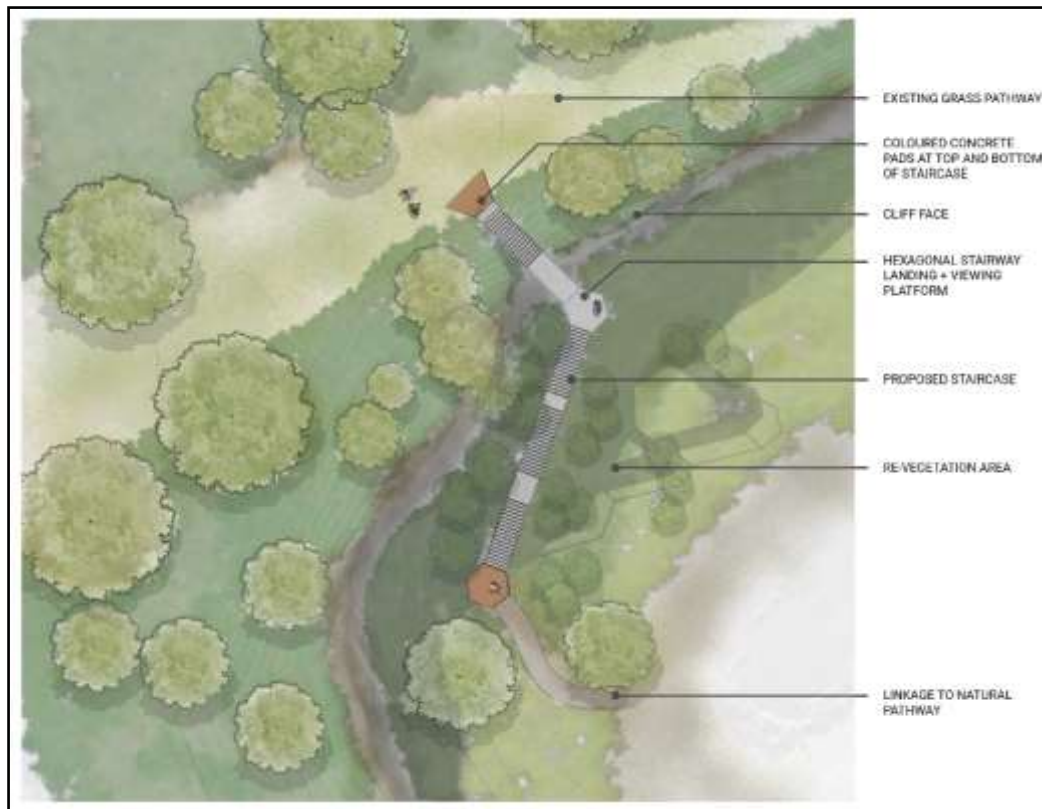


Figure 12 – Landscape rendition

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12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)



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Figure 13 – Landscape planting



Figure 14 – Staircase finish materials and colours

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12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

The proposed staircase is to be constructed from reinforced concrete in order to provide a durable and low maintenance end-product in the harsh seaside environment.

As identified in Figure 14, the proposed staircase incorporates recessive colours and materials that are visually sympathetic and compatible with the site and assist to reduce the visual impact of the proposal on the place.

Section 4.15 Assessment

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

Relevant Environmental Planning Instruments

State Environmental Planning Policy No 55 - Remediation of Land

Council's records identify the land as potentially contaminated land, this being on account of the historic quarrying operations at the site.

Clause 7 of the SEPP states:

"7 Contamination and remediation to be considered in determining development application

- (1) A consent authority must not consent to the carrying out of any development on land unless -*
 - (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."*

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.

On behalf of the applicant, Indesco Pty Ltd provided the following comments responding to potential site contamination:

"The site comprises the wall and floor of a historic hard rock quarry, with the top of the steps connecting with a bushland area at the top of the quarry wall.

A site walkover has identified the site does not contain areas of fill or markings from spills, with rock comprising a clean surface overlain by varying depths of alluvial deposition material.

The site is not listed on the NSW Contaminated Lands Record, nor is it identified as contaminated or subject to Acid Sulfate Soils in the Kiama Local Environmental Plan 2011.

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12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

Consequently, the site is not considered to pose a contamination risk, with no further review of contamination required to inform the development application.

The contractor's construction environmental management plan would include an unexpected finds protocol to address contamination, should potential contamination be encountered during the limited earthworks associated with the project."

No detail has been provided verifying through testing whether the site is contaminated.

Nonetheless, having regard to Clause 7(1)(b) of the SEPP, it is acknowledged that the site has a long history of access and recreational use by the public. The proposed stairs essentially reinforce this ongoing use, and provide a means by which users of the site can safely traverse the cliff face.

The proposed stairs and the nature of the development do not significantly elevate the risks to user of the land from potential contamination from that which currently exists by the transient use of the existing pedestrian foot tracks by the public.

Also, the proposed development is not development of a type that involves extended or prolonged exposure to users to potentially contaminated material, as would otherwise likely be expected with a residential or commercial type development.

Having regard to the proposed development, the comments on behalf of the applicant and the circumstances, it is considered that the land is generally suitable for the proposed use.

State Environmental Planning Policy (Coastal Management) 2016

The 'coastal zone' is defined in the Coastal Management Act 2016 as four coastal management areas comprising: *Coastal Wetlands and Littoral Rainforests Area; Coastal Environment Area; Coastal Use Area; and Coastal Vulnerability Area.*

The proposed development is within the mapped *Coastal Environment Area* and *Coastal Use Area*.

In the *Coastal Use Area* the focus is on ensuring appropriate urban development for coastal areas, taking into account urban design issues such and maintaining scenic qualities, visual amenity and aboriginal cultural heritage and places.

Under Section 13(1), development consent must not be granted to development on land that is within the 'coastal environment area' unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;
- (b) coastal environmental values and natural coastal processes;
- (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1;
- (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;

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12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

-
- (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability;
 - (f) Aboriginal cultural heritage, practices and places;
 - (g) The use of the surf zone.

Additionally, under Section 13(2), development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
- (b) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised - the development will be managed to mitigate that impact.

Comment

In order to address the requirements of Section 13(1), the development application is supported by a suite of specialized reports addressing the prescribed matters. These reports include:

- Flora & Fauna Assessment Report; and
- Intertidal and Marine Ecosystems Assessment Report; and
- Aboriginal Cultural Heritage Due Diligence Advice; and
- Geotechnical Assessment Report; and
- a Coastal Engineering Appraisal Report.

These reports and assessments raise no significant concerns in relation to the proposed development subject to the imposition of conditions should approval be granted by Council.

In response to 13(1)(f) for instance the Aboriginal Cultural Heritage Due Diligence Advice (Austral Archaeology, Reference: 1985 dated 9 April 2020) determines that:

“Aboriginal objects are unlikely to occur within the study area and further assessment is therefore not warranted. As such the project may proceed with caution.”

The recommendations of the due diligence advice will be included as conditions of consent should Council approved the development.

Having regard to Section 13(2), it is acknowledged that the proposed development is sensitively designed and sited and will be managed to minimise the impact on the coastal environment and Aboriginal cultural heritage.

Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

The applicant advises:

“Impacts to the natural environment and visual amenity of the site cannot be completely avoided. The development has been sited and designed to minimise those impacts, being located in a visually unobtrusive location along the cliff face and sited to avoid as much natural vegetation as possible. Weed removal and revegetation is also proposed to ensure that appropriate native species are present within the development site following construction and during the use of the stairway in the future.”

The development is considered to be acceptable under Section 13 of the SEPP.

Under Section 14(1), development consent must not be granted to development on land that is within the ‘coastal use area’ unless the consent authority:

- (a) *has considered whether the proposed development is likely to cause an adverse impact on the following:*
- (i) *existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability;*
 - (ii) *overshadowing, wind funnelling and the loss of views from public places to foreshores;*
 - (iii) *the visual amenity and scenic qualities of the coast, including coastal headlands;*
 - (iv) *Aboriginal cultural heritage, practices and places;*
 - (v) *cultural and built environment heritage, and*
- (b) *is satisfied that:*
- (i) *the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or*
 - (ii) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or*
 - (iii) *if that impact cannot be minimised - the development will be managed to mitigate that impact, and*
- (c) *has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

Comment

In response to 14(1)(a), the proposed development:

- (i) will enhance safety by providing a formal means to safely traverse the cliff face of the former quarry.

However, the natural site constraints, historical circumstances, and the pre-existing informal and unformed pedestrian foot tracks means that accessibility for disabilities is not achievable since equitable access is not currently afforded to the location of the proposed stairs via the existing formal access locations into the land.

Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

-
- (ii) will not cause significant overshadowing or wind funneling. The development is sited and is of a scale whereby views from public places will not significantly impacted.
 - (iii) is designed and sited so as to minimize its visual impact.
 - (iv) is not expected to adversely affect Aboriginal cultural Heritage. The applicant comments that “*Aboriginal Cultural Heritage Due Diligence Advice was prepared for the subject site and development. The assessment found that Aboriginal objects are unlikely to occur within the subject site and further assessment is not warranted. The ACHDDA advised that subject to a number of recommendations relating to unexpected finds that the project could proceed with caution.*”
 - (v) is not expected to adversely impact heritage for the reasons outlined in the preceding points.

Having regard to 14(1)(b) it is acknowledged that the proposed development is sensitively designed and sited and will be managed to minimise the impact on visual amenity and heritage.

In reference to 14(1)(c) the development has taken account of the surrounding coastal environment in its siting and its design and finishes that seek to blend into the site. This is further discussed below under the heading ‘The Likely Impacts of the Proposed Development – Landscape’.

The development is considered to be acceptable under Section 14 of the SEPP.

Kiama LEP 2011

Clause 2.3 - Zone objectives and Land Use Table

The subject land is zoned E2 Environmental Conservation under Kiama LEP 2011.

The proposal (public stairs) is defined as an ‘*environmental facility*’ under the provisions of the LEP 2011.

Kiama LEP 2011 identifies ‘*environmental facility*’ as meaning:

“a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.”

An *environmental facility* is permitted with consent in the E2 Environmental Conservation zone.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

As the proposal will provide for protection and management of an area with special scientific, cultural and aesthetic values it is considered to be consistent with the zone objectives.

Specific clauses requiring consideration:

Clause 4.3 - Height of Buildings

Clause 4.3 requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map.

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12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

The height of building map does not identify a maximum building height applying to the site.

Clause 5.10 - Heritage Conservation

Clause 5.10 lists requirements for heritage conservation for items listed in Schedule 5 of the Kiama LEP 2011. An item of state heritage exists on the property and is listed in Schedule 5 as “*Bombo Headland Quarry Geological Site*”.

The objectives of Clause 5.10 are:

- (a) to conserve the environmental heritage of Kiama,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Since the subject site is a registered item of State heritage significance, as required by the Environmental Planning and Assessment Act, the proposed development has been lodged as an integrated development application, and therefore referred to and considered by the Heritage Council of NSW.

The Heritage Council of NSW has issued their General Terms of Approval to the proposed development, which have been included in the recommended conditions of consent.

Also, the proposed development is supported by a Statement of Heritage Impact prepared by Austral Archaeology, Version 3 dated 04/09/2020. The Statements executive summary concludes with the following comments:

“The primary aim of the proposed works are to provide a means of allowing pedestrian access to from the headland down to the quarry floor, with an added goal of extending the coastal path northwards past Bombo.

The development will have a minimal impact on the heritage significance of the study area given that there are no identified archaeological deposits in the vicinity of the proposed works, and that the staircase is placed in such a way as to not visually dominate the quarry floor. Furthermore, upon completion, the area surrounding the staircase will be embellished through landscaping and vegetation improvement works.

To conclude, the proposed project is considered acceptable from a heritage standpoint.”

The Statement of Heritage Impact makes the following recommendations:

- “1) *Given that the study area is a registered item on the State Heritage Register and the degree of impact that the construction of the staircase may have on heritage values, the proponent should apply for a permit under Section 60 of the Heritage Act.*

Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

- 2) *An archival recording of the location of the proposed works should be undertaken prior to commencement of construction. The archival recording should be prepared in accordance to the relevant guidelines issued by the Heritage Council of NSW.*
- 3) *An archaeologist should be present to undertaken monitoring of all vegetation clearance on the quarry floor prior to the commencement of construction to confirm that no archaeological features are present beneath the thick vegetation.*
- 4) *Should the proposed development be altered significantly from designs and specifications outlined in this report then a reassessment of heritage/archaeological impacts may be required. This includes any impacts not explicitly stated in Section 6.1.”*

Council’s Heritage Advisors have considered the proposal and have not raised objection to the proposed development.

Therefore, in this regard, the proposal is considered to meet the objectives of the clause and is not likely to adversely affect the heritage significance of the item to such an extent that would warrant refusal of the proposal.

The above recommendations of the Statement of Heritage Impact will be included as conditions of consent should the development be approved by Council.

Clause 6.1 - Acid Sulfate Soils

Clause 6.1 lists requirements for land affected by Acid Sulfate Soils.

The site is not mapped as being potential Acid Sulfate Soils.

Clause 6.2 - Earthworks

Clause 6.2 lists considerations for proposals that involve earthworks. The proposal complies with the objectives of the clause and as the proposed earthworks are ancillary to the proposed dwelling separate development consent is not required.

Clause 6.4 – Terrestrial Biodiversity

Clause 6.4 lists considerations for proposals that involve works within land identified as “Biodiversity Land”. The subject site is not mapped as containing Terrestrial Biodiversity.

Clause 6.5 – Riparian land and watercourse

Clause 6.5 lists considerations for proposals that involve works within proximity to watercourse. The subject site is not mapped as containing a watercourse.

The proposed development is consistent with the relevant provisions of the Kiama LEP 2011 and is permissible within in the E2 Environmental Conservation zone.

Any Draft Environmental Planning Instruments

Draft State Environmental Planning Policy

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

Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

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 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 2020

The proposed development is not inconsistent with the objectives or controls Kiama DCP 2020.

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*.

Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

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 proposes clearing of native vegetation, and therefore the Environmental Planning and Assessment Act 1979 Part 1 Section 1.7 applies to the development which states:

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

Note. *Those Acts contain additional requirements with respect to assessments, consents and approvals under this Act.*

The following comments are relevant:

- *Clearing Threshold* - The Biodiversity Offsets Scheme clearing threshold for a property less than 1ha is 0.25ha. The proposed development involves the removal of 0.067ha of native vegetation and therefore does not exceed the threshold.
- *Biodiversity Values Map* - The subject site is not identified as having outstanding biodiversity values.
- *Test of Significance* - A Flora and Fauna Assessment has been completed by 'ecoplanning', project no. 2019-239 and dated 17 March 2020. No threatened species or Endangered Ecological Species/Threatened Ecological Species were identified within the study area of subject site. The small amount of clearing proposed is not likely to represent a key threatening process as detailed in Schedule 4 of the BC Act 2016.

Since the threshold triggers that require a Biodiversity Development Assessment Report to be prepared and submitted have not been reached the proposed development is not required to enter the Biodiversity Offsets Scheme under the Biodiversity Conservation Act 2016.

Landscape

The historic Bombo Headland Quarry, situated immediately adjacent to the ocean and headland and with its remnant stone pillars at its interface with the ocean, is a unique landscape, be that within the Kiama Municipality and likely beyond.

At the site of the proposed development, the quarry is presently devoid of any built form, and the proposed staircase development inevitably changes this.

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12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

The applicant was conscious of the visual impact of the proposed development on the place and landscape, and undertook an investigation of potential locations for the staircase with the intention of selecting a site that was likely to have the least impact, while also balancing other factors including environmental impact.

As shown in Figure 15 below, 3 location options were considered for the staircase:



Figure 15 – Location options plan

(Source: Bombo Eco Walk Design Report, Indesco, Version 3, August 2020)

- South West (Option 1)

Located south west of the proposed location. The applicant comments:

“This location was excluded as it would be more visually prominent when viewed from the popular destination of Bombo Headland to the south. Additionally, this location contains extensive vegetation on the cliff top that would require clearing and associated ecological impacts.”

- East (Option 2)

Located to the east along the central face of the cliff line. The applicant comments:

“This location would require a larger staircase as the cliff face is higher in this location. Additionally, this location would impact on the primary visual aspect of the Bombo Quarry, being the uniquely shaped quarry wall and would be highly visible from the Bombo Headland and when accessing the Quarry from the south.”

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12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

- *Central (Preferred) – the proposed location.*

The applicant comments:

“The chosen location has been selected, as it is recessed by the bluff immediately to the south, limiting views from the south and west. The cliff face at this point is lower, while also allowing the staircase to connect with the existing walking paths. Consequently, the staircase is smaller in scale and therefore less visually intrusive, while also limiting the extent of vegetation clearing required.”

Having regard to the above it is acknowledged that, in terms of landscape and visual impact the siting of the development, as proposed, is suitable in that it is the site with the least visual impact for both users of the site, the surrounding area as well as from Kiama to the south.

The main visual impact of the proposed development is expected to be from the following locations:

1) The quarry floor (short distance view)

Comment - The proposed staircase is sited at the western edge of the quarry floor. On entry to the quarry from the walkway to the south (see red dotted line in Figure 15) the proposed stairs will be largely obscured by the quarry edge and by existing vegetation, enabling the broader expanse of the quarry to still be appreciated, as illustrated in Figure 16 below.



Figure 16 – Entering the quarry from the southern path

Within the quarry, the place can still be appreciated in its current condition when viewed outward of the area in front of the proposed stairs, again enabling the broader expanse of the quarry to still be appreciated without intrusion of built form.

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12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

From the centre of the quarry, the interface of the quarry with the water's edge is uninterrupted by the proposed development. Looking back toward the quarry walls from the centre and from the water's edge the stairs will be clearly visible, though set amongst the expanse of the quarry edge walls. The siting of the development at the western edge of the quarry base, combined with sensitive design and finish materials/colours, reasonably blends the development into the site at this short viewing distance.

2) Bombo headland (medium distance views)

Comment - The Bombo Headland and viewing area above Bombo Beach is approximately 400m from the proposed development. Looking toward the quarry from this vantage point the proposed stairs are expected to be intermittently and partially visible at the various locations adjacent to the headland. Again; however, the stairs are positioned at the western edge of the quarry and will be partly obscured by remnant landform and geological features and by existing vegetation. The earthy, muted finish colours of the stairs will help to blend the development into the quarry landscape.

3) Offshore (medium to long distance views)

Comment - Looking back onto the quarry from offshore, it is expected that the proposed stairs will reasonably blend into the quarry landscape. The stairs will have the immediate backdrop of the quarry walls and, with the proposed finish colours, existing vegetation and proposed landscaping, it is expected that the visual impact of the proposal from offshore will be acceptable. From a more southern vantage point offshore it is anticipated that the stairs will also be partly screened by the remnant geological features of the quarry along its edge with the ocean.

4) Kiama (long distance views)

Comment - The Kiama urban area is approximately 1.8km south of the proposed development. The Bombo Headland and quarry is most directly observable from Gipps Street, the houses above and those surrounding areas. Over this distance it is expected that, to the naked eye, the stairs will not be clearly discernible as they will blend into the walls of the quarry and vegetation that will form the solid backdrop from this direction.

The applicant provides the following comment in respect of visual amenity:

"The subject site is renowned for its unique visual appearance. The proposed development has therefore been designed with a central objective of ensuring impacts to the visual amenity of the site are minimised. The mitigation of impact has been achieved through the selective siting of the development and through the choice of materials and finishes for the staircase.

A number of staircase locations and alignments were considered along the cliff face. The proposed location and alignment has been selected given it's functional connection to pathways at the top and bottom of the cliff face and for the recessive and unimposing siting of the staircase at a distance from the visually important geological features of the site. Additionally, the staircase is located at a point where the cliff line dips downwards, allowing the staircase to be constructed to a lower height than it would be in other locations along the cliff face.

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12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

The selected location is at the southern end of the cliff face, with the more significant visual features located in the northern and central areas primarily. The stairway has been designed to utilise existing vegetation and trees to assist in blending the built form into the natural rock face.

The final finishes for the staircase have been selected to blend into the cliff face landscape both at their original installation and as they fade and weather over time. It is intended to finish the proposed concrete pads at the top and bottom of the staircase in warm brown tones to mirror the granite pathways existing and proposed. Metal elements within the staircase are to be finished in stone blue tones and concrete columns are to be coloured brown to mimic and mirror the weathered bluestone cliff faces behind.”

While there is arguably merit in leaving this unique site vacant of built form, overall the siting and design of the proposed development is considered to be reasonable when considered in relation to the context of the site. The bulk, scale and design of the proposal is considered to be acceptable and, on balance, the landscape and visual impacts of the proposal are considered acceptable.

Noise

Construction works will generate some noise, though conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours. No 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 development is proposed adjacent to a southern cliff face. No concerns are raised in relation to overshadowing.

Views

The proposal will have no unreasonable impact upon views currently available from neighbours or more distant urban areas of Kiama (Gipps Street area).

Stormwater

The proposal is unlikely to give rise to any undue impacts arising from stormwater.

Environmental Impacts

Vegetation Removal

Existing vegetation consisting of natives and predominantly weed species are proposed to be removed for the purpose of the development. The amount of vegetation proposed to be removed for the development amounts to 0.067Ha, made up of 0.007Ha for the pathways/stairs and an additional 0.06Ha to accommodate construction machinery and equipment.

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12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

The development application is accompanied by a Flora and Fauna Assessment prepared by 'eco-planning', project no. 2019-239 and dated 17 March 2020. No significant impacts have been identified in the report as a consequence of the proposed vegetation clearing and construction works required to undertake the construction of the stairs. The total amount of removal is approximately 0.067ha of exotic and native vegetation, which does not contain threatened species.

This issue of vegetation removal has been considered by Council's Landscape Officer and no concerns have been raised.

Fauna Impacts

The Flora and Fauna report concludes that the proposed development is unlikely to 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. The Flora and Fauna Assessment has recommended the development of a construction environmental management plan, which would contain a site specific erosion and sediment control plan. The report also identifies that, where practicable, vegetation regardless of whether it is native or not, should be retained, to assist with soil stability.

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

As mentioned above, controls will be implemented during construction to minimise sedimentation.

Social and Economic Impacts

The proposed development will likely have a positive social or economic impact in the locality encouraging tourists and locals to enjoy the walk and the local environment.

The Suitability of the Site for the Development

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

Other issues to consider include:

Traffic and Access

Council's Engineers have raised no concerns with the proposal in relation to traffic and access matters.

Contamination from previous land uses

The subject land was historically used as a quarry and is consequently identified as potentially contaminated due to this past use. As discussed under SEPP No. 55 Remediation of Land, the site is generally considered to be suitable for the proposed staircase development.

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12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

Effect on public domain

The proposal is expected to have a positive impact on the public domain.

Safety, security & crime prevention

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

Risks to people & property from natural & technological hazards

Geotechnical report supports the proposal. Council's Engineers have considered tie in of the stairs to the rim of the quarry wall and conditions of consent have been recommended.

Council's Risk Officer has raised no objections to the proposed development.

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.

SubmissionsPublic 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, 5 submissions were received which raised the following (summarised) matters of concern:

	Objection	Assessment Officer's Comment
Item 1	Traffic Safety	<p>Some objections raised concerns that the increase in traffic in surrounding streets creates unacceptable risks to the safety of residents.</p> <p>The applicant responded to these concerns with the following comments:</p> <p><i>"The staircase is proposed to improve access and safety primarily for local users of the area. The staircase provides a safe route from the top to the bottom of the cliff face as an alternative to the informal track located at the western end of the cliff face. This track is both unsafe and resulting in erosion of the face. As the development is primarily to serve local people it is not anticipated to generate significant additional vehicle movements."</i></p>

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12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

	Objection	Assessment Officer's Comment
		<p>Beyond these comments the applicant points out the resolution of the Local traffic Committee at its September 2020 meeting, included endorsing untimed 'No Stopping' zone in the cul-de-sac of Commissioners Lane and untimed 'No Parking' zone in the cul-de-sac of Darien Avenue.</p> <p>Council's Engineers have raised no concerns with the proposed development in terms of traffic or car parking.</p>
Item 2	Economic Value	<p>Some objections raised concerns about the need for and the cost of the proposed stairs.</p> <p>The justifiable need for, or cost of, the development is not a matter for consideration in the assessment of the application.</p> <p>These are decisions that have been made outside of the development assessment process.</p>
Item 3	Aboriginal Cultural Heritage	<p>Some objections raised concerns about the potential impact of the development on Aboriginal Cultural Heritage.</p> <p>The application is accompanied by Aboriginal Cultural Heritage Due Diligence Advice (Austral Archaeology, Reference: 1985 dated 9 April 2020) which determined that:</p> <p><i>"Aboriginal objects are unlikely to occur within the study area and further assessment is therefore not warranted. As such the project may proceed with caution."</i></p> <p>The recommendations of the due diligence advise will be included as conditions of consent should Council approve the development.</p>
Item 4	Fauna Impacts	<p>Some objections raised concerns that increased access to the area associated with the stairs will endanger local wildlife.</p> <p>The application is accompanied by a Flora & Fauna Report that did not identify any unacceptable threat to flora or fauna as a consequence of the proposal.</p> <p>The proposed stairs link existing walking paths within the site.</p>

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Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

	Objection	Assessment Officer's Comment
		<p>The use of these paths is existing, with the stairs providing a safe means by to get to the top and to the bottom of the quarry.</p> <p>It is unlikely that the proposed stairs will increase usage of the area to such an extent that there will be excessive threat to wildlife.</p>
Item 5	Aesthetics	<p>Some objections raised concerns that the stairway will abolish the impression of remoteness at the site and follows with the comment that "<i>some things are better left alone</i>".</p> <p>As discussed above under the heading 'The Likely Impacts of the Proposed Development – Landscape', it is acknowledged that the site is visually unique.</p> <p>Following from this it is also recognised that the site is special for numerous reasons, including for the impression of remoteness as described in this submission.</p> <p>The introduction of a built element in this location will impinge upon the sense of remoteness of the place when standing at the base of the quarry. However, this will not be lost entirely as users of the site will still be able to appreciate the visual expanse of the quarry, and the sense of remoteness described, when looking outward from the base of the stairs at the western edge of the quarry.</p> <p>It is also important to recognise that there are differing, sometimes competing, expectations from people as to the use and enjoyment of the place. The stairs improve accessibility and safety by providing a safe linkage between the top and bottom of the quarry.</p> <p>Weighing all of the issues discussed within this report, on balance the proposed development is considered to be acceptable.</p>
Item 6	Car Parking	<p>Some objections raised concerns about whether there is a plan to increase parking at Bombo Beach to cater for increased usage of the area arising from the proposed stairs</p> <p>No such plan is associated with this development application.</p> <p>The issue of traffic is discussed above in Item 1.</p>

Item 12.4

Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

	Objection	Assessment Officer's Comment
Item 7	Toilet Facilities	<p>Some objections raised concerns about whether there is a plan for toilet facilities in the future.</p> <p>No such plan is associated with this development application.</p> <p>There are existing toilet facilities at Bombo Beach that are accessible to users of the quarry and the proposed stairs.</p>
Item 8	User conflicts	<p>Some objections raised concerns that increased pedestrian traffic could result in conflict with dog walkers and their dogs off-leash.</p> <p>The quarry is a shared space for all users. Dog owners are required to keep control of their dogs.</p>

Item 12.4

External Referrals

The application was referred to the following NSW State government departments.

Heritage Council of NSW

The subject site is a registered item of State heritage significance.

The Heritage Council of NSW has considered the proposed development and issued their General Terms of Approval. No objection has been raised in relation to the proposed development. Conditions of development consent have been recommended and, should the application be approved, these will be incorporated into the consent notice.

Department of Primary Industry – Fisheries (DPI-Fisheries)

The DPI-Fisheries provided the following comment:

“DPI Fisheries has reviewed the proposal and supporting documentation. The Department does not consider that footprint of the proposed walking trail or staircase to be Key Fish Habitat.

We have no objections to the proposal as described and no approvals under the Fisheries Management Act 1994 will be required for the project to proceed.”

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

Transport Sydney Trains

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

Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

Sydney Water Authority

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

Crown Lands

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

Internal Referrals

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

Heritage Officer

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

On the basis of the General Terms of Approval issued by the Heritage Council of NSW, no specific conditions of development consent have been recommended should the application be approved.

Building Assessment Officer

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

Subdivision & Development Engineer

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

Landscape Design Officer

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

Risk Officer

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

Environmental Officer

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

The Public Interest

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

Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (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 consistent with Kiama LEP 2011 and relevant Kiama DCP 2020 Chapters. The proposed development is consistent with the objectives of the E2 Environmental Conservation zone.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised. Concerns raised in submissions have been considered and do not warrant refusal of the application.

The proposed development is considered to be reasonable and conditional approval is recommended.

Draft Conditions of Development Consent

General terms of other approvals integrated as part of the consent:

- **General Terms of Approval (*Heritage Act, 1977*)**

APPROVED DEVELOPMENT

1. Development must be in accordance with:

a) Engineering drawings, prepared by Indesco as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Bombo Eco Walk Kiama – NSW			
S000	Cover Sheet, General Notes, Typical Details	N/A	N/A
S000.1	Drawing Schedule	30.04.20	E
S001	General Notes	22.04.20	D
S002	Typical Details	22.04.20	D
S003	Typical Balustrade Details	30.04.20	B
S200	Marking Plan	22.04.20	D
S400	Top and Bottom Reinforcement Plan	22.04.20	D
S500	Elevations	02.04.20	B
S501	Sections	30.04.20	E
S900	Perspectives	30.04.20	D

b) Landscape drawings prepared by Indesco, as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Bombo Eco Walk Kiama – Landscape Plans			
L000	Cover Page	N/A	D
L300	Landscape GA Plan	07.04.20	D

Report of the Director Environmental Services

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L301	Landscape Perspectives	07.04.20	D
L302	Landscape Photoshop Plan	07.04.20	D
L600	Landscape Details	07.04.20	D
L601	Materials and Planting Palette	07.04.20	D

- c) Report titled, *Bombo Headland, Bombo, NSW: Statement of Heritage Impact*, prepared by Austral Archaeology, dated 4 September 2020.
- d) Report titled, *Statement of Environmental Effects Bombo Headland Staircase*, prepared by LR Consulting Australia, dated 7 April 2020.
- e) Report titled, *Detailed Design, Design Report*, prepared by Indesco, dated 4th May 2020.
- f) Letter titled, *Aboriginal Cultural Heritage Due Diligence Advice for Bomba Eco Walk, Kiama, New South Wales*, prepared by Austral Archaeology, dated 9 April 2020.
- g) Letter titled, *Bomba Staircase Coastal Engineering Appraisal*, prepared by SLR Consulting Australia, dated 4 September 2020.

EXCEPT AS AMENDED by the following general terms of approval:

ADDITIONAL INFORMATION

2. If lateral anchoring to the rockface is required for staircase stability, details of this should be provided in the section 60 application.

Reason: To ensure the proposed works do not adversely impact significant fabric.

HERITAGE CONSULTANT

3. A suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be involved in the selection of appropriate tradespersons and must be satisfied that all work has been carried out in accordance with the conditions of this consent.

Reason: So that appropriate heritage advice is provided to support best practice conservation and ensure works are undertaken in accordance with this approval.

SPECIALIST TRADESPERSONS

4. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in conservation and restoration of similar heritage structures, materials and construction methods.

Reason: So that the construction, conservation and repair of significant fabric follows best heritage practice.

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SITE PROTECTION

5. Significant built and landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric, including landscape elements, is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

PHOTOGRAPHIC ARCHIVAL RECORDING

6. A photographic archival recording of the project area must be prepared prior to the commencement of works. This recording must be in accordance with the Heritage NSW publication 'Photographic Recording of Heritage Items using Film or Digital Capture' (2006). The digital copy of the archival record must be provided to Heritage NSW, Department of Premier and Cabinet.

Reason: To capture the condition and appearance of the place prior to modification of the site which impacts significant fabric.

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

7. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

ABORIGINAL OBJECTS

8. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

COMPLIANCE

9. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

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SECTION 60 APPLICATION

10. An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

Advice

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Right of Appeal

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

END OF GENERAL TERMS OF APPROVAL

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 10.2020.101.1 dated xx/xx/xxxx except as amended by the following conditions: (g005.doc)
- (2) The development shall be completed in accordance with the approved colour schedule shown on the approved Materials Schedule plan. (g014.doc)
- (3) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable issue of a Construction Certificate. (g030.doc)
- (4) The staircase must not be used by the general public and development must not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority. (g040.doc)
- (5) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:
 - a The variation in hours required.
 - b The reason for that variation.
 - c The type of work and machinery to be used. (g165.doc)

Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

Contributions

- (1) A contribution under Section 7.12 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94A (Indirect Contributions) Plan shall be paid to Council **prior to the issuing of a Construction Certificate**. The total contribution required for the development is **\$4,490.00**.

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

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

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)

Heritage

- (1) All Aboriginal objects and places are protected under the NPW Act. It is an offence to knowingly disturb an Aboriginal site without a consent permit issued by the Department of Planning, Industry and Environment (DPIE) [formerly the Office of Environment and Heritage]. Should any Aboriginal objects be encountered during works outlined in this document, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying the DPIE and Aboriginal stakeholders.
- (2) Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity the developer must:
- Immediately cease all work at that location and not further move or disturb the remains.
 - Notify the NSW Police and DPIE's Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location.
 - Not recommence work at that location unless authorised in writing by NSW Police and DPIE.

Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

-
- (3) An archaeologist should be present to undertake monitoring of all vegetation clearance on the quarry floor prior to the commencement of construction to confirm that no archaeological features are present beneath the thick vegetation.

Vegetation Management

- (1) A Vegetation Management Plan (VMP) is to be developed to assist in the recovery of native vegetation, compensate for the loss of vegetation as a result of the clearing for the development and restore native vegetation disturbed by the construction of the staircase. The VMP is to include the development site and is to extend to include the rock platform/intertidal/terrestrial ecotone.

The VMP should include effective action to promote the colonisation and long-term viability of saltmarsh species that, at present, are in poor condition due to distribution within their upper limit of inundation and competition by the highly invasive *Juncus acutus*.

The VMP is to be developed by a suitably qualified person and is to be approved by the accredited certifying authority prior to issue of the Construction Certificate.

Prior to Commencement of Works

- (1) A suitably qualified person shall prepare a Construction Environmental Management Plan (CEMP) for approval of the Principal Certifying Authority prior to any works commencing on site. The CEMP shall include, but not be limited to, the following items:

- timing and duration of works;
- location of work sites offices, compounds, stockpiles and refuelling areas;
- a description of the site and surrounds and location of environmentally sensitive areas;
- description of the impacts associated with the construction; activities and control measures;
- legislative requirements;
- on-site staff structure and responsibility;
- staff training, awareness and competency requirements;
- emergency planning and response;
- unexpected finds protocol;
- security measures;
- auditing and monitoring; and
- the supplementary plans:
 - Soil and Water Management Plan;
 - Noise and Vibration Management Plan;
 - Air Quality (Dust Control) Management Plan;

Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

-
- Waste Management Plan; and
 - Traffic Management Plan.

The developer shall ensure that all construction work associated with the development is carried out in accordance with the approved Construction Environmental Management Plan (CEMP) and any variations are approved by the Principal Certifying Authority. A copy of the approved CEMP shall be kept on site at all times. A copy of the approved CEMP and any variations shall be submitted to Council within five business days of approval.

- (2) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and
 - b You **must** appoint a Principal Certifying Authority (can be either Council or an Accredited Certifier); and
 - c You **must** notify the Council of the appointment; and
 - d You **must** give at least two (2) days' notice to Council of your intention to commence work.

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

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

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

- (3) 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
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Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

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. (pt030.doc)

- (4) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a Showing the name, address and telephone number of the Principal Certifying Authority for the work;
 - b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c Stating that unauthorised entry to the work site is prohibited.

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

- (5) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel. (pt062.doc)
- (6) 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)

Civil Engineering Design

- (1) The applicant shall submit details of all civil engineering and structural engineering works, on engineering drawings prepared and certified by a registered civil and/or structural engineer, to the accredited Certifying Authority for approval prior to the issue of the Construction Certificate.
- (2) The structural design and layout of the staircase shall be consistent with the Detailed Design – Design Report – Version 3 – August 2020 prepared by INDESCO.

Erosion and Sedimentation Controls/Soil and Water Management

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

Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

-
- d All the above requirements must be in place for the duration of the construction works. (esc005.doc)
- (2) The developer shall submit to the Principal Certifying Authority for approval prior to the issue of the construction certificate for the development, a detailed Erosion and Sedimentation Control Plan (ESCP) applying to the whole development site designed in accordance with the requirements of *Managing Urban Stormwater: Soils and Construction Volume 1* (Landcom 2004) and *Managing Urban Stormwater: Soils and Construction Volume 2* (Department of Environment and Climate Change 2007). The ESCP shall consider the following, but not be limited to:
- a Minimise the extent of exposed areas at any time.
 - b Placement of temporary fill to fabric barriers down slope of exposed areas.
 - c Diverting surface run-off from upstream works as necessary to minimise to sediment pick-up.
 - d Provide temporary slope drainage as appropriate to avoid scour of embankments.
 - e Covering of stockpiles.
 - f Early installation of landscaping and water quality controls.
 - g Revegetation/resetting disturbed areas.
 - h Filtration of stormwater inlets and outlets.

All works on the site must be in accordance with the approved ESCP for the full duration of construction works and must provide an overall site detail. For staged development an ESCP shall be provided for each stage of the development. (esc015.doc)

- (3) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work. (esc020.doc)

Site Facilities

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

Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

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

Inspections

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

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

Building Construction

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)
- (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) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;
Monday to Friday - 7.00 am to 5.00 pm
Saturdays - 8.00 am to 1.00 pm
No construction work is to take place on Sundays or Public Holidays. (bu151.doc)
- (6) All structural and civil works shall be supervised by a registered civil and/or structural engineer.
- (7) All earthworks shall be supervised by a registered geotechnical engineer.
- (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)

Landscaping Works

- (1) All landscape areas shown on the approved landscape plans (drawing numbers L300, L301, L302, L303, L600, L601 – all revision D) or otherwise required under the conditions of this consent, shall be landscaped and maintained in accordance with the approved plans and conditions. (lw015.doc)
- (2) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)
- (3) At the end of the 26 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional

Report of the Director Environmental Services

12.4 10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry (cont)

stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent. (lw035.doc)

- (4) Prior to issue of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent. (lw170.doc)

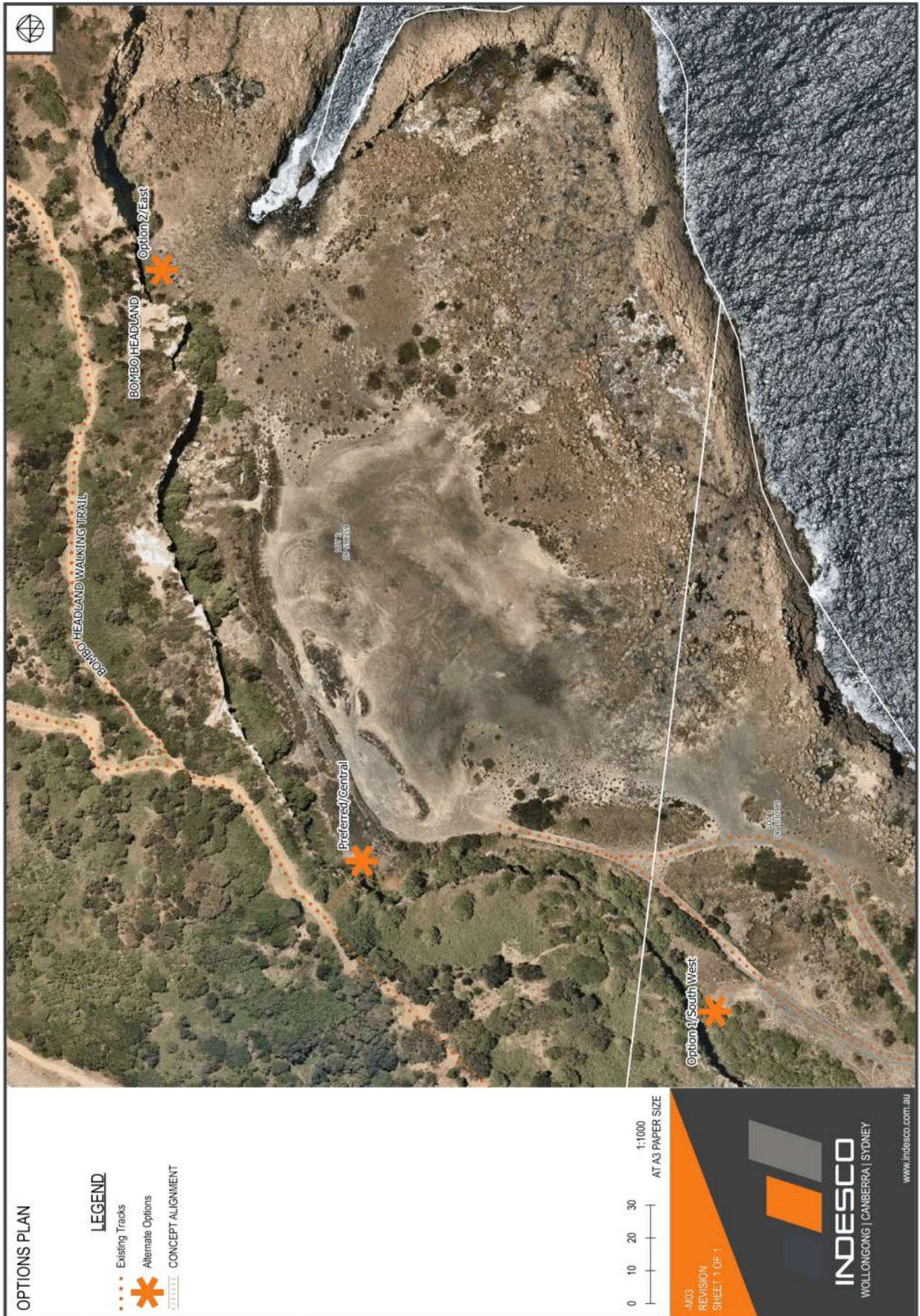
Prior to Occupation

- (1) A certified Works-As-Executed (WAE) drawing for all works shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of any Occupation Certificate (OC). The WAE drawing shall be signed by a Registered Surveyor. The WAE drawing shall show in red all changes to the approved Construction Certificate (CC) drawings and finished levels. The PCA shall not issue the OC if any changes to the approved CC design will cause an adverse impact on adjoining lands.
- (2) Certification from a registered civil and/or structural engineer verifying that the constructed works meets with the approved design shall be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
- (3) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to and approved by Council prior to issue of the Final Occupation Certificate.

Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)

- (4) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

NOTE: A Fire Safety Certificate must be provided in accordance with the Environmental Planning and Assessment Regulations 2000 prior to the issue of an Occupation Certificate excepting Class 1(a), 10(a) & 10(b) structures. (po005.doc)



BOMBO ECO WALK KIAMA LANDSCAPE PLANS

FINAL DESIGN
 APRIL 2020



LOCALITY PLAN
 NOT TO SCALE

DRAWING SCHEDULE

DRAWING NUMBER	DESCRIPTION	DATE
20-2-1000	COVER SHEET	15/04/20
20-2-1001	CONCEPT LANDSCAPE ARCHITECTURE PLAN	15/04/20
20-2-1002	CONCEPT PROSPECTIVES	15/04/20
20-2-1003	CONCEPT PROSPECTIVE PLAN	15/04/20
20-2-1004	CONCEPT DETAILS	15/04/20
20-2-1005	CONCEPT LANDSCAPE ARCHITECTURE	15/04/20

CLIENT:



KIAMA MUNICIPAL COUNCIL
 your council, your community

CONSULTANTS:





A PERSPECTIVE 1 - VIEW FROM BOTTOM OF STAIRS

B PERSPECTIVE 1 - VIEW FROM TOP OF STAIRS

NO.	REVISION	DATE	BY	CHKD
1	ISSUED FOR TENDERS	20/05/20	AS SHOWN	
2	FOR APPROVAL	20/05/20	AS SHOWN	
3	FOR APPROVAL	20/05/20	AS SHOWN	
4	FOR APPROVAL	20/05/20	AS SHOWN	
5	FOR APPROVAL	20/05/20	AS SHOWN	
6	FOR APPROVAL	20/05/20	AS SHOWN	
7	FOR APPROVAL	20/05/20	AS SHOWN	
8	FOR APPROVAL	20/05/20	AS SHOWN	
9	FOR APPROVAL	20/05/20	AS SHOWN	
10	FOR APPROVAL	20/05/20	AS SHOWN	

CLIENT: KIAMA MUNICIPAL COUNCIL
Your council, your community

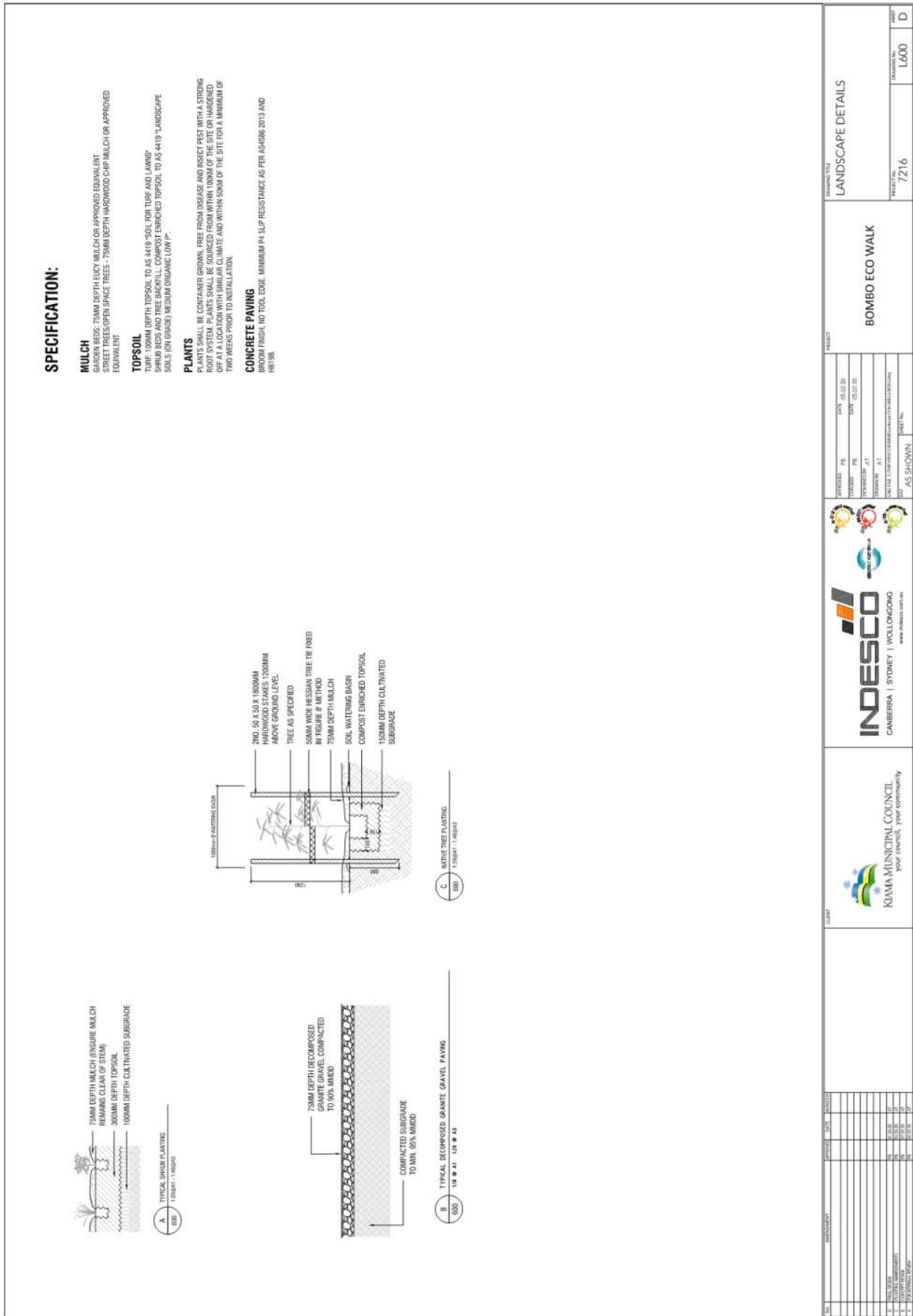
DESIGNER: INDESCO
CANBERRA | SYDNEY | WOLLONGONG
www.indesco.com.au

PROJECT: BOMBO ECO WALK

DATE: 20/05/20
SCALE: 1:100
DRAWN BY: AT
CHECKED BY: AT
DATE: 20/05/20







PROJECT NO: 7216
SHEET NO: L301
DATE: D









PLANTING







TREES

 *Acmena smithii*
 *Banksia integrifolia*
 *Melaleuca amillans*
 *Glochidion terdarndi*
 *Casuarina glauca*
 *Allocasuarina verticillata*

SHRUBS

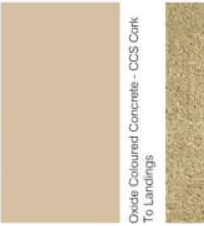

 *Westringia fruticosa*
 *Gordonia ovata*
 *Cnrum pedunculatum*
 *Sarcocornia quinqueflora*

GRASSES/SEDGES




 *Lomandra longifolia*
 *Poa polytrichis*
 *Themeda australis*
 *Juncus kraussii*
 *Sarcocornia quinqueflora*
 *Austrostipa ramosissima*

MATERIALS


SURFACES

 Oxide Coloured Concrete - CCS Cork To Landings
 Deco Granite in gold - to path.

STAIRCASE COLOURS


 Highlights/Accents: Dulux 'DH Oxford Blue' to metalwork
 Columns: Oxide Coloured Concrete- CCS 'Caramel'
 Alternative darker colour for columns: Oxide Coloured Concrete - CCS Echidna

PLANTING - TOP OF CLIFF




Scaevola integrifolia, Melaleuca amillans, Glochidion terdarndi, Gordonia ovata, Westringia fruticosa.


PLANTING - BOTTOM OF CLIFF



Acmena smithii, Casuarina glauca, Juncus kraussii, Sarcocornia quinqueflora, Austrostipa ramosissima



KAMA MUNICIPAL COUNCIL
Your council, your community



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PROJECT: BOMBO ECO WALK

DATE: 05.02.20

DESIGNED BY: AT

DRAWN BY: AT

SCALE: AS SHOWN

PROJECT No: 7216


REVISION No: L601

DATE: D

LOCATION
KIAMA
BOMBO ECO WALK

DISCIPLINE
STRUCTURAL

SUBMISSION TYPE
ISSUED FOR APPROVAL

CLIENT
 **KIAMA MUNICIPAL COUNCIL**

DRAWING SCHEDULE

5100	COVER SHEET	GENERAL	NOT USED
5101	GENERAL	NOT USED	
5200	MARKING PLANS	NOT USED	
5300	NOT USED		
5400	PROPOSED PLANS	NOT USED	
5500	ELEVATIONS	NOT USED	
5600	SECTION	NOT USED	
5700	NOT USED		
5800	NOT USED		
5900	PERSPECTIVES		



LOCATION PLAN



PERSPECTIVE



ISC00128 – S000

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CAULFIELD
STONEY MELBOURNE
MELBOURNE

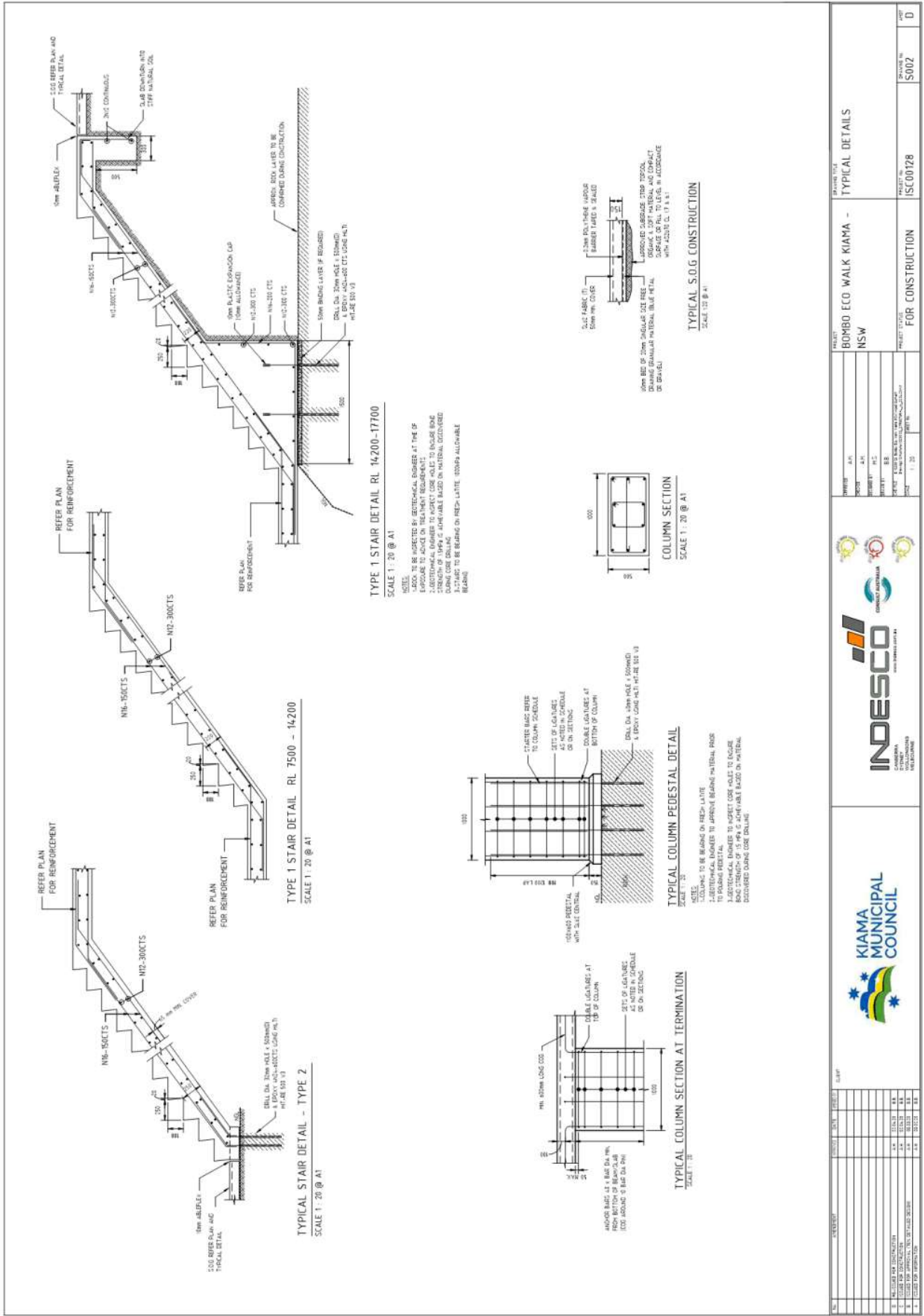


DRAWING LIST			REVISION	DATE	BY	CHKD	DATE
SHEET NUMBER	TITLE PAGE	SHEET NAME	CURRENT REVISION				
S000	DRAWING SCHEDULE		C				
S001	GENERAL NOTES		E				
S002	TYPICAL DETAILS		D				
S003	TYPICAL BALUSTRADE DETAILS		B				
S200	MARKING PLAN		D				
S400	TOP AND BOTTOM REINFORCEMENT PLAN		D				
S500	ELEVATIONS		C				
S501	SECTIONS		E				
S900	PERSPECTIVES		D				

PROJECT	BOMBO ECO WALK KIAMA - NSW
PROJECT TITLE	FOR CONSTRUCTION
PROJECT ID NO.	ISC00178
DRAWING No.	S000.1
DATE	E

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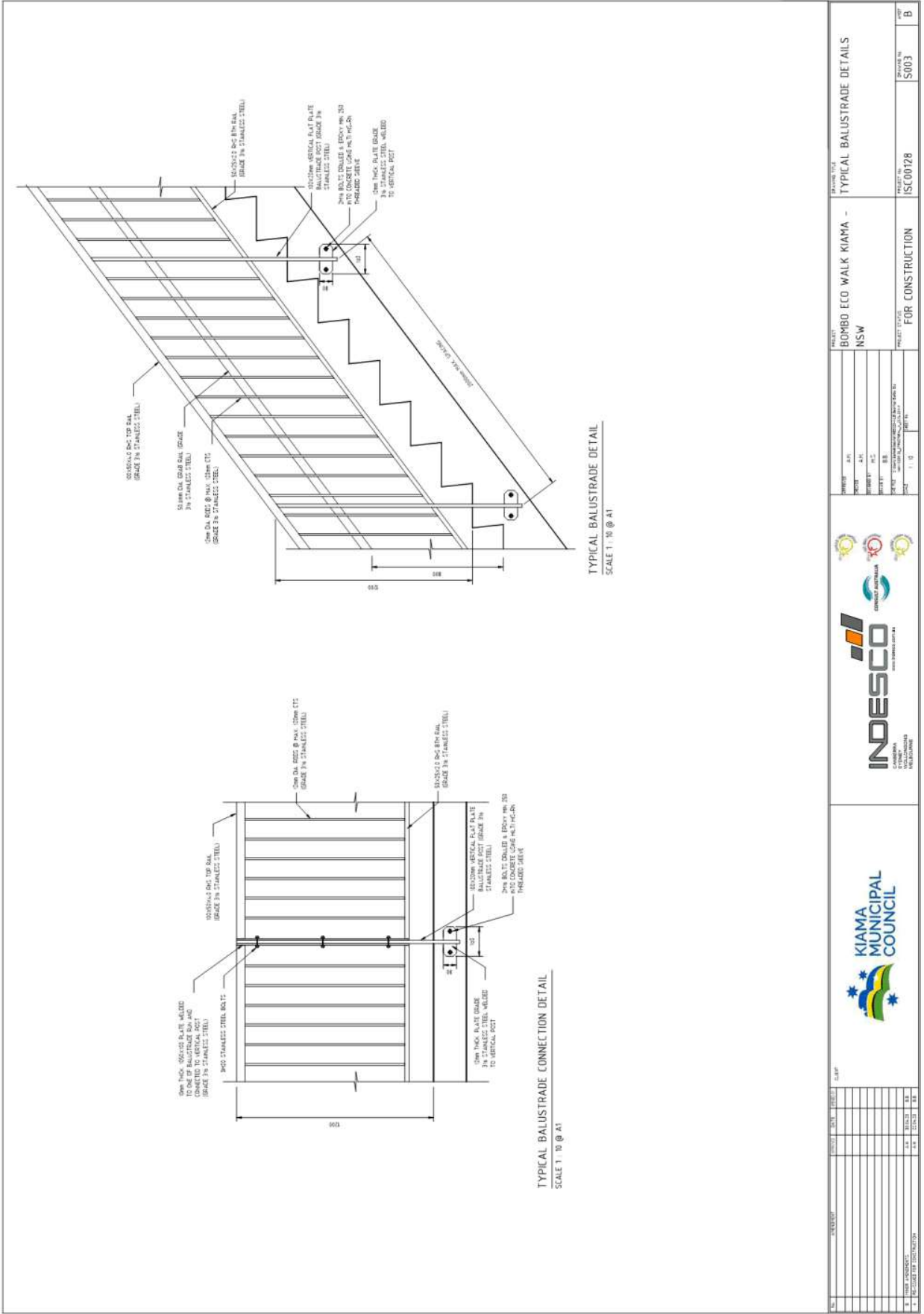


NO.	REVISION	DATE	BY	CHKD
1	ISSUED FOR APPROVAL	15/01/20
2	FOR CONSTRUCTION	15/01/20
3	FOR CONSTRUCTION	15/01/20
4	FOR CONSTRUCTION	15/01/20
5	FOR CONSTRUCTION	15/01/20

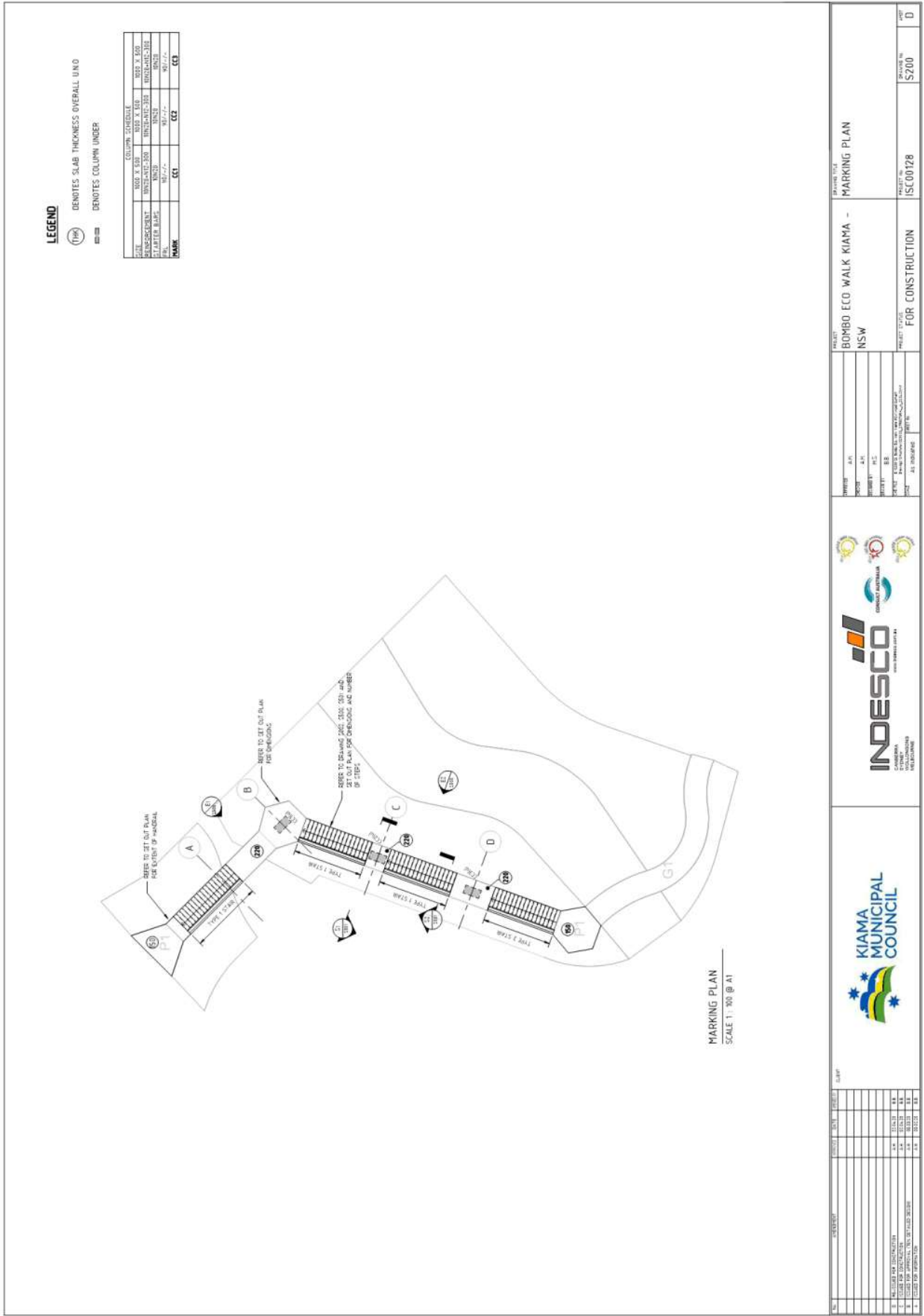
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PROJECT NO.	ISC00178
PROJECT DATE	15/01/20
PROJECT NO.	S002
DATE	15/01/20
SCALE	AS SHOWN
DRAWN BY	...
CHECKED BY	...
APPROVED BY	...
DATE	15/01/20

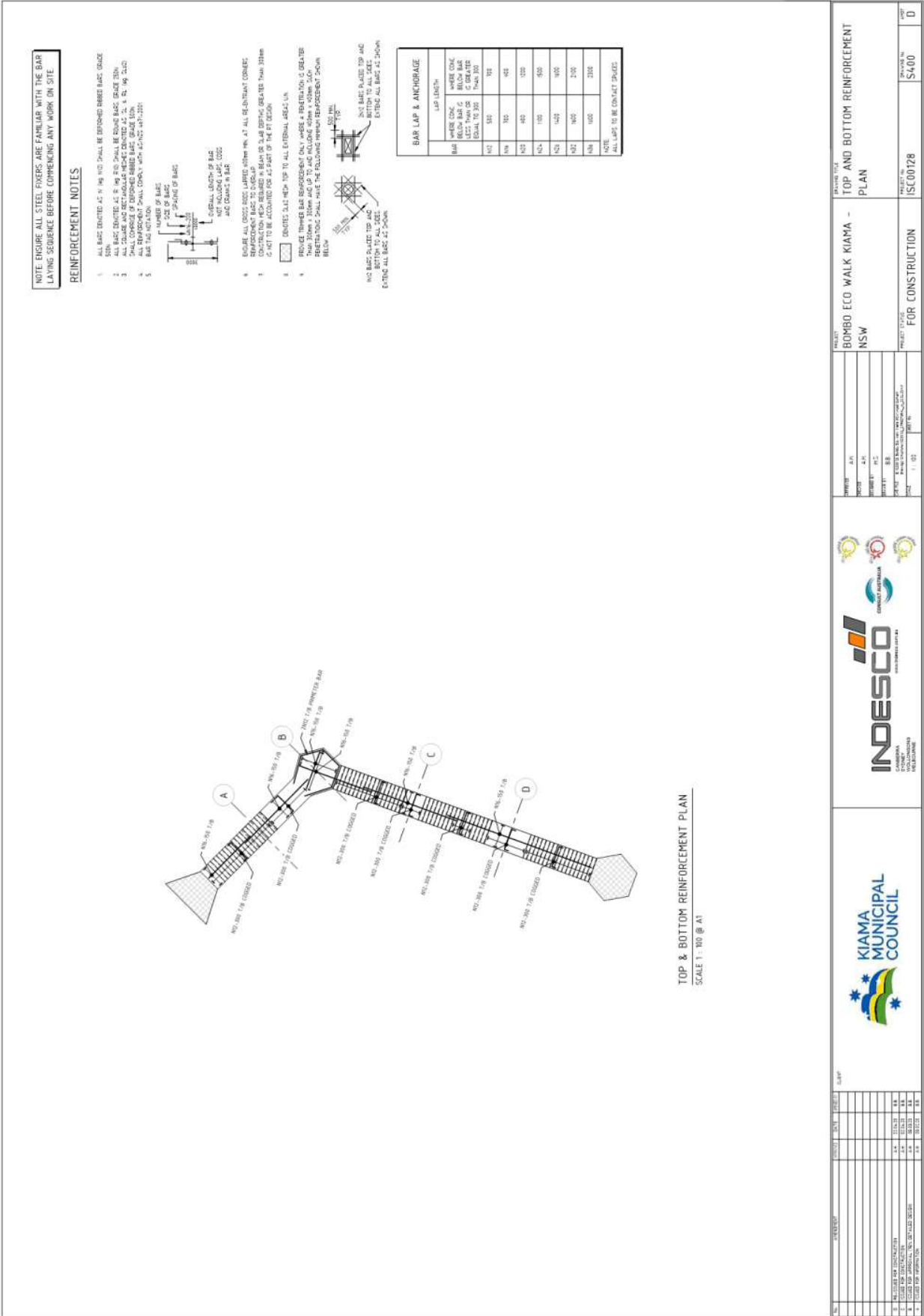
PROJECT	BOMBO ECO WALK KIAMA - NSW
PROJECT NO.	ISC00178
PROJECT DATE	15/01/20
PROJECT NO.	S002
DATE	15/01/20
SCALE	AS SHOWN
DRAWN BY	...
CHECKED BY	...
APPROVED BY	...
DATE	15/01/20

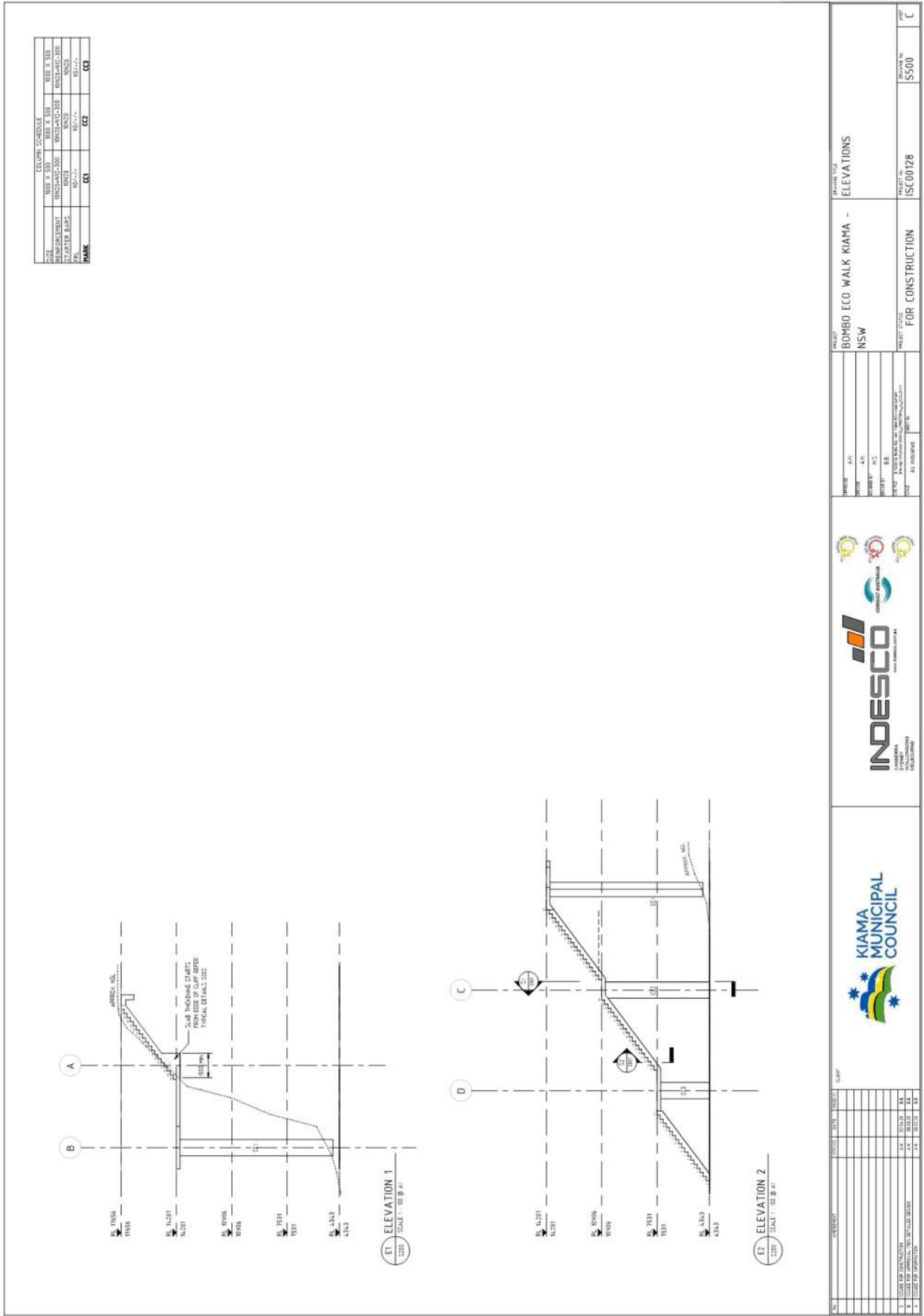


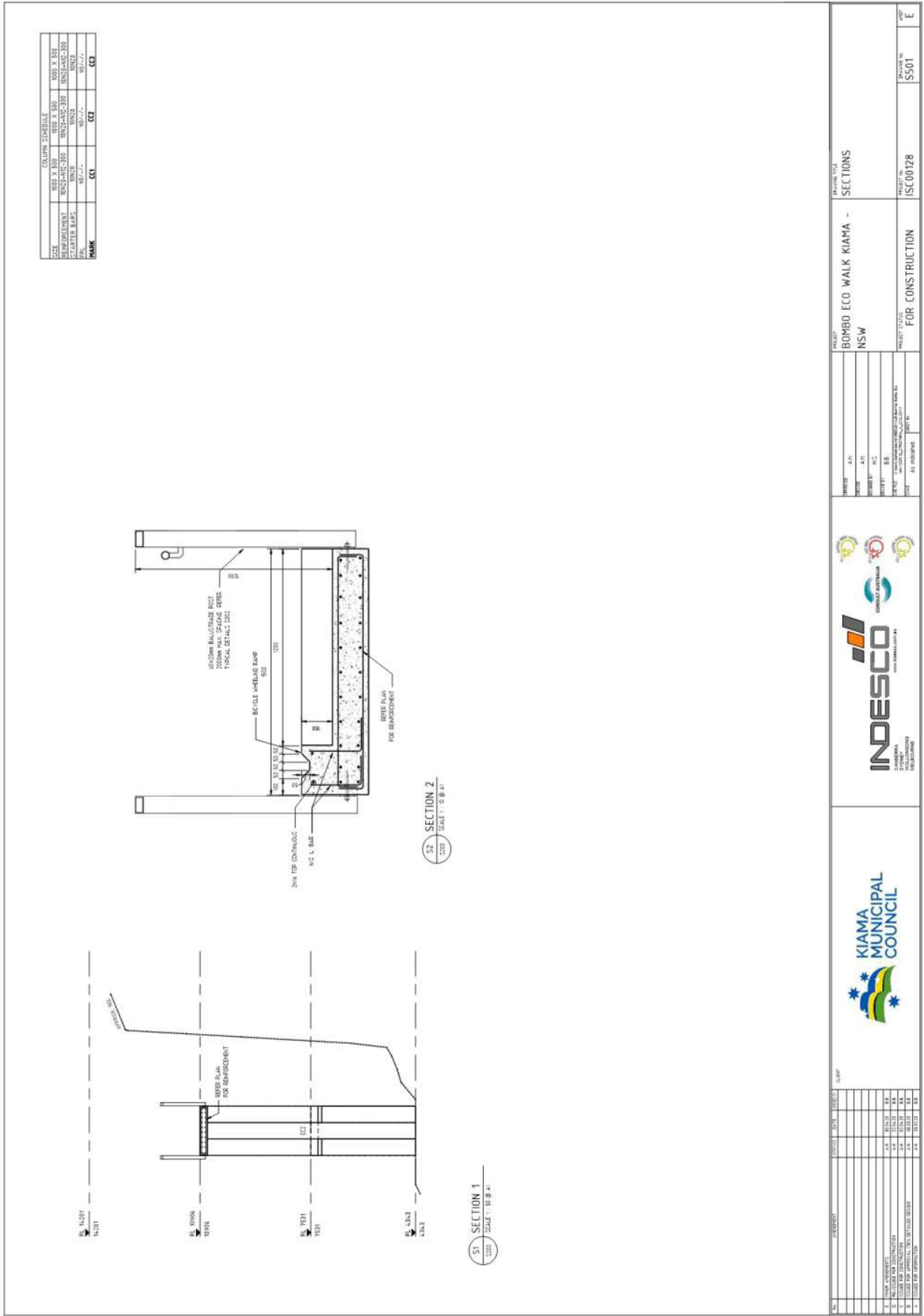


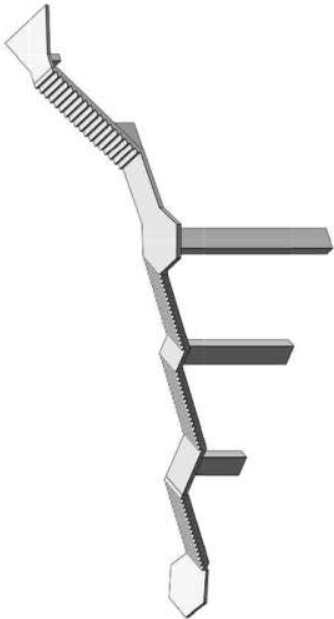
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			STATE	NSW	
DATE	REV	BY	CHK	TYPICAL BALUSTRADE DETAILS	
1/10		BB		FOR CONSTRUCTION	
PROJECT FILE NO.		PROJECT NO.		SCALE	JOB
		1:10		A1	B
DRAWN BY		CHECKED BY		APPROVED BY	
BB				BB	
PROJECT TITLE		PROJECT NO.		REVISION NO.	
		15C00178		S003	
DATE		JOB			
1/10					



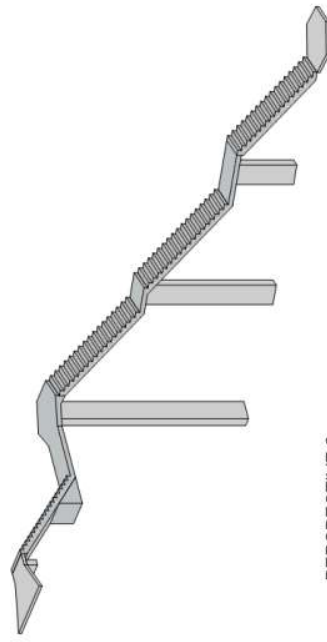










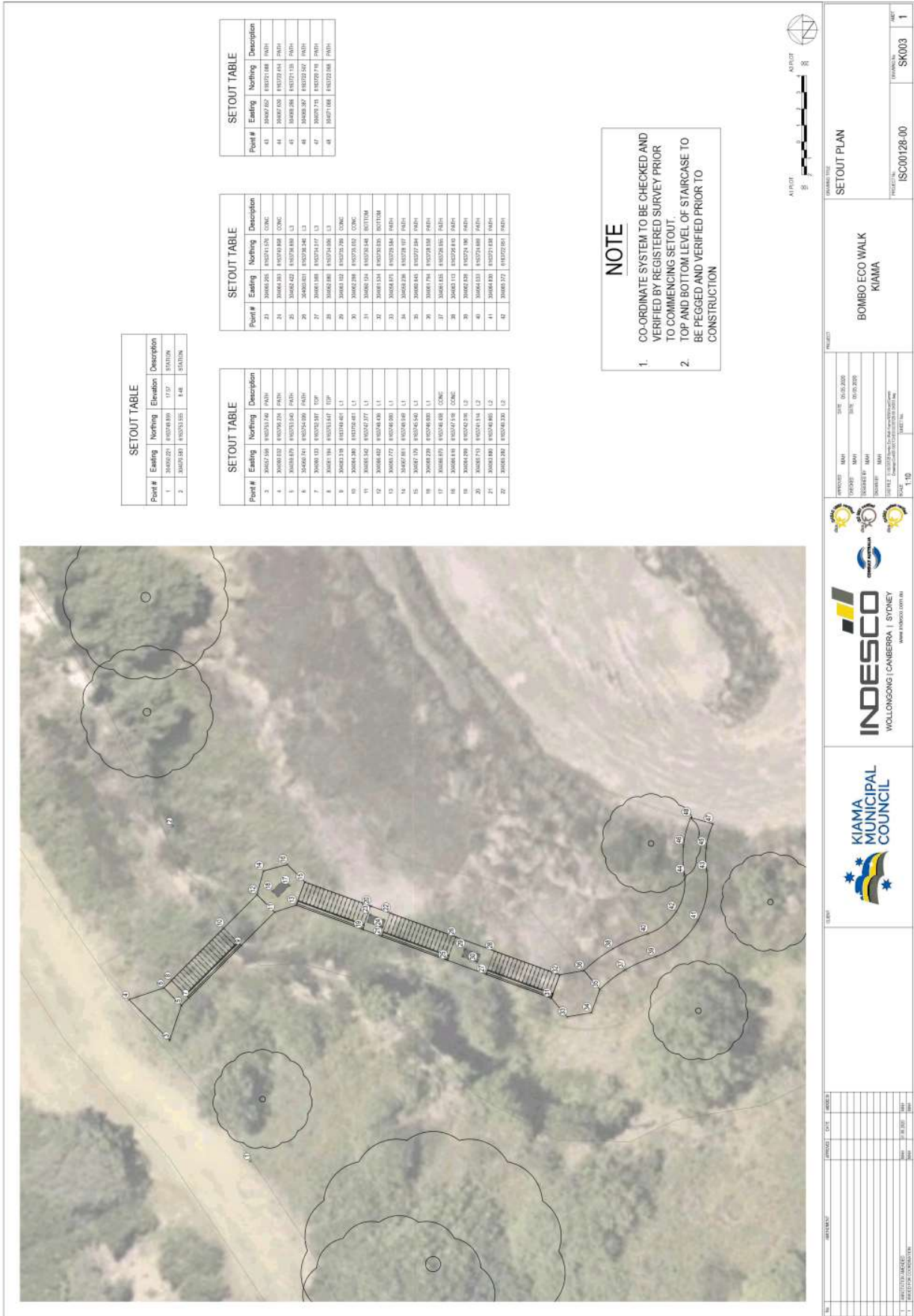
① PERSPECTIVE 1



② PERSPECTIVE 2

NOTE:
 BICYCLE RAMP AND BALUSTRADE
 OMITTED FOR CLARITY.

PROJECT	PROJECT TITLE	DATE	SCALE	PROJECT NO.	PROJECT TITLE	DATE	SCALE
BOMBO ECO WALK KIAMA - NSW	PERSPECTIVES	1/2020	1:100	ISC00128	FOR CONSTRUCTION	1/2020	1:100
							



Point#	Easting	Northing	Elevation	Description
1	34569.274	83078.899	17.20'	STATION
2	34569.381	83073.332	8.44'	STATION

Point#	Easting	Northing	Description
3	34569.198	83083.176	PATH
4	34569.078	83078.258	PATH
5	34568.974	83073.340	PATH
6	34568.794	83075.999	PATH
7	34569.129	83073.397	TOP
8	34568.194	83073.187	TOP
9	34562.159	83078.402	L.I.
10	34563.289	83075.877	L.I.
11	34565.542	83072.777	L.I.
12	34566.432	83068.498	L.I.
13	34567.772	83070.288	L.I.
14	34567.891	83072.928	L.I.
15	34569.129	83075.958	L.I.
16	34569.279	83078.898	L.I.
17	34569.679	83083.176	CONC
18	34569.194	83073.397	CONC
19	34568.259	83075.999	CONC
20	34568.774	83073.340	CONC
21	34568.883	83078.898	CONC
22	34569.288	83073.332	L.I.

Point#	Easting	Northing	Description
23	34568.295	83071.626	CONC
24	34568.331	83079.688	CONC
25	34568.422	83078.888	L.I.
26	34568.601	83078.246	L.I.
27	34568.198	83073.187	L.I.
28	34568.088	83073.186	L.I.
29	34568.102	83073.298	CONC
30	34568.298	83073.850	CONC
31	34568.124	83078.348	ROTTEN
32	34568.124	83078.348	ROTTEN
33	34568.501	83078.844	ROTTEN
34	34568.738	83078.107	ROTTEN
35	34568.545	83077.244	ROTTEN
36	34568.179	83078.338	ROTTEN
37	34568.125	83078.385	ROTTEN
38	34568.111	83078.410	ROTTEN
39	34568.239	83075.196	ROTTEN
40	34568.433	83073.888	ROTTEN
41	34568.430	83073.838	ROTTEN
42	34568.277	83072.951	ROTTEN

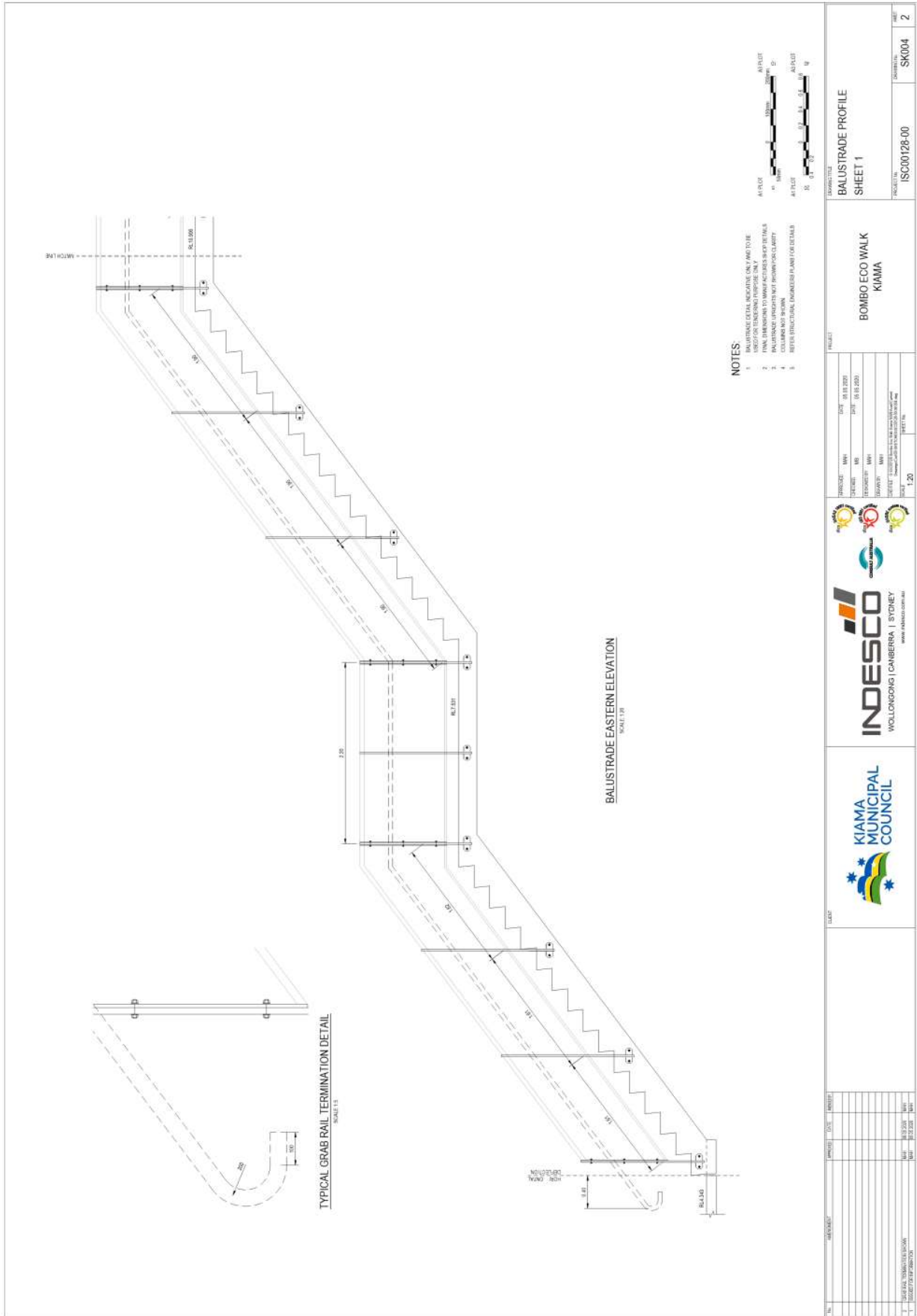
Point#	Easting	Northing	Description
43	34568.262	83071.688	ROTTEN
44	34568.262	83072.944	ROTTEN
45	34568.398	83072.181	ROTTEN
46	34568.367	83072.247	ROTTEN
47	34569.775	83072.778	ROTTEN
48	34567.166	83072.868	ROTTEN

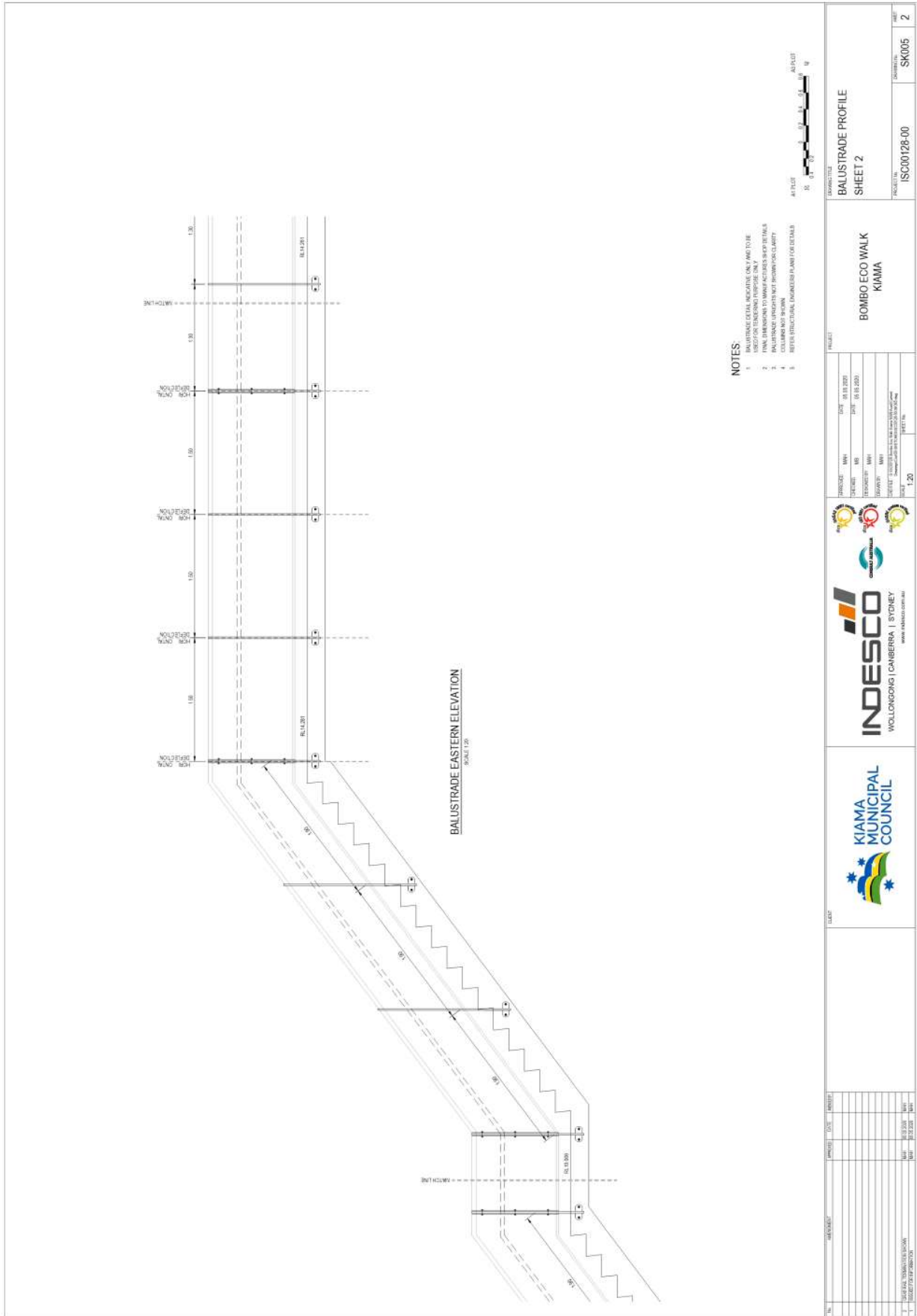
NOTE

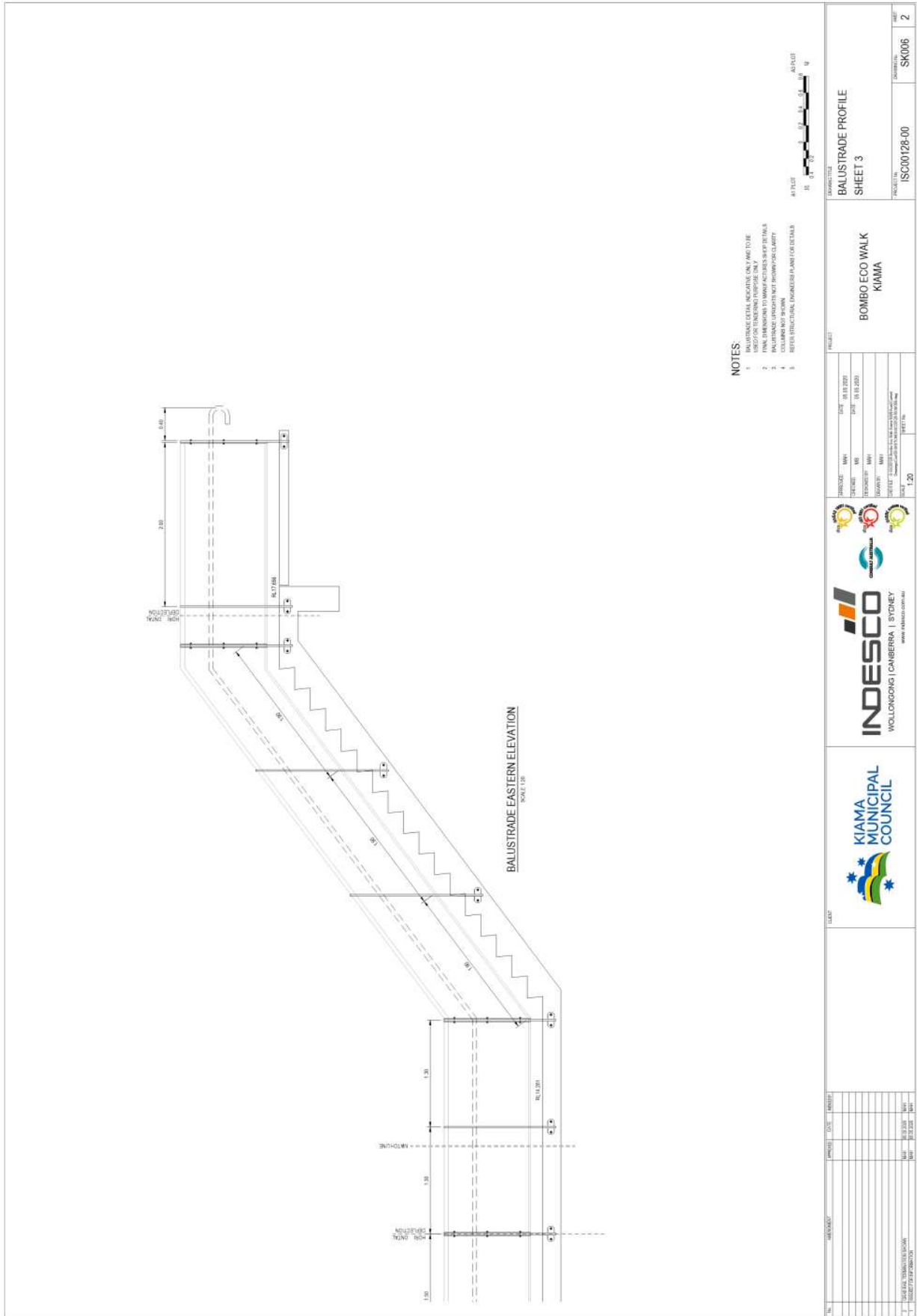
- CO-ORDINATE SYSTEM TO BE CHECKED AND VERIFIED BY REGISTERED SURVEY PRIOR TO COMMENCING SETOUT.
- TOP AND BOTTOM LEVEL OF STAIRCASE TO BE PEGGED AND VERIFIED PRIOR TO CONSTRUCTION

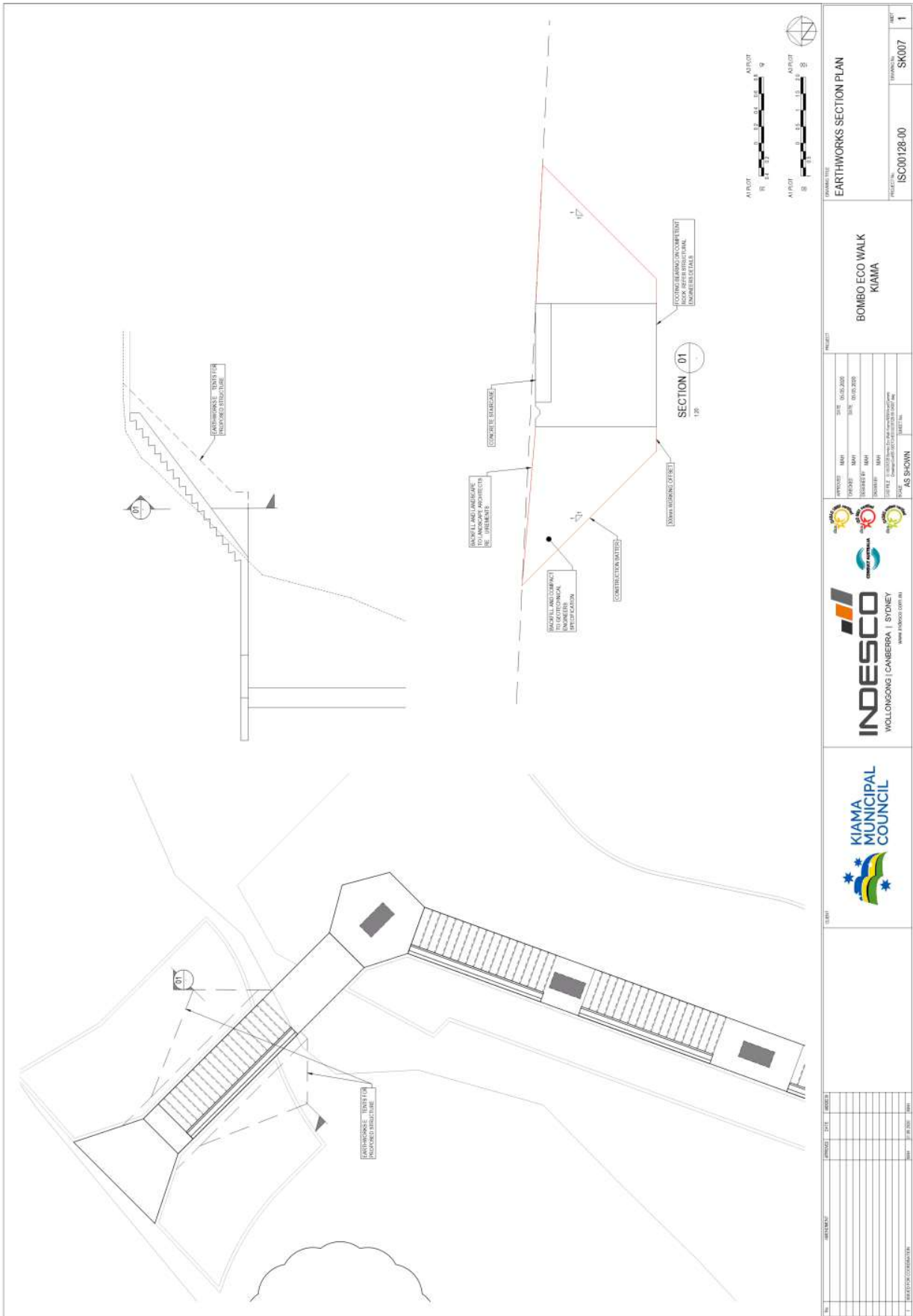


BOMBO ECO WALK KIAMA				SETOUT PLAN	
PROJECT: IS000128-00				DRAWING NO: SK003	
PREPARED: DATE: 06.05.2020 DRAWN: DATE: 09.05.2020		CHECKED: DATE: 06.05.2020 APPROVED: DATE: 09.05.2020		SCALE: 1:10	
1. THIS DRAWING IS THE PROPERTY OF INDESCO CONSULTANTS AND SHALL BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY MENTIONED THEREIN.					









12.5 10.2019.213.1 - Lot 1 DP 740414 - 10 Manning Street, Kiama – Alterations to upper storey and construction of additional storey (residential) atop of the existing commercial building

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

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

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

Item 12.5

Summary

This report reviews Development Application No 10.2019.213.1 which involves alterations to the existing building and the construction of an additional storey to create a shop top housing unit.

The report recommends that Council approve Development Application No 10.2019.213.1 as the proposal is:

- Permissible in the B2 Local Centre and complies with the zone objectives but is inconsistent with the relevant development standards of the Kiama Local Environment Plan 2011 (LEP), clause 4.3 building height limit and clause 4.4 floor space ratio; and
- generally consistent with the requirements of Kiama Development Control Plan 2012 (DCP).

Requests to vary this LEP development standard 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 (newspaper advertisement and letter notification)

Notification Period: 14 days from 08/01/2020 to 22/01/2020, and
14 days from 09/11/2020 to 23/03/2020.

Submissions: One (1) submission from each notification period, from the same individual.

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12.5 10.2019.213.1 - Lot 1 DP 740414 - 10 Manning Street, Kiama – Alterations to upper storey and construction of additional storey (residential) atop of the existing commercial building (cont)

Attachments

1 10.2019.213.1 - Plans [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council approve Development application 10.2019.213.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

BACKGROUND

The property is described as Lot 1 DP 740414, which is located at 10 Manning Street, Kiama.

The overall site measures 185.6m² and is rectangular in shape. The site currently contains a Class 5 and Class 6 building. The restaurant Hanoi on Manning currently occupies the ground floor of the existing building.

The subject property adjoins Manning Street to the north-west and is bounded by commercial land containing principally offices and businesses to the north-east and south-west. The Brighton Harbourside retirement complex is situated on adjacent land to the east.

The site is zoned B2 Local Centre under Kiama LEP 2011.

The site contains no vegetation and slopes gently from the south downward to the north.



Figure 1 – Locality plan (↑N)

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12.5 10.2019.213.1 - Lot 1 DP 740414 - 10 Manning Street, Kiama – Alterations to upper storey and construction of additional storey (residential) atop of the existing commercial building (cont)

The site drains to the public road (Manning Street).

Pedestrian access to the property is obtained from Manning Street, while vehicular access to the property is obtained from Terralong Street via a right of carriageway in favour of the property over adjoining Pt 4 DP 69384.

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

The site is subject to the following constraints:

- State registered and Local listed heritage items indicated in Kiama LEP 2011 on neighbouring land, these being item I110 Commercial Banking Company of Sydney (former) at 18 Manning Street and item I150 Kiama Post Office at 24 Terralong Street.

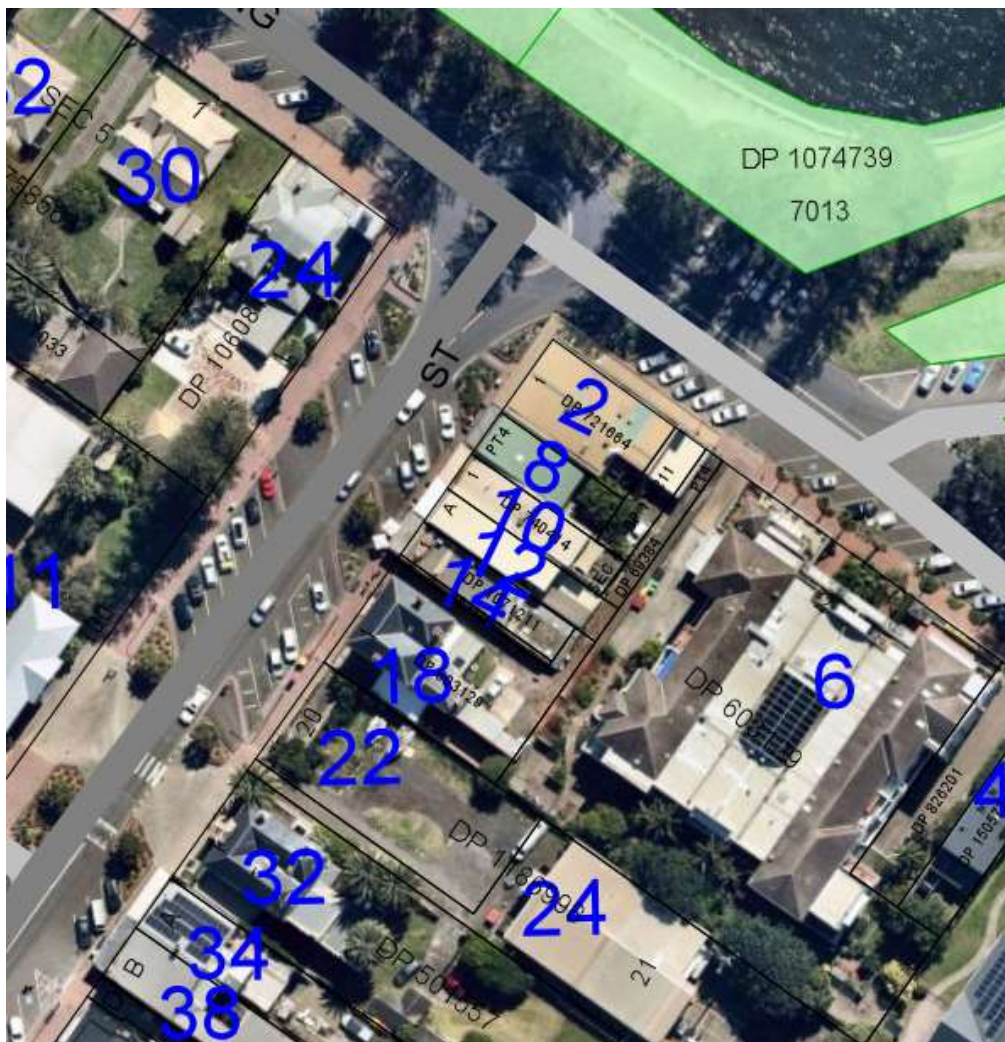


Figure 2 – Locality photograph (2019/20 View) (↑N)

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12.5 10.2019.213.1 - Lot 1 DP 740414 - 10 Manning Street, Kiama – Alterations to upper storey and construction of additional storey (residential) atop of the existing commercial building (cont)

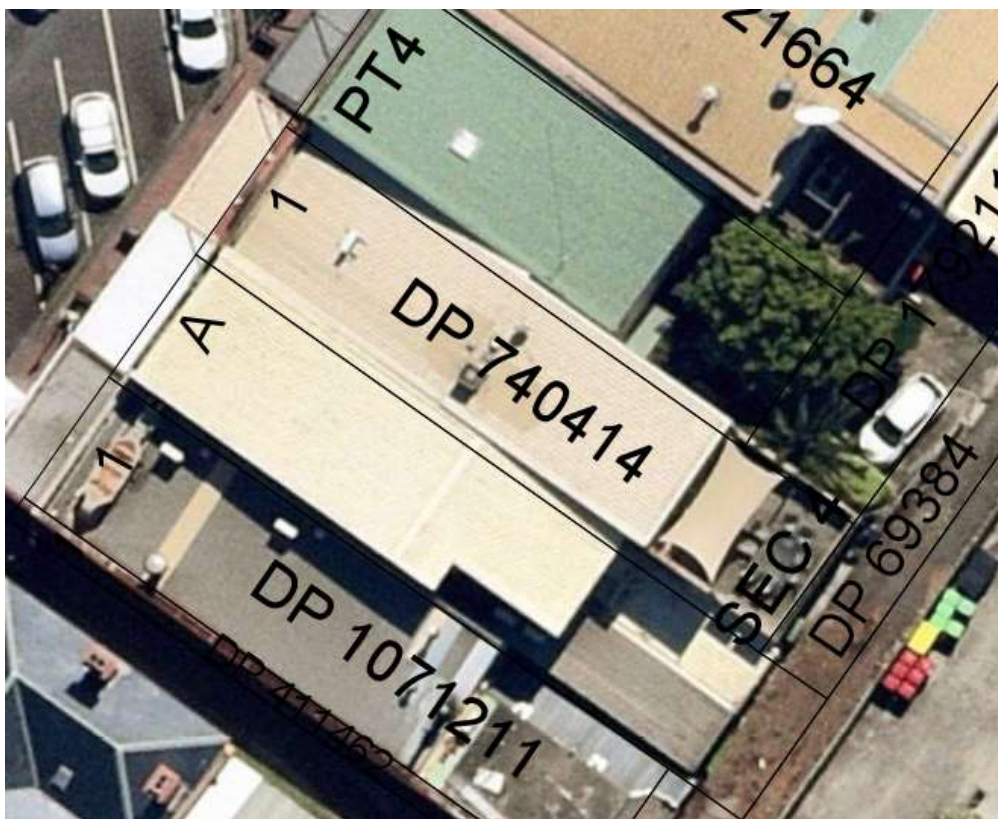


Figure 3 – Site photograph (2019/20 View) (↑N)

Background

The development application history is as follows:

DA No.	Description	Lodgement	Determined	Decision
10.2001.202.3	Demolition of building and erection of offices	29/02/2008	18/03/2008	Approved
10.2008.282.1	Shop fit out and advertising signs (Hanoi on Manning)	08/10/2008	16/01/2009	Approved
10.2010.266.1	Two advertising signs and internal alterations to existing commercial building (first floor)	23/09/2010	02/11/2010	Approved

The current proposal does not undermine existing approvals. Should the development be approved it will render the development consent issued in respect of DA 10.2010.266.1 redundant as the first floor use and layout will be superseded by the proposed shop top housing.

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12.5 10.2019.213.1 - Lot 1 DP 740414 - 10 Manning Street, Kiama – Alterations to upper storey and construction of additional storey (residential) atop of the existing commercial building (cont)

Description of the Proposed Development

The proposal involves building alterations including construction of an additional storey to create a two-storey, two-bedroom shop top housing unit within a three-storey building above the existing ground floor commercial premises.

The ground floor of the existing building is occupied by the Hanoi on Manning restaurant, along with 2 onsite car parking spaces at the rear of the restaurant. It is proposed to alter the ground floor by creating new bin storage rooms at the rear of the restaurant and repositioning the existing unisex disable toilet forward toward Manning Street. The area vacated by the toilet is to be occupied by a proposed lift.

The existing first floor commercial space is proposed to be reconfigured and changed to the new residential use with an additional storey added to create an overall three-storey building. The three floors will comprise of the ground floor restaurant and a two-storey shop top housing unit.

The proposed first floor alterations, to create the lower floor level of the shop top housing unit, involves the creation of two bedrooms, each with ensuite and a balcony. Proposed bedroom 2 faces Manning Street and the proposed main bedroom faces the rear of the site. A laundry is proposed within the main bedroom ensuite.

The proposed third storey addition, creating the top level of the 2-storey shop top housing unit, consists of a living area opening onto a balcony facing Manning Street and an open plan kitchen and dining area opening onto a balcony facing the rear of the site. A bathroom room is also located on this level.

The proposed development also involves the use of the roof as a roof top terrace, including service space accommodating air conditioning units.

Access to the proposed shop top housing unit is proposed by way of the existing stairs from Manning Street, as well as by the proposed lift from the car parking space at the rear of the restaurant.

The proposed shop top housing unit has a gross floor area of 186m², as identified by the applicant. This figure is generally consistent with Council's calculations using Trapeze software.

The existing 2 onsite car parking spaces are proposed to be split between the uses, with one space allocated to the ground floor use (restaurant – as part of the lease agreement) and the other space allocated to the shop top housing unit.

The car parking spaces are accessed from Terralong Street via a registered right of carriageway in favour of the property over adjoining Pt 4 DP 69384.

The proposed shop top house has a balcony off-of each bedroom on the first floor, a balcony off-of the living area and the dining area on the second floor, as well as a roof top terrace for private open space.

Separate waste storage for the existing commercial premises and the proposed shop top dwelling is proposed on-site adjacent to the existing car parking spaces, with collection to occur from Terralong Street.

The proposal is shown in Figures 4 - 10 below:

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Item 12.5

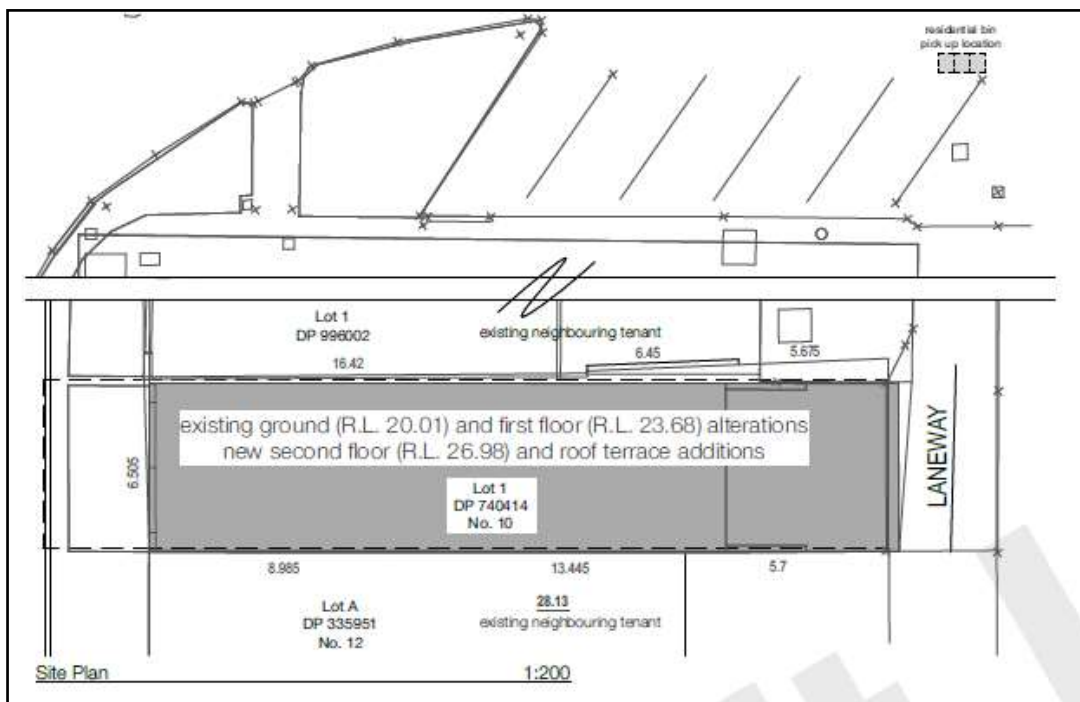


Figure 4 – Site plan



Figure 5 – North west elevation (Manning Street view)

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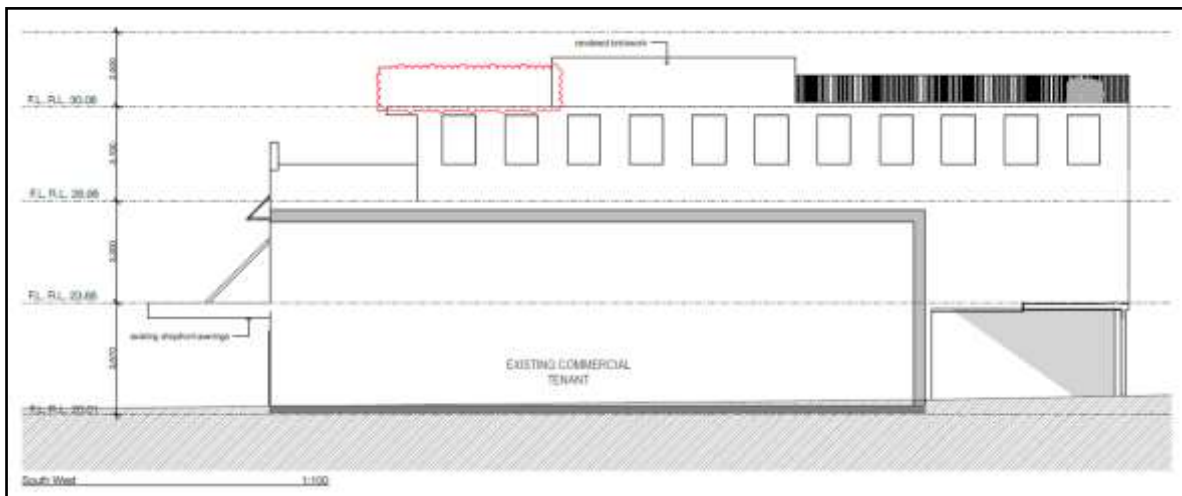


Figure 6 – South west elevation

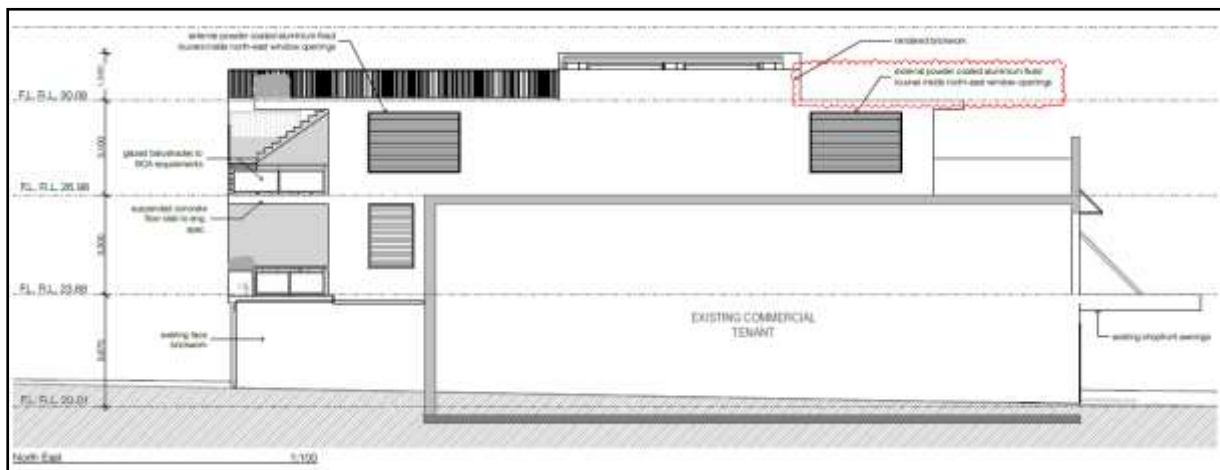


Figure 7 – North east elevation

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12.5 10.2019.213.1 - Lot 1 DP 740414 - 10 Manning Street, Kiama – Alterations to upper storey and construction of additional storey (residential) atop of the existing commercial building (cont)

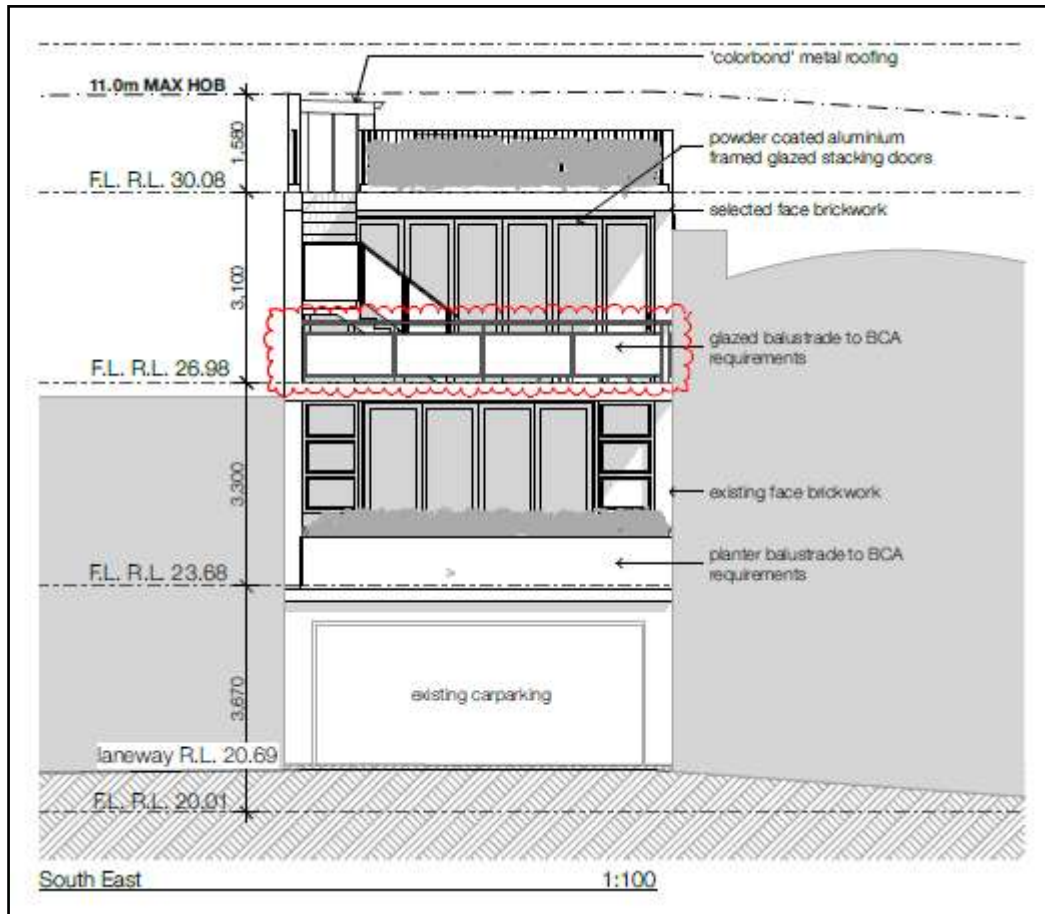


Figure 8 – South east elevation (rear view)



Figure 9 – Exterior colours and materials

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12.5 10.2019.213.1 - Lot 1 DP 740414 - 10 Manning Street, Kiama – Alterations to upper storey and construction of additional storey (residential) atop of the existing commercial building (cont)

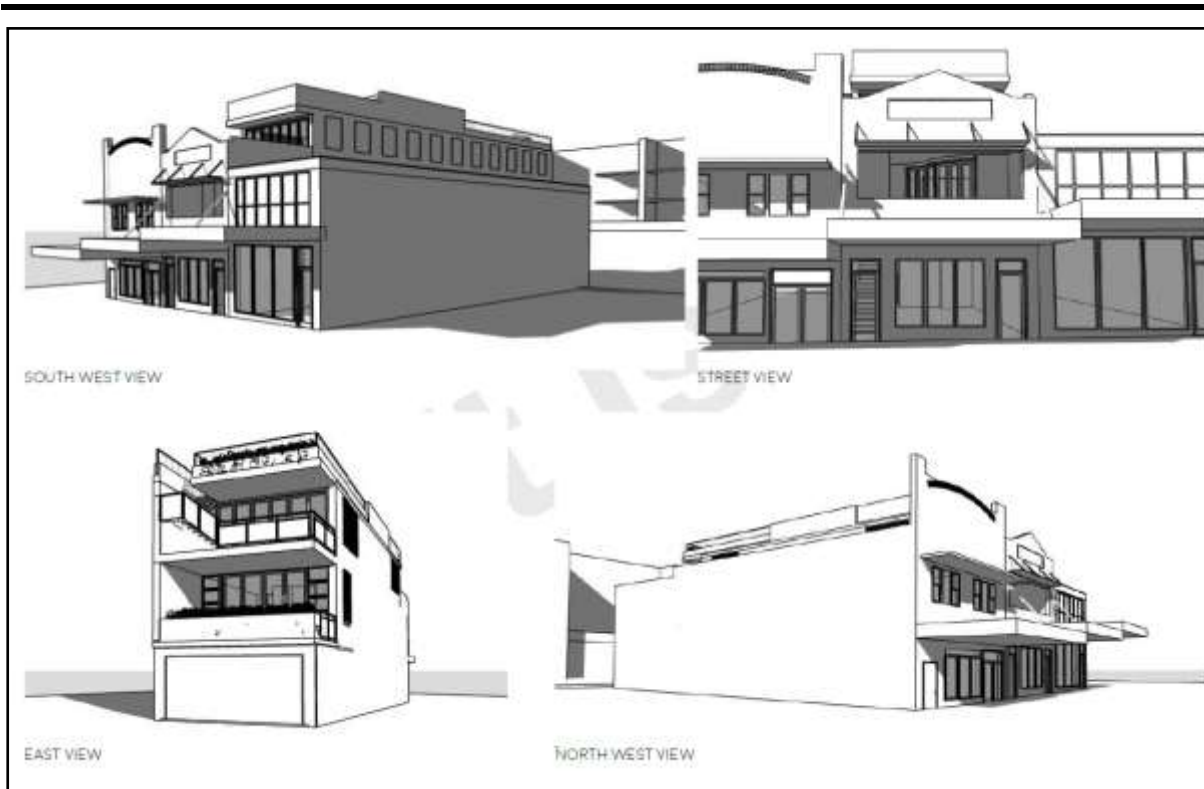


Figure 10 – 3D Elevations (NB: Superseded plan – rooftop front balustrade since removed, as clouded in Figures 5 – 7 above)

Item 12.5

Section 4.15 Assessment

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

Relevant Environmental Planning Instruments

State Environmental Planning Policy (Coastal Management) 2018

The 'coastal zone' is defined in the Coastal Management Act 2016 as four coastal management areas comprising: *Coastal Wetlands and Littoral Rainforests Area*; *Coastal Environment Area*; *Coastal Use Area*; and *Coastal Vulnerability Area*.

The proposed development is within the mapped *Coastal Environment Area* and *Coastal Use Area*.

In the *Coastal Use Area*, the focus is on ensuring appropriate urban development for coastal areas, taking into account urban design issues such and maintaining scenic qualities, visual amenity and aboriginal cultural heritage and places.

Under Section 13(1), development consent must not be granted to development on land that is within the 'coastal environment area' unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:

- (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment;

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-
- (b) coastal environmental values and natural coastal processes;
 - (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1;
 - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms;
 - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability;
 - (f) Aboriginal cultural heritage, practices and places;
 - (g) The use of the surf zone.

Additionally, under Section 13(2), development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in sub-clause (1), or
- (b) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised - the development will be managed to mitigate that impact.

Comment

The proposed development will not have any likely adverse impact in terms of marine environment, Aboriginal cultural heritage, or foreshore access. The development is considered acceptable under Section 13(1) & (2) of the SEPP.

Under Section 14(1), development consent must not be granted to development on land that is within the 'coastal use area' unless the consent authority:

- (a) has considered whether the proposed development is likely to cause an adverse impact on the following:
 - (i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability;
 - (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores;
 - (iii) the visual amenity and scenic qualities of the coast, including coastal headlands;
 - (iv) Aboriginal cultural heritage, practices and places;
 - (v) cultural and built environment heritage, and
- (b) is satisfied that:

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12.5 10.2019.213.1 - Lot 1 DP 740414 - 10 Manning Street, Kiama – Alterations to upper storey and construction of additional storey (residential) atop of the existing commercial building (cont)

-
- (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or
 - (ii) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or
 - (iii) if that impact cannot be minimised - the development will be managed to mitigate that impact, and
- (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.

Comment

The proposed development does not result in wind funneling or unacceptable overshadowing impact, does not impact foreshore access and has an acceptable impact in terms of built heritage. The development is considered acceptable under Section 14(1) of the SEPP.

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

A BASIX Certificate (A332028) 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 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.

Kiama Local Environmental Plan 2011

Clause 2.3 Zone objectives and Land Use Table

The subject land is zoned B2 Local Centre under Kiama LEP 2011. The proposal is defined as 'shop top housing' under the provisions of the LEP 2011, which are permitted with consent in the B2 Local Centre zone.

"Shop top housing" is defined under Kiama LEP 2011 to mean, "*one or more dwellings located above ground floor retail premises or business premises.*"

In this instance, the "ground floor" of the proposed development includes retail/business premises (fronting Manning Street), currently being the 'Hanoi on Manning' restaurant. The proposed residential unit is situated on Level 1 & 2 of the proposal, above the ground floor business premises, which satisfies the definition.

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12.5 10.2019.213.1 - Lot 1 DP 740414 - 10 Manning Street, Kiama – Alterations to upper storey and construction of additional storey (residential) atop of the existing commercial building (cont)

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 zone B2 objectives are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

As the proposal will provide housing for people to live in the town centre with direct access to retail, business, entertainment and community uses, as well as employment and public transport, the development is considered to be consistent with the zone objectives.

Specific clauses requiring consideration:

Clause 4.3 Height of Buildings

Clause 4.3 requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map. The height of building map identifies that a maximum building height of 11m applies to the site. The proposed dual occupancy will have a maximum height of 11.8m above existing ground level and as such does not comply.

This matter is discussed below under Clause 4.6, part a) Proposed Exception – Clause 4.3 building height.

Clause 4.4 Floor Space Ratio

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio (FSR) map. The FSR map of Kiama LEP 2011 identifies that a maximum floor space ratio of 1.5:1 applies to the site. The gross floor area of the proposed development identified by the applicant is 296.6m². Council's calculations using Trapeze software yielded similar figures.

Based on a GFA of 296.6m² the proposed development, as put by the applicant, has a FSR of 1.598:1 (approximately 1.6:1) with the site and as such does not comply.

This matter is discussed below under Clause 4.6, part b) Proposed Exception – Clause 4.4 floor space ratio.

Clause 4.6 Exceptions to Development Standards

Clause 4.6 of Kiama LEP 2011 is a provision that provides for a process to consider exceptions to development standards under 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.*

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-

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.*

Clause 4.6 Case Law (Tests)

Several key Land and Environment Court (NSW LEC) judgements and planning principles established by Commissioners have recently refined the manner in which variations to development standards are required to be established and considered before a variation may be granted.

The following section addresses the central case law principles arising from the Land and Environment Court decisions of:

- a) *Winten v North Sydney Council*
- b) *Wehbe V Pittwater Council [2007] NSW LEC 827*
- c) *Four2Five Pty Ltd v Ashfield Council [2015] NSW LEC, and*
- d) *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, and*
- e) *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] NSWCA 245*

Overall, the outcomes of these recent case law decisions highlight that the lodging of a written request under clause 4.6 of the LEP is not a mere formality but instead must culminate in a carefully crafted and complete document that steps through the relevant requirements with great care and expounds a high quality and soundly reasoned planning argument.

In order for Council to have power (jurisdiction) to grant development consent to the applicant's proposed development, Council must validly uphold the written request under cl. 4.6 of the LEP to compliance with the specified development standard(s).

In other words, upholding the written request is an essential precondition (analogous to a 'jurisdictional fact' situation) which must be satisfied before the proposed development can be approved on a consideration of the merits.

It is the written request itself that seeks to justify one or more specified contraventions by demonstrating the relevant matters is not in itself a necessary pre-condition.

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In the event that Council was to purport to uphold a written request under cl. 4.6 of the LEP in circumstances where no reasonable consent authority, properly acting within the ‘four corners’ of its powers, could have upheld the particular objection/request, Council would be making a jurisdictional error that would result in the development consent purportedly granted being annulled (invalidated).

Even though the onus is on the applicant to show that compliance with one or more specified development standards would be ‘unreasonable or unnecessary’ in the particular circumstances of the case, the consent authority must ensure, as a matter of jurisdiction, that it has before it a written request under cl. 4.6 of the LEP that is legally capable of being upheld before the consent authority proceeds to make a decision that the proposed development can be approved on a consideration of the merits.

In this instance, the applicant has sought exception to two development standards, being a) clause 4.3 building height limit development standard, and b) Clause 4.4 floor space ratio development standard. Each proposed exception is addressed individually:

a) Proposed Exception – Clause 4.3 building height

The site is subject to an 11m building height limit prescribed by Clause 4.3 of Kiama LEP 2011. The proposed development has a maximum building height of 11.8m above existing ground level, representing a departure to this development standard of approximately 7.27%.

Accordingly, the applicant has provided a written clause 4.6 exception request to justify varying the maximum building height (see attached) development standard of clause 4.3.

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

“Development standards are provided as a means of achieving planning outcomes for an individual development, site or area.

The building height control is considered appropriate to the context and circumstances of the site and does not result in a scale of development that is unsympathetic with the existing or intended future character of this commercial neighbourhood of the Kiama LGA.

A development strictly complying with the numerical standard would not discernibly alter the scale of the building or improve the amenity of adjoining neighbours or the public domain. On the contrary, if the building height was reduced by, for instance removing the plant room roof, this may result in an increase of noise, this being an undesirable environmental outcome and contrary to the LEP objectives.

It should be noted that the current design has been closely informed by the consultative process between the applicant and their relative experts in order to address certain site constraints; the minor breach of height is a consequence of this collaborative approach and should be supported in order to promote and encourage superior design outcomes.

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The original design has been modified during the development assessment process in response to Council's various design issues, with the result that the amended proposal has reduced the numerical height non-compliance to lessen potential visual impacts upon streetscape.

This submission satisfies the provisions of cl. 4.6 of the Kiama LEP as it has been demonstrated that compliance with the building height development standard is both unnecessary and unreasonable in the circumstances of this case and there are sufficient planning grounds to justify contravening the standard."

Assessment of Variation

Clause 4.6 (Exceptions to development standards) of Kiama LEP 2011 enables exceptions to development standards including building height.

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 Environmental Planning and Assessment 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,*
- (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,*

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-
- (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 Environmental Planning and Assessment 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 maximum building height requirement pursuant to cl. 4.3 is a development standard as it prescribes a maximum building height numeric standard for development.

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

The development standard proposed to be varied within the application is the building height limit under clause 4.3 of the LEP.

The site is subject to an 11m building height limit. The proposed development has a maximum building height of 11.8m above existing ground level, representing a departure to this development standard of approximately 7.27% (extent of variation).

The 800mm height breach as identified occurs at the skillion roof over the rooftop plant and equipment room adjacent to the southern wall. The applicant acknowledges that a height breach also occurs in relation to two other building elements, these being a 220mm height breach caused by part of the balustrade on the rooftop terrace, and a 156mm height breach brought about with skylight roof of the interior lightwell.

The extent of the height limit breaches is evident in the Sections below:

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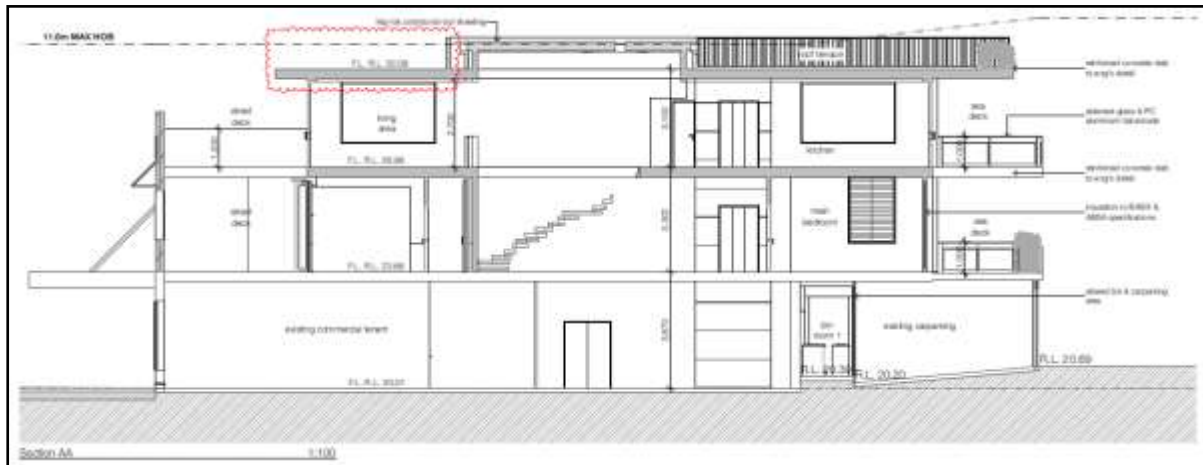


Figure 11 – Section AA – Note dashed 11m building height limit line

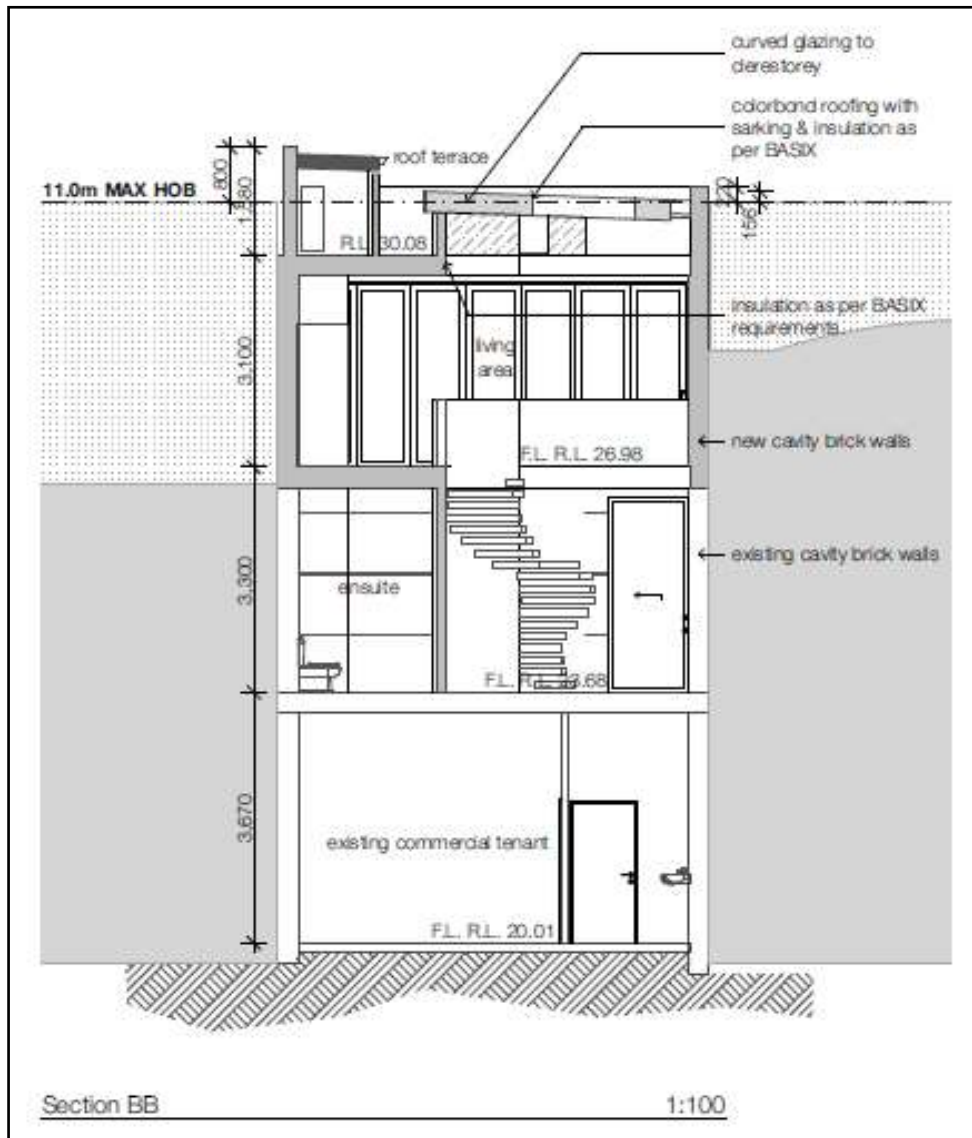


Figure 12 – Section BB showing 11m building height limit line

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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 argues that the “*proposal remains consistent with the objectives of the building height standard outlined in subclause 4.3 despite the numerical non-compliance.*” In addressing this the applicant acknowledges the objectives of the development standard and, in response to each objective ((a), (b) & (c) below), argues the following:

“(a) *to ensure future development is in keeping with the desired scale and character of the street and local area,*

The proposed alterations and additions are to a building which lies within proximity to several heritage items and thus requires careful consideration to ensure that the new works do not result in a structure that dominates the built form of the heritage items nor the streetscape of Manning Street. Accordingly, the design has been closely informed and guided by a comprehensive ‘Heritage Impact Assessment’ specifically to address the site opportunities and constraints and to pay due respect to the surrounding neighbourhood.

The modest breach in the overall building height results from structures that are set well back (now 9.2 m on the amended plan set) from the building façade and thus do not present directly to the public viewpoint at street level.

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The building height and general bulk and scale has been assessed by the project's heritage consultant as being appropriate and of negligible impact.

- (b) *to allow reasonable daylight access to all developments and the public domain.*

There is no additional impact upon the nearest neighbour in terms of overshadowing, and no impact upon the public domain. There is no loss of privacy for the nearest affected neighbour that results from the breach in roof height.

- (c) *to ensure that the height of buildings on or in the vicinity of a heritage item or within a heritage conservation area respect heritage significance.*

The relationship of the proposed building to the important (built) heritage items that are located in close proximity to the subject site has been considered and informed by the project heritage consultant in the 'Heritage Impact Assessment' and found to be both appropriate and satisfactory; the minor additional height from the ancillary utility structures at the roof terrace level has an inconsequential impact upon the streetscape presentation of the building."

In terms of specifically arguing that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, the applicant has provided with the following comment:

- *"A development that strictly complies with the building height standard is unreasonable or unnecessary in this circumstance for the following reasons:*
- *The breach in the building height Control is directly related to minor ancillary structures, none of which result in additional habitable floor space for the residential unit but rather provide for improved internal amenity for the occupants.*
- *Deleting the balustrade would result in the roof terrace becoming non-trafficable and wasted space with no consequent improvement to the presentation of the façade to Manning Street.*
- *Deleting the stairwell void roof projection would require a glass skylight that is flush-mounted to the roof slab, necessitating a problematic waterproofing detail. As this structure is set well behind the front building alignment and cannot be seen from a public space there is no public benefit that results from a strict numerical compliance.*
- *Similarly, deleting the skillion roof over the plant room would remove ancillary storage space for the residential occupants of the unit. As this structure is set well behind the front building alignment and cannot be seen from a public space there is no public benefit that results from a strict numerical compliance.*
- *The minor breach of the building height has no material effect upon streetscape.*

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-
- *There is no material impact upon solar access, privacy or view loss for any adjoining neighbour or the public realm as a direct result of the breach in height.”*

Furthermore, having regard to whether the variation is well founded, the applicant contends that:

- *“The proposed breach of the maximum building height standard is numerically insignificant and limited to ancillary roof structures that serve a functional purpose.*
- *The development is consistent with Council’s DCP controls and there are no unreasonable amenity, density or streetscape impacts that result from the breach.*
- *The proposal is a practical balance between planning controls. Strict compliance would not materially change the proposal nor result in a better outcome.*
- *The proposal provides for: orderly and economic development of land, high quality housing and environmental protection.*
- *The development is consistent with the objective of Clause 4.6, to provide flexibility. The merits have been demonstrated and a better planning outcome is achieved.*
- *The proposal upholds the objectives of the zoning and Clause 4.3.*
- *The breach is <10% from the Control and Council has concurrence from the Secretary to properly assess and approve the variation”*

Comment

Although the proposed three-storey development is currently adjoining and adjacent two storey buildings in Manning Street, the height breach involved, in itself, is not considered to result in a development that is beyond the desired scale and character of the street.

The permissible 11m building height limit is not simply a “given” for development, having regard to scale and character, it should be noted that mixed-use development has been approved at 22 Manning Street that is 3 storeys and 11m in height and development has recently been constructed at 44 Manning Street that is also 3 storeys tall. This new building also exceeds the height limit development standard. The heritage listed building at 18 Manning Street, although two storeys, has a building height that is clearly taller than other development at 2, 8, 10, 12 and 14 Manning Street.

Furthermore, it is considered that the proposed height breach will not result in any unreasonable additional amenity impacts, such as overshadowing, view loss, privacy loss and the like, as discussed within this report. It is accepted that the proposed building height breach does not, in this instance, result in contravention of the Objectives of the development standard, as outlined by the applicant.

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The proposed height breaches do not contribute to the proposed breach of the floor space ratio (FSR) development standard, as discussed in detail below in the cl.4.6 exception to FSR. FSR is the ratio of the gross floor area (GFA) to the site area. In this respect the rooftop plant and equipment room, as a plant room, is excluded from GFA calculation. Similarly, the skylight roof is less than 1.4m above the floor and as such is also excluded from GFA calculation. The third building height breach element; the proposed rooftop balustrade adjacent to the central portion of the roof top terrace, is a lightweight, visually permeable building element that does not result in obvious contribution to the visual bulk of the building. Notably the balustrade at the eastern edge of the building does not breach the 11m height limit due to the rise of the land toward the east.

It is accepted that strict compliance with the development standard is unnecessary in this instance having regard to the proposed height breaches, their extent and the circumstances of the case.

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 relating to clause 4.6(3)(b) of Kiama LEP 2011 advocates that the proposal satisfies the objectives of the B2 Local Centre zone and the objectives of the building height standard and states:

- “• *The non-compliance with the standard does not contribute to unacceptable adverse environmental impacts in terms of overshadowing, visual impacts or view loss;*
- *The proposed non-compliance with the numerical building height control is not materially different in presentation than that of a numerically complying building height when viewed from the surrounding area;*
- *The non-compliance with the standard does not result in a scale of building that is out of character with the existing or anticipated future character of the surrounding commercial neighbourhood;*
- *The proposed development is generally compliant with the numerical controls and consistent with the underlying Objectives of the Kiama Development Control Plan; and*

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-
- *The development as proposed is consistent with the provisions of orderly and economic development.”*

Comment

In terms of the character of the area and the desired future character, it is noted that the 11m building height limit under Kiama LEP 2011 applies to much of the B2 zoned land within the Kiama CBD. Buildings at and around the 11m height are therefore generally accepted to be consistent with the character and desired future character of the area. The building height breach associated with the proposed development does not render the development inconsistent with the character or desired future character of the CBD.

Having specific regard to the neighbouring properties at the development site, the third storey proposed will set the building apart from directly neighbouring buildings at the lower end of the street (i.e. 2, 8 & 12 Manning Street), as these buildings are currently two storey in height and below the 11m height limit. Number 14 Manning Street is single storey in height. Nonetheless, the proposed third storey is setback from Manning Street by 4.53m, so at street level at closer range the upper storey and associated building height breach will not be obvious. Of note, the third storey will be partly screened by the parapet wall facing Manning Street.

From Terralong Street opposite the Post Office, the proposed building will have the backdrop of existing taller buildings along Manning Street, including the nearby heritage buildings, as well as the future building at 22 Manning Street approved by Council and the newly constructed building at 44 Manning Street. Council’s Heritage Advisor has not raised any concerns with the proposal from either a heritage or urban design perspective, as is discussed later in the report.

From Manning Street adjacent to the Council Chambers, the proposed building will protrude above existing neighbouring buildings, though the recession of the third storey away from the street reduces the extent of the impact on streetscape. Focussing on the building elements that breach the 11m height limit, these are approximately 9m back from Manning Street and, in themselves, do not cause the building to present unacceptably within the streetscape. The proposed building height breach does not unacceptably exacerbate the height difference with neighbouring buildings in this area.

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.?*

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-
- *Is there public benefit in maintaining strict compliance with the standard?*

Comment

The proposed exception is local in its context and scale and is therefore not considered raise any matters of state or regional significance.

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, it is accepted that the proposed development, despite the building height limit breach, is generally consistent with the objectives the building height limit development standard and the objectives of the zone. From a streetscape perspective, though the building is taller than neighbouring buildings, inclusive of the height limit breach the development is on balance not out of character with the area or the desired future desired character of the area. The proposed building height breach does not render the development contrary to the public interest.

b) Proposed Exception – Clause 4.4 floor space ratio

The site is subject to a maximum floor space ratio (FSR) of 1.5:1 prescribed by Clause 4.4 of Kiama LEP 2011. The applicant puts forward that the proposed development has a gross floor area (GFA) of 296.2m² and a resultant FSR of 1.594:1. This represents a departure to the development standard of 6.5%.

A development with a compliant FSR has a maximum GFA of 278.4m².

Accordingly, the applicant has provided a written clause 4.6 exception request to justify varying the maximum building height (see attached) development standard of clause 4.3.

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

“Development standards are provided as a means of achieving planning outcomes for an individual development, site or area.

The floor space ratio control is considered appropriate to the context and circumstances of the site and does not result in a scale of development that is

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unsympathetic with the existing or intended future character of this commercial neighbourhood of the Kiama LGA.

A development strictly complying with the numerical standard would not discernibly alter the scale of the building or improve the amenity of adjoining neighbours or the public domain.

It should be noted that the current design has been closely informed by the consultative process between the applicant and their relative experts in order to address certain site constraints; the minor breach of floor space is a consequence of this collaborative approach and should be supported in order to promote and encourage superior design outcomes.

This submission satisfies the provisions of cl. 4.6 of the Kiama LEP 2011 as it has been demonstrated that compliance with the floor space development standard is both unnecessary and unreasonable in the circumstances of this case and there are sufficient planning grounds to justify contravening the standard.”

Assessment of Variation

Clause 4.6 (Exceptions to development standards) of Kiama LEP 2011 enables exceptions to development standards including building height.

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, 1979 as discussed previously in relation to building height.

The maximum floor space ratio requirement pursuant to cl. 4.4 is a development standard as it prescribes a maximum floor space ratio numeric standard for development.

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)?*

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Comment

The development standard proposed to be varied within the application is the floor space ratio limit for development under clause 4.4 of the LEP.

The site is subject to a maximum FSR of 1.5:1. The proposed development has a FSR of 1.594:1, representing a departure to this development standard of approximately 6.5% (extent of variation).

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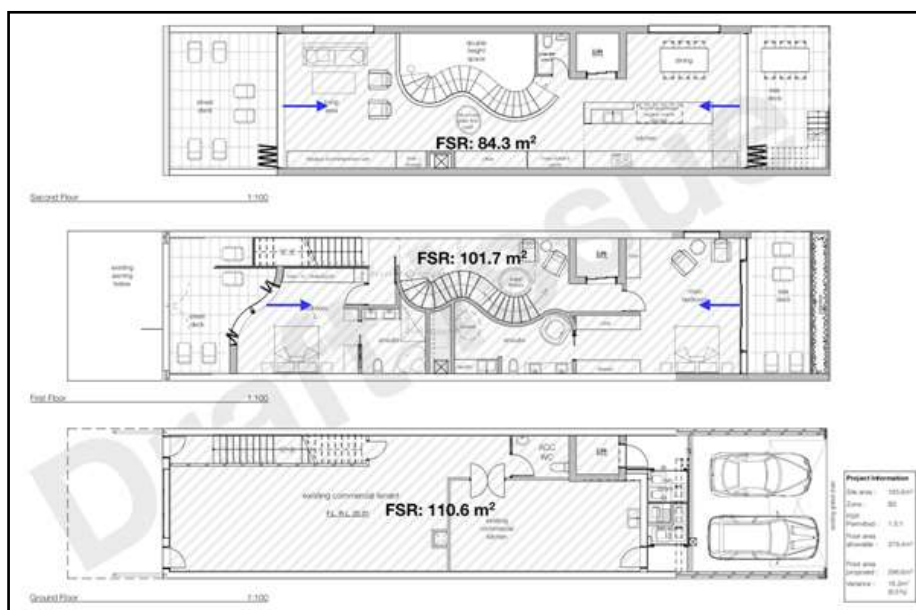


Figure 13 – Gross Floor Area calculation (Total = 296.2m²)

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?*

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-
- *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?*

In terms of specifically arguing that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, the applicant has provided with the following comment:

- “• *The breach in the floor space ratio Control is largely related to adding an additional floor level but within the context of an existing building footprint.*
- *The additional floor space does not significantly affect height or building bulk but simply provides for improved internal amenity for the occupants.*
- *The minor breach of the floor space ratio has no material effect upon streetscape.*
- *Reducing the floor area of the second floor by off-setting the living room/street deck glazed external doors would not be observable from any public viewpoint as this level is set well behind the front building alignment; there is no public benefit that results from a strict numerical compliance.*
- *There is no material impact upon solar access, privacy or view loss for any adjoining neighbour or the public realm as a direct result of the breach in height.”*

Furthermore, having regard to whether the variation is well founded, the applicant contends that:

- “• *The proposed breach of the maximum floor space ratio development standard is numerically insignificant and limited to residential floor space at the upper level. There is no change to of the floor area of the existing restaurant at ground floor that results.*
- *The development is consistent with Council’s DCP controls and there are no unreasonable amenity, density or streetscape impacts that result from the breach.*
- *The proposal is a practical balance between planning controls. Strict compliance would not materially change the proposal nor result in a better outcome.*
- *The proposal provides for: orderly and economic development of land, high quality housing and environmental protection.*
- *The development is consistent with the objective of Clause 4.6, to provide flexibility. The merits have been demonstrated and a better planning outcome is achieved.*
- *The proposal upholds the objectives of the zoning and Clause 4.3.*
- *The breach is <10% from the Control and Council has concurrence from the Secretary to properly assess and approve the variation.”*

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Comment

The existing building on the site is built all the way to the side boundaries up to the adjoining buildings which is typical in a town centre, this means it is not possible to observe the depth of the building as there is no sight line available along the length of the lot adjoining the side boundaries. Consequently, a casual observer in Manning Street would not clearly recognise the depth of the existing building at 10 Manning Street as it adjoins neighbouring two storey buildings. Only the street façade of the building is visible. Although the proposed additional storey of the development will be visible, as the building will be taller than adjoining buildings, the FSR breach associated with this would not necessarily be recognisable as the upper levels are setback from the front and rear boundary. Bearing in mind that the depth of the ground level and first floor level cannot be gauged from the street (due to adjoining buildings), it is accepted that the FSR breach and the resulting additional building bulk will not be outwardly perceptible to the casual observer. The proposed development has a breach in floor area of approximately 18m² or 6.5%.

The extent of the breach could potentially be larger as the proposed development incorporates a void above the curved staircase between the first and second floors of approximately 19m². The void creates a light well, with the skylight above the void, through which natural light penetrates to the first floor, which affords amenity benefits of natural light to future occupants. It is foreseeable that, should the development be approved, the developer could seek to modify the application by incorporating a more conventional staircase and create additional floor area where the void is shown on the second floor.

This is of concern in that, such modification would likely result in a building that exceeds the maximum permitted FSR by more than 10% overall. Such a breach of the development standard would otherwise have required the concurrence of the Secretary of the Department of Planning, Infrastructure and Environment; however, Clause 4.6 of the LEP does not apply as a modification of consent does not constitute 'development consent' as referred to under clause 4.6. The proposed curved stair void is foreseeably a potential means to circumvent the concurrence process to achieve a higher GFA through modification or via a construction certificate.

On the other hand, it should be noted that there would be no external changes in terms of building bulk and scale as a consequence of such a modification.

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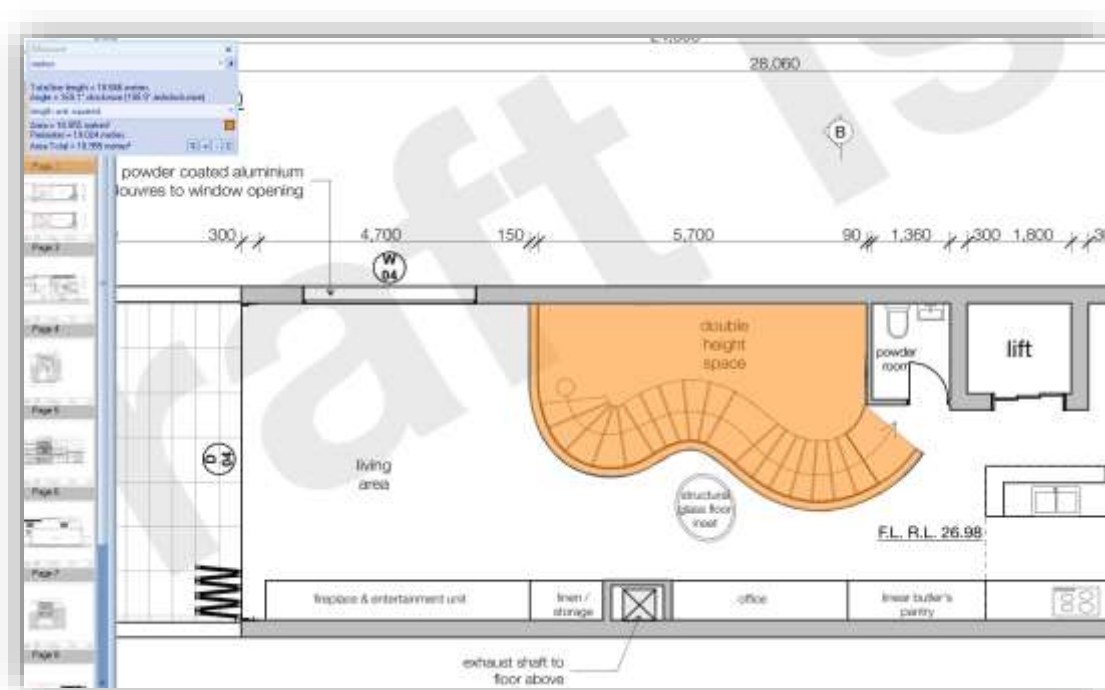


Figure 14 – Showing void over staircase.

As discussed under 'a) Proposed Exception – Clause 4.3 building height' above, although the proposed development also seeks an exception to the building height limit, the breach of the FSR is not a symptom of excessive building height. The building height breaches do not contribute to increased gross floor area and in turn do not contribute to FSR.

Furthermore, it is considered that the proposed floor space ratio breach will not result in any unreasonable additional amenity impacts, such as overshadowing, view loss, privacy loss and the like, as discussed within this report. A reduction of gross floor area of approximately 18m² to achieve a compliant FSR would likely have little less impact than that of the proposed development, given the town centre location and the fact that buildings adopt zero lot line to their front and side boundaries.

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?*

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-
- *Whether the environmental planning grounds to contravene the standard have in fact been demonstrated?*

The applicant's written request relating to clause 4.6(3)(b) of Kiama LEP 2011 advocates that the proposal satisfies the objectives of the B2 Local Centre zone and the objectives of the floor space ratio standard and states:

- *The proposal satisfies the objectives of the B2 Local Centre zone and the objectives of the floor space ratio development standards as described in Section 3.2 above;*
- *The non-compliance with the standard does not contribute to unacceptable adverse environmental impacts in terms of overshadowing, visual impacts or view loss;*
- *The proposed non-compliance with the numerical floor space ratio control is not materially different in presentation than that of a numerically complying building when viewed from the surrounding area;*
- *The non-compliance with the standard does not result in a scale of building that is out of character with the existing or anticipated future character of the surrounding commercial/retail neighbourhood;*
- *The proposed development is generally compliant with the controls and entirely consistent with the underlying Objectives of the Kiama Development Control Plan; and*
- *The development as proposed is consistent with the provisions of orderly and economic development."*

Council officers initially queried the extent of the proposed FSR breach and sought reduction of the GFA to achieve compliance with the development standard. The applicant reinforced the exception sought and qualified the arguments presented with the following additional comments that go to the environmental grounds for contravening the standard:

"It is impractical to further amend the proposal to achieve 100% numerical compliance as it should be noted that the floor area of the first and second floors are directly related to the existing position of the external walls of the building and the footprint of the ground floor. In effect, the first and second levels merely repeat the ground floorplate and the external walls provide the limitation. The only way to reduce the floor area would be to move the end walls on one or both levels inwards.

Due to the extended decks at both levels and either end, the relocation of the end walls and glazing would have very little presentation to the street or the public view lines of the building. This imposition would, in our view, be tokenistic and achieve very little difference in the building's streetscape presentation, but would unfairly compromise the internal amenity as a directly result. We respectfully submit that the cl4.6 request included with the Development Application is valid and robust and that it well supports a merit variation on FSR."

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Comment

The proposed shop top dwelling is a permissible use within the B2 Town Centre zone and is a use that is considered to be consistent with the zone objectives as it will provide housing for people to live in the town centre with direct access to retail, business, entertainment and community uses, as well as employment and public transport.

For the most part it is considered that there are very few circumstances whereby a valid justification can be made to exceed the FSR development standard. In this instance the development involves alterations and additions to an existing building that will retain ground floor commercial use and alterations and additions to the first floor levels to create a shop top dwelling that entails change of use of the existing first floor from commercial space. As justified above by the applicant, the building parameters are largely set by the existing building being redeveloped. Added to this the small size of the lot (185.6m²) and a narrow lot width of only 6.5m, the opportunity for a functional and liveable shop top dwelling is limited. While the shop top dwelling could be compressed to reduce the GFA by 18m² to achieve a compliant FSR, this would come at the expense of the amenity of the shop top dwelling, which is only a two-bedroom residence as is. The shop top dwelling is configured with the two bedrooms on the first floor and living areas on the top floor. The narrow width of the site means reduction of GFA can only occur at either end. It is noted that the shop top dwelling is recessed from Manning Street and from the rear boundary. Again, given the fact that adjoining buildings hem in the site, any such reduction in GFA would unlikely be perceptible insofar as it translates to compliant FSR. The additional floor space arising from the proposed shop top dwelling enables a functional, liveable 2-bedroom shop top dwelling.

Of note, the development site is also benefitted by way of Section 94 contributions previously paid to Council in lieu of additional on-site car parking, which was generated by the previously approved building alterations (10.2001.202.3). The proposed shop top dwelling, although breaching the FSR development standard, does not exceed the car parking 'credit' applicable to the site. This contributes to the circumstances whereby the FSR breach may be construed to be acceptable as most other commercial sites will not have this benefit and would need to specifically provide additional on-site car parking to meet the needs of the use of the land.

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?*

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Comment

The proposed exception is local in its context and scale and is therefore not considered raise any matters of state or regional significance.

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, it is accepted that the proposed development, despite the building height limit breach, is generally consistent with the objectives the building height limit development standard and the objectives of the zone.

Notwithstanding the breach of the FSR development standard, it is accepted that the building will present in such a way, given the site circumstances, that the additional GFA and the associated building bulk and scale will not be perceptible to the casual observer.

Overall conclusion to requests for exception to development standards

The proposed development is considered generally consistent with the relevant provisions of Kiama LEP 2011, is permissible within in the B2 Town Centre zone and is consistent with the objectives and controls of Kiama DCP 2012.

Overall, it is concluded that exceptions to the development standards of Kiama LEP 2011 Clause 4.3 and Clause 4.4 should be granted under the circumstances for the reasons outlined and discussed within this report.

Planning Circular PS 20-002, 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 exceptions are within the threshold for assuming the concurrence of the Director General as neither variation exceeds 10% of the respective development standard.

In regard 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 requests referred to in sub-clause (3).

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Clause 5.10 Heritage Conservation

Clause 5.10 lists requirements for heritage conservation for items listed in Schedule 5 of the Kiama LEP 2011. An item of heritage exists on the property adjacent the development site, listed in Schedule 5 as Item I150 Kiama Post Office at 24 Terralong Street and item I110 Commercial Banking Company of Sydney (former) at 18 Manning Street (both State items).

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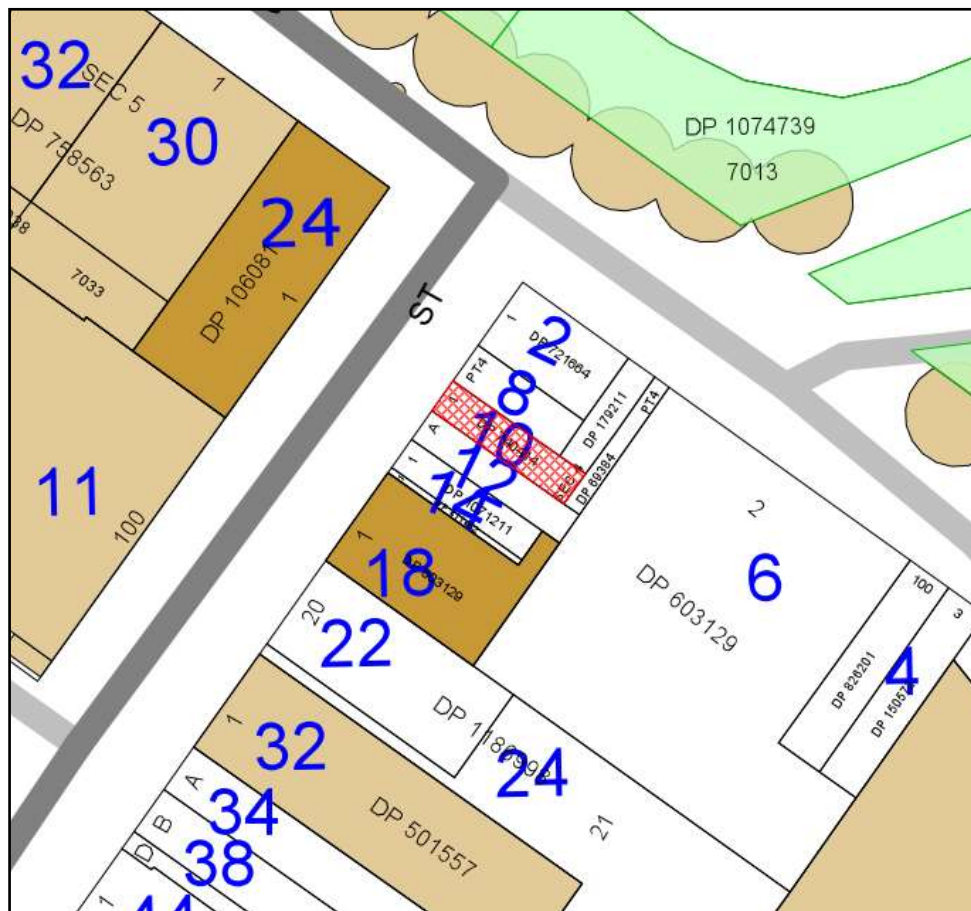


Figure 15 – Listed heritage items (NB: Dark brown identifies State items, light brown identifies Local items)

The application is accompanied by a Heritage Impact Statement prepared by Weir Phillips Heritage and Planning, report no. J3765 dated November 2019.

Council’s Heritage Advisor has provided input into this development from its inception and throughout the assessment of the development application. The current amended plans, inclusive of amended external colour schedule, are considered to be acceptable by Council’s Heritage Advisor. The amended proposal meets the objectives of clause 5.10 and is not likely to adversely affect the heritage significance of the adjacent heritage items.

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Clause 6.1 Acid Sulfate Soils

Clause 6.1 lists requirements for land affected by Acid Sulfate Soils. The site is not identified as being subject to potential Acid Sulfate Soils.

Clause 6.8 Active street frontage

The objective of clause 6.8 is to promote uses that attract pedestrian traffic along certain ground floor street frontages in certain business zones. The clause applies to land in zone B2 Local Centre.

Clause 6.8(5) states:

*“a building has an **active street frontage** if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.”*

The proposed development includes the retention of the ground floor food and drink premises (restaurant), which is a type of retail premises. The proposed development therefore satisfies Clause 6.8.

Clause 6.12 – Essential services

Clause 6.12 lists essential services for development that Council must be satisfied, before consent is granted, are available or that adequate arrangements have been made to make them available to the development.

The subject site is, and the proposed development will be, suitably and adequately serviced by water, sewer, electricity, telecommunications and access. Relevant conditions will be applied should consent be granted.

Any Draft Environmental Planning Instruments

Draft State Environmental Planning Policy

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

Draft SEPP (Environment)

The 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;

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- 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 DCP 2012

The proposed development generally complies with the relevant controls of Kiama DCP 2012. Chapter 26 – Kiama Town Centre is particularly pertinent to the proposal and is discussed below:

Chapter 26 – Kiama Town Centre

The proposed development is generally consistent with the requirements of Chapter 26 of the DCP.

In particular, Section 2 states that “*Any infill development within or adjacent the Civic Precinct should be designed within its appropriate heritage context, to compliment but not replicate existing historic buildings.*” As discussed below under ‘Streetscape’, the amended development is considered to satisfy Chapter 26 Section 2. Council’s heritage advisor has raised no concerns with the proposal following the amendments subsequently made to the development at the request of the heritage advisor.

Section 3 of the DCP states that “*Medium density and mixed use residential/commercial development are encouraged within the Kiama Town Centre.*” The proposal incorporates retail/business tenancy with shop top housing, as encouraged by the DCP.

Section 4 – Future Building Design states that a “*general building height of no more than three (3) storeys*” applies. The proposed building consists of three (3) storeys, which is acceptable in the context of its setting with nearby heritage items.

Overall, the proposed development satisfies the Section 19 checklist for development proposals in the Kiama Town Centre.

Any Planning Agreement

Nil

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Any Matters Prescribed by the Regulations

NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast

The proposal does not compromise the strategic actions or principles (Appendix C - Table 3) adopted within the *NSW Coastal Policy 1997*.

Australian Standard AS 2601—1991: *The Demolition of Structures*

The proposal is not inconsistent with Australian Standard AS 2601—1991: *The Demolition of Structures*.

Any Coastal Zone Management Plan

Nil

The Likely Impacts of the Proposed Development

Streetscape

The proposed site contains an existing two-storey building that has two storey buildings adjoining and adjacent at 2, 8 & 12 Manning Street. The heritage-listed building at 18 Manning Street, although being two storeys, has a building height that is clearly taller than other development at 2, 8, 10, 12 and 14 Manning Street because of its greater floor to ceiling heights and pitched roof. The heritage listed Kiama Post Office opposite the subject site has a corner tower element reaching a height of three storeys.

In terms of the character of the area and the desired future character, it is reiterated that the 11m building height limit under Kiama LEP 2011 applies to much of the B2 zoned land within the Kiama CBD. Buildings at and around the 11m height are therefore generally accepted to be consistent with the character and desired future character of the area.

In terms of streetscape and having specific regard to the neighbouring properties at the development site, the third storey proposed will set the building apart from directly neighbouring buildings at the lower end of the street (i.e. 2, 8 & 12 Manning Street), as these buildings are currently two storey in height and below the 11m height limit. 14 Manning Street is an anomaly in the street, being single storey in height. Nonetheless, the third storey proposed with this development is setback from Manning Street by 4.53m, so at street level at closer range the upper storey and associated building height breach will not be obvious. Of note, the third storey will be partly screened by the parapet wall facing Manning Street.

A prominent vantage point of the development is from Terralong Street opposite the Post Office, from which angle the proposed building will have the backdrop of existing taller buildings along Manning Street. These include the nearby heritage buildings at 18 & 32 Manning Street, as well as the future building at 22 Manning Street (at 11m in height) approved by Council and the newly constructed building further up at 44 Manning Street (which exceeds the 11m height limit).

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From Manning Street adjacent to the Council chambers, the proposed building will protrude above existing neighbouring buildings, though the recession of the third storey away from the street reduces the extent of the impact on streetscape. From this direction, the building may be perceived as transitional in that 14 Manning Street is single storey, 12 Manning Street is two storey and the proposed development is 3 storey.

With specific reference to the building elements that breach the 11m height limit, these are approximately 9m back from Manning Street and, in themselves, do not cause the building to present unacceptably within the streetscape. The proposed building height breach does not unacceptably exacerbate the height difference with neighbouring buildings in this area nor does it render the development inconsistent with the character or desired future character of the town centre.

Council's Heritage Advisor has considered the proposal and has not raised any concerns with the proposal from either a heritage or urban design perspective. Similarly, Council's consulting architect (BHI) did not raise any significant concerns with the proposal in terms of streetscape impact, commenting that the proposal is consistent with the current contextual architectural character as viewed from Manning Street (north-west elevation).

The design of the proposed development is considered reasonable when considered in relation to the context of the site. Although the development seeks an exception to Council's building height and floor space ratio development standards (discussed in detail above under Kiama LEP 2011 Clause 4.6), the implications in terms of the bulk, scale and design of the proposal is considered acceptable under the circumstances of the case and, on balance, is not inconsistent with the streetscape.

Noise

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

Privacy and Overlooking

Given the context of the development in the commercial town centre, no significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development.

Overshadowing

Shadow diagrams have been supplied with the development application, which indicate that the overshadowing impacts of the proposed development will be reasonable as shown in Figures 16 and 17 below:

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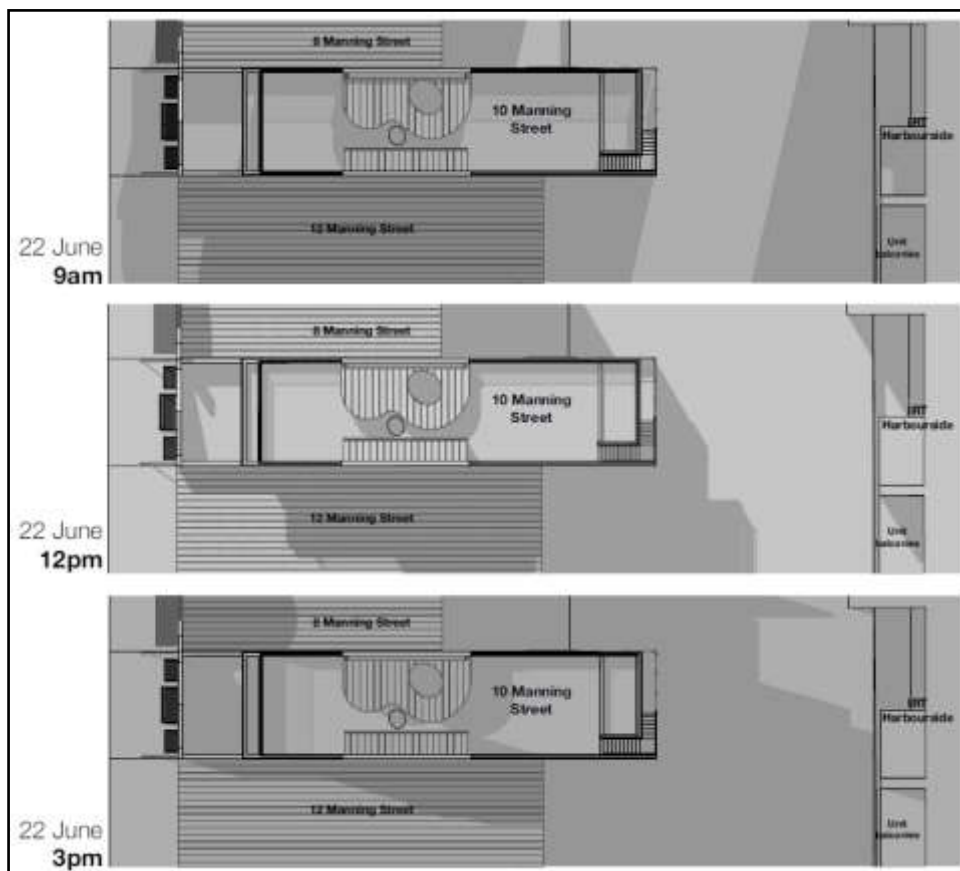


Figure 16 – Shadows mid-winter

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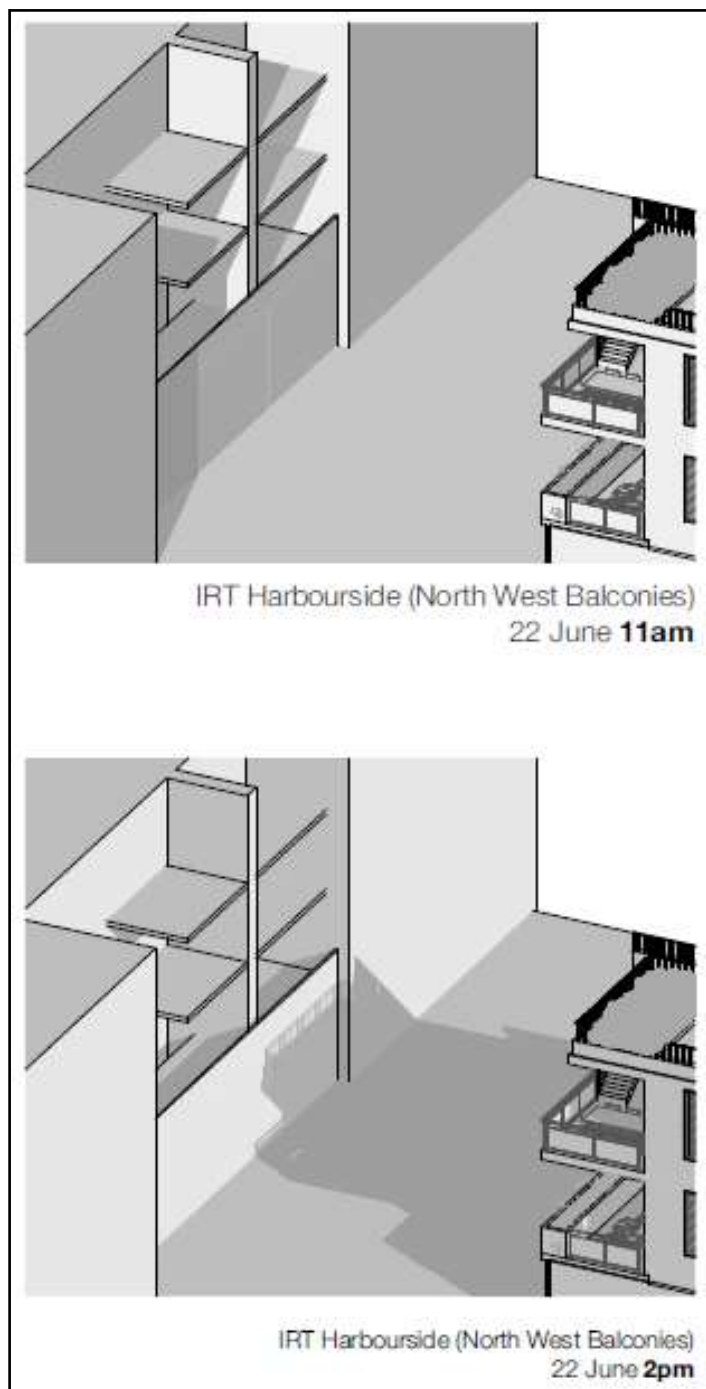


Figure 17 – Shadow of Brighton Harbourside (mid-winter)

Views

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

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Vehicular Access, Parking and Manoeuvring

Development consent issued in respect of 10.2001.202.3 required provision of 5 car parking spaces, with 2 spaces provided onsite and the shortfall made up through s.94 contribution in lieu of the remaining 3 spaces.

Contribution in the amount of \$29,359.73, to account for 3 car parking spaces (was paid to Council on 10/12/2008).

The approved development was a 2-storey building with office space over both levels. The car parking rate applies at the time was 1/35m² GLFA, amounting to the requirement for 5 parking spaces.

The proposed development involves the change of use of the first floor commercial space to a shop top dwelling (along with the addition of a third storey for the purpose of the 2-storey shop top dwelling). The approved commercial space on the first floor amounts to 83m² GLFA, as calculated at the time. In turn this equates to 2.37 car parking spaces (at 1/35m²), which can be credited toward the change of use to shop top housing.

Under DCP 2012 Chapter 7 – Carparking requirements, shop top housing requires 1 space per 1 or 2 bedroom dwelling plus 1 space per 2 dwellings for visitor parking. The proposed 2-bedroom shop top housing unit therefore requires 2 car parking spaces.

As the car parking required for the shop top house is less than the car parking required for the existing first floor commercial use, it is concluded that the proposed development does not require any further car parking and all credits are now exhausted.

Sufficient car parking is therefore proposed.

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

The onsite car parking spaces are accessed to/from Terralong Street via a registered right of carriageway in favour of the property over adjoining Pt4 DP 69384.

Council's engineers have raised no concerns in relation to onsite car parking, access and manoeuvring.

Stormwater Management

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

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.

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

Impact on Water Resources – Stormwater will be conveyed to the street. 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.

The following matters have also been considered:

Traffic

The impact of the proposed development in relation to traffic and the local road network has been assessed by Council's Development Engineer, who have raised no objections to the development on the grounds of traffic, access and the like.

Contamination from previous land uses

The site is considered to be suitable for proposed development.

Effect on public domain

This is discussed in detail above under 'The Likely Impacts of the Proposed Development - Streetscape/Townscape'. The development has been designed having due regard to the nearby heritage items. The development is generally considered to be acceptable in terms of its effect on the public domain.

Utility Needs and Supply

The proposal is serviced by all essential services.

Safety, Security and Crime Prevention

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

Operational Waste

The proposal properly considers waste storage and retrieval. The proposal has been considered by Council's Waste Services and no concerns have been raised.

Operational Noise

No ongoing significant noise impacts are expected as a result of the development.

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Risks to People and Property from Natural and Technological Hazards

The proposal is not expected to result in unacceptable risk to people and property from natural & technological hazards on the land.

Construction Impacts

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

BCA Compliance

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

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 1 submission was received which raised the following (summarised) matters of concern:

	Objection	Assessment Officer's Comment
Item 1	Streetscape	<p>Concern is expressed that adding a third storey will be out of keeping with existing neighbouring two storey structures.</p> <p>The building height and streetscape aspects of the proposed development have been discussed in detail above in relation to Kiama LEP 2011 clause 4.6 and 'The Likely Impacts of the Proposed Development – Streetscape'. As discussed, on balance, the proposed development is considered acceptable in terms of building height and streetscape.</p>
Item 2	Heritage	<p>Concern is expressed that the additional storey and modernisation of the building will be out of keeping with the heritage listing of the surrounding buildings and affect the local charm of the area.</p> <p>The proposed development will maintain the existing street presentation with retention (with lowering) of the existing parapet wall feature. The proposed third storey is recessed from Manning Street by 4.53m, which reduces the visual impact of the additional storey.</p> <p>Council's Heritage Advisor has considered the proposal and has raised no concern with the amended proposal.</p>

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Item 3	Economic Impact	<p>Concern is expressed that noise and air pollution during construction will adversely affect neighbouring small business.</p> <p>Should consent be granted standard conditions of consent will be imposed in relation to operating hours, construction impacts etc. There will inevitably be inconvenience and impact on neighbours and users of the town centre because of construction work. Overall, however, it should be noted that if redevelopment within the town centre were to be refused on these grounds, then development of and within the town centre would stagnate.</p>
Item 4	Amenity	<p>Concern is expressed that the outdoor café at 8 Manning Street will have its ambience, natural lighting and privacy detrimentally impacted.</p> <p>Overshadowing of the café and its courtyard will not occur as the development site at 10 Manning Street is south of the café and its courtyard.</p> <p>Being a town centre area, privacy and quiet ambience is something that is difficult to protect due to the mixed use and busy nature of the area. Should consent be granted condition of consent will be imposed requiring the first floor rear 'Sea Deck' planter box to return along the northern-eastern edge of the balcony. This is a balcony off-of a bedroom, so is not expected to be heavily used. The second story rear 'Sea Deck' will be conditioned to incorporate a 1.5m high privacy screen along the northern-eastern edge of the balcony. These are considered satisfactory measures under the circumstances and given that it is only a two-bedroom shop top dwelling proposed. Users of the roof top terrace will be looking out over the views on offer rather than down into the neighbouring courtyard.</p>
Item 5	Building height development standard breach	<p>The submission refutes the applicants Clause 4.6 exception request on the grounds of inconsistency with the B2 zone objectives, streetscape, heritage impact etc.</p> <p>The proposed exception to the building height limit is discussed in detail above under Kiama LEP 2011 Clause 4.6 a) Proposed Exception – Clause 4.3 building height.</p> <p>It is acknowledged that the overall height of the development has been reduced in the amended plans. The proposed building height breach, at its worst, is 800mm and relates entirely to the the skillion roof over the rooftop plant</p>

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and equipment room adjacent to the southern wall. The roof has an area of approximately 8.64m² (7.2m x 1.2m). As discussed, the breach is not considered to be of such significance or impact so as to warrant refusal of the application.

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External Referrals

Nil

Internal Referrals

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

Heritage Advisor

The Heritage Officer comments that the *“proposed development would have a relatively minor adverse impact on a secondary view to the rear roof scape of heritage items in the vicinity ie 18 and 32 Manning Street which in this instance is considered acceptable. The potential heritage impact on the setting and existing visual appreciation of heritage items in this section of Manning Street including the Post Office, Old Council Chambers and the former Commercial Banking of Sydney (No18) of the proposed development would be minimal and acceptable.”*

Through the course of assessment of the application the Heritage Officer identified heritage, character and streetscape related changes to the development that have been appropriately responded to with amended plans. Subsequently no objection has been raised in relation to the proposed amended development.

Consulting Architect (BHI)

No significant objection has been raised in relation to the proposed development. BHI made comment in relation to the proposed FSR breach and contended that *“the floor space can be reduced in the design without detriment to the design. Suggested areas to reduce include; main bedroom, bedroom 2, dining and living area.”* Having regard to this and the justification submitted in the applicant exception request, this matter has been discussed in detail under Kiama LEP 2011 Clause 4.6 a) Proposed Exception – Clause 4.4 floor space ratio.

Concern was raised about the roof top terrace; however, it is recognised that, had the development been a residential apartment development, SEPP 65 encourages the use roof top terraces as a means to create outdoor open space in urban areas. The proposed roof top terrace has been reduced in scale with amended plans, by recessing the edge 6m back from Manning Street and with that reducing the area of the terrace by 36m².

In terms streetscape matters and heritage impact, BHI essentially concur with Council’s Heritage Advisor, commenting that the *“proposal demonstrates a sensitive architectural character to the heritage vicinity.”*

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Building Assessment Officer

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

Subdivision & Development Engineer

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

Landscape Design Officer

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

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.

Strategic Planning

No objection has been raised in relation to the proposed development subject to acceptance of the proposal from Council's Heritage Advisor. As discussed earlier, Council's Heritage Advisor has raised no objection to the amended proposal. No specific 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 generally consistent with all relevant Environmental Planning Instruments (except where discussed within this report) and Development Control Plans, is not likely to cause significant adverse impacts to the natural or built environment, is not likely to cause significant adverse social and economic impacts, is suitable for the site and therefore is considered to be consistent with the public interest.

Developer Contributions

Section 7.11 Contributions

The proposal has a nexus on the demand for the provision of public infrastructure and services therefore a Section 94 contribution of \$6,991.88 applies to the development and has been levied by inclusion of a recommended conditions of consent based on Council's Section 94 Plan No. 1 and 2.

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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 generally consistent with Kiama Local Environmental Plan 2011, except in relation to the building height and floor space ratio development standards whereby exceptions are sought pursuant to Clause 4.6 of the LEP. The proposal is consistent with relevant Development Control Plan chapters. The proposed development is consistent with the objectives of the B2 Local Centre zone.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised. Concerns raised in submissions have been considered and do not warrant refusal of the application.

The proposed development is considered to be reasonable and conditional approval is recommended.

Draft Conditions of Development Consent**General**

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2019.213.1 dated xx/xx/xxxx except as amended by the following conditions: (g005.doc)
- (2) The development must be completed in accordance with the approved colour schedule shown on the approved Elevations Plans. (g014.doc)
- (3) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable issue of a Construction Certificate. (g030.doc)
- (4) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority. (g040.doc)
- (5) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:
 - a The variation in hours required.
 - b The reason for that variation.
 - c The type of work and machinery to be used. (g165.doc)

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- (6) Road Occupancy approval, pursuant to Section 138 of the Roads Act 1993 shall be obtained from Council prior to any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of the development. Examples of interruption include (but is not limited to) loading and unloading of vehicles, pumping of concrete, use of cranes and/or site fencing in the road reserve.

Note: A sign posted work zone in Manning Street will take around three months from the time of application to approval.

- (7) The site supervisor must ensure all work is undertaken in a manner that will not cause a nuisance by the generation of unreasonable noise, dust or other activity.
- (8) The first floor rear 'Sea Deck' balcony is to extend the planter box to return along the full length of the north-eastern edge of the balcony. The extended planter box is to match the dimensions of the planter box shown on the plans.

Contributions

- (1) A contribution under Section 7.11 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 & 2 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is **\$6,991.88**. (bo005.doc)

Prior to Commencement of Works

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

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

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

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

or

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

- (2) 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

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- c You **must** notify the Council of the appointment; and
 - d You **must** give at least two (2) days' notice to Council of your intention to commence work.

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

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

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

- (3) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the issue of the Construction Certificate. (pt034.doc)

- (4) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - a Showing the name, address and telephone number of the Principal Certifying Authority for the work;
 - b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - c Stating that unauthorised entry to the work site is prohibited.

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

- (5) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel. (pt062.doc)
- (6) A certificate from a practising structural engineer shall be obtained to indicate that the existing structure is capable of supporting the proposed additional loads, and shall be submitted to the Principal Certifying Authority, prior to work commencing. (pt063.doc)
- (7) Details of compliance with condition no. 1 under the sub-heading 'Building Construction' shall be shown on the plans and provided to the Accredited Certifier **prior to the release of the Construction Certificate.**

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-

Demolition Works

- (1) Security fencing shall be provided around the perimeter of the demolition site and any additional precautionary measures taken, as may be necessary to prevent unauthorised entry to the site at all times during the demolition period. (dw010.doc)

(2) **Asbestos – Statement Required**

No later than seven days prior to the demolition of any building or structure, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must also be provided:

- (a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-1991; and
- (b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991.

Asbestos – Licensed Contractors

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

Asbestos – Notification of Neighbours

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

Asbestos – Tip receipts

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

Asbestos – Clearance Certificate

Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

Asbestos – Less than 10m² of Bonded Asbestos Sheeting

Demolition works involving the removal of less than 10m² of bonded asbestos sheeting may be carried out by a licensed builder who has completed an appropriate bonded asbestos removal course.

Report of the Director Environmental Services

- 12.5 10.2019.213.1 - Lot 1 DP 740414 - 10 Manning Street, Kiama – Alterations to upper storey and construction of additional storey (residential) atop of the existing commercial building (cont)
-

Completion of demolition works

Council will monitor and review the demolition of the structure to ensure all conditions of consent application to the removal of asbestos has been satisfied. (dw015.doc)

- (3) Safe access to and egress from adjoining buildings shall be maintained at all times for the duration of the demolition work. (dw020.doc)
- (4) The techniques adopted for stripping out and for demolition shall minimise the issue of dust into the atmosphere. (dw030.doc)

Site Facilities

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

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

Stormwater Management

- (1) Stormwater shall be connected to the existing system. (sm005.doc)
- (2) The stormwater drainage system shall be completed in accordance with the details approved by the Private Certifying Authority. (sm006.doc)
- (3) Prior to issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off and allowance is made for surface run-off from adjoining properties in the design.

Acoustic

- (1) All recommendations contained in the approved acoustic assessment report prepared by Benbow Environmental dated 11 November 2019 must be adopted, implemented, and adhered to.

Any changes made to the proposal that would alter the outcome will require a further assessment and a copy of this further report shall be provided to the PCA and council for approval and all recommendations of the report shall be adopted, implemented and available upon request of the Council.

Report of the Director Environmental Services

12.5 10.2019.213.1 - Lot 1 DP 740414 - 10 Manning Street, Kiama – Alterations to upper storey and construction of additional storey (residential) atop of the existing commercial building (cont)

-
- (2) The air conditioner/s must comply with the requirements of *Protection of the Environment Operations (Noise Control) Regulation 2008* and must not emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
- i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - ii) before 7.00am and after 10.00pm on any other day; and
 - iii) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those *specified* in (i) and (ii) above, which exceeds the background (LA90, 15minutes) by more than 5dB(A). The source noise level must be measured as a LA eq 15 minute.

Mechanical Ventilation on Rooftop

- (1) Noise from mechanical ventilation must be no more than 5dB above background during the allowed hours of 7am and 8pm weekdays and 8am and 8pm weekends and public holidays. During the restricted hours (between 8pm and 7am weekdays and 8pm and 8am weekends and public holidays) noise is not to be audible in a habitable room of a residential premises.
- (2) All exhaust air shall be discharged to atmosphere in such a manner as not to cause danger or nuisance to occupants in the building, occupants of neighbouring buildings or members of the public.
- (3) Odour reduction devices (ie. Activated Carbon Filtration) must be installed as per approved plans.

Inspections

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

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

Building Construction

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)
- (2) The roadway, footpath or Council reserve shall not be used to store building material, plant and/or machinery without the prior approval of Council. (bu086.doc)
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
- (5) 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)

Report of the Director Environmental Services

12.5 10.2019.213.1 - Lot 1 DP 740414 - 10 Manning Street, Kiama – Alterations to upper storey and construction of additional storey (residential) atop of the existing commercial building (cont)

-
- (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)

Utility Servicing

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The Section 73 Certificate shall be submitted to Council prior to issue of the final Occupation Certificate. (us005.doc)

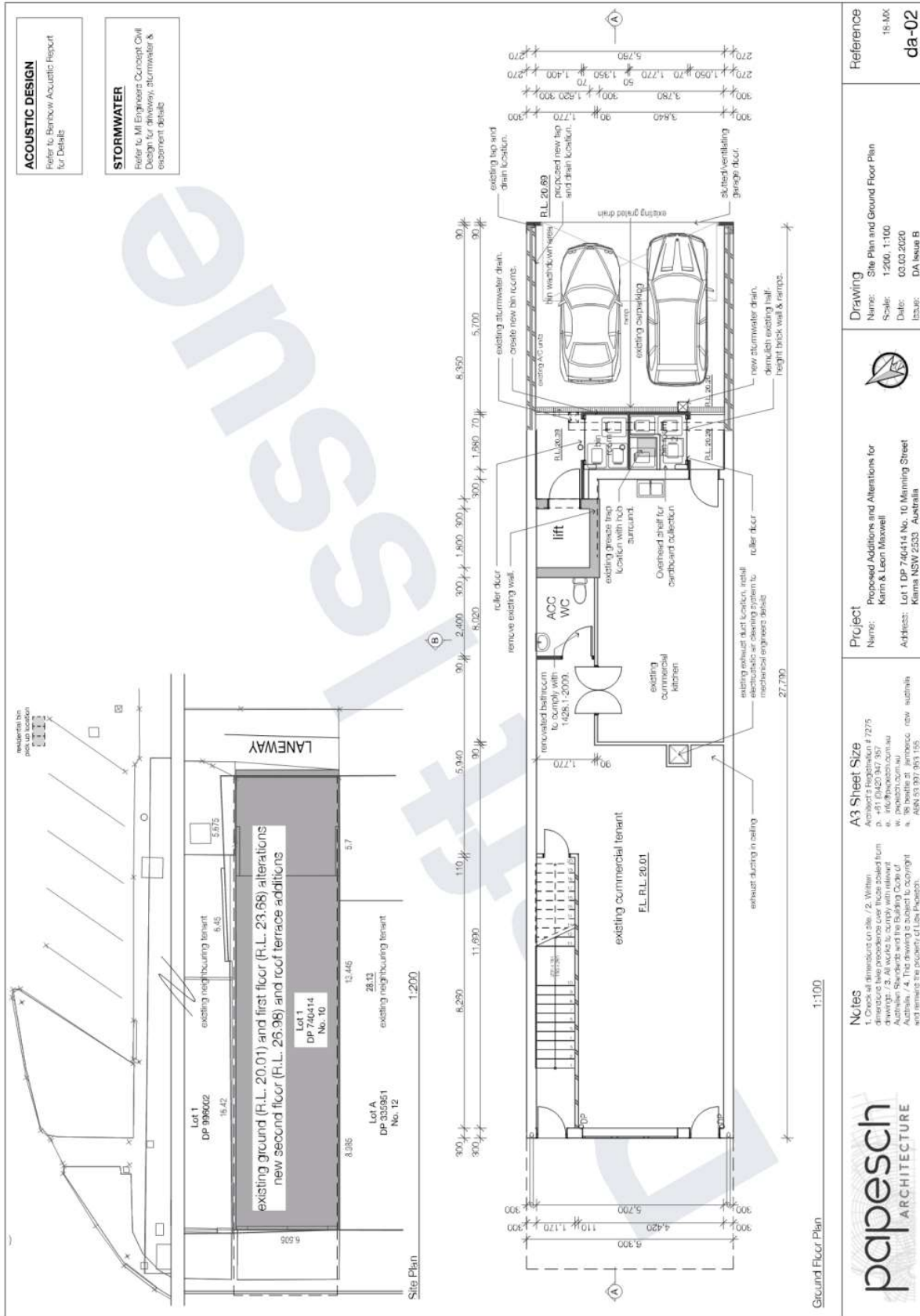
Prior to Occupation

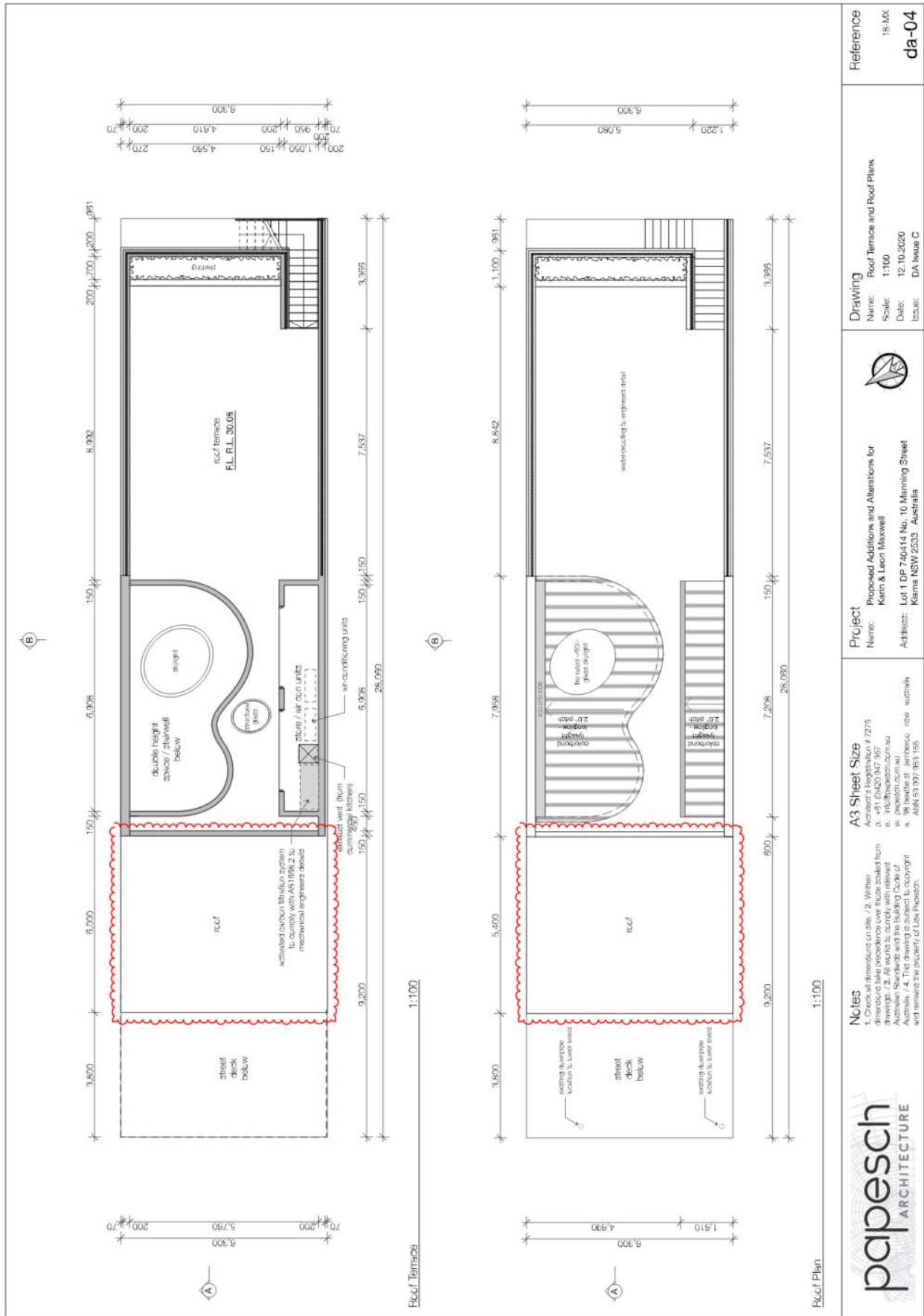
- (1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to and approved by Council prior to issue of any Occupation Certificate.
- Supporting documentation (dockets/receipts) showing type of material, weight and details of NSW EPA licensed waste facility, verifying recycling and disposal, must be attached to the Waste Compliance Sheet. (po002.doc)
- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)
- (3) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.
- NOTE:** A Fire Safety Certificate must be provided in accordance with the Environmental Planning and Assessment Regulations 2000 prior to the issue of an Occupation Certificate excepting Class 1(a), 10(a) & 10(b) structures. (po005.doc)
- (4) A certificate must be obtained from an appropriately qualified acoustic consultant stating that the recommendations outlined in the acoustic assessment report, prepared by Benbow Environmental dated 11 November 2019, have been completed and that relevant noise criteria have been satisfied. The certificate must be submitted to the Principal Certifying Authority prior to the issue of any Occupational Certificate.

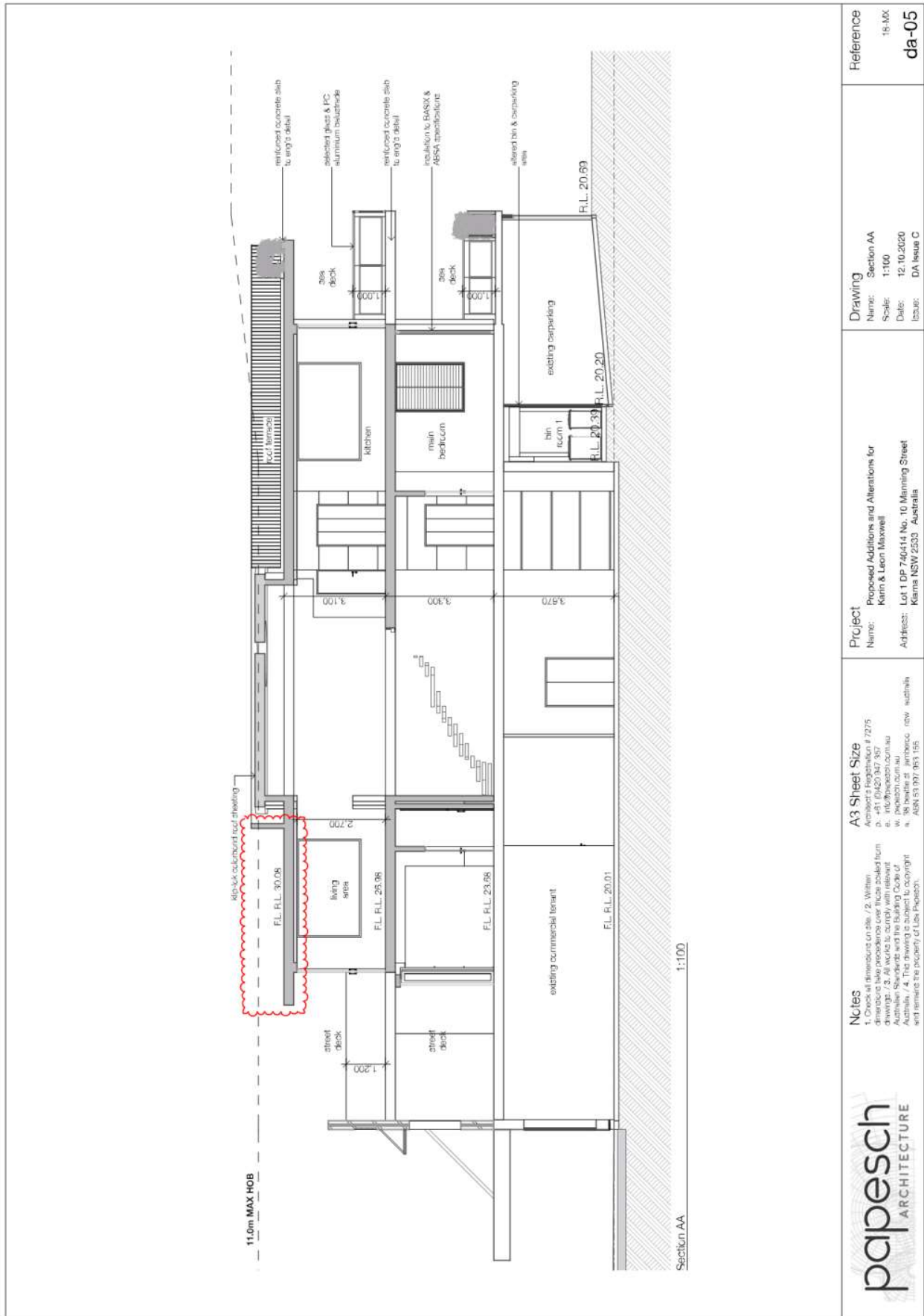
Report of the Director Environmental Services

12.5 10.2019.213.1 - Lot 1 DP 740414 - 10 Manning Street, Kiama – Alterations to upper storey and construction of additional storey (residential) atop of the existing commercial building (cont)

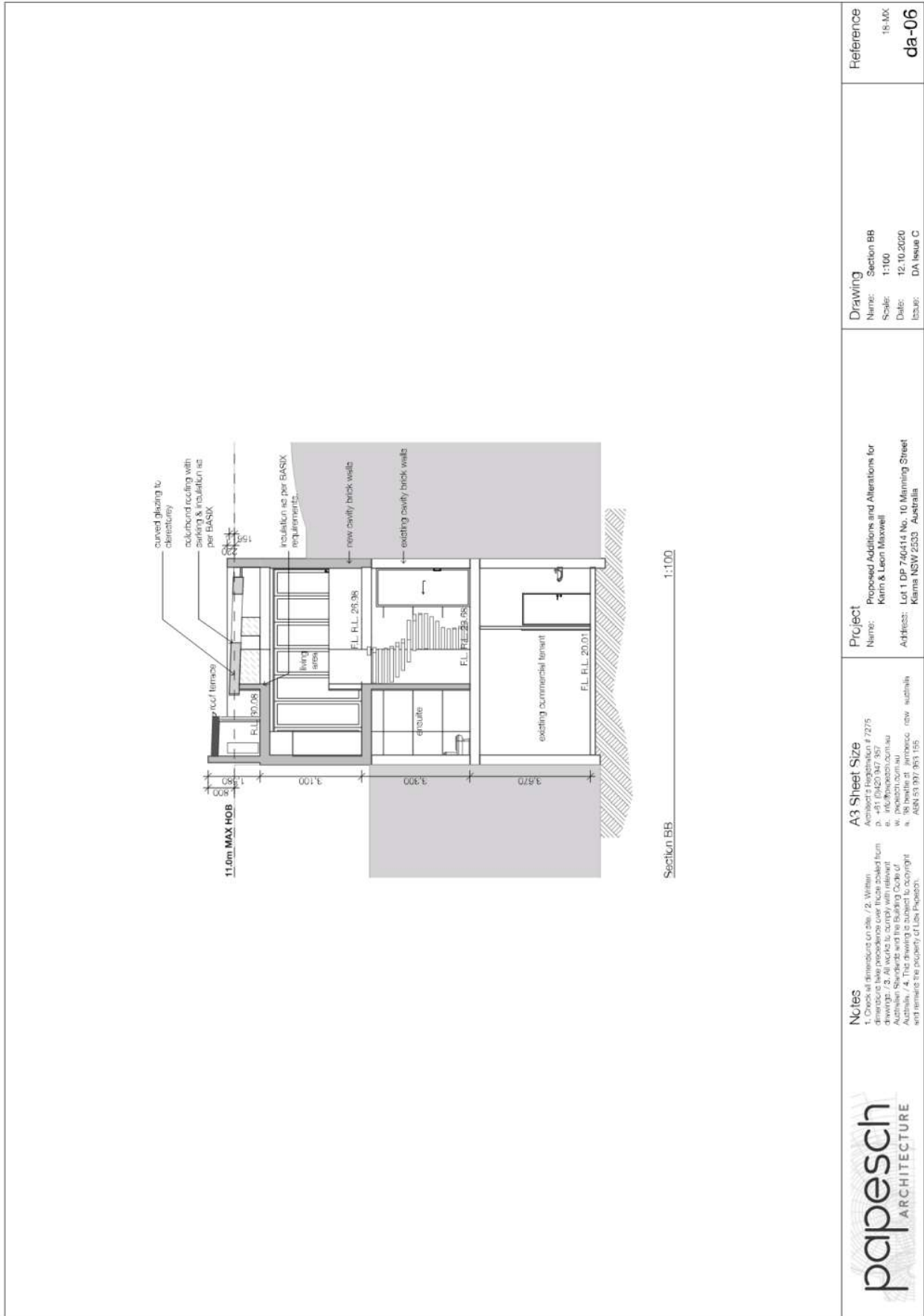
- (5) A certificate of compliance for the exhaust canopy showing it complies with *AS/NZ 1668.1 and AS 1668.2-2002 —The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*” must be submitted to the Principal Certifying Authority and Council prior to the issue of any Occupational Certificate.
- (6) A privacy screen a minimum of 1.5m high of material of minimum construction standard as timber lattice shall be provided along the north-eastern side of the second floor rear ‘Sea Deck’. The privacy screen must be installed to the satisfaction of the Principal Certifying Authority prior to the issue of any Occupation Certificate. (po037.doc)







<p>Notes</p> <p>1. Check all dimensions on site. / 2. Written approval of Kiama Council is required for all alterations. / 3. All works to comply with relevant Australian Standards and the Building Code of Australia. / 4. This drawing is subject to copyright and remains the property of Papesch Architecture.</p>	<p>A3 Sheet Size</p> <p>Aspect & Registration # 7275 Papesch Architecture a. 140@papesch.com.au w. papesch.com.au n. 88 heeler st. jarrahdale. nsw. australia a. ASN 53 997 051 155</p>	<p>Project</p> <p>Name: Proposed Additions and Alterations for Karin & Leon Maxwell Address: Lot 1 DP 740414 No. 10 Manning Street Kiama NSW 2533 Australia</p>	<p>Drawing</p> <p>Name: Section AA Scale: 1:100 Date: 12.10.2020 Issue: DA Issue C</p>	<p>Reference</p> <p>15-MX da-05</p>
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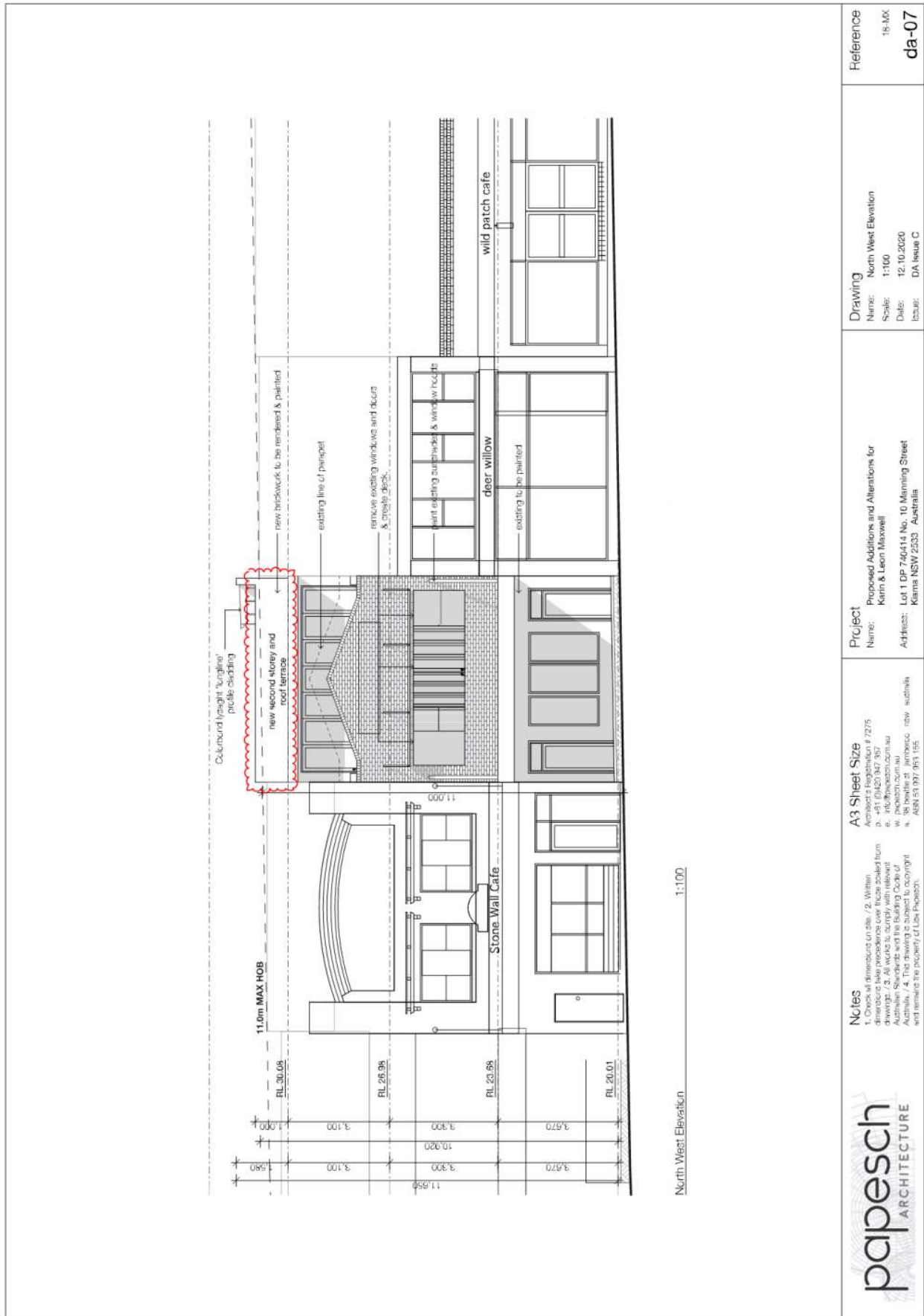
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 a: 6155 397 351 155

Project: Proposed Additions and Alterations for Kamin & Leon Maxwell
 Address: Lot 1 DP 740414 No. 10 Manning Street Kiama NSW 2533 Australia

Drawing Name: Section BB
Scale: 1:100
Date: 12.10.2020
Issue: DA Issue C

Reference
 15-MX
 da-06





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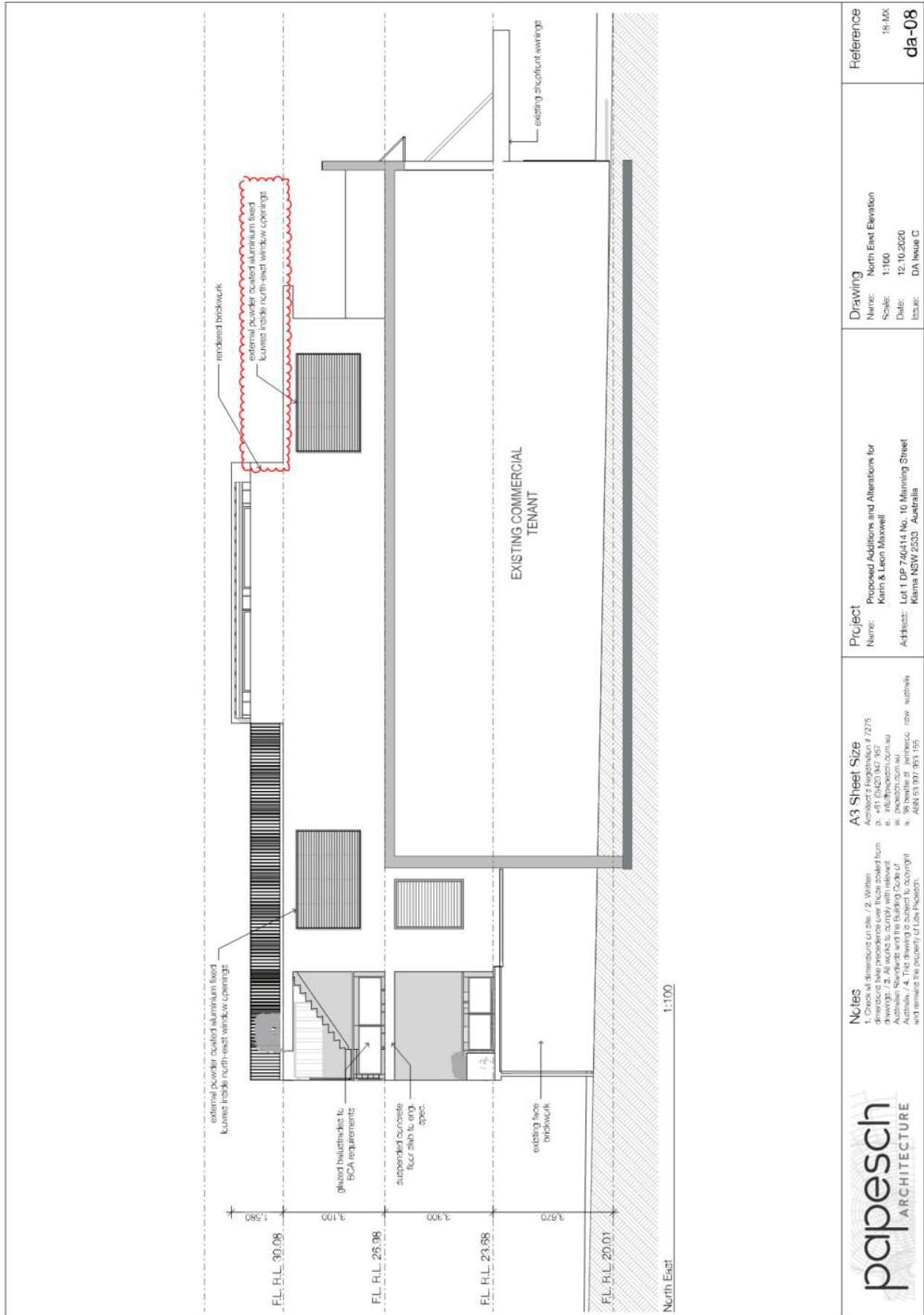
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 Width: 841
 w: papesch.com.au
 n: 18 Bentley rd, Jamboona, NSW, Australia
 a: AIN 53 997 7651 195

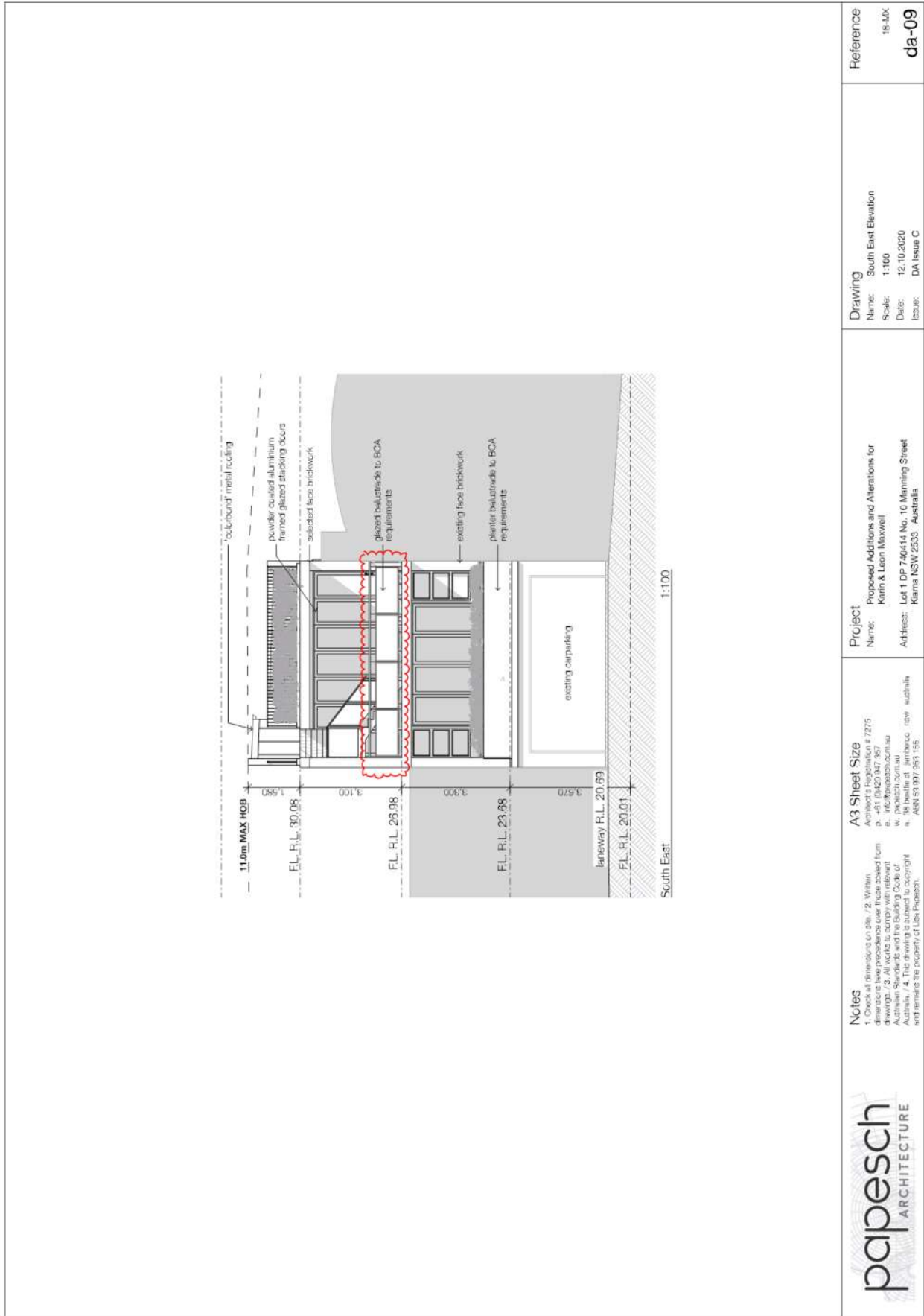
Project Name: Proposed Additions and Alterations for Kinn & Leon Maxwell
Address: Lot 1 DP 740414 No. 10 Manning Street Kiama NSW 2533 Australia

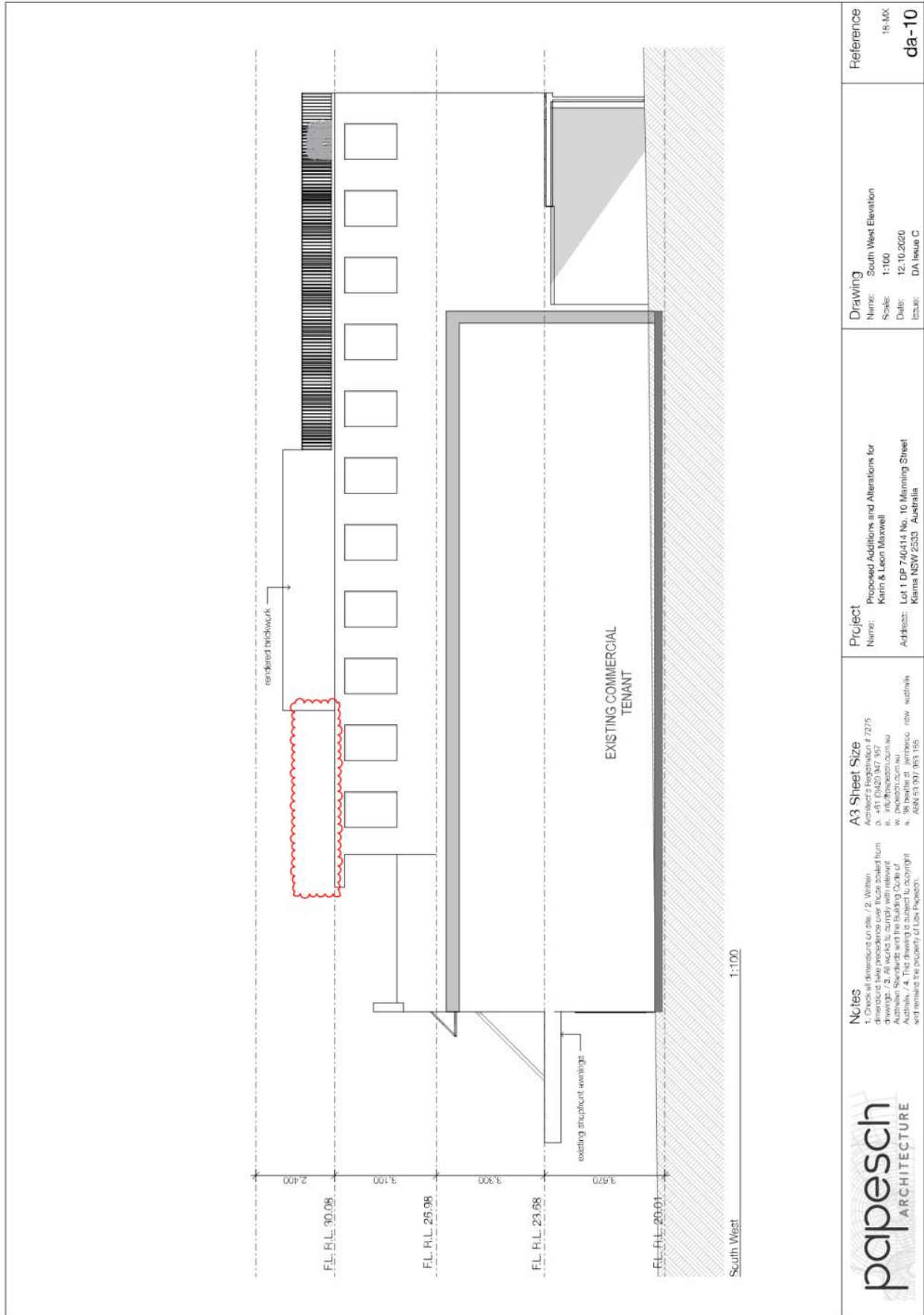
Drawing Name: North West Elevation
Scale: 1:100
Date: 12.10.2020
Issue: DA Issue C

Reference
 15-MX
 da-07









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A3 Sheet Size
 Aspect & Registration # 7275
 Libby Papesch
 c. 140/140papesch.com.au
 w. papesch.com.au
 n. 188 heathcote rd. southlake
 nsw 2533
 ABN 53 907 7651 195

Project
 Name: Proposed Additions and Alterations for Karin & Leon Maxwell
 Address: Lot 1 DP 740414 No. 10 Manning Street Kiama NSW 2533 Australia

Drawing
 Name: South West Elevation
 Scale: 1:100
 Date: 12.10.2020
 Issue: DA Issue C

Reference
 15-MX
 da-10



Articulated rectangular elements painted Resene Heritage 'Zinc White'

Rendered brickwork painted Resene Heritage 'Scapstone'

Existing facade to be lowered, style to be maintained

sunshade & awning support arm painted 'Monument'

Existing render painted Resene Heritage 'Burnt Sienna'

Rendered concrete painted Resene Heritage 'Scapstone'

sunshade & awning support arm painted 'Monument'

Project Name: Proposed Additions and Alterations for Karin & Leon Maxwell
Address: Lot 1 DP 740414 No. 10 Manning Street Kiama NSW 2533 Australia

Drawing Name: Exterior Materials
Scale: 1:150.05
Date: 12.10.2020
Issue: DA Issue C

Reference
 15-MX
 da-15

Notes
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A3 Sheet Size
 Architect: Papesch Architecture # 7275
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 18 Bentley rd, Jamberoo, NSW, Australia
 A/N 53 937 351 155

papesch ARCHITECTURE

12.6 10.2019.81.1 - Lot 52 DP 802835, Lot 90 DP 844399, Lots 91, 92, 93, & 94 DP 1103274 - 14 & 16 Bland Street, Kiama - Demolition of Existing dwelling, construction of multi dwelling consisting of 4 attached dwellings and Community Title Subdivision

- CSP Objective: 2.0 Well planned and managed spaces, places and environment
- CSP Strategy: 2.3 The principles of sustainable development and compliance underpin town planning and local development
- Delivery Program: 2.3.1 Conduct development and building assessment/approval functions in accordance with statutory requirements, policies and procedures

Item 12.6

Summary

This report reviews Development Application No 10.2019.81.1 which involves the demolition of an existing dwelling, construction of multi dwelling consisting of 4 attached dwellings and Community Title Subdivision.

The report recommends that Council approve Development Application No 10.2019.81.1 as the proposal is:

- Permissible in the R3 Medium Density Residential and complies with the zone objectives and is consistent with the relevant development standards of the Kiama LEP 2011, and
- Generally consistent with Kiama DCP 2012.

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, onsite notice and letter notification).

Notification Period: 14 days from 22/05/2018 to 05/06/2018.

Submissions: 5 submissions.

Attachments

1 10.2019.81.1 - Plans [↓](#)

Enclosures

Nil

Report of the Director Environmental Services

12.6 10.2019.81.1 - Lot 52 DP 802835, Lot 90 DP 844399, Lots 91, 92, 93, & 94 DP 1103274 - 14 & 16 Bland Street, Kiama - Demolition of Existing dwelling, construction of multi dwelling consisting of 4 attached dwellings and Community Title Subdivision (cont)

RECOMMENDATION

That Council approve Development Application No 10.2019.81.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

BACKGROUND

Development Site

The property is described as Lot 52 DP 802835, Lot 90 DP 844399, Lot 91, 92, 93, & 94 DP 1103274 which are located at Nos 14 & 16 Bland Street, Kiama.

The overall sites measure 11,652m² and is irregular in shape. The site currently contains a single dwelling and is bounded by residential land containing principally dwellings.

The site is zoned R3 Medium Density Residential under Kiama LEP 2011.

The site is cleared with pockets of scattered vegetation and slopes slightly to moderately towards a natural watercourse that traverses the subject site.

The site drains to the natural watercourse. Access to the property is gained through a Public Road.

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

The site is subject to the following constraints

- Flooding affectation;
- Noise and vibration from adjoining transport corridors/industry.



Figure 1 – Locality plan

Report of the Director Environmental Services

- 12.6 10.2019.81.1 - Lot 52 DP 802835, Lot 90 DP 844399, Lots 91, 92, 93, & 94 DP 1103274 - 14 & 16 Bland Street, Kiama - Demolition of Existing dwelling, construction of multi dwelling consisting of 4 attached dwellings and Community Title Subdivision (cont)



Figure 2 – Site photograph (view of the existing entry to 14 Bland Street)

Description of the Proposed Development

The application involves the following:

- The demolition of the existing structures on Lot 52; and
- The removal of 26 trees; and
- The construction of multi dwelling housing development comprising 4 dwellings; and
- The construction of the access driveway to Bland Street; and
- Community Title Subdivision of the 4 dwellings each on a lot, with 1 lot for access, and with the creation of a residue Lot 6 essentially comprising the amalgamation of Lot 90 DP 844399, Lot 91, 92, 93, & 94 DP 1103274.

Demolition of the Existing Dwelling & Removal of Trees

The proposed development requires the demolition of the existing dwelling and associated structures on existing Lot 52.

These structures include the existing brick dwelling with metal roof, the swimming pool adjacent to the dwelling, and the shed located adjacent to the north west side boundary. The Site Plan prepared by *S-DC Building Design* has been submitted as part of this development application.

The Site Plan shows the existing structures to be demolished.

Report of the Director Environmental Services

12.6 10.2019.81.1 - Lot 52 DP 802835, Lot 90 DP 844399, Lots 91, 92, 93, & 94 DP 1103274 - 14 & 16 Bland Street, Kiama - Demolition of Existing dwelling, construction of multi dwelling consisting of 4 attached dwellings and Community Title Subdivision (cont)

The proposal also requires the removal of 26 trees with 11 trees to be retained on the subject site.

The proposed multi-dwelling housing is configured as follows:

Level	Proposed use
Ground Floor	<ul style="list-style-type: none"> • Car parking consisting of: <ul style="list-style-type: none"> ○ 8 residential car parking spaces ○ 4 visitor car parking spaces • Each dwelling contains: <ul style="list-style-type: none"> ○ Open planned kitchen, living, dining ○ Powder room/laundry ○ Private open space ○ Alfresco
First Floor	<ul style="list-style-type: none"> • Each dwelling has: <ul style="list-style-type: none"> ○ 2 bedroom with 1 master bedroom with ensuite and walk in robe ○ Bathroom, ○ Living areas with access to additional open space area in the form of a balcony.

The proposed dwellings are configured as follows:

	Floor area (m ²)	Bedrooms	Parking
Unit 1	115	2	2
Unit 2	115	2	2
Unit 3	115	2	2
Unit 4	115	2	2
TOTAL	460	8	8

The proposal is shown in Figures 3, 4, 5, 6, and 7 below:

Report of the Director Environmental Services

12.6 10.2019.81.1 - Lot 52 DP 802835, Lot 90 DP 844399, Lots 91, 92, 93, & 94 DP 1103274 - 14 & 16 Bland Street, Kiama - Demolition of Existing dwelling, construction of multi dwelling consisting of 4 attached dwellings and Community Title Subdivision (cont)

Item 12.6



Figure 4 – 3D montage of eastern elevation



Figure 3 – 3D montage of western elevation

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12.6 10.2019.81.1 - Lot 52 DP 802835, Lot 90 DP 844399, Lots 91, 92, 93, & 94 DP 1103274 - 14 & 16 Bland Street, Kiama - Demolition of Existing dwelling, construction of multi dwelling consisting of 4 attached dwellings and Community Title Subdivision (cont)

Item 12.6



Figure 6 – Western elevation

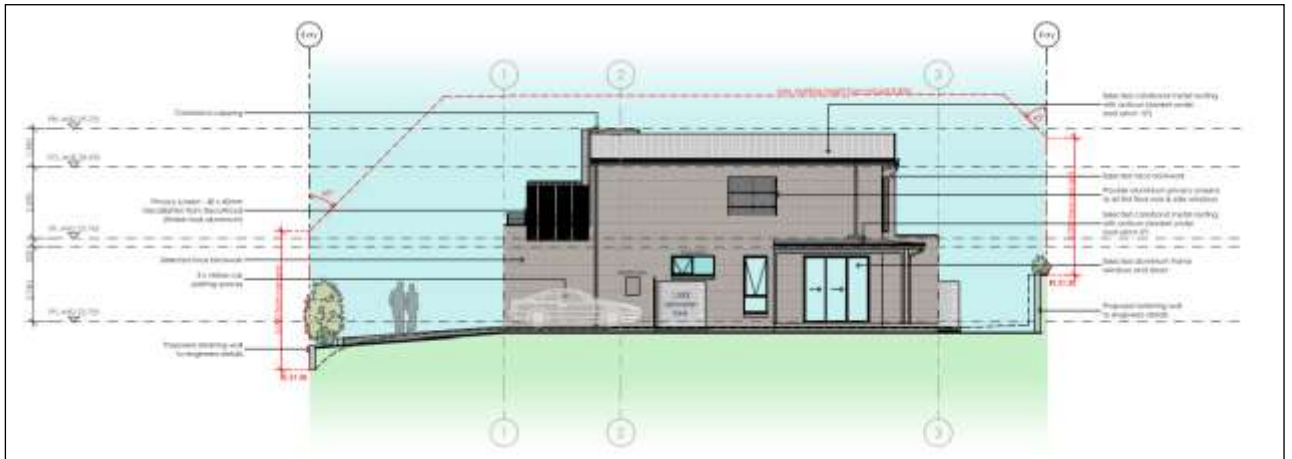


Figure 7 – Southern elevation



Figure 8 – Landscape plan

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12.6 10.2019.81.1 - Lot 52 DP 802835, Lot 90 DP 844399, Lots 91, 92, 93, & 94 DP 1103274 - 14 & 16 Bland Street, Kiama - Demolition of Existing dwelling, construction of multi dwelling consisting of 4 attached dwellings and Community Title Subdivision (cont)

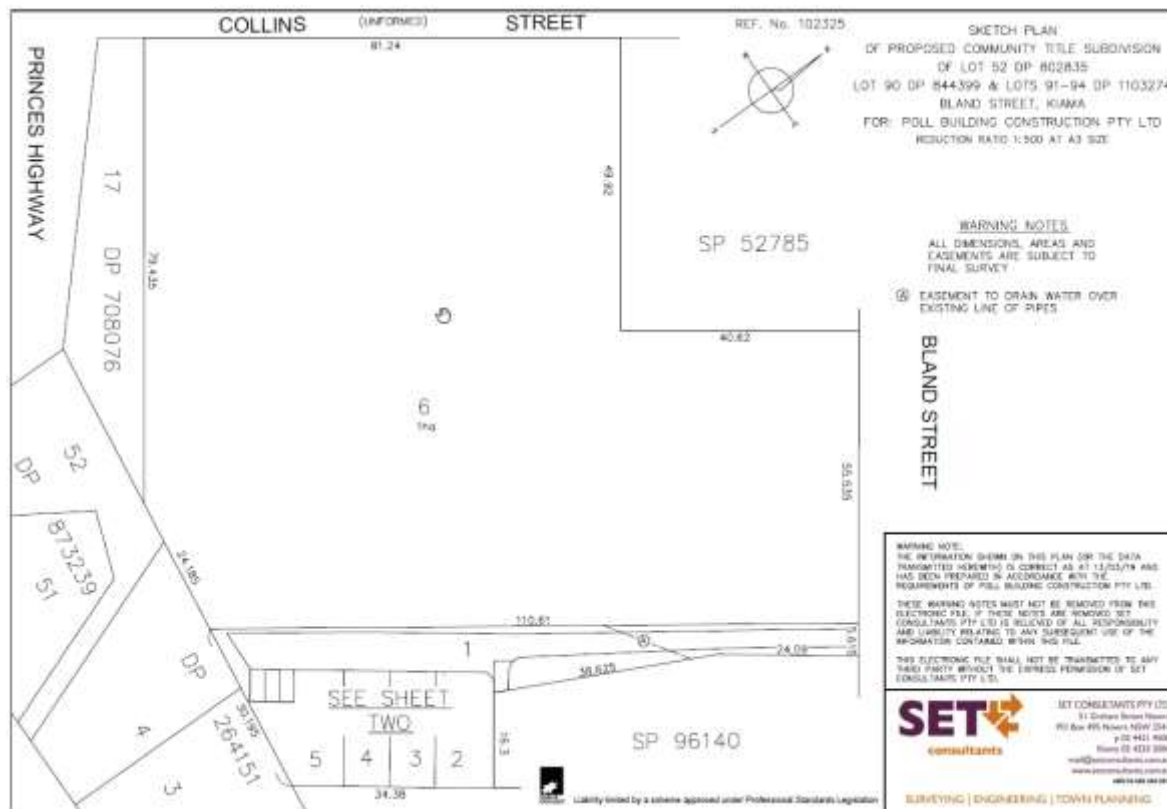


Figure 9 – Community title subdivision plan

Stages 2 and 3

The architectural plans show the location of potential further development sites on proposed residue Lot 6 described as Stages 2 and 3, with the subject proposal shown as Stage 1.

Stages 2 and 3 are the subject of separate development applications being lodged and approved, and do not form any part of this application, and have not been assessed.

A condition of consent has been included in the recommendation to require separate consent to be sought and obtained to indicative Stages 2 and 3, and the architectural plan sheet showing Stages 2 and 3 will not form part of the stamped approved plan set.

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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- 12.6 10.2019.81.1 - Lot 52 DP 802835, Lot 90 DP 844399, Lots 91, 92, 93, & 94 DP 1103274 - 14 & 16 Bland Street, Kiama - Demolition of Existing dwelling, construction of multi dwelling consisting of 4 attached dwellings and Community Title Subdivision (cont)

Relevant Environmental Planning Instruments

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

A BASIX Certificate (987707M_02) was lodged with the application, which demonstrates that the development has been designed in accordance with BASIX.

State Environmental Planning Policy No 55 - Remediation of Land

Clause 7 of the SEPP No 55 requires Council to consider whether the land is contaminated and if it is contaminated if remediation works are required. Council is unaware of any historic land use which would deem the site unsuitable for the proposed development, 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.

Twenty-six trees are proposed to be removed as part of this application. The recommended conditions of development consent will act as the permit for the tree removal.

Kiama LEP 2011

Clause 2.3 - Zone objectives and Land Use Table

The subject land is zoned R3 Medium Density Residential under Kiama LEP 2011. The proposal is defined as a *Multi Dwelling Housing* under the provisions of the LEP 2011, which are permitted with consent in the R3 Medium Density Residential zone.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The relevant zone objectives are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide opportunities for multi-storey residential accommodation in locations close to shops, transport nodes, commercial services, public open space and employment opportunities.*
- *To provide increased housing choice particularly housing suited to older people and people with a disability.*
- *To increase the supply of affordable housing*

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- 12.6 10.2019.81.1 - Lot 52 DP 802835, Lot 90 DP 844399, Lots 91, 92, 93, & 94 DP 1103274 - 14 & 16 Bland Street, Kiama - Demolition of Existing dwelling, construction of multi dwelling consisting of 4 attached dwellings and Community Title Subdivision (cont)
-

The proposed development is considered to be consistent with the objectives of the R3 zone because:

- i. the proposal provides for a variety of additional housing opportunities within a medium density residential environment; and
- ii. the proposal can enable end users of the development to provide facilities or services to the wider community; and
- iii. the proposed development providing multi dwelling housing in close proximity to open space reserves, schools, and the Kiama central business district; and
- iv. the applicant has demonstrated the dwellings can be readily converted to be accessibility compatible providing affordable options to seniors or individuals with a disability.

Specific clauses requiring consideration:

Clause 4.1A - Exceptions to Minimum Lot sizes in Zone R2 and Zone R3

Clause 4.1A permits relaxation of the minimum size shown on the Lot Size Map for R2 & R3 zones for subdivisions of dual occupancy and multi-unit housing.

Development consent may be granted if the development is both:

- (a) the subdivision of land into 3 or more Lots, each Lot being equal to or greater than 150m² if the land is in Zone R3 Medium Density Residential, and
- (b) the erection of an attached dwelling, a semi-detached dwelling or a dwelling house on each lot resulting from the subdivision.

The proposal complies with this provision as all four (4) Lots will have areas greater than 150m² and will all contain attached dwelling houses.

Clause 4.3 - Height of Buildings

Clause 4.3 requires that the height of the building does not exceed the maximum height shown on the Height of Buildings Map.

The height of building map identifies that a maximum building height of 8.5m applies to the site.

The proposed multi dwelling housing will have a maximum height of 8.2m above existing ground level and as such complies.

Clause 4.4 - Floor Space Ratio

Clause 4.4 requires that the floor space ratio does not exceed the maximum floor space ratio shown for land on the Floor Space Ratio (FSR) map.

The Floor Space Ratio (FSR) map of Kiama LEP 2011 identifies that a maximum floor space ratio of 0.7:1 applies to the site.

As per the definition provided in Kiama LEP 2011 the *gross floor area* of the proposed development is 460m². In this regard the proposed development has an FSR of 0.0394:1 with the site and as such complies.

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Clause 6.2 - Earthworks

Clause 6.2 lists considerations for proposals which involve earthworks.

The proposal complies with the objectives of the clause and as the proposed earthworks are ancillary to the proposed dwelling separate development consent is not required.

The proposed development is consistent with the relevant provisions of Kiama LEP 2011 and is permissible within in the R3 Medium Density Residential zone.

Any Draft Environmental Planning Instruments

Draft SEPP – 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.

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 residential accommodation, and it is not mapped as being contaminated, it's considered that the proposed development is consistent with this draft planning instrument.

Kiama Development Control Plan 2012

The proposed development is not inconsistent with the objectives Kiama DCP 2012. The minor non-compliances are addressed below:

Chapter 5 – Medium Density Development

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

Comment

The implications of the non-compliance with the cut and fill requirements have been considered in detail.

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The applicant has provided a variation request to this requirement. The key components of the applications can be seen below:

The proposed cut will aid the proposed multi-dwelling development by minimising the amenity impacts of visual privacy and over shadowing to the existing dwellings to the south west.

The proposed multi-dwelling development is 2 storeys high. However, as the site sits lower than the adjoining properties, the development will appear as a single storey development when viewed from the surrounding properties.

The building has also been strategically positioned to step down the site following the slope of the land. This has reduced the amount of cut required across the site.

The proposed cut required onsite will not introduce and foreseeable adverse impacts. Stormwater Layout Plans have been prepared by SET Consultants Pty Ltd, and show the proposed drainage of the site.

The proposed cut and fill will ensure proper drainage of stormwater is possible. The proposed development is considered suitable for the subject site when considered in the context of the streetscape and locality.

The objectives of the Kiama Development Control Plan are achieved and the proposed cut is considered suitable in relation to the surround properties in the immediate vicinity.

The proposed development is considered reasonable when considering the surrounding built form.

The extent of cut mitigates the extent of the cast of shadow from the built form on to the neighbouring Lots.

Having regard to the objectives that underpin the control, and the positive outcomes that arise with support of the non-compliance, it is considered appropriate to vary the cut and fill requirements as it produces greater planning outcomes than a compliant design.

Section 2 – Setbacks and Building Separation

C9 Setback controls for development up to 2 storeys and 8.5m in height above existing ground

<i>Primary Street Frontage</i>	<i>4.5m</i>
<i>Secondary Street Frontage</i>	<i>3.5m</i>
<i>Side Setback (Ground Floor)</i>	<i>6m for habitable rooms and balconies/ terraces – 0.9 m for non-habitable rooms.</i>
<i>Side Setback (First Floor)</i>	<i>6 meters for habitable rooms and balconies – 3m for non-habitable rooms.</i>
<i>Rear setback</i>	<i>6m</i>

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If minimum daylight access, ventilation, visual privacy and acoustic privacy requirements can be demonstrated, encroachment of up to 3m into side setbacks for habitable rooms and balconies may be acceptable.

Comment

The non-complaint setbacks under the proposed development are as follows:

- Northern boundary (Dwelling 1) – 2m
- Southern boundary (Dwellings 4) – 3.5m.

The applicant has provided a variation request to this requirement as shown below:

The side setback on the north eastern side boundary is setback by 2m to the boundary. The side elevation consists of high windows on both floors. Therefore, the 3m encroachment is considered justifiable as the privacy of the adjoining properties and solar access is not impacted.

However, as the side setback is only 2m, this would still require a 1m variation to the DCP control. This equates to a 33% variation to the control.

The side boundary seeking the side setback variation is shared with a similar multi-dwelling development. There is no potential for the proposed multi-dwelling to overshadow the existing developments on the surrounding land.

Shadow Diagrams have been prepared by S-DC Building Design have been submitted with this application and shows that the 2m side setback will have no significant effects on the shadow projections onto the surrounding properties.

The side elevation has also been designed to include high windows on both floors to ensure privacy is retained and limit the overlooking to surrounding developments.

Shadow Diagrams have been submitted with this application and show that the proposed developments shadow projections are acceptable on the adjoining properties.

The proposed encroachment into the rear setback of the development does not impact on the availability of the required 24m² private open space provided to each of the dwellings.

When considering variations to the DCP it is imperative that despite proposals being numerically non-compliant, that the development is still achieving the objectives of the respective control in question.

The objectives that underpin the setback requirements are as follows:

- *Provide sufficient separation and articulation to provide high level of visual and acoustic privacy for existing and new occupants.*
- *To ensure that development is designed for climate change including possibility of higher winds, extreme rain events etc.*

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- *To ensure the high level architectural merit of buildings to ensure high levels of liveability and street amenity.*
 - *To encourage lot amalgamation and discourage leaving isolated lots surrounded by larger developments.*
 - *To ensure that all environmental risks such as coastal processes/sea level rises etc are taken into consideration in the development process.*
 - *To ensure that all design is to incorporate a high level of daylight, sunlight, air flow and ventilation to all housing.*
 - *To select building types appropriate to the site's topography, local context, location, dimensions and landform.*
 - *To ensure that any significant existing vegetation is retained and enhanced.*
 - *To encourage a mix of housing forms to assist in achieving urban consolidation initiatives particularly in localities close to business.*

The proposed development seeks development consent for a side boundary setback variation of 2 meters on the northern side of Dwelling 1 where the DCP requires a minimum of 3 meters.

This variation is representative of a departure of 33% from a compliant design.

The secondary setback variation is in relation to the rear boundary setback.

Kiama DCP 2012 requires that the rear building line be 6m.

Under the current proposal, the development is sited at 3.5m from the rear boundary.

However, the development is sited on an axis that does not run parallel to the rear boundary.

In this regard, the proposed development is not wholly non-compliant with the rear building line requirements of Kiama DCP 2012.

When considering the proposed variation against the objectives that underpin it, the proposed setbacks are considered reasonable.

The proposal maintains a sufficient level of separation between existing developments on adjoining lots. The utilisation of screening on windows located on the walls of the non-compliant setback further maintains a high level of privacy for end users of the development and the adjoining properties.

Despite the proposal, being located on a battle-axe allotment the design has architectural merit that provides visual interest to the built form and ensures a high level of liveability and end user amenity.

Further, the proposed development creates an environment for end users of the development significant access to daylight, solar access, and ventilation ensuring a high-quality outcome for both the adjoining properties and its respective end users.

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In this regard, the proposed development despite being numerically non-complaint is readily achieving the objectives that under the setback requirements.

The proposed development generally complies with the relevant controls of the DCP 2012, and where strict compliance is not achieved the objectives of the controls are maintained.

Any Planning Agreement

Nil.

Any Matters Prescribed by the Regulations

- NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast

The proposal does not compromise the strategic actions or principles (Appendix C - Table 3) adopted within the *NSW Coastal Policy 1997*.

- Australian Standard AS 2601 - 1991: The Demolition of Structures

The proposal is not inconsistent with Australian Standard AS 2601 - 1991: *The Demolition of Structures*

Any Coastal Zone Management Plan

Nil.

The Likely Impacts of the Proposed Development

Road Noise

The subject site is located adjacent to the Princess Highway Motorway and noise and vibration from this transport corridors will likely occur.

Under clause 102(3) of the Infrastructure SEPP it stipulates that development for the purposes of residential accommodation adjacent to such transport corridors that the LAeq levels are not exceeded:

- (a) in any bedroom in the residential accommodation - 35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time

A condition of development consent will be imposed requiring the development to satisfy these requirements.

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.

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Flooding

The site is traversed by a watercourse that may give rise to flooding impacts. Kiama Council has undertaken a Flood Study and Council's Engineering Department has undertaken assessment of the proposed development against this document and have raised no concerns in relation to this matter.

Biodiversity and Vegetation Removal

The application does propose clearing of native vegetation, and therefore the Environmental Planning and Assessment Act 1979 Part 1 Section 1.7 applies to the development.

The application is furnished with an arborist report that outlines that the removal of the vegetation will not result in any significant or irreversible impact on the species of will threaten ecological communities.

The arborist report suggests the removal of 26 trees which are a collection of native and non-native species. Some trees are exempt and have been labelled 'A' on the figure below. Trees marked 'B' where on the survey plans, though absent from the site.

The arborist has provided the following comments on the trees marked for removal in the proposed development:

Tree No. 2 and 28-40

These trees are not adversely impacted by design, that is, they conform to a minor encroachment or less and the nominated zones of protection (TPZ, SRZ) based on the requirements of the Protection Specification, Section 8.0.

The proposed design does not adversely affect these trees.

Note that tree No. 2 has been proposed for removal.

Trees No. 1 and 3-27

The proposed design can impact adversely on these trees and may be unable to be retained based on the design. The following summary provides the extent of impact and respective mitigation available.

Trees No. 5-8

Based on the species, significance, and useful life expectancy, these trees are considered to warrant a design modification to retain. The proposed grade of the drive throughout this tree group is elevated, therefore allowing a possibility for tree retention based on a modified drive surface and fill that retains the root system. The shape of the drive end adjacent to these trees may allow for reshaping and reducing the encroachment.

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Trees No. 27

Allowing for the cross-over to be a new construction- this will increase the encroachment to 34% (i.e., an additional fifteen percentage points from the cross-over). An opportunity for retaining this tree can exist, although will be pending the depth of excavation required to construct the crossover and drive. The 'driveway long Section' suggests no cut, therefore supporting the opportunity for retaining this tree.

Trees No. 19-26

Based on the species, significance, and useful life expectancy, these trees are not considered to warrant design modification to retain.

Trees No. 20 and 24

These trees provide poor form and a limited useful life expectancy and could be removed irrespective of the proposed work

Trees No. 29-40

Are located in the neighbour's lot, therefore constitute ownership by a second party. Any proposed works within the zones of protection for these trees must not adversely affect these zones, and the trees shall be retained and protected from any site works.

Council's Landscape officer does not object to the removal of the trees numbered 1-26 on the Figure below. Conditions of development consent will be imposed to reflect the proposed development and tree removal.

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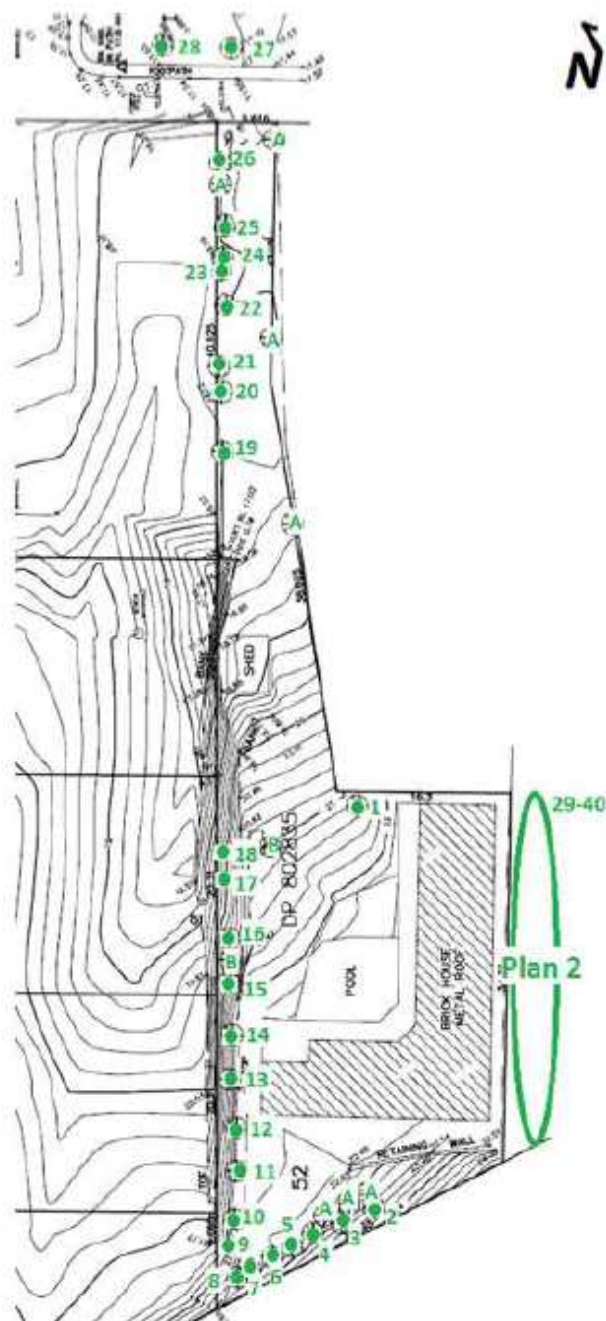


Figure 10 - Area of Assessment for Tree Locations (Note Trees Identified as 'A' are exempt)

Streetscape

The design of the proposed development is considered to be reasonable when considered in relation to the context of the site. The bulk, scale and design of the proposal is consistent with relevant planning instruments and is not inconsistent with the streetscape.

The proposed development is sited along a battle axe handle so the built form will impact upon the existing streetscape.

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Privacy and Overlooking

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

Overshadowing

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

The orientation of the allotment is such that the submitted shadow diagrams show that the proposed development will predominantly overshadow the side and rear setbacks of the subject site and the adjoining site.

A submission was lodged against the application, raising concerns of the overshadowing implications associated with the proposed development on the photovoltaic solar panels on the adjoining property.

The existing vegetation towards the southern boundary of the subject site significantly overshadow the pool and solar panels. The application proposes to remove a substantial amount of this vegetation that is currently overshadowing the adjoining property to the south.

This proposed development will not unreasonably overshadow the solar collectors on the adjoining property to the south. Rather it is considered that the proposed development will increase the solar access opportunities to the adjoining property to the south as the vegetation currently overshadowing the property is proposed to be removed.

Shadow diagrams have been supplied with the development application which indicate that the overshadowing impacts of the proposed development will be reasonable as shown in Figure 9 below:

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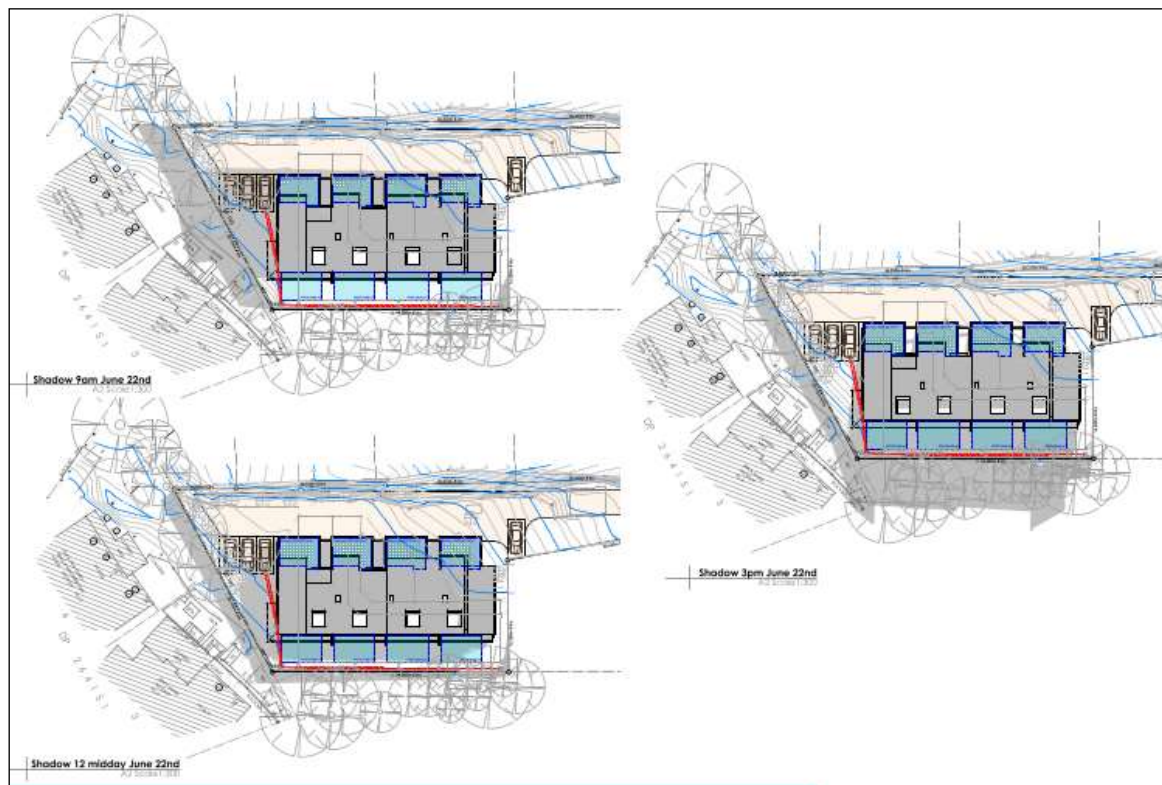


Figure 10 – Overshadowing diagrams - 9am 12pm 3pm shadows mid-winter

Views

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

Vehicular Access, Parking and Manoeuvring

Sufficient car parking is proposed.

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

Stormwater Management

A satisfactory drainage design has been provided with the application.

All stormwater will drain to the street.

Environmental and Vegetation Impacts

The trees numbered 1 - 26, as detailed in the Arborist Report (amended) by Allied Trees dated June 2020 Reference no. D3868A, are proposed to be removed for the development.

This issue has been considered by Council's Landscape Officer and no concerns have been raised.

Fauna Impacts – It is unlikely that the proposal will have a significant negative impact on any fauna or fauna habitat.

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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 street. Controls will be implemented during construction to minimise sedimentation.

Social and Economic Impacts

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

The Suitability of the Site for the Development

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

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 5 submissions were received. One submission was in support of the proposal and 4 submissions were against the proposal.

The following (summarised) matters of concern:

	Objection	Assessment Officer's Comment
Item 1	Access	Concerns have been raised about the additional vehicular traffic in Coryule Place. No access to the site is proposed from Coryule Place, and Councils engineering department has not raised this as an issue, as all access to the development is proposed from Bland Street.
Item 2	Solar Access to Living areas of proposed development	Revised plans propose balconies over the garage and living areas on the first floor to take advantage of solar access from the North West. The solar access for the proposed development is now considered to be reasonable.

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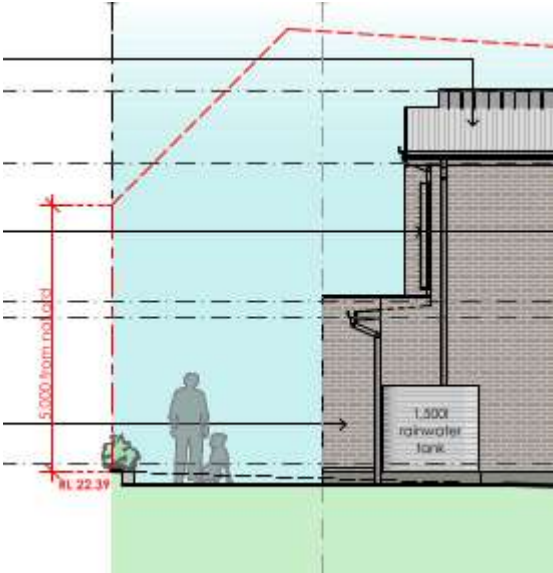
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	Objection	Assessment Officer's Comment
Item 3	Privacy for adjoining neighbours	<p>Plans have been revised to orientate the balconies to the north west. Balconies have been removed off the eastern elevation.</p> <p>The revised plans now do not propose elevated balconies along the shared boundary of 10 and 14 Bland Street.</p> <p>In this regard, it is considered that the privacy for surrounding development is acceptable as all elevated balconies and living areas are orientated away from neighbouring properties back yards.</p>
Item 4	Stormwater	Councils engineering department has not raised this as an issued and found the proposed method of stormwater disposal proposed to be acceptable.
Item 5	Overshadowing of adjoining properties and POS of the proposed development	<p>This matter has been addressed above under the heading Overshadowing</p> <p>Despite the proposed development overshadowing the majority of the backyards of the development it is the neighbouring properties to the South of the subject site will be most affected by overshadowing from the proposed development.</p> <p>The shadow diagrams provided indicate that the respective POS areas and solar collectors of these sites receive sufficient solar access and the development is compliant with the Kiama DCP 2012 requirements in this regard.</p> <p>Not to dismiss the genuine claims of the submitters, but the overshadowing implications of the proposed development have been considered in detail and the impacts of overshadowing are considered acceptable.</p>
Item 6	Construction works impacting vegetation on adjoining properties.	<p>The core issue that stemmed from the initial plan set was the extent of excavation and size of retaining walls that were proposed along the common boundary of 10 and 14 Bland Street.</p> <p>The extent of the excavation and size of the retaining wall along the shared boundary of 10 and 14 Bland</p>

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Objection	Assessment Officer's Comment
	<p>Street have been significantly reduced as shown in the image below:</p>  <p>In this regard, it is considered that the works required to create the retaining walls for the dwellings can be undertaken without detrimentally impacting on the vegetation of adjoining properties.</p> <p>Nevertheless, a condition of development consent will be imposed requiring works within the zones of protection for these trees must not adversely affect these zones, and the trees shall be retained and protected from any site works. Council's Landscape Design Officer raises no objection to the proposal subject to appropriate conditions being applied.</p>

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External Referrals

The application was referred to the following State Government Departments.

Natural Resource Access Regulator

NRAR issued their General Terms of Approval.

Conditions of development consent have been recommended should the application be approved.

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Internal Referrals

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

Consultant Architect

Council’s consultant architect has undertaken an assessment of the proposed development and has considered that the application is acceptable.

The consultant architect has identified an alternative entry gate materiality in lieu of the proposed breeze blocks.

The consultant’s comments on this matter are as follows:

The breezeblock component surrounding the entry gate does not appear consistent with the aesthetic language of the proposal. It is recommended that the garage bricks are arranged in a way that act as breezeblocks, but maintains the same architectural language as the garage (See image below)



The desired effect the consultant architect is trying to deliver is understood, however the separation distances between the proposed garages with the inclusion of a security gate does not lend itself to this design because the remaining perimeter area is too narrow to accommodate the spacing required for the overlapping of conventional brick to allow airflow.

In this regard, the proposed breeze blocks are considered reasonable due to the development being sited along a battle-axe handle and not being directly visible from the streetscape.

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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

The proposal seeks consent to remove 26 trees from the subject site to facilitate the construction of the multi-dwelling house development.

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

Local Infrastructure Contributions

Section 7.11 Contributions

Since the existing 5 lots that are the subject of the application each meet the minimum lot size in the R3 zone, they each have a dwelling entitlement, that provides a credit for each dwelling lot proposed in the Community Title Subdivision with respect to the levy of local infrastructure contributions to meet the increased demand the development would generate on local infrastructure.

As the proposed development seeks to amalgamate 5 lots in circumstances where 4 dwellings are proposed, the payment of Section 7.11 contributions under Subdivision 3 of the Environmental Planning & Assessment Act 1979 is not open to the Council since there is no new or additional demand for local infrastructure and therefore the nexus to levy contributions for infrastructure does not arise.

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Also, the residue proposed Lot 6 will retain a credit of 1 dwelling lot, and in this regard any future development within Stages 2 and 3 will have the benefit of this credit for the first dwelling proposed on the lot, but every dwelling or dwelling lot thereafter will be subject to Section 7.11 Contributions.

Final Comments and Conclusions

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 4.15 of the Environmental Planning and Assessment Act, 1979. The proposal is consistent with Kiama LEP 2011 and relevant Kiama DCP 2012 Chapters. The proposed development is consistent with the objectives of the R3 Medium Density Residential zone.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised.

Concerns raised in submissions have been considered and do not warrant refusal of the application.

The proposed development is considered to be reasonable and conditional approval is recommended.

Draft Conditions of Development Consent

General

- (1) The development shall be implemented generally in accordance with the details set out on the plan/drawing and supporting documents endorsed by Council as 10.2019.81.1 dated xx/xx/xxxx except as amended by the following conditions: (g005.doc)
- (2) The development shall be completed in accordance with the approved colour schedule (g014.doc)
- (3) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable issue of a Construction Certificate. (g030.doc)
- (4) The development shall not be occupied until such time as all conditions of this Development Consent are met or unless other satisfactory arrangements are made with the Principal Certifying Authority. (g040.doc)
- (5) The property owners shall be made aware that all Aboriginal relics in NSW are protected under Section 90 of the National Parks and Wildlife Act 1974, which makes it an offence to knowingly damage, disturb, deface or destroy an Aboriginal relic or site, without first obtaining the written consent of the Director-General of the National Parks and Wildlife Service. If such a site is discovered, the Southern Zone Archaeologist of the National Parks and Wildlife Service shall be contacted immediately. (g050.doc)
- (6) The developer shall provide and maintain temporary fencing around the development site to prevent unauthorised entry into the site by persons or livestock and shall remove the temporary fencing upon completion of all work. (g140.doc)

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- (7) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:-
- a The variation in hours required.
 - b The reason for that variation.
 - c The type of work and machinery to be used. (g165.doc)
- (8) No building Construction Certificate is to be released until details prepared by a practising structural engineer have been submitted to and accepted by the Accredited Certifier for the retaining walls.
- (9) The roadway, footpath or Council reserve shall not be used to temporarily or permanently store building material, plant and/or machinery without the prior approval of Council.
- (10) One (1) of the four (4) dwellings is required to be readily capable of being converted to meet Adaptable Housing (Australian Standard AS 4299).
- (11) No development consent has been granted for the indicative Stage 2 and 3 works. Separate development consent is required to be sought for Stages 2 and 3.

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)

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- (2) The developer shall lodge with Council a bond of \$3,000.00, in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.

The developer shall submit a dilapidation survey prior to commencement of any work within the road reserve.

The bond shall be refunded in full subject to the following:-

- a There being no damage to the infrastructure within the road reserve.
- b Twelve (12) months has elapsed from the date of issue of the occupation certificate (where included as a consent condition) and subdivision certificate (where included as a consent condition).

Note: If both certificates are required in this approval, the bond may be returned twelve (12) months from the date of the certificate issued last.

- c The submission and approval by Council of a waste compliance certificate, inclusive of supporting documentation (dockets/receipts) verifying compliance with the Waste Management Plan as provided to Council. (pt013.doc)

- (3) Under the provisions of the Act, work may not commence on the development until the following is carried out:

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

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

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

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

Report of the Director Environmental Services

12.6 10.2019.81.1 - Lot 52 DP 802835, Lot 90 DP 844399, Lots 91, 92, 93, & 94 DP 1103274 - 14 & 16 Bland Street, Kiama - Demolition of Existing dwelling, construction of multi dwelling consisting of 4 attached dwellings and Community Title Subdivision (cont)

- (4) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the issue of the Construction Certificate.
- (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) A Project Arborist shall be appointed prior to any works on site. The Project Arborist is responsible for:
 - a) The placement of protective fencing for the existing trees to be retained;
 - b) The supervision of any tree branch pruning;
 - c) The supervision of any tree root severing greater than 50mm in diameter;
 - d) The supervision of trenching for stormwater pipes in the rear of the units;
 - e) Recommend appropriate treatments as required when construction conflicts with tree protection;
 - f) Confirmation that the project arborist has identified to the tree contractor the trees that are to be removed or retained in accordance with the conditions of consent listed above;
 - g) Report attendance and actions by certification to the Principal Certifying Authority prior to issue of the Final Occupation Certificate.
- (8) The Project Arborist is to be adequately experienced and qualified with minimum Level 5 (AQF): Diploma in Horticulture (Arboriculture).

Demolition Works

- (1) Throughout the demolition operations, adequate safety shall be maintained in public places adjoining the site. Safety of the public shall be maintained by providing street closures, hoardings, scaffolding and other types of overhead protection, either singularly or in combination, in accordance with the requirements of Council and AS 2601. (dw005.doc)

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- (2) Security fencing shall be provided around the perimeter of the demolition site and any additional precautionary measures taken, as may be necessary to prevent unauthorised entry to the site at all times during the demolition period. (dw010.doc)

(3) **Asbestos – Statement Required**

No later than seven days prior to the demolition of any building or structure, a written statement must be provided to Council indicating whether the building or structure contains asbestos or material containing asbestos and, if so, the following must also be provided:

- (a) A hazardous substances audit report prepared by a competent and appropriately qualified person in compliance with AS2601-1991; and
- (b) A hazardous substances management plan prepared by a competent and appropriately qualified person in compliance with AS2601-1991.

Asbestos – Licensed Contractors

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

Asbestos – Notification of Neighbours

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

Asbestos – Tip receipts

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

Asbestos – Clearance Certificate

Following the removal of all friable asbestos and prior to further works being carried out on the site, a clearance certificate from an independent competent person in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council.

Completion of demolition works

Council will monitor and review the demolition of the structure to ensure all conditions of consent application to the removal of asbestos has been satisfied. (dw015.doc)

- (4) Safe access to and egress from adjoining buildings shall be maintained at all times for the duration of the demolition work. (dw020.doc)

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- (5) The techniques adopted for stripping out and for demolition shall minimise the issue of dust into the atmosphere. (dw030.doc)
- (6) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable legislation and with any relevant recommendations published by the WorkCover Authority. (dw040.doc)
- (7) Removal of asbestos, or of materials containing asbestos fibres, shall be in accordance with the WorkCover Authority code of practice. Disposal of asbestos materials shall be at premises certified to receive asbestos. (dw045.doc)

Access Construction

- (1) The developer shall construct the footpath access driveway in compliance with the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking and Council's "*Driveway and Footpath Works Procedure Manual*". (ac001.doc)
- (2) The access driveway shall be constructed to meet the design requirements of Council's "*Driveway and Footpath Works Procedure Manual*". The access driveway shall be installed prior to the issue of any occupation certificate. (ac015.doc)
- (3) The applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area.

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

Car Parking and Vehicular Access

- (1) Car parking and manoeuvring shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking. (c035.doc)

Noise

- (1) Prior to the issue of the construction certificate the accredited certifying authority is to the following LAeq levels are not exceeded:
- (a) in any bedroom in the residential accommodation - 35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time

Stormwater Management

- (1) Stormwater shall be connected to the existing system. (sm005.doc)
- (2) All stormwater kerb and gutter connections to have a minimum of 40 millimetres cover of concrete finishing flush with the top of the existing kerb. Pipe size to achieve this should be 90 millimetres in diameter. (sm010.doc)

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- (3) The developer shall provide stormwater outlets to kerb lines converting to 90 millimetre diameter uPVC for barrier kerbs and 127 x 64 x 4 millimetre steel rectangular hollow section hot dip galvanised or aluminium for roll kerb sections. (sm020.doc)
- (4) Surface water which is likely to discharge from the development site onto the road reserve shall be intercepted at the property boundary and conveyed to the kerb via a pipe outlet. (sm025.doc)
- (5) The developer shall provide a detailed stormwater drainage network in accordance with the design requirements of “*Section D5 Stormwater Drainage*” of Kiama Development Code as appended to Kiama Development Control Plan 2012. Full hydrological and hydraulic calculations and civil engineering drawings shall be submitted to the Accredited Certifying Authority prior to the issue of a Construction Certificate. (sm055.doc)
- (6) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. An on-site detention system shall be designed to ensure that post development flow rates from the site are no greater than pre-developed site runoff at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. The applicant shall provide full hydrological and hydraulic computer modelling of the stormwater drainage system and provide this to the Accredited Certifying Authority for assessment and approval prior to the issue of the construction certificate. (sm060.doc)
- (7) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure meets with the approved design. The certification shall be provided to the accredited Certifying Authority prior to the release of any Occupation Certificate. (sm130.doc)
- (8) The developer shall comply with the design requirements of Council’s “*Water Sensitive Urban Design*” policy in association with the design requirements of “*Section D5 Stormwater Drainage*” of the Kiama Development Code as appended to Kiama Development Control Plan 2012.
Detail shall be submitted to the Principal Certifying Authority for assessment prior to the issue of the Construction Certificate. (sm150.doc)
- (9) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the accredited Certifying Authority for assessment and approval prior to the release of the Construction Certificate.
- (10) The developer shall comply with the design requirements of Council’s “*Water Sensitive Urban Design*” policy in association with the design requirements of “*Section D5 Stormwater Drainage*” of the Kiama Development Code as appended to Kiama Development Control Plan 2012.

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Detail shall be submitted to the accredited Certifying Authority for assessment prior to the release of the Construction Certificate.

- (11) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (12) Prior to issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off and allowance is made for surface run-off from adjoining properties in the design

Utility Servicing

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The Section 73 Certificate shall be submitted to Council prior to issue of the final Occupation Certificate. (us005.doc)
- (2) The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access. (us045.doc)
- (3) One visitor space shall be designated as a car wash bay. The wash bay shall be bunded and connected to the Sydney Water Corporation's sewer and be subject to a licensed trade waste agreement with the Corporation. The wash bay shall be provided with a cold water tap and outdoor power supply point

Geotechnical Requirements

- (1) There shall be no loss of support or encroachment of fill onto adjoining properties as a result of excavation or filling within the site. (gr050.doc)

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)

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- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
- (5) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:
- Preserve and protect the building from damage;
 - Underpin and support the building in an approved manner, if necessary, and;
 - At least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (bu100.doc)
- (6) Where retaining walls exceed 1.0 metre in height, the wall is to be certified by a practising structural engineer prior to occupation of the building being permitted. (bu110.doc)
- (7) 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)
- (8) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;
- Monday to Friday - 7.00 am to 5.00 pm
 - Saturdays - 8.00 am to 1.00 pm
 - No construction work is to take place on Sundays or Public Holidays. (bu151.doc)
- (9) The retaining walls must be wholly contained within the properties boundaries.

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 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.
 - Unnecessary disturbance of the site (eg; excessive vehicular access) must not occur.
 - All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
 - All the above requirements must be in place for the duration of the construction works. (esc005.doc)

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- (2) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work. (esc020.doc)

Landscaping Works

- (1) A detailed landscape plan shall be approved by the Principal Certifying Authority prior to issue of the Construction Certificate. The plan shall be prepared in accordance with Chapter 8 of Kiama Development Control Plan 2012 and shall be consistent with the landscape concept plan. (lw010.doc)
- (2) The landscaping shall be maintained actively and regularly for a period of 26 weeks commencing from the date of issue of the Occupation Certificate. (lw020.doc)
- (3) At the end of the 26 week landscape maintenance period and after any defects that occurred during that period have been corrected, a final Compliance Certificate shall be provided from a suitably qualified landscape professional stating that all landscape works have been completed and maintained in accordance with the approved landscape plans and the conditions of this development consent. (lw035.doc)
- (4) Prior to issue of the Occupation Certificate the developer shall provide a Compliance Certificate from a suitably qualified landscape professional or Council's Landscape Officer stating that all landscape works have been completed in accordance with the approved landscape plans and the conditions of the development consent. (lw170.doc)
- (5) The trees numbered 1 - 26, as detailed in the Arborist Report (amended) by Allied Trees dated June 2020 Reference no. D3868A shall be removed for the development. The Project Arborist is to identify the trees from the description and plan in the amended arborist report prior to any tree removal by the tree contractor. Note - trees numbered 2, and 5 – 8 shall be included in the tree removal.
- (6) No machinery, builder's material and/ or waste shall be located under the canopy of any tree, including trees overhanging from the neighbour's property.
- (7) The street trees shall be protected with wooden battens as shown in the Arborist Report (amended) by Allied Trees dated June 2020 Reference no. D3868A.
- (8) During construction, any branches of the trees on site that need pruning for clearance of scaffolding or building shall be removed with the approval and supervision of the Project Arborist.
- (9) During construction, any tree roots greater than 50mm diameter that need pruning or severing shall be referred to the Project Arborist for advice on actions or treatments.
- (10) During construction, any drenching near the retaining wall on the eastern boundary under the canopy of the neighbour's tree shall be done under the supervision of the Project Arborist.

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- (11) During construction of the driveway crossover, should any excavation uncover the roots of the street tree then work is to proceed only under the supervision of the Project Arborist.
- (12) Gutter guards appropriate to the foliage and fruit of the existing trees on site should be installed in areas likely to be in the fruit/foliage fall area of the existing trees.
- (13) During construction any other matter arising that may harm any existing trees shall be referred to the Project Arborist.
- (14) Construction works within the zones of protection for the trees identified along the common boundary of 14 and 10 Bland Street must not adversely affect these zones, and the trees shall be retained and protected from any site works.

Site Facilities

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

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

Prior to Occupation

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

Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)
- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)

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- (3) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

NOTE: A Fire Safety Certificate must be provided in accordance with the Environmental Planning and Assessment Regulations 2000 prior to the issue of an Occupation Certificate excepting Class 1(a), 10(a) & 10(b) structures. (po005.doc)

- (4) The developer shall complete all access and drainage works prior to the issue of any occupation certificate. (po010.doc)
- (5) Prior to the release of the Occupation Certificate, a Compliance Certificate from the Project Arborist shall be issued to the Principal Certifying Authority detailing the attendance on site and actions performed in accordance with the conditions of the development consent.
- (6) A certified Works-As-Executed (WAE) drawing for all drainage and access related works shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of any Occupation Certificate (OC). The WAE drawing shall be signed by a Registered Surveyor. The WAE drawing shall show in red ink all changes to the approved Construction Certificate (CC) drawings and finished levels. The PCA shall not issue the OC if any changes to the approved CC design will cause an adverse impact on adjoining lands.
- (7) Prior to issue of any Occupation Certificate, each residential visitor parking space shall be clearly signposted with the wording that it is a visitor's space and time limits apply.
- (8) Prior to issue of any Occupation Certificate, a visitor space shall be clearly signposted with the wording that it is a car wash bay.

Conveyancing Requirements

- (1) Under the provisions of Section 88B/88E of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favour of Kiama Municipal Council detailing protection measures and long term maintenance requirements for the on-site stormwater detention system and associated stormwater drainage infrastructure.

The document shall meet the standard terms applied by Council and shall be submitted to Council for assessment and approval and shall have these titles registered with NSW Lands & Property Management Authority under Sections 88B/88E of the Conveyancing Act 1919. The above requirement shall be undertaken prior to the issue of any Occupation Certificate

Prior to Issuing of Subdivision Certificate

- (1) The Subdivision Certificate shall not be issued until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority. (sub005.doc)
- (2) The developer shall submit the following items to the Principal Certifying Authority prior to the issue of a Subdivision Certificate:

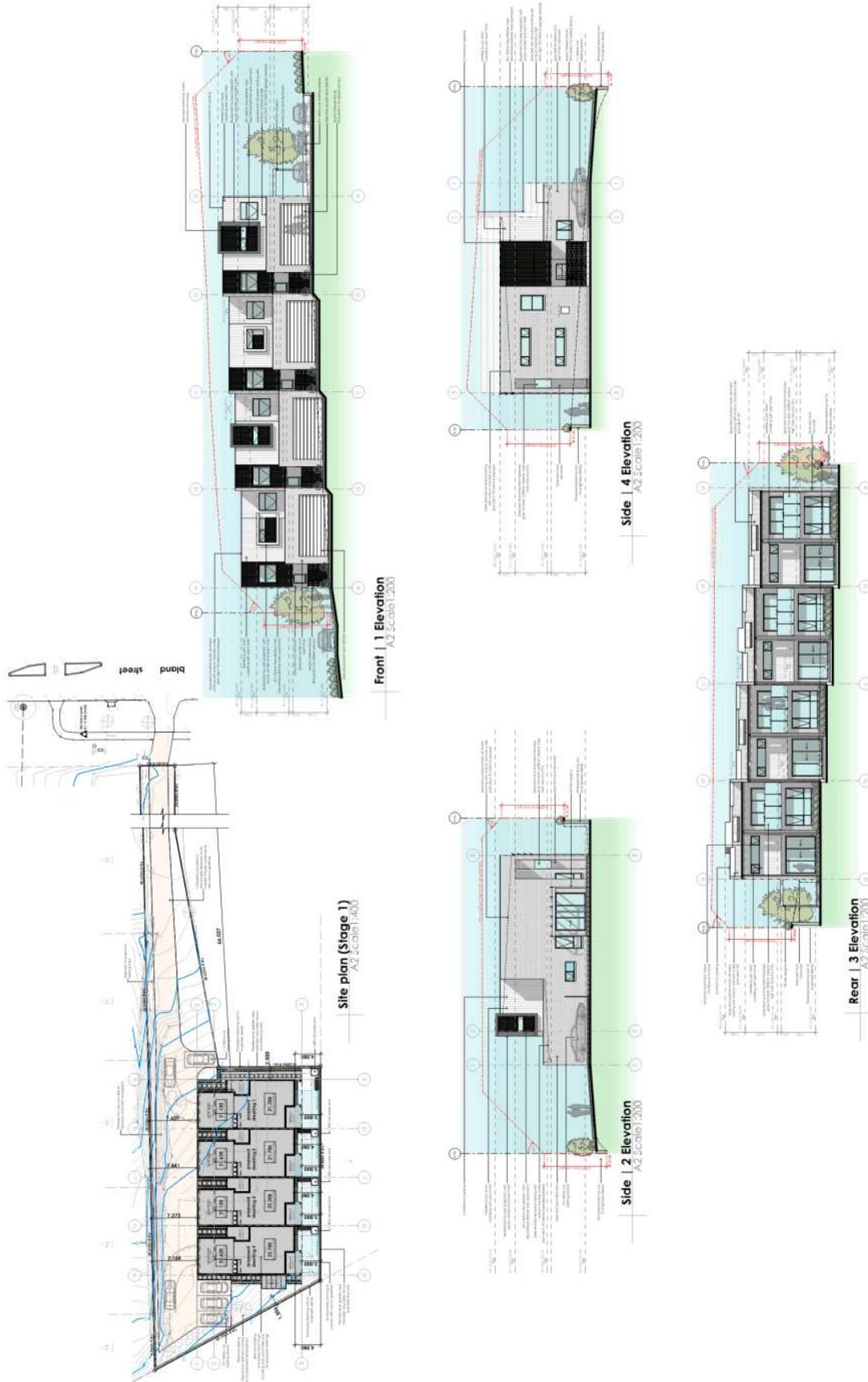
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- a) All relevant Construction and Compliance Certificates (where these have not been issued by Council).
 - b) Payment of fees in accordance with Council's adopted fees and charges.
 - c) A Final Plan of Subdivision and four (4) copies.

A copy of the satisfactory final plan of subdivision shall also be provided as an electronic file in either DXF or DWG format. In this regard the electronic copy must be on MGA (Zone 56) orientation, where this is required by the Surveying Regulation 2001, and should preferably use co-ordinates based upon the MGA values of the nearest established permanent survey mark connected as part of the survey. It is preferred the raw boundary line work only be provided, excluding final page layout and text where possible. This must be provided electronically by email to council@kiama.nsw.gov.au including a clear reference to the relevant Development Application number.

- d) An original Deposited Plan Administration Sheet and one copy, prepared in accordance with NSW Land Registry Services
 - e) An original Section 88B Instrument and one copy, prepared in accordance with the requirements of the Conveyancing Act 1919.
 - f) An original Subdivider/Developer Compliance Certificate (Section 73 Certificate) from Sydney Water Corporation which references the relevant development application number.
 - g) An original Notification of Arrangement from an electricity provider which references the relevant development application number.
 - h) An original Telecommunications Infrastructure Provisioning Confirmation from a communications provider which references the proposed development.
 - i) The payment of all required Section 94 Contributions identified in this consent.
 - j) An Occupation Certificate for each dwelling to be separately titled.
- (3) The developer shall acknowledge all existing easements on the final plan of subdivision. (sub060.doc)
- (4) The developer shall acknowledge all existing restrictions on the use of the land on the final plan of subdivision. (sub070.doc)
- (5) The developer shall chart the natural watercourse on the final plan of subdivision. (sub080.doc)



	Project Demolition of existing dwelling New 4 townhouse development (Stage 1) Lot 52 DP No R02835 LGA Kiama	Date 7/01/2019	Drawn JDC Checked JDC Approved JDC Date 7/01/2019	North Arrow 	Lot 52 (No. 14) Bland Street Kiama Foil Building Construction Pty Ltd	Scale 18,007 Page No. 15 Project DA 2
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12.7 Cancellation of Planning Proposal - Lot 3 DP 1018217 - Dido Street, Kiama

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

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

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

Item 12.7

Summary

At its March 2018 meeting, Council resolved to support a Planning Proposal to rezone Lot 3 DP 1018217, Dido Street, Kiama from RU1 Primary Production to R2 Low Density Residential to facilitate residential development of the site.

The Planning Proposal received a positive Gateway Determination from NSW Department of Planning, Industry and Environment and progressed through public exhibition and consultation with the relevant public authorities.

The NSW Rural Fire Service has confirmed that the existing PP and associated concept subdivision layout is inconsistent with Section 9.1 Ministerial Direction 4.4. – Planning for Bushfire Protection as the concept subdivision layout relies upon performance-based alternate solutions to comply with *Planning for Bushfire Protection (PBP) 2019*.

In its current format the PP cannot be reported to Council for final endorsement. The prescribed timeframe to complete the PP is 23 January 2021 (i.e. 30 months from date of Gateway). The DPIE have indicated that no additional extension will be granted.

Staff are facilitating discussions with the owners of Lot 3 and Lot 4 DP 1018217 and have encouraged a joint venture to prepare a single PP to rezone both sites concurrently. By rezoning both Lot 3 and 4 together a better planning outcome can be achieved as a perimeter road can be constructed around both lots, providing bush fire protection, protection high biodiversity land and providing safety and compliant vehicular access/egress.

Finance

A fee structure for submittal and review of planning proposals has been developed by Council and is contained in Council's fees and charges schedule. Relevant fees have been paid for this proposal.

Policy

Consideration of requests for rezoning of land require consideration of a number of Acts, Government policies, Council environmental planning instruments and planning documents. Specifically, the *Environmental Planning and Assessment Act 1979*, *Kiama Local Environmental Plan 2011*, Illawarra-Shoalhaven Regional Plan, Kiama Urban Strategy, Kiama Local Strategic Planning Statement 2020 and the Kiama Planning Proposal Policy.

Consultation (Internal)

This Planning Proposal has been reviewed by Council's Engineering Department to determine the appropriateness of traffic and stormwater issues.

Report of the Director Environmental Services

12.7 Cancellation of Planning Proposal - Lot 3 DP 1018217 - Dido Street, Kiama
(cont)

Communication/Community Engagement

This Planning Proposal was placed on public exhibition for a period of not less than 28 days, in accordance with the Gateway Determination and the Kiama Community Participation Plan (CPP) 2019.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council request an amended Gateway determination from the NSW Department of Planning, Industry and Environment to no longer proceed with *PP_2018_KIAMA_002_03* which seeks to rezone Lot 3 DP 1018217 Dido Street, Kiama.

BACKGROUND

At its March 2018 meeting, Council resolved to support a Planning Proposal to rezone Lot 3 DP 1018217, Dido Street, Kiama from RU1 Primary Production to R2 Low Density Residential to facilitate residential development of the site.

A map of the subject site is shown in Figure 1 below:



Figure 1 – Aerial photograph of Lot 3 DP 1018217 Dido Street (Source: Kiama LSPS)

Report of the Director Environmental Services

12.7 Cancellation of Planning Proposal - Lot 3 DP 1018217 - Dido Street, Kiama
(cont)

Council requested a Gateway Determination on 14 April 2018 which received a positive determination from the DPE on 23 July 2018. Additional information, including amendments to preserve/protect the land identified as having high biodiversity value, was requested by Council, as prescribed by the Gateway Determination, on 1 August 2018.

In March 2019 Council was verbally advised by the proponent's consultants that they no longer wished to proceed with the rezoning and the requested additional information was not going to be submitted.

The withdrawal of the PP was endorsed by Council at its April 2019 meeting. A rescission motion was requested by the applicant in May 2019 which was then adopted by Council at their July 2019 meeting on the basis that the additional information, requested in August 2018, would be submitted.

Planning for Bush Fire Protection

The additional information was submitted in September 2019, and resulted in the PP being amended to rezone a portion of the land identified as having high biodiversity value as E2 Environmental Conservation land.

An amendment to the Gateway Determination was requested in February 2020 and issued by the NSW DPIE in March 2020. Upon issue of the amended Gateway Determination, Council conducted consultation with the prescribed state agencies/authorities, including NSW Rural Fire Service (RFS), as well as placing the PP on public exhibition.

In May 2020 the RFS confirmed that the existing PP and associated concept subdivision layout is inconsistent with Section 9.1 Ministerial Direction 4.4. – Planning for Bushfire Protection as the concept subdivision layout relies upon performance-based alternate solutions to comply with *Planning for Bushfire Protection (PBP) 2019*.

In order to be consistent with Ministerial Direction 4.4, the concept subdivision layout is required to include a perimeter road and compliant Asset Protection Zones (APZ's). The inclusion of a perimeter road will reduce the concept lot yield of the site from approximately 9 residential allotments to 3. In this scenario, the rezoning would no longer be feasible for the proponent and is likely to result in a poor planning outcome.

Way Forward

In its current format the PP cannot be reported to Council for final endorsement. The prescribed timeframe to complete the PP is 23 January 2021 (i.e. 30 months from date of Gateway). The DPIE have indicated that no additional extension will be granted.

Discussions have been held between Council staff and the proponent detailing possible options for progressing the PP. One option involved including the adjoining lot to the west (Lot 4 DP 1018217, Dido Street) into the PP. Lot 4 is identified as Greenfield Site 4 in the *Kiama Local Strategic Planning Statement 2020 (LSPS)*, and has been identified for possible future expansion (Site 4), as shown in Figure 2 below:

Report of the Director Environmental Services

12.7 Cancellation of Planning Proposal - Lot 3 DP 1018217 - Dido Street, Kiama (cont)

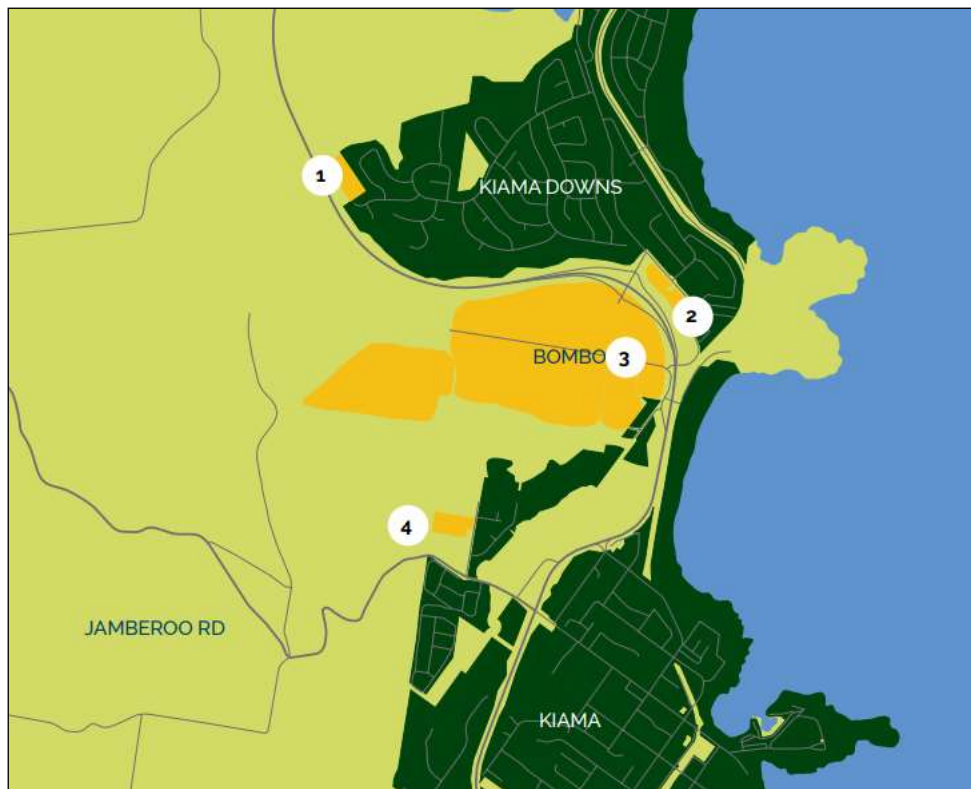


Figure 2 – Greenfield opportunities Map 1: Kiama (Source: Kiama LSPS)

Council staff have facilitated discussions with the owners of both properties and have encouraged a joint venture to prepare a single PP to rezone both sites concurrently. By rezoning both Lot 3 and 4 together a better planning outcome can be achieved as a perimeter road can be constructed around both lots, providing bush fire protection, protection high biodiversity land and providing safety and compliant vehicular access/egress.

To date, both owners have indicated their desire to work on this proposal together. Given the impending deadline for the existing PP, it is recommended that Council request an amended Gateway to no longer proceed with the current rezoning of Lot 3. A new PP can then be submitted, assessed and exhibited in 2021.

Item 12.7

12.8 Planning Reform - Public Legacy Program and Action Plan

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 12.8

Summary

Council has been successful in obtaining approval for the Public Space Legacy Program. This State Government Grant provides a potential \$3 million in funding, linked to the achievement of targets set for Development Application (DA) processing time.

The aim of the program is to reduce the overall time taken to process DAs in return for funding to support the improvement of open spaces.

This State Government program requires Council to provide an improvement plan to meet the targets. This plan includes:

1. Implementation of e-planning
2. Reduce initial backlog
3. Process improvements
4. Additional resources
5. Review of standard practice
6. Strategic planning
7. Focus on customer experience
8. Consideration of staff delegations

This report provides an overview of the program, Council's targets and the proposed change to staff delegations.

Finance

Additional resources have been implemented within the organisation to support the Planning Reform program. These resources will be in place early in the new year and have been funded from existing budgets and changes resulting from quarterly review.

Communication/Community Engagement

Communication has been occurring to enable the community to be aware of the changes to online planning. A comprehensive community engagement / communication strategy will be rolled out for this program in the new year.

Attachments

Nil

Report of the Director Environmental Services

12.8 Planning Reform - Public Legacy Program and Action Plan (cont)

Enclosures

Nil

RECOMMENDATION

To support Council achieving the targets set by the Public Spaces Legacy program, Council reinstate delegated authority to the General Manager to:

1. Determine all Development Applications:
 - a) with a value of up to \$5 million , and that have received no more than five objections during any notification period.
2. Determine Modification of Development Applications where :
 - a) there is no significant change to the external configuration of the building and,
 - b) where the value of the modifications themselves do not exceed the \$5 million threshold and that have received no more than five objections during any notification period.

Public Legacy Program

Council has been successful in obtaining the Planning Reform Public Spaces Legacy Program Grant.

This State Government funding seeks improvements to the DA process undertaken by Council, in return for a possible \$3 million in funding for an identified public space. This program seeks to encourage councils to improve DA processing times and undertake a range of other planning improvements which are linked to State Government targets. It has been offered as part of the State Government response to COVID, to stimulate economic growth and improvements in public spaces.

Council applied for the program to seek funding for improvements to Hindmarsh Park and also the Kiama Harbour area. Council had already met a number of the requirements and targets of the Department linked to this funding including the completion of our Local Strategic Planning Statement (LSPS), lodgment of DAs on the e-planning portal and progress of a number of planning proposals. Council outlined a program for the improvement of DA processing times as part of the application.

The Department has accepted Council's proposal and has provided specific targets which need to be met. These targets are also linked to improvements in the overall system and customer experience.

Council must improve overall timeframes to be:

- 122 gross days by 31 December 2020
- 109 gross days by 30 June 2020

Report of the Director Environmental Services

12.8 Planning Reform - Public Legacy Program and Action Plan (cont)

Plan for improvement

A project plan for meeting the targets is to be provided to the Department by 31 December 2020. This project plan has been completed and will be submitted to the Department by the required deadline.

Work has commenced on improving the overall timeframes for DA processes, whilst still retaining rigor and requirements necessary for the proper processing of applications in the system.

Staff are also working through a number of process improvements to assist in the pre-lodgment and lodgment of development applications and the quality requirements of applications prior to being placed in the system.

Communications have occurred with key stakeholders to outline the changes that will be required in 2021 relating to e-lodgment of applications. Further communication and engagement will occur in the new year as these changes are made.

As part of the program the Department identified a number of areas where improvements could be made. One of these areas is staff delegations, given the current number of reports that proceed to Council and the time impact that this may have on the process and on staff resources.

Staff Delegations

In December 2016 a number of delegations to the General Manager (Staff) were changed. This was in response to a significant Development Approval that was granted by staff at the time at Gerroa. The resolution of Council was that:

“Council limit the delegated authority of Council officers and that any development more than \$2M or with more than three submissions come before Council.”

This decision was purposeful and needed given the circumstances and situation that was in place in 2016.

Since 2016 staff have worked with Councillors to improve understanding of expectations, quality of applications, engagement with the community and decision making processes. With a number of these changes now in place some consideration could be given to revisiting the current delegations of staff.

In 2020 a total of 35 Das were reported to Council. Only three of these reports had a decision which varied to that of the staff recommendation. The time taken on each report totals a minimum 35 hours with a minimum total of 1,225 hours being spent on the preparation of reports.

A change to delegations would reduce overall time frames and shift staff resources to the assessment of applications rather than the preparation of reports. Any change would still allow for applications to be called up to Council by Councillors and there would remain the need for significant development applications to still be reported for consideration.

Report of the Director Environmental Services

12.8 Planning Reform - Public Legacy Program and Action Plan (cont)

Strategic Planning improvements

Work has commenced on a number of significant Strategic Planning projects which will assist in supporting the Planning Reform program. These Strategic Planning projects, such as the Town Centre Development Control Plan, Vegetation Study, etc help to support comprehensive decision making, provide clear guidance to applicants and embed community expectations into the system.

The completion of the LSPS in 2020 automatically meets one of the targets that has been set for Council as part of the program.

Additional work throughout 2021 will continue to support the refinement of our planning controls to ensure that clarity is provided to applicants and community are involved in setting the strategic direction of the Municipality.

Conclusion

This report provides an overview of the requirements of the planning reform program and public legacy funding from the State Government. If successful with meeting the targets set for Council a potential \$3 million in funding will be provided to enable a number of key capital works projects to be delivered by Council.

As part of this program it is important that all aspects of the DA process are considered including pre-lodgment, assessment and determination. Changes need to be made to enable the targets to be met whilst still ensuring that rigor, good governance and community engagement remain a core component of the process. This is to ensure that development within Kiama Municipality remains high quality and reflects the character and expectations of its community.

12.9 Submission on Draft Illawarra Shoalhaven Regional Plan 2041

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

The Illawarra-Shoalhaven Regional Plan sets a vision and direction for the future of Illawarra Shoalhaven. It is the first of nine regional plans to be delivered and will help provide housing, jobs, infrastructure, a healthy environment, green spaces and connected communities for the area.

The Illawarra Shoalhaven Regional Plan 2036 is undergoing a five-year review in 2020. The draft Illawarra Shoalhaven Regional Plan 2041 is currently on exhibition until 17 December 2020.

The draft Regional Plan contains the following 4 themes to guide the 30 objectives:

- A productive and innovative region;
- A sustainable and resilient region;
- A region that values its people and places;
- A smart and connected region;

Staff have been involved, as part of a regional working group, in the developing the plan. Staff have reviewed the draft Plan and have prepared the attached submission as part of the exhibition period.

Finance

Nil

Policy

Sections 3.3 and 3.4 of the *Environmental Planning and Assessment Act 1979* sets out the mandatory requirements of regional plans and how regional plans are to be prepared.

Consultation (Internal)

N/A

Communication/Community Engagement

The draft Illawarra Shoalhaven Regional Plan 2041 is currently on exhibition until 17 December 2020. This exhibition is being run by the NSW Department of Planning, Industry & Environment.

Attachments

- 1 [Submission](#)

Enclosures

Nil

RECOMMENDATION

That Council endorse the attached submission on the draft Illawarra Shoalhaven Regional Plan 2041 to be sent to the NSW Department of Planning, Industry and Environment.

BACKGROUND

The Illawarra-Shoalhaven Regional Plan sets a vision and direction for the future of Illawarra Shoalhaven. It is the first of nine regional plans to be delivered and will help provide housing, jobs, infrastructure, a healthy environment, green spaces and connected communities for the area.

The Illawarra Shoalhaven Regional Plan 2036 is undergoing a five-year review in 2020. The draft Illawarra Shoalhaven Regional Plan 2041 is currently on exhibition until 17 December 2020.

The Kiama Local Strategic Planning Statement (LSPS) is required to contain a vision for the Municipality and Planning Priorities and Actions for achieving this the vision. The Regional Plan is also required to have a vision for the Region, but instead of Planning Priorities and Actions, a Regional Plan must contain objectives, consistent with the vision, and strategies and actions for achieving these objectives.

Regional Vision

This vision in the draft Regional Plan is provided below, and aligns with the vision of the Kiama LSPS 2020.

A reputation for innovation, sustainability and resilience, in 2041 the Illawarra Shoalhaven is a diverse, creative and globally connected region.

The region is a place where the escarpment meets the sea, and where a strong commitment to community drives vibrant and healthy local places. Visitors are welcomed to responsibly share and connect with the area's Aboriginal history, natural environment and heritage.

With an economy transformed, the Illawarra Shoalhaven combines proximity to Sydney with an educated workforce and an ecosystem of innovation. Collaboration and an entrepreneurial culture combine to attract investment and stimulate employment in diverse industries, from knowledge services, health, defence and the visitor economy to a manufacturing capability centred around advanced manufacturing, the Internet of Things and smart technologies.

Metro Wollongong is a city of national significance. It is a smart and vibrant city that sits within a well-loved natural setting, and examples of architectural excellence and popular green public spaces are abundant. It is home to international education and research institutions as well as a nationally significant health precinct and a hub of professional businesses with global reach.

Metro Wollongong, along with Nowra and Shellharbour are the region's civic hearts – places that provide an urban lifestyle where people can easily walk to

shops, services, schools or work. The Illawarra Shoalhaven is transitioning to a low-carbon economy.

It is a global hub for clean energy, with green hydrogen production at the Port of Port Kembla, biogenic gas and pumped hydro in the Shoalhaven, and employment precincts that capture solar power and convert waste to energy.

People in the Illawarra Shoalhaven are pioneers in resilient and sustainable living. Neighbourhoods in West Lake Illawarra and Nowra Bomaderry can be easily accessed through walking and cycling networks, and homes generate energy from local renewable sources and distributed energy technologies.

The amount of waste produced in the region is reducing through resource recovery technologies and circular economy initiatives that generate economic value from the recycling of waste streams. Water for urban purposes is managed to make best use of water sources and to protect the region's waterways, reducing the risk of flooding and keeping parks, gardens and street trees healthy.

The diversity of lifestyle choices, from city living, new urban areas, or coastal or village living, drives affordable housing options. Centres such as Corrimal, Warrawong, Oak Flats, Kiama and Milton-Ulladulla offer diverse arts, culture and heritage and the character of smaller towns and villages has been protected and enhanced.

The region is more connected physically, socially, economically, culturally and digitally. This has enabled more resilient communities, facilitated flexible working and education, and enabled people in smaller towns and villages to have the same access to as people living in Metro Wollongong.

The 30 identified objectives of the draft Regional Plan are grouped into the following 4 themes:

- A productive and innovative region
- A sustainable and resilient region
- A region that values its people and places
- A smart and connected region

A productive and innovative region

Under this theme the following objectives have been identified:

- | | |
|--------------------|---|
| Objective 1 | Strengthen Metro Wollongong as a connected, innovative and progressive City |
| Objective 2 | Grow the region's Regional Cities |
| Objective 3 | Grow the Port of Port Kembla as an international trade hub |
| Objective 4 | Activate regionally significant employment precincts to support new and innovative economic enterprises |
| Objective 5 | Create a diverse visitor economy |

Report of the Director Environmental Services

12.9 Submission on Draft Illawarra Shoalhaven Regional Plan 2041 (cont)

-
- Objective 6** Activate the region's harbours to promote the blue highway
- Objective 7** Respond to the changing nature of retail
- Objective 8** Strengthen the economic self-determination of Aboriginal communities
- Objective 9** Promote agriculture innovation, sustainability and value-add opportunities
- Objective 10** Sustainably maximise the productivity of resource lands

Three actions have been identified under this theme.

- Action 1** Develop a Metro Wollongong Health Precinct Strategy
- Action 2** Develop a Nowra City Centre Strategic Roadmap to set a vision, identify actions and guide inter-agency and inter-government collaboration
- Action 3** Develop precinct profiles for the regionally significant employment lands and where required, establish precinct collaboration teams to activate land for economic growth

Under Objective 4, and as part of Action 3, the regional Councils are the lead agencies for the following strategies:

- a strategy to support new and innovative economic enterprises in local strategic planning and local plans;
- Support the defence and advanced manufacturing industries in local strategic planning and local plans.

Under Objective 5 the regional Councils are the lead agencies for the following strategy:

- Create an environment for a diverse visitor economy through local strategic planning and local plans.

Under Objective 7 the regional Councils are the lead agencies for the following strategy:

- Respond to the changing nature of retail in local strategic planning and local plans.

Under Objective 9 the regional Councils are the lead agencies for the following strategies:

- Promote agriculture and aquaculture innovation, sustainability and value-add opportunities in local strategic planning and local plans;
- Enable new rural residential development only where it has been identified in a local strategic plan, prepared by council and endorsed by the Department of Planning, Industry and Environment.

Report of the Director Environmental Services

12.9 Submission on Draft Illawarra Shoalhaven Regional Plan 2041 (cont)

Under Objective 10 the regional Councils are the lead agencies for the following strategy:

- Consider the ongoing operation of existing mining and resource extraction and future development of known resources in local strategic planning and local plans.

These Objectives, actions and strategies closely align to the following Planning Priorities of the Kiama LSPS 2020:

Planning Priority 5	Forster Economic Diversity
Planning Priority 6	Manage tourism development and the visitor economy
Planning Priority 7	Strengthen Commercial Centres
Planning Priority 8	Protect viable agriculture and agricultural lands
Planning Priority 9	Protect scenic rural landscapes

A sustainable and resilient region

Under this theme the following objectives have been identified:

- Objective 11** Protect important environmental assets
- Objective 12** Build resilient places and communities
- Objective 13** Increase urban tree canopy cover
- Objective 14** Enhance and connect parks, open spaces and bushland with walking and cycling paths
- Objective 15** Plan for a Net Zero region by 2050
- Objective 16** Support the development of a circular economy
- Objective 17** Secure water resources

Four actions have been identified under this theme.

- Action 4** Develop a resilience maturity matrix for the Illawarra Shoalhaven to identify where Councils can increase resilience in the land use planning system
- Action 5** Develop the Illawarra Shoalhaven Green Grid and identify priority projects for enhancements
- Action 6** Develop an Illawarra Shoalhaven Sustainability Roadmap that identifies innovative initiatives which can be delivered through an ecosystem of collaboration

Report of the Director Environmental Services

12.9 Submission on Draft Illawarra Shoalhaven Regional Plan 2041 (cont)

-
- Action 7** Development a sustainability framework for regionally significant precincts to promote carbon neutral sustainable growth and development.

Under Objective 11 the regional Councils are the lead agencies for the following strategies:

- Protect important environmental assets in local strategic planning and local plans;
- Protect and enhance the function and resilience of biodiversity corridors in local strategic planning and local plans;
- Consider the needs of climate refugia for threatened and dominant species in local strategic planning and local plans;
- Protect biodiversity values in urban release areas by incorporating validated, up-to-date environmental data into local strategic planning and local plans;
- Protect sensitive estuaries and implement the NSW Government's *Risk-Based Framework for Considering Waterway Health Outcomes in Strategic Land-use Planning Decisions* in local strategic planning and local plans to support improved water quality and ecological function;
- Align local plans with any certified Coastal Zone Management Plan or certified Coastal Management Program.

Under Objective 12, and part of Action 4, the regional Councils are the lead agencies for the following strategies:

- Support community led development of resilience and adaptation plans;
- Reduce exposure to natural hazards in local strategic planning and local plans.
- Take a risk-based-approach to determining sea level rise local strategic planning and local plans by using the best available science in consultation with the NSW Government.

Under Objective 13 the regional Councils are the lead agencies for the following strategy:

- Foster opportunities to increase urban tree canopy coverage in local strategic planning and local plans and consider a long-term urban tree canopy target accounts for local characteristics and community expectations.

Under Objective 14, and part of Action 5, the regional Councils are the lead agencies for the following strategy:

- Enhance and increase access to public spaces through local strategic planning and local plans.

Under Objective 15, and part of Actions 6 and 7, the regional Councils are the lead agencies for the following strategies:

- Encourage initiatives that reduce emissions in local strategic planning and local plans;

Report of the Director Environmental Services

12.9 Submission on Draft Illawarra Shoalhaven Regional Plan 2041 (cont)

- Encourage energy efficient building design for residential, commercial and industrial areas in local strategic planning and local plans.

Under Objective 16 the regional Councils are the lead agencies for the following strategy:

- Support the development of a circular economy including understanding opportunities for industrial symbiosis in local strategic planning and local plans

Under Objective 17 the regional Councils are the lead agencies for the following strategy:

- Encourage sustainable use of water resources in local strategic planning and local plans.

These Objectives, actions and strategies closely align to the following Planning Priorities of the Kiama LSPS 2020:

Planning Priority 10 Conserve areas of environmental significance

Planning Priority 11 Responsibly manage resources and waste

Planning Priority 12 Plan for and adapt to the impacts of natural hazards and the changing climate

A region that values its people and places

Under this theme the following objectives have been identified:

Objective 18 Provide housing supply in the right locations

Objective 19 Deliver housing that is more diverse and affordable

Objective 20 Establish a shared vision for the future of Bombo Quarry lands

Objective 21 Respond to the changing needs of local neighbourhoods

Objective 22 Embrace and respect the region's local character

Objective 23 Celebrate, conserve and reuse cultural heritage

Objective 24 Support major events, public art and cultural activities

Two actions have been identified under this theme.

Action 8 Establish the Illawarra Shoalhaven Affordable Housing Roundtable with Councils, community housing providers and the NSW Government to collaborate, build knowledge and identify barriers to increase the supply of affordable housing

Action 9 Develop a shared vision for the future of Bombo Quarry lands in collaboration with Kiama Municipal Council, landowners and the community.

Report of the Director Environmental Services

12.9 Submission on Draft Illawarra Shoalhaven Regional Plan 2041 (cont)

Under Objective 18, the regional Councils are the lead agencies for the following strategies:

- Identify urban growth boundaries and facilitate opportunities to create an ongoing supply of housing in local strategic planning and local plans;
- Facilitate housing opportunities in existing urban areas, particularly within strategic centres through local strategic planning and local plans.

Of particular interest, Council should note that the draft Regional Plan does not contain any numerical population/dwelling projections for any of the council areas, including the Kiama Municipality. A specific Collaborative Activity has been identified for the NSW Department of Planning, Industry & Environment to work with Kiama Municipal Council on the development of a Local Housing Strategy. This is a specific action of the Kiama LSPS 2020, to be completed in the 2021/2022 financial year period.

Under Objective 19 the regional Councils are the lead agencies for the following strategy:

- Provide for and encourage a range of housing choices in local strategic planning and local plans.

Under Objective 20, Action 9 specifically relates to the Kiama Municipality. As part of this Action a shared vision for the future of Bombo Quarry in collaboration with Kiama Municipal Council, landowners and the community.

Under Objective 21 the regional Councils are the lead agencies for the following strategy:

- Consider the changing needs of local neighbourhood centres in local strategic planning and local plans

Under Objective 23 the regional Councils are the lead agencies for the following strategy:

- Identify, conserve and enhance cultural heritage values in in local strategic planning and local plans

Under Objective 24 the regional Councils are the lead agencies for the following strategy:

- Support public art, major events and cultural activities in local strategic planning and local plans

These objectives, actions and strategies closely align to the following Planning Priorities of the Kiama LSPS 2020:

Planning Priority 1 Plan for and balance housing supply and demand

Planning Priority 2 Champion Architectural Excellence

Planning Priority 13 Support and create vibrant places

Planning Priority 14 Identify and safeguard areas & items of heritage significance

Planning Priority 15 Celebrate and protect local character

A smart and connected region

Under this theme the following objectives have been identified:

- Objective 25** Collaborate to leverage opportunities from Western Sydney's growth
- Objective 26** Create faster rail connections between Greater Sydney, Wollongong and Nowra
- Objective 27** Protect major freight networks
- Objective 28** Create connected accessible walking and cycling networks
- Objective 29** Utilise smart infrastructure to drive resilience, prosperity and vibrant places
- Objective 30** Prepare for mobility changes that improve connectivity and sustainability

Under Objective 27 the regional Councils are the lead agencies for the following strategy:

- Optimise the efficiency and effectiveness of the freight handling and logistics network in local strategic planning and local plans.

Under Objective 28 the regional Councils are the lead agencies for the following strategy:

- Create connected and accessible walking and cycling networks in local strategic planning and local plans.

Under Objective 29 the regional Councils are the lead agencies for the following strategy:

- Consider how smart technology and the Internet of Things can be integrated into in local strategic planning and local plans, including consideration of how it can improve community engagement and information sharing in the planning process.

Under Objective 30 the regional Councils are the lead agencies for the following strategies:

- Support technology-enhanced mobility changes through local strategic planning and local plans by providing flexibility in the way centres are planned

These objectives, actions and strategies closely align to the following Planning Priorities of the Kiama LSPS 2020:

Report of the Director Environmental Services

12.9 Submission on Draft Illawarra Shoalhaven Regional Plan 2041 (cont)

Planning Priority 3 Connect the Municipality

Planning Priority 4 Support the delivery of required infrastructure

Kiama Local Strategic Planning Statement 2020

Staff have been involved, as part of a regional working group, in the developing the plan. This collaborative approach has ensured that the draft Regional Plan and Kiama LSPS 2020 are consistent with each other.

The current Regional Plan outlines a population/dwelling projection for the Kiama Municipality. This figure, of an additional 2,850 dwellings by 2036, has been a point of conjecture for the Council and community. With the removal of any numerical projections and a commitment to collaborate with Council in preparing a Local Housing Strategy, the draft Regional Plan removes this conjecture.

The draft Regional Plan is consistent with, compliments and supports the vision and associated Planning Priorities and Actions of the Kiama LSPS 2020.

Of particular interest, Council should note that the draft Regional Plan does not contain any numerical population/dwelling projections for any of the council areas, including the Kiama Municipality. A specific Collaborative Activity has been identified for the NSW Department of Planning, Industry & Environment to work with Kiama Municipal Council on the development of a Local Housing Strategy. This is a specific action of the Kiama LSPS 2020, to be completed in the 2021/2022 financial year period.

Conclusion

The attached submission demonstrates Council appreciation to being involved in the drafting process to date, and makes some suggestions for improving accessibility of the draft, such as the inclusion of a table, contained within an appendix, which lists all the actions, strategies and collaborative activities and shows the lead agency.



Phone enquiries:
4232 0444

Reference:

12 December 2020

Sarah Lees
Director, Southern Region
Department of Planning, Industry and Environment

Submission – draft Illawarra Shoalhaven Regional Plan 2041

Kiama Municipal Council would like to take this opportunity to thank you for allowing us to work collaboratively with the Department on the preparation of the draft Regional Plan.

The development of the plan has been a significant piece of work that helps to set the future direction for the region. It is pleasing that the plan provides a clear linkage to our Local Strategic Planning Statement and has been clearly lead by the community's priorities.

The following comments are provided for consideration:

- Council supports the changes to the plan that have provided a more regional focus rather than specific dwelling targets and which has allowed for priority to be placed on existing greenfield growth areas in Shoalhaven, Wollongong and Shellharbour, acknowledging the significant constraints that are faced within the Kiama Municipality. Council is supportive of the removal of any numerical population/dwelling projections from the draft Regional Plan, as this has been a point of conjecture for some time. Council look forward to collaborating with the Department in preparing our Local Housing Strategy in the near future.
- Council acknowledges that our community may have made submissions directly to the Department regarding the plan and that the content of these submissions is not currently known by Council. We are sure that these submissions will be considered as part of the processing being undertaken by the Department.
- We do wish to provide a proposed change to the plan which has not been highlighted in our previous discussions and this relates to the Bombo Quarry. Whilst we acknowledge that the requirement within the plan is to create a community and Council vision for the site, we would like to ensure that emphasis remains on the needs for commercial opportunities to be included within this future vision. Given the limited commercial growth opportunities available within Kiama, it is important for emphasis to be placed within the plan that provides the opportunity for economic growth to secure jobs for our community in the future.
- The draft Regional Plan also no longer refers to the regionally important agricultural lands project. A number of actions of the Kiama Local Strategic Planning Statement are dependent on the finalisation of this project, which currently sits with the NSW Government.

All correspondence General Manager PO Box 75 Kiama NSW 2533 11 Manning Street Kiama NSW 2533
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- No mention is made to the importance of regional weed management in protecting important environmental assets. The ongoing management of weeds is a priority of the Illawarra Shoalhaven Joint Organisation and should be included as a collaborative activity under Objective 11.

To improve accessibility of the draft, it is suggested that the final Regional Plan contain a table, potentially contained within an appendix, which lists all the actions, strategies and collaborative activities and shows the lead agency.

Should you have any further enquiries in regard to this matter please contact Edward Paterson on 4232 0444.

Yours faithfully



Jessica Rippon
Director Environmental Services

13 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES

13.1 Council managed crown 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

At 3 November 2020 Extraordinary meeting, Council resolved to defer consideration of proposed categorisations of five Council managed crown reserves pending further investigation and consultation with Crown Lands. Council also resolved to endorse categorisations of the remaining crown land parcels in association with the future draft Plan of Management.

Council staff discussed the remaining land categorisations with Crown Lands on 1 December 2020. This report recommends the adoption of potential categories over the identified crown reserves.

Finance

N/A

Policy

Crown Land Management Act 2016 and Regulations

Local Government Act 1993 and Regulations

Consultation (Internal)

N/A

Communication/Community Engagement

Briefing of Councillors on 2 December 2020

Attachments

- 1 Correspondence from Crown Lands [↓](#)
- 2 Blowhole Point Reserve R87397 [↓](#)
- 3 Kiama Showground D580000 and Coronation Park R131 [↓](#)
- 4 Gerringong Harbour R76339 [↓](#)
- 5 Seven Mile Beach R83972 [↓](#)
- 6 Ourie Park R80816 [↓](#)

Enclosures

Nil

Report of the Director Corporate and Commercial Services

13.1 Council managed crown land - categorisations (cont)

RECOMMENDATION

That Council notify the Minister of the land categorisations listed below in association with a draft Plan of Management for the identified crown reserves:

1. Reserve D580000 – Kiama Showground
Categorisations: General Community Use, Sportsground, Natural Area – Escarpment
2. Reserve R131 - Coronation Park
Categorisations: General Community Use, Sportsground, Park, Natural Area – Foreshore, Natural Area - Escarpment
3. Reserve R87397 – Blowhole Point Reserve (Bombo Beach section)
Categorisations: General Community Use, Park, Natural Area – Foreshore
4. Reserve R76339 – Gerringong Boat Harbour
Categorisations: General Community Use, Park, Natural Area - Foreshore
5. Reserve R83972 – Seven Mile Beach Reserve
Categorisations: General Community Use, Park, Natural Area – Foreshore, Natural Area – Bushland
6. Reserve R80816 – Ourie Park (Werri Beach Holiday Park)
Categorisations: General Community Use, Park, Natural Area – Foreshore.

BACKGROUND

At 3 November 2020 Extraordinary Meeting of Council a report was prepared recommending that Council endorse land categories for Council managed crown land in order for the draft Plan of Management to be prepared for public exhibition. It was identified that three crown reserves required further consultation with Crown Lands and Councillors requested that categories for a further two reserves be re-considered by the Minister.

Council staff met with Crown Lands to discuss the unresolved land categorisations on 1 December 2020. The meeting was also attended by a representative of the Office of Local Government (OLG). In addition, a briefing of Councillors took place on 2 December 2020 to advise the outcome of the meeting with Crown Lands.

The advice of Crown Lands is that it is preferred and appropriate, at this stage, for Council to only nominate potential categorisations to apply to each reserve. The maps attached to this report indicate the potential categorisations that could be applied over the respective reserves. In this regard, Council will separately resolve to place the draft Plan of Management on public exhibition sometime in early 2021. The Minister will grant concurrence as landowner for the categorisations at that time in order for the public to make comment in association with the exhibited draft Plan of Management. Crown Lands have provided correspondence to this effect and it is included as an attachment to this report.

Report of the Director Corporate and Commercial Services

13.1 Council managed crown land - categorisations (cont)

The outcomes of the meeting with Crown Lands pertaining to the respective reserve categorisations is summarised below:

1. Kiama Showground

In the most recent report to Council, Kiama Showground/Chittick Oval were recommended to be categorised as *General Community Use* with a section of the ocean rock platform and cliff proposed as *Natural Area – Escarpment*.

Following the meeting with Crown Lands, the draft Plan of Management will consider proposed categorisations including *Natural Area – Escarpment*, *Sportsground* and *General Community Use*.

2. Coronation Park

Following the meeting with Crown Lands, the draft Plan of Management will consider proposed categorisations including *Natural Area – Escarpment*, *Natural Area – Foreshore*, *Sportsground*, *Park* and *General Community Use*. The areas of land included within this reserve include the Surf Beach Holiday Park, Chapman Point Reserve, Coronation Park, Kiama SLSC and Surf Beach.

3. Blowhole Point Reserve (Bombo Beach section)

The section of Blowhole Point Reserve in question includes Bombo Beach and the southern headland of the beach. These areas were recommended to be categorised *General Community Use* by staff and Crown Lands.

Following the meeting with Crown Lands, the draft Plan of Management will consider proposed categorisations including *Natural Area – Foreshore*, *Park* and *General Community Use*.

4. Gerringong Boat Harbour

The reserve was proposed to be categorised *General Community Use* by staff and Crown Lands.

Following the recent meeting with Crown Lands, the draft Plan of Management will consider proposed categorisations including *Natural Area – Foreshore*, *Park* and *General Community Use*.

5. Seven Mile Beach Reserve

In the most recent report to Council, staff recommended *General Community Use* categorisation for the beach area of Seven Mile Reserve. The Holiday Park as *General Community Use* and the bushland area of the reserve between Crooked River Road and Seven Mile Beach as *Natural Area - Bushland* were previously considered.

Following the recent meeting with Crown Lands, the draft Plan of Management will consider proposed categorisations of the beach area of the reserve including *Natural Area – Foreshore*, *Natural Area – Bushland* and *Park*. The other parts of the reserve are not intended to be categorised differently to what Council had previously considered.

Report of the Director Corporate and Commercial Services

13.1 Council managed crown land - categorisations (cont)

6. Ourie Park

Following the recent meeting with Crown Lands, the draft Plan of Management will consider proposed categorisations of the beach area of the reserve including Natural Area – Foreshore and Park. The Holiday Park area will be General Community Use.

A report will be prepared for Council in 2021 recommending a draft Plan of Management be placed on public exhibition. The maps attached to that report will nominate specific categorisations over each crown land parcel for public consultation.

Item 13.1



Planning,
Industry &
Environment

File number: LBN20/2233

Mr Kerry McMurray
Kiama Municipal Council
PO Box 75
KIAMA NSW 2533

Attn: Brooke Ramaekers

Dear Mr McMurray

Subject: Kiama Municipal Council – review of initial assignment of categories

Following a request from Council, discussions with council staff and Office of Local Government, I have reviewed the initial assigned categorisations of six Crown reserves under section 3.23 of the *Crown Land Management Act 2016* (the CLM Act).

This review is now complete, and Council is required to alter the assigned categories to those listed in Attachment 1, in accordance with section 3.23(5) of the CLM Act, as the Minister considers that:

- a) *the assigned category is not the most closely related to the purposes for which the land is dedicated or reserved, or*
- b) *the management of the land by reference to the assigned category is likely to materially harm the use of the land for any of the purposes for which it is dedicated or reserved.*

In undertaking this review and making this direction, the department considers those categories that most closely relate to the whole of the reserve and its reserve purpose(s).

Confirmation of categorisations provided for other Crown reserves in my previous letter (Ref: LBN20/1115) remain in place.

At the draft Plan of Management (PoM) stage, it is the Council's responsibility to clearly identify and map where these categorisations will apply within each reserve. The preparation of the draft PoM is the stage where Council may wish to alter the categorisation of reserve. The department will then consider if the alteration of the PoM is likely to materially harm the use of the land for its reserve purpose (section 3.23(7)(d) of the CLM Act). The draft PoM is also the stage where the community is able to have their say on the uses of these reserves.

I encourage Council to progress the preparation of draft Plans of Management (PoMs). When preparing the PoM please carefully consider the reserve purpose. All activities on the reserve must be consistent with the reserve purpose and *Native Title Act 1993* (Cth). Please note that under the *Local Government Act 1993* (LG Act), draft PoMs require referral to the landowner prior to public exhibition. Further guidance about the preparation of draft PoMs is available via <https://www.olg.nsw.gov.au/content/council-crown-land-managers-resources>.

If you have any further questions or need assistance, please contact the Council Crown Land Management Team at council.clm@crowmland.nsw.gov.au.

437 Hunter Street Newcastle NSW 2300
PO Box 2185 Dangar NSW 2309
Tel: 1300 886 235 www.industry.nsw.gov.au/lands ABN: 20 770 707 468

Yours sincerely



Janelle Pearson
Principal Policy and Project Manager
Department of Planning, Industry and Environment – Crown Lands
3/12/2020

Encl:
Attachment 1: *Schedule of Crown reserves directed for categorisation*

Attachment 1: Schedule of Crown reserves directed for categorisation

Council is directed to re-categorise the reserve as outlined below in accordance with section 3.23(5) of the Act so as not to cause, or be likely to cause, material harm.

Reserve No.	Purpose(s)	Direction
R76339 (Cooke Park – Gerringong Boat Harbour)	Public Recreation	General Community Use Park Natural Area (foreshore)
R83792 (Seven Mile Beach)	Public Recreation	General Community Use Natural Area (bushland) Park Natural Area (foreshore)
R87397 (Blowhole Point Reserves)	Public Recreation	General Community Use Park Natural Area (foreshore)
R80816 (Ourie Park, Werri Beach Holiday Park)	Public Recreation	General Community Use Park Natural Area (foreshore)
R131 (Coronation Park)	Public Recreation	General Community Use Park Sportsground Natural Area (escarpment) Natural Area (foreshore)
R580000 (Kiama Showground)	Public Recreation Showground	General Community Use Sportsground



**Crown Land Classification
Blowhole Point Reserve
R87397**

Categories

- General Community
- Natural Area - Escarpment
- Natural Area - Foreshore
- Park



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Base data 03/12/20

Scale: 1:2000 @A4

Projection: GDA 1994
MGA Zone 56

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Crown Land Classification
 Kiama Showground
 D580000

Categories

- General Community
- Natural Area - Escarpment
- Sportsground

Crown Land Classification
 Coronation Park
 R131

Categories

- General Community
- Natural Area - Escarpment
- Natural Area - Foreshore
- Sportsground
- Park



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Projection: GDA 1994
 MGAZone 56
 S.c.#: 1,5000@A4

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**Crown Land Classification
Gerringong Harbour
R76339**

Categories

- General Community
- Natural Area - Foreshore
- Park



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Projection: GDA 1994
MGA Zone 56

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**Crown Land Classification
Seven Mile Beach
R83972**

Categories

- General Community
- Natural Area - Bushland
- Natural Area - Foreshore
- Park



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Scale: 1:6000 @A4

Projection: GDA 1994
MGA Zone 56

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Item 13.1

Attachment 6

13.2 Footpath Dining Policy review

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 13.2

Summary

Council resolved at the 20 October 2020 meeting to place the revised draft Footpath Dining Policy on public exhibition for 28 days. It is recommended the revised policy be adopted.

Finance

The revised Footpath Dining Policy incorporates rent payable based on the footpath area replacing the per chair “rental” rate.

Policy

Roads Act 1993

Footpath Dining Policy

Public Land Management Guidelines

Consultation (Internal)

Nil

Communication/Community Engagement

The draft revised Footpath Dining policy was placed on public exhibition for comment and five submissions were received. The matters raised in the submissions are addressed in the background section of this report.

Attachments

- 1 Draft Footpath Dining Policy 2020 [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council adopt the revised Footpath Dining Policy attached to this report.

BACKGROUND

Council’s revised Footpath Dining Policy was scheduled for review in 2020. The only significant changes relate to:

Report of the Director Corporate and Commercial Services

13.2 Footpath Dining Policy review (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.

Submissions

The issues raised in submissions and commentary are addressed in the following table.

Issue	Commentary
Footpath maintenance required	Council undertakes maintenance in accordance with general road and footpath asset maintenance. Footpath dining consents require the operator to repair damage from their usage as well as cleaning from operations.
Have a two-tiered pricing structure	The policy proposes continuation of the two-tiered pricing structure with Kiama and Gerringong commercial areas the highest tier.
No application fees or rental fees	Council only charges an application fee every three years with the consent term. Recurring charges for footpath usage are applied by most Council's and is appropriate as operators are deriving a commercial benefit from a public asset.
No charge for use of footpath with public health order restrictions on usage in place	Council has not charged footpath dining operators since 24 March 2020 with the initial Public Health Order. The 1 December 2020 Public Health Order will enable operators to use the footpath area generally as occurred pre-COVID. Council resolved at its meeting on 17 November 2020 to reintroduce fees from 1 January 2021.
Operators should be charged for use of footpath	Operators will continue to be charged under the new policy.
Define footpath areas for better management and improved pedestrian accessibility	Footpath dining areas will be marked in order to define the ground area for which rental will be paid to Council.

Fees

The new fee structure in the main will not have a detrimental impact in relation to current fees paid by footpath dining operators. The change from a per chair rate to amount of footpath area used will in most cases result in only minor changes to current fees. As reported to Council in October it is not possible to expect the same fees when migrating to a new fee structure.

Council responded appropriately to COVID-19 in relation to the impact on footpath dining and has not required footpath dining operators to pay fees from 24 March 2020. However, footpath dining fees will be required to be paid in accordance with the new policy from 1 January 2021. New footpath dining consents are due to be issued this month for the next three-year period so it is opportune to introduce the new fee structure in conjunction with the new footpath dining consents.

Footpath dining operators will continue to be responsible for compliance with the relevant public health orders in place. The NSW government recently relaxed the outdoor dining occupation requirement from 1 person/4 square metres to 1 person/2 square metres. This is not dissimilar to the “pre-pandemic” situation where a rate of 1 person/1.6m² for outdoor dining spaces was normal. On this basis, there is no justification to adjust the proposed new fee structure. However, in the event the public health orders revert to more restrictive capacities, Council should consider a pro rata adjustment of fees accordingly.

The new fee structure in the revised policy is expressed in the table below:

Kiama and Gerringong commercial areas	all other areas
\$120/m ² per annum	\$90/m ² per annum

In comparison, the Wollongong CBD average rate is \$130/m² and Shellharbour main commercial areas \$145/m². The outer suburbs of Wollongong attract a \$60/m² rate and Shellharbour \$112/m².

Therefore, the proposed new rate for Kiama Local Government Area is reasonable on a comparative basis and is not a disincentive to the establishment of new footpath dining in accordance with the revised policy. The rates are also consistent with recent NSW government initiatives to ensure footpath dining is facilitated across NSW which specifically seeks changes to the Exempt and Complying SEPP. It should be noted the identified changes to the SEPP at this stage will not adversely impact the revised footpath dining policy. The main change to the SEPP is to eliminate the need for pubs and bars to need a development application for footpath dining. This is supported as the footpath dining consent issued under the Roads Act contains the necessary operating conditions.

The fixed rental for the allocated footpath area is a more simplified and equitable approach. The new rental based system will:

- 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
- ensure the Footpath Dining Policy is responsive to Public Health Orders without frequent and time consuming staff intervention.



Footpath Dining Policy



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date approved/adopted	14 December 2004
Resolution No	N/A
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
Supporting documents	Click to enter links

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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; and Fern Street Gerringong where it is two and one half metres corresponding with footpath awning support structures along the footpath.

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 plus GST 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 accompanying Application for Footpath Dining form with the application fee.

7.0 Document control

Date reviewed	Date adopted	Amendment
20 May 2008	20 May 2008	-
15 April 2014	15 April 2014	-
20 March 2019	20 March 2019	1. Document re-formatting 2. Correcting an anomaly and clarifying a three metre footpath pedestrian zone in Terralong Street between Railway Parade and Collins Street.

8.0 Signature

Name: Click or tap here to enter name.	Date: Click or tap to enter a date.
Signature: <div style="background-color: #e0f0ff; height: 40px; width: 100%;"></div>	

How to contact Council

Post

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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

13.3 Revision to Council's Fees and Charges

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

CSP Strategy: 4.1 Council is financially sustainable

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

Item 13.3

Summary

Council has six community (public) halls for casual hiring including one facility operated by a committee on behalf of Council. After Council assumed responsibility for the management of the North Kiama Neighbourhood Centre (NKNC) in August, it became apparent that the fee structures across the six halls required review to achieve consistency. This report recommends the Fees and Charges relating to public halls be reviewed and exhibited for public comment.

The report also recommends changes to native title assessment fees as well as holiday van fees in order to improve administration and practices.

Finance

Changes to Council's Fees and Charges requires public advertising.

Policy

Local Government Act 1993

Consultation (Internal)

Staff involved with hiring of public halls, permits for the use of public reserves and holiday parks

Communication/Community Engagement

Changes to fees and charges are advertised as per the requirements of the Local Government Act 1993.

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council advertise revised Fees and Charges in relation to public hall hire, native title assessment fees and holiday van fees as detailed in the background section of this report in accordance with the requirements of the *Local Government Act 1993*.

Report of the Director Corporate and Commercial Services

13.3 Revision to Council's Fees and Charges (cont)

BACKGROUND

Public halls

Council has directly managed four public halls across the local government area for a considerable period of time. These include the Joyce Wheatley Centre, Gerringong Town Hall, Werri Beach Progress Hall and Jamberoo School of Arts. With regard to the Jamberoo Youth Hall, Council resolved at the Extraordinary Meeting of 30 June 2020 to adopt specific fees that were proposed by the committee managing the facility.

In August 2020 Council commenced direct management of the North Kiama Neighbourhood Centre (NKNC), having operated under lease agreement for the previous 24 years. The fees and charges established for the NKNC took place before Council assumed management responsibility for the facility. In the subsequent period more information has been provided to Council regarding prevailing fee structures for users such as not for profit (NFP) groups.

It is considered important to create parity with regard to Council's fees and charges for the use of public hall facilities. The inconsistencies predominantly relate to fees for NFPs. In addition, there is minor inconsistency with some established fees across the six halls which can be rectified as part of this review.

It is not considered appropriate to wait for the next financial year to introduce the desired changes. Public halls exist to provide access for individuals and groups in the community and the appropriate setting of fees supports community involvement and participation.

The following table outlines the proposed changes to Council's Fees and Charges relating to public halls. The facilities are listed in a tiered-fee structure arrangement which is currently in place. The proposed variations to the current fees and charges are shown in bold including dollar (\$) variance. The changes are intended to create more uniformity across Council's fees structure. Where fees are proposed to increase (see Table 1), there is not expected to be any impact on current user groups based on consultation undertaken with staff directly managing bookings for the facilities in question. The new fees proposed to be introduced are shown by colour (relating specifically to NFP's).

No changes are proposed for the Jamberoo Youth Hall on the basis Council adopted fees and charges for that facility on 30 June 2020 following the specific request of the Jamberoo Youth Hall Committee.

In conjunction with the proposed changes, the current fees for the use of Gerringong Town Hall in relation to "charity groups, senior citizens and pensioner groups" and "Gerringong Pics and Flicks" will be abolished to avoid confusion.

The Old Fire Station is not included in this review as the current fees and charges relate to the dedicated use of that facility for art exhibitions and art/craft workshops consistent with the arts precinct concept around Hindmarsh Park.

Report of the Director Corporate and Commercial Services

13.3 Revision to Council's Fees and Charges (cont)

Table 1

	Casual Hire	Casual Hire	Casual Hire	Regular Hirer	Regular Hirer	Regular Hirer	NFP	NFP	NFP
	hour (\$)	half-day (\$)	full day (\$)	hour (\$)	half-day (\$)	full day (\$)	hour (\$)	half-day (\$)	full day (\$)
Gerringong Town Hall	100	400	800	60 (-4)	250	500	20 (-20)	60	100
Joyce Wheatley Centre	100	400	800	60	250	400	20	60	100
Jamberoo School of Arts	100	350	700	60 (-1)	200	400	20	60	100
North Kiama Neighbourhood Centre	40	200	400	30	150	300	20	60	100
Werri Beach Progress Hall	40 (-20)	200	400	30 (-9)	150(+25)	300(+50)	20 (-5)	60	100
Jamberoo Youth Hall	40	200	400	30	150	300	20	50	80

Notes:

1. "regular hirer" defined as user of a facility a minimum six times in calendar year
2. "half-day" hiring equates to a five-hour usage period
3. Jamberoo Youth Hall additionally have regular Jamberoo community regular hirers that pay an annual fee as described in Council's Fees and Charges

Native Title assessment fees

With the introduction of the *Crown Land Management Act* in 2018, Council was required to take responsibility for the assessment of native title issues on Council managed crown land. Council's fees and charges include provision for a \$55 fee to be paid with any application to Council for uses and activities on Council managed crown land.

On the basis that particular groups are currently exempt from paying licence fees to Council for the use of public reserves under permit/licence arrangements, it is necessary to revise the fees and charges to specifically exempt the same groups from having to pay the native title assessment fee. The specific groups proposed to be exempt from the native title assessment fee are school based groups, charities and charitable fund-raising groups, community groups based within Kiama LGA and not-for-profit groups.

Holiday van fees

Council has undertaken a review of the Occupation Agreements for holiday vans. As part of this review there is a requirement to introduce a new fee relating to holiday van connections to toilet and shower facilities. Currently there is a charge for annex installation as well as electricity access. The proposed new fee will be \$95 and called an "application for plumbing and drainage install."

Report of the Director Corporate and Commercial Services

13.3 Revision to Council's Fees and Charges (cont)

It is also necessary to introduce a new fee to enable Council to apply interest on overdue holiday van annual fee payments. The proposed fee will be at a rate equivalent to 2% above the interest charged by the Commonwealth Bank on an unsecured loan on the first business day of the month that interest becomes payable.

Due to the total number of holiday vans and the corresponding cumulative revenue received by Council, the instance of non-payments represents a financial risk to Council and it is appropriate to institute a charge.

Item 13.3

13.4 Statement of Investments - November 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 November 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 - November 2020 [↓](#)

Enclosures

Nil

RECOMMENDATION

That Council receive and adopt the information relating to the Statement of Investments for November 2020.

BACKGROUND

Attached is a copy of the Statement of Investments for November 2020.

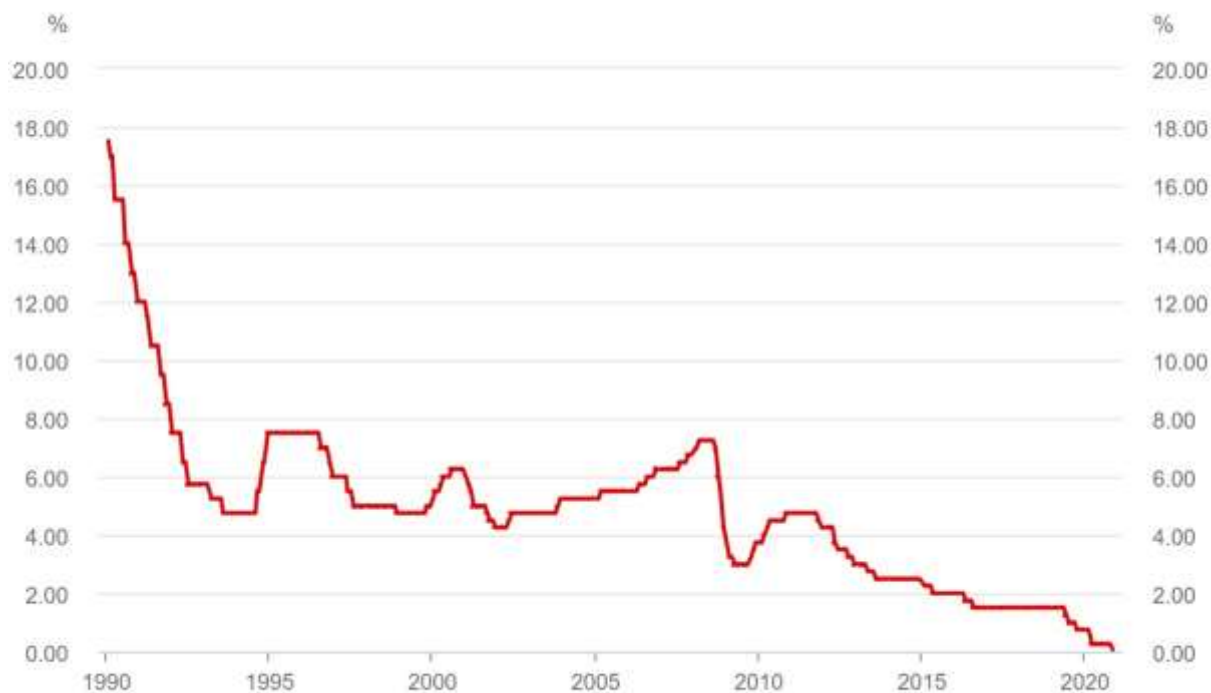
Investment commentary

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 4 November 2020 has seen the cash rate reduce by -0.15 % points to 0.10%.

Graph of the Cash Rate Target



Source: RBA

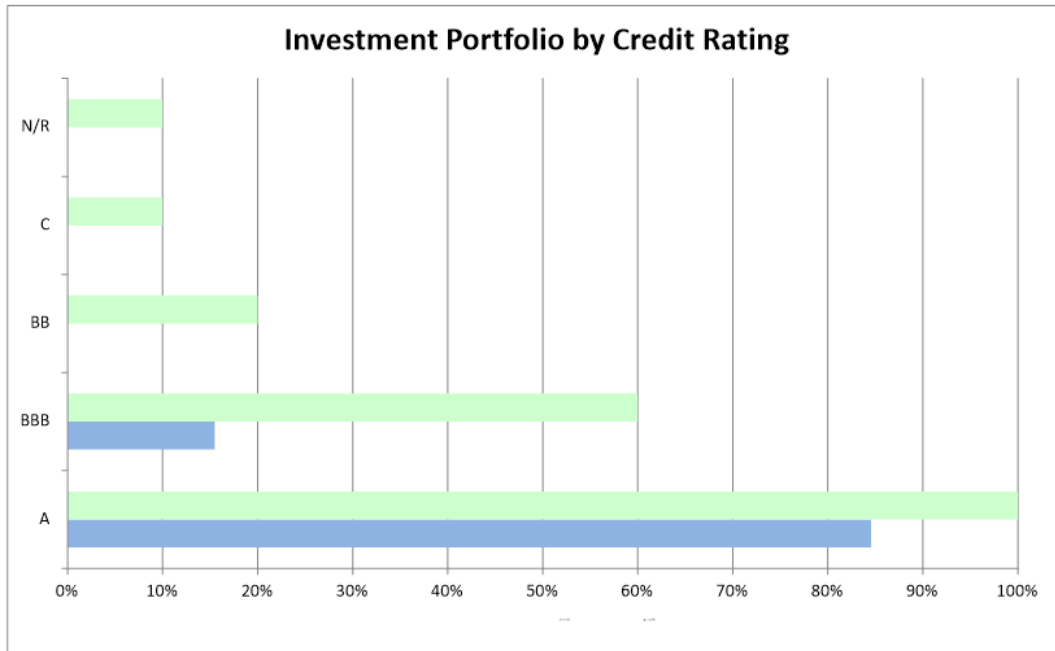
Certification – Responsible Accounting Officer

I hereby certify that the investments listed in this report have been made in accordance with Section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2005* and Council’s Investment Policy.

(b) Council Investments as at 30 November, 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	750,000	Term Deposit	28/09/20	29/03/21	182	0.55
Bank of Qld	BBB+	1,000,000	Term Deposit	21/10/20	21/07/21	273	0.64
Bank of Qld	BBB+	1,000,000	Term Deposit	02/09/20	02/03/21	181	0.75
Bank of Qld	BBB+	1,000,000	Term Deposit	21/10/20	21/07/21	273	0.64
Commonwealth Bank	AA-	1,000,000	Term Deposit	21/10/20	21/10/21	365	0.61
Suncorp	A	1,000,000	Term Deposit	25/11/20	25/05/21	181	0.38
Suncorp	A	1,000,000	Term Deposit	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	07/10/20	07/04/21	182	0.60
NAB	AAA	1,000,000	Term Deposit	14/10/20	14/04/21	182	0.55
NAB	AAA	1,000,000	Term Deposit	04/11/20	04/11/21	365	0.55
NAB	AAA	1,000,000	Term Deposit	11/11/20	11/08/21	273	0.50
NAB	AAA	1,000,000	Term Deposit	18/11/20	18/11/21	365	0.55
NAB	AAA	1,000,000	Term Deposit	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	1,018,005	Floating Rate Note	28/09/18	06/02/23	1592	1.50
Total Term Deposits & FRNs		20,271,882					0.67
TcorpIM Cash Fund	AAA	8,468,394	Cash Fund			AT CALL	0.70
Westpac	AA-	8,560,528	Bank Account	-		AT CALL	0.00
Total 'At Call' Funds		17,028,922					0.00
TOTAL CASH & INVESTMENTS		37,300,805				Average Rate- Nov 2020	0.39
						Average Rate- Nov 2019	1.86
TOTAL INVESTMENTS Oct 2020		33,508,986	10.17%	Change in total investment over prev 1 month			
TOTAL INVESTMENTS Nov 2019		26,495,550	28.97%	Change in total investment over prev 12 months			

Note: The Westpac Bank Account balance shown above of \$8.56M 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%	85%	\$31,532,800
A-	40%	0%	\$0
BBB to BBB+	30%	15%	\$5,768,005
BBB- and below	5%	0%	\$0
BBB- and below	5%	0%	\$0
			\$37,300,805

(c) Application of Invested Funds

Restricted Funds:	Description	Value (\$)
Externally Restricted	Developer Contributions	4,311,473
	Unexpended Grants	549,032
	Domestic Waste	3,352,825
	Waste & Sustainability	414,590
	Illawarra Shoalhaven Joint Organisation	22,332
Internally Restricted	Employees leave entitlement	2,220,000
	Carry over works	4,108,320
	Blue Haven ILU	461,115
	Blue Haven care – residential	1,517,602
	CACP	4,045
	Community bus	399,127
	Computer	320,128
	Future Projects	500,000
	Council Elections	145,000
	Holiday parks	959,050
	Land development	2,601,787
	Plant replacement	1,513,909
	Regional carer respite centre	234,245
	Waste business unit	1,262,427
	Energy Efficiency	124,540
	Risk Improvement Incentive	105,237
	Unexpended TCorp Loan	1,982,575
Unrestricted Funds:	Funds to meet current budgeted expenditure	10,191,447
TOTAL INVESTMENTS		37,300,805

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

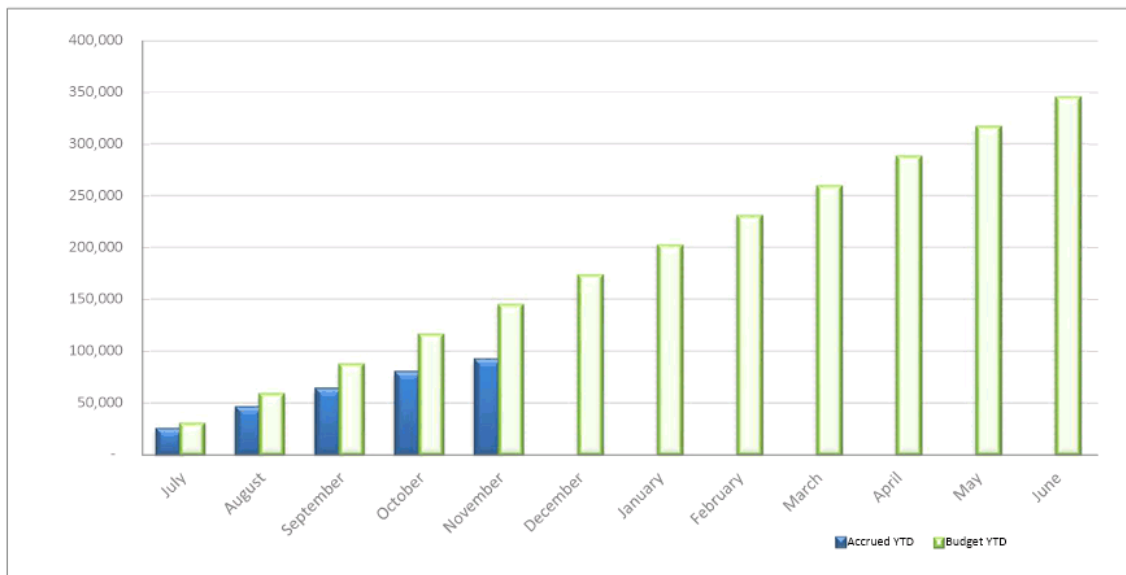
	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month average	0.39	0.02
3 month average	0.58	0.06
6 month average	0.74	0.08
12 month average	1.04	0.33

Council Investment Performance Compared to Benchmark



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

Accrued Interest Compared to Budget as at 30 November, 2020



14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

14.1 Delegations over 2020/21 Christmas period

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

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

Delivery Program: 4.2.1 Manage effective risk framework across council

Summary

This report recommends a temporary amendment to delegations to allow for the General Manager and the Mayor, or Deputy Mayor, to accept tenders satisfying the necessary legislative criteria from 16 December 2020 through to 31 January 2021

Finance

The operational or capital expenditure for any tenders considered during the Christmas period will be made available from appropriate approved budgets as reported and adopted by Council.

Policy

All Tenders considered will be undertaken in accordance with the Local Government Tender Regulations 2005.

Consultation (Internal)

The matter of tenders and delegations has been discussed internally with all Directors and the General Manager.

Communication/Community Engagement

Not required

Attachments

Nil

Enclosures

Nil

RECOMMENDATION

That Council delegate to the General Manager and the Mayor, or Deputy Mayor, the authority to accept tenders under Request for Tender processes between 16 December 2020 and 31 January 2021, with a report on the exercise of such delegation to be provided to the first Ordinary meeting of Council in February 2021.

Report of the Director Engineering and Works

14.1 Delegations over 2020/21 Christmas period (cont)

BACKGROUND

In accordance with the requirements of the Local Government Act 1993, specifically in relation to the requirement for Council to regularly review its delegations, Council considered and confirmed delegations to the General Manager at its meeting of 22 September 2020. Council resolved unanimously, 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
2. Specific Council functions ... [not relevant to this report]
3. The authority to approve Development Applications ...[not relevant]
4. The authority to –
 - a. delegate ‘appropriate persons’ under Division 1, Part 164 of the Local Government (General) Regulation 2005 (NSW); ...

Items 1 and 4 above effectively requires Council to approve the acceptance of tenders required to be invited pursuant to section 55 of the Local Government Act 1993 (generally worth \$250,000 or more).

This report seeks a temporary amendment to these delegations to allow continued progress of project delivery across the 2020-2021 Christmas/New Year period.

PROPOSAL

There is a seven (7) week period between the December 2020 Ordinary Meeting of Council, and the first Ordinary Meeting scheduled for the first week of February 2021. At the present time, tenders in-progress likely to need accepting across the December/January period are anticipated to be:

- VP/210669 Supply and Delivery of One Hydraulic Excavator (Tenders closed and under assessment)
- KIAMA-946946 Construction of Car Parks and Road Widening in the Kiama Area (Tenders close 19 December)

To enable the successful tenders for these contracts to be accepted following appropriate assessment and works to commence, it is recommended to delegate to the General Manager, in conjunction with the concurrent approval of the Mayor and Deputy Mayor (or their respective nominees), the authority to accept these tenders on behalf of Council.

CONCLUSION

The impending Christmas/New Year period, and break between Ordinary Meetings of Council, make it timely to consider a temporary amendment to delegations, specifically with respect to determining tenders.

15 REPORT OF THE DIRECTOR BLUE HAVEN

Nil

16 REPORTS FOR INFORMATION

16.1 Christmas Wishes

Responsible Director: Office of the General Manager

As 2020 draws to a close on behalf of the Directors and myself I would like to wish the Councillors, staff and their families all the best for the festive season.

Staff have embraced change over the past twelve months in a professional manner and have risen to all challenges along the way and I am thankful for their dedication and support.

The response to the COVID pandemic by all staff ensured that despite the world changing around us, our organisation stood up and delivered our services. This stability provided significant reassurance to our community in a time of uncertain change.

I would like to take this opportunity to also pass the Directors thanks on to the staff in helping to make Kiama Council a highly respected organisation.

Merry Christmas and Happy New Year.

Communication/Community Engagement

Not applicable

16.2 Councillor Meetings Register - 16 September 2020 to 8 December 2020

Responsible Director: Office of the General Manager

The table below lists the interactions that Councillors have had with staff for the period 16 September 2020 to 8 December 2020:

Officer	Date	Councillor	Subject	Duration (mins)
Jessica Rippon	16/09/20	All Councillors	PPs for Dido Street Kiama	10
Jessica Rippon	16/09/20	Andrew Sloan	Development application 10.2020.44.1	10
Jessica Rippon	16/09/2020	Neil Reilly	Holiday zoning	10
Jessica Rippon	16/09/20	All Councillors	Development application 10.2020.44.1	5
Mike Dowd	16/09/20	Kathy Rice	Dry stone wall damage	5
Jessica Rippon	18/09/20	Andrew Sloan	Jamberoo sewer capacity	10
Jessica Rippon	18/09/20	All Councillors	10.2020.96.1 – Jamberoo sewer capacity	20
Kerry McMurray	21/09/20	Mark Honey	Weekly catch up	25
Kerry McMurray	23/09/20	Mark Honey	Media meeting	35
Jessica Rippon	25/09/20	Kathy Rice	Development application 10.2018.116.1	20
Jessica Rippon	25/09/20	Neil Reilly	Development application 10.2020.13.1	15
Jessica Rippon	10/10/20	Neil Reilly	Development application 10.2020.60.1	10
Jessica Rippon	15/10/20	Kathy Rice	Net Zero Presentation	15
Kerry McMurray	21/10/20	Mark Honey	Media meeting	35

Reports for Information

16.2 Councillor Meetings Register - 16 September 2020 to 8 December 2020
(cont)

Officer	Date	Councillor	Subject	Duration (mins)
Jessica Rippon	27/10/20	All Councillors	Gerringong Library and Museum	20
Jessica Rippon	29/10/20	Andrew Sloan	Development Assessment Unit Minutes	10
Jessica Rippon	30/10/20	Mark Westhoff	Development application 10.2020.153.1	10
Jessica Rippon	02/11/20	Kathy Rice	Community service directory	5
Jessica Rippon	02/11/20	Kathy Rice	Community service directory	20
Kerry McMurray	02/11/20	Mark Honey	Weekly catch up	35
Jessica Rippon	05/11/20	Matt Brown	Development Assessment Unit request	15
Kerry McMurray	10/11/20	Mark Honey	Weekly catchup	45
Kerry McMurray	11/11/20	Warren Steel	Catch up	30
Jessica Rippon	11/11/20	All Councillors	Additional ranger services	20
Jessica Rippon	11/11/20	All Councillors	Jamberoo IGA solar panels	20
Jessica Rippon	13/11/20	All Councillors	85 Attunga Avenue	30
Jessica Rippon	13/11/20	All Councillors	Potential algal bloom	20
Jessica Rippon	17/11/20	All Councillors	Determination for Dunmore Lakes Sand Mine	10
Jessica Rippon	17/11/20	All Councillors	85 Attunga Avenue	15
Jessica Rippon	17/11/20	All Councillors	Determination for Dunmore Lakes Sand Mine	15

Item 16.2

Reports for Information

16.2 Councillor Meetings Register - 16 September 2020 to 8 December 2020
(cont)

Officer	Date	Councillor	Subject	Duration (mins)
Kerry McMurray	25/11/20	Mark Honey	Media meeting	35
Kerry McMurray	02/12/20	Don Watson	Various	10
Kerry McMurray	04/12/20	Mark Honey	LGNSW matter	30

Item 16.2

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

Outdoor dining fees will be reinstated from 1 January 2021.

14 day terms

The relief initiative ensuring small businesses are paid within two weeks of receiving a correctly rendered invoice will end on 31 December 2020.

Rate relief

Request to defer 4 th Instalment to 31/08/2020 (online application via Council website)	7
<i>Number of above ratepayers with 4th Instalment still outstanding</i>	<i>2</i>
Request for a payment arrangement (online application via Council website)	18
<i>Number of arrangements above which are still current</i>	<i>1</i>
Request to defer 1 st Instalment to 30/09/2020 (online application via Council website)	0
<i>Number of arrangements above which are still current</i>	<i>0</i>
Payment arrangements and deferrals via phone/email:	64
<i>Number of arrangements above which are still current</i>	<i>11</i>

Outstanding rates and charges balances compared to the previous year is as follows:

Balance of rates that remain unpaid as at 01/12/2020	\$12,512,206	49%
Balance of rates that remain unpaid as at 02/12/2019	\$11,992,784	50%

Hall hire

There have been no requests for fee waivers or reductions in November 2020.

Reports for Information

16.3 COVID-19 Financial Relief Package - update (cont)

Communication/Community Engagement

Information on the relief package is provided to the community via our normal print and social media channels.

Item 16.3

16.4 Kiama Early Literacy Program

Responsible Director: Environmental Services

Since October library staff have been visiting preschools in the Municipality conducting a fun and informative story time. The program is designed to nurture a love of reading and books in young children from an early age. The program will also connect with children and families that are not traditional library users.

Each child will also get a literacy kit including a bright red Kiama Library bag with a lovely hardcover edition of the picture book 'Leonard Doesn't Dance' by Australian author Frances Watts.

The kits also contains information for parents and carers about the resources and programs available at Kiama Library and the importance of reading to young children. Early literacy activities help develop the skills young children need to talk, and later, to read and write. Not only does reading to young children help develop literacy skills but is also a great way for parents to bond with young children.

The preschools and playgroups will also receive a bundle of big books which they can share with the children at their regular reading time sessions within the centres.

All the preschools centres have really enjoyed the story time sessions and a number of families have brought children into the library to sign up as library members. Ten preschools have already been visited and 225 children have been involved in the story time sessions with 580 literacy kits distributed.

This program is a Kiama Library initiative with support provided by Kiama Council and the NSW Government



16.5 Minutes: Jamberoo Valley Ratepayers and Residents Association - 1 December 2020

Responsible Director: Office of the General Manager

The minutes of the Jamberoo Valley Ratepayers and Residents Association meeting held on 1 December 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: JVRRA General Meeting - 01/12/2020 [↓](#)

*Jamberoo Valley Ratepayers and Residents Association Inc.
PO Box 146 Jamberoo NSW 2533
jvrrasecretary@gmail.com*

JVRRRA General Meeting MINUTES

Tuesday 1st December 2020, 7.00 p.m., Club Jamberoo, Veranda Room

This meeting was held under COVID 19 restrictions.

Present:

Max Brennan, Glenys Day, John Friedmann, Marea Gardner, Robyn Letham, Graham Letham, Roger Lyle, Steve Markham, Vivienne Marris, Deanne McCorkell, Neil McCorkell, Bob Neilson, Ros Neilson, Ray Nolan, Graham Pike, Mary Lou Reid, Geoff Reid, Eve Richards, Stuart Richards, Neil Reilly, Paul Rogers, Marg Stephens, Gail Taylor, Steve Whitworth.

Apologies:

Connie Dallas, Trevor Dallas, Narelle Day, Tony Day, Carol Dettmann, Nick Dettmann, Jim Dingle, Sandra Dingle, Lesley Friedmann, Julie McDonald, Ann Pike, Sally Rogers.

Agenda Items

1. Meeting open by Chair Stuart Richards at 7.10 p.m. Welcome to Country presented.
2. [Minutes of JVRRRA General Meeting 4 November](#) Accepted. (J. Friedmann, V. Marris). No business arising.
3. [Treasurer's Report](#) for month ending 31 October 2020. Accepted. (J. Friedmann, V. Marris)

4. Sydney Water and sewerage issue.

Proposed Zoom meeting was considered unworkable for this meeting due to IT difficulties. Face-to-face JVRRRA meeting with representative from Sydney Water to be postponed until 2021, with a phone call or other communication between a Sydney Water representative and JVRRRA Committee to be held before then. Letter to Sydney Water read out to meeting, including questions re technical issues: Is the system affected by the pods being submerged during flood events? Can illegal stormwater connections be detected? Are there new technologies available that don't involve connection to the system? Further question from the floor: Can the sides of the pods be raised to avoid submersion?

See Council Business Papers November 17 [Item12.5 re Jamberoo Sewerage](#) Council to refund DA application fees to those residents caught out by the sewerage capacity problem.

4. [Correspondence IN](#)

- Boral Sandmining decision – mining to go ahead.
- From Tim Burton-Taylor re Richard Scarborough, Land Care Illawarra
Discussion: Letter to be sent to Tim conveying appreciation for Richard's work with Land Care.

- Email exchange with JRLFC clarifying discussion re their Kevin Walsh Oval building plans to take place.
- From Jamberoo Preschool – thanks for support re flooding issue.

6. Correspondence OUT

- Invitation to Sydney Water
- Letter to Jessica Rippon and Ed Paterson postponing invitation to speak to JVRRA until more is known about sewerage developments
- Thanks to Ed Paterson for Kiama Town Central Community Workshop.
Discussion: Hopefully this format for community consultation will be used more in future.
- Letter to Jamberoo Golf Club re JVRRA discussion Nov 2020, supporting golf club's need to restrict public access to private property for safety reasons.

7. Presentation: Illawarra Shoalhaven Regional Plan (Deanne McCorkell). Relevance to Jamberoo – Deanne's summary linked [HERE](#).

Discussion: This is a State Government document, but local Councils will be responsible for implementation. Document is mostly focussed on growth and economic development – need to support environment and sustainability as well. JVRRA members encouraged to make their own submissions on website by 17 December. <https://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/Illawarra-Shoalhaven>

8. Presentation: Jamberoo Heritage Project (Stuart Richards)

Photos presented illustrating ideas and possible locations for information boards. Examples shown of what other small towns have done to celebrate their heritage and support tourism. Discussion: Members very supportive of the vision; other ideas contributed. Suggestions from Neil Reilly re applying for grants to allow initial plans to be drafted. Stuart to follow up grants and continue the good work. To be discussed further next JVRRA meeting.

9. Presentation: Report from Flood Risk Committee: [Young Street Creek](#) (Graham Pike).

Photos presented showing course of the water flow, erosion on golf course, historical culverts under Allowrie Street. Discussion: Consultants to give input into possible solutions to the flooding problem in January.

10. Time limits for speakers at JVRRA meetings, and overall time limit (John Friedmann).

Motion: That the JVRRA meeting time be set at a maximum length of 90 minutes (1.5 hours), with a maximum extension of 10 minutes voted by the members present at that meeting. The meeting to not exceed length of 1hour 40 minutes, (100 minutes) That each speaker be allowed 2 minutes to speak to present an item, with a maximum extension of 1 minute only. A member from the floor to volunteer to act as timekeeper for each meeting. This will allow speakers adequate time to present their

item and give others an opportunity to reply in a timely and fair way as is the case in Parliament.

Discussion: Strong agreement that meetings must be kept as short as possible. Time limits not intended to act as a gag on debate. Concern re the implementation being difficult. Role of Chair in keeping meetings moving quickly. Committee must be mindful of not crowding the agendas.

The motion was not carried, although the goal of aiming for short meetings and concise contributions was strongly supported.

11. Postponement of motion re public meetings re Jamberoo Community's views on growth and limitations in the village, including zoning changes mooted by Council. (Graham Pike).

Discussion to be re-visited when the DCP is revised – due in March 2021.

Opportunities for community consultation at that stage.

12. [Infrastructure Report](#)

Drualla Road access track to Minnamurra Falls Road. See also [Walking Tracks and Cycleways Committee Meeting Minutes 11 November](#)

Discussion: Strong support for opening the walking track. Likely to be discussed further when Drualla Road subdivision work starts.

- Preschool flooding issues (see photos linked here of removal of bathtub: <https://photos.app.goo.gl/uYkpKR7tQYG5LR5t5>)
- Footpaths in the village

Action: Letter to Council requesting attention to unfinished areas.

- Rugby League Club proposals for Kevin Walsh Oval
Discussion: There are two buildings being proposed through this DA. The first is an extension of the existing Gym building (old Tennis Club house) for storage for the sporting clubs. The second is a building at the northern end of the oval that will be used as a commentators' area and control centre for all sporting or other functions being conducted on the field. This will also incorporate a replacement for the current cricket sight screen which has long out-lived its appropriateness and is becoming a safety concern.
- Overnight stay area at the northern end of Kevin Walsh Oval
Discussion: Infrastructure Committee presented reasons why the overnight stay proposal is not working, and recommended that the area should be re-purposed for day picnic use. Discussion re pros and cons. It is not known what Council plans to do re-opening the overnight stay area over the Christmas period, and what effect COVID 19 restrictions might have.
Motion: Voting on the Infrastructure Committee's ideas deferred to a future meeting (Moved V. Marris, seconded D. McCorkell). Motion to defer the discussion accepted.
- Lighting of the roadway to the tennis club

13. [DA: Glamping at Jerrara](#) (approved at Council meeting 17 November)

Discussion: Comment: this kind of development will possibly set precedents for what Council proposes for Jerrara Dam.

14. [CCAG Minutes](#) (November meeting) and issues to be raised by JVRRA.

No new issues raised.

15. General Business

Max Brennan mentioned that the entrance to Burra Creek Road needs slashing again to improve visibility, and commented on the amount of dumping seen in the area since Council cancelled its kerbside pick-up.

Action: Letter to Council expressing both concerns.

Date of next JVRRA General Meeting: Tuesday 2 February 2021.

Guest Speakers: Feral Deer Project.

Close of meeting: 8.50 p.m.

End of year JVRRA celebrations at Club Jamberoo (nibbles provided).

16.6 Minutes: Kiama Liquor Accord Meeting - 25 November 2020

Responsible Director: Engineering and Works

The Minutes of the Kiama Liquor Accord Meeting held on 25 November 2020 are attached for Councillors' information.

Item 16.6

Attachments

- 1 Kiama Liquor Accord Meeting Minutes - 25 November 2020 [↓](#)



KIAMA LIQUOR ACCORD
Minutes of meeting Wednesday 25 November 2020

Date & time	Wednesday 25 November 2020, 10.10 am	
Location	Kiama Golf Club, 79-81 Oxley Ave, Kiama Downs NSW 2533.	
1. Present (indicate name & venue/organisation)	David Rootham Jamie Warren Joe Auld April Jovanovski Jamie Warren Vaughan Benson Nathan Laurence Melissa Matters Josh Maranesi Alison Federicks Lionel Boekenstein John Cronin Rosalie Cronin Brad Hodgekiss Peter Grogan Janelle Burns Clr Don Watson	Kiama Golf Club Jamberoo Pub BWS Kiama Senior Project Officer, Liquor Accords Jamberoo Pub Gerringong Bowls Gerringong Bowls The Hill Bar and Kitchen The Hill Bar and Kitchen The Hill Bar and Kitchen Kiama Inn Hotel Cronins Liquor Gerringong Gerringongs Hotel Gerringong Gerroa Boat Fishermans Club Gerroa Boat Fishermans Club Kiama Municipal Council Kiama Municipal Council
Apologies	SGT Gary Keevers Lake Illawarra Police Craig Hardy Sebel Hotel Kiama Michelle McCarthy Grand Hotel Debbie Watsford Grand Hotel Clr Matt Brown, Kiama Municipal Council Connie Graf, Drug and Alcohol Services	
Agenda		
2. Minutes of last meeting <ul style="list-style-type: none"> • Wednesday 20 May 2020 Adopted without change <i>Unanimously carried unopposed</i> 		

Item 16.6
Attachment 1

<p>3. Matters Arising from the Minutes</p> <p>Nil</p>
<p>4. Correspondence</p> <p>David Rootham provided information to Accord members from correspondence received from Liquor and Gaming on Covid Safe Measures and changes to Liquor Laws.</p> <p>Mr. Rootham reported that the Kiama Liquor Accord would like to support students from Kiama High School in training to obtain RSA and RCG certificates, to assist with students being trained in the responsible service of alcoholic beverages.</p> <p>Drunk driving is a major problem, causing thousands of deaths every year. One of the best ways to reduce those casualties is for those serving the drinks to identify and prevent possible drunk drivers before they get to the road. RSA training includes learning how to help customers keep their drinking to within reasonable limits, assessing customers affected by alcohol.</p> <p>The Kiama Liquor Accord believes that this training would be beneficial to young students. The Accord had previously applied to the Local Members Office for funding assistance but was unsuccessful and would like to seek further grants if available in 2021</p>
<p>5. Treasurers Report</p> <p>Nil</p>

6. OLGR

Update for Liquor Accords– November 2020

COVID-19

Please note the information provided in this update is correct at 20 November 2020.

Regulatory approach in the context of COVID-19

Liquor & Gaming NSW recognises that the COVID-19 pandemic has created a unique and challenging environment that requires a common sense and flexible approach to regulation. The Liquor Accords team wishes to extend our thoughts to members during this difficult time, we appreciate that the imposed restrictions have caused significant hardship and we want to thank you for your patience and support.

Register as a COVID Safe business

All venues need to register as a COVID Safe business through [nsw.gov.au](https://www.nsw.gov.au).

When you have registered you will receive access to a digital COVID Safe badge that can be used on Google and social media as well as posters for use in your venue. Customers will be able to rate the business in real-time on hygiene and physical distancing and provide additional feedback to the business.

To register and for more information, please visit: <https://www.nsw.gov.au/covid-19/covid-safe-businesses>.

COVID Safety Plans

All venues will need to develop and have in place an up to date COVID Safety Plan that is consistent with NSW Health Guidelines. The official NSW Government template is available [here](#). Please see the industry guidelines available at <https://www.nsw.gov.au/covid-19/industry-guidelines> for information to assist in completing the template.

Each venue must have in place an up to date COVID Safety plan for each separate food and drink area. These plans need to be updated as restrictions change, it is recommended that you include the date of when the plan was last updated to assist in the review of the document.

6. continued

QR Codes

From Monday 23 November 2020, hospitality venues must use electronic methods such as QR codes to record and keep contact details.

For customers entering venues without a mobile phone, venues are asked to record their details and time of entry on another device.

Venues must manually collect contact details in instances where electronic forms cannot be accessed, including during internet outages.

More information about QR codes is available at: <https://www.nsw.gov.au/covid-19/covid-safe/qr-codes>.

Functions and corporate events

In the lead up to Christmas bookings, a reminder that corporate events held at venues have a maximum of 30 patrons per table.

More information is available online: <https://www.nsw.gov.au/covid-19/covid-safe/functions-and-corporate-events>.

Current restrictions

Further restrictions were eased from Friday 23 October 2020. Including:

- 30 people can gather outdoors in public spaces (previously this was 20)
- 30 customers per booking, and 30 customers per table at hospitality venues (previously the rule was a maximum of 10)
- in addition, as of last Friday 16 October 2020, corporate functions of up to 300 people can now be held at any appropriate premises, including at restaurants, subject to a [COVID-Safe plan](#) (previously just function centres).
- hospitality venues can allow one person for every two square metres for outdoor areas. This previously was one person per [four square metres](#)
- up to 500 people can attend outdoor seated music performances and rehearsals for venues complying with the four square metre rule. This previously was a total of 20 people.

All businesses and venues must use electronic methods such as [QR codes](#) to record and keep contact details.

Restaurants, cafes and bars that have outdoor seating sections will be able to increase capacity in a [COVID Safe](#) way with the relaxed two square metre rule.

Venues and organisers of outdoor music performances and rehearsals must have a [COVID Safety Plan](#) in place.

For a full list of restrictions please visit the NSW Govt. [website](#).

Safe Work Australia have developed more specific guidelines and resources available for venues to access [here](#).

6. continued

Penalties for ongoing serious non-compliance include the closure of businesses

A zero-tolerance approach will now be taken by the State authorities. This includes new penalties for venues including:

- First offence: \$5000 fine or relevant penalty for breach of the Public Health Order.
- Second offence: Business will be closed for up to one week.
- Third offence (repeated and wilful non-compliance): Shutdown for up to one month.

Members of the public are now being encouraged to report COVID breaches online.

Patron contact details

As venues collect patron contact details for contact tracing purposes, it is important to keep in mind privacy and data security concerns.

Only collect the information that is required under the Public Health Order. This information is not to be used for marketing or membership purposes. The data should be stored on a separate system or record that is only used for the purpose of contact tracing.

Contact tracing is only undertaken by NSW public health officials and they will contact you directly and advise of the collection process.

The Office of the Australian Information Commissioner has published [Guidance for businesses collecting personal information for contact tracing](#) which provides advice for venues collecting information.

Translated COVID materials

Translated COVID resources, including posters, are available at <https://www.nsw.gov.au/covid-19/resources-other-languages>.

COVID-19 FAQs

We will continue to update the COVID-19 FAQ page on our website as the information changes: <https://www.liquorandgaming.nsw.gov.au/news-and-media/covid-19-coronavirus-faqs-for-the-liquor-and-gaming-industries>.

If you have any other questions, please contact the customer service team via the [Online feedback form](#). L&GNSW services are still operating, so please contact us if you need assistance.

Patron Safety Campaigns

The AHA worked with Accords to create a short [patron COVID safety video](#) that is available via social media. Please feel free to share with your networks.

There are also free signs and posters available for you to use in your venue to remind staff and patrons of the restrictions: <https://www.nsw.gov.au/covid-19/industry-guidelines/posters-and-signage-for-business>.

6. continued

Outdoor Dining

The NSW Government is making it easier for venues to increase their outdoor dining offerings.

A 12-month trial was launched in The Rocks, Sydney with approved venues able to utilise public spaces and walkways for outdoor dining. Other locations such as Darling Harbour and Coogee have joined the trial.

The streamlined application process makes it easier and quicker for venues to gain approval.

The trial will be rolled out across the state in the coming months. Councils interested in participating can register their interest with the Office of Local Government.

The NSW Government aims to increase business in the hospitality sector in a COVID safe way and encourage patrons back to venues.

For more information please visit the website: <https://www.nsw.gov.au/projects/outdoor-dining>.

Update from Compliance

COVID Safe Summer

In the lead up to the warmer months, it is now time to plan for the possible increase in patronage in your venues especially in outdoor areas.

Ensure COVID Safety plans are up to date with the current restrictions and reflect any changes to the operation of the business over the festive period.

L&GNSW Compliance inspections will continue and will be guided by the current COVID restrictions.

News from the Liquor Accords team

We welcome back Emily Burgess to the team from maternity leave. We also welcome April Jovanovski to the Liquor Accords team.

Contact Us:

Emily Burgess

emily.burgess@liquorandgaming.nsw.gov.au

April Jovanovski

april.jovanovski@customerservice.nsw.gov.au

Kate Vartuli

kate.vartuli@liquorandgaming.nsw.gov.au

(02) 9995 0452

Work mobile: 0437 845 476

Liquor Accords Team:

liquor.accords@liquorandgaming.nsw.gov.au

(02) 9995 0312

6. continued

Share your feedback on the training framework for liquor industry workers

Liquor & Gaming NSW is reviewing the Tiered Industry Training Framework. We are examining the outcomes and usefulness of training courses that were introduced under the framework.

The purpose of the framework is to improve the responsible service of alcohol procedures in NSW by ensuring liquor industry staff are trained at a level that is appropriate to their roles. You are invited to make a written submission to help inform our evaluation. We are particularly interested in your responses to the list of questions included in this discussion paper, including the content of training courses, their effectiveness in improving the responsible service of alcohol, and the availability of training to liquor industry workers. More information about the framework and evaluation can be found in the [discussion paper](#). You can email your written responses or submissions by 27 November 2020 to: evaluation.continuous.improvement@liquorandgaming.nsw.gov.au.

Help us promote the [RSA participant survey](#)

As part of the evaluation, we are collecting feedback from participants who have completed the RSA training course either face-to-face or online since 1 July 2018.

It would be greatly appreciated if you could promote this survey through your networks. Information about the survey and a survey link can be found on this [webpage](#).

Liquor Accords online COVID-19 session

Thank you to those who joined us virtually via Teams on 11 November for the COVID-19 information session.

We heard from Craig Lamberton from the Public Health Response Branch's COVID-19 Policy Team and Dimitri Argeres, Director of Liquor and Gaming Compliance.

We are currently following up on the questions raised in the session. Keep an eye out for more online sessions in the coming months.

Liquor Accords Conference deferred to March 2021

After the success of the Liquor Accords Conference in 2019 we were keen to follow up with another conference in 2020, however due to COVID -19 restrictions, this has now been deferred until March 2021.

Work has commenced on preparing a Campaigns Toolkit to support Accords with running successful harm prevention campaigns, so please reach out and let us know if you have an example of a campaign that may be suitable as a case study.

Update your contact details

Update your email address, mobile phone number or venue details using the Service NSW online form: https://www.onegov.nsw.gov.au/gls_portal/snsw/Transactions/Liquor.mvc/About

6. continued

Sign up to the Liquor Accord newsletter

Liquor & Gaming NSW has launched a dedicated Liquor Accord newsletter. It contains case studies and articles on Accords who have successfully implemented strategies and initiatives in their area to address alcohol related harms. We are looking to also publish stories about the tremendous resilience and community spirit shown throughout the COVID-19 crisis.

If you want us to feature a story about your Liquor Accord or give us feedback, email the team at liquor.accords@liquorandgaming.nsw.gov.au or call (02) 9995 0312. Visit the Liquor Accords hub on the Liquor & Gaming NSW website to subscribe.

7. Police Report – Resilience Program update

The Resilience Program had been conducted by Police and an update and acquittal of funds would be provided to the Office of Responsible Gambling on the Transfer of funds for the amount of \$3500 which is underway from Kiama Liquor Accord to the Lake Illawarra Police.

8. General Business

David Rootham reminded Accord Members to be Covid safe over the Christmas New Year Period and abide by Liquor Accord policy and procedures.

Councils Road Safety Officer provided Accord Members with Plan B bottle bags and drink coasters.

9. Next Meeting

TBA February 2021

¶
Please contact the Kiama Council's Road Safety Officer on 024232 0444 or at Janelleb@kiama.nsw.gov.au to:¶

- ¶
1. - place items on agendas (deadline 2 weeks prior to scheduled meeting)¶
 2. - tender your apologies for a meeting – please send an apology if unable to attend¶
 3. - obtain copies of minutes of previous meetings¶
 4. - notify of a change of member details¶

¶
OFFICE USE ONLY¶
Please include the OLGR Liquor Accord Delivery Unit in your minute's distribution at either accords@communities.nsw.gov.au or at your individual Liquor Accord Project Officer email address.¶

16.7 Minutes: Kiama Liquor Accord - Annual General Meeting - 25 November 2020

Responsible Director: Engineering and Works

The Minutes of the Kiama Liquor Accord AGM Meeting held on 25 November 2020 are attached for Councillors' information.

Attachments

- 1 Kiama Liquor Accord AGM Meeting Minutes - 25 November 2020 [↓](#)



KIAMA LIQUOR ACCORD
Minutes of meeting AGM Wednesday 25 November 2020

Date & time	Wednesday 25 November 2020, 10am	
Location	Kiama Golf Club, 79-81 Oxley Ave, Kiama Downs NSW 2533.	
Present (indicate name & venue/organisation)	David Rootham Jamie Warren Joe Auld April Jovanovski Jamie Warren Vaughan Benson Nathan Laurence Melissa Matters Josh Maranesi Alison Federicks Lionel Boekenstein John Cronin Rosalie Cronin Brad Hodgekiss Peter Grogan Janelle Burns Clr Don Watson	Kiama Golf Club Jamberoo Pub BWS Kiama Senior Project Officer, Liquor Accords Jamberoo Pub Gerringong Bowls Gerringong Bowls The Hill Bar and Kitchen The Hill Bar and Kitchen The Hill Bar and Kitchen Kiama Inn Hotel Cronins Liquor Gerringong Gerringongs Hotel Gerringong Gerroa Boat Fishermans Club Gerroa Boat Fishermans Club Kiama Municipal Council Kiama Municipal Council
Apologies	SGT Gary Keevers Lake Illawarra Police Craig Hardy Sebel Hotel Kiama Michelle McCarthy Grand Hotel Debbie Watsford Grand Hotel Clr Matt Brown, Kiama Municipal Council Connie Graf, Drug and Alcohol Services	
Agenda		
1. Minutes of last meeting <ul style="list-style-type: none"> AGM Wednesday 21 August 2019 Adopted without change <i>Unanimously carried unopposed</i> 		

2. Correspondence

- Nil

3. Treasurers Report

Nil

A new treasurer was elected due to the resignation of Cameron Helmer from Gerringong Bowling Club.

The Kiama Liquor Accord welcomes Jamie Warren from Jamberoo Pub to the role.

Membership invoices to be sent.

Membership drive may be beneficial

1st Peter Grogan 2nd Lionel Boekenstein

Unanimously carried unopposed

4. Chair Report

Kiama Liquor Accord President David Rootham welcomed members and discussed ways that Kiama Liquor Accord could be involved in targeting new memberships. Mr Rootham thanked members for their attendance and made reference to 2020 being a challenging year for all due to COVID-19.

Unanimously carried unopposed

5. Constitution Update

Current constitution was tabled with no changes.

Unanimously carried unopposed

6. Election of Officers

Committee members elected as per the constitution which was adopted in 2017 electing committee members for a period of two years.

The next committee is due for election in August 2021.

- David Rootham - Accord President.
- Craig Hardy - Accord Secretary/Public Officer.
- Janelle Burns - coordination
- Jamie Warren- Accord Treasurer elected on at the AGM in 25 August 2020

Unanimously carried unopposed

7. Next meeting AGM

To be held August 2021 TBA

¶
Please contact the Kiama Council's Road Safety Officer on 024232 0444 or at Janelleb@kiama.nsw.gov.au to:¶

- ¶
1. - place items on agendas (deadline 2 weeks prior to scheduled meeting)¶
 2. - tender your apologies for a meeting — please send an apology if unable to attend¶
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¶
OFFICE USE ONLY¶

Please include the OLGR Liquor Accord Delivery Unit in your minute's distribution at either accords@communities.nsw.gov.au or at your individual Liquor Accord Project Officer email address.¶

16.8 Minutes: Minnamurra Progress Association - 1 December 2020

Responsible Director: Office of the General Manager

Attached for Councillors' information are the minutes of the Minnamurra Progress Association meeting held on 1 December 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 - 01/12/2020 [↓](#)

Minnamurra Progress Association Inc. Minutes 7:15pm 1st December 2020

Acknowledgement of Traditional Owners:

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

Attendees: Cliff Mason, Vicki Steele, Graham Collinson-Smith, Elizabeth Skorulis, Jeremy Martens, Robert and Janice Westley, Del Draxl, John Williams, Mark Way, Pat Phelan, Ralph and Denise Stadius – **13 present, plus Facebook viewers.**

Apologies: Pete Talbot, Tihapa Moanaroa, John Hazeltine, Mike Dowd (KMC Director of Works) Murray Steele, Bob and Noelene Sinclair, Mal and Belinda Gemmell, Apo Skorulis

Minutes of last meeting: 3rd November 2020

M: Del Draxl **SEC:** Denise Stadius **AIF:** Yes **C:** Yes

Business Arising:

Town Centre Study Workshop on 12th November - Ralph and Denise Stadius and Vicki Steele spoke about their recent representation on behalf of MPA online.

The study hopes to build on Kiama's unique qualities, character and sense of community, and identified the desired future character for the centre. Three groups formed, General Community, Strategic and Prominent sites and Civic Precinct. Ralph and Denise were encouraged by the architectural recommendations and identified a number of key sites and building styles, which when developed, would have significant strategic improvement on the future of the town centre. Vicki's group discussed sustainable design, the arts precinct, parking, lighting and gardens. Some good ideas were presented and we were generally encouraged by our inclusion in this planning process.

General Business Items:

- 1 Mike Dowd (KMC Engineer) was unable to attend tonight's meeting however we will organise a Public Forum Meeting early next year. He corresponded on the following local issues that were raised at the August 4th meeting and in correspondence sent after the November meeting. *His responses are in italics.*
- * Abutment wall beside Riverside Drive (near Wharf)
Council has initiated some investigation works with a view to gather enough information to inform an application for external funding to undertake the repairs.
- * Fish Cleaning Table at James Oates boat ramp
There are no current plans to remove the roof. The roof provides an important part of the structure providing shade for fishers using the table. Council has had many notes of thanks for the roofed structure and only a few complaints about it being 'ugly'.
- * Storm water drains still blocked along Charles Avenue
Drains are cleaned on an 'as reported' basis. As previously advised, we do not need to clean out the sand too often as natural rainfall flows will clear its own path. We will continue to monitor and undertake maintenance as needed.
- * Rubbish trap at the River Street reserve storm water outlet missing causing erosion.
I am pretty sure that this is the site where we are assessing the need to install a debris control structure (rubbish trap) however are installing pit baskets in nearby pits to ascertain where the litter is coming from first. This will ensure the larger investment in the DCS and its ongoing maintenance is worth it.
- * Erosion of the riverbank rocks just south of the James Oates Reserve
This has been inspected and is being monitored. No immediate safety risk has been identified, however Council has received some external funding to assist in the remediation

of the site through new protective rock placement. This work is planned but not likely to occur before Christmas.

- * Replace the wharf off Riverside Drive is included in this year's capital works program. The recent issues reported in early November will be repaired to enable the wharf to be used safely over Christmas with major works scheduled in autumn next year.
- * Bombo Quarry
Council has no current plans regarding large quantities of fill for Bombo Quarry.
- * Concern at "lack of community consultation" Regarding works and construction that takes place in Minnamurra, such as Federal Street 40kph speed humps.
Council projects such as the Federal Street traffic calming works include consultation with neighbouring residents by way of letterbox drops and social media posts seeking feedback. This project was initiated as a result of community feedback and complaints regarding speeding vehicles, dangerous crossing points for golf course users and multiple near misses in the railway underpass. I appreciate that some residents/drivers have different views on the benefits or effectiveness of the solution implemented, however I am satisfied that the measures are clearly working in reducing speeds and thereby improving road safety.
- 2 Most were disappointed on the Determination of the Independent Planning Commission on Boral's Sand Mining extensions, approving them with conditions. Work has already commenced.
- 3 We received a copy of a letter from Ralph Stadius (Illawarra Bird Watchers) to KMC re: impact on bird life from KMC's removal of lantana on headland. We appreciate lantana is a weed however the recent clearing along walking track near Carson Place has destroyed the habitat of many nesting small birds, such as the fairy wrens. It is hoped that KMC will advise the contractor that training be undertaken from IBW or Landcare before clearing in the future.
- 4 Councillor Mark Way updated progress on the Sanctuary Place Bike Skills Track. The toilet block and fencing is completed and the track layout is currently being worked on.
- 5 We were copied in on an email to KMC from Noelene Sinclair about some Minnamurra concerns about the safety of playground equipment and the degraded state of the public toilets in the James Oates Reserve. (Some remedial work has been done on the playground)
- 6 Councillor Mark Way answered questions from members and will check on following matters on MPA's member's behalf.
'No Dog' signs in local reserves, Rangers required to drive cars with KMC Ranger Identification, After-hours No Parking sign at entrance to James Oates Reserve changed to 10pm to allow for fishing enthusiasts.
- 7 One member counted 35 traffic signs between the round about at Gainsborough through the bends to the underpass in Federal Ave. (Member will send a letter to Gareth Ward MP)
- 8 The broken 4 knot sign in the river off James Holt is dangerous as only visible at low tide. This is fixed already! Links Street Reserve - ramp to river eroded badly and is a public liability.
- 9 A special "Get Well card" for Rae McClymont.
- 10 Illawarra Mercury article re the proposed ECO-Tourist Resort at Dunmore. Brief discussion, concerns should be addressed to Shellharbour council
- 11 Copy of letter to KMC from M & B Gemmell re: riverbank erosion in reserve (70 Charles Ave)
- 12 **Hint!** www.snapsendsolve is an easy way to notify local councils and utilities of incidents

Cliff took this opportunity to "wish everyone a safe and happy Christmas & New Year" and to thank Jeremy for maintaining our online meeting process, and Aapo and Elizabeth for their continued support. PS. Thanks to our excellent Secretary, Vicki Steele as well.

Treasurer's Report: \$1,146.34 Term Deposit rolled over for 12 months - Total funds \$2,667.96

M: Jeremy Martens **SEC:** Ralph Stadius **AIF:** Yes **C:** Yes

Raffle: Pat Phelan

Next Meeting: 2nd February 2020. We hope to provide supper at this meeting all going Covid well!

16.9 Parking Statistics - November 2020

Responsible Director: Environmental Services

Patrols conducted	44
Infringements Issued	34
Total Infringement Value	\$8621
Vehicle Spaces Inspected	1230
CRM requests received and actioned	17

Timed Zones	No. of patrols	PINS Issued	School Zone Patrols	No. of patrols	PINS Issued
Kiama CBD East	5	2	St Peter & Pauls	1	
Kiama CBD West of Railway Pd	6	3	Kiama High	3	1
Gerringong CBD	8	13	Kiama Public	1	
Other Parking	3		Jamberoo Public	4	
			Minnamurra Public	10	7
			Gerringong Public	3	

Pro-active Patrols

Offence	PINS Issued	Offence	PINS Issued
No Stopping	4	No Stopping (School Zone)	1
Bus Zone	1	Bus Zone (School Zone)	
No Parking	1	No Parking (School Zone)	
Unbroken Yellow Edge Line		Double Park (School Zone)	
Loading Zone	1	Path/Strip/Ramp	
Dividing Line		Disabled Parking Zone	1

16.10 Question for future meeting: Bombo Quarry - community inputResponsible Director: Environmental Services

At the November 2020 meeting, Councillor Reilly requested a report on suggested strategies to retain Council's right to planning for the Bombo Quarry.

Kiama Local Strategic Planning Statement

Planning Priority 1 of the Kiama Local Strategic Planning Statement (LSPS) 2020 seeks to plan for and balance housing supply and demand. A specific action of this Planning Priority is to "work with land owners, State agencies and the community to establish the shared future vision of the Bombo Quarry".

Illawarra Shoalhaven Regional Plan

The draft Regional Plan (currently on public exhibition) contains 9 key actions, one of which is to "develop a shared vision for the future of Bombo Quarry lands in collaboration with Kiama Municipal Council, landowners and the community". Page 70 of the draft contains additional information about this action and the Quarry's strategic importance for the Region. In the draft Regional Plan, the NSW Government have committed to collaborate with Kiama Municipal Council, landowners and the community to better understand timeframes for the Quarry's end of life, remediation and landowner objectives

Both the LSPS and the draft Regional Plan have been drafted in such a way so as to not preempt the outcomes of any community consultation. This is to enable the community and Council to be part of the decision making for the desired future vision of the Quarry. Keeping these actions 'high level' ensures that no specific future landuses are excluded.

Planning Authority

Kiama Municipal Council are the Planning Authority for all rezoning applications (i.e. Planning Proposals) within the Kiama Municipality. In this sense any Planning Proposals to rezone the Quarry to future residential, commercial, recreational etc. zonings would need to be endorsed by the elected Council and exhibited in accordance with the adopted Kiama Community Participation Plan (CPP) 2019.

It should be noted that if the proponent of a Planning Proposal is dissatisfied with the outcome of Council's decision making process it can appeal the decision to the Regional Planning Panel, as has previously occurred with the Golden Valley and South Kiama Planning Proposals. If the Regional Planning Panel determine that a Gateway should be issued, Council are still afforded the opportunity to be the Planning Authority. However, the final delegation to finalise the rezoning remains with the Minister.

It is also noted that for the redevelopment of a site of this nature, specific development controls would need to be drafted and adopted. All Development Control Plans (DCP) and/or Masterplans for the redevelopment of the Quarry would also need to be endorsed by the elected Council and exhibited in accordance with the adopted Kiama CPP 2019.

Reports for Information

16.10 Question for future meeting: Bombo Quarry - community input (cont)

In this regard, Council and the community would be heavily involved in the strategic planning work for the redevelopment of the Quarry and as the relevant Planning Authority, Council would be directly responsible for the rezoning and DCP process.

Regional and State Significant Development

The *State Environmental Planning Policy (State and Regional Development) 2011* identifies regional and state significant development.

The Independent Planning Commission (IPC) is the consent authority for State Significant Development (SSD) applications if the applicant is not a public authority and:

- the application is not supported by Council,
- the Department has received 50 or more public objections (petitions and submissions that contain substantially the same text count as one objection), or
- the applicant has made a reportable political donation.

The Minister is the consent authority for all other SSD applications. In some cases, the Minister may delegate the decision making function to Department staff.

The SEPP has identified certain types of development that are SSD if they exceed a certain capital investment value (CIV), for example:

- new educational establishments, hospitals and correctional centres;
- chemical and other manufacturing;
- mining and extraction operations;
- tourist and recreation facilities;
- some port facilities;
- waste management facilities; and
- energy generating facilities.

A development proposal for any of the identified development types is SSD if it:

- is over a certain size;
- is located in a sensitive environmental area;
- will exceed a specific capital investment value;
- Open configuration options.

It is unlikely that the subdivision of the Quarry and future redevelopment would be classified as SSD.

A regional development needs to be notified and assessed by Council and then determined by the Regional Planning Panel.

Regional development is outlined in Schedule 7 of the *State Environmental Planning Policy (State and Regional Development) 2011* and includes:

- development with a capital investment value (CIV) over \$30 million;

Reports for Information

16.10 Question for future meeting: Bombo Quarry - community input (cont)

-
- development with a CIV over \$5 million that is council related, lodged by or on behalf of the Crown (State of NSW), private infrastructure and community facilities, or eco-tourist facilities;
 - extractive industries, waste facilities and marinas that are designated development;
 - subdivision of land for residential purposes into more than 100 lots if the land is within the coastal zone;
 - development with a CIV between \$10 million and \$20 million that is referred to the regional panel by the applicant after 120 days.

Given the scope of works required to redevelop the Quarry and the fact that part of the Quarry falls within the coastal zone, it is possible that future development applications could be considered as regional developments.

As outlined above, regional developments are notified by Council, in accordance with the Kiama CPP 2019, assessed by Council and then determined by the Southern Regional Planning Panel. The Mayor is currently Council's representative on the Southern Regional Planning Panel for matters within the Kiama Municipality.

In this regard, both the community and Council would be heavily involved in the development application process. The final determination of any regional development would be made by the Regional Planning Panel, which includes the Mayor.

Communication/Community Engagement

Community consultation/engagement associated with any of Council's planning functions are undertaken in accordance with the Kiama Community Participation Plan 2019.

16.11 Question for future meeting: Footpath at Attunga Avenue, Kiama HeightsResponsible Director: Engineering and Works

Background

At the 17 November 2020 Council meeting, Councillor Way requested a report on the potential addition of a footpath at Attunga Avenue, Kiama Heights that would link with the Coastal Walking Track at the eastern end and for the report to include costings. The matter was referred to the Director Engineering and Works for investigation and report.

Report

Council have investigated the request to construct a footpath at Attunga Avenue to link with the Coastal Walking Track. Based on recent construction costs, the estimate to construct a 450 metre length of pathway from the Council land at 85 Attunga Avenue to the cul-de-sac at the eastern end is approximately \$110,000.

Council generally does not construct footpaths such as this isolated from the broader pedestrian network. To extend the footpath to the west along Attunga Avenue to connect with the existing pedestrian network on South Kiama Drive, a further 800m length would be needed with an estimated construction cost of over \$200,000.



Location of potential footpath along Attunga Avenue.

While the construction of a footpath at this location is not currently included on the long term strategic footpath program and would be ranked with relatively low priority if assessed, it could be included for future consideration subject to other priority locations and budget limitations.

16.12 Question for future meeting: Heritage Officer updateResponsible Director: Environmental Services

At the 17 November 2020 Council meeting, Councillor Rice requested an update on the appointment of a local or regional heritage officer and whether any Council staff have taken up the heritage training offered by the Office of Environment and Heritage.

Heritage Advice

To date, the recruitment of a shared regional Heritage Officer through the Illawarra Shoalhaven Joint Organisation (IJSO) has not progressed. Attempts have been made to progress this matter however, no response has been received from ISJO.

Council's previous Heritage Advisor was entirely funded through State grant programs and the functions of this position were entirely focused on providing heritage advice once development applications had been lodged. This limited funding source would mean that if a shared regional Heritage Officer were appointed this officer would only be working within the Kiama Municipality approximately 2.5hrs per week.

There are other options which are currently being investigated and discussions with other councils have occurred to seek examples of best practice. These proposals would need additional budget allocations and are being considered by staff. Other funding opportunities are also being investigated. There are also opportunities for greater synergies to be achieved with the Family History Centre and this is currently being further considered.

In the interim Council is currently working through the Heritage Study with consultants for the town centre and relying on external advice as required on a case by case basis.

Training of Staff

In discussions with members of the Kiama Historical Society it was suggested that Heritage NSW, whilst not offering formal training, may be willing to provide guidance and/or informal training to Council's assessing officers.

The University of Technology Sydney (UTS) Centre for Local Government offers a number of professional development, short courses and accreditation programs for local government professions. At present, UTS does not offer any short courses on heritage. The University of Sydney offers a 6-month Graduate Certificate in Heritage Conservation. This type of training is more appropriate a Heritage Officer to undertake.

Council staff, including Council's assessment team, continually undertake professional development opportunities as they present themselves and would be more than willing to undertake heritage training if offered by Heritage NSW or any other association.

Communication/Community Engagement

N/A

16.13 Question for future meeting: Jamberoo Preschool - FloodingResponsible Director: Engineering and Works

Background

At the 20 October 2020 Council meeting, Councillor Reilly requested a report on the mitigation of flooding at Jamberoo Preschool. The matter was referred to the Director Engineering and Works for investigation and report.

Report

In August 2020, the Kiama area experienced an intense rainfall event that resulted in a natural disaster declaration for the region. Council subsequently received a number of reports from residents / businesses in urban catchments of severe overland flooding including the Jamberoo School of Arts building which houses the Jamberoo Preschool. The Preschool again suffered losses when rainfall runoff in excess of the underground pipe system, flowed overland and through the rear of the building.

In response to this and other identified flooding issues from this event, Council have recently advertised a tender through Local Government Procurement seeking a suitable qualified and experienced flood mitigation consultant to undertake site specific risk management studies of the three identified catchments that experienced issues in the recent events; these being in the Jamberoo town centre (School of Arts), Wyalla Road / Sproule Crescent, Jamberoo and ay Bridges Road, Gerringong. The role of the consultant will be to undertake Community Consultation, Surveying, Investigation to develop costed concept design remediation solutions for each location.

It is expected this contract will be awarded in early 2021, with the consultant undertaking consultation with residents and businesses affected by the flooding, including the Jamberoo preschool.

Allocation of budgets for remediation works identified by the consultant will be considered as part of developing the 2021/22 works programs, with works generally able to be funded from Council's Stormwater Management Reserve.

16.14 Question for future meeting: Jerrara Eco ResortResponsible Director: Corporate and Commercial Services

At the 20 November 2020 Council meeting Councillor Way requested a report on the progress for Jerrara Eco Resort at Jerrara Dam since the project was allocated to the Economic Development Committee, the report to include a timetable to move the project forward from the planning to construction phases. The matter was referred to the Director Corporate and Commercial Services for investigation and report.

The Economic Development Committee recommended at their meeting of 26 August 2020:

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).

This recommendation was endorsed by Council at the 22 September 2020 ordinary meeting.

Communication/Community Engagement

N/A

16.15 Question for future meeting: Planning controls to support tree retention and protectionResponsible Director: Environmental Services

At the 21 July 2020 ordinary Council meeting, Councillor Rice requested a report, in advance of Kiama's Urban Greening Strategy and Biodiversity Corridor studies, outlining what is being planned by Council to align planning controls to support tree retention and protection, and how and when this will be progressed.

Background

As a regional Council we are not under any obligation to establish a tree canopy target under the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.

The Greater Sydney Region Plan, and associated district plans, requires Sydney Councils to set benchmarks for tree canopy cover in their Local Strategic Planning Statements and associated strategies. Staff are aware of the range of figures that Sydney Councils are now working towards in the different zonings of their respective towns.

Regional Position

However, the draft Illawarra Shoalhaven Regional Plan 2041 contains a number of objectives, actions and strategies associated with urban tree cover, environmental assets and biodiversity corridors. The draft Regional Plan contains the following strategies, for which each regional council to lead:

- Protect important environmental assets in local strategic planning and local plans;
- Protect and enhance the function and resilience of biodiversity corridors in local strategic planning and local plans;
- Consider the needs of climate refuge for threatened and dominant species in local strategic planning and local plans;
- Protect biodiversity values in urban release areas by incorporating validated, up-to-date environmental data into local strategic planning and local plans; and
- Foster opportunities to increase urban tree canopy coverage in local strategic planning and local plans and consider a long-term urban tree canopy target accounts for local characteristics and community expectations.

Kiama Position

The recently endorsed Kiama Local Strategic Planning Statement (LSPS) 2020 contains the following Planning Priority and Actions associated with reviewing vegetation mapping and LEP zonings in the Kiama Municipality.

Reports for Information

16.15 Question for future meeting: Planning controls to support tree retention and protection (cont)

Action	Council's Role	Timeframe	Key Stakeholders	Responsibility
PP10 Conserve areas of environmental significance				
Undertake a Municipal wide vegetation study to ensure biodiversity, corridor and bushfire mapping is accurate	Lead	Short	Council, DPIE & Broader Community	Strategic Planning
Following completion of the Municipal wide vegetation study, review environmental zonings and terrestrial biodiversity layers of the Kiama Local Environmental Plan (LEP) 2011 to ensure environmental lands are appropriately zoned.	Lead	Medium	Council, DPIE, Property Owners & Broader Community	Strategic Planning
Review land use tables of environmental zonings in the Kiama LEP 2011 to ensure appropriate mix of uses permitted in environmental zones.	Lead	Short-Medium	Council, DPIE, Property Owners & Broader Community	Strategic Planning

Undertaking a Municipal wide vegetation study will allow Council to appropriately zone areas of environmental significance. Once zoned, these areas of environmental significance, and their associated vegetation, will be protected as the types of uses permissible in the environmental zones of Kiama LEP 2011 are limited. These areas will also be mapped as 'biodiversity land' within Kiama LEP 2011 and as such the provisions of clause 6.4 of Kiama LEP 2011 would also apply. This clause requires Council to consider, before granting development consent, whether or not a development:

- (a) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land,
- (b) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna,
- (c) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and

Reports for Information

16.15 Question for future meeting: Planning controls to support tree retention and protection (cont)

- (d) is likely to have any adverse impact on the habitat elements providing connectivity on the land.

Clause 6.4 also states that development consent must not be granted to development within 'biodiversity land' unless Council is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The LSPS outlines that short term action will be completed within 1-2 years of the adoption of the LSPS and medium term actions within 2-6 years. Monies have been allocated to the 2020/2021 budget to undertake the Municipal wide vegetation study. A brief is being prepared for this work and it is anticipated that the study will be completed by July 2021. The LEP amendments can then be prepared and reported to Council to commence the formal Planning Proposal process.

The recently endorsed Kiama LSPS 2020 contains the following Planning Priority and Action associated with urban tree canopy in the Kiama Municipality.

Action	Council's Role	Timeframe	Key Stakeholders	Responsibility
PP12 Plan for and adapt to the impacts of natural hazards and the changing climate				
Complete and implement an Urban Greening Strategy	Lead	Medium	Council, Landcare & Broader Community	Strategic Planning

The State Government's 'Technical Guidelines for Urban Green Cover in NSW' provides practical information for planning and expanding urban tree canopy and green ground cover. The NSW Department of Planning and Environment is also preparing an urban tree canopy manual, as part of a green infrastructure policy framework, to support the expansion of urban tree canopy.

The Kiama Urban Greening Strategy will be prepared in accordance with the State Government's 'Technical Guidelines for Urban Green Cover in NSW' and future green infrastructure framework.

Work has already commenced, as part of the review of the Illawarra-Shoalhaven Regional Plan, on collecting data associated with existing tree canopies. The 'Tree canopy map for Illawarra-Shoalhaven, contained in the draft Regional Plan, shows that parts of Minnamurra and Kiama Downs have between 0-10% of urban tree cover. For the Kiama and Kiama Heights areas the tree cover increases to 10-20%. In Gerringong and Gerroa the urban tree cover is between 20-30% and in Jamberoo the urban tree cover is between 30-40%.

Reports for Information

16.15 Question for future meeting: Planning controls to support tree retention and protection (cont)

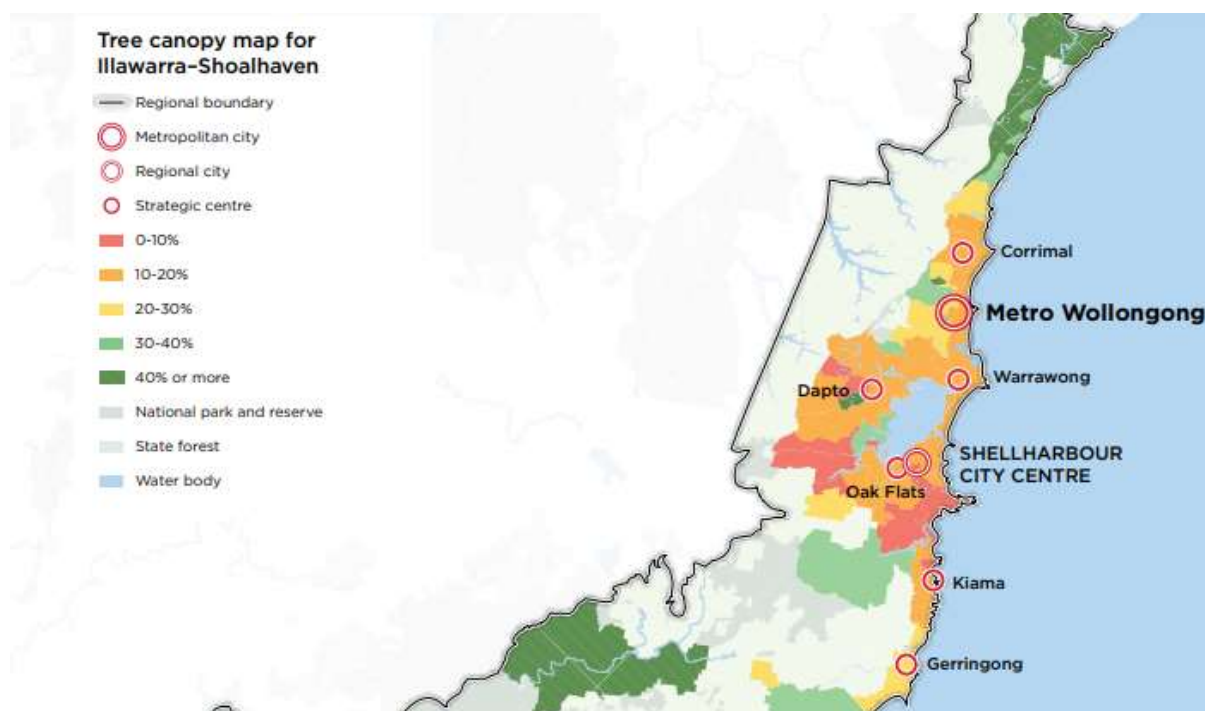


Figure 1: Tree canopy map for Illawarra-Shoalhaven (source: draft Illawarra Shoalhaven Regional Plan 2041)

This data will be used when preparing the Kiama Urban Greening Strategy.

Urban greening is about strategically increasing the quality and quantity of all vegetation and open green space on all land types in an urban setting. A component of this is the 'urban forest', the sum of all of the trees, plants and green space across all land types. The Urban Greening Strategy would set an urban tree canopy target and establish actions for achieving this target. Actions of the Urban Greening Strategy could include new LEP and DCP controls for protecting certain/significant trees and preparing a tree replacement policy.

The LSPS outlines that medium term actions will be completed within 2-6 years of the adoption of the LSPS. In this regard, funds have not been allocated to the Urban Greening Strategy within the current 2020/2021 budget. As outlined when the Kiama LSPS was adopted, the elected Council can seek to expedite specific actions of the LSPS as part of adopting new budgets and Operational Plans.

Communication/Community Engagement

Community consultation, in accordance with the Kiama Community Participation Plan (CPP) 2019, would occur as part of the Planning Proposal to amend environmental zonings and the Urban Greening Strategy and associated DCP controls.

Item 16.15

16.16 Questions for Future Meetings Register as at 7 December 2020

Responsible Director: Office of the General Manager

Attached for Councillors' information is the Questions for Future Meetings Register as at 7 December 2020.

Communication/Community Engagement

N/A

Attachments

- 1 Questions for Future Meetings Register as at 7 December 2020 [↓](#)

Questions for Future Meetings Register

16/73192

No	Details	Actions
18 August 2020		
19.3	<p>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.</p>	<p>Directorate numbers are being reported to the November 2020 Council meeting and details on funding of positions will be reported on at a future Council meeting when the information has been collated.</p>
22 September 2020		
19.1	<p>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.</p>	<p>Reporting to the February 2021 Council meeting.</p>
20 October 2020		
19.2	<p>Jamberoo Preschool – flooding Councillor Reilly requested a report on the mitigation of flooding at Jamberoo Preschool. The matter was referred to the Director Engineering and Works for investigation and report</p>	<p>Reported to the December 2020 Council meeting</p>
19.3	<p>Tennis court maintenance Councillor Reilly requested a report on the ongoing maintenance of all Council tennis courts in the Local Government Area. The matter was referred to the Director Engineering and Works for investigation and report.</p>	<p>Reporting to the February 2021 Council Meeting</p>
19.4	<p>Future sporting land Councillor Rice requested a report on the investigation of future sporting land that was promised to the Kiama District Sports Association a couple of years ago. The matter was referred to the Director Engineering and Works for investigation and report.</p>	<p>Reporting to the February 2021 Council Meeting</p>

No	Details	Actions
17 November 2020		
19.1	<p>Bombo Quarry – community input Councillor Reilly requested a report on suggested strategies to retain Council's right to planning and prevent it falling into State significant projects excluding our community's input, now that Boral are in discussion with State Rail and that Bombo Quarry is cited in our Local Strategic Planning Statement as an area of identified growth. The matter was referred to the Director Environmental Services for investigation and report.</p>	Reported to the December Council Meeting
19.2	<p>Development applications "called up" by Council Councillor Brown requested a report on the number of development applications which have been "called up" by the current Councillors which provides the following details: Councillor name/s; date; development application details; staff recommendation and the Council decision. The matter was referred to the Director Environmental Services for investigation and report.</p>	Reporting to the February 2021 Council Meeting
19.3	<p>Development applications – financial threshold Councillor Brown requested a report on the number of development applications reported to Council during the current term due to the application being above the financial threshold, which provides the following details: date; development application details; staff recommendation and the Council decision. The matter was referred to the Director Environmental Services for investigation and report.</p>	Reporting to the February 2021 Meeting
19.4	<p>Heritage officer update Councillor Rice requested an update on the appointment of a local or regional heritage officer and whether any Council staff have taken up the heritage training offered by the Office of Environment and Heritage. The matter was referred to the Director Environmental Services for investigation and report.</p>	Reported to the December Council Meeting
19.5	<p>Electric bike infrastructure Councillor Rice requested a report on how Kiama can steadily move towards providing appropriate and secure infrastructure for charging and parking of these valuable vehicles, as more residents in Kiama are riding electric bikes which should help reduce community emissions. The matter was referred to the Director Engineering and Works for investigation and report.</p>	Reporting to the February 2021 Council Meeting
19.6	<p>Planning controls to support tree retention and protection Councillor Rice requested a report, in advance of Kiama's Urban Greening Strategy and Biodiversity Corridor studies, outlining what is being planned by Council to align planning controls to support tree retention and protection, and how and when this will be progressed. The matter was referred to the Director Environmental Services for investigation and report.</p>	Reported to the December Council Meeting

No	Details	Actions
19.7	<p>Attunga Avenue footpath Councillor Way requested a report on the potential addition of a footpath at Attunga Avenue, Kiama Heights, that would link with the Coastal Walking Track at the eastern end and for the report to include costings. The matter was referred to the Director Engineering and Works for investigation and report.</p>	Reported to the December 2020 Council Meeting.
19.8	<p>Jerrara Eco Resort Councillor Way requested a report on the progress for Jerrara Eco Resort at Jerrara Dam since the project was allocated to the Economic Development Committee, the report to include a timetable to move the project forward from the planning to construction phases. The matter was referred to the Director Corporate and Commercial Services for investigation and report.</p>	Reported to the December 2020 Council meeting

16.17 Spendmapp - September ReportResponsible Director: Corporate and Commercial Services

Council's Economic Development Manager gave a presentation recently to the Mayoral Breakfast on a new online platform called Spendmapp which is powered by bank data and enables Council to access up-to-date information on spending patterns in the local economy. It does this by taking bank transaction (EFTPOS and credit/debit) data and applying a proprietary transformation to capture virtually all economic activity within a region. It counts cardholders and transactions in specified locations, times and type (resident and visitor).

Spendmapp provides an image of our economy every 12 hours to enable assessment of trends and to see how events are changing local conditions.

The Spendmapp platform will enable Council to measure resident and visitor spend and more importantly escaped spending occurring month on month and will also provide information on spending on any particular date in the year. This will be a valuable tool for measuring the actual impact of events.

Each month a Spendmapp report will be provided to ensure the most up to date information is available. The report for September 2020 is attached.

Communication/Community Engagement

N/A

Attachments

- 1 Spendmapp report - Kiama LGA - September 2020 [↓](#)



Spendmapp Monthly Report

Local Government Area: Kiama

Spendmapp cleans and analyses bank transaction data by time, geography, Expenditure Category and Type allowing continuous monitoring and analysis of local economic activity.

For the month of September, 2020:

- Resident Local Spend was \$12.8M. This is a 19.55% change from the same time last year.
- Visitor Local Spend was \$13.1M. This is a 42.06% change from the same time last year.
- Total Local Spend was \$25.9M. This is a 29.94% change from the same time last year.
- Resident Escape Spend was \$23.3M. This is a -0.02% change from the same time last year.
- Resident Online Spend was \$18.3M. This is a 8.35% change from the same time last year.

The 42.06 % increase in Visitor Local Spend suggests a relatively healthy growth in visitor economy activity.

Expenditure by Expenditure Type

These expenditure charts show the long-term pattern of expenditure activity by Expenditure Type across Kiama. Typically, we see spending spikes at Easter and Christmas; dips in the post-Christmas period; and a steady climb through winter.

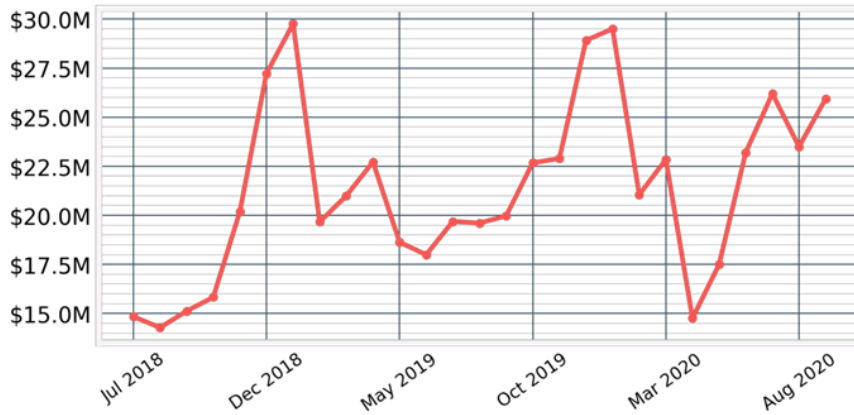
By way of a benchmark, the mean ratio of Resident Online Spend to all resident spending is 0.22. That is, for every dollar spent by resident cardholders anywhere, 22c goes online. Another 34c is in Escape Expenditure and the rest is spent locally.

Over the last few years across most of Australia, total expenditure has been relatively flat, even in fast growing municipalities. The exception to this has often been in Resident Online Spend, which continues to grow relative to Total Local Spend.

Total Local Spend

The total amount spent with merchants within Kiama.

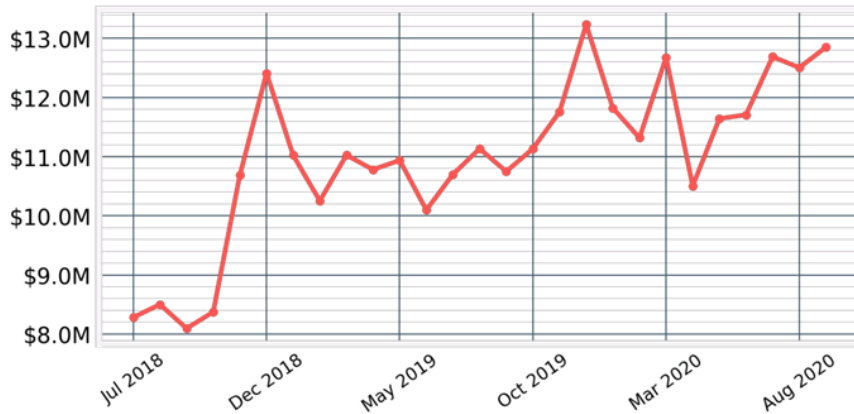




Over the last 27 months, the spending trend (as shown by the trendline in the Spendmapp application) for Total Local Spend has been upwards.

Resident Local Spend

The amount spent by residents and local businesses with merchants inside Kiama.

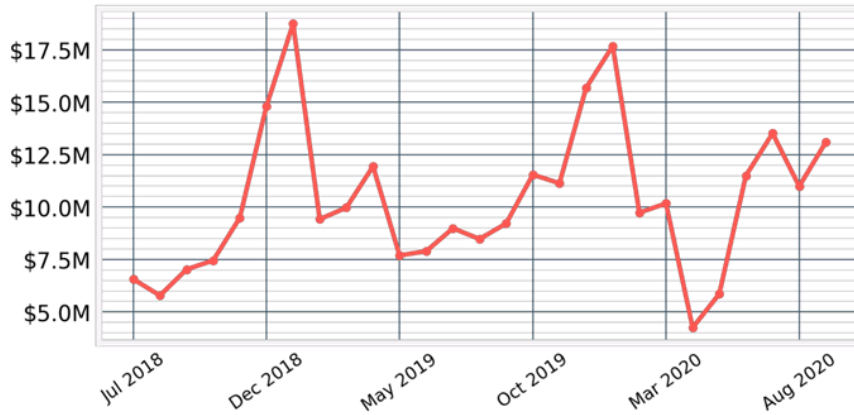


Over the last 27 months, the spending trend (as shown by the trendline in the Spendmapp application) for Resident Local Spend has been upwards.

Visitor Local Spend

The amount spent by non-residents and non-local businesses with merchants inside Kiama.

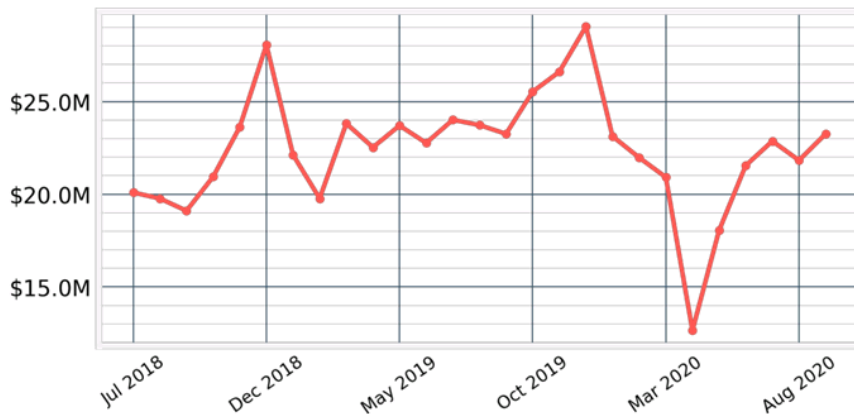




Over the last 27 months, the spending trend (as shown by the trendline in the Spendmapp application) for Visitor Local Spend has been upwards.

Resident Escape Spend

The amount spent by residents and local businesses outside Kiama.

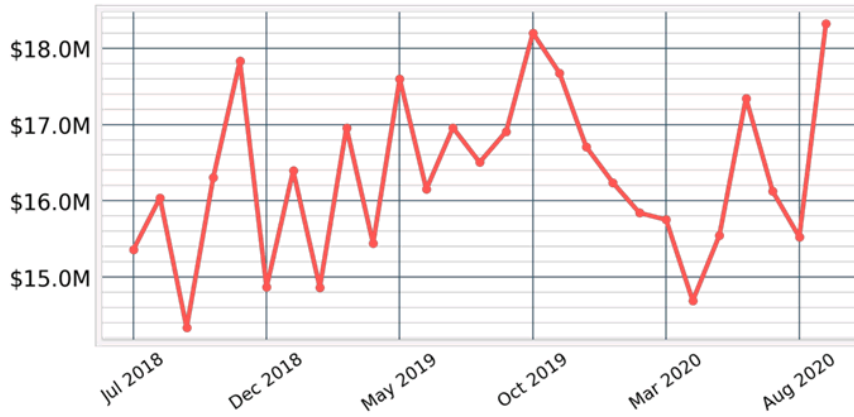


Over the last 27 months, the spending trend (as shown by the trendline in the Spendmapp application) for Resident Escape Spend has been flat.

Resident Online Spend

The amount spent by Kiama. residents and local businesses with online merchants.





Over the last 27 months, the spending trend (as shown by the trendline in the Spendmapp application) for Resident Online Spend has been flat.

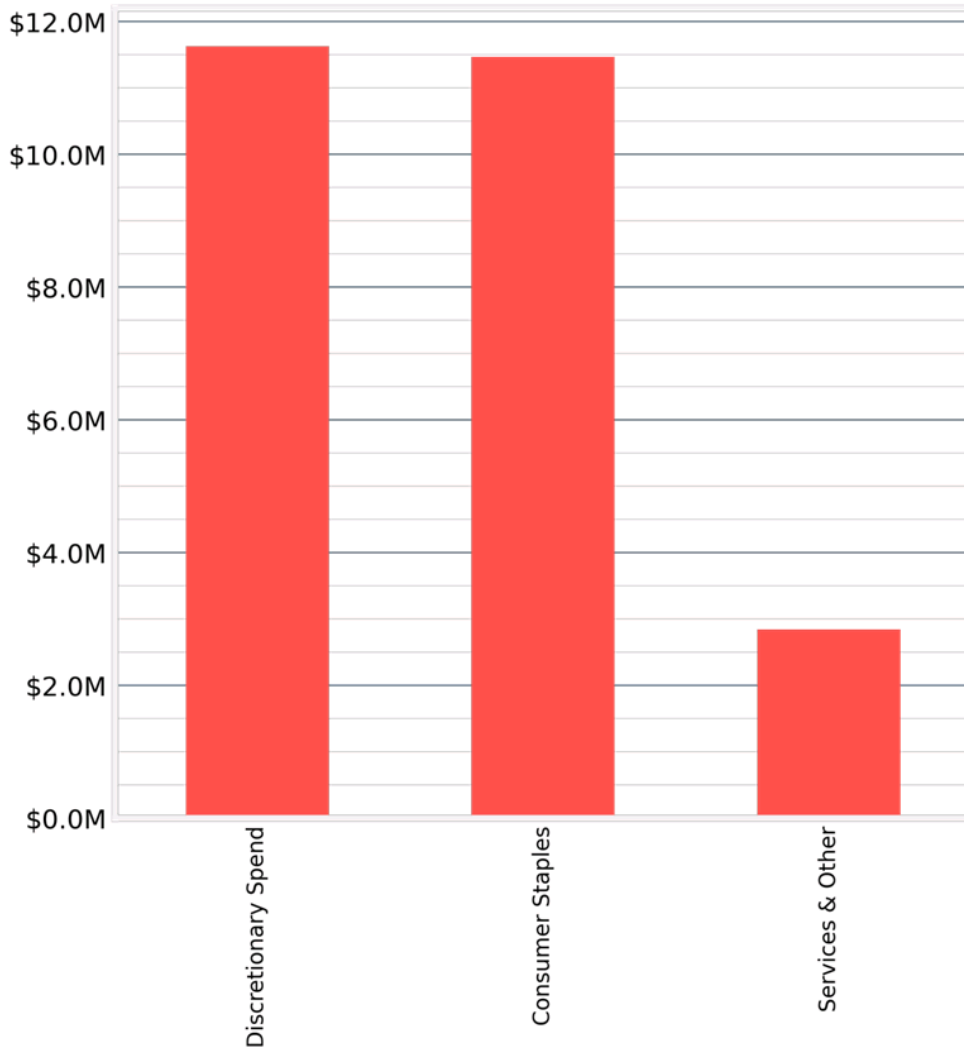




Expenditure by Expenditure Category

The Top 5 Spending Categories for September 2020

Total Local Spend split by the top 5 Expenditure Categories.



17 ADDENDUM TO REPORTS

18 NOTICE OF MOTION**18.1 Raking of Surf Beach and south Werri Beach**

Clr Matt Brown has submitted the following Notice of Motion for Council's consideration:

MOTION

That Council prepare a works plan that will have Kiama's Surf Beach, and the patrolled and nipper area of South Werri Beach, raked every two weeks during the Nippers season which commences from November each year and concludes at the end of February. Further, this plan will also include the raking of those beach areas prior to each long weekend (such as Easter etc) and school holiday periods and have this plan presented to Council for inclusion in the next budget cycle discussion.

Until this plan is prepared and implemented, Council agrees that Kiama Surf Club and Gerringong Surf Club be permitted to rake their respective beach areas, under Council's supervision, at the earliest opportunity.

Signed Councillor Brown

19 QUESTIONS FOR FUTURE MEETINGS

20 CONFIDENTIAL SUMMARY

CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 15 December 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 PROPOSED ROAD CLOSURE AND SALE - MANNING AND FARMER STREET, KIAMA

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

21 CONFIDENTIAL REPORTS

21.1 Proposed road closure and sale - Manning and Farmer Street, Kiama

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

CSP Strategy: 2.5 Effectively manage our transport, drainage and other infrastructure and assets

Delivery Program: 2.5.4 Manage other assets and infrastructure through the Other Asset and Infrastructure Asset Management Plan

REASON FOR CONFIDENTIALITY

This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

22 CLOSURE

Item 21.1 CONFIDENTIAL