



# ORDINARY MEETING OF COUNCIL

To be held at 5 pm on

**Tuesday 18 May 2021**

Council Chambers

11 Manning Street, KIAMA NSW 2533

## Order of Business

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

## Members

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

12 May 2021

To the Chairman and Councillors:

**NOTICE OF ORDINARY MEETING**

You are respectfully requested to attend an **Ordinary Meeting** of the Council of Kiama, to be held in the **Council Chambers, 11 Manning Street, KIAMA NSW 2533** on **Tuesday 18 May 2021** commencing at **5 pm** for the consideration of the undermentioned business.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mike Dowd', with a long horizontal flourish extending to the right.

Mike Dowd

**Acting General Manager**

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**AGENDA FOR THE  
ORDINARY MEETING OF KIAMA MUNICIPAL COUNCIL  
TUESDAY 18 MAY 2021**

**1 APOLOGIES**

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

### 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

#### 3.1 Ordinary Council on 20 April 2021

##### Attachments

- 1 Minutes - Ordinary Council - 20/04/2021 [↓](#)

##### Enclosures

Nil

#### **RECOMMENDED**

That the Minutes of the Ordinary Council Meeting held on 20 April 2021 be received and accepted.



# MINUTES OF THE ORDINARY MEETING OF COUNCIL

commencing at 5 pm on

## TUESDAY 20 APRIL 2021

Council Chambers  
11 Manning Street, KIAMA NSW 2533



MINUTES OF THE ORDINARY MEETING

20 APRIL 2021

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL  
OF THE MUNICIPALITY OF KIAMA  
HELD IN THE COUNCIL CHAMBERS, KIAMA  
ON TUESDAY 20 APRIL 2021 AT 5 PM

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

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

**1 APOLOGIES**

*21/075OC*

**Resolved** that the apology tendered from Councillor Westhoff be accepted and the leave of absence granted.

(Councillors Sloan and Way)

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

Against: Nil

**2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

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

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

**3 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**3.1 Minutes of the 16 March 2021 Ordinary Council Meeting**

*21/076OC*

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

(Councillors Reilly and Steel)

**MINUTES OF THE ORDINARY MEETING****20 APRIL 2021**

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

**3.2 Minutes of the 13 April 2021 Extraordinary Council meeting****21/077OC**

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

(Councillors Watson and Sloan)

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

**4 BUSINESS ARISING FROM THE MINUTES**

Nil

**5 DECLARATIONS OF INTEREST****Disclosure of Interest - Councillor Brown**

Councillor Brown declared a less than significant non-pecuniary interest in Item 12.1 *Cultural Grants 202/21 Funding Round* as he is a member of the Kiama and District Stronger Community group. Councillor Brown proposed to disclose and vote.

**6 TABLING OF PETITIONS AND OTHER DOCUMENTS**

Nil

**7 PUBLIC ACCESS SUMMARY**

<b>Name</b>	<b>Item No.</b>	<b>Subject</b>
Marion Haigh	9.4	Minutes: Kiama Local Traffic Committee – 6 April 2021
James Harris	12.2	Planning Proposal - Rezone part of 48 Campbell Street, Gerringong
Jeff McCarthy	18.1	Notice of Motion: Concept design for a community recreation park at South Werri Reserve

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MINUTES OF THE ORDINARY MEETING

20 APRIL 2021

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**8 MAYORAL MINUTE**

**8.1 Kiama Jazz and Blues Festival 2021**

*21/078OC*

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

(Councillor Honey)

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

Against: Nil

**Suspension of Standing Orders**

*21/079OC*

**Resolved** that Standing Orders be suspended at this time, 5:03pm to allow the Kiama Jazz and Blues Festival Committee representative to make a presentation of the 2021 Festival poster to the Mayor.

(Councillors Honey and Sloan)

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

Against: Nil

**Resumption of Standing Orders**

*21/080OC*

**Resolved** that Standing Orders be resumed at this time, 5.05pm.

(Councillors Honey and Sloan)

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

Against: Nil

**Addendum to reports**

*21/081OC*

**Resolved** that at this time, 5.05pm, Council bring forward and deal with Mayoral Minute 17.1 *The Big Get Together 2021*.

(Councillors Honey and Sloan)

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

Against: Nil

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**MINUTES OF THE ORDINARY MEETING**

**20 APRIL 2021**

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**17.1 The Big Get Together 2021**

**21/082OC**

**Resolved** that Council acknowledge the success of The Big Get Together 2021 and congratulate all involved in organising the event.

(Councillor Honey)

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

Against: Nil

**9 MINUTES OF COMMITTEES**

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

**21/083OC**

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

(Councillors Sloan and Reilly)

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

Against: Nil

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

**21/084OC**

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

(Councillors Reilly and Sloan)

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

Against: Nil

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**MINUTES OF THE ORDINARY MEETING**

**20 APRIL 2021**

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**9.3 Minutes: Kiama Cultural Board Minutes - 18 February 2021**

**21/085OC**

**Resolved that :**

1. The Minutes of the Kiama Cultural Board Meeting held on 18 February 2021 be received and accepted.
2. Council includes in the budget an acquisition fund of \$10,000 per year, with an additional \$10,000 added each year for the purchase of public artwork. Funds to be rolled over each year if not expended in the preceding year.
3. The Visitors Centre blank toilet wall be considered for a mural, commissioning the same artists who undertook the mural for the rest of the Visitors Centre.

(Councillors Watson and Rice)

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

Against: Nil

**9.4 Minutes: Kiama Local Traffic Committee - 6 April 2021**

**21/086OC**

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

1. That Council endorse the proposed signage plans for Minnamurra Headland provided in Attachment 2 of this Report.
2. That Council endorse the proposed signage plans for James Holt Reserve, Minnamurra provided in Attachment 3 of this Report.
3. That Council endorse the proposed signage plans for Rangoon Reserve, Minnamurra provided in Attachment 4 of this Report.
4. That Council endorse the proposed signage plans for North Street Reserve, Minnamurra provided in Attachment 5 of this Report.
5. That Council endorse the proposed signage plans for Charmian Clift Reserve, Kiama provided in Attachment 6 of this Report.
6. That Council endorse the proposed signage plans for Chapman Point Reserve, Kiama provided in Attachment 7 of this Report.
7. That Council endorse the proposed signage plans for Surf Beach (South), Kiama provided in Attachment 8 of this Report.
8. That Council endorse the proposed signage plans for Black Head Reserve, Gerroa provided in Attachment 9 of this Report.

**MINUTES OF THE ORDINARY MEETING**

**20 APRIL 2021**

9. That Council approves the Kiama Coastal Classic Running Festival event for Saturday 6 June 2021, subject to organisers complying with the following conditions:
- i. the event organisers comply with the traffic management plan No. TCP-KCC-2021 (Attachment 10) prepared by the accredited design consultant
  - ii. notification of this closure be given to Police, Local Emergency Services, businesses and residents effected by the closure
  - iii. an advertisement be placed in the local media advising of the closure.
  - iv. subject to public health orders at the time.
10. That Council defer the decision on the proposed signage plan provided in Attachment 11 of this Report, pending further clarification.

(Councillors Way and Brown)

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

Against: Nil

**9.5 Minutes: Kiama Youth Advisory Committee - 4 March 2021**

**21/087OC**

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

(Councillors Reilly and Brown)

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

Against: Nil

**COMMITTEE OF THE WHOLE**

**21/088OC**

**Resolved** that at this time, 5:11 pm, Council form itself into a Committee of the Whole to deal with matters listed in the reports as set out below:

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

(Councillors Way and Brown)

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

Against: Nil

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**MINUTES OF THE ORDINARY MEETING**

**20 APRIL 2021**

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**10 PUBLIC ACCESS REPORTS**

**21/089OC**

**Committee recommendation** that at this time, 5:11pm, Council bring forward and deal with the matters pertaining to the Public Access Meeting.

(Councillors Steel and Rice)

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

Against: Nil

Item 9.4 *Minutes: Kiama Local Traffic Committee – 6 April 2021* was dealt with in Minutes of Committees.

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

**21/090OC**

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

(Councillors Way and Steel)

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

Against: Councillors Reilly, Rice and Sloan

**18.1 Notice of Motion: Concept design for a community recreation park at South Werri Reserve**

**21/091OC**

**Committee recommendation** that Council:

1. Note that a submission has been received from the community requesting a significant upgrade to community recreation facilities at South Werri Reserve, including the following potential elements:
  - a) A Pump Track to be constructed at South Werri Reserve as a permanent recreation asset. The contours of areas of the reserve would suit the construction of the track.
  - b) A Children's Bike Track for beginners to be constructed at South Werri Reserve as a permanent recreation asset on the available flat ground.

**MINUTES OF THE ORDINARY MEETING**

**20 APRIL 2021**

- c) An expansion of the Skate Track with feedback from our young people for their input on the improvements.
  - d) An enclosed Toddler's playground constructed to complement the existing children's playground.
  - e) Construction of a bird life pond within the existing low level rain water catchment area and featuring a raised walking and wheel chair accessible nature track circuiting the bird life ponding area.
  - f) Construction of landscaped recreation/picnic facilities for community to picnic, to enjoy and to observe the activities of this precinct and for protection from the harsh UV rays.
  - g) Upgrading of the public toilets attached to the Surf Club.
2. Provide a report on the process of preparing a Concept Design and Business Case for a significant upgrade to community recreational facilities at South Werri Reserve including the elements above,
  3. That the report suggest a detailed consultation process (including with project proponents and neighbours) and options to source funding for the design and construction phases with the assistance of the local State and Federal Members.

(Councillors Sloan and Way)

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

Against: Nil

**11 REPORT OF THE GENERAL MANAGER**

**11.1 Minutes and motions: South Precinct - 11 March 2021**

**21/092OC**

**Committee recommendation** that Council:

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

(Councillors Brown and Rice)

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

Against: Nil



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**MINUTES OF THE ORDINARY MEETING**

**20 APRIL 2021**

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**11.2 Statement of Investments - March 2021**

*21/093OC*

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

(Councillors Reilly and Way)

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

Against: Nil

**12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES**

**12.1 Cultural Grants 2020/21 Funding Round**

**Disclosure of Interest - Councillor Brown**

Councillor Brown declared a less than significant non-pecuniary interest in this matter as he is a member of the Kiama and District Stronger Community group. Councillor Brown took part in discussion and voted on this matter.

*21/094OC*

**Committee recommendation** that Council approve the following recommended Cultural Grants funding applications:

- |                                    |         |
|------------------------------------|---------|
| 1. Youthfest                       | \$6,000 |
| 2. LGBTI Choir                     | \$2,500 |
| 3. The Cedar-getters Granddaughter | \$2,500 |
| 4. Walk my Way                     | \$9,000 |

(Councillors Brown and Way)

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

Against: Nil

Item 12.2 *Planning Proposal - Rezone part of 48 Campbell Street, Gerringong* was dealt with as part of Public Access Reports.

**MINUTES OF THE ORDINARY MEETING**

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**12.3 10.2018.225.2 – Lot B DP 164747 – 47 Thomson Street, Kiama –  
Modification of Consent**

**21/095OC**

**Committee recommendation** that Council approve Section 4.55 Modification of Consent Application No 10.2018.225.2 under Section 4.55 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Watson)

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

Against: Nil

**12.4 10.2020.208.1 – Lot 49 DP 241462 - 44 Armstrong Avenue, Gerringong -  
Demolition of existing dwelling, new 2 storey dwelling & pool**

**21/096OC**

**Committee recommendation** that Council approve Development Application No 10.2020.208.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

(Councillors Brown and Steel)

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

Against: Nil

**13 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL  
SERVICES**

**13.1 Adoption of revised Fees and Charges**

**21/097OC**

**Committee recommendation** that Council adopt the revised Fees and Charges as reported to Council on 17 December 2020 and the new Fees and Charges be published on Council's website specifically:

1. Public hall hire fees for not-for-profit organisations as provided in table 1 of this report
2. Exempt school based groups, charities and charitable fund-raising groups, community groups based within Kiama LGA and not-for-profit groups from Native Title assessment fees
3. New fee of \$95 for "Applications for plumbing and draining install" at Holiday Parks

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**MINUTES OF THE ORDINARY MEETING**

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4. New fee enabling Council to apply interest on overdue holiday van annual fee payments.

(Councillors Way and Reilly)

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

Against: Nil

**13.2 Kiama Surf Life Saving Club - new lease**

**21/098OC**

**Committee recommendation** that Council:

1. enter into a new lease with Kiama Surf Life Saving Club (KSLSC) Inc. for the use of the existing building for clubhouse, public hall, public gymnasium and fitness centre as well as cultural, educational, sporting, community use on Lot 2 DP531612 and Lot 7016 DP1074643 for a term of 10 years subject to the consent of the Minister
2. establish annual rental of \$500 per annum + GST (subject to annual CPI increase) plus outgoings including but not limited to electricity, proportional water usage, gas, garbage services and trade waste servicing
3. give the Mayor and General Manager delegated authority to sign the lease and affix the seal of Council if required.

(Councillors Brown and Steel)

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

Against: Nil

**13.3 Question for future meeting: Chapman Point Reserve seasonal camping**

**21/099OC**

**Committee recommendation** that Council support the ongoing seasonal camping at Chapman Point Reserve over the Christmas/New Year and January school holiday period only.

(Councillors Way and Sloan)

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

Against: Nil

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**MINUTES OF THE ORDINARY MEETING**

**20 APRIL 2021**

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**13.4 Question for future meeting: Markets Strategy**

*21/100OC*

**Committee recommendation** that Council:

1. acknowledge the previously endorsed Markets Strategy
2. extend all approved markets under short term licence provisions to a common licence expiration date of 30 June 2022, except where an expression of interest process has been conducted (whether following adoption of Council managed crown land plans of management or otherwise) and a new licence to operate markets is in place before this date.

(Councillors Reilly and Steel)

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

Against: Nil

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

**Motion**

*21/101OC*

**Committee recommendation** that Item 14.1 *Question for future meeting: Akuna Street Carpark Geotechnical testing* be moved to Confidential Committee to allow discussion of the confidential attachment as per Section 10A(2)(di) of the Local Government Act.

(Councillors Reilly and Steel)

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

Against: Nil

**14.2 Question for future meeting: soil testing - James Oates Reserve, Minnamurra**

It was **moved** by Councillor Way and seconded by Councillor Sloan that Council receive a further report based on the geotechnical consultant's report to confirm the content and safety of the mounds of soil on the southern side of James Oates Reserve adjacent to the car park.

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

For: Councillor Way

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

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**MINUTES OF THE ORDINARY MEETING**

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**21/102OC**

**Committee recommendation** that Council note the outcome of the visual inspection of the soil mound at James Oates Reserve and not undertake further investigation.

(Councillors Brown and Watson)

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

Against: Nil

**15 REPORT OF THE DIRECTOR BLUE HAVEN**

Nil

**16 REPORTS FOR INFORMATION**

**21/103OC**

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

- 16.1 2021-2022 Destination Kiama Visitor Guide Launched
- 16.2 Clause 4.6 Variations to LEP Development Standards - 1 January to 31 March 2021
- 16.3 Grant Application - Shark Observation Grants Program 2020/21
- 16.4 Minutes: Kiama District Sports Association - 1 February 2021
- 16.5 Minutes: Kiama Liquor Accord Meeting - 24 March 2021
- 16.6 Minutes: Minnamurra Progress Association - 6 April 2021
- 16.7 Quarterly Dwelling Approvals
- 16.8 Question for future meeting: Council managed crown land leases and licences
- 16.10 Question for future meeting: Section 7.11 and 7.12 Contributions - Status
- 16.11 Question for future meeting: SENTRAL Youth Centre closure
- 16.12 Questions for Future Meetings Register as at 14 April 2021
- 16.13 Submission on State planning amendments for agriculture.

(Councillors Brown and Sloan)

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

Against: Nil

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**MINUTES OF THE ORDINARY MEETING**

**20 APRIL 2021**

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**16.9 Question for future meeting: Location for Jamberoo Dog Off Leash Area**

It was **moved** by Councillor Way that Council:

1. provide a plan for a proposed dog Off Leash Area (OLA) at the location shown in the report (opposite Kevin Walsh Oval on the western side of Churchill Street, Jamberoo).
2. take into consideration the riparian corridor and Hyams Creek in planning
3. provide a cost estimate for 1.8m high fencing and gate, and include the cost for construction of a concrete path for disabled access into the site
4. provide disabled parking in existing parking located on the western side of Churchill Street adjacent to the proposed OLA
5. communicate with Jamberoo community and seek feedback
6. make enquiries for any potential grant funding
7. include the project in the 2021/22 Works program subject to availability of grant funding.

As there was no seconder the motion **lapsed**.

**RESUMPTION OF ORDINARY BUSINESS**

**21/104OC**

**Committee recommendation** that at this time, 6.09pm, Council resume the ordinary business of the meeting with all Councillors and Staff present at the adjournment of the meeting being present.

(Councillors Sloan and Reilly)

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

Against: Nil

**ADOPTION OF COMMITTEE OF THE WHOLE REPORT**

**21/105OC**

**Resolved** that Council formally confirm, adopt and endorse the Committee recommendations made by Council sitting as a Committee of the Whole as detailed in the Committee recommendations numbered 21/089OC to 21/104OC above.

(Councillors Sloan and Steel)

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

Against: Nil

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**MINUTES OF THE ORDINARY MEETING****20 APRIL 2021**

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**17 ADDENDUM TO REPORTS**

Item 17.1 The Big Get Together 2021 has been dealt with in Mayoral Minutes.

**18 NOTICE OF MOTION**

Item 18.1 *Notice of Motion: Concept design for a community recreation park at South Werri Reserve* was dealt with as part of Public Access Reports.

**19 QUESTIONS FOR FUTURE MEETINGS****19.1 Use of Kiama Showground stables for Anzac Day**

Councillor Reilly requested that the Kiama and Jamberoo RSL sub branch be permitted to use the Kiama Showground stables to accommodate the horses ridden by the Light Horse Brigade at the Anzac Day dawn service. The matter was referred to the Director Engineering and Works for action.

**19.2 Scenic Management Guidelines**

Councillor Rice requested a report on how Council can proceed to establish Scenic Management Guidelines as referenced on page 402 and 403 of the March business paper, which outlined the Guidelines value in development decisions by other Councils. The proposed overlay in our LEP concerning character should also be considered in this report. The matter was referred to the Director Environmental Services for investigation and report.

**19.3 Community Response Policy update**

Councillor Rice requested a report to provide an update on the development of a Community Response Policy that included manageable timeframes for replying to community concerns and enquiries, which was endorsed by Council at the September 2018 meeting. The matter was referred to the Director Environmental Services for investigation and report.

**20 CONFIDENTIAL SUMMARY****21/106OC**

**Resolved** that at this time, 6.12pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Reilly and Rice)

**MINUTES OF THE ORDINARY MEETING**

**20 APRIL 2021**

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

**Public Representations:**

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

**20.1 Exclusion Of Press And Public:**

**21/107OC**

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

**21.1 TENDER FOR BOMBO ECO WALK STAIR CONSTRUCTION**

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

**21.2 TENDER FOR KEITH IRVINE OVAL AMENITIES BUILDING CONSTRUCTION**

**Reason for Confidentiality:** This matter deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council as per Section 10A(2)(dii) of the Local Government Act. .

**21.3 TENDER FOR KIAMA DEPOT ROOF REPLACEMENT**

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

**14.1 QUESTION FOR FUTURE MEETING: AKUNA STREET CARPARK GEOTECHNICAL TESTING**

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

(Councillors Watson and Reilly)

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



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**MINUTES OF THE ORDINARY MEETING**

**20 APRIL 2021**

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**21 CONFIDENTIAL REPORTS**

**21.1 Tender for Bombo Eco Walk Stair Construction**

**21/108OC**

**Committee recommendation** that Council:

1. in accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the tender of GCL Civil Pty Ltd for Tender KIAMA-9579185 – 'Bombo Eco Walk Stair Construction, for the sum of \$375,000 (excluding GST), but including a construction contingency allowance.
2. delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
3. grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

(Councillors Brown and Way)

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

Against: Nil

**21.2 Tender for Keith Irvine Oval Amenities building construction**

**21/109OC**

**Committee recommendation** that Council:

1. in accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, accept the tender of Deane Constructions Pty Ltd for Tender KIAMA- 957606 – Keith Irvine Amenities Construction, for the sum of \$206,000.00 (excluding GST), but including a construction contingency allowance.
2. delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
3. grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

(Councillors Way and Brown)

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

Against: Nil

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**MINUTES OF THE ORDINARY MEETING**

**20 APRIL 2021**

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**21.3 Tender for Kiama Depot Roof Replacement**

**21/110OC**

**Committee recommendation** that Council:

1. in accordance with clause 178(1)(a) of the Local Government (General) Regulation 2005, Council accept the tender of V Built Pty Ltd for Tender KIAMA- 960094 – Kiama Depot Roof Replacement, for the sum of \$ 194,607.00 (excluding GST), but including a 10% construction contingency allowance.
2. delegate to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.
3. grant authority for the use of the Common Seal of Council on the contract and any other documentation, should it be required, to give effect to this resolution.

(Councillors Rice and Watson)

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

Against: Nil

**14.1 Question for future meeting: Akuna Street Carpark Geotechnical testing**

**21/111OC**

**Committee recommendation** that Council:

1. allocate funding from the Land Development Reserve to undertake geotechnical and soil contamination investigation and testing of the south Akuna Street carpark.
2. accept the tender from SMEC Australia P/L for the sum of \$24,876.

(Councillors Reilly and Steel)

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

Against: Nil

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

**21/112OC**

**Committee recommendation** that at this time, 6.26pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Reilly and Brown)

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**MINUTES OF THE ORDINARY MEETING**

**20 APRIL 2021**

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

**Adoption of Report**

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

**21/113OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 21/107 to 21/112OC be confirmed and adopted.

(Councillors Steel and Watson)

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

**22 CLOSURE**

There being no further business the meeting closed at 6.32pm.

These Minutes were confirmed at the Ordinary Meeting of Council held on 18 May 2021.

.....  
Mayor

**3.2 Extraordinary Council on 22 April 2021**

**Attachments**

- 1 Minutes - Ordinary Council - 22/04/2021 [↓](#)

**Enclosures**

Nil

Item 3.2

***RECOMMENDED***

That the Minutes of the Extraordinary Council Meeting held on 22 April 2021 be received and accepted.



**MINUTES OF THE  
EXTRAORDINARY MEETING OF  
COUNCIL**

commencing at 2pm on

**THURSDAY 22 APRIL 2021**

The Pavilion Kiama  
Bong Bong Street, KIAMA NSW 2533

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MINUTES OF THE EXTRAORDINARY MEETING

22 APRIL 2021

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MINUTES OF THE EXTRAORDINARY MEETING OF  
THE COUNCIL OF THE MUNICIPALITY OF KIAMA HELD AT  
THE PAVILION KIAMA ON THURSDAY 22 APRIL 2021 AT 1:58PM

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

**IN ATTENDANCE:** Judith Carpenter – Judith Carpenter & Associates

## 1 APOLOGIES

### Apology

21/114OC

**Resolved** that the apology tendered from Councillor Steel be accepted and the leave of absence granted.

(Councillors Westhoff and Reilly)

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

Against: Nil

## 2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

## 3 CONFIDENTIAL SUMMARY

21/115OC

**Resolved** that at this time, 1:59pm, Council form itself into a Confidential Committee of the Whole to deal with matters listed in the recommendations as set out below subject to the consideration of any representations relating to such action.

(Councillors Brown and Way)

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**MINUTES OF THE EXTRAORDINARY MEETING**

**22 APRIL 2021**

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

**Public Representations:**

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

**4 CONFIDENTIAL REPORTS**

**4.1 Recruitment**

**21/116OC**

**Committee recommendation** that Council:

1. following the final round of interviews, resolve to offer the position to the successful candidate.
2. give delegated authority to the Mayor to make an offer to the successful candidate with the support of Judith Carpenter and Associates.
3. that the matter remain confidential until such a time as the contract is signed by the successful candidate and the Mayor is prepared to make an announcement.
4. that the Mayor is the only authorised spokesperson of Council to make an announcement with regard to the successful candidate.

(Councillors Honey and Brown)

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

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**MINUTES OF THE EXTRAORDINARY MEETING**

**22 APRIL 2021**

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

**21/117OC**

**Committee recommendation** that at this time, 2:01pm, the Confidential Committee of the Whole revert to Open Council.

(Councillors Westhoff and Rice)

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

Against: Nil

**Adoption of Report**

Mayor, Councillor Honey formally reported the recommendations of the Confidential Committee of the Whole more particularly set out above.

**21/118OC**

**Resolved** that that the Confidential Committee of the Whole recommendations numbered 21/116OC to 21/117OC be confirmed and adopted.

(Councillors Sloan and Watson)

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

Against: Nil

**5 CLOSURE**

There being no further business the meeting closed at 2:02pm

These Minutes were confirmed at the Ordinary Meeting of Council held on 18 May 2021

.....  
Mayor



- 4 BUSINESS ARISING FROM THE MINUTES**
- 5 DECLARATIONS OF INTEREST**
- 6 TABLING OF PETITIONS AND OTHER DOCUMENTS**
- 7 PUBLIC ACCESS SUMMARY**

## 8 MAYORAL MINUTE

### 8.1 Appointment of Chief Executive Officer - Mrs Jane Stroud

#### Attachments

Nil

#### Enclosures

Nil

### **RECOMMENDED**

That Council formally congratulate Jane Stroud on her appointment as the new Chief Executive Officer of Kiama Municipal Council.

### **REPORT**

It is with great pleasure that I announce Jane Stroud as Kiama Municipal Council's new Chief Executive Officer.

Jane has worked in local government in Queensland for over 20 years and brings a wide range of planning, innovation and community experience at the executive level.

Jane has extensive leadership experience including; Acting CEO and Deputy CEO and Director level roles in several councils in South East and regional Queensland. She also has experience working in large metropolitan coastal councils, as well as urban and regional communities. Jane brings a wealth of knowledge and energy to the role of CEO.

Jane holds a Bachelor degree from the University of Queensland and post graduate qualifications from the Sunshine Coast University. She has also completed the Australia Institute of Company Directors course and has masters level training in community engagement. Jane was awarded Queensland Local Government Association "Young Manager of the Year" and is also a member of the Australian Planning Institute, having held a national board role for several years focused on social planning. Jane was also the president of the Queensland Local Government Community Services Association and is known in the sector for her deep commitment to community, strategic planning, ability to problem solve and her passion for engaging with stakeholders.

I congratulate Jane on her selection and look forward to working with her.

I would also like to thank Jessica Rippon and Mike Dowd for their stewardship and leadership in the absence of a General Manager, and to my fellow Councillors for their support and professionalism during the selection and interview process.

## 8.2 Headspace service in Kiama

### Attachments

Nil

### Enclosures

Nil

Item 8.2

### **RECOMMENDED**

That Council support the call for the Commonwealth Government to consider funding for a new Headspace service in Kiama made by The Hon Gareth Ward MP.

### **REPORT**

Minister for Families, Communities and Disability Services, The Hon Gareth Ward MP recently wrote to the Commonwealth Minister for Health, The Hon Greg Hunt MP in relation to this matter.

Given the recent spike in youth suicides in the Kiama electorate and given the location of Headspace offices in Wollongong and Nowra which currently receive funding from the Commonwealth Government, the Minister has requested that the Federal Government consider funding for a new Headspace service in Kiama.

This facility could provide vital support services to those who are vulnerable as well as to educate local young people 12-25 years on suicide prevention and the importance of youth mental health.

This service could also cover issues such as relationships, vital counselling for those at risk, drug and alcohol support services, work and study support and putting young people in touch with local employment opportunities.

We have a responsibility to do everything we possibly can to provide the necessary access to services and support for vulnerable at-risk young people.

I would encourage interested local residents to sign the Minister's Petition which will also be tabled in NSW Parliament.

## 9 MINUTES OF COMMITTEES

### 9.1 Minutes: Australia Day Committee - 17 February 2021

Responsible Director: Office of the General Manager

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#### Attachments

- 1 Post Event Debrief - Australia Day 2021 Minutes [↓](#)

#### Enclosures

Nil

### **RECOMMENDED**

That the Minutes of the Australia Day Committee Meeting held on 17 February 2021 be received and accepted.

<b>Date:</b> 17 February 2021	<b>Time:</b> 9.15am	<b>Venue:</b> Mayor's Office
<b>Chairperson:</b> Cir Mark Westhoff	<b>Minutes:</b> Emily Vaughan	
<b>Participants:</b> Cir Mark Honey Cir Andrew Sloan Brent Blackburn	<b>Apologies:</b> Cathie Bax	
<b>Meeting Objective:</b> Post Event Debrief – Australia Day 2021		

*Code of cooperation*

1. We start on time and finish on time
2. We respect the Chair and direct all comments through the Chair
3. We all participate and contribute – everyone is given the opportunity to voice their opinions
4. We use improvement tools that enhance meeting efficiency and effectiveness

5. We actively listen to what others have to say, seeking first to understand, then to be understood
6. We follow up on the actions for which we are assigned responsibility, and complete them on time
7. We give and receive open and honest feedback in a constructive manner
8. We use data to make decisions (whenever possible)

No	Item	Actions	Who
1.	Apologies/introductions		Chair
2.	Community Groups	<ul style="list-style-type: none"> <li>Gauge level of interest from the community groups to run an event next year - suggestion to send out for Expression of Interest/call for those who are planning an event for Australia Day</li> <li>Councillor to attend each village and give a speech</li> </ul>	ALL
3.	Media, social media, website, photography	<ul style="list-style-type: none"> <li>Live Streaming –Budget would not allow in future, however because of the State Government Grant it was good to give to local business</li> </ul>	ALL



## Australia Day Committee Post Event Minutes

No	Item	Actions	Who
4.	Nominations	<ul style="list-style-type: none"> <li>• Work with Wollongong and Shellharbour Councils from October</li> <li>• Mayoral minute or column in June or July to start interest</li> <li>• Acknowledge all nominees. Agreed to write to nominees rather than publicly acknowledge</li> </ul>	ALL
5.	Budget	<ul style="list-style-type: none"> <li>• Hars/helicopter ~ feedback was positive on helicopter across three Councils, and there was little feedback on Hars. If budget allows would do helicopter again but include Aboriginal flag</li> <li>• Catering costs significantly increased due to Covid restrictions, i.e. service of food, extra staff</li> <li>• Simplify catering</li> <li>• Discussion around whether to keep at Kiama venue or visit villages. For new committee to decide</li> </ul>	ALL
6.	General Business /Other	<ul style="list-style-type: none"> <li>• Moving day to another day – majority of committee agreed to keep the event on Australia Day as it is important to host citizenship ceremony on Australia Day</li> <li>• Committee agreed that current Councillors cannot be nominated for Australia Day awards.</li> </ul>	ALL

<b>Next Meeting:</b> N/A	<b>Time:</b>
	<b>Venue:</b>

**9.2 Minutes: Destination Kiama Tourism Advisory Committee Meeting - 14 April 2021**Responsible Director: Corporate and Commercial Services

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**Attachments**

- 1 Destination Kiama Tourism Advisory Committee - minutes of meeting held 14/04/2021 [↓](#)
- 2 Internal Post Event Report - Kiama Jazz and Blues Festival 2021 [↓](#)
- 3 Post Event Report - Kiama Sevens 2021 [↓](#)
- 4 Kiama Rugby Sevens 2021 - TV and Radio stats [↓](#)
- 5 Kiama Rugby Sevens 2021 - Facebook Insights - Post Event [↓](#)

**Enclosures**

Nil

**RECOMMENDED**

That the Minutes of the Destination Kiama Tourism Advisory Committee Meeting held on 14 April 2021 be received and the following recommendations accepted:

1. That the three-year *Destination Kiama Tourism & Events Strategy* is updated and a consultant engaged via the process of expression of interest within the current budgetary framework.
2. That Destination Kiama provide support, in addition to the \$7,500 previously offered, to Australian Skateboarding Community for the 2021 SkateFest Event to the value of \$2,500.
3. That Destination Kiama provide support, in addition to the \$5,000 + in kind previously agreed to, to the 2021 SurfLife Gerringong Surf & Music Festival to the value of \$3,750.
4. The post event reports for the Kiama Rugby Sevens 2021 and Kiama Jazz & Blues Festival 2021 be accepted.

**BACKGROUND**

The Minutes of the Destination Kiama Tourism Advisory Committee Meeting held on 14 April 2021 are attached for Councillors' information, along with the post event reports for Kiama Rugby Sevens 2021 and Kiama Jazz & Blues Festival 2021.

**Meeting Notes  
Destination Kiama Tourism Advisory Committee  
14 April 2021 @ 4.00pm – The Pavilion Kiama**

**PRESENT:** Councillor Matt Brown, Councillor Warren Steel, Cameron McDonald, Marcus Testoni, Mike Dowd (Acting General Manager), Megan Hutchison (Acting Director Corporate and Commercial Services), Sally Bursell (Acting Manager Tourism and Events).

**1. Acknowledgment of Country**

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

**2. Apologies**

Rob Sciacchitano,

**3. Minutes of 1 February 2021**

The minutes of the previous meeting held on 1 February 2021 were received as accurate.

*Moved: Marcus Testoni*

*Seconded: Cameron McDonald*

**3.1. Business arising from the previous minutes**

- *Visitor Guide 2021-22*  
The Shores Restaurant Café was host to Destination Kiama's Spring Tourism After Hours on 30 March 2021. Included at this event was the successful launch of the annual Kiama Visitor Guide publication, as well as the Kiama Walks Pocket Guide.
- *Kiama Winter Event*  
Council resolved to transfer the budget for the 2020-21 New Year's Eve Event to support the proposed Winter Event on 19 June 2021.
- *L'Etape Australia, Kiama*  
Following the cancellation of the 19-20 March 2021 L'Etape due to bad weather, an internal meeting was had with the organisers of the event where issues around clarity and communication were addressed.  
  
This was followed by a community consultation at The Pavilion that was attended by approximately 20 people with the date 27 & 28 November 2021 proposed for the next Kiama event. This date is due to be sanctioned by early June.

**4. Kiama Tourism and Events Strategy / Priority Projects**

**4.1. Destination Kiama Tourism and Events Strategy**

Destination Kiama's Strategic Tourism and Events Plan 2018-2021 is due to be revised. Funds have been allocated within our current budget to cover the cost of a consultant to assist with the update and development of this plan.

It is proposed that the updated plan will build off the existing strategy in a similar concise format and address the changes in the tourism environment, highlighting the new and differing opportunities with the domestic travel growth, post COVID-19 pandemic.

A briefing document and call for expressions of interest will be developed by the Acting Tourism & Events Manager with an aim to have a consultant appointed by late May 2021.



This document will then form the basis for updates to be made to the underlying tourism plans over the course of 2021-22.

**Recommendation:**

That the three-year *Destination Kiama Tourism & Events Strategy* is updated and a consultant engaged via the process of expression of interest within the current budgetary framework.

*Moved: Marcus Testoni*

*Seconded: Cameron McDonald*

**4.2. Kiama Tourism Opportunity Plan – implementation update**

**4.2.1. Highway Bypass signs**

Destination Kiama contacted the RMS for an update on the highway signs. We were informed that two highway signs (Kiama northbound and Gerringong southbound) are scheduled to be installed 21/22 April 2021.

The two remaining signs are requiring more attention sighting the issue with sub terrain rock found under the proposed footing locations. The first announcement was made in February 2019 for these signs, and Destination Kiama as well as Kiama Council have expressed their dissatisfaction with the long winded process and subsequent delay.

**4.2.2. Beach and Foreshore Activation**

This project is pending the review of the Kiama Crown Land Plans of Management. The project has been delayed and the final document is not expected to be available until early 2022.

Progress on other projects:

- Jones Beach SLSC – new carpark resulting in 25 regular carparks and 2 accessible car spaces allocated in Council's 2021/22 budget.
- Kiama Surf Club have signed a new lease with Council based on existing uses. However, KSLC would be interested in discussions around further expansion and greater flexibility of uses as addressed in the Tourism Opportunities Plan (TOP).
- Gerringong Surf Club have plans drafted for an independent proposal and also seeks greater flexibility of uses as addressed in the TOP.

**4.2.3. Headland, Harbour and Foreshore Activation**

Feedback sessions have been held with maritime services. It is likely that the project will not be completed until after the Council September 2021 election.

Maritime has commenced planning in collaboration with Council to replace the previously damaged retaining wall. The design will link the new footpath with the retaining wall, and also incorporate the replacement of the pontoon. As soon as the design has been completed works will commence.

**4.2.4. Walking Tracks:**

Escarpment Walking Track – Illawarra Shoalhaven Joint Organisation (ISJO) are leading this project and requested Council's commitment to the project. All involved councils have pledged in principal support to this point.

The extension of the Kiama Coast Walk from Gerringong to Gerroa is slowly progressing with a preferred route determined and a submission in preparation with the engineering team to send to the State Government.

The Council engineering department have recently met with the Gerroa Community Association and the Shoalhaven Heads Community Forum regarding a proposal to link Gerroa via Seven Mile Beach National Park to Shoalhaven Heads. Currently, this complete walking track (12.5kms) is not recognised or endorsed by National Parks.

**4.2.5. Jerrara Dam:**

Funds have been allocated in the Economic Development budget for 2021-22 to formulate a Business and Feasibility Plan based around Eco Tourism opportunities.

**4.2.6. Agritourism:**

The NSW Government have proposed changes to simplify the planning process and approval pathways for small business activities such as agritourism and low-impact agricultural development on NSW farms. Council's Tourism, Economic Development and Planning departments have met to discuss the proposed changes and are determining whether a response is required.

**4.3. Develop and promote a year round Events Calendar**

**4.3.1. Destination events seeking support**

The Kiama Jazz & Blues Festival have submitted an application for funding for the 2022 event. Their obligation to provide a 5-year plan is yet to be received and therefore, their application for 2022 Festival Funding will be carried over to the next Tourism Advisory Committee meeting.

**4.3.2. Requests for additional funds**

Some Destination Kiama sponsored events are making their way back on to the calendar and as their requirements have changed they are applying for additional funding:

- *SkateFest 1-5 July 2021*

In 2020, skateboarding has seen the biggest growth in Australia since the early 1990's. Skateboard NSW has folded and this has resulted in a reduced opportunity for NSW Skate competitors to qualify and reach the Nationals. Kiama now has the opportunity through SkateFest to provide this opportunity and this will result in an event bigger and better event.

To this end, the Australian Skateboarding Community Initiative has written to the Tourism Advisory Committee to request an additional \$5,000, adding to their initial Destination Kiama contract of \$7,500. These funds have been requested to market to a wider audience, expand the competition timeframes and focus on coaching and junior divisions as well as a women's division.

**Recommendation:**

That Destination Kiama provide support, in addition to the \$7,500 previously offered, to Australian Skateboarding Community for the 2021 SkateFest Event to the value of \$2,500.

*Moved: Marcus Testoni*  
*Seconded: Cameron McDonald*

- *SurfLife Surf & Music Festival 11-12 June 2021*

Ad-Lib Event's Adam Loxley, has requested an additional \$3,750 in addition to their initial Destination Kiama support contract of \$5,000 + inkind. This is to assist in offsetting the impact of COVID-19 restrictions which have led to reduced numbers permitted within the

Town Hall. The funds requested will cover the cost of free live music at Gerringong Town Hall and Werri Beach Reserve.

**Recommendation:**

That Destination Kiama provide support, in addition to the \$5,000 + in kind previously agreed, to the 2021 SurfLife Gerringong Surf & Music Festival to the value of \$3,750.

*Moved: Marcus Testoni*

*Seconded: Cameron McDonald*

**4.3.3. Destination Kiama post event reports**

Two Post Event Reports were tabled at the meeting:

1. Kiama Rugby Sevens 2021
2. Kiama Jazz & Blues Festival 2021

It was noted that there is an expectation for all sponsored events to follow the Destination Kiama post event template format. A post event report that does not provide the necessary information will be unable to access their last support payment from Destination Kiama.

A hands-on workshop will be scheduled and facilitated by Destination Kiama staff to assist event organisers in applying and reporting for Destination Kiama funding.

**Recommendation:**

That the post event reports be accepted.

*Moved: Councillor Steel*

*Seconded: Marcus Testoni*

**4.3.4. Other event information**

- *Kiama Winter Festival – 19 June 2021*

IGNITE Kiama Winter Festival is taking shape. An inaugural winter event embracing winter, our vibrant community and showcasing how beautiful and exciting Kiama can be this time of year.

Warm your heart and soul on the Kiama Harbour Foreshore on 19 June 2021 as we IGNITE your tastebuds, imagination and senses with a tasty street 'fire inspired' market, interactive art instalments, workshops, and live entertainment that will get your toes tapping and your senses heightened.

A family friendly event with entertainment for all, experience dynamic rhythm, fire shows and jungle drums by Junkyard Beats, live shows by Lolo Lovina the Gypsy Caravan, warm cocktails, traditional bush tucker and soooo much more!

Dine under the clear winter skies on a long table VIP dinner and enjoy prime seats for the 7.30pm Fireworks and Fire Show.

Note: Shoalhaven Street between Minnamurra and Terralong Street intersections will be closed for the event.

- *L'Étape Australia by Tour de France*

Following the cancellation of the 20 March 2021 L'Étape Australia event, an internal Council meeting and debrief has been held with the event organisers.

Community consultation has also begun with meetings held in Kiama, Berry and Robertson in which the following key points were delivered:

- Change of date (from 3 and 4 December) to the weekend of 27 and 28 November – to avoid large key local events in Berry and Robertson.
- Move the Race and Ride to the Sunday i.e. no road closures on the Saturday
- Start the race at 6:30 am instead of 7:00 am to bring the road closures earlier in the day
- Increase the slowest rider speed to 20km/hr – meaning that the duration of the road closures will be slightly shorter pending final route planning

The Acting Tourism and Events Manager is in discussions with Susan Wardle from the Wollongong UCI event which involves 8-10 days of rides and road closures. It is claimed to be the biggest event outside of Olympics. Opportunities for legacy events and hosting of key cycling teams is an opportunity for Kiama.

## **5. Market and promote visitation to Kiama**

- *Australian Traveller*

Destination Kiama have recently worked in partnership with Australian Traveller Magazine in a promotion, in their City to Outback campaign. The article featured “Our insider’s guide to Kiama” promoting travelling mid-week and over autumn and winter. It featured the Kiama Great Outdoors, luxury accommodation, eating out and participation in the myriad of local workshops.

<https://www.australiantraveller.com/nsw/south-coast/kiama/the-insiders-guide-to-kiama/>

The results via digital mediums so far are pleasing with over 5,000 unique visitors and an average time on the page 2:44 which is considered very high.

The clicks on our display ads on their site is also considered high with 73,000 impressions and 219 clicks.

Destination Kiama is currently working with:

- *Out & About with Kids*
- *TimeOut Sydney and TimeOut Melbourne*
- *We are Explorers*
- *OutinCanberra*
- *Promotion targeting New Zealanders – working with Tourism Australian on their “Be the First” campaign.*

## **6. Community and Industry Engagement**

### **6.1.1. Above and Beyond Award**

The nominations for the winter 2021 Above and Beyond Award were considered by the Committee and the recipients selected. They will receive their recognition at the Tourism after Hours event scheduled for 23 June 2021.

The previous recipients receiving the award were Sylvia Karschies, from The Bellevue Kiama and Nadia Thompson from Picnic by the Sea, both having been presented their awards at the Tourism After Hours event in March.

### **6.1.2. Tourism After Hours**

The next Destination Kiama Tourism after Hours event is scheduled for Wednesday 23 June 2021.

**6.1.3. Industry Development**

Destination Kiama is planning two workshops before the close of the financial year.

**1. Simplifying Grant Writing**

This workshop will be run in conjunction with the Department of Regional NSW and will be designed to assist partners in leveraging the various funding opportunities that are available on a State and Federal level.

A smaller stream will also be coordinated by the Destination Kiama events team to assist local event organisers in delivering the requirements under the Destination Kiama Event Funding Guidelines.

**2. Search Engine Optimisation (SEO)**

This workshop is designed to assist partners in understanding the basics around search engines, how they work and deliver tips and tricks on how to cost effectively get noticed.

**6.2. Tourism development and strategic partnerships**

Destination Sydney Surround South (DSSS) – key priority areas and project updates:

• *Grand Pacific Drive*

A successful funding application through AUSTRADE and local government partners (Destination Wollongong and Shoalhaven Tourism) has allowed for a renewed focus on Grand Pacific Drive and the extension of the product offering to the Victorian border.

Destination Wollongong is leading the project on behalf of DSSS and will continue to work with stakeholders over the next 12 months to deliver website upgrades, content development and social media marketing, among other KPIs.

Kiama has been invited to be involved with the new website and key product development opportunities such as itineraries, despite not contributing financially to the project.

• *Great Southern Walk*

AUSTRADE application submitted for brand development work.

• *South Coast School of Excellence (\$1m)*

DSSS submitted a Bushfire Local Economic Recovery Fund (BLERF) application for a business case and initial stages of a South Coast School of Excellence designed to assist with the training and development of customer service in tourism and hospitality industry. The DSSS General Manager sits on the Small Business and Tourism Working Group, Australian Government Jobs & Skills Taskforce Illawarra South Coast who will be moving the project forward.

• *Indigenous Tourism Product Development Project*

Initial discussions have occurred with Paul Knight, Illawarra Local Aboriginal Land Council, Anthony Body, Regional NSW and the DNSW NSW First Team on the best way to support emerging Indigenous Tourism Operators. DSSS will work with stakeholders to deliver support to these businesses.

• *Visitor Economy Strategy*

DSSS are working closely with DNSW and other partners to deliver on allocated actions in the Visitor Economy Strategy 2030, this will include DSSS updating their own Destination Management Plan.

• *DSSS Visitor Economy Symposium*

Save the date - Wednesday 19 May 2021, Novotel Northbeach, Wollongong.

**6.2.1. Kiama & District Business Chamber**

Working with Kaylene, to deliver the Kiama Winter Festival.

DK funded a brochure stand to house the Kiama Visitor Guide with clear signage on how to access the Visitor Information Centre at Blowhole Point following a high number of enquiries to their Terralong Street office.

**6.2.2. Illawarra Shoalhaven Joint Organisation – Visitor Economy Working Group (and Cycling Strategy)**

An online meeting was had with ISJO and Waples regarding funding received from the Wollongong 2022 Legacy Partnership Program to develop a regional cycling strategy. This is following on from the work DSSS did with their regional snapshot report of 2019.

**6.2.3. Surfing NSW**

Despite a very quiet 18 months, Destination Kiama have again begun meetings with Surfing NSW to present the Australian Open of Surfing Tour in Kiama from 9-10 October 2021.

Surfing NSW are currently working on “a day in the life of” digital piece, featuring up and coming Gerringong local surfer, Holly Wishart, in which Destination Kiama will be able to share and leverage from the younger demographic reach.

**6.2.4. Crown Lands Plans of Management**

Councils across NSW have been provided an extension into the next financial year. Internal discussions are taking place regarding the need for policies to be developed due to the number of enquiries being received from music and festival promoters.

**7. Visitor Servicing**

**7.1. Kiama Visitor Information Centre Statistics**

**7.1.1. Servicing**

Overall for quarter two the number of visitors to the VIC were down 30% when compared with 2019/20.

January 2021:	38.2% down
February 2021:	42.1% down
March 2021:	13% up

**7.1.2. Sales**

January 2021:	8% down
February 2021:	15% down
March 2021:	52% up

**7.1.3. Publications**

New printed publications are now available and being distributed throughout the municipality

- Kiama Visitor Guide 2021/22
- Kiama Walking Guide
- Kiama Coast Walk Pocket Map

May 2021 will see the third edition of the Kiama Dining Guide printed.

## **7.2. Destination Kiama Partnerships**

Destination Kiama's partnership remains strong with 214 partners to date. The 2019-20 financial year saw the year end with 217.

A new partnership prospectus is currently being drafted for the 2021/22 financial year.

## **8. General Business**

### **8.1. The Passing of John Ford**

It is to be noted that Destination Kiama sends condolences to John Ford's family and recognises his contributions to Kiama Surf Life Saving Club.

Congratulations is also provided to Lachlan Payne on his appointment as President of the club and Destination Kiama look forward to working with KLSC continuing our shared focus.

### **8.2. Community Transport Conference (CTO), The Pavilion Kiama**

The Acting Director Corporate and Commercial Services advised the Committee that The Pavilion Kiama was successful in bidding on a 200pax, three day conference (<http://ctoconference.com.au/>) to be held in October with an additional day scheduled for *the innovative transport organisation* (stay tuned).

Whilst also attending, Blue Haven Care staff are assisting in the delivery of the conference, volunteering to assist, displaying strong Council support.

The next meeting will be held **Tuesday 27 July 2021**.

**Meeting closed at 5.55pm.**

## Kiama Jazz and Blues – Internal Post Event Report

---

09/03/2021 phone call with BG and SC

Event Organiser, Becky Guggisberg was overall very happy with how the event came off on the weekend. The weather was perfect, musicians were great, crowds were happy. Although there were no major issues/concerns, she had a few issues to note:

- Power supply next to Joyce Wheatley blew – this issue was raised by Becky prior to the event as the switch blew last year and she wanted to confirm it was rectified. Wayne advised that the whole board was replaced. The power supply destroyed musicians' equipment - a couple amps and a keyboard. See below follow up from Wayne Blackall in follow up to this:

**From:** Wayne Blackall <wayneb@kiama.nsw.gov.au>  
**Sent:** Wednesday, 10 March 2021 10:59 AM  
**To:** Sophie Campbell <sophie@kiama.nsw.gov.au>  
**Subject:** RE: Power Supply near Joyce Wheatley

Hi Sophie

Our electrician had a look on the day and we can't find any issues with our switchboard. Our 32A RCD tripped as it should when a fault occurs. In our electrician's opinion the fault wasn't with our board and we test our RCD's twice a year and they comply, if our RCD tripped the fault is after the board. He had a look at all their equipment and leads and nothing is tested and tagged, I think as a starting point they should look at testing and tagging their equipment, leads and RCD's on their temporary Sub switchboard or look at some sort of surge protection, but our board and RCD worked as it should, as soon as a fault occurred the RCD tripped to protect the switchboard and cut power off to the appliances and that is what it should do.

So we think they should look at their equipment and test and tag appliances and leads, and test twice a year their safety switches on the sub board they plug into our main board or add some surge protection on their sub board to protect their appliances

Cheers

Wayne

- The piano was rolled out of the Joyce Wheatley building by 10 guests and utilised in place of the keyboard. This was well received by the crowd apparently and added a special and unexpected element to the performance, despite causing a delay to performances.



- They are about to get in to what Becky called “Side Show Season” with some great acts and one off events coming up from May.
- Becky mentioned her disappointment with the amount of funding received for the event and advised the festival is not sustainable without the support of Council. She mentioned it was disheartening in their 35<sup>th</sup> year of the festival that they received less support than ever before. The Business Chamber was uninvolved with sponsorship this year also which she mentioned was disappointing.
- Becky has confirmed dates for the festival next year which have been booked in with Aly (March 11 – 13, 2022). She mentioned that the festival is typically the first weekend, but 2022 year will be running the second weekend.
- She mentioned an issue with our website appearing before the Jazz and Blues website in a google search, and that for the 2020 festival our website link was broken/down which made it impossible to find details on the festival. She flagged this as she does not want this to happen in future.
- The Jazz and Blues Team will begin the call out to musicians for 2022 in a month and will open up for bids on artwork for the 2022 festival.

Becky has a personal show scheduled for this week, and will arrange a time to catch up for a more in depth debrief and will send in her post event report with final invoice for funding.

## POST EVENT REPORT

### KIAMA SEVENS 2021 POST EVENT REPORT



#### 1. EVENT OVERVIEW

- **25.02.21** Bump in commenced.
- **27.02.21** Tournament conducted.
- **28.02.21** Bump out.
- **Venue:** Kiama Showground complex, incorporating both playing fields, pavilion, Kiama Rugby Club, grandstands.
- **Weather:** Overcast 23° C
- **Attendance:** Eventbrite ticketed 2200 entries, 125 walk up.
- **Program of events:** ( Program attached as lo res PDF)
- **New Additions:** Kiama Sevens 2021 increased Women's competition by 4 teams.
- **Stall holders:** Kiama Rugby club caters the event.

#### 2. OUTCOME OF MARKETING OBJECTIVES

**Kiama Sevens** is a sporting tournament, Kiama Sevens endeavors to create awareness of the Kiama LGA/Destination Kiama catchment.

**Kiama Sevens** is a grassroots pathway for **Rugby Australia**.

2021 tournament was affected by the COVID initial lockdowns.

## POST EVENT REPORT

### 3. SPONSORSHIP

**Kiama Sevens** sponsors are featured on the Kiama Sevens website via the animated slider across multiple pages eg. <https://www.kiamarugby.com/kiama-sevens> and club sponsors page <https://www.kiamarugby.com/sponsors>

**Kiama Sevens** sponsors are also featured across all social media networks\* and via the CluchTV\* livestream videocast over the course of the day.

\* Relevant statistics are attached.

### 4. MARKETING/ MEDIA COVERAGE

**Event/media launch:** Did not go ahead re COVID ( Melbourne VIC went back into lockdown. Media launch had been booked at the SEBEL Harbourside Kiama).

**Advertising:** Kiama Bugle, Bombo straight signage, WIN TV\*, i98 FM Radio\*, Corflute advertising through LGA villages, Destination Kiama tourist signage Bombo / Toolijooa

**Social Media:** Multiple thousands of interactions leading up to the event and for post event results, video and photography posts - Facebook, Instagram and Twitter.

**LiveStreaming:** Via CluchTV\* with views around Australia and internationally across 10 countries.

**Event Listings:** ATDW, Rugby Australia tournament directory, Destinations Kiama, Event Program, Flyers, Posters

\* Relevant statistics are attached.



## POST EVENT REPORT

### 5. ATTENDANCE

**Total Attendance:** 2500 Spectator and athletes for our one day event.  
Sponsors hospitality marquee 200 guests.

**Attendees Origin:** Eventbrite ticketing has postcode as per Covid tracking. Visitors from Sydney and across New South Wales.

**Overnight Stays:** Requested this information from Destination Kiama. There were no rooms available on the Friday or Saturday night of the tournament.

### 6. TRANSPORT AND TRAFFIC MANAGEMENT

This area addressed through risk assessment report.

### 7. EVENT MANAGEMENT

**Staffing:** Struggling to get volunteers. Current tournament management group are getting old. No immediate solutions.

**Planning timeframe evaluation:** Planning for the 2022 tournament - Kiama Sevens 50th has been ongoing for the last 5 years.

## POST EVENT REPORT

### 8. LOCAL BUSINESS COLLABORATION

**Kiama Business Chamber:** Application completed for funding Oct 2020 -  
No written response to date.

**Accommodation providers:** Sebel, Nova and Grand Hotel assist.

**Restaurants/ Cafes/Bars:** Scoops Ice Creamery / Café Kiama naming rights sponsor.  
No assistance from venues. Kiama Sevens program FOC OTIS, Terra Gallery and  
2020 design.

**Adventure Attractions:** NA

### 9. ENVIROMENTAL IMPACT

**Waste management:** KMC contracted.

### 10. MARKETING BUDGET

ITEM	BUDGET	ACTUAL COST
Program	\$2500	\$2500
Signage production	\$5500	\$6200 (new logo for naming rights)
Poster	\$1200	\$1200
Social Media boosts	\$4500	\$3500
Hard copy media	\$2000	\$2000
TV Ad production	\$1500	\$1500
Graphic Design art work	\$3000	\$3000

## POST EVENT REPORT

### 11. FEEDBACK & SUGGESTIONS FOR IMPROVEMENT

Meeting to be finalised with **Destination Kiama** to plan for 2022 50th Kiama Sevens.

### 12. APPENDIX

Survey results - collating feedback.

## CluchTV Livestreaming:

Across the two livestreams, the number of views were as follows:

- Showground - 4,150
- Chittick 7,470
- There were a total of 2,000 further total views across all the replays - 500 on the Cup Final.

International viewers from 10 countries including:  
NZ, USA, UK, Fiji, France, Hong Kong and Singapore.

## i98 FM Radio:

Copy of the commercial booking for 40 spots attached.

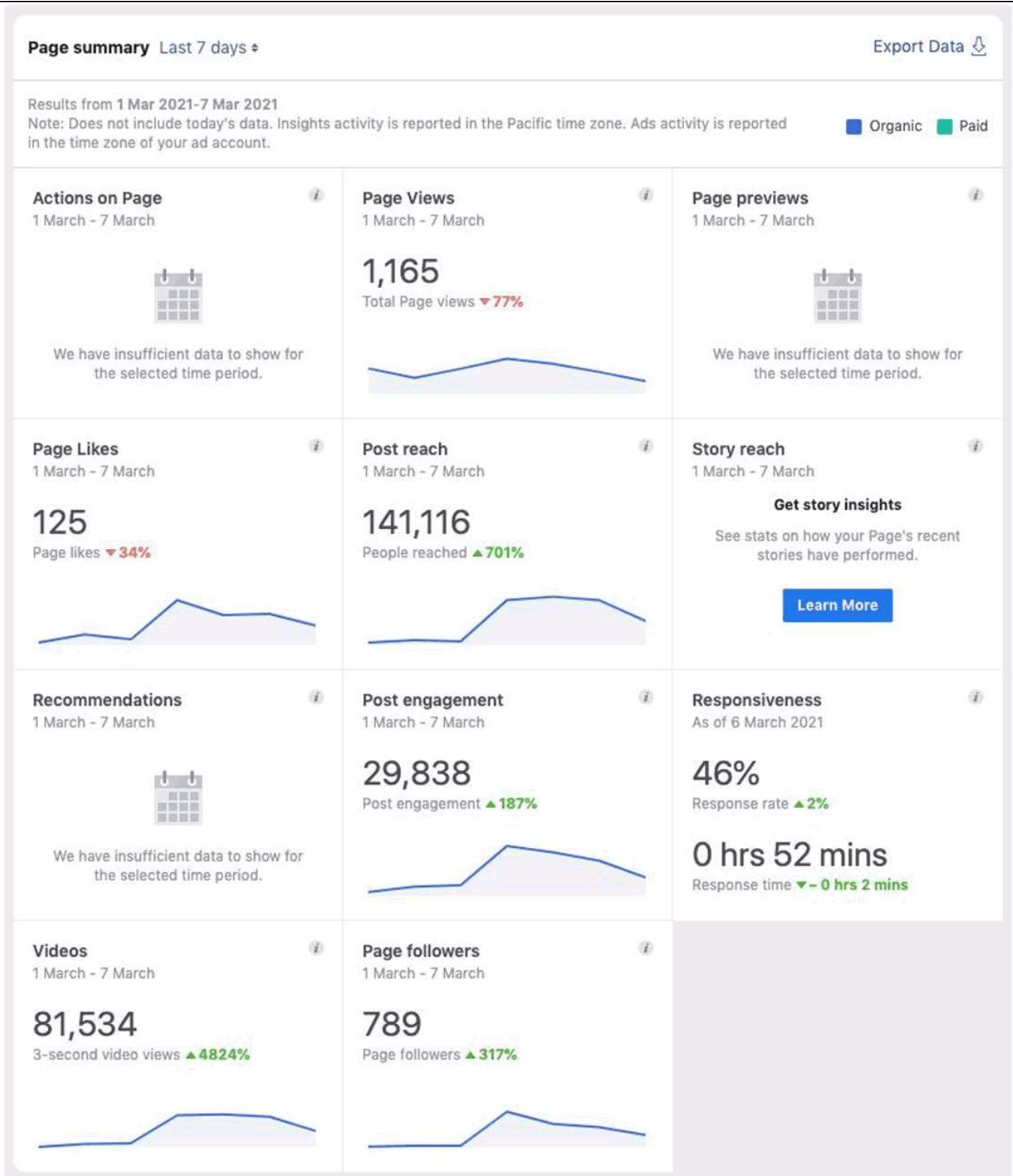
i98 also aired:

- 15 x live announcer liners
- 3 x Street Fleet crosses from the event

There was a page live on the i98 website in the weeks leading up as well as social media posts on Facebook and Instagram.

Total value from i98FM equates to approx. \$9,500.

Also attached is the audience profile document which outlines some of the key stats around audience and reach.



Item 9.2

Attachment 5



**9.3 Minutes: Economic Development Committee Meeting - 28 April 2021**

Responsible Director: Corporate and Commercial Services

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**Attachments**

- 1 Minutes - Economic Development Committee Meeting - 28/04/2021 [↓](#)
- 2 Economic Development Committee Presentation - 28 April 2021 [↓](#)

**Enclosures**

Nil

***RECOMMENDED***

That the Minutes of the Economic Development Committee Meeting held on 28 April 2021 be received and accepted.

**BACKGROUND**

The Minutes of the Economic Development Committee Meeting held on 28 April 2021 are attached for Councillors' information.

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**Minutes of the Kiama Municipal Council Economic Development Committee meeting held on 28 April 2021 downstairs in The Pavilion**

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**1 Present:** Chair Councillor Mark Honey, Councillor Don Watson, Councillor Warren Steel, Steve Thomas, Sandy Rendel, Gavin McClure, Andrew Waugh, Michael Hatfield, Geoff Pratt, Councillor Matt Brown (the Tourism Advisory Committee delegate)

**Attending:** Megan Hutchison, Mike Dowd (Acting GM)

**Apologies:** Roy Schmidt

**2 Acceptance of previous minutes** Moved Don Watson  
Seconded Warren Steel

Please note: The February meeting was cancelled.

**3 Review and refresh of the Economic Development Strategy**

The purpose of this meeting is to review the Economic Development strategy and to ensure that it is succinct, relevant and includes an implementation plan over the next 3 years. The Committee acknowledged the importance of keeping the revised plan as simple and straightforward as possible and that can provide practical actions that Council and our Economic Development Partners can act effectively upon. The committee also identified the need to consider our comparative strengths and the need to ensure that we continue to look for opportunities to value add and to create employment opportunities which will result in greater economic prosperity through more full time employment opportunities and higher median incomes.

**3.1 The Process**

3.1.1 Review Current State

2014	Kiama Economic Development Strategy
2018-2022	Kiama Regional Economic Development Strategy (KREDS)
2019	Kiama Town Centre Study
2019	Kiama Tourism Opportunities Plan
2018	Kiama Strategic Tourism and Events Plan

The Committee were provided with a summary of the above plans and key focus of each strategy.

3.1.2 Analyse Actions from previous Strategies

It was agreed to review the previously identified actions in the above plans and analyse:-

- i) What did we achieve?
- ii) Are there actions and initiatives yet to implement and are they still relevant?
- iii) Anything we missed?

The Committee were then asked to provide an update and feedback on elements and factors that are currently hindering economic growth in the LGA. These can be summarised as follows:-

- Lack of commercial and industrial land
- Establish a register of potential employment lands
- The importance of attracting young families and retaining youth
- Potential to grow the night time economy
- Opportunity to provide networking for young tech focussed residents and businesses
- Capitalise and investigate the underutilised facilities such as the Old Police residence

**Action:** *The Economic Development Manager to compile and distribute:-*

- 1. Copies of the presentation*
- 2. Summary of previous actions and outcomes of previous strategic plans*
- 3. The Draft scope of the project*
- 4. Commence a new list of projects to be distributed to the Local Member for Kiama in consultation with Council*
- 5. Draft list of potential stakeholders and identify methods of engagement to ensure that we have effectively incorporated the views of businesses and the broader community.*

**Meeting closed at 7.35pm. Next meeting 5.30pm 30<sup>th</sup> June downstairs at The Pavilion Kiama.**

The slide features a blue background with a green triangle at the bottom left. The main title is "Kiama Economic Development Committee" in large white font. Below it is the subtitle "Strategy Review Meeting – 28 April 2021". On the right side, there is a vertical list of five icons with corresponding labels: a purple icon for "RESPECT", a red icon for "INNOVATION", a yellow icon for "INTEGRITY", a blue icon for "TEAMWORK", and a green icon for "EXCELLENCE". At the bottom right is the Kiama Municipal Council logo with the tagline "your council, your community".

## Why do we need a Strategy ?

- Direction/key focus areas
- Funding
- Guide decision making
  - Planning policies
  - Business support and attraction
  - Procurement
  - Civic Leadership and advocacy
  - Local infrastructure



## Previous Strategies

- Kiama Economic Development Strategy 2014
  - Digital Economy
  - Industrial Lands
  - Commercial Lands
  - Aged Care
  - Home based Businesses
  - Investment Attraction
  - Agriculture
  - Tourism
  - Cultural Development



## Strategies (cont'd)

- Kiama Regional Economic Development Strategy 2018-2022
  - 1. Drive Tourism Growth Beyond Peak periods
  - 2. Enhance liveability and realised opportunities in aged care
  - 3. Transform agricultural enterprises and quarry land



## Strategies (Cont'd)

- Destination Kiama Strategic Tourism and Events Plan 2018-2021
  - 3 page snapshot- succinct and measurable
  - Focussed on
    - Destination and Experience Development
    - Market and Promote visitation to the KLGa
    - Deliver and Promote an all year round events strategy
    - Industry Development
    - Community and Industry Engagement
    - Tourism Development and Strategic Partnerships
    - Visitor Servicing





## Strategies (cont'd)

- Kiama Tourism Opportunities Plan
  - Identifies investment and activation opportunities
- Events Action Plan
- Marketing Plan
  - Yet to be finalised



## Key Stats

• Unemployment	2%
• Median Age	47
• No. of jobs in KLGAs	5620
• LGA of Usual Work	
• Kiama	41%
• Wollongong	25%
• Shellharbour	15%
• Shoalhaven	13%
• Sydney	4.5%



# Key Stats

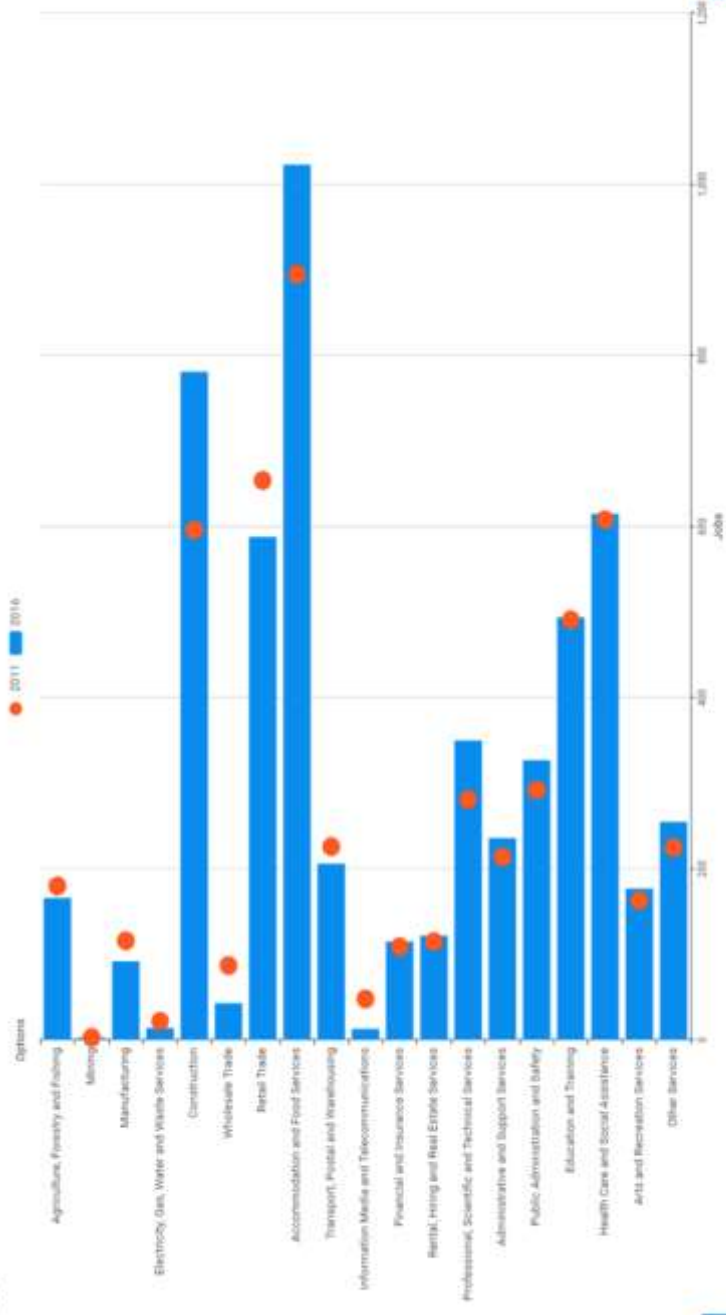
- No. of businesses @ 30 June 2019 1962
  - Approx 15% increase since 2015
  - 40% of these businesses have T/O greater than \$200,000
  - Commercial vacancy rates – Kiama 9
  - Gerringong 2
  - Residential Property Prices Median Price
    - Shoalhaven \$860,000
    - Wollongong \$560,000
    - Shellharbour \$720,000
    - Shellharbour \$635,000



# Key Stats – Jobs in Kiama

Kiama

Jobs



# Tourism

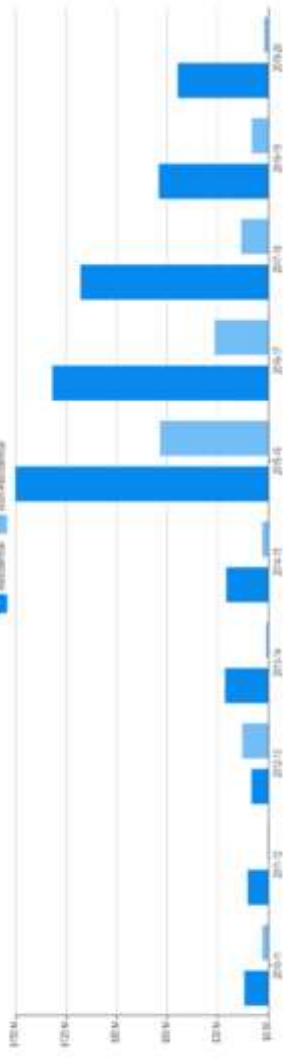
- In Kiama, tourism supports an estimated 773 jobs, which is **13.8%** of total employment. The largest sub-sector in Kiama is accommodation and food services with 563 jobs supported by tourists expenditure.
- By comparison:
  - 9,461 jobs are supported by tourism in Illawarra from a total of 143,610 jobs (6.6%)
  - 203,767 jobs are supported by tourism in NSW from a total of ,358,119 jobs (6.1%)
  - 668,458 jobs are supported by tourism in Australia from a total of 10,683,322 jobs (6.3%)



# Building Approvals

## Kiama

Building Approvals by Value



Options

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
Residential	\$14,097 M	\$12,067 M	\$9,942 M	\$25,627 M	\$24,862 M	\$149,973 M	\$128,062 M	\$111,285 M	\$64,886 M	\$63,632 M
Non-Residential	\$3,364 M	\$340,000	\$15,316 M	\$1,329 M	\$3,451 M	\$64,153 M	\$31,759 M	\$15,918 M	\$9,736 M	\$2,406 M
<b>Total</b>	<b>\$17,461 M</b>	<b>\$12,407 M</b>	<b>\$25,258 M</b>	<b>\$26,956 M</b>	<b>\$28,313 M</b>	<b>\$214,126 M</b>	<b>\$159,821 M</b>	<b>\$127,203 M</b>	<b>\$74,622 M</b>	<b>\$66,038 M</b>



## Annual Expenditure Overview (Mar 2020 – Feb 2021)

- Total Local Spend \$307.4M
- Resident Local Spend \$149.5M (48.6%)
- Visitor Local Spend \$157.9M (51.4%)
- Resident Escape Spend \$267.5M
- Resident Online Spend \$208.6M



# Year on Year Changes

Expenditure Type	Feb 2020	Feb 2021	Change
Total Local Spend	\$21.1M	\$25.4M	20.79%
Resident Local Spend	\$11.3M	\$11.9M	5.2%
Visitor Local Spend	\$9.73M	\$13.5M	38.91%
Resident Escape Spend	\$22.0M	\$22.3M	1.34%
Resident Online Spend	\$15.8M	\$17.9M	12.93%





## Night Time Economy

Annual night time expenditure overview for the Kiama Municipal Council (Mar 2020 – Feb 2021):

- Total Local Spend \$42.1M
- Resident Local Spend \$16.6M (39.5%)
- Visitor Local Spend \$24.3M (57.8%)
- Total Transactions 1.24M



## What are the problems that we need to address?

1. Limited night time activations – room for growth
2. Limited office and commercial space
3. The need to provide additional retail space to meet future demand
4. Creative and inviting spaces-Place making
5. What are people spending their money on outside of our LGA? And can we stem this flow?



# Trends in the your space?

# Where to Next?



**9.4 Minutes: Kiama Local Traffic Committee - 4 May 2021**Responsible Director: Engineering and Works

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**Attachments**

- 1 Attachment 1: Minutes - Kiama Local Traffic Committee - 04/05/2021 [↓](#)
- 2 Attachment 2: Loading Zone signage - Visitors Information Centre - Blowhole Point Road [↓](#)
- 3 Attachment 3: Signage details - Timed no Stopping - 48 Manning Street Kiama [↓](#)

**Enclosures**

Nil

**RECOMMENDED**

That the Minutes of the Kiama Local Traffic Committee Meeting held on 4 May 2021 as attachment 1 of this report, be received and the following recommendations accepted:

1. That approval be given to converting the current temporary Loading Zone fronting the Visitor Information Centre on Blowhole Point Road, Kiama into a permanent Loading Zone as shown in attachment 2 of this report.
2. That Council endorse the revised signage plan provided in attachment 3 of this report for a no parking zone to be created from 5am to 8.30am Monday to Friday for frontage of 48 Manning Street, Kiama.



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

**commencing at 9.00am on**

**TUESDAY 4 MAY 2021**

Council Chambers  
11 Manning Street, KIAMA NSW 2533

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MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

4 MAY 2021

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MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE

HELD IN THE COUNCIL CHAMBERS, KIAMA

ON TUESDAY 4 MAY 2021 AT

**PRESENT:** Councillor M Honey (Mayor) (Chairman), Craig Gray (NSW Police Representative), Darrell Clingan (Local Member's Representative), Mark Way (Councillor), Darren Brady (Acting Director Engineering and Works), Rob Ingold (Council Ranger) and Alyson Hodgekiss (Minutes)

**1 APOLOGIES**

Andy Gaudiosi (Transport for NSW Representative), Janelle Burns (Kiama Council Road Safety Officer), Billy Wang (Acting Manager Design and Development)

**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 6 April 2021**

[21/017LTC](#)

**Resolved** that the Minutes of the Kiama Local Traffic Committee Meeting held on 6 April 2021 be received and accepted.

(Member Darrell Clingan and Member Craig Gray)

**4 BUSINESS ARISING FROM THE MINUTES**

Nil

**5 REPORT OF RMS DELEGATED FORMAL ITEMS**

**5.1 Permanent loading zone – Blowhole Point Road, Kiama**

[21/018LTC](#)

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**MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE**

**4 MAY 2021**

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**Resolved** that approval be given to converting the current temporary Loading Zone fronting the Visitor Information Centre on Blowhole Point Road, Kiama into a permanent Loading Zone.

(Member Darrell Clingan and Member Craig Gray)

**5.2 Proposed No parking Zone – Manning Street Kiama**

**21/019LTC**

**Resolved** that the Committee endorse the revised signage plan provide in Attachment 1 of this report for a no parking zone to be created from 5am to 8.30am Monday to Friday for frontage of 48 Manning Street, Kiama.

(Member Craig Gray and Member Darrell Clingan)

**6 GENERAL BUSINESS**

**6.1 Traffic safety at the corner of Bridges Road and Rowllins Road, Gerringong**

DC advised that he has received an email from a resident in 55 Bridges Road, regarding the corner of Bridges Road and Rowllins Road Gerringong. It is claimed that drivers heading north along Rowllins Road onto Bridges Road, are wandering to the wrong side of the road. The resident advised that the signage at the intersection is extremely faded, but the line marking is fine.

DC advised that the issue appears to be driver behaviour, and that traffic need to stay legally on the left hand side of the road. DC is to forward the email to Council, and also send in a request to upgrade the current signage.

**6.2 Request for No Parking for Ritchie Place, Minnamurra**

MW requested that Ritchie Place become a 'no parking zone', near the entrance to Bike Skills track. RI advised that children that are being dropped off to the bike track, will be dropped off in the actual car park, not in Ritchie Place. DB will investigate this proposal and report in future meetings.

**6.3 Intersection at Federal Street and Charles Avenue, Minnamurra -**

MH referred to a cyclist accident that occurred on Federal Street and Charles Avenue, Minnamurra in February 2021. DB advised that Council are deploying traffic counters to collect speed data, before investigating options for this intersection. RI advised that narrowing the southern lane of the road could cause more safety issues for vehicles, as it is already quite a tight turn to get into Federal Street from Charles Avenue. MH advise to wait for the data before a decision is made.

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**MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE**

**4 MAY 2021**

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**6.4 Police presence - Kiama Primary School**

RI asked CG if there is a possibility of more police being present at Kiama Primary School, at drop off and pickup time, and when the police will be doing their information day at the school. CG advised that rangers need to book the education day in. DB advised that JB has had a meeting recently with the School P & C, and has a detailed report from one of the members, with ideas of how to overcome the current issues. RI and DB agreed that 'no parking' zones within school hours will help to alleviate the issues, and will allow a better flow of traffic. Council is reviewing the report at the moment, with a report expected to go to the June Committee Meeting.

**7 CLOSURE**

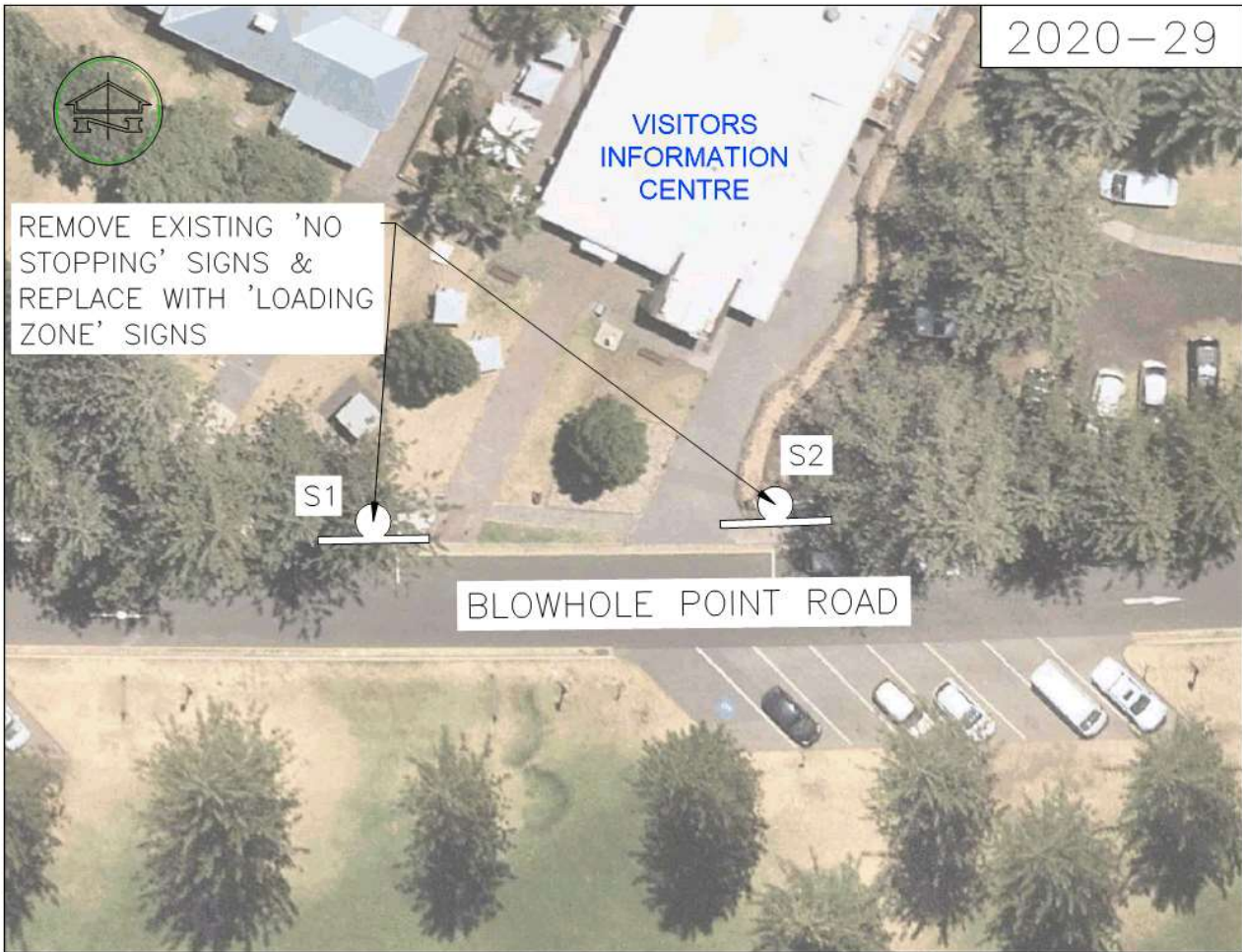
There being no further business the meeting closed at 9.33am

These Minutes were confirmed at the Ordinary Meeting of Council held on 1 June  
2021

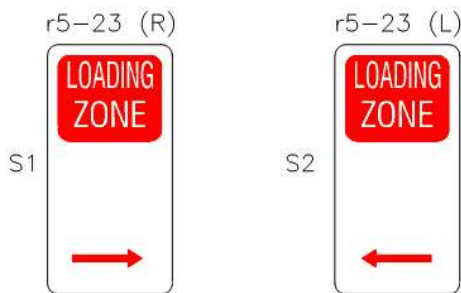
.....  
.....  
Mayor

Director Engineering & Works





SIGNAGE DETAILS



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

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

NEW SIGN AND POST

REGISTER OF INSTALLATION OF REGULATORY SIGNS

REGISTER NUMBER  
2020-29

SCALES  
PLAN NTS  
SECTIONS

DESIGNED JE  
DRAWN JE  
DATE SEP-20  
CHECKED DB

LOADING ZONE SIGNAGE  
VISITORS INFORMATION CENTRE  
BLOWHOLE POINT ROAD



SHEET 1 OF 1

FILE: J:\ENGINEERING SERVICES\TRAFFIC



SIGNAGE DETAILS

R5-40 (R)

S1

R5-40 (L)

S2

SIGNAGE SCHEDULE	
CODE	QTY
R5-40 (R)	1
R5-40 (L)	1

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

NEW SIGN

REGISTER OF INSTALLATION OF REGULATORY SIGNS

REGISTER NUMBER 2021-17B	48 MANNING STREET TIMED NO STOPPING SIGNAGE	
SCALES PLAN N.T.S. SECTIONS		
DESIGNED ZH DRAWN ZH DATE APR-21 CHECKED DB		SHEET 1 OF 1 FILE: J/Engineering Services/Traffic/337s

**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 Minutes and motions: South Precinct - 15 April 2021

- CSP Objective: 4.0 Responsible civic leadership that is transparent, innovative and accessible
- CSP Strategy: 4.3 Council and the community working together
- Delivery Program: 4.3.1 Foster positive community relationships through open communication, opportunities for participation and sharing information

#### Summary

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

#### Finance

N/A

#### Policy

Local Strategic Planning Statement

Plans of Management

#### Consultation (Internal)

N/A

#### Communication/Community Engagement

Councillors and staff regularly attend and address Precinct meetings.

#### Attachments

- 1 Executive Summary - South Precinct meeting - 15/04/2021 [↓](#)

#### Enclosures

Nil

### **RECOMMENDATION**

That Council:

1. Receive and accept the Executive Summary of the minutes of the South Precinct meeting held on 15 April 2021
2. Note the motion relating to the planning proposal for 48 Campbell Street, Gerringong.

#### Background

The executive summary of the minutes of the South Precinct meeting held on 15 April 2021 are presented for Councillors' information and include a motion relating to concerns in regard to the planning proposal for rezoning land at 48 Campbell Street, Gerringong.



## South Precinct Meeting Executive Summary

Organisation:	South Precinct	Date of meeting:	15/04/2021
Chair:	Chris Cassidy	Minute taker:	Shane Douglas
Attendance numbers:	25	Bank balance:	\$486.93

<b>Motions for Council:</b>
Kiama Council refuse the development for Rezoning of 48 Campbell St, Gerringong, on the same grounds that the previous planning proposal was refused.  Moved: Howard Jones                      Seconded: Roy Schmidt
<b>Actions arising / Recommendations:</b>
List any items from the meeting that require attention by Council officers
<b>Correspondence:</b>
<p><b>Correspondence IN:</b></p> <ul style="list-style-type: none"> <li>• GCA Newsletter</li> <li>• Apology from Alma McPherson, mowing Arthur Campbell Reserve</li> <li>• New Provision STRA – KMC</li> <li>• KMC update Gerringong Town Hall Covid-19 Plan</li> <li>• KMC confirmed meeting dates for South Precinct</li> <li>• CCAG Terms of Reference</li> <li>• Gerroa Sand Mining – Stephen Brazier</li> </ul> <p><b>Correspondence OUT:</b></p> <ul style="list-style-type: none"> <li>• Agenda April Meeting</li> <li>• March Minutes</li> <li>• New Provisions STRA</li> </ul>
<b>Guest speakers:</b>
<ul style="list-style-type: none"> <li>• Stephen Brazier – Gerroa Sand mine</li> </ul>
<b>General business topics and outcomes:</b>
<ul style="list-style-type: none"> <li>• Rezoning 48 Campbell St, Gerringong</li> <li>• Police Issues, a lack of police resources appears to result in poor response times</li> <li>• Bendigo Bank Update- by end of the year</li> </ul>
<b>Ongoing issues to be addressed:</b>

**Apologies:** Alma Macperson  
Move: Shane Douglas

Seconded: Howard Jones

**11.2 Draft Delivery Program, Operational Plan and Budget 2021/22 for Public Exhibition**

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

CSP Strategy: 4.1 Council is financially sustainable

Delivery Program: 4.1.1 Meeting and reporting against IPART/Fit for the Future benchmarks

Item 11.2

**Summary**

The purpose of this report is to seek Council's endorsement of the Draft Integrated Planning and Reporting (IP&R) documents, including the Draft Operational Plan 2021/22 and Draft Budget 2021/22, for public exhibition.

The 2020 financial year was a challenging year for Kiama Municipal Council which included the impacts of COVID19. The published 2020 financial statements reported an operational loss of \$7.956 million with a cash deficit of \$9.696 million.

The 2022 budget has focused on the future financial sustainability and will look to continue to improve the operating performance ratio and will target a minor cash surplus.

The documents provided to Council outline a first step in ongoing budget repair and a continuation of actions being undertaken by the organisation to deliver in accordance with our Community Strategic Plan.

**Attachments**

Nil

**Enclosures**

- 1 Operational Plan 2020-21 and Delivery Program 2017-21
- 2 Operational Budget by Cost Centre 2022
- 3 Capital Works Program 2022
- 4 Fees and Charges 2022

**RECOMMENDATION**

That Council endorse the Draft 2020/2021 Delivery Program, Operational Plan, Capital Works Program and Budget (including Revenue Policy and Fees and Charges) for exhibition.

**BACKGROUND**

**Integrated Planning and Reporting Framework**

Local councils in NSW are required to undertake their planning and reporting activities in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005. This requires all councils to have a prescribed set of long term, medium term and annual plans. These plans are:

- Community Strategic Plan, which has a minimum 10-year time frame, to establish a vision for the local area and objectives and strategies across social, environmental, economic and civic leadership areas.
- Delivery Program - a plan to implement the long term vision for each term of Council. The Delivery Program is usually a 4 year plan but has been extended by the NSW Government to 5 years, due to the postponement of the Council elections.
- Operational Plan - the annual plan which includes each year’s actions and budget (including revenue policy and fees and charges). This document is adopted annually as each year’s instalment of the Delivery Program.
- Resourcing Strategy – including longer term plans for Council’s finances, asset management and workforce. The Long Term Financial Plan is required by the legislation to be updated annually,
- An outline of the IP&R framework is provided in figure 1 below:

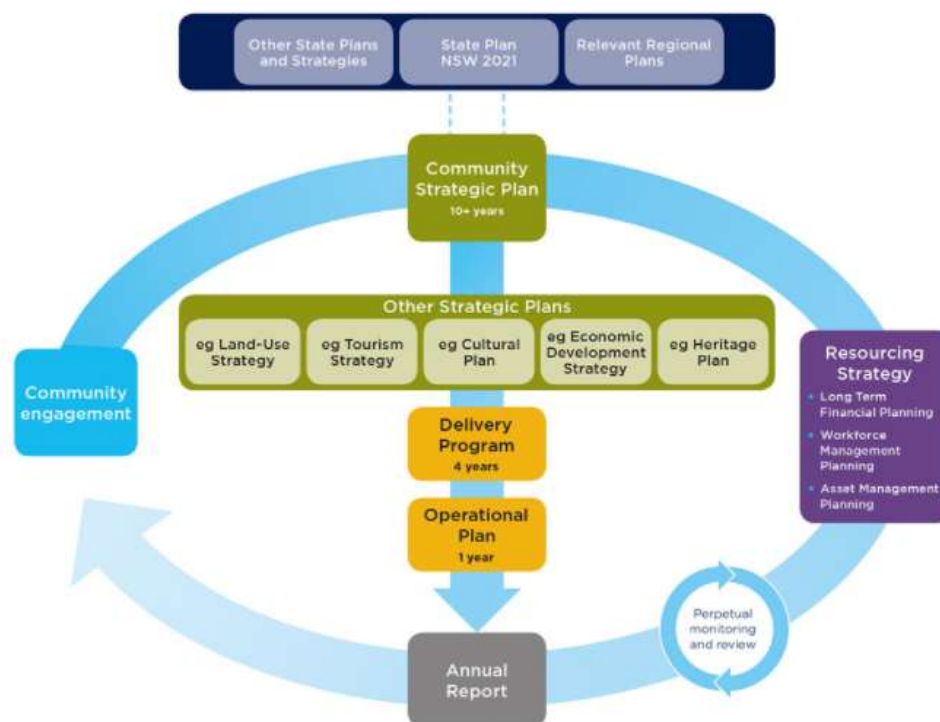


Figure 1 – IPR Framework

Item 11.2

Report of the General Manager

11.2 Draft Delivery Program, Operational Plan and Budget 2021/22 for Public Exhibition (cont)

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### **Development of the Delivery Program, Budget and Capital Works Program**

Council has previously adopted a combined Delivery Program and Operational Plan (DPOP) which included a four year plan to align with the Local Government election cycle. Given the extension of this term of Council, this DPOP will be the fifth annual cycle for this Delivery Program.

Councils are required to review their budget and operational plan on an annual basis. Focus for this year's process and review has been on financial sustainability transparency and improved financial reporting. Focus for this year has also been on ensuring that Council is developing a budget which will allow for the organisation to live within its means into the future.

The 2022 budget process focused on a collaborative approach with Councillors, Managers and Team Leaders to look at areas of opportunities and areas of efficiency. This was done through a number of workshops and feedback session held through March and April. These sessions helped identify the strategic projects detailed above and will give a focus to continue the improvements currently underway across Council.

This greater engagement with staff and Councillors will be further refined into the future with greater reporting options, more accessible data and enhanced community engagement.

The DPOP also contains Council's revenue policy and Capital works program

### **Draft Operational Plan**

The draft operational plan reflects the last five years of Council's goals and priorities. Given the change to the election cycle and the additional year that has been added to the Plan, staff have primarily rolled many of the actions forward from the current year into next year's plan. This is to allow for actions promised to be continued until a full review of the Community Strategic Plan and Delivery Program is undertaken with the next Council in late 2021 and early 2022.

It is expected that significant review and enhancement of the documentation will occur to allow for the new CEO to work with the newly elected councillors to set the future direction for the next term of Council. This will also include an extensive community engagement process to redefine community priorities and expectations.

### **Draft Budget**

The 2022 budget has focused on the future financial sustainability and will look to continue to improve the operating performance ratio and will target a minor cash surplus. This cash surplus is principally driven by accommodation deposits into the new Blue Haven Bonaira Aged Care Home. Key strategic projects that will drive financial sustainability for the 2022 budget include the following.

- A review of Council's income generating assets to maximise current opportunities
- A formal review into Council's fees and charges
- Working in partnership with a number of consultants regarding the financial performance of the aged care home. This is a grant funded program from the Department of Health worth \$313,000



## Report of the General Manager

## 11.2 Draft Delivery Program, Operational Plan and Budget 2021/22 for Public Exhibition (cont)

- A strategic review into Council's current use of recreation and open spaces
- A focus on grant opportunities with a more controlled strategic plan around Council's operational grants to ensure all available opportunities are taken up
- Continual review of Council's depreciation expenditure
- A review of Council's borrowing costs
- Better reporting to Managers, including monthly reporting and the development of dashboards.

Kiama Municipal Council is committed to the principles of financial sustainability and good financial management. This includes long term and whole of life considerations that ensure we endeavour not to increase future costs through delayed asset maintenance or unreasonably transfer costs to future generations.

Available funds are a cornerstone of Council's financial sustainability and while usage was appropriate in the short term, the financial strategy requires these funds to be re-established over time to return to our former position to ensure we are prepared for any unplanned events in the future.

Council recognises that as a large provider of essential services, leadership and economic impact in the Municipality our obligation is to strive to continue to provide our high level of services and works while continuing to improve Council's financial position.

### Budget assumptions

The below table details key assumptions and indices used for the 2022 Budget

2022 Budget Assumptions	
Assumption Category	Indexation
Rate increase	2%
Fees and charges	2.50%
Interest rates	0.50%
Labour	2%
Superannuation guarantee	10%
Utilities	3.40%

### Council Loans

There are no plans for Council to enter in any new loans for the 2022 budget year. Council's debt service cover ratio still remains within benchmark and will remain within benchmark.

Report of the General Manager

11.2 Draft Delivery Program, Operational Plan and Budget 2021/22 for Public Exhibition (cont)

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Council's current loan portfolio includes \$45 million for the new Blue Haven Bonaira project. This is an interest only loan until August 2023. The funds from the sale of both the independent living units and accommodation deposits into the nursing home will be used to refinance an interest and principle loan in 2023. Other loans included are the \$5 million loan for the Surf Beach Holiday Park redevelopment. This redevelopment is part of Council's Holiday Parks master plan with further work planned for Werri Beach Holiday Park under investigation and potentially being proposed within the 2023 Capital Works program.

### **Draft Capital Works Program**

In context of the broader financial position of Council and Council's focus on setting a strong path to financial sustainability, the funds made available for allocation to Capital Works in 2021/22 has been reduced compared to the current year and quite pronouncedly when compared to previous years during which time we were delivering very significant major projects such Blue Haven Bonaira and the Gerringong Library and Museum.

The total budget allocated to Capital Works in the draft budget for 2021/22 is \$16.9 million of which \$13.3 million is allocated to the replacement and renewal of Council assets, including funds sourced from the Special Rate Variation increases secured as part of Council's Fit for the Future assessment in 2018.

### **Draft Fees and Charges**

A review of the fees and charges has occurred with CPI indexation occurring as required. Some new fees have been added where relevant to business needs. Details of the changes are provided within the attached Fees and Charges documentation.

### **Impacts of COVID 19 Pandemic**

Council continues to implement a series of measures in the interests of the health and wellbeing of our community and staff, in response to the global COVID-19 pandemic. We will meet all requirements of the Australian and NSW Government authorities, and ensure we are taking a leading practice approach to reduce the severity of the pandemic. These measures may significantly impact a range of our planned programs, budget allocations and performance targets. The draft Operational Plan and budget for 2021/22 may need to be reviewed accordingly, and any such impacts will be reported to Council as appropriate.

### **Exhibition and engagement process**

The IP&R legislation requires Council to undertake a community engagement strategy for its IP&R framework documents. There are specific annual community engagement requirements for the Operational Plan. These requirements include a 28 day public exhibition of the draft documents, with submissions invited from the community and stakeholders.

Report of the General Manager

11.2 Draft Delivery Program, Operational Plan and Budget 2021/22 for Public Exhibition (cont)

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If endorsed the draft documents will be placed on public exhibition for a period of 28 days commencing 20 May 2021 for public feedback via submissions. The documents will be made available on Council's webpage. Public notices advising that the documents are on exhibition will be placed in the newspaper and on Council's social media. Advice will also be provided to Council's precinct committees and other key committees of Council.

**Future review of Integrated Planning and Reporting documents**

A comprehensive review, engagement process and rework is planned to occur for both the Community Strategic Plan and the Delivery Program/Operational Plan in 2021/22. This forms part of the legislative requirement for all new Council terms and provides the opportunity for Council and the community to enhance and reform the documents. Council's integrated planning documents are now a number of years old and advancements have occurred within the local government sphere which provide best practice examples that Kiama can now follow.

Further work on graphic design elements and presentation of the documents will also occur at this time.

**11.3 Quarterly Budget Review Statement for the period ending March 2021**

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

CSP Strategy: 4.1 Council is financially sustainable

Delivery Program: 4.1.1 Meeting and reporting against IPART/Fit for the Future benchmarks

Item 11.3

**Summary**

This report presents the March Quarterly Operational Plan (budget) Review for the 2020/21 financial year in accordance with Part 9, Division 3, Clause 203 of the Local Government (General) Regulation 2005. The report details the recommended changes to the revised budgets for the period ending 31 March 2021.

**Finance**

Variation to Council's 2020/2021 Budget

**Policy**

This report is a requirement under the Local Government Act 1993

**Consultation (Internal)**

NA

**Communication/Community Engagement**

NA

**Attachments**

- 1 Quarterly Budget Review - March [↓](#)
- 2 Capital Variation March Review [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council receive and adopt the revised budget for the period ending 31 March 2021.

**Background**

Under the Integrated Planning and Reporting (IPR) Guidelines and in accordance with Clause 203 of the Local Government (General) Regulation 2005 a Quarterly Budget Review Statement must be presented to Council for each financial quarter. The Quarterly Budget Review Statement (QBRS) provides for any variations, which have previously been approved by Council, and adjustments to income and expenditure items based on present trends to date.

Report of the General Manager

11.3 Quarterly Budget Review Statement for the period ending March 2021 (cont)

The QBRS indicates how Council is tracking against its original and revised annual budgets at the end of each quarter and provides explanations for major variances that result in recommendations for budget changes.

It also enables the Responsible Accounting Officer to indicate if council will be in a satisfactory financial position at the end of the financial year, given the changes to the original budgeted position.

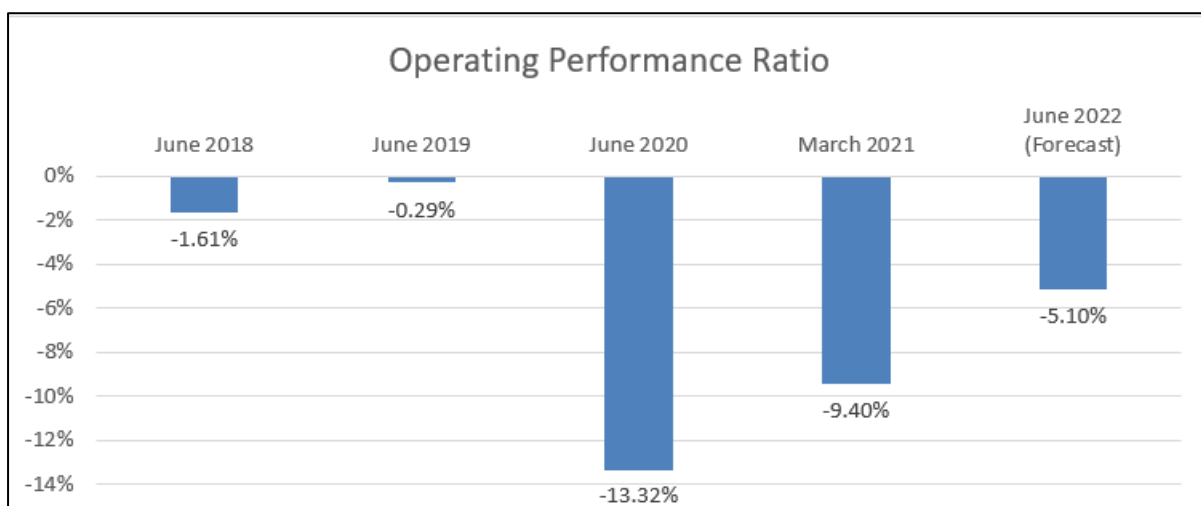
**Performance Measures**

The following criteria is used by the Office of Local Government to assess the ongoing financial positions of councils.

Fit For the Future Criteria	Benchmarks	Original Budget 2020/21		Revised Budget as at 31/03/2021	
Operating Performance Ratio	>0%	-1.2%	X	-9.4%	X
Own Source Operating Revenue Ratio	>60%	79.8%	✓	78.2%	✓
Debt Service Ratio	>0% <20%	2.6%	✓	1.67%	✓

At the end of March 2021, Council continues to track towards meeting the performance targets for own source operating revenue and debt service ratio.

Although Council does not currently meet the benchmark for the operating performance ratio, the trend for this ration since the final result of the 2020 financial year of -13.3% is trending in a positive direction. This is shown in the below graph.



Restorative action is being taken to create savings both within capital expenditure and operational costs to support improvements in his performance.

Ongoing action will continue into the next financial year and beyond to ensure improvements in this ratio are met and Council is continuing to maintain financial sustainability. As a result of these restorative actions, this positive trend is forecast to continue into the draft budget for 2021/2022, which currently predicts a forecast final year result of -5.1%.

## Report of the General Manager

## 11.3 Quarterly Budget Review Statement for the period ending March 2021 (cont)

**Externally Restricted Reserves**

An adjustment was applied within the December review statement to reallocate two reserves previously identified in internal restrictions to be adjusted and identified as externally restricted items. Both applied to Blue Haven and must be externally restricted in accordance with required standards.

Further adjustments to reflect this change and the resulting impact on internal reserves were made in the March Statement of investments and have been reflected within the Cash and Investments Report.

**Budget Review Report**

Material variations to the budget are included in the following statements.

Summary of changes in the following reports:	(\$,000)
<i>Income &amp; Expenses Statement - net decrease in operating result</i>	(\$2,919)
<i>Capital Budget Statement - net decrease in expenditure</i>	(\$5,921)

Attached are Revised Income Statement, Capital Budget Statement, Cash and Investments, Key Performance Indicators and Contracts & Other Expenses showing the material variances for the December quarter.

The table below details changes recommended to depreciation expenditure. These changes result predominantly from a combination of three major factors:

- Recognition of the newly constructed and commissioned Blue Haven Bonaira, including the building and plant and equipment assets
- Revaluation of road asses including base, sub-base and pavement layers
- Independent asset register review and data cleansing.

<b>Adjustments to Depreciation Expense</b>			
	Original Budget	Recommended Change	Revised Budget
Depreciation Plant & Equipment	1,312,932.00	191,125.00	1,504,057.00
Depreciation Plant & Equipment Blue Haven	-	405,616.00	405,616.00
Depreciation Buildings	670,000.00	255,509.33	925,509.33
Depreciation Office Equipment	1,563,740.00	-	1,563,740.00
Depreciation Furniture & Fittings	100,208.00	95,438.00	195,646.00
Depreciation Depreciable Land Improvements	128,792.00	35,118.00	163,910.00
Depreciation Buildings	1,300,828.00	356,708.67	1,657,536.67
Depreciation Other Structures	259,476.00	-	259,476.00
Depreciation Roads, Bridges & Footpaths	2,263,466.00	1,479,385.00	3,742,851.00
Depreciation Stormwater	303,031.00	5,416.00	308,447.00
Depreciation Library Books	82,044.00	-	82,044.00
Depreciation Other Non Current Assets	18,585.00	-	18,585.00
<b>Total</b>	<b>8,003,102.00</b>	<b>2,824,316.00</b>	<b>10,827,418.00</b>

## Report of the General Manager

## 11.3 Quarterly Budget Review Statement for the period ending March 2021 (cont)

The table below details changes Council's current borrowing costs.

<b>Kiama Council Loans and Borrowing Costs</b>			
<b>Description</b>	<b>BANK</b>	<b>Loan Amount</b>	<b>Operational Borrowing Costs</b>
Leisure Centre & Road Resealing (LIRS LOAN)	NAB	2,553,031.00	335,398.83
Road Resealing (LIRS LOAN)	NAB	2,025,000.00	265,918.03
Surf Beach Redevelopment	NAB	5,000,000.00	598,349.79
Blue Haven Bonaira Loan	T Corp	15,000,000.00	462,000.00
Blue Haven Bonaira Loan	T Corp	15,000,000.00	456,750.54
Blue Haven Bonaira Loan	T Corp	15,000,000.00	449,705.06
Local Infrastructure Loan	T Corp	4,000,000.00	249,613.37
<b>Total</b>		<b>58,578,031.00</b>	<b>2,817,735.62</b>

**Conclusion**

It is expected that Council's projected financial position at 30/06/2021 will be satisfactory, having regard to the projected estimates of income and expenditure and the original budget income and expenditure.



**Kiama Municipal Council**

**Quarterly Budget Review Statement**

for the period 01/01/21 to 31/03/21

**Report by Responsible Accounting Officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Kiama Municipal Council for the quarter ended 31/12/2020 indicates that Councils projected financial position at 30/06/2021 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budget income and expenditure, along with the current review of capital projects by Manex and Councillors improving the cash position of Council, particularly the unrestricted cash ratio to ensure that Council is able to pay there debts if and when they fall due.

Signed:

Date: 05/05/2020

Jason Galloway

Responsible Accounting Officer





Kiama Municipal Council

Quarterly Budget Review Statement  
for the period 01/01/21 to 31/03/21

**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 31 March 2021

**Income & Expenses - Council Consolidated**

(\$000's)	Original Budget 2020/21	Approved Changes			Revised Budget 2020/21	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Sep QBRS	Dec QBRS					
<b>Income</b>									
Rates and Annual Charges	25,519	-	-	-	25,519	-		25,519	26,754
User Charges and Fees	24,607	-	-	-	24,607	1,627	1, 2	26,234	17,214
Interest and Investment Revenues	894	-	(500)	-	394	-		394	128
Other Revenues	5,504	-	-	-	5,504	-		5,504	2,946
Grants & Contributions - Operating	12,675	(2)	148	-	12,821	-		12,821	9,653
Grants & Contributions - Capital	1,582	-	1,642	-	3,224	-		3,224	1,746
Net gain from disposal of assets	-	-	-	-	-	-		-	-
Share of Interests in Joint Ventures	-	-	-	-	-	-		-	-
<b>Total Income from Continuing Operations</b>	<b>70,781</b>	<b>(2)</b>	<b>1,290</b>	<b>-</b>	<b>72,069</b>	<b>1,627</b>		<b>73,696</b>	<b>58,439</b>
<b>Expenses</b>									
Employee Costs	33,119	-	8	-	33,127	95	3	33,222	26,381
Borrowing Costs	1,618	-	-	-	1,618	1,199	4	2,817	1,250
Materials & Contracts	23,103	220	141	871	24,335	428	5	24,763	17,275
Depreciation	6,753	-	1,250	-	8,003	2,824	6	10,827	1,038
Legal Costs	482	-	65	-	547	-		547	324
Consultants	576	-	-	-	576	-		576	400
Other Expenses	4,387	-	(46)	-	4,341	-		4,341	2,473
Interest & Investment Losses	-	-	-	-	-	-		-	-
Net Loss from disposal of assets	-	-	-	-	-	-		-	-
Share of interests in Joint Ventures	-	-	-	-	-	-		-	-
<b>Total Expenses from Continuing Operations</b>	<b>70,038</b>	<b>220</b>	<b>1,418</b>	<b>871</b>	<b>72,547</b>	<b>4,546</b>		<b>77,093</b>	<b>49,141</b>
<b>Net Operating Result from Continuing Operator</b>	<b>743</b>	<b>(222)</b>	<b>(128)</b>	<b>(871)</b>	<b>(478)</b>	<b>(2,919)</b>		<b>(3,397)</b>	<b>9,299</b>
Discontinued Operations - Surplus/(Deficit)	-	-	-	-	-	-		-	-
<b>Net Operating Result from All Operations</b>	<b>743</b>	<b>(222)</b>	<b>(128)</b>	<b>(871)</b>	<b>(478)</b>	<b>(2,919)</b>		<b>(3,397)</b>	<b>9,299</b>
<b>Net Operating Result before Capital Items</b>	<b>(839)</b>	<b>(222)</b>	<b>(1,770)</b>	<b>(871)</b>	<b>(3,702)</b>	<b>(2,919)</b>		<b>(6,621)</b>	<b>7,553</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/20 and should be read in conjunction with the total QBRS report

Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/01/21 to 31/03/21

**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 31 March 2021

**Income & Expenses - Blue Haven**

(\$000's)	Original Budget 2020/21	Approved Changes		Revised Budget 2020/21	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Sep QBRS					
<b>Income</b>								
Rates and Annual Charges			-	-			-	
User Charges and Fees	8,633			8,633	-		8,633	5,413
Interest and Investment Revenues	231			231	-		231	-
Other Revenues	3,880			3,880	-		3,880	1,218
Grants & Contributions - Operating	8,917			8,917	-		8,917	7,235
Grants & Contributions - Capital	91			91	-		91	-
Net gain from disposal of assets				-			-	
Share of Interests in Joint Ventures				-			-	
<b>Total Income from Continuing Operations</b>	<b>21,752</b>	<b>-</b>	<b>-</b>	<b>21,752</b>	<b>-</b>		<b>21,752</b>	<b>13,867</b>
<b>Expenses</b>								
Employee Costs	12,242			12,242	-		12,242	8,971
Borrowing Costs	1,224			1,224	144	4	1,368	869
Materials & Contracts	6,589			6,589	871	5	7,460	4,140
Depreciation	931			931	-		931	1,038
Legal Costs	2			2	-		2	32
Consultants	106			106	-		106	83
Other Expenses	533			533	-		533	61
Interest & Investment Losses				-	-		-	
Net Loss from disposal of assets				-	-		-	
Share of interests in Joint Ventures				-	-		-	
<b>Total Expenses from Continuing Operations</b>	<b>21,627</b>	<b>-</b>	<b>-</b>	<b>21,627</b>	<b>1,015</b>		<b>22,642</b>	<b>15,194</b>
<b>Net Operating Result from Continuing Operati</b>	<b>125</b>	<b>-</b>	<b>-</b>	<b>125</b>	<b>(1,015)</b>		<b>(890)</b>	<b>(1,327)</b>
Discontinued Operations - Surplus/(Deficit)				-			-	
<b>Net Operating Result from All Operations</b>	<b>125</b>	<b>-</b>	<b>-</b>	<b>125</b>	<b>(1,015)</b>		<b>(890)</b>	<b>(1,327)</b>
<b>Net Operating Result before Capital Items</b>	<b>34</b>	<b>-</b>	<b>-</b>	<b>34</b>	<b>(1,015)</b>		<b>(981)</b>	<b>(1,327)</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/20 and should be read in conjunction with the total QBRS report

Kiama Municipal Council

Quarterly Budget Review Statement  
for the period 01/01/21 to 31/03/21

**Income & Expenses Budget Review Statement**

Budget review for the quarter ended 31 March 2021

**Income & Expenses - Holiday Parks**

( '\$000's )	Original Budget 2020/21	Approved Changes		Revised Budget 2020/21	Variations for this		Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Sep QBRs		Mar	Qtr			
<b>Income</b>									
Rates and Annual Charges			-	-				-	
User Charges and Fees	9,343			9,343	1,477	1		10,820	8,974
Interest and Investment Revenues	-			-				-	
Other Revenues	145			145				145	105
Grants & Contributions - Operating	11			11				11	1
Grants & Contributions - Capital								-	
Net gain from disposal of assets								-	
Share of Interests in Joint Ventures								-	
<b>Total Income from Continuing Operations</b>	<b>9,499</b>	<b>-</b>	<b>-</b>	<b>9,499</b>	<b>1,477</b>			<b>10,976</b>	<b>9,081</b>
<b>Expenses</b>									
Employee Costs	146			146				146	188
Borrowing Costs	117			117	481	4		598	59
Materials & Contracts	5,138			5,138	428	5		5,566	3,943
Depreciation	793			793				793	-
Legal Costs	40			40				40	5
Consultants								-	
Other Expenses	846			846				846	295
Interest & Investment Losses								-	
Net Loss from disposal of assets								-	
Share of interests in Joint Ventures								-	
<b>Total Expenses from Continuing Operations</b>	<b>7,080</b>	<b>-</b>	<b>-</b>	<b>7,080</b>	<b>909</b>			<b>7,989</b>	<b>4,491</b>
<b>Net Operating Result from Continuing Operations</b>	<b>2,419</b>	<b>-</b>	<b>-</b>	<b>2,419</b>	<b>568</b>			<b>2,987</b>	<b>4,590</b>
Discontinued Operations - Surplus/(Deficit)								-	
<b>Net Operating Result from All Operations</b>	<b>2,419</b>	<b>-</b>	<b>-</b>	<b>2,419</b>	<b>568</b>			<b>2,987</b>	<b>4,590</b>
<b>Net Operating Result before Capital Items</b>	<b>2,419</b>	<b>-</b>	<b>-</b>	<b>2,419</b>	<b>568</b>			<b>2,987</b>	<b>4,590</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/12/20 and should be read in conjunction with the total QBRs report

Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/01/21 to 31/03/21

**Income & Expenses Budget Review Statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details
1	Holiday Parks additional income due to higher than expected occupancy \$1.1447million. This has been offset by additional managers commissions of \$428k
2	Waste Business Unit additional Plant Hire \$150k
3	Leisure Centre additional wages due to Covid Marshalls and additional resources required for new bookings system
4	Additional borrowing costs due new loans including the loan for Surf Beach Development included in the table with the body of the report
5	Managers fees additional commissions due to higher income
6	Depreciation has two major contributing factors being, additional \$660k for the addition of Blue Haven Bonaira and \$1.1million additional depreciation expense for a road revaluation completed during the 2020 financial year audit period. Detailed changes within the body of the report

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/20 and should be read in conjunction with the total QBRS report

Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/01/21 to 31/03/21

**Capital Budget Review Statement**

Budget review for the quarter ended 31 March 2021

**Capital Budget - Council Consolidated**

(\$000's)	Original Budget 2020/21	Carry Forwards			Revised Budget 2020/21	Variations for this Mar Qtr	Notes	Projected Year End Result	Actual YTD figures
		Carry Forwards	Sep QBRs	Dec QBRs					
<b>Capital Expenditure</b>									
New Assets									
- Plant & Equipment									
- Land & Buildings	13	591			604	(140)	464	3	
- Other	2,807	1,309	(38)		4,078	(2,157)	1,921	873	
Renewal Assets (Replacement)									
- Plant & Equipment	2,859		24		2,883	(200)	2,683	898	
- Land & Buildings	596	3,666	119		4,381	923	5,304	1,914	
- Roads, Bridges, Footpaths	1,057	1,177	1,246		3,480	(640)	2,840	1,429	
- Other	7,887	2,041	766		10,694	(3,707)	6,987	3,345	
Loan Repayments (Principal)	1,224			156	1,380	-	1,380	996	
Loan Repayments - Blue Haven									
<b>Total Capital Expenditure</b>	<b>16,443</b>	<b>8,784</b>	<b>2,117</b>	<b>156</b>	<b>27,500</b>	<b>(5,921)</b>	<b>21,579</b>	<b>9,458</b>	
<b>Capital Funding</b>									
Rates & Other Untied Funding	8,677	5,487	659	156	14,979	(2,703)	12,276	8,015	
Capital Grants & Contributions	400	3,297	1,265		4,962	(134)	4,828	285	
Reserves:									
- External Restrictions/Reserves	377		193		570		570	342	
- Internal Restrictions/Reserves	4,989				4,989	(2,200)	2,789	816	
New Loans	2,000				2,000	(884)	1,116	-	
<b>Total Capital Funding</b>	<b>16,443</b>	<b>8,784</b>	<b>2,117</b>	<b>156</b>	<b>27,500</b>	<b>(5,921)</b>	<b>21,579</b>	<b>9,458</b>	
<b>Net Capital Funding - Surplus/(Deficit)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/12/20 and should be read in conjunction with the total QBRs report

Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/01/21 to 31/03/21

**Capital Budget Review Statement**  
**Recommended changes to revised budget**

Budget additions and variations being recommended include the following material items:

<b>Notes</b>	<b>Details</b>	<b>Funding Source</b>	<b>Budget Adjustment</b>
1	Recommended Capital Variations are detailed within Capital Variations attachment	Multiple	5,921

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/20 and should be read in conjunction with the total QBRS report

Kiama Municipal Council

**Cash & Investments Budget Review Statement**

Budget review for the quarter ended 31 March 2021

**Cash & Investments - Council Consolidated**

(\$000's)	Opening Balance 2020/21	Sep QBRs	Dec QBRs	Revised Budget 2020/21	Variations for this Mar Qtr	Notes	Projected Year End Result
<b>Externally Restricted <sup>(1)</sup></b>							
Developer Contributions - Gen	4,355	(193)		4,162	193		4,355
Unexpended Grants & Contributions	562			562	-	1	562
Domestic Waste Management	3,353			3,353			3,353
Loan Restrictions - Tcorp	1,094			1,094	13,826		14,920
BHT - ILU Maintenance Levy carried forward surplus	1,385			1,385			1,385
BHB - ILU Maintenance Levy carried forward surplus	114			114			114
Blue Haven Care – Residential	1,400			1,400	1,600		3,000
CACP	4			4	- 4		-
Community bus	315			315			315
Illawarra Shoalhaven Joint Organisation	22			22	- 22		0
<b>Total Externally Restricted</b>	<b>12,604</b>	<b>(193)</b>	<b>-</b>	<b>12,411</b>	<b>15,593</b>		<b>28,004</b>
<small>(1) Funds that must be spent for a specific purpose</small>							
<b>Internally Restricted <sup>(2)</sup></b>							
Carry over works	4,207			4,207	- 3,111		1,096
Council Elections	145			145	105		250
Employees leave entitlement	1,500			1,500			1,500
Energy Efficiency	213			213			213
Holiday parks	959			959			959
Land development	1,602			1,602			1,602
Plant replacement	1,514			1,514			1,514
Blue Haven - Home care Packages	688			688			688
Risk Improvement Incentive	105			105			105
Unspent Loan Funding	1,116			1,116	-	1	1,116
Waste and sustainability	415			415			415
Waste business unit	1,262			1,262			1,262
Funds to meet current budget obligations					445		445
<b>Total Internally Restricted</b>	<b>13,726</b>	<b>-</b>	<b>-</b>	<b>13,726</b>	<b>(2,561)</b>		<b>11,165</b>
<small>(2) Funds that Council has earmarked for a specific purpose</small>							
<b>Unrestricted (i.e.. available after the above Restrictions)</b>							
<b>Total Cash &amp; Investments</b>	<b>25,955</b>			<b>25,955</b>	<b>(871)</b>		<b>39,169</b>

Note - The opening balances reflect the balances in the Draft Financial Statements

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/12/20 and should be read in conjunction with the total QBRs report

Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/01/21 to 31/03/21

**Cash & Investments Budget Review Statement**

**Comment on Cash & Investments Position**

**Investments**

Investments have been invested in accordance with Council's Investment Policy.

**Cash**

The Cash at Bank figure included in the Cash & Investment Statement totals \$39,169,202

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.  
The date of completion of this bank reconciliation is 31/03/21

**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details
1	Variations are from the March 2021 Statement of Investments

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/20 and should be read in conjunction with the total QBRS report



Kiama Municipal Council

Quarterly Budget Review Statement  
for the period 01/01/21 to 31/03/21

**Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)**

Budget review for the quarter ended 31 March 2021

(\$000's)	Current Projection		Original Budget 20/21	Actuals Prior Periods	
	Amounts 20/21	Indicator 20/21		19/20	18/19

NSW Local Government Industry Key Performance Indicators (OLG):

**1. Operating Performance**

Operating Revenue (excl. Capital) - Operating Expenses	- 6,621	-9.4 %	-1.2 %	-13.3 %	-0.3 %
Operating Revenue (excl. Capital Grants & Contributions)	70472				

This ratio measures Council's achievement of containing operating expenditure within operating revenue.



**2. Own Source Operating Revenue**

Operating Revenue (excl. ALL Grants & Contributions)	57651	78.2 %	79.8 %	65.9 %	78.4 %
Total Operating Revenue (incl. Capital Grants & Cont)	73696				

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.

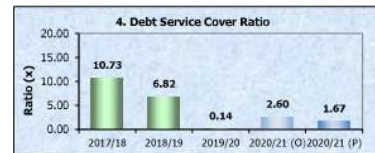


NSW Local Government Industry Key Performance Indicators (OLG):

**4. Debt Service Cover Ratio**

Operating Result before Interest & Dep. exp (EBITDA)	7,023	1.67	2.60	0.14	6.82
Principal Repayments + Borrowing Interest Costs	4,197				

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.



Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/01/21 to 31/03/21

**Contracts Budget Review Statement**

Budget review for the quarter ended 31 March 2021

**Part A - Contracts Listing** - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
J.B.G Civil P/L	Construction of Carparks and Road Widening in the Kiama Area	\$ 547,329	14/04/21	3 Months	Y	

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/20 and should be read in conjunction with the total QBRS report

Kiama Municipal Council

**Quarterly Budget Review Statement**  
for the period 01/01/21 to 31/03/21

**Consultancy & Legal Expenses Budget Review Statement**

Consultancy & Legal Expenses Overview

<b>Expense</b>	<b>YTD Expenditure (Actual Dollars)</b>	<b>Budgeted (Y/N)</b>
Consultancies	400,000	y
Legal Fees	323,711	y

**Definition of a consultant:**

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/20 and should be read in conjunction with the total QBRS report

March Quarterly Budget Review Capital Recommended Changes						
Project Description	New or Renew	Asset Class	Funding Source	Revised Budget	QBR Adjustment	Reason for Adjustment
Barney Street Culvert Renewal	RENEW	Roads & Bridges	REVENUE	629,846	-	165,709 Work completed under budget
Jamberoo Valley Cycleway - Land Acquisition Proposed Cycleway Route	NEW	Other	REVENUE	50,000	-	50,000 included in the 2022 draft program
Jamberoo School of Arts Drainage & Accessible Toilet	NEW	Buildings	REVENUE	139,810	-	139,810 in design will be complete in the 2022 budget
Coach House Art Gallery Internal Finishes, Electrical & Roof Replacement	RENEW	Buildings	REVENUE	145,933	-	145,933 in design will be complete in the 2022 budget
Jamberoo Signage - Town Entry and Exit Signage	NEW	Other	REVENUE	24,000	-	24,000 Under review
Kiama Leisure Centre Splash Zone	NEW	Other	REVENUE	183,024	-	183,024 Alternative project to be investigated
Thomson Street, Kiama Carpark Bays	NEW	Other	REVENUE	150,000	-	150,000 in design will be complete in the 2022 budget
Kiama Showground Pavilion Internal Finishes	RENEW	Buildings	SRV	43,076	-	43,076 included in the 2022 draft program
Kiama Showground Pavilion Refrigeration Room Replacement	RENEW	Buildings	SRV	100,000	-	100,000 included in the 2022 draft program
Werrri Beach Progress Hall Building Restoration, Asbestos Removal & Roof Replacement	RENEW	Buildings	SRV	100,000	-	100,000 included in the 2022 draft program
Croft Place Reserve Footpath renewal	RENEW	Shared Pathways	REVENUE	48,148	-	48,148 included in the 2022 draft program
Riverside Drive Footpath Section Renewal	RENEW	Shared Pathways	REVENUE	96,345	-	96,345 included in the 2022 draft program
Toojilooa Road Sharpes La to Dooley Rd Road Pavement Renewal	RENEW	Roads & Bridges	GRANT	60,000	-	60,000 included in the 2022 draft program
Toojilooa Road Sharpes La to Dooley Rd Road Surface Renewal	RENEW	Roads & Bridges	GRANT	120,000	-	120,000 included in the 2022 draft program
Eureka Reserve Playground renewal	RENEW	Recreation & Open Space	SRV	75,000	-	75,000 in design will be complete in the 2022 budget
Kiama Harbour Boat Ramp Boat Handling Jetty South Replacement	RENEW	Recreation & Open Space	SRV	90,000	-	90,000 included in the 2022 draft program
Minnamurra Riverside Dr Wharf renewal	RENEW	Recreation & Open Space	SRV	94,000	-	100,000 included in the 2022 draft program
Old School Park Reserve Playground Replacement	RENEW	Recreation & Open Space	SRV	162,000	-	162,000 included in the 2022 draft program
Waible Reserve Playground replacement	RENEW	Recreation & Open Space	SRV	50,000	-	50,000 included in the 2022 draft program
Werrri Beach Development - Stage 1 Build	RENEW	Holiday Parks	LOAN	2,000,000	-	2,000,000 Under review
Werrri Beach Development - Stage 1 Design	RENEW	Holiday Parks	RESERVE	200,000	-	200,000 Under review
Werrri Beach Development - Stage 2 (design by end 2020)	NEW	Holiday Parks	RESERVE	200,000	-	200,000 Under review
Illuka Reserve 2021 Program	NEW	Other	RESERVE	100,000	-	100,000 Cancelled
Culvert for Spring Creek Land Development	NEW	Other	RESERVE	1,600,000	-	1,600,000 Under review
Fiving Local Roads - Riverside Drive Reseal	RENEW	Roads & Bridges	GRANT	446,000	-	150,000 included in the 2022 draft program
Kiama Town Centre Study - Traffic Improvements	NEW	Other	REVENUE	50,000	-	50,000 included in the 2022 draft program
digital screens x4 (purchase and installation)	RENEW	Other	REVENUE	8,000	-	8,000 included in the 2022 draft program
Pavillion - 10 X round tables	RENEW	Pavilion	REVENUE	8,000	-	8,000 included in the 2022 draft program
Pavillion - 2 X new coffee machines	RENEW	Pavilion	REVENUE	6,000	-	6,000 included in the 2022 draft program
Pavillion - 3 X new zip hot water urns in lower level rooms approx	RENEW	Pavilion	REVENUE	3,000	-	3,000 included in the 2022 draft program
Pavillion - 3 X garage door replacement - bar, AV room and front office replace with timber screening	RENEW	Pavilion	REVENUE	5,000	-	5,000 included in the 2022 draft program
Pavillion - Amenity Upgrade (upstairs disabled)	RENEW	Pavilion	REVENUE	20,000	-	20,000 included in the 2022 draft program
Pavillion - Amenity Upgrade (downstairs disabled)	RENEW	Pavilion	REVENUE	20,000	-	20,000 included in the 2022 draft program
Pavillion - Amenity Upgrade (downstairs M&F)	RENEW	Pavilion	REVENUE	20,000	-	20,000 included in the 2022 draft program
Minor Plant replacement	RENEW	Plant & Equipment	REVENUE	20,000	-	20,000 included in the 2022 draft program

March Quarterly Budget Review Capital Recommended Changes						
Project Description	New or Renew	Asset Class	Funding Source	Revised Budget	QBR Adjustment	Reason for Adjustment
Blue Haven Client Management Software	RENEW	Blue Haven	REVENUE	207,197	-	80,000 Included in the 2022 draft program
Annual ILLU replacement program	RENEW	Blue Haven	RESERVE	377,500	-	100,000 Included in the 2022 draft program
RACF garden waterfall	RENEW	Other	REVENUE	111,443	-	90,000 Cancelled
Kiama Leisure Centre Pantal Roof Replacement & Hot Water Service Room Renewal	RENEW	Leisure Centre	REVENUE	100,000	-	100,000 Included in the 2022 draft program
Werri Beach HP - Safari Tent renewal	RENEW	Holiday Parks	REVENUE	550,000	-	550,000 Included in the 2022 draft program
Gerringsong Library and Museum	RENEW	Buildings	LOAN & GRANT	1,519,000	-	1,312,000 Expected completion July 2022
<b>Total</b>				<b>9,932,321</b>		<b>(5,921,044)</b>

**11.4 Quarterly Review of the Operational Plan 2020-2021 - third quarter**

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 11.4

**Summary**

This report provides an update on progress of the 2020-2021 Operational Plan for the period 1 January 2021 to 31 March 2021.

**Finance**

As per the approved 2020-2021 budget

**Policy**

*Local Government Act 1993*

**Consultation (Internal)**

All sections of Council have provided quarterly updates for the Operational Plan.

**Communication/Community Engagement**

The 2020-2021 Operational Plan was placed on public exhibition for a period of 28-days prior to adoption.

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

That Council receives the Operational Plan Quarterly Report for January to March 2021.

**BACKGROUND**

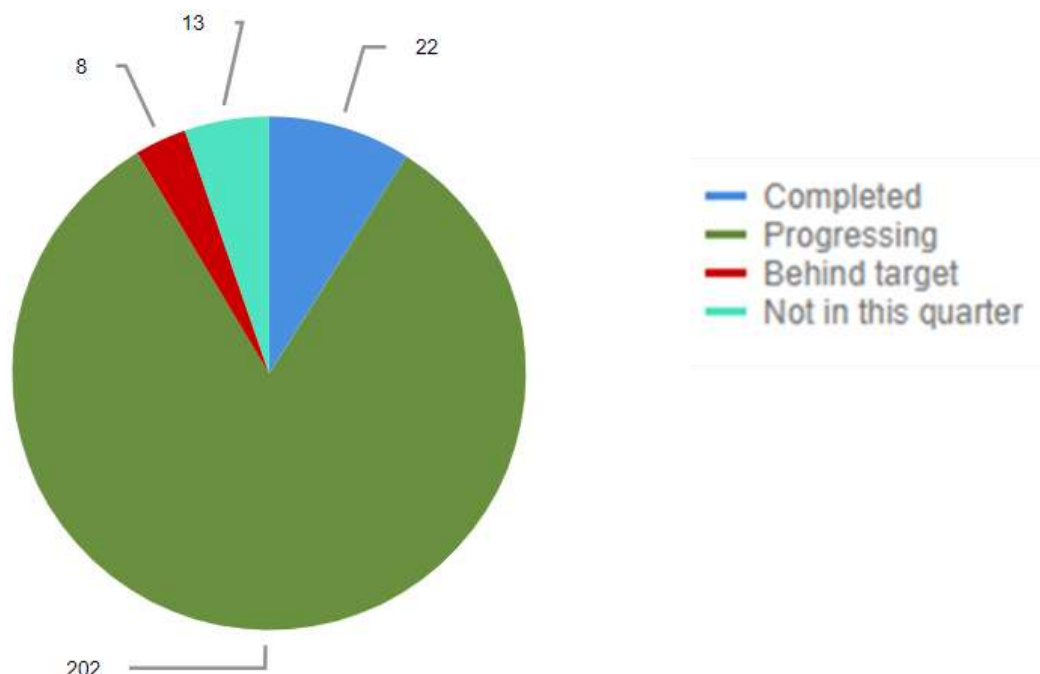
In accordance with the *Local Government Act 1993*, this Operational Plan Quarterly Report provides Councilors and the Community with a tool for measuring progress towards the adopted strategies of Council's four-year Delivery Program.

This report provides the status of the Operational Plan actions for the third quarter 2020/2021 and highlights key achievements.

Report of the General Manager

11.4 Quarterly Review of the Operational Plan 2020-2021 - third quarter (cont)

The 2020-2021 Operational Plan contains 245 actions, and as at 31 March 2021 the status of these actions are:









Item 11.4

The eight actions reported as 'behind target' are:

Action Code	Action Name	Performance Measure	Target	Actual	Comments	Responsible Officer Position	Status
1.1.1.6	Advocate accessibility to local business networks to promote Kiama as an outstanding accessible community and holiday venue for people with disability	Number of presentations promoting accessibility at Council run events	2 per annum	None in this period	Due to COVID-19, no Council run events have been scheduled that provide an opportunity to implement this measure.	Manager Community & Cultural Development	Behind target
1.1.1.7	Promote and encourage use of the accessibility budget to support access resources and assistance to support opportunity for all residents to genuinely participate in	Percentage of budget utilised to assist accessibility of Council's community consultations and events	80% of budget allocated	No additional use of the budget in this reporting period.	Budget not currently being utilised. Greater promotion of the budget needs to be undertaken within Council to encourage provisions of support being provided at events and consultations that utilise this budget allocation.	Manager Community & Cultural Development	Behind target

Report of the General Manager

11.4 Quarterly Review of the Operational Plan 2020-2021 - third quarter (cont)

Action Code	Action Name	Performance Measure	Target	Actual	Comments	Responsible Officer Position	Status
	Council functions, consultations, events and activities						
1.3.1.2	Conduct surf awareness education programs in local primary schools	Annual program completed	100% completed	Not achieved due to COVID-19 restrictions for schools	Surf awareness education programs in local primary schools this beach season did not proceed due to Covid-19	Leisure Centre Manager	Behind target 
4.2.1.10	Develop and implement an Information Technology Disaster Recovery (DR) Plan	Develop Disaster Recovery Plan and publish in TRIM and ProMapp by 31/12/2020	100% completed	85%	Disaster Recovery Plan has been developed and is under review before being finalised.	Manager Information Technology	Behind target 
4.2.1.11	Annual review of ICT (Information Communication Technology) Strategic Plan	Review and update of Plan is completed by 31/12/2020	100% completed	80%	Review of ICT (Information Communication Technology) Strategic Plan is progressing.	Manager Information Technology	Behind target 
4.2.1.12	Develop and implement an Information Technology Backup Plan	Develop Backup Plan and publish in TRIM and ProMapp by 31/12/2020	100% completed	80%	Information Technology Backup Plan has been developed and is under review before being finalised.	Manager Information Technology	Behind target 
4.2.1.13	Develop and implement internal Service Level Agreements (SLA) for IT services across Council functions	Internal Service Level Agreements (SLA) developed and implemented by 31/12/2020	100% completed	90%	Service Level Agreements have been drafted and are under review.	Manager Information Technology	Behind target 
4.3.1.14	Development and implementation of a Customer Response Commitment	Complete and implement a Customer Response Commitment to ensure high quality customer service is provided in a	100% completed	25%	Awaiting appointment of new communications coordinator to provide direct resourcing for community engagement and customer response commitment.	Communications Officer 02	Behind target 

**Item 11.4**



## Report of the General Manager

## 11.4 Quarterly Review of the Operational Plan 2020-2021 - third quarter (cont)

Action Code	Action Name	Performance Measure	Target	Actual	Comments	Responsible Officer Position	Status
		timely, efficient, effective and consistent manner					

Detailed reporting against all 245 actions can be provided on request and is not reproduced here due to the significant document size. The following summarises some of the highlights achieved during the January – March 2021 period under review.

- The Kiama Cultural Board has overseen the 2020/21 funding round of the Cultural Grants allocating \$20,000 to four local projects; a youth festival, book research, a collaborative visual arts and literary project, and an LGBTQI choir
- The Old Fire Station Community Arts Centre has seen a 124% increase in average visitors to 1,978 pax and a 183% increase in average sales to \$8,936 compared to last financial year
- Kiama Library hosted 4 online author sessions facilitated by Public Libraries NSW
- Home Library deliveries have increased to 254 deliveries which is 100 more than the same period last year
- SENTRAL Youth Services delivered teen mental health first aid to 66 year 9 students at Kiama High School, the Red Hot Confidence program to 6 young people and individual support to 8 young people
- Upgraded accessible facilities were completed at the Kiama Visitor Information Centre amenities, Gerringong Surf Lifesaving Club and Jamberoo Youth Hall with new accessible facilities completed at north Werri Beach
- Blue Haven Care is currently delivering 115 Home Care Packages and a surplus for the year to date of \$45,304 resulting in an operating ratio of 1.02:1
- Blue Haven have been successful in receiving a grant of \$313,000 from the Department of Health which is focused on achieving financial sustainability in aged care
- Received notification from Transport for NSW that funding will continue for Council's Road Safety Program
- Funding assistance has been received for the Hyams Creek rehabilitation work through NSW Local Land Services, and from the NSW Coast and Estuary Program for Blue Angle Creek, Gerroa erosion control and rock wall assessment along Minnamurra River
- An LED upgrade of the Council administration building has been completed
- 97.8% of tree management applications were processed in less than 21 days
- 83 of 85 engineering referrals were assessed within 14 days and 29 of 31 road occupation permits were issued within 5 days of receipt of the application
- 270 Planning Certificates were issued with 95.6% being issued within 3 days

Item 11.4

## Report of the General Manager

## 11.4 Quarterly Review of the Operational Plan 2020-2021 - third quarter (cont)

- 
- Jamberoo Youth Hall refurbishment was completed
  - Income received from the bookings/occupation for the third quarter totalled \$3,221,714 from an average cabin occupancy across the Kiama Coast Holiday Parks for the third quarter at 79%
  - Destination Kiama have provided support to: Kiama Community Radio, South Coast Sevens, Kiama Jazz & Blues Festival, KISS Arts Festival, NSW Country Rugby Championships, Kiama I Do Wedding Trail, Kiama Coastal Classic, Gerringong SurfLife Music Festival
  - Destination Kiama produced and launched the Kiama Walking Guide and Kiama Coast Walk pocket map
  - A record 17 wedding bookings at The Pavilion Kiama were confirmed
  - Council continues to perform above the interest rate return from investments benchmark, achieving 0.58% compared to a benchmark of 0.06%
  - Council's website received a 130% increase in unique visitation compared to the same quarter last year.

**Conclusion**

Council is on track to deliver the vast majority of agreed actions identified and resourced in the 2020/21 Operational Plan. Many of the 245 actions are ongoing or continuing actions that will carry forward into the Draft 2021/22 Operational Plan as presented under separate cover.

**11.5 Statement of Investments - April 2021**

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

CSP Strategy: 4.1 Council is financially sustainable

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

**Summary**

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

**Finance**

NA

**Policy**

Clause 625 of the *Local Government Act 1993*

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

Kiama Municipal Council – Investment Policy

**Consultation (Internal)**

NA

**Communication/Community Engagement**

NA

**Attachments**

1 Statement of Investments April 2021 [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

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

**BACKGROUND**

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

**Investment commentary**

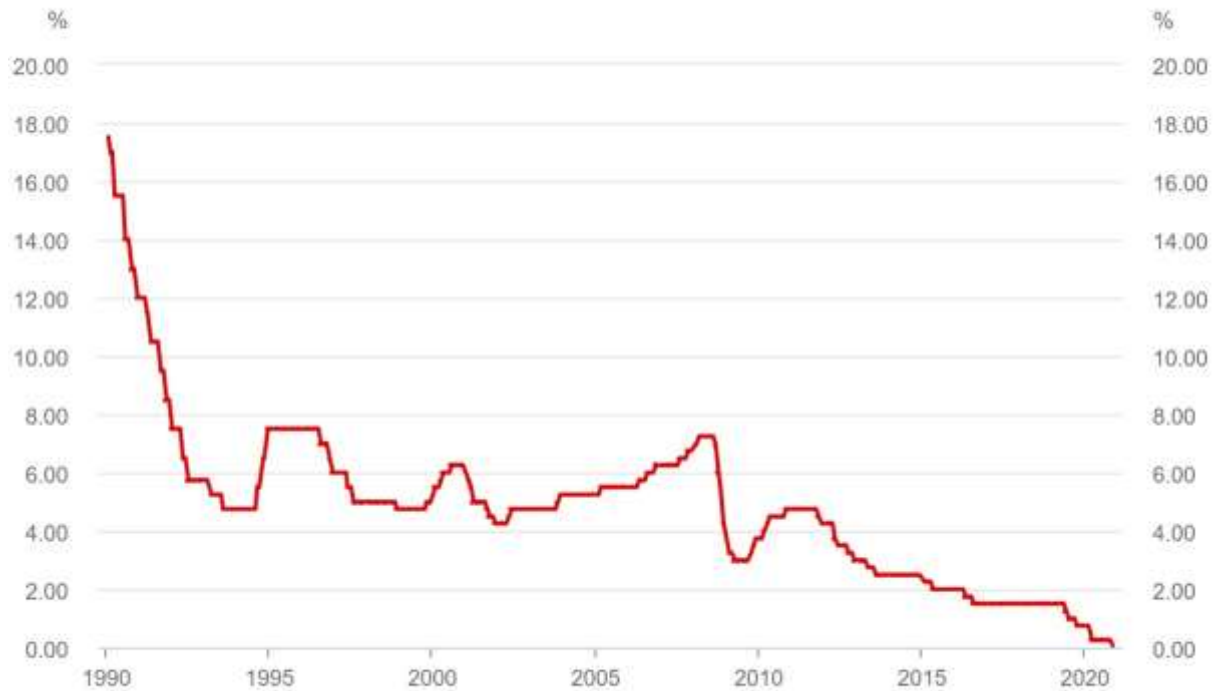
Council's direct investments are often rolled over on maturity with the same financial institution, if competitive, and based on whether funds are required for operations.

Report of the General Manager

11.5 Statement of Investments - April 2021 (cont)

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.

Graph of the Cash Rate Target



Source: RBA

**Certification – Responsible Accounting Officer**

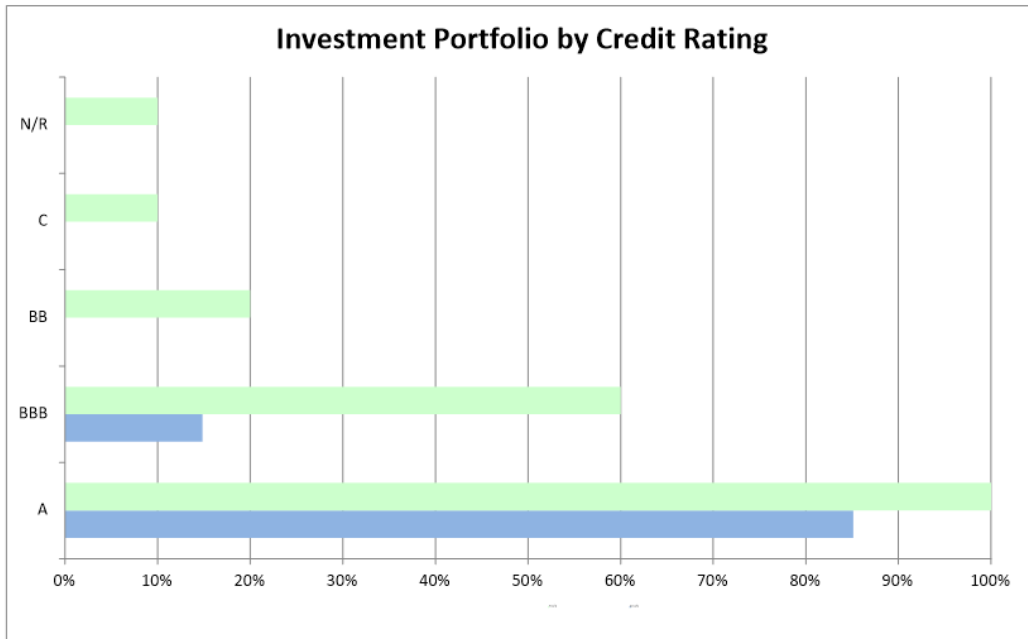
I hereby certify that the investments listed in this report have been made in accordance with Section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2005* and Council’s Investment Policy.

Jason Galloway  
**Chief Financial Officer**

Item 11.5

(b) Council Investments as at 30 April, 2021

DIRECT INVESTMENTS: INSTITUTION	S & P RATING	MARKET VALUE \$	INVESTMENT TYPE	DATE LODGED	MATURITY DATE	TERM (DAYS)	RATE %
AMP	BBB	1,000,000	Term Deposit	08/03/21	08/03/22	365	0.75
AMP	BBB	750,000	Term Deposit	29/03/21	27/09/21	182	0.20
Bank of Qld	BBB+	1,000,000	Term Deposit	21/10/20	21/07/21	273	0.64
Bank of Qld	BBB+	1,000,000	Term Deposit	02/03/21	02/12/21	275	0.39
Bank of Qld	BBB+	1,000,000	Term Deposit	21/10/20	21/07/21	273	0.64
Commonwealth Bank	AA-	1,000,000	Term Deposit	21/10/20	21/10/21	365	0.61
Suncorp	A	1,000,000	Term Deposit	25/11/20	25/05/21	181	0.38
Suncorp	A	1,000,000	Term Deposit	09/12/20	09/06/21	182	0.38
NAB	AAA	1,000,000	Term Deposit	27/02/21	02/06/21	95	0.30
NAB	AAA	1,000,000	Term Deposit	23/03/21	23/03/22	365	0.35
NAB	AAA	1,000,000	Term Deposit	16/03/21	16/03/22	365	0.37
NAB	AAA	1,000,000	Term Deposit	07/04/21	07/04/22	365	0.35
NAB	AAA	1,000,000	Term Deposit	14/04/21	14/04/22	365	0.37
NAB	AAA	1,000,000	Term Deposit	04/11/20	04/11/21	365	0.55
NAB	AAA	1,000,000	Term Deposit	11/11/20	11/08/21	273	0.50
NAB	AAA	1,000,000	Term Deposit	18/11/20	18/11/21	365	0.55
NAB	AAA	1,000,000	Term Deposit	02/12/20	04/10/21	306	0.50
NAB	AAA	1,000,000	Term Deposit	16/12/20	16/12/21	365	0.53
Westpac	AA-	1,503,877	Term Deposit	18/02/21	17/02/22	364	0.30
Newcastle Permanent FRN	BBB	1,014,994	Floating Rate Note	28/09/18	06/02/23	1592	1.50
<b>Total Term Deposits &amp; FRNs</b>		<b>20,268,871</b>					<b>0.51</b>
TcorpIM Cash Fund	AAA	11,400,274	Cash Fund			AT CALL	0.00
Westpac	AA-	7,148,774	Bank Account	-		AT CALL	0.00
<b>Total 'At Call' Funds</b>		<b>18,549,048</b>					<b>0.00</b>
<b>TOTAL CASH &amp; INVESTMENTS</b>		<b>38,817,920</b>				Average Rate- Apr 2021	0.28
						Average Rate- Apr 2020	1.86
<b>TOTAL INVESTMENTS Feb 2021</b>		<b>39,169,202</b>					-0.90% Change in total investment over prev 1 month
<b>TOTAL INVESTMENTS Apr 2020</b>		<b>18,420,289</b>					52.55% Change in total investment over prev 12 months



Portfolio Limit

Long Term Credit Ratings (S&P or Moodys or Fitch)	Policy Maximum	Current Holding %	Current Investment \$
A to AAA	100%	85%	\$33,052,926
A-	40%	0%	\$0
BBB to BBB+	30%	15%	\$5,764,994
BBB- and below	5%	0%	\$0
BBB- and below	5%	0%	\$0
			<b>\$38,817,920</b>

(c) Application of Invested Funds

<b>Restricted Funds:</b>	<b>Description</b>	<b>Value (\$)</b>	
Externally Restricted	Developer Contributions	4,355,000	
	Unexpended Grants	562,000	
	Domestic Waste	3,352,825	
	Loan Restrictions - Tcorp	14,920,000	
	Blue Haven Terralong ILU	1,385,000	
	Blue Haven Bonaira ILU	114,000	
	Blue Haven Aged Care Home	3,000,000	
	Community Bus	315,000	
Internally Restricted	Carry Over Works	1,096,003	
	Council Elections	250,000	
	Employee Leave Liabilities	1,500,000	
	Energy Efficiency	213,000	
	Holiday parks	959,050	
	Land development	1,602,000	
	Plant replacement	1,513,909	
	Blue Haven Home Care Packages	688,000	
	Risk Improvement Incentive	105,000	
	Unspent Loan Funding	1,116,000	
	Waste and Sustainability	415,000	
	Waste Business Unit	1,262,000	
<b>Unrestricted Funds:</b>	<b>Funds to meet current budgeted expenditure</b>	<b>94,133</b>	
<b>TOTAL INVESTMENTS</b>		<b>38,817,920</b>	

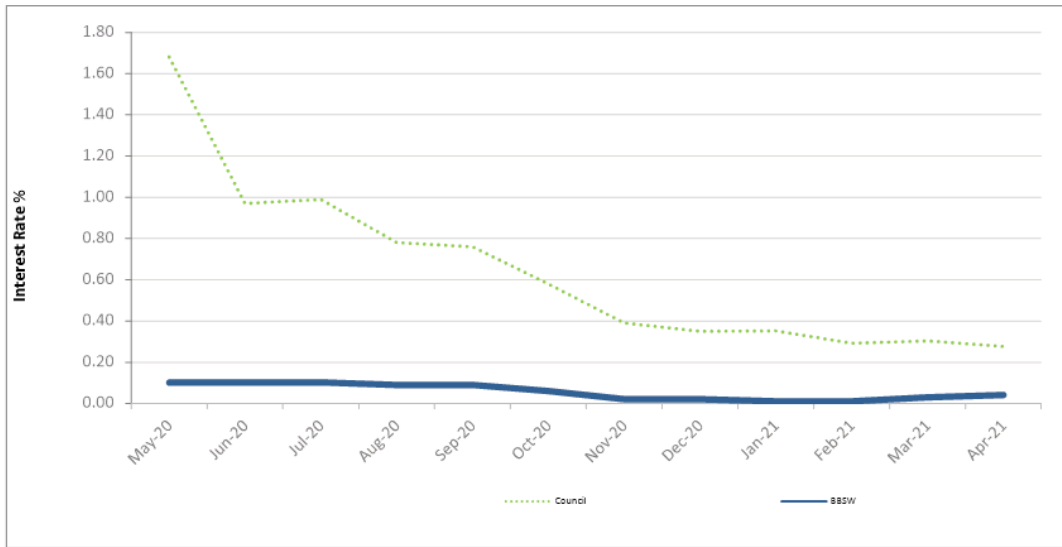
The above Application of Invested Funds will change subject to the preparation of the financial statements. The values can change due to monthly movements.  
 The Unrestricted Funds balance forms available cash to fund Council's ongoing budget operations.

(d) Investment Portfolio Performance

Investment Performance vs Benchmark

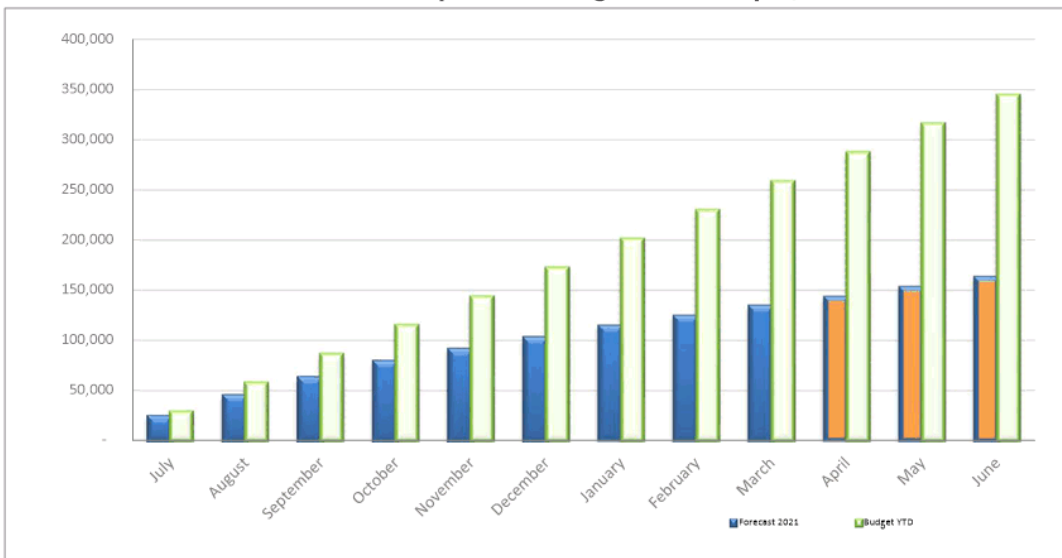
	Investment Portfolio Return (%pa)	Benchmark: BBSW 90 day Bank Bill Index (source RBA)
1 month average	0.28	0.02
3 month average	0.58	0.06
6 month average	0.74	0.08
12 month average	1.04	0.33

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 April, 2021





**12 REPORT OF THE DIRECTOR ENVIRONMENTAL SERVICES****12.1 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 12.1

**Summary**

This report is a Section 82 Review of Determination for previous Development Application No 10.2020.139.1 which was refused by Council for the construction of alterations and additions to an existing dwelling for the following reasons:

- *inconsistent with Kiama Development Control Plan 2020 Chapter 6. Residential Accommodation, Building Line Controls – Front Building Lines 6.1.16, which identifies a 6 metre front setback for dwellings.*
- *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 6 metre front setback for the proposed garage.*
- *considered to be incompatible with the existing streetscape and does not protect the established character of the neighbourhood.*
- *considered to be inappropriately designed and sited to minimize impacts on the street scape.*
- *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.*
- *considered to create an inappropriate planning outcome as the proposal will have a negative impact on the built environment in the locality.*
- *would set an undesirable planning precedent for similar inappropriate development and is therefore not in the public interest*

This report has assessed the Review of Determination Application considering the reasons for refusal and now recommends that Council approve Development Application No 10.2020.139.1. This recommendation is based on the change that has now been made to the revised plans addressing the previous reasons for refusal and therefore the development provides an improved outcome for the site.

**Consultation (Internal)**

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

Report of the Director Environmental Services

12.1 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: Nil submissions.

### Reason for the Report

This report is submitted to Council because only the elected Council can determine applications involving an 8.2 Review of Determination in a case in which they had previously determined the original application.

### Attachments

1 10.2020.139.1 - Plans [↓](#)

### Enclosures

Nil

## RECOMMENDATION

That Council approve Development Application No 10.2020.139.1 under Section 8.2 review of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.

## BACKGROUND

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

The overall site measures 739.8m<sup>2</sup> 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

12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights – Alterations and additions to existing dwelling (cont)

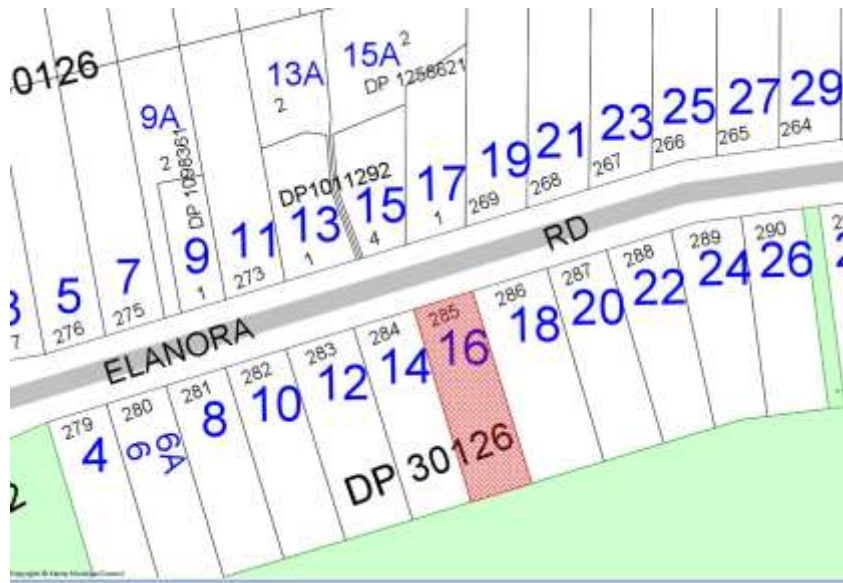


Figure 1 – Locality Plan



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.

Item 12.1

Report of the Director Environmental Services

12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights –  
Alterations and additions to existing dwelling (cont)

---

Access to the property is gained from Elanora Road.

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

**Item 12.1**



**Figure 4 – Site Photograph of existing dwelling from west**



**Figure 5 – Site Photograph of existing dwelling from north-east**

Report of the Director Environmental Services

12.1 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 southwest**



**Figure 7 – Site Photograph of existing dwelling from south**

**Item 12.1**

Report of the Director Environmental Services

12.1 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 south**



**Figure 9 – Site Photograph of existing dwelling from southwest**

**Background**

The Development Application history is as follows:

Report of the Director Environmental Services

12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights – Alterations and additions to existing dwelling (cont)

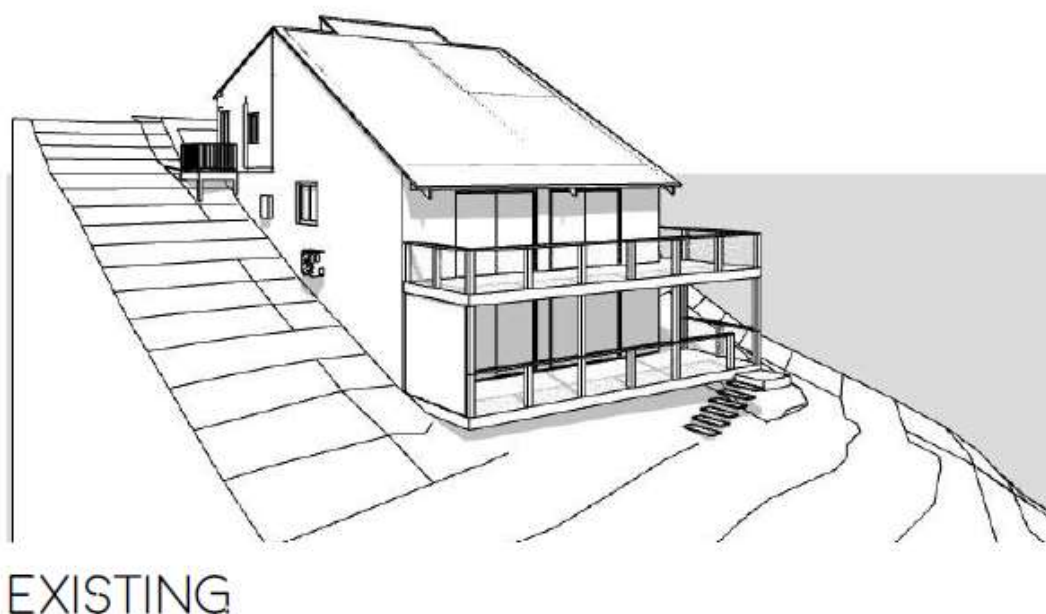
DA No	Description	Lodgement	Determined	Decision
10.2006.358.1	Extension of existing balcony	23/11/2006	30/11/2006	approved
10.2020.139.1	Alterations & additions to existing dwelling	24/08/2020	15/12/2020	Refused by Council

**Item 12.1**

**Description of the Proposed Development**

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

The existing dwelling and proposal are shown in Figures 10-17 below:



**Figure 10 – 3D Dimensional view of existing dwelling**

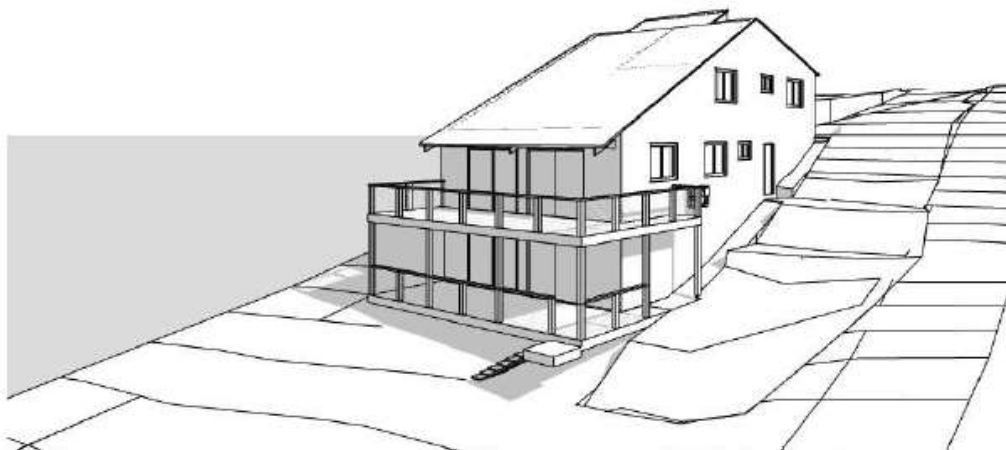
Report of the Director Environmental Services

12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights –  
Alterations and additions to existing dwelling (cont)



PROPOSED

Figure 11 - 3D Dimensional view of proposed dwelling



EXISTING

Figure 12 – 3D Dimensional view of existing dwelling

Item 12.1



Report of the Director Environmental Services

12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights –  
Alterations and additions to existing dwelling (cont)

---



PROPOSED

Figure 13 - 3D Dimensional view of proposed dwelling



EXISTING

Figure 14 – 3D Dimensional view of existing dwelling

Item 12.1

Report of the Director Environmental Services

12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights –  
Alterations and additions to existing dwelling (cont)

---



Figure 15– 3D Dimensional view of proposed dwelling

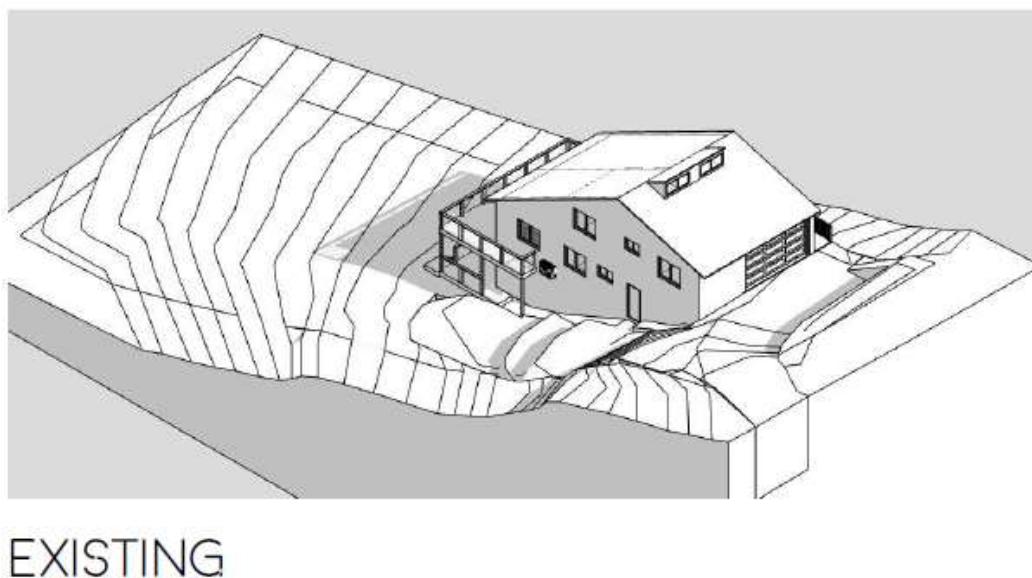
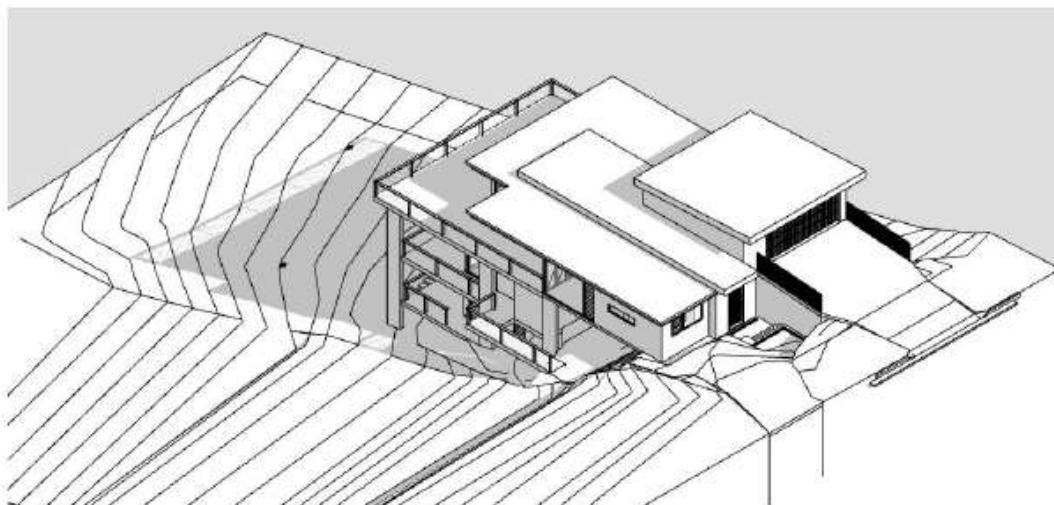


Figure 16 – 3D Dimensional view of existing dwelling

Item 12.1

Report of the Director Environmental Services

12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights –  
Alterations and additions to existing dwelling (cont)



PROPOSED

Figure 17 - 3D Dimensional view of proposed dwelling

### Section 8.2 Review Assessment

The proposed development has been reviewed in accordance with Section 8.2 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 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*

## Report of the Director Environmental Services

## 12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights – Alterations and additions to existing dwelling (cont)

- 
- 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 alterations and additions to the existing dwelling with the application demonstrating 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

Clause 9 and 10 of the SEPP (Vegetation in Non-Rural Areas) 2017 outlines that consent is required for the clearing of certain vegetation in non-rural areas. Council's DCP 2020 outlines that certain trees can be removed without requiring consent. No trees are proposed to be removed as part of this development.

- 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 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:

Report of the Director Environmental Services

12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights –  
Alterations and additions to existing dwelling (cont)

---

#### 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. A variation under clause 4.6 was submitted with the application.

#### 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 FSR 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 292.89m<sup>2</sup>. 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:

## Report of the Director Environmental Services

## 12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights – Alterations and additions to existing dwelling (cont)

**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 2011 (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 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 on the *LEP* map 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.

(1). What is the name of the environmental planning instrument that applies to the land?

*Kiama Local Environmental Plan 2011.*

(2). What is the zoning of the land?

R2 – Low Density Residential (as shown on the LEP mapping image below)



## Report of the Director Environmental Services

## 12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights – Alterations and additions to existing dwelling (cont)

*(3). 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 neighbours or the neighbourhood.*

*(4). 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.

*(5). Under what clause is the development standard listed in the environmental planning instrument?*

Clause 4.3.

*(6). What are the objectives of the development standard?*

The objectives of Clause 4.3 (Height of buildings) are as follows:

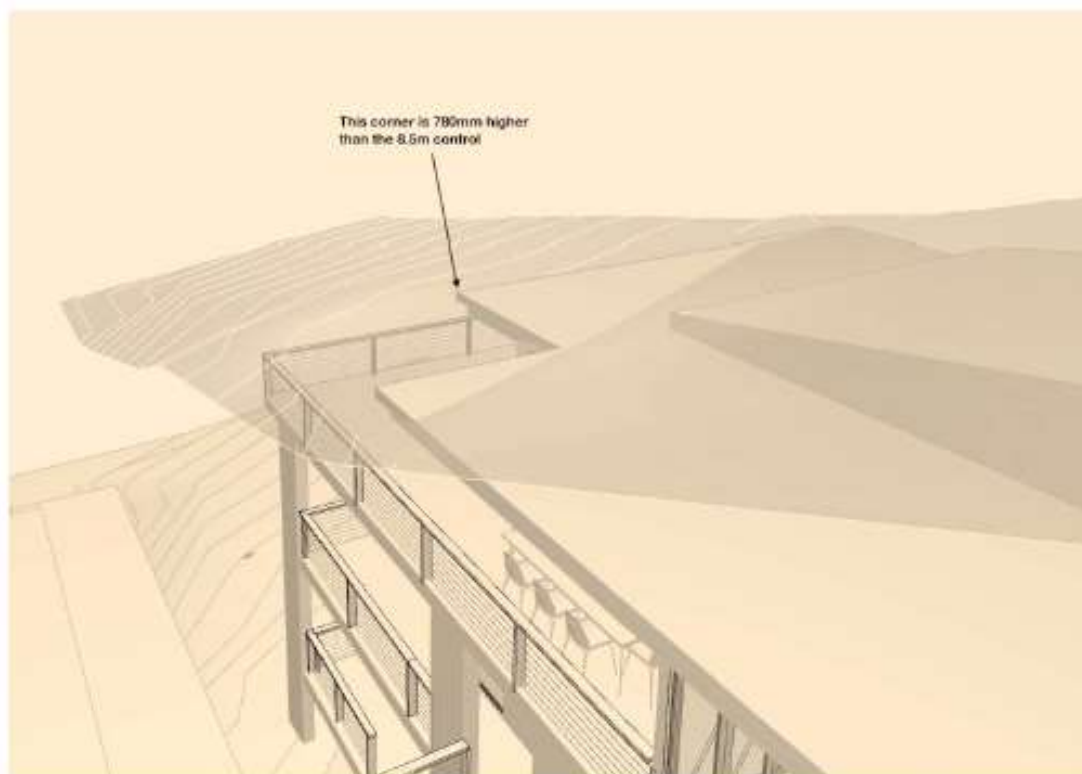
- to ensure future development is in keeping with the desired scale and character of the street and local area,*
- to allow reasonable daylight access to all developments and the public domain.*

## Report of the Director Environmental Services

## 12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights – Alterations and additions to existing dwelling (cont)

*(7). 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 9.280 m which exceeds the height limit by a maximum 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.



*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.

*(8). How is the proposal consistent with the objectives of the zone in which the development is proposed to be carried out?*

The proposal 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 result of this minor height exceedance.



## Report of the Director Environmental Services

## 12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights – Alterations and additions to existing dwelling (cont)

*(9). 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 natural ground level falling away 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.

*(10). 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 minimal impact of development, or lack thereof, given that the exceedance relates to a maximum 0.78m exceeding the maximum building height over a small area (shown in 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 are no privacy impacts as a result of the building height exceeding the 8.5m limit for a small area.

*(11). 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 are:

- (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 co-ordination 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.

*(12). Are there sufficient environmental planning grounds to justify contravening the development standard? Give details.*

There are sufficient environmental planning grounds to justify contravening the development standard as follows:

1. Generic development standards such as height do not consider site conditions such as slope and in this instance a small section of increased slope towards the downhill (southern) side of

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## 12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights – Alterations and additions to existing dwelling (cont)

- 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 (i.e. 0.78m maximum exceedance over a small area) and potential beyond the scope of what a reasonable person to notice once constructed.
  3. The exceedance is a result of the site being affected by uneven slope fall at front of the building (i.e. the natural ground level falling away towards the downhill (southern) of the building). The exceedance will not be '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.

*(13). How will the proposal be in the public interest?*

The proposed development is consistent with the promotion and co-ordination 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 to the land.

In light of the above, the proposal is considered to be consistent with the public interest.

**Council Comment**

Compliance with the development standard is considered to be 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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12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights – Alterations and additions to existing dwelling (cont)

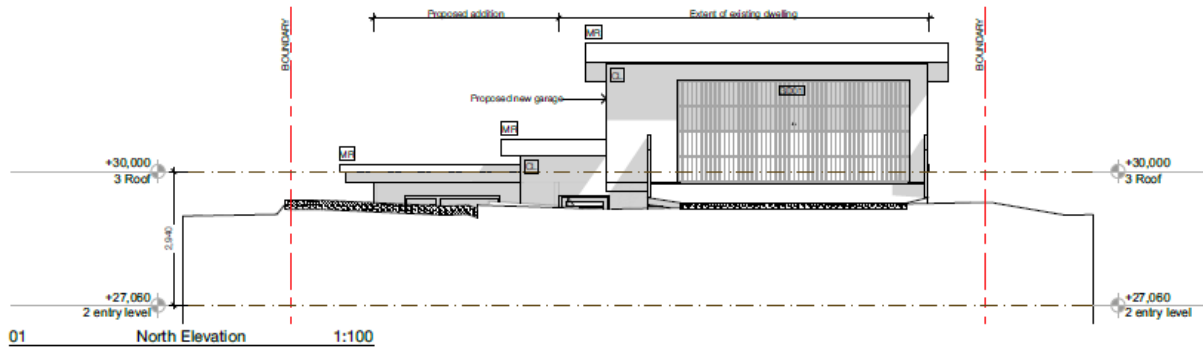


Figure 18 – Front dwelling elevation plan

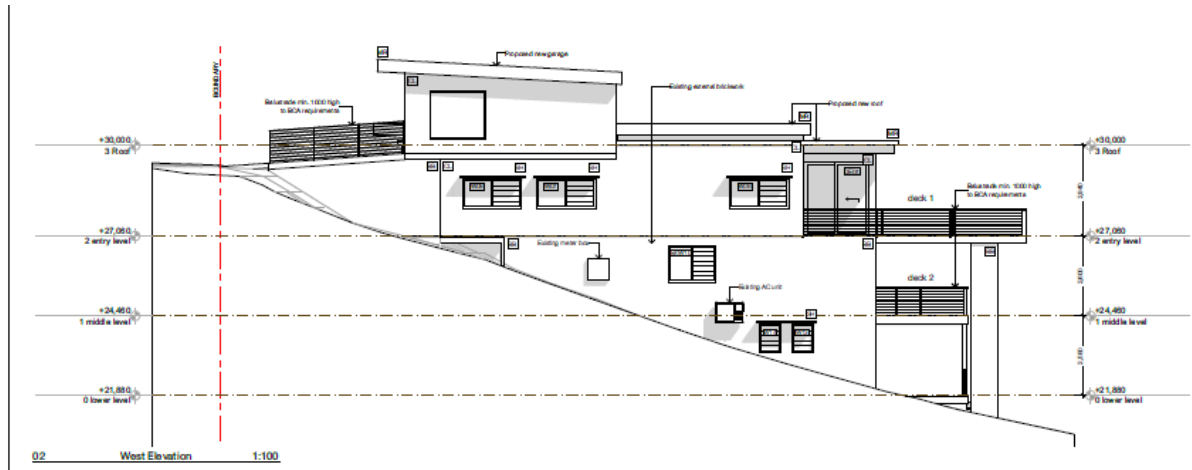


Figure 19 – Western side dwelling elevation plan

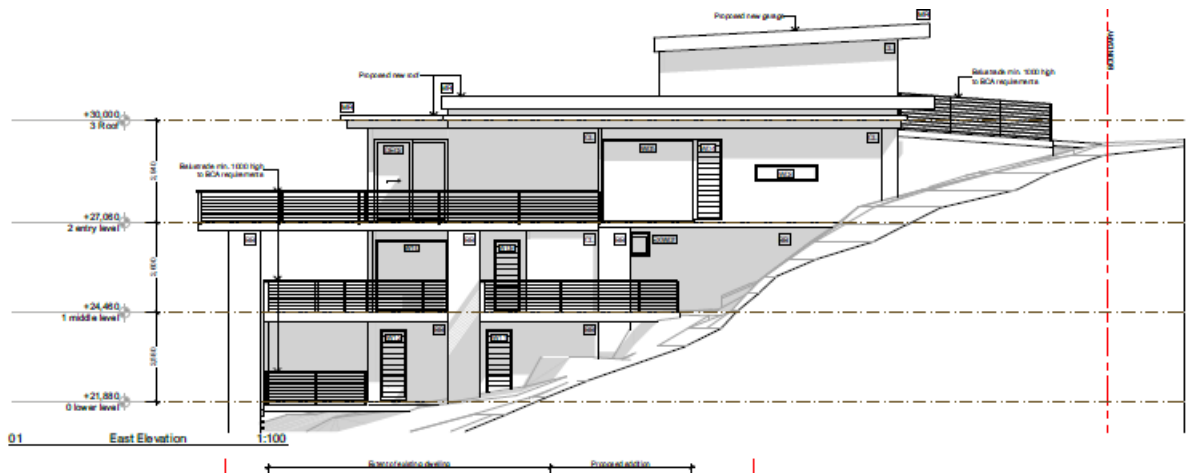


Figure 20 – Eastern side dwelling elevation plan

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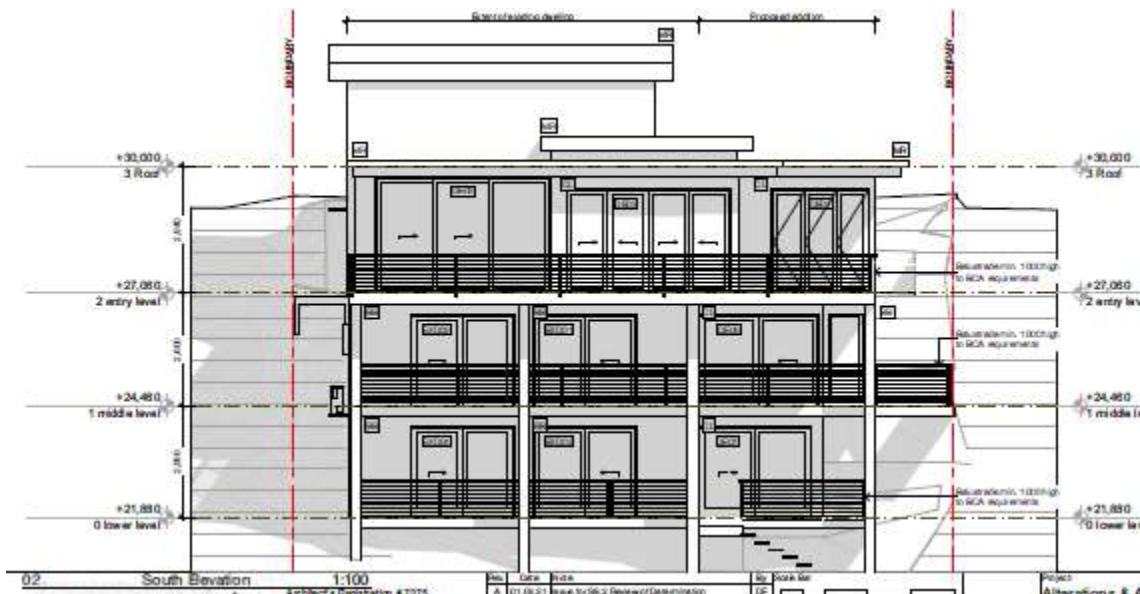


Figure 21 – Rear elevation Plans

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 generally consistent with the objectives and requirements of Kiama DCP 2020. There is a single non-compliance with the requirements of the DCP with respect to the Building Height Plan largely arising from the steepness of the site that is discussed in the table below:

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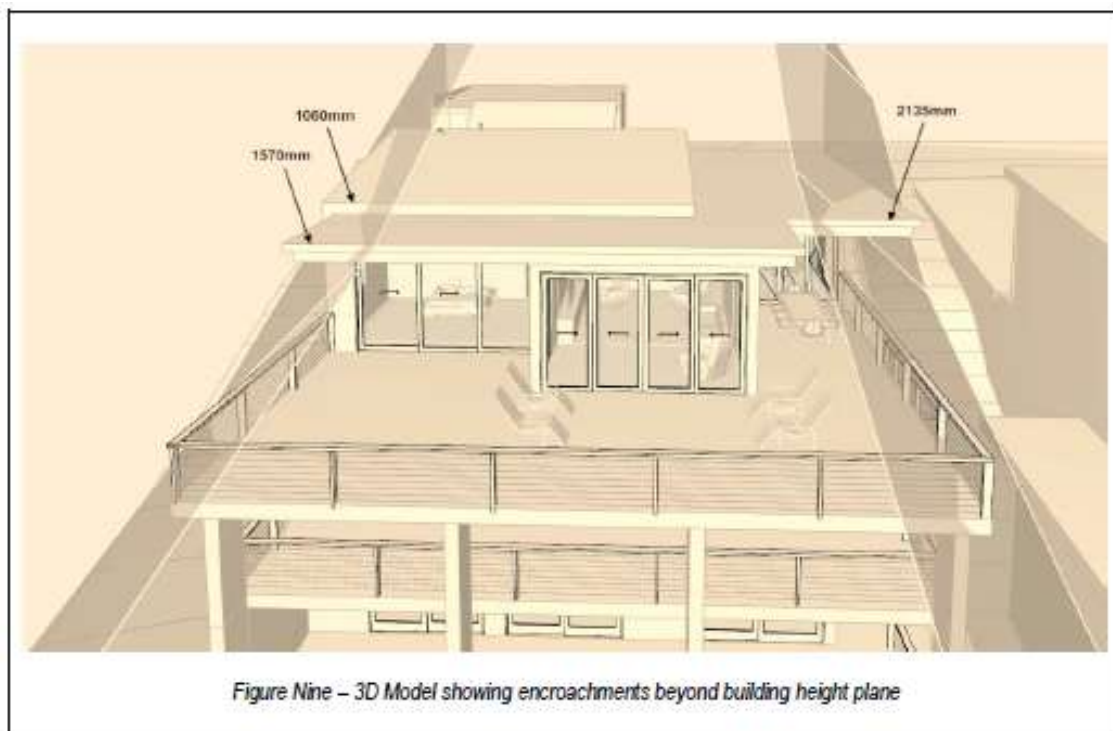
Chapter 6 – Residential Accommodation

<b>Building Lines and Building Separation</b>	
<b>Building Height Plane</b>	
<p><b>6.1.15</b> <i>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.</i></p>	<p>There are three instances where the eaves of the roof protrude more than 600mm beyond the Building Height Plane specified in Clause 6.1.15. They are illustrated in Figure Nine below.</p> <p>The excess encroachments are:</p> <ul style="list-style-type: none"> <li>• 480mm</li> <li>• 970mm</li> <li>• 1535mm</li> </ul> <p><b><u>VARIATION REQUEST</u></b> As permitted in O:1.4.1 of Chapter 1 of KDCP we request that Clause 6.1.6 n be varied in this instance as "the development site has special or exceptional circumstances that justify the variation".</p> <p><b><u>JUSTIFICATION</u></b> 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 single storey house. The encroachments beyond the building height plan 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 designed the development proposal is in line with the objective of encouraging <i>"innovative housing design which incorporates high level architectural, environmental and amenity standards.</i></p> <p>Under these circumstances we believe that variation of Clause 6.1.15 inherent in the proposed design is justified.</p>

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**Council Comment**

The justification provided is considered to be reasonable in the circumstances and proposed encroachments into the Building Height Plane are unlikely to cause any significant amenity impacts in the locality such as a view loss for neighbours, overlooking or overshadowing. No objections were received in relation to the application and Council is therefore supportive of the requested variation in this instance.

**Any Planning Agreement**

Nil.

**Any Matters Prescribed by the Regulations**1. 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*.

2. Australian Standard AS 2601 - 1991: The Demolition of Structures

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

**Any Coastal Zone Management Plan**

Nil.

**The Likely Impacts of the Proposed Development**Streetscape

The design of the proposed development is considered to be reasonable when considered in relation to the existing setbacks of dwellings in the street.

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The bulk, scale and design of the proposal is consistent with relevant planning instruments and is consistent with the streetscape along Elanora Road and other dwellings.

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 arise 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 22-27 below:

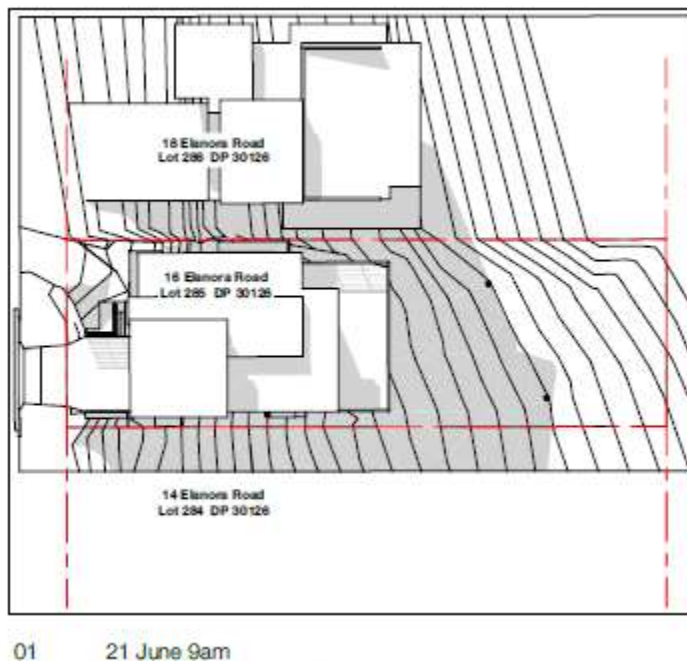
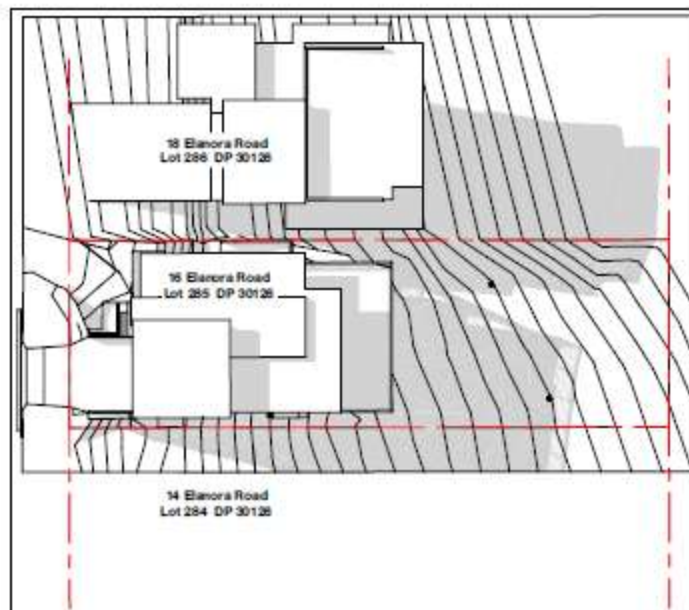


Figure 22 – 9am Shadows Mid-winter

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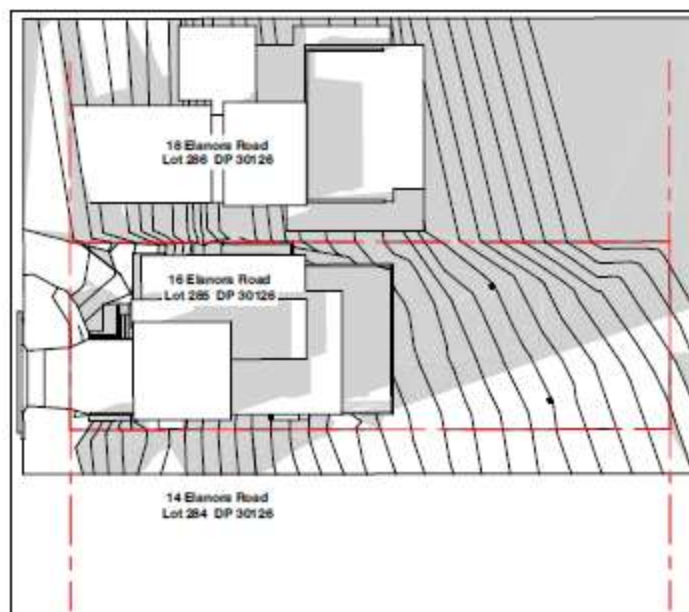
12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights – Alterations and additions to existing dwelling (cont)

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02 21 June 12pm

Figure 23 – 12 noon Shadows Mid-winter



03 21 June 3pm

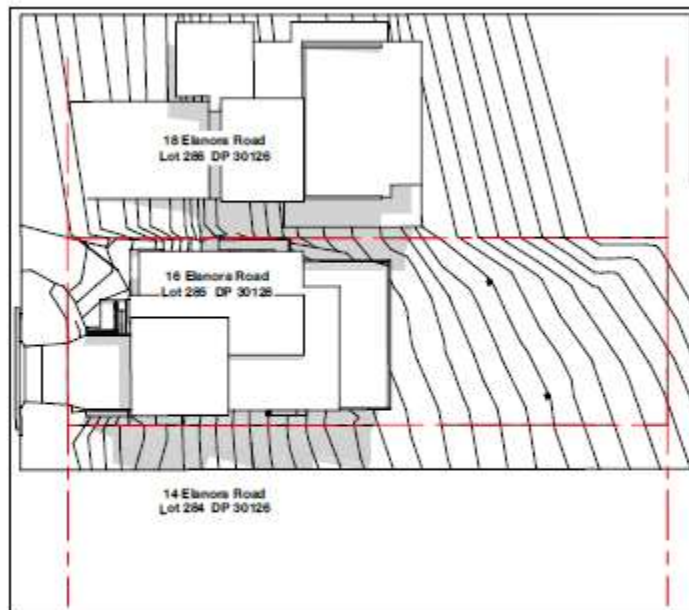
Figure 24 – 3pm Shadows Mid-winter



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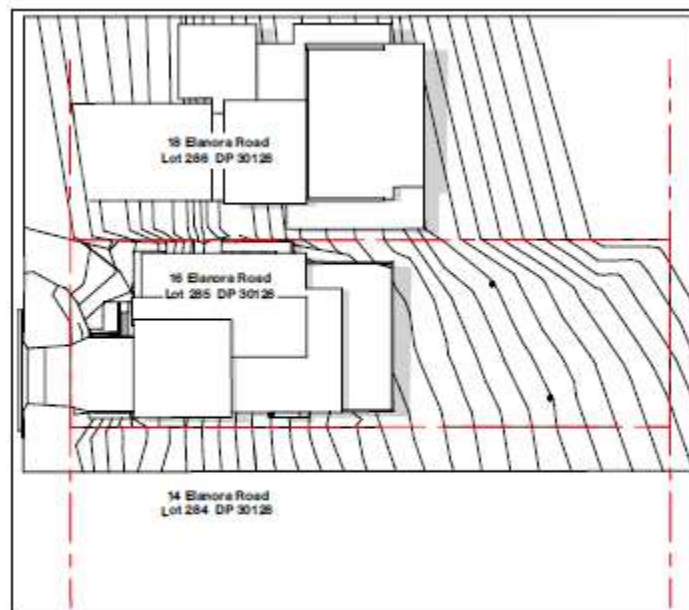
12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights – Alterations and additions to existing dwelling (cont)

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04 21 December 9am

Figure 25 – 9am Shadows Summer



05 21 December 12pm

Figure 26 – 12 noon Shadows Summer

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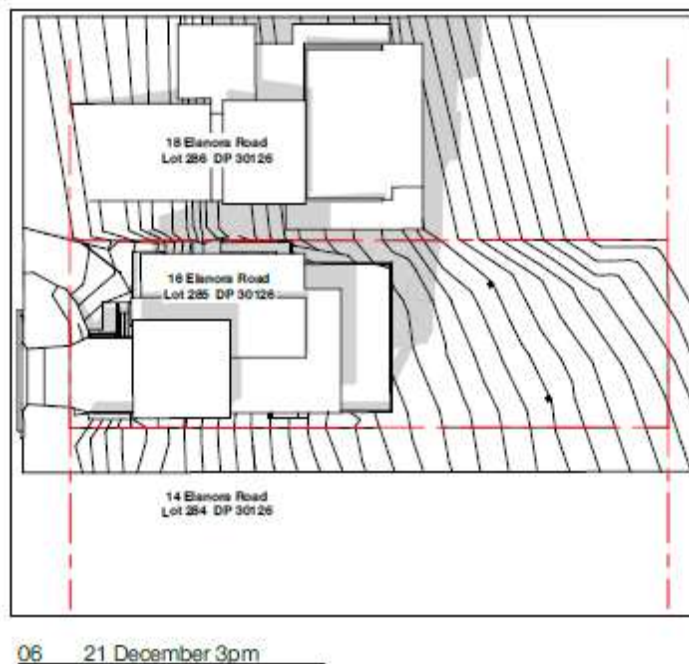
12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights –  
Alterations and additions to existing dwelling (cont)

Figure 27 – 3pm Shadows Summer

### 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 proposed system.

### Environmental Impacts

*Vegetation Removal* – No significant vegetation is proposed 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.

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12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights –  
Alterations and additions to existing dwelling (cont)

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### **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 have been raised that would 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**

Notification letters were sent to neighbouring property owners who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period, nil submissions were received.

### **External Referrals**

Nil

### **Internal Referrals**

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

#### Subdivision & Development Engineer

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

### **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 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 8.2 of the Environmental Planning and Assessment Act, 1979. The proposal is generally consistent with Kiama LEP 2011 and relevant Kiama DCP 2020 Chapters. The proposed development is consistent with the objectives of the R2 Low Density Residential zone.

The applicant provided revised plans by lodging an 8.2 Review of Determination to provide a compliant front setback of 6m for the double garage in accordance with the requirements of Kiama DCP.

The proposal is therefore considered to be acceptable as the double garage has now been setback 6m from the front boundary in accordance with the DCP controls.

- i. The proposal is compliant with Kiama DCP 2020 Chapter 6, Building Line Controls – Front Building Lines 6.1.16 as the proposed development has been provided with a 6m front setback.

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- ii. The proposed development is compliant with Kiama DCP 2020 Chapter 6, Building Line Controls – Building Lines for Garages or Carports 6.1.24 as the proposed development has been provided with a 6m front setback.

Consideration has been given to the social, economic and environmental impacts of the proposed development and no significant concerns are raised.

The applicant has through their amended design adequately addressed the previous reasons for refusal by Council making the new proposal acceptable and it is considered that it should now be supported by Council.

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 10.2020.139.1 dated - except as amended by the following conditions: (g005.doc)
- (2) The development shall be completed in accordance with the approved colour schedule shown on the Plans. (g014.doc)
- (3) 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
- (4) 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

**Bonds and Contributions**

- (1) A contribution under Section 7.12 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94A (Indirect Contributions) Plan shall be paid to Council **prior to the issuing of a Construction Certificate**. The total contribution required for the development is **\$3,510.00**.

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

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

Where:

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

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Alterations and additions to existing dwelling (cont)

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)

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**Prior to Commencement of Works**

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

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

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

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

or

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

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

Work undertaken within the road reserve may only be undertaken by a Council approved contractor. A list of approved contractors may be obtained from Council's Engineering and Works Department. (pt016.doc)

(3) 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.

## Report of the Director Environmental Services

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Alterations and additions to existing dwelling (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)

- (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.  
(pt034.doc)
- (5) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a Showing the name, address and telephone number of the Principal Certifying Authority for the work;
  - b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - c Stating that unauthorised entry to the work site is prohibited.

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

- (6) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel. (pt062.doc)
- (7) 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)

### Demolition Works

#### (1) Asbestos – Statement Required

No later than seven days prior to the (PARTIAL) demolition of the 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.

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### **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 10m<sup>2</sup> of Bonded Asbestos Sheeting**

Demolition works involving the removal of less than 10m<sup>2</sup> of bonded asbestos sheeting may be carried out by a licensed builder who has completed an appropriate bonded asbestos removal course.

- (2) The techniques adopted for stripping out and for demolition shall minimise the issue of dust into the atmosphere. (dw030.doc)

### **Access Construction**

- (1) The developer shall restore any redundant vehicle crossing to barrier kerb in compliance with Council's "*Driveway and Footpath Works Procedure Manual*". (ac010.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 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*".

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Alterations and additions to existing dwelling (cont)

- 
- (4) The applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area. Work undertaken within the road reserve may only be undertaken by a Council approved contractor. A list of approved contractors may be obtained from Council's Engineering and Works Department.

**Utility Servicing**

- (1) The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access

**Stormwater Management**

- (1) 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.
- (2) Stormwater shall be connected to the existing system. (sm005.doc)
- (3) The stormwater drainage system shall be completed in accordance with the details approved by the accredited Certifying Authority.

**Inspections**

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

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

**Building Construction**

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
- (5) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level. (bu120.doc)
- (6) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage. (bu125.doc)



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- 
- (7) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;

Monday to Friday - 7.00 am to 5.00 pm

Saturdays - 8.00 am to 1.00 pm

No construction work is to take place on Sundays or Public Holidays. (bu151.doc)

- (8) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled. (bu153.doc)

**Erosion and Sedimentation Controls/Soil and Water Management**

- (1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
- A 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)

**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:
- Stating that unauthorised entry to the premises is prohibited; and
  - 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)

## Report of the Director Environmental Services

12.1 10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights –  
Alterations and additions to existing dwelling (cont)

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**Prior to Occupation**

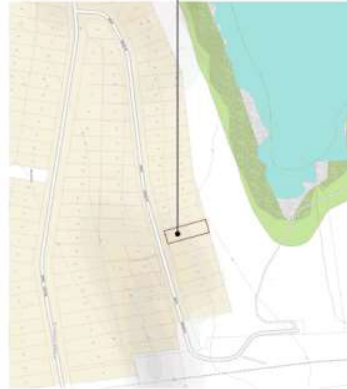
- (1) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to and approved by Council prior to issue of the Final Occupation Certificate.

Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)

- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)
- (3) The developer shall complete all access and drainage works prior to the issue of any occupation certificate.
- (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.

# Alterations & Additions

For Sylvia & Henry Denne  
 16 Elanora Road  
 Kiama, NSW, 2533  
 Lot 285, DP 30126



**BASIX Certificate**  
 Alterations and Additions  
 Construction number: 2020/139/01

This certificate certifies that the alterations and additions to the existing dwelling at 16 Elanora Road, Kiama, NSW, 2533, Lot 285, DP 30126, have been designed and constructed in accordance with the BASIX requirements for the project. The alterations and additions were approved by the Kiama Council on 10/10/2020. The alterations and additions were constructed in accordance with the BASIX requirements for the project.

The alterations and additions to the existing dwelling at 16 Elanora Road, Kiama, NSW, 2533, Lot 285, DP 30126, were approved by the Kiama Council on 10/10/2020. The alterations and additions were constructed in accordance with the BASIX requirements for the project.

Approved by: Sylvia & Henry Denne  
 Date: 10/10/2020  
 Approved by: [Signature]  
 Date: 10/10/2020

**Water and green stormwater management**

**Water and green stormwater management**

**Water and green stormwater management**

**Water and green stormwater management**

**Water and green stormwater management**

**Water and green stormwater management**

**Water and green stormwater management**

**Water and green stormwater management**

**Water and green stormwater management**

**Water and green stormwater management**

**Water and green stormwater management**

ISSUED FOR DA ONLY

**Plans to be read in conjunction with following documents:**

- Planning Report (SEE)
- Concept Stormwater Plans
- BASIX Certificate

**Project Information**

Site area : 743.2m<sup>2</sup>  
 Zone : R2  
 Site coverage permitted : 60%  
 Site coverage allowable : 445.93m<sup>2</sup>  
 Site coverage proposed : 179.70m<sup>2</sup>  
 FSR Permitted : 0.45:1  
 Floor area allowable : 334.44m<sup>2</sup>  
 Floor area proposed : 300.10m<sup>2</sup>  
 FSR proposed : 0.40:1

Drawing Schedule	Sheet No.	Sheet Name
	00.01	Cover Sheet
	10.01	Site Analysis Plan
	10.02	Site & Waste Management Plan
	10.03	Existing & Demolition - Rccf Plan
	10.04	Existing & Demolition - Entry Level Plan
	10.05	Existing & Demolition - Middle Level Plan
	10.06	Existing & Demolition - Lower Level Plan
	20.01	Garage/Rccf Plan
	20.02	Entry Level Plan
	20.03	Middle Level Plan
	20.04	Lower Level Plan
	25.01	Garage/Rccf FSR Plan
	25.02	Entry Level FSR Plan
	25.03	Middle Level FSR Plan
	25.04	Lower Level FSR Plan
	30.01	Elevations 01 & 02
	30.02	Elevations 03 & 04
	32.01	Sections A & B
	32.02	Driveway Long Section
	95.01	Existing & Proposed 3Ds - Sheet 01
	95.02	Existing & Proposed 3Ds - Sheet 02
	70.01	Shadow Diagrams

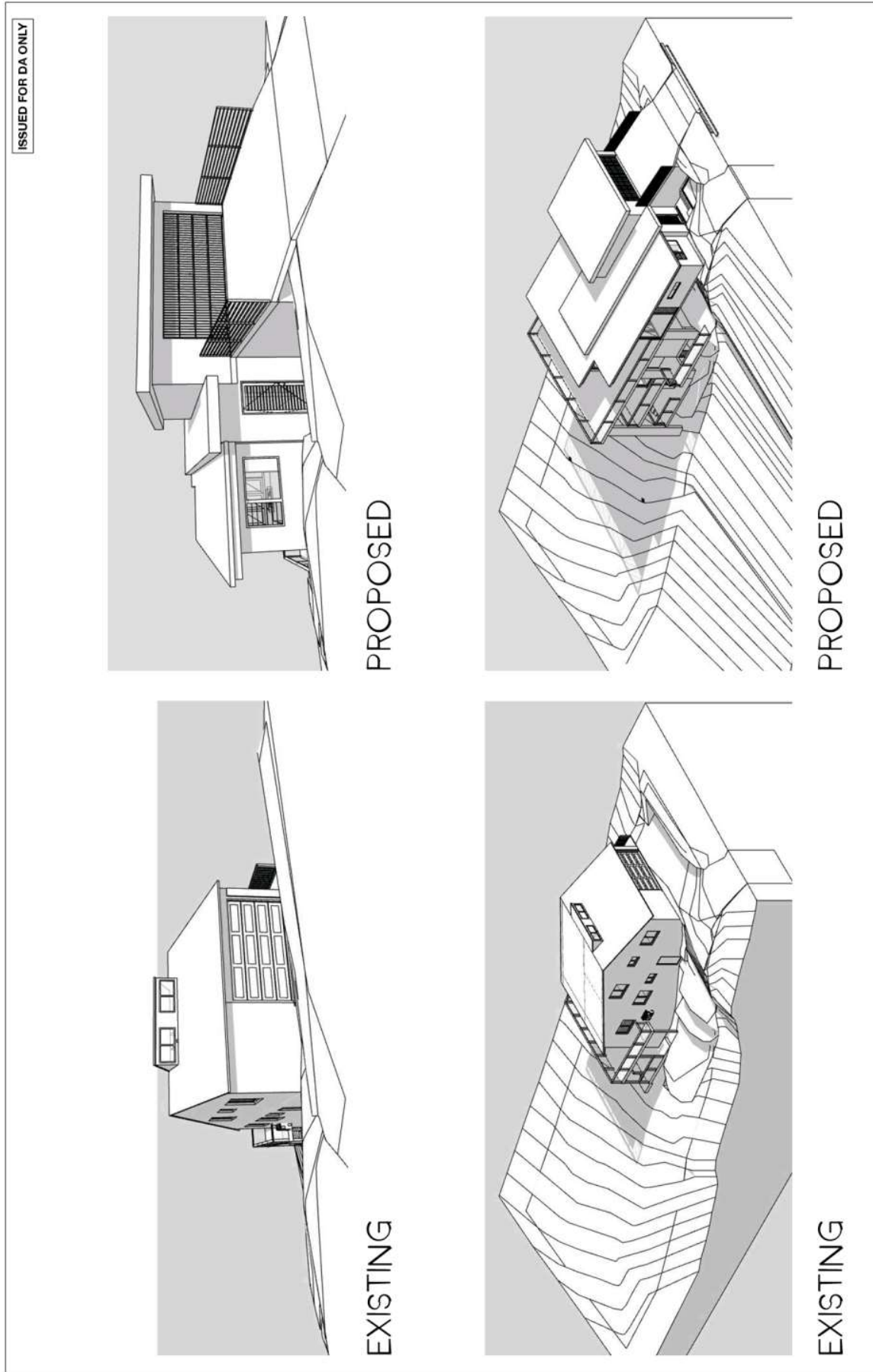
Project No: 19/06	Drawing Title: Cover Sheet
Drawn: LP	Check: LP
Date: 10/10/20	Date: 10/10/20
Lot No: 285 DP 30126	Scale: A3
	Notes: SA.2 Issue - Not for Construction
	Drawing No: 00.01
	Rev: A.2

**Alterations & Additions**  
 16 Elanora Road  
 Kiama, NSW, 2533  
 For Sylvia & Henry Denne

**papesch ARCHITECTURE**

Architects & Planners  
 10/10/2020

Rev: A.2  
 Date: 10/10/20  
 Scale: A3



ISSUED FOR DA ONLY

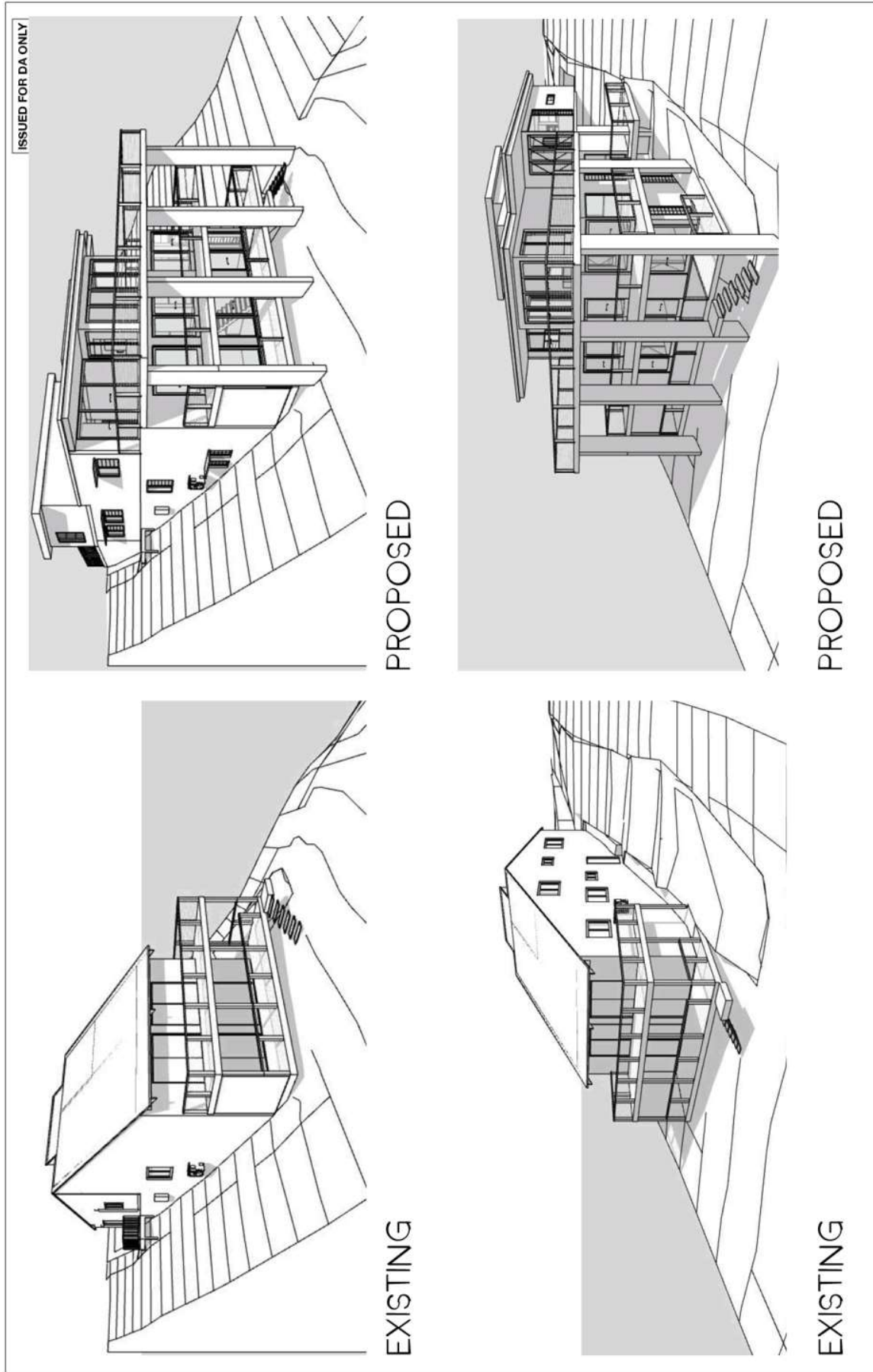
PROPOSED

EXISTING

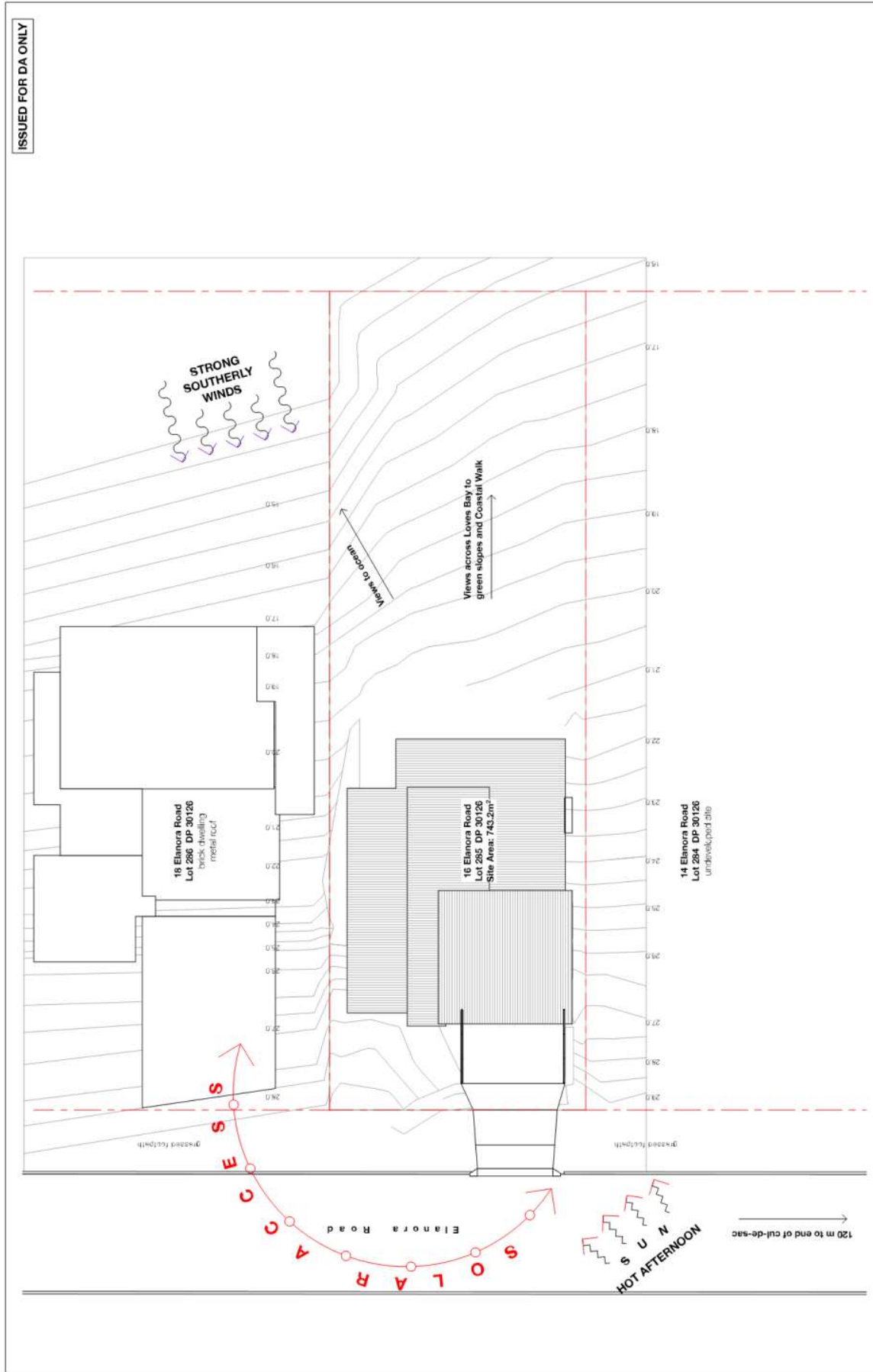
PROPOSED

EXISTING

Architect's Registration # 7275 P. PAPESCH ARCHITECTURE W. CHAPMAN COURT 16 ELANORA RD, KIAMA NSW AUSTRALIA A/N 53 937 853 155	Date: 10/10/20 Title: Alterations & Additions to Existing Dwelling	Scale: As Shown	Project: Alterations & Additions to Existing Dwelling 16 Elanora Road Kiama, NSW, 2533 Sylvia & Henry Denne	Project No: 10/06 Drawn: LP U/L No: 285 DP 30126	Scale: As Shown Date Permitted: 1/1/21	Drawing Title: Existing & Proposed 3Ds - Sheet 02 Status: SA.2 Issue - Not for Construction Drawing No: 35.02 Rev: A
	By: LP Scale Bar:	Note: This drawing is for DA purposes only. It is not to be used for construction. All dimensions are to be taken from the finished face of the work.	Project: Alterations & Additions to Existing Dwelling 16 Elanora Road Kiama, NSW, 2533 Sylvia & Henry Denne	Project No: 10/06 Drawn: LP U/L No: 285 DP 30126	Scale: As Shown Date Permitted: 1/1/21	Drawing Title: Existing & Proposed 3Ds - Sheet 02 Status: SA.2 Issue - Not for Construction Drawing No: 35.02 Rev: A

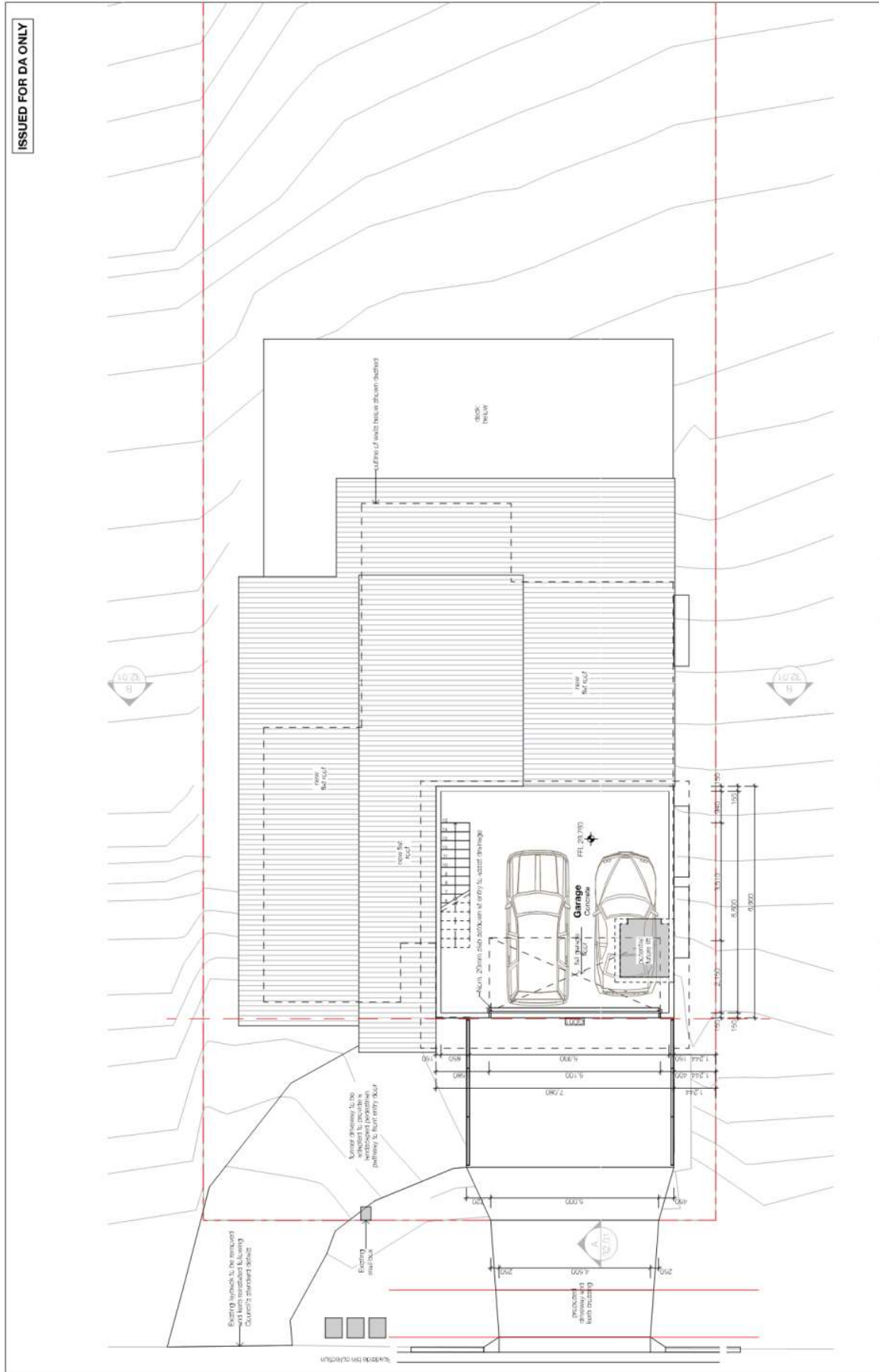


Architect's Registration # 7275 P. PAPESCH ARCHITECTURE W. CHAPMAN COURT # 38 BENTLEY ST, JERRIBERRA NSW AUSTRALIA ABN 53 007 963 155	Date: 10/10/20 Note: Issue for DA 2 Review of Submission	By: DP Scale Bar	Project: Alterations & Additions 16 Elanora Road Kiama, NSW, 2533 Sylvia & Henry Denne	Drawing Title: Existing & Proposed 3Ds - Sheet 01	Scale: 1:50 Date Printed: 1/1/21	Project No: 19/06 Drawn: LP U.I. No: 285 DP 30126
				Status: DA Issue - Not for Construction Drawing No: 35.01 Rev: A		



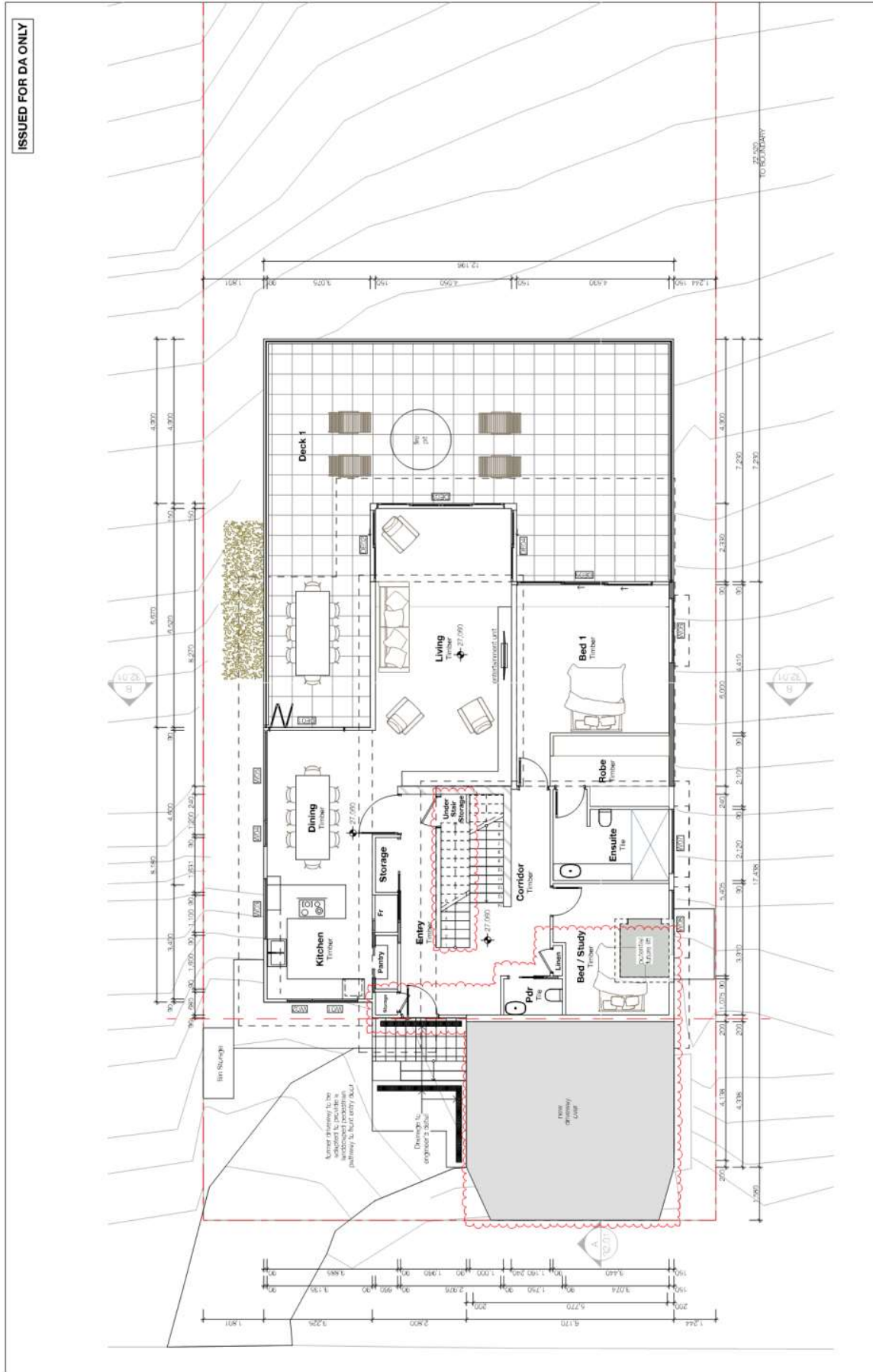
ISSUED FOR DA ONLY

Project: Alterations & Additions to 16 Elanora Road Kiama, NSW, 2533 Client: Sylvia & Henry Denne		Drawing Title: Site Analysis Plan Drawing No: 10.01 Rev: A	
Project No: 19/06 Drawing: LP Date: 10/20	Issue #A1: 1/20 Date: 10/20	Status: SA.2 Issue - Not for Construction Drawing No: 10.01 Rev: A	
Scale Bar: 0 1 2 3 4 5 6 meters Notes: All dimensions are in meters unless otherwise stated. All dimensions are to the center of the wall unless otherwise stated. All dimensions are to the center of the wall unless otherwise stated.		By: DP Date: 10/20 Name: [Name]	
Arch: [Name] Date: 10/20 Name: [Name]		Architect: Papesch Architecture # 72/75 P.O. Box 100 W. Chippingwoodh N. 39 A.B.N. 63 007 963 155	



ISSUED FOR DA ONLY

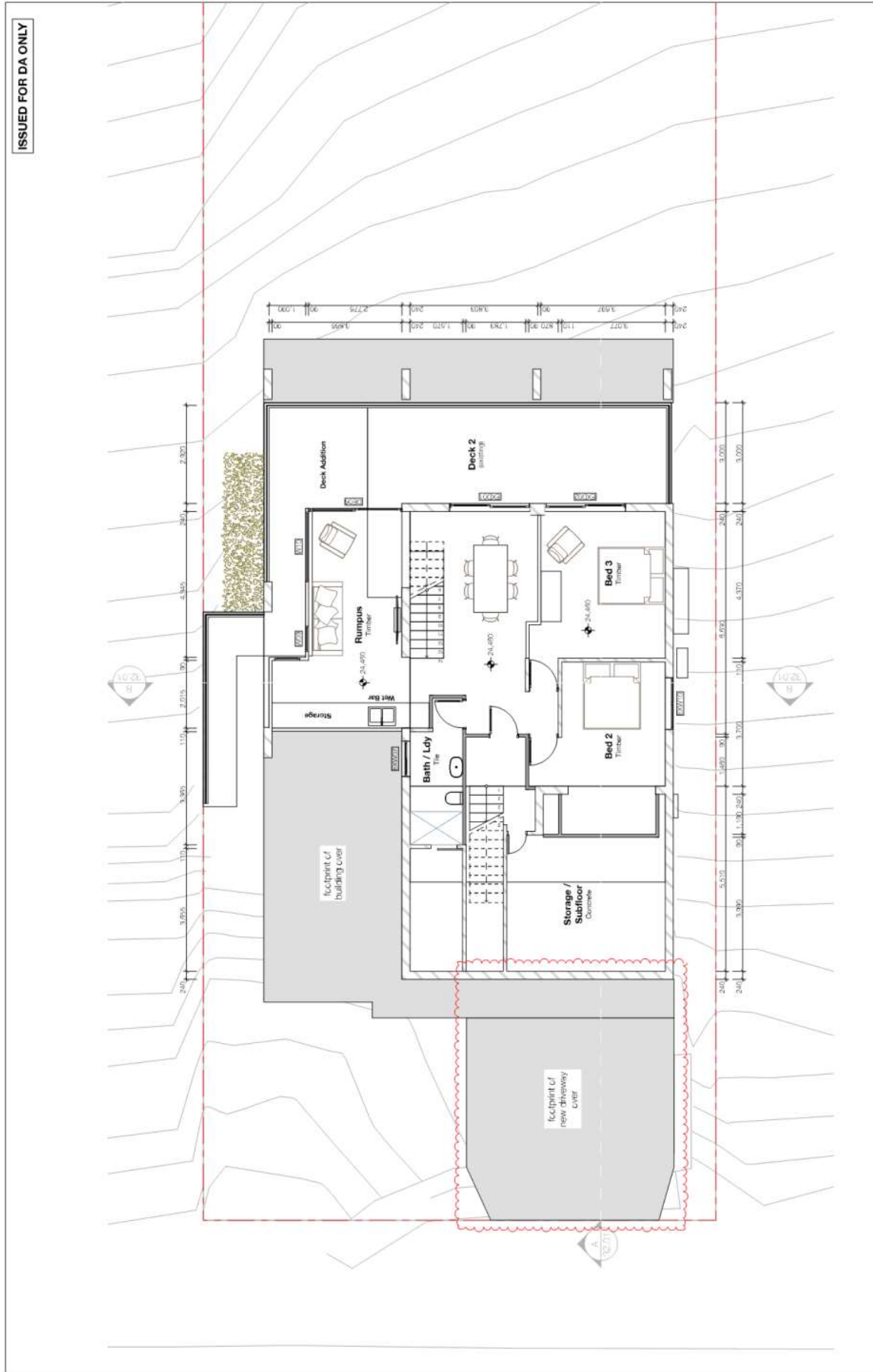
<p>Architect's Registration # 7275                  P. PAPESCH ARCHITECTURE                  W. THEODORE COURT                  N. 38' BELLEAU ST, JERRARD, NSW AUSTRALIA                  A/N 03 937 963 195</p> <p><b>papesch</b>                  ARCHITECTURE</p>	<p>Rev. Date Description                  A 10/10/21 Issue for DA 2 Review of Datum/ACG</p>	<p>By: DP</p>	<p>Scale Bar                  0 1 2 3 4 meters</p> <p><b>Notes:</b>                  1. All dimensions are in millimetres unless otherwise stated.                  2. All dimensions are to the centre of a wall unless otherwise stated.                  3. All dimensions are to the face of a wall unless otherwise stated.</p>	<p>Project:                  Alterations &amp; Additions                  16 Elanora Road                  Kiama, NSW, 2533                  Sylvia &amp; Henry Denne</p>	<p>Project No: 19/06                  Drawing No: 20.01</p>	<p>Issue No: 1/00                  Drawing Title: Garage/Roof Plan</p>
	<p>Client: LP                  Date: 10/10/21</p>	<p>Client: LP                  Date: 10/10/21</p>	<p>Issue No: 1/00                  Drawing Title: Garage/Roof Plan</p>	<p>Status: DA Issue - Not for Construction</p>	<p>Issue No: 1/00                  Drawing Title: Garage/Roof Plan</p>	<p>Issue No: 1/00                  Drawing Title: Garage/Roof Plan</p>



ISSUED FOR DA ONLY

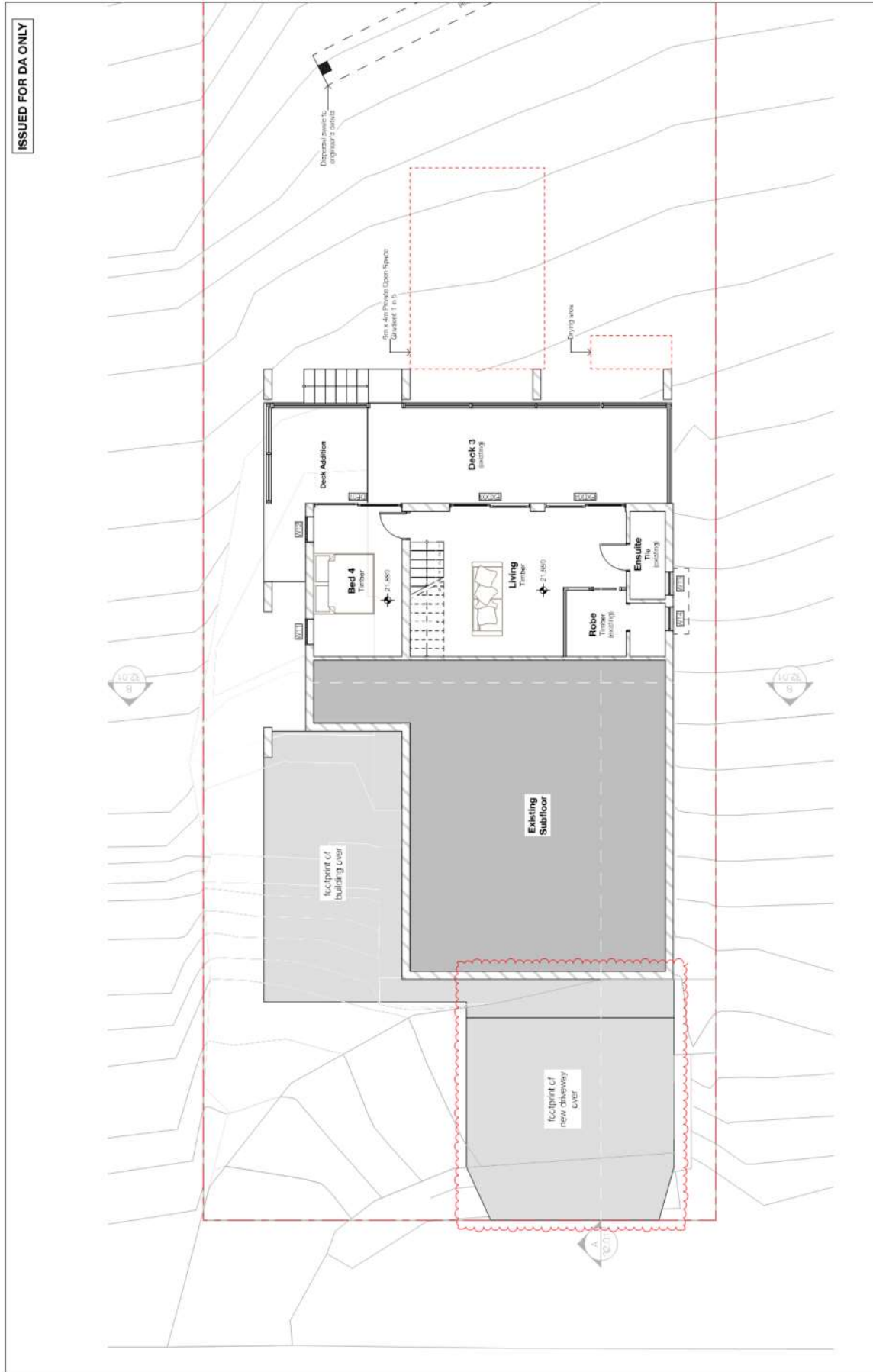
<p>Architect's registration # 7275                  P. PAPESCH ARCHITECTURE                  W. PAPESCH ARCHITECTURE                  18 Beattie St, Jerrabomberra NSW Australia                  ABN 83 937 963 155</p>		<p>Scale Bar                  0 1 2 3 4 meters</p>		<p>By: [Signature]                  Date: 20/02/20</p>		<p>Project:                  Alterations &amp; Additions                  16 Elanora Road                  Kiama, NSW, 2533                  Sylvia &amp; Henry Denne</p>		<p>Project No: 19/06                  Drawing Title: Entry Level Plan                  Issue # A1: 1/00                  Date Printed: 23/02/20</p>		<p>Client: LP                  Date: LP                  U/L: No: 285 DP: 30126                  Drawing No: 20.02                  Rev: A.1</p>	
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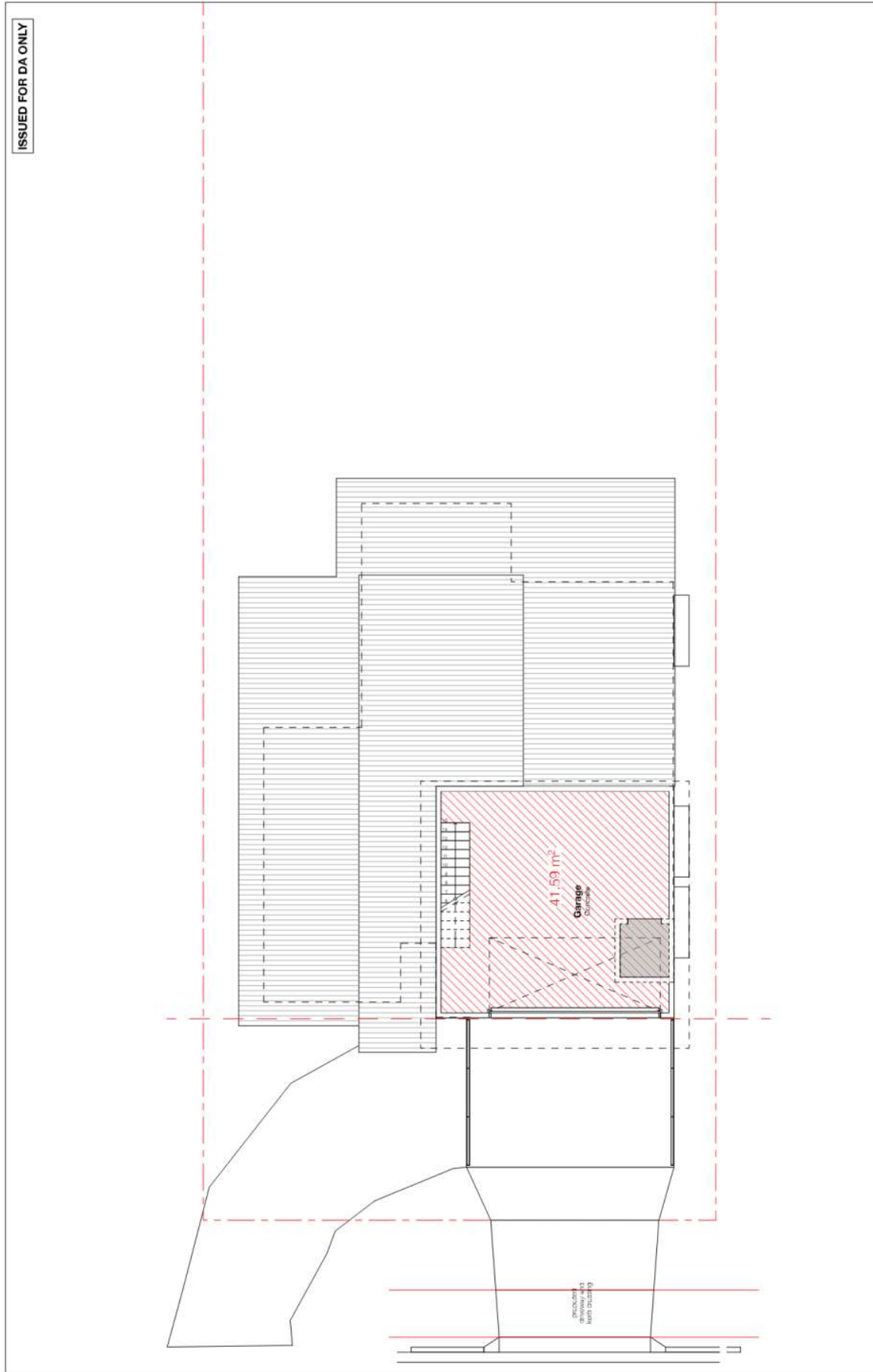
ISSUED FOR DA ONLY

Architect's registration # 7275 P. PAPESCH ARCHITECTURE W. CHAPMAN COURT 18 BENTLEY ST, JERRARD, NSW AUSTRALIA ABN 53 907 953 155	Rev: A.1 Date: 20.03.20	Title: Alterations & Additions 16 Elanora Road Kiama, NSW, 2533 Client: Sylvia & Henry Denne	Project No: 19106 Drawn: LP U.I. No: 285 DP 30126	Issue # A.1: 1:100 Date Printed: 23/3/21	Drawing Title: Middle Level Plan
	Scale Bar: 0, 1, 2, 3, 4 meters	Notes: 1. Storage area shown for future site inclusion.	Project: Alterations & Additions 16 Elanora Road Kiama, NSW, 2533 Client: Sylvia & Henry Denne	Project No: 19106 Drawn: LP U.I. No: 285 DP 30126	Issue # A.1: 1:100 Date Printed: 23/3/21



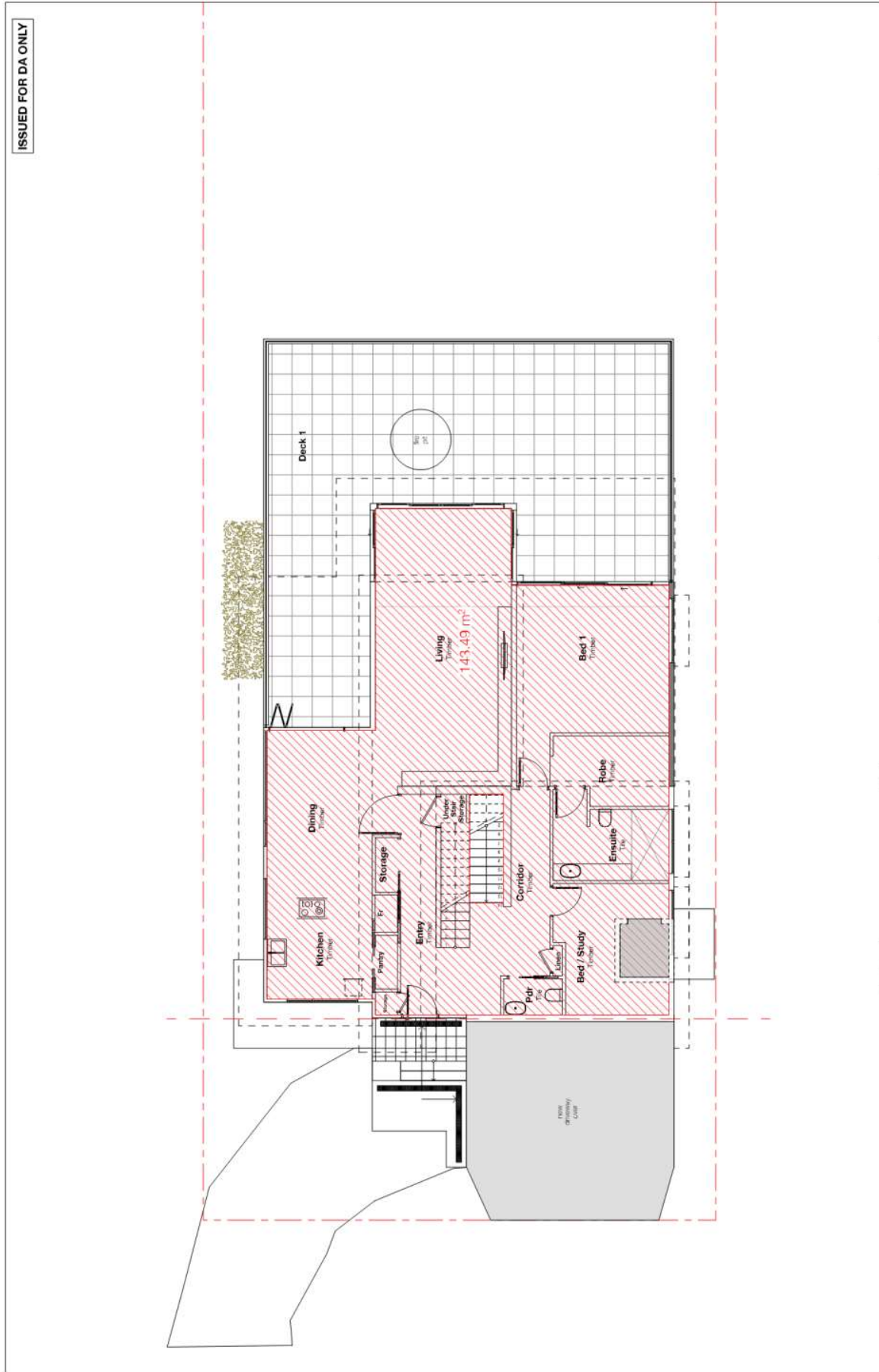
ISSUED FOR DA ONLY

Architect: Papesch Architecture # 7275 P. Papesch (Principal Architect) W. Chapman (Architect) 18/18 Beattie St, Jerrabomberra NSW Australia ABN 53 007 963 155	Date: 20/02/20 Title: Alterations & Additions to Existing Dwelling	Scale Bar: 0 1 2 3 4 metres	Project: Alterations & Additions 16 Elanora Road Kiama, NSW, 2533 Client: Sylvia & Henry Denne	Project No: 19/06 Drawing No: 20/04 Date: 20/02/20	Drawing Title: Lower Level Plan



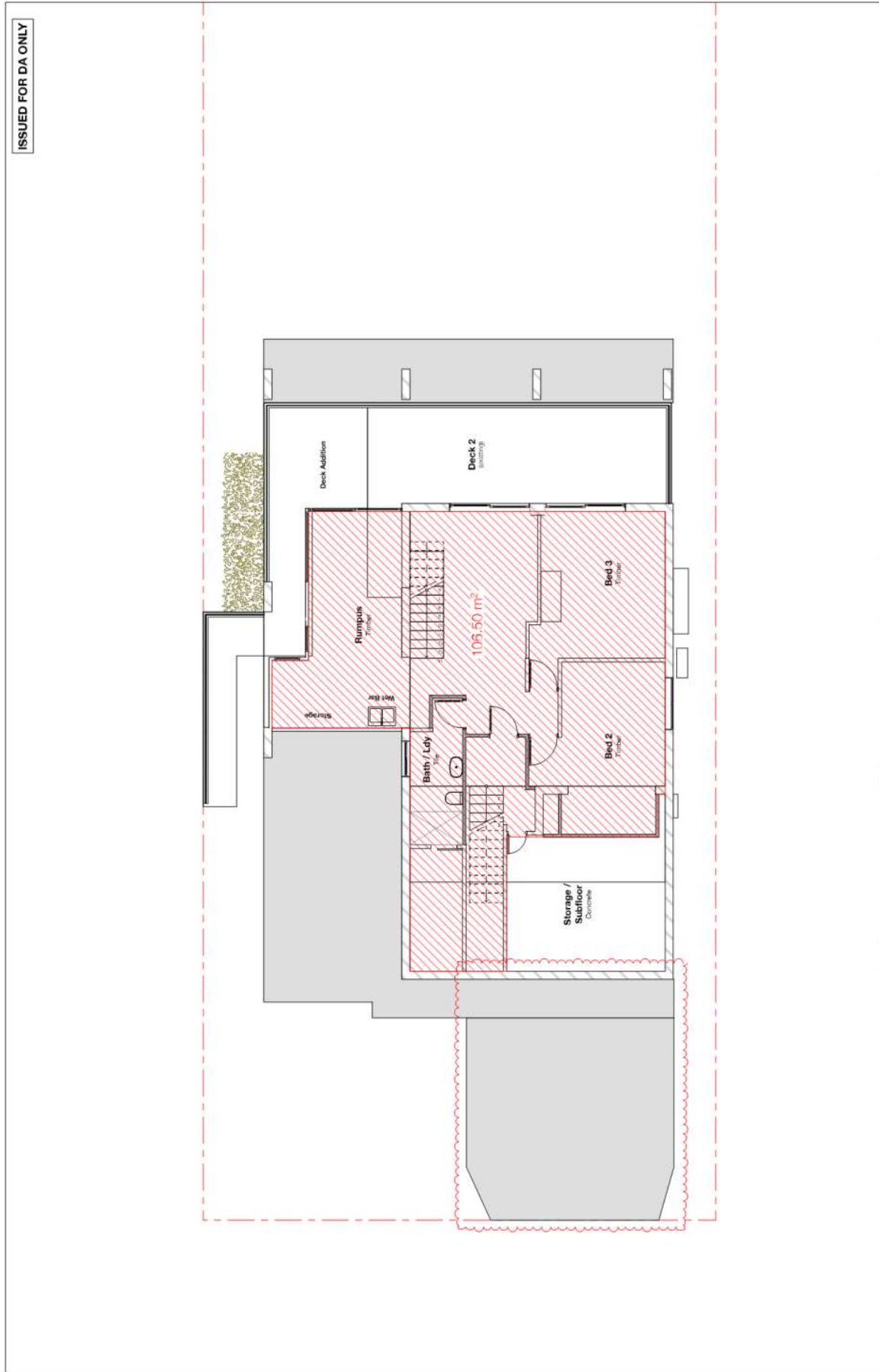
ISSUED FOR DA ONLY

Architect's Registration # 7275 P. PAPESCH ARCHITECTURE W. 198 Beville St, Jerrabomberra NSW Australia A/N 03 937 963 155	Date: 10/10/20 Title: Alterations to 16 Elanora Road, Kiama NSW 2533	Scale Bar: 0 1 2 3 4 meters	Project: Alterations & Additions 16 Elanora Road Kiama, NSW, 2533 Sylvia & Henry Denne	Project No: 19/06 Drawn: LP U/L No: 295 DP: 30126	Issue # A1: 1/00 Date Printed: 1/1/21	Drawing Title: Garage/Roof FSR Plan
	Notes: All dimensions are in meters unless otherwise stated. All dimensions are to the center line of walls unless otherwise stated. All dimensions are to the face of walls unless otherwise stated.			Drawing No: 25.01	Status: SA.2 Issue - Not for Construction	Rev: A



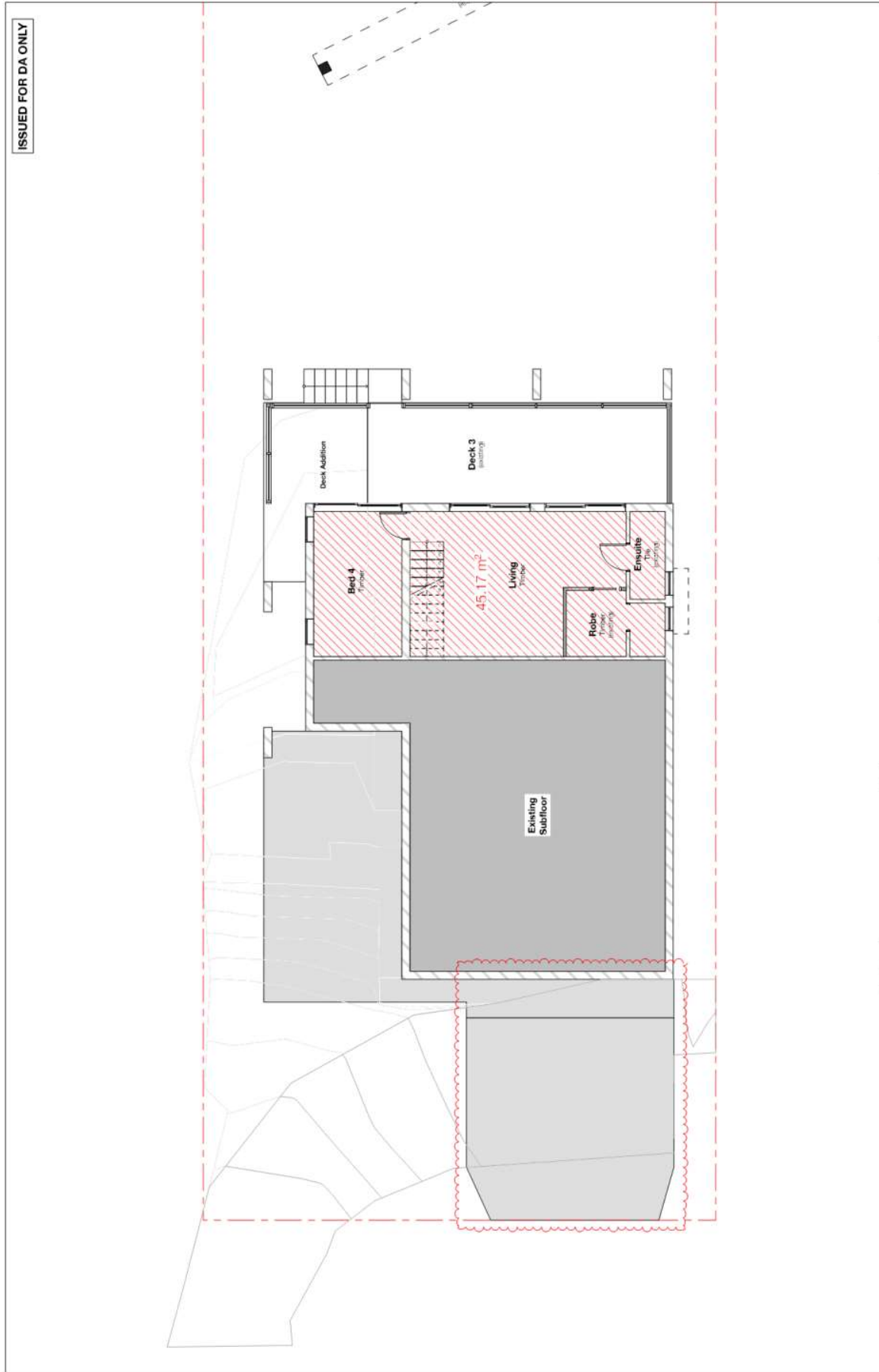
ISSUED FOR DA ONLY

Architect's Registration # 7275 P. PAPESCH ARCHITECTURE W. PAPESCH ARCHITECTURE 18/19 Beattie St, Jerrabombie NSW Australia ABN 53 007 963 155	Date: 28/07/20 Scale: 1:100 Issued in accordance with the Building Code of Australia (BCA)	By: DP Scale bar: 0, 2, 4 meters	Project: Alterations & Additions 16 Elanora Road Kiama, NSW, 2533 Sylvia & Henry Denne	Drawing Title: Entry Level FSR Plan
				Project No: 19/06 Scale: A3: 1:100 Drawing No: 25.02



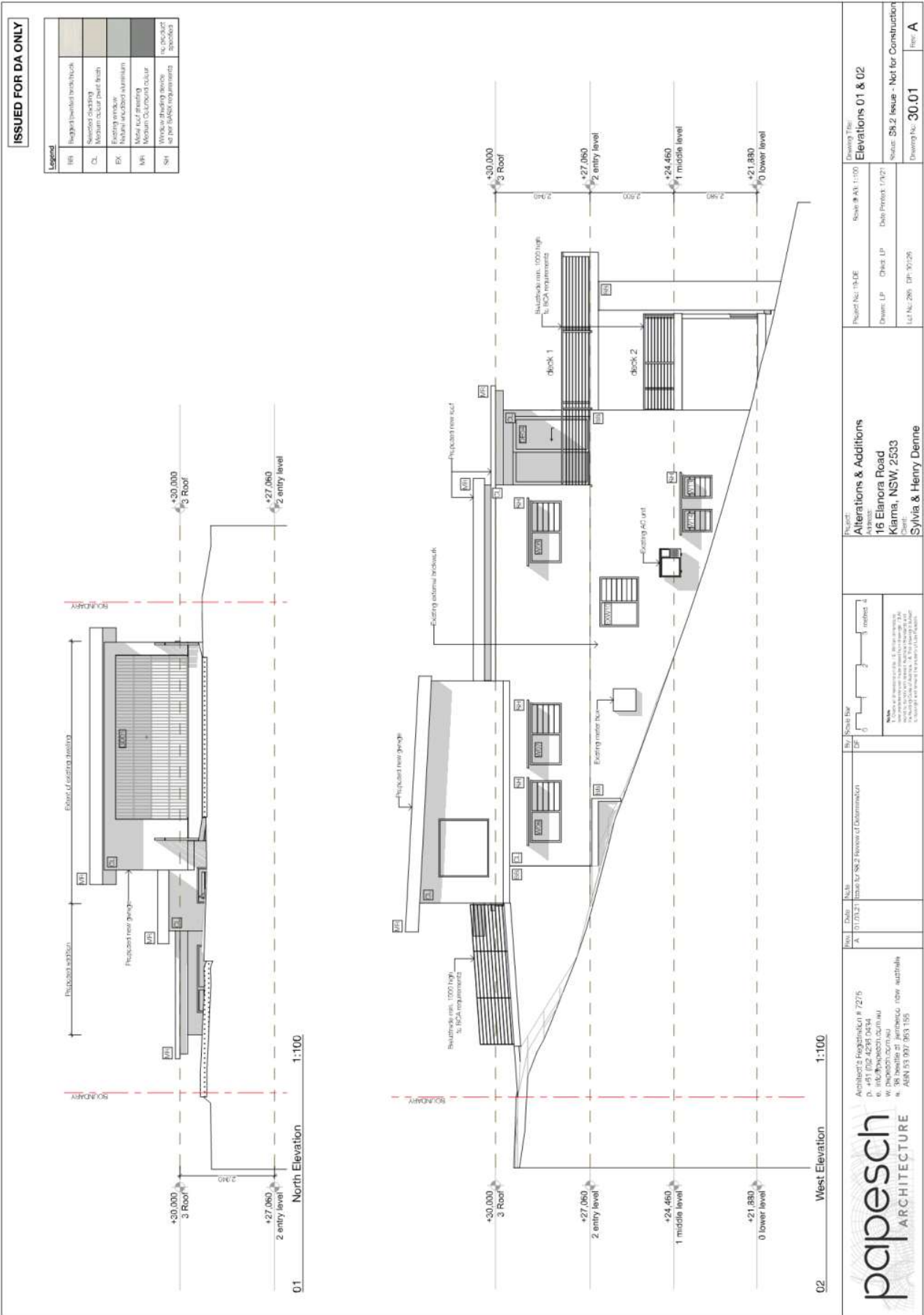
ISSUED FOR DA ONLY

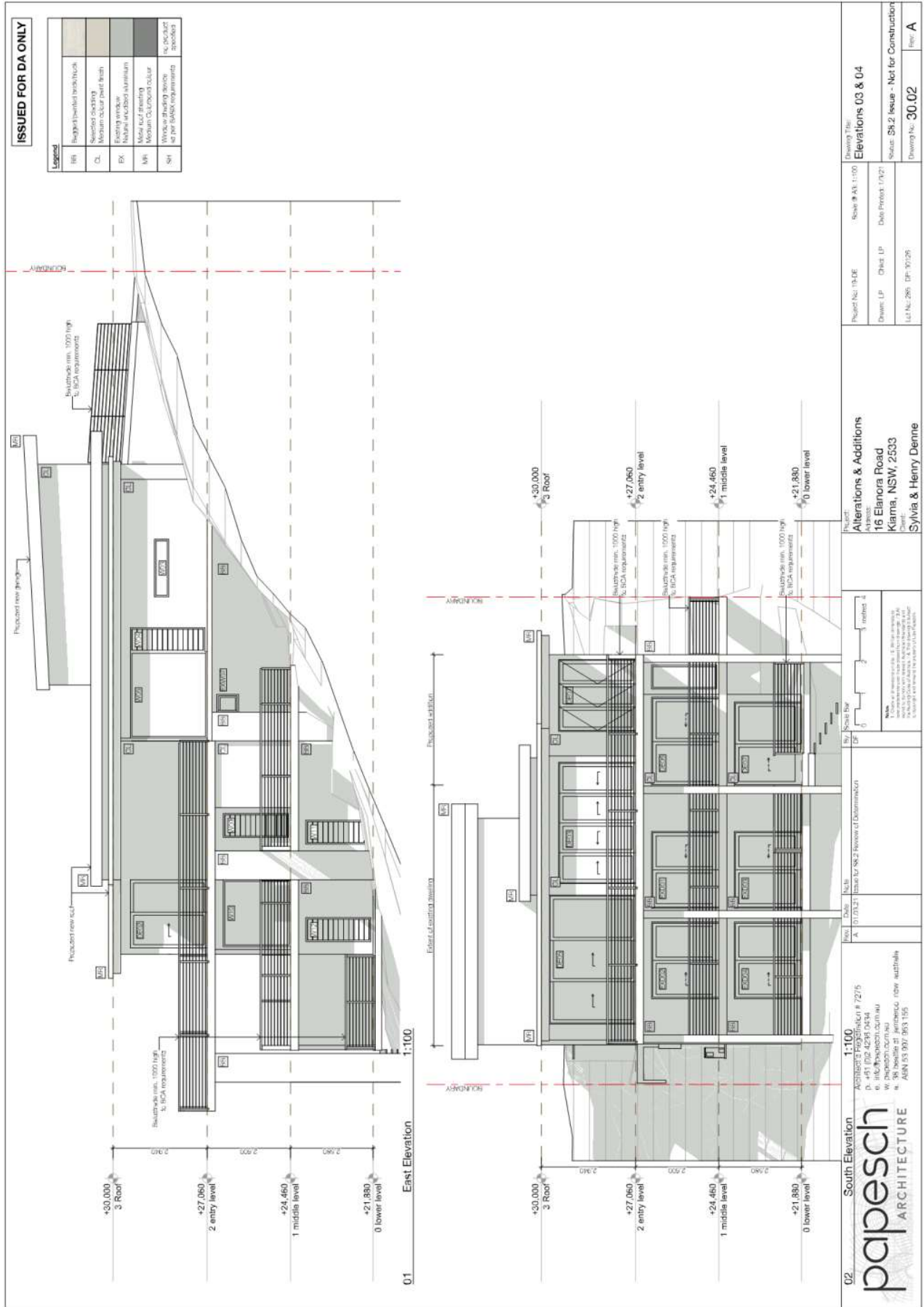
Architect's Registration # 7275 P. PAPESCH ARCHITECTURE W. CHAPMAN COURT 18 BELLEAU ST JERRIBERRIE NSW AUSTRALIA A/N 53 937 863 155	Date: 20/02/20 Title: Alterations & Additions to Existing Dwelling	Scale Bar: 0 1 2 3 4 meters	Project: Alterations & Additions to Existing Dwelling 16 Elanora Road Kiama, NSW, 2533 Sylvia & Henry Denne	Project No: 19/06 Issue # A.1: 1/00 Drawing Title: Middle Level FSR Plan
	Drawn: LP Checked: LP Date Printed: 23/3/21 LIA No: 295 DP: 30126	Status: SA.2 Issue - Not for Construction Drawing No: 25.03 Rev: A.1		



ISSUED FOR DA ONLY

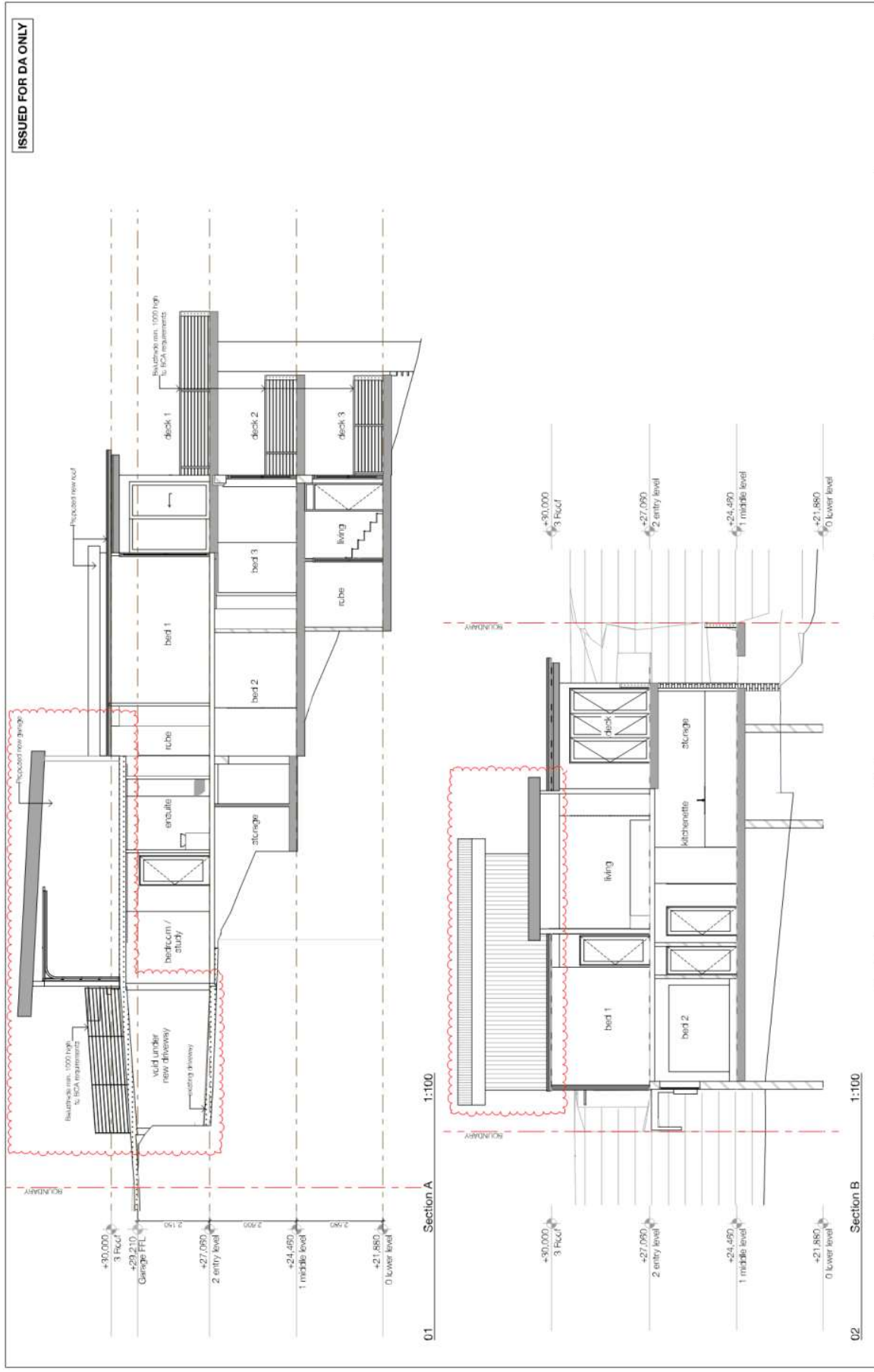
Architect's Registration # 7275 P. PAPESCH ARCHITECTURE W. CHAPMAN COURT 18 BENTLEY ST JERRARD VIC 3083 A/N 53 937 963 155	Date: 20.02.20 Title: Alterations & Additions to Existing Dwelling	Scale Bar: 0 1 2 3 4 meters		Project: Alterations & Additions 16 Elanora Road Kiama, NSW, 2533 Client: Sylvia & Henry Denne	Project No: 19/06	Issue # A1: 1/00	Drawing Title: Lower Level FSR Plan
					Drawn: LP	Check: LP	Date Printed: 23/02/20





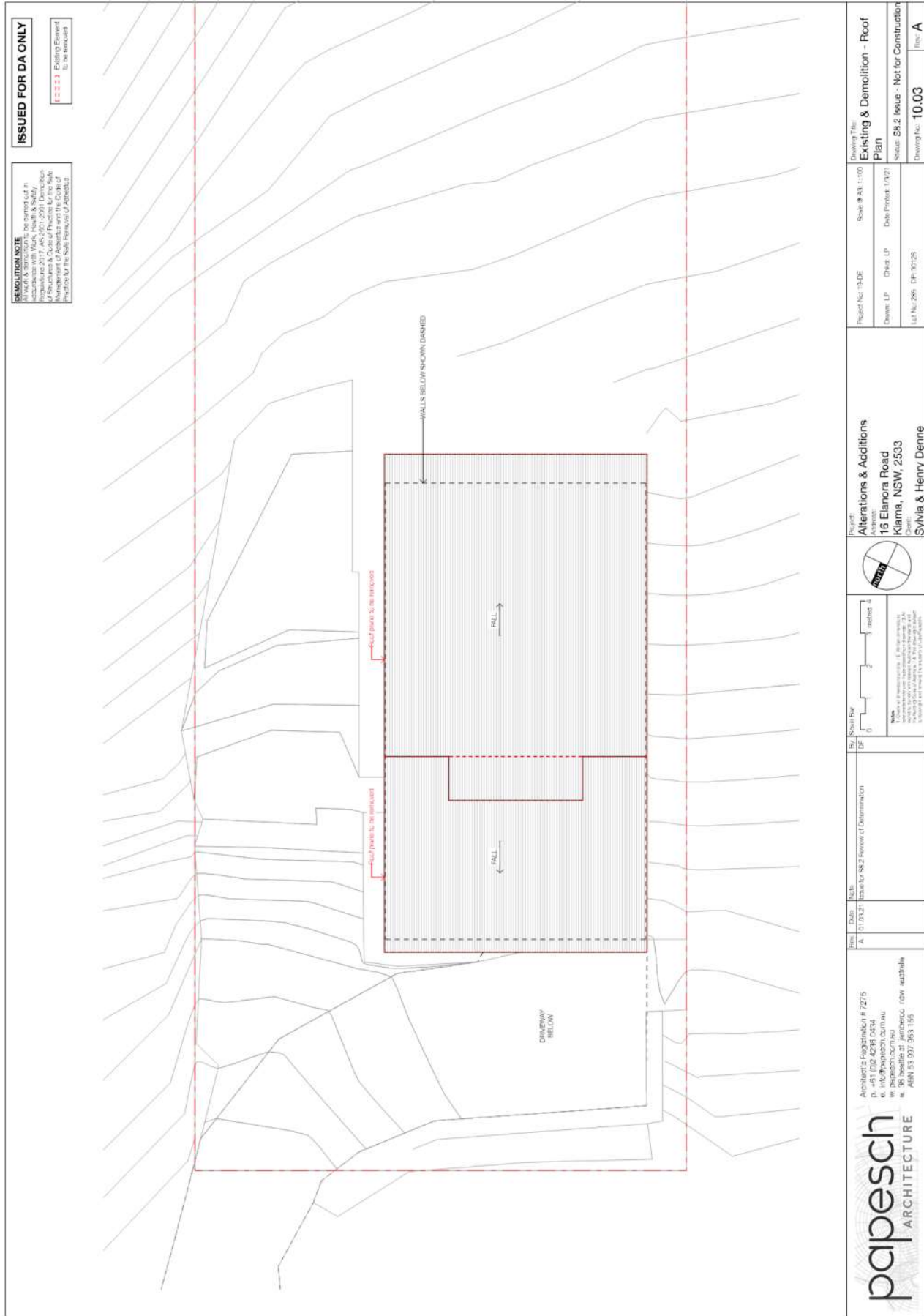
<p>Project: Alterations &amp; Additions to existing dwelling at 16 Elanora Road Kiama, NSW, 2533</p> <p>Client: Sylvia &amp; Henry Denne</p>	<p>Project No: 19/06</p> <p>Drawn: LP</p> <p>U/L: No: 285 DP: 30126</p>	<p>Issue # 04: 1/100</p> <p>Client: LP</p> <p>Date Printed: 1/1/21</p>	<p>Drawing Title: Elevations 03 &amp; 04</p> <p>Status: SA.2 Issue - Not for Construction</p> <p>Drawing No: 30.02</p> <p>Rev: A</p>
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Project: <b>Alterations &amp; Additions</b> 16 Elanora Road Kiama, NSW, 2533 Client: Sylvia & Henry Denne	Scale Bar 0 1 2 3 4 5 metres	Rev. Date A.1 20.03.21 Issued in response to Council 8th	By: DP	Project No: 19106 Drawn: LP U.I. No: 285 DP 30126	Drawing Title: <b>Sections A &amp; B</b>
	Architect: Papesch Architecture # 7275 P. Papesch W. Chapman 18 Beville St, Jerrabomberra NSW Australia ABN 53 937 963 155	Date: 20.03.21 Issued in response to Council 8th	Drawing No: 32.01 Rev: A.1	Scale: 3/32 Date Printed: 23/3/21	Status: 35.2 Issue - Not for Construction

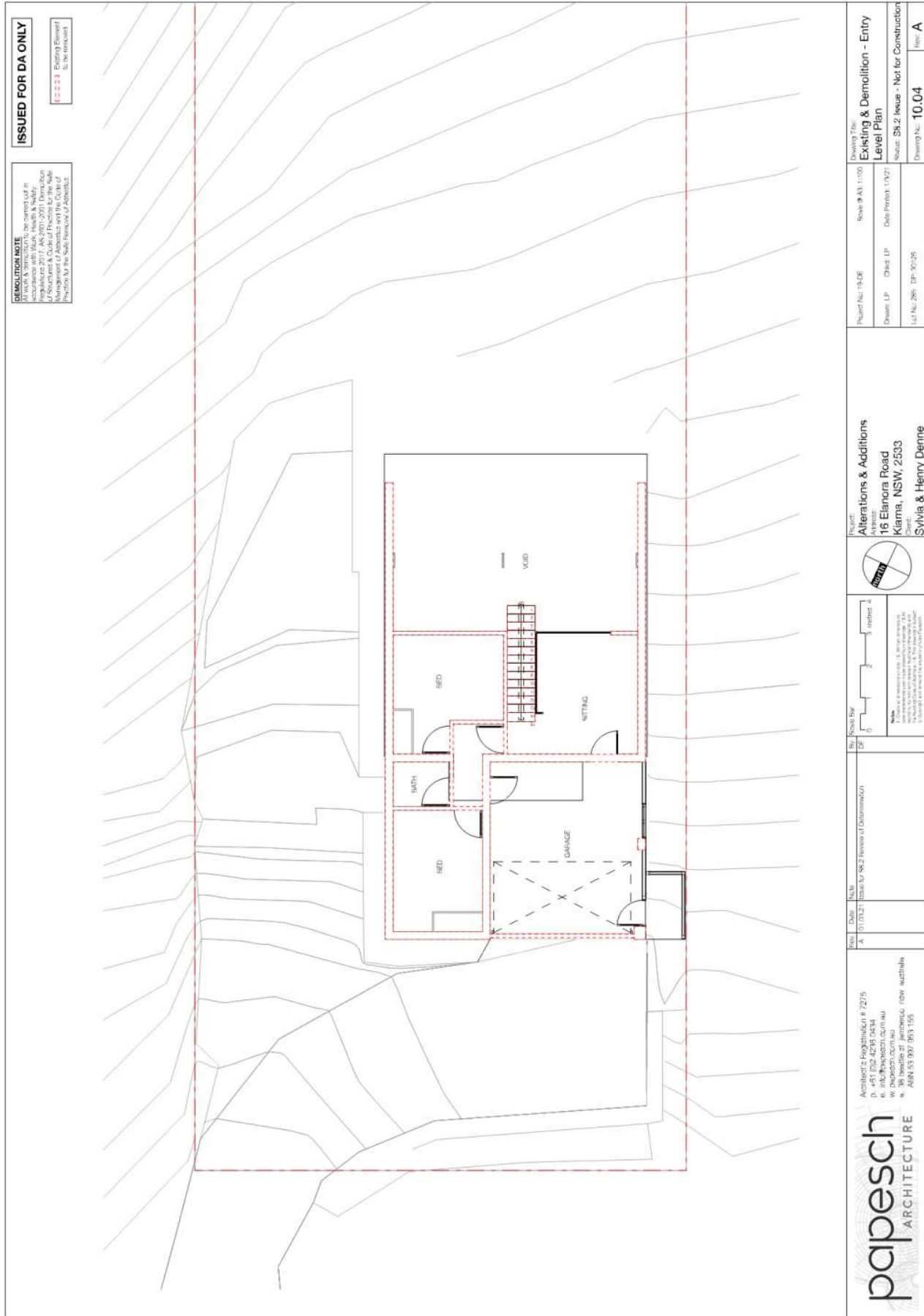


**ISSUED FOR DA ONLY**

**DEMOLITION NOTE**  
 This plan is to be used in conjunction with the Demolition Regulations 2017, AS 2001:2001 Demolition of Structures & Code of Practice for the Safe Practice for the Safe Practice of Demolition.

**10.2020.139.1** Existing Project to be removed

Architekt's Registration # 7275 P. PAPESCH ARCHITECTURE W. CHAPMAN COURT 18 BENTLEY ST, JERRARD, NSW AUSTRALIA ABN 53 007 963 155	Date: 10/10/20 Title: 10.2020.139.1 Review of Submission	By: DP	Scale Bar: 0 1 2 meters	North Arrow	Project: Alterations & Additions 16 Elanora Road Kiama, NSW, 2533 Sylvia & Henry Denne	Project No: 10.03 Drawn: LP Check: LP U.I. No: 285 DP: 30126	Drawing Title: Existing & Demolition - Roof Plan Status: 55.2 Issue - Not for Construction Drawing No: 10.03 Rev: A
	Revision: A Date: 10/10/20 Title: 10.2020.139.1 Review of Submission	By: DP	Scale Bar: 0 1 2 meters	North Arrow	Project: Alterations & Additions 16 Elanora Road Kiama, NSW, 2533 Sylvia & Henry Denne	Drawing Title: Existing & Demolition - Roof Plan Status: 55.2 Issue - Not for Construction Drawing No: 10.03 Rev: A	

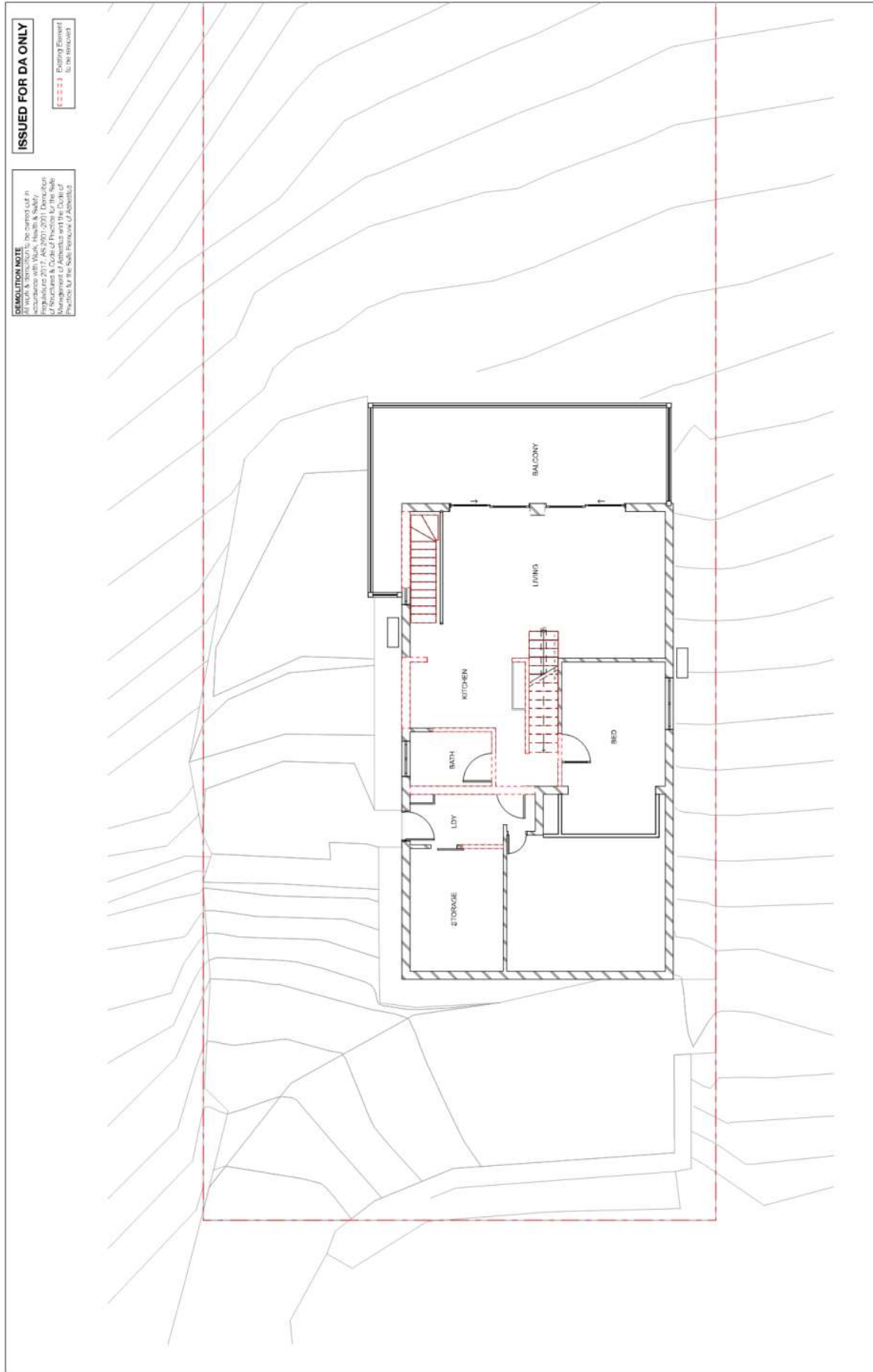


**ISSUED FOR DA ONLY**

**DEMOLITION NOTE**  
 This plan is subject to the Demolition Regulations 2017, AS 2001:2001 Demolition of Structures & Code of Practice for the Safe Practice for the Safe Practice of Demolition.

1-1-1-1 Existing Element to be removed

Architects: Papesch Architecture # 7275 P. Papesch W. Papesch W. Papesch 18 Beattie St, Jervisdale NSW Australia ABN 53 907 963 155		Rev: Date: Desc: Title: Rev: Date: Desc: Title: A: 10/10/2020: Issue for DA: 2: Review of Submission: G:	Scale Bar 0 1 2 3 4 meters	Project: Alterations & Additions 16 Elanora Road Kiama, NSW, 2533 Sylvia & Henry Denne	Project No: 19/06 Drawn: LP U.I. No: 295 DP: 30126	Issue #/A: 1/100 Date Printed: 1/1/21	Drawing Title: Existing & Demolition - Entry Level Plan Status: SA.2 Issue - Not for Construction Drawing No: 10.04 Rev: A
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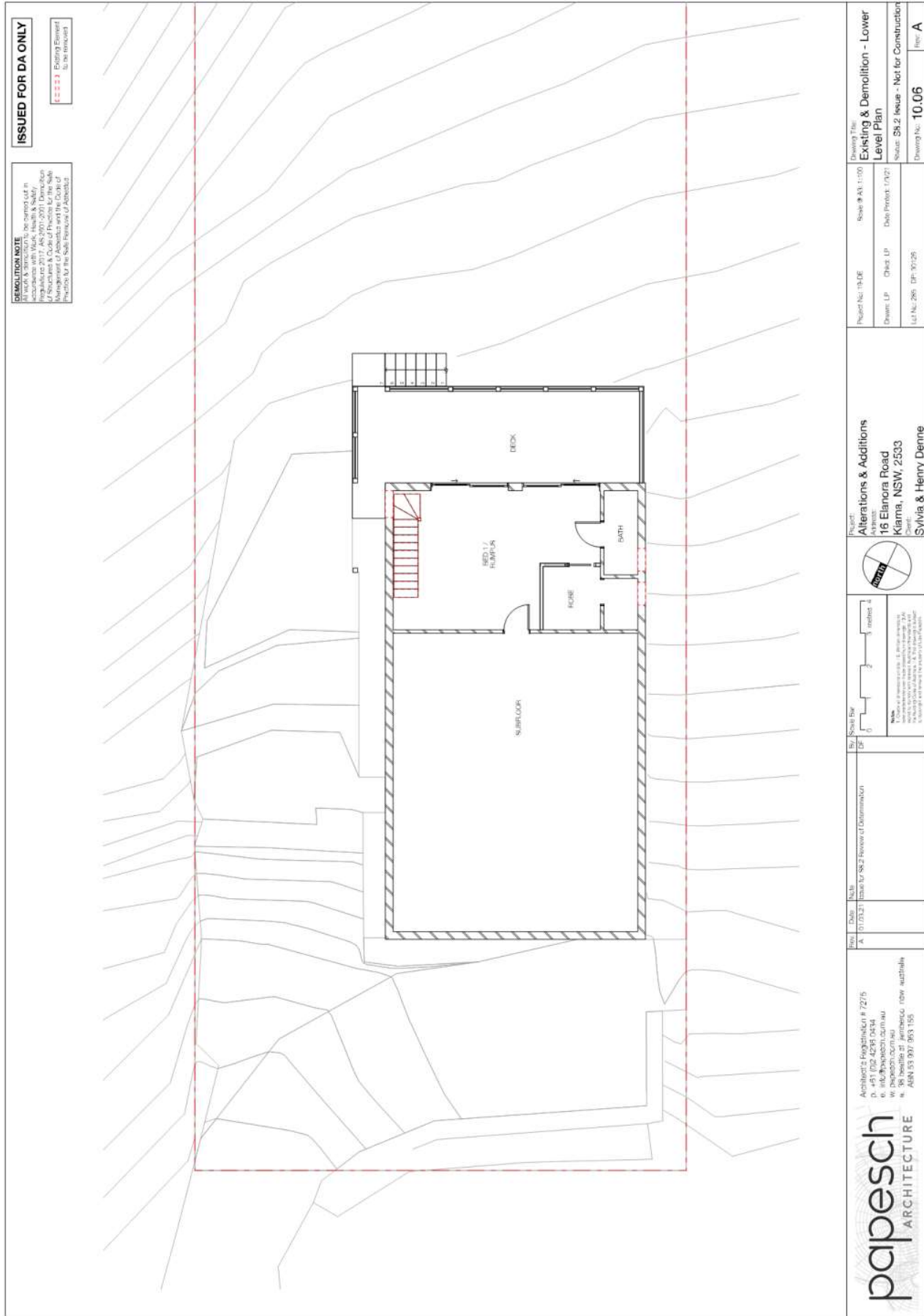


**ISSUED FOR DA ONLY**

**DEMOLITION NOTE**  
 This demolition is to be carried out in accordance with Work Health & Safety Regulations 2017, AS 2001:2001 Demolition of Structures & Code of Practice for the Safe Practice for the Safe Practice of Demolition.

1.1.1.1 Existing Element to be removed

<p>Architect: Papesch Architecture # 7275                  P. Papesch                  W. Papesch                  189 Bourke St, Sydney NSW 2000                  ABN 53 937 963 155</p> <p><b>papesch</b>                  ARCHITECTURE</p>	<p>Rev: A Date: 10/10/2020 Title: 10.2020.139.1 Review of Existing Dwelling</p>	<p>Scale Bar                  0 1 2 3 4 meters</p> <p>North                  North arrow pointing towards the top of the page. The North arrow is located in the top right corner of the drawing area.</p>	<p>Project:                  Alterations &amp; Additions                  16 Elanora Road                  Kiama, NSW, 2533                  Sylvia &amp; Henry Denne</p>	<p>Project No: 10.05                  Drawn: LP                  Check: LP                  U/L: No: 285 DP: 30126</p>	<p>Drawing Title:                  Existing &amp; Demolition - Middle Level Plan</p>	<p>Scale: 50:1 Issue - Not for Construction                  Drawing No: 10.05                  Rev: A</p>
	<p>By: DP                  Date: 10/10/2020</p>	<p>Project No: 10.05                  Drawn: LP                  Check: LP                  U/L: No: 285 DP: 30126</p>	<p>Scale: 1:100                  Date Printed: 1/1/21</p>	<p>Project No: 10.05                  Drawn: LP                  Check: LP                  U/L: No: 285 DP: 30126</p>	<p>Scale: 50:1 Issue - Not for Construction                  Drawing No: 10.05                  Rev: A</p>	



**ISSUED FOR DA ONLY**

**DEMOLITION NOTE**  
 This drawing is to be used in conjunction with the Demolition Regulations 2017, AS 2001:2001 Demolition of Structures & Code of Practice for the Safe Practice for the Safe Removal of Asbestos.

1-1-1-1 Existing Element to be removed

Archiart's logo/branding # 7275 P O Box 1000, 1000 Sydney NSW W: papesch.com.au M: 98 888 8888 / J: 9888 8888 / F: 9888 8888 A/N: 53 937 953 155		Rev: A Date: 10/10/20 Name: 10.2020.139.1 - Review of Submission	Scale Bar 0 1 2 3 4 meters	Project: Alterations & Additions 16 Elanora Road Kiama, NSW, 2533 Sylvia & Henry Denne	Project No: 10.06 Issue # A1: 1.00 Drawing Title: Existing & Demolition - Lower Level Plan
papesch ARCHITECTURE		By: DP	Notes: This drawing is to be used in conjunction with the Demolition Regulations 2017, AS 2001:2001 Demolition of Structures & Code of Practice for the Safe Practice for the Safe Removal of Asbestos.	Drawing No: 10.06 Issue: SA.2 Issue - Not for Construction Rev: A	

**12.2 10.2020.266.1 – Lot 126 DP 788993 – 16 Willowbank Place, Gerringong - New Dual Occupancy and Torrens Title Subdivision - alterations and additions to residence to create an attached dual occupancy with Torrens Title Subdivision and one gas heater**

- 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 10.2020.266.1 which involves alterations and additions to the existing dwelling to create an attached dual occupancy, with subsequent two lot Torrens Title Subdivision.

The application also initially involved one wood heater however, this was removed from the proposal.

The report recommends that Council approve Development Application No 10.2020.266.1 as the proposal is:

- Permissible in the R2 Low Density Residential, complies with the zone objectives, and is consistent with the relevant development standards of the Kiama LEP; and
- generally consistent with Kiama DCP 2020, with the exception of the controls requiring a minimum 6m rear setback and a minimum 6m setback to a garage.

Requests to vary these DCP controls have been received and are supported having regard to the circumstances of the case and the justification provided.

**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 29/01/2021 to 12/02/2021.

Submissions: 5 submissions.

## Report of the Director Environmental Services

- 12.2 10.2020.266.1 – Lot 126 DP 788993 – 16 Willowbank Place, Gerringong - New Dual Occupancy and Torrens Title Subdivision - alterations and additions to residence to create an attached dual occupancy with Torrens Title Subdivision and one gas heater (cont)

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**Reason for the Report**

This report is submitted to Council because only the elected Council can vary the restriction as to use of land for which Council is the benefited authority and the body empowered to vary the restriction as to use of land.

**Attachments**

- 1 10.2020.266.1 - Plans [↓](#)

**Enclosures**

Nil

**RECOMMENDATION**

That Council:

1. Approve Development Application No 10.2020.266.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.
2. Vary the restriction as to use of land for which Council is the benefited authority and the body empowered to vary the restriction on use of land.

**BACKGROUND****Subject Site**

Consideration	Details
Property Description	The property is described as Lot 126 DP 788993, which is located at 16 Willowbank Place, Gerringong.
Size and Shape	The overall site measures 690.7m <sup>2</sup> in size and is generally rectangular in shape.
Existing Structures	The site currently contains a dwelling and ancillary structures. The site is predominantly cleared and slopes gently from the south west corner downward to the north east corner. The site drains to the adjoining public road.
Surrounding Development	The site is bounded by residential land containing principally dwellings toward the north and west. Willowbank Place adjoins the land to the north east and Cope Place adjoins the site to the south east.
Zoning of Land	The site is zoned R2 Low Density Residential under Kiama LEP 2011.

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Access	Access to the property is currently obtained from Cope Place.
Site Services	The site is serviced by water, sewer, electricity and telecommunications.

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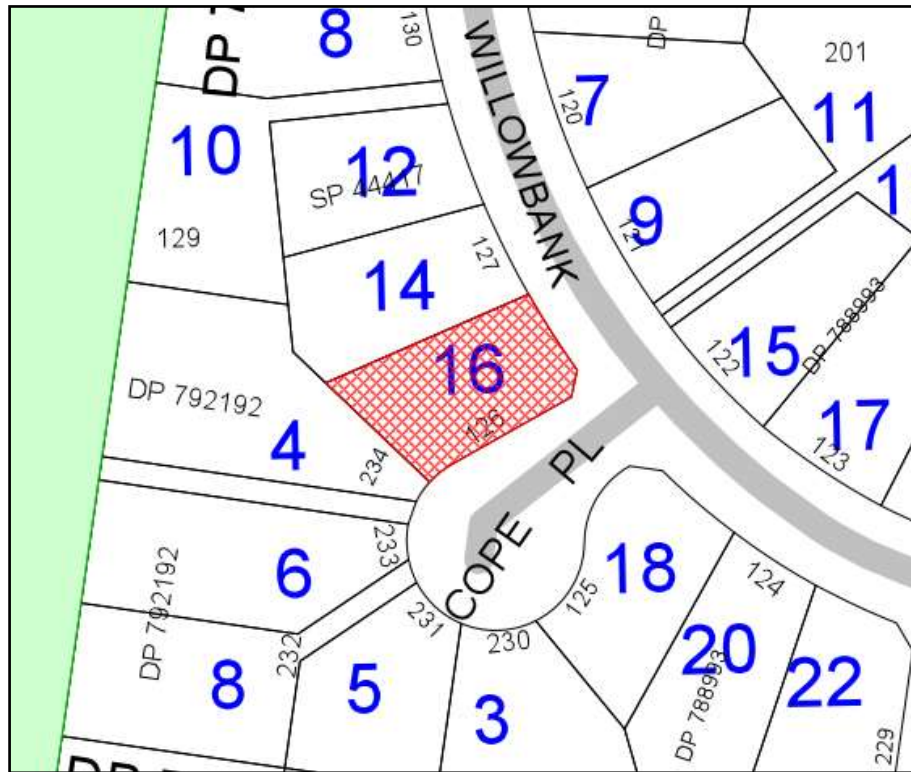


Figure 1 – Site Location

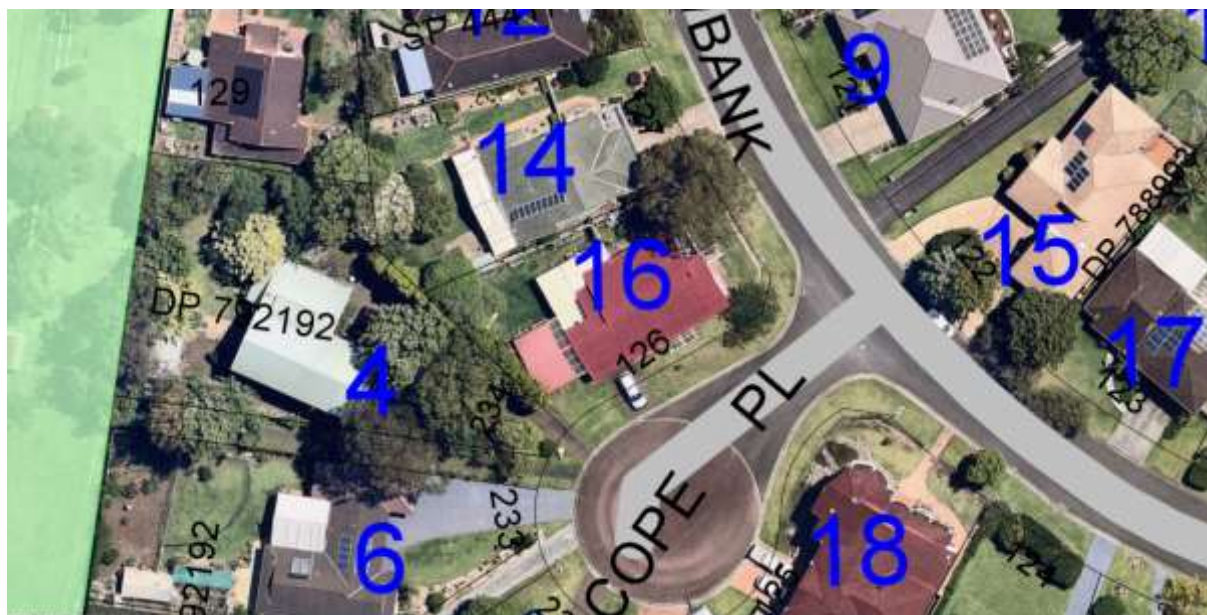


Figure 2 – Site Photograph (2019/20 Aerial View)



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**Site Constraints**

The site is subject to the following constraints:

- Restriction on use of land – The land is subject to registered restrictions under DP 788993, including:
  - 60:40 ratio of main dwelling to subsidiary dwelling (88b instrument, secondly referred to, Item 2); and
  - “the land shall not be further subdivided...” (88b instrument, secondly referred to, Item 5)
- Area mapped in Kiama LEP 2011 as acid sulphate soils (Class 5).

**Development Application History**

The development application history is as follows:

DA No	Description	Lodgement	Determined	Decision
05.1987.67.1	Residential Subdivision - Stage 1	10/7/1987	22/2/1988	Approved
05.1988.61.1	Residential Subdivision - Stage 2	28/04/1988	20/06/1988	Approved
06.1989.585.1	Dwelling	21/12/1989	11/01/1990	Approved
10.2004.116.1	Deck, awning, pergola, carport	23/03/2004	29/04/2004	Approved

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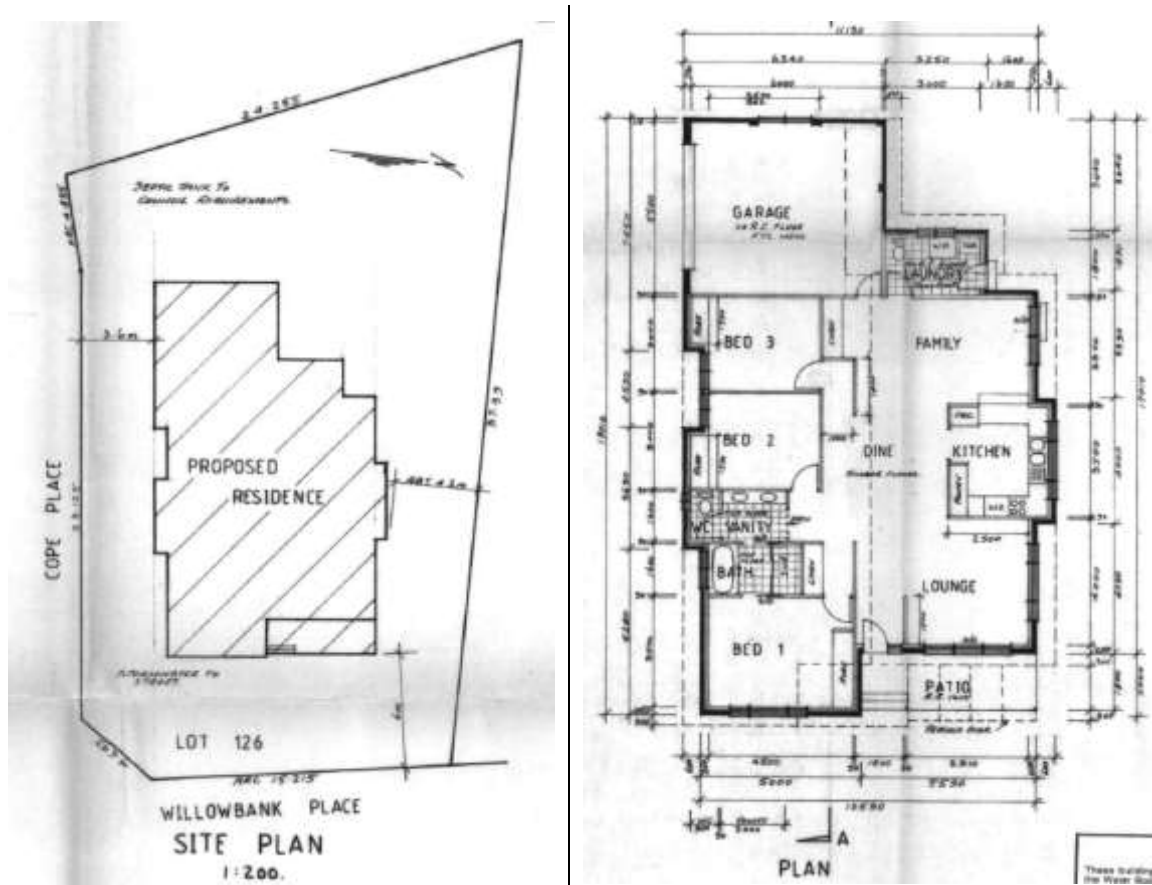


Figure 3 – Approved dwelling (06.1989.585.1)

The current proposal will supersede the approval issued in respect of 06.1989.585.1 and render the consent issued in respect of Development Application No 10.2004.116.1 inoperable as the deck, awning, pergola and carport are being removed for the purpose of the current proposal.

**Description of the Proposed Development**

The proposal involves the alterations and additions to the existing single storey residence to convert the structure into an attached dual occupancy with subsequent Torrens subdivision.

The proposal has been revised to include a gas fire instead of a wood fire.

The proposal is described as:

- construction of an attached single storey dwelling (to create attached dual occupancy) with separate driveways and landscaped areas.
- subdivision of Lot 126 DP 788993 into Lot 1 (375.7m<sup>2</sup> in area) and Lot 2 (315m<sup>2</sup> in area), with Lot 1 containing Dwelling 1 and Lot 2 containing Dwelling 2.

The details of each of the dwellings is as follows:

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Existing Dwelling 1 (Lot 1)	Proposed Dwelling 2 (Lot 2)
<ul style="list-style-type: none"> <li>• 156m<sup>2</sup> GFA</li> <li>• 3 x Bedroom (Bed 1 with ensuite and WIR)</li> <li>• Kitchen and dining</li> <li>• Lounge room</li> <li>• Laundry</li> <li>• Bathroom, WC</li> <li>• Single car carport (accessed from Willowbank Place)</li> </ul>	<ul style="list-style-type: none"> <li>• 126m<sup>2</sup> GFA</li> <li>• 3 x Bedroom (Bed 1 with ensuite)</li> <li>• Open plan kitchen, dining, living</li> <li>• Bathroom, WC</li> <li>• Laundry</li> <li>• Storage</li> <li>• Double car LUG (accessed from Cope Place)</li> </ul>

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The proposed new dwelling is single storey in height and consists of 3 bedrooms, open plan living/dining/kitchen opening onto a rear deck and yard, bathroom, laundry and double car garage.

Proposed finishing materials include:

- Face brick and horizontal weatherboard cladding painted white (Dulux 'White on white'), stone cladding and tiled roof (coloured Colorbond 'Windspray').
- The roof has a medium solar absorptance in accordance with BASIX commitments. The external colours of the existing dwelling will be upgraded to match those of the proposed new dwelling, resulting in a cohesive presentation of the dual occupancy development.

Private Open Space for each dwelling is situated in the rear yard, with exposure to the north.

The development incorporates waste storage areas on-site, with collection to occur from Willowbank Place for Dwelling 1 and Cope Place for Dwelling 2.

The proposal is shown in Figures 4 - 14 below:

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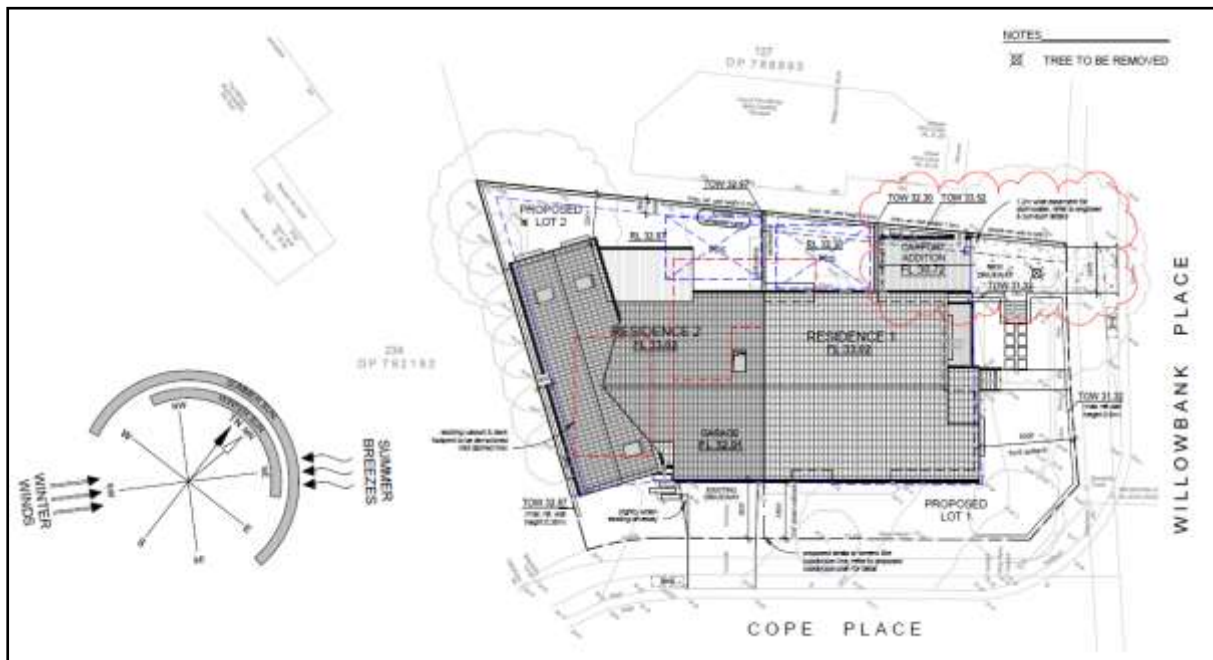


Figure 4 – Site Plan



Figure 5 – South Eastern 3D Elevation

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Figure 6 – Southern 3D Elevation



Figure 7 – North Western 3D Elevation

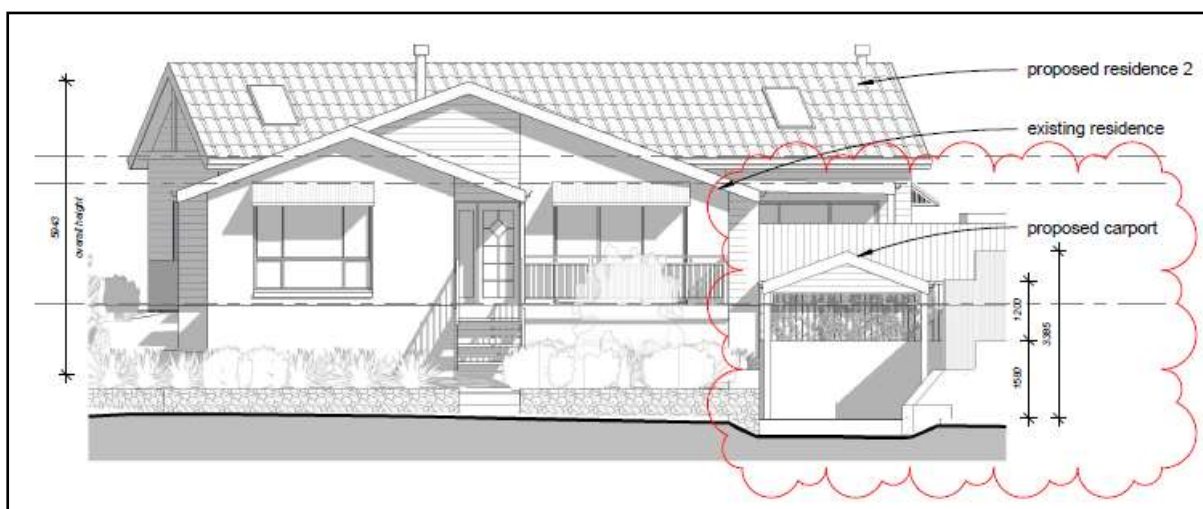


Figure 8 - East Elevation

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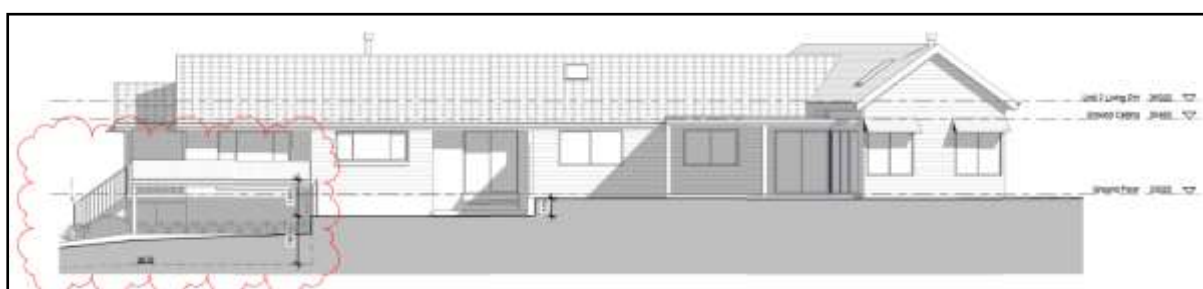


Figure 9 – North Elevation



Figure 10 – South Elevation

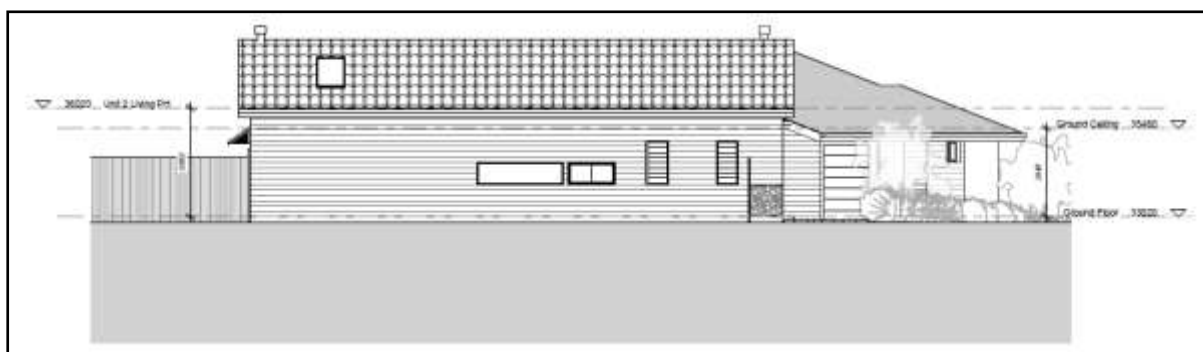


Figure 11 – West Elevation

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Figure 12 – External material and colour finishes

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Figure 13 – Landscape Plan

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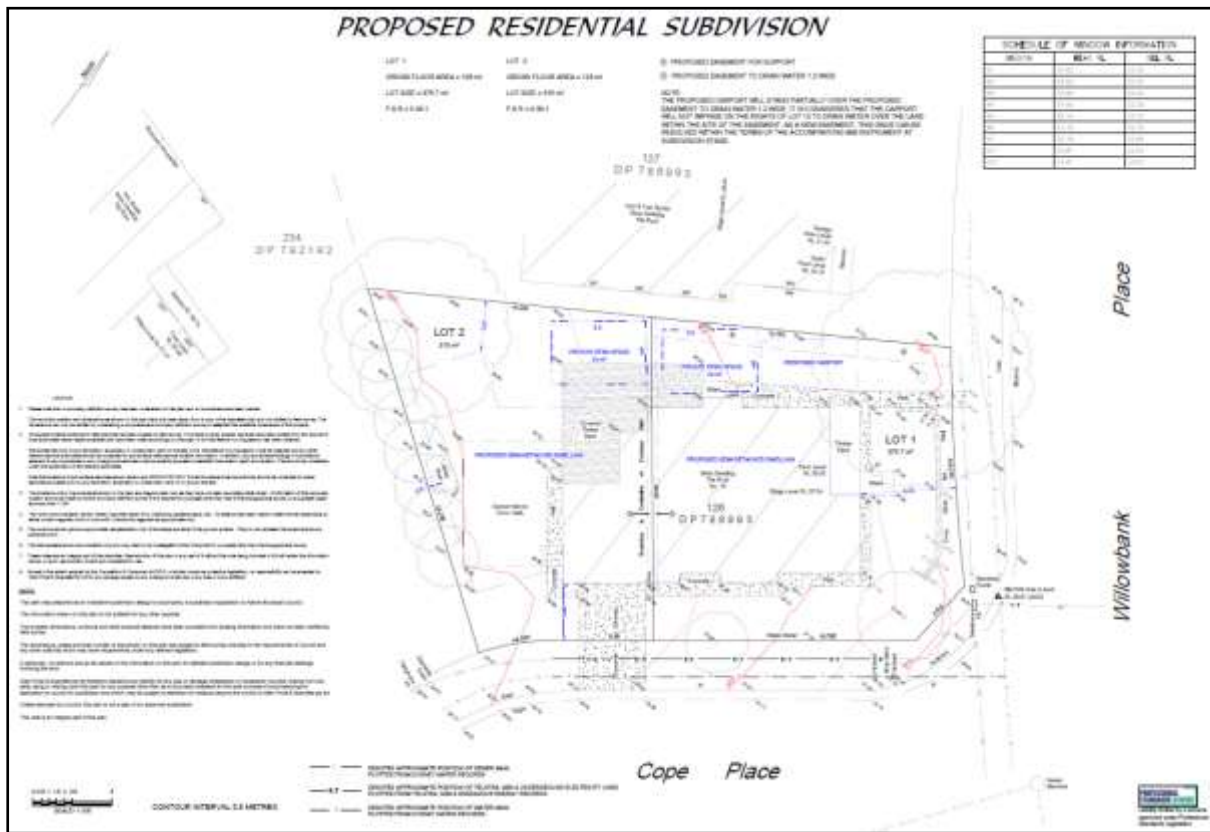


Figure 14 – Subdivision Plan

Section 4.15 Assessment

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

	Provision	Standard	Preliminary Dwelling	Secondary Dwelling
<i>Neighbour Notification</i>	CPP	14 days		Satisfactory
<b>Kiama LEP 2011</b>				
<i>FSR</i>	Clause 4.4 Kiama LEP	0.45:1	Complies	Complies
<i>Height</i>	Clause 4.3 Kiama LEP	8.5m	Existing	Complies
<b>Kiama DCP 2020 – Chapter 3 – Overall Requirements</b>				
<i>2 Storey requirement</i>	C3.2.6	12m from Front Building Line	Existing	Satisfactory

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<i>Overlooking</i>	C3.2.8		Satisfactory	Satisfactory
<i>Cut &amp; fill</i>	C3.3.1	<900mm	Existing	Satisfactory
<i>Streetscape</i>	C3.7.1-4		Satisfactory	Satisfactory
<i>View loss</i>	C3.2.10-17		Satisfactory	Satisfactory
<i>Landscaping</i>	C3.2.33	33% of FBL landscaped 25% of site deep soil landscaped	Satisfactory	Satisfactory
<i>Torrens title</i>			Satisfactory	Satisfactory
<b>Kiama DCP 2020 – Chapter 6 – Residential Accommodation</b>				
<i>Building Height Plane</i>	C6.4.32 (as per C6.1.15)	Building Envelope	Existing	Satisfactory (variation request)
<i>Lot width</i>	C6.4.10	> 15m	Complies	Complies
<i>Adaptable Housing</i>	C6.4.14	Ratio 1 in 2 dwellings	N/A	Complies
<i>Front Building Line (FBL)</i>	C6.4.32 (as per C6.1.16)	6.0m	Existing	N/A
<i>Allowable Encroachments</i>	C6.4.32	5.0m <sup>2</sup> and 1.5m	Existing	Complies
<i>Rear Setback</i>	C6.4.32 (as per C6.1.20)	6.0m	N/A	Satisfactory (variation request)
<i>Garage Setback</i>	C6.4.37 (as per C6.1.69)	6.0m	3651mm	Satisfactory (variation request)
<i>Secondary Setback (Corner Block Only)</i>	C6.4.32 (as per C6.1.18)	3.5m (corner allotment)	Existing, complies	Complies
<i>Side Setback</i>	C6.4.32 (as per C6.1.23)	900 mm (wall) 675 mm (eaves)	Existing	Complies

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<i>Building Footprint</i>	C6.4.34 (as per C6.1.60)	Maximum 60%	Complies	Complies
<i>Reflectivity</i>	C6.4.35 (as per C6.1.61-63)	Solar absorption >0.46	Satisfactory	Satisfactory
<i>Wall articulation</i>	C6.4.2	>15m for side walls	Complies	Complies
<i>Private open space</i>	C6.4.38-39 (as per C6.1.70-76)		Satisfactory	Satisfactory
<i>Car parking</i>	C6.4.37 (as per C6.1.65-69)	1 space behind FBL	Complies	Complies
<i>Storage</i>	C6.4.36 (as per C6.1.64)	2 bed - 8m <sup>3</sup> 3+ bed - 10 m <sup>3</sup>	Satisfactory	Satisfactory
<i>Drying areas</i>	C6.4.40 (as per C6.1.77-78)		Satisfactory	Satisfactory
<i>Overshadowing</i>	C6.4.26		Satisfactory	Satisfactory

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### Relevant Environmental Planning Instruments

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

A BASIX Certificate (A392754 – Residence 1, 1143018S\_03 – Residence 2) was lodged for the dwellings with the application, which demonstrates that each dwelling has been designed in accordance with BASIX.

- State Environmental Planning Policy No. 55 - Remediation of Land

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

Council is unaware of any historic land use that 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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### Kiama LEP 2011

Specific clauses requiring consideration:

#### Clause 1.9A Suspension of covenants, agreements and instruments

Clause 1.9A(1) states that for the purpose of enabling development on land in any zone to be carried out in accordance with the LEP, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to carry out that purpose.

Clause 1.9(2)(a) goes on to state that this clause does not apply to a covenant imposed by the Council or that Council requires to be imposed.

The subject Lot 126 DP 788993 is burdened and benefitted by registered “restriction on use of land” controlling the use of land under the Conveyancing Act.

The subject “restriction as to user” where registered on 27 April 1989, over 32 years ago.

The terms of the restrictions secondly referred to in the Plan include Items 2 and 5, reproduced as follows:

- (2) Not more than one main dwelling and one subsidiary dwelling together with outbuildings and structures ancillary to the use of the land for residential purposes shall be erected or permitted to remain on the land. For the purposes of this restriction "dwelling" means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile and "subsidiary dwelling" means an additional dwelling which is attached to and forms part of the main dwelling, where the ratio of the internal floor area of the main dwelling to that of the additional dwelling is not less than 60:40. No such subsidiary dwelling shall be erected or permitted to remain on the land unless the building of which it forms a part when viewed as a whole externally gives the appearance of one single dwelling house rather than two conjoined or semi-detached dwellings.
- (5) The land shall not be further subdivided except for minor property boundary adjustments or because of compulsory acquisition by a public authority for a public purpose.

The 88b instrument identifies the “*Council of the Municipality of Kiama and its successors in office but acting in its capacity as original subdivider and not acting as consent authority under any Act*” as the person (body) empowered to release, vary or modify the restriction on use of land secondly (as relevant to this application) referred to in the Plan.

In relation to Restriction Item No. 2, the existing dwelling (the ‘main dwelling’) has an internal floor area of 162m<sup>2</sup> (see Figure 3), with the ‘subsidiary dwelling’ adding 120m<sup>2</sup> internal floor area, which equates to a marginally non-compliant ratio of 5.74:4.26 (i.e. 162m<sup>2</sup>:120m<sup>2</sup> floor area).

In numeric terms, if the existing main dwelling was increased in size by 7.2m<sup>2</sup> the ratio would be satisfied.

Council could alternatively request that the subsidiary dwelling be reduced in size to satisfy the restriction ratio; however, as discussed below, the development as proposed satisfies Council’s FSR development standard.

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Council's LEP 2011 prescribes that dual occupancy development is 'permissible with consent' in an R2 Low Density Residential zone, of which the site is zoned.

It also prescribes that a maximum floor space ratio (FSR) of 0.45:1 applies to development of the subject site.

The proposed development is both permissible at the subject site and has an overall compliant FSR of 0.356:1. The proposed development is fully compliant with Council's LEP 2011.

In relation to Restriction Item No. 2, clause 4.1D of Council's LEP 2011 prescribes that dual occupancy development (being permissible in the zone) may be subdivided subject to minimum lot sizes of not less than 225m<sup>2</sup>, being 50% of the minimum lot size development standard (450m<sup>2</sup> in this instance).

The minimum lot size proposed with the development application is 315m<sup>2</sup>, which complies with the LEP development standard.

Overall, the proposed development satisfies the Land Use Table and the relevant development standards under Kiama LEP 2011.

The cited "restriction on use of land" arguably have no legal weight by today's standards, as a restriction on use of land should not serve to undermine the provisions, and associated development outcomes, that are otherwise permitted under the terms of the LEP.

The restrictions are considered superfluous and outdated in light of Council's current planning framework, which has evolved over the years such that dual occupancy development, with subsequent subdivision, is an accepted and common element within the residential fabric of towns within the Kiama Municipality.

Having regard to this it is recommended that Council vary the restriction on use of land in this instance having regard to the development proposed, which complies with Council's LEP 2011.

#### Clause 2.3 Zone objectives and Land Use Table

The subject land is zoned R2 Low Density Residential pursuant to Kiama LEP 2011.

The proposal is defined as an *attached dual occupancy* (i.e. additional dwelling to create dual occupancy) under the provisions of the 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.

Except for strict compliance with the setback controls, the proposal generally complies with the LEP and DCP objectives and therefore satisfies the zone objectives to provide for the housing needs of the community within a low-density residential environment.

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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 450m<sup>2</sup> on the lot size map. However, 4.1D permits lot sizes of no less than 50% of the mapped minimum lot size where subdivision of a dual occupancy is proposed.

Clause 4.1D Exceptions to minimum subdivision lot sizes for dual occupancies in Zone R2 and Zone R3

Clause 4.1D permits subdivision of dual occupancy development to create lots not less than 50% of the minimum lot size standard, equating to 225m<sup>2</sup> in this instance. In this regard Clause 4.1D(4) states that “*despite Clause 4.1, development consent may be granted to a single development application for development on land to which this clause applies if the development is both:*

- (a) *the subdivision of land into no more than 2 lots with each resulting lot equal to or greater than 50% of the minimum size shown on the Lot Size Map in relation to the land, and*
- (b) *the erection of either a semi-detached dwelling or dwelling house on each lot resulting from the subdivision.”*

The proposed development involves the construction of another dwelling to create an attached dual occupancy with subsequent Torrens Title subdivision of the dual occupancy. The proposed Torrens Title lots, with lot sizes, are shown in the following table:

Dwelling No	Lot No	Lot Area (m <sup>2</sup> )
1	1	375.7
2	2	315

As demonstrated, each proposed lot has an area of not less than 225m<sup>2</sup>, thereby complying with Clause 4.1D(4). The proposed subdivision therefore satisfies the requirement of Clause 4.1D.

Clause 4.1E – Minimum site areas for dual occupancies and multi dwelling housing on Zone R2

Clause 4.1E, in the case of land not located in Jamberoo, requires that dual occupancy and multi dwelling housing development (terraces) is not permissible unless the site area per dwelling is equal to or greater than 300m<sup>2</sup> per dwelling.

A dual occupancy is proposed in this instance and, pursuant to Clause 4.1E, a minimum site area of 600m<sup>2</sup> is required.

The subject lot measures 690.7m<sup>2</sup> in area and therefore satisfies Clause 4.1E.

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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The height of building map identifies that a maximum building height of 8.5m applies to the site.

The proposed dwelling (to create the dual occupancy) will have a maximum height of approximately 5m 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 0.45:1 applies to the site.

As per the definition provided in Kiama LEP 2011 the *gross floor area* of the proposed development is 266.2m<sup>2</sup>.

In this regard, the proposed development has a FSR of 0.356:1 with the site and as such complies.

Site area (m <sup>2</sup> )	GFA (m <sup>2</sup> )	FSR
690.7	246	0.356:1

Further to this however, the proposed development involves Torrens title subdivision of the proposed dual occupancy. It is also necessary therefore to consider the FSR of the development post subdivision and this has been calculated using the accepted site area of 845.7m<sup>2</sup>.

Lot No	Lot size (m <sup>2</sup> )	GFA (m <sup>2</sup> ) (	FSR
1	375.7	120 (Dwelling 1)	0.32:1
2	315	126 (Dwelling 2)	0.4:1

Overall, the proposed development complies with the maximum 0.45:1 FSR development standard of Clause 4.4 of Kiama LEP 2011.

#### 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 6.12 - 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 and telecommunications. Relevant conditions will be applied should consent be granted.

Sydney Water has confirmed that it has no objection to the proposal.

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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**

#### **Draft State Environmental Planning Policy**

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

##### Draft SEPP (Remediation of Land)

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

The overarching objective of SEPP 55 is to promote the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

This objective remains relevant and will be replicated in the new SEPP. The key operational framework of SEPP 55 will be maintained in the new SEPP.

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

##### Kiama DCP 2020

The proposed development is not inconsistent with the objectives of Kiama DCP 2020. The non-compliances are addressed below:

#### **Chapter 6 – Residential Accommodation**

- Control 6.4.32 states:

*Dual occupancies are required to comply with the building lines and building separations outlined in Topic 6.1*

Control 6.1.20 prescribes that *rear building lines are 6.0 metres unless otherwise identified on the Building Lines Map*. A 6m rear building line therefore applies to the site.

The convention is that the rear boundary is the boundary opposite the primary frontage (Willowbank Place), which in this instance makes the south western boundary of the lot the rear boundary. A 6m setback is therefore required to be observed from this boundary under control 6.1.20.

The proposed development proposes a 900mm setback to the south western (rear) property boundary of Lot 126.

The applicant has sought a variation to this control, based on the following justification:

*“The sites primary boundary adjoins Willowbank Place, therefore the western boundary is considered its rear boundary requiring a 6m setback. However, when considering the subdivision proposal the western boundary would be considered a side boundary for Lot 2 and therefore would gain compliance with the required 0.9m side setback requirement. For the purposes of variation request we will*



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*nominate this western boundary as the rear boundary and request a variation to this 6m rear boundary requirement.*

*The current carport that is proposed for demolition already encroaches on this rear setback and with an open carport side to the western neighbours currently has low sound attenuation. It is proposed for the new attached residence to have a 900mm setback, however, with minimal windows to this western façade, therefore the visual and acoustic privacy to the western neighbour will be improved. The single storey nature of the design also ensures a reduced bulk and scale is achieved. The neighbouring property to the west is sited well away from the proposal and has established planting, these elements will add to the visual and acoustic privacy between the lots. Where this rear boundary setback has been encroached the northern side setback has been increased. This design decision was based on the site-specific constraints and achieves a better outcome for the site and neighbouring properties. It was considered far more appropriate to increase the northern side setback due to the proximity of the northern neighbour to gain good solar access to yard areas and windows of the proposed dual occupancy.”*

#### Comment

The neighbouring property at 4 Cope Place, to the west of the development site, is arguably most impacted by the proposed 900mm rear setback as the proposed development is immediately adjacent to this common boundary.

The neighbouring dwelling at 4 Cope Place is setback approximately 23m from the Cope Place cul-de-sac, on a fan-shaped lot, with a public access way adjoining the property along its southern boundary (providing access to the reserve behind). The substantial setback of the dwelling at 4 Cope Place and the resulting building separation it entails, together with the public access way to its south; means that the street frontage is not ‘built out’ with dwellings immediately adjacent one another, crowding the street and the head of the cul-de-sac.

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Figure 15 – Cope Place cul-de-sac

The existing dwelling on the subject site already has a carport structure that encroaches upon the rear boundary, in the place of the proposed development, as can be seen in the aerial photo and the street view below:



Figure 16 – View of development site from Cope Place

This carport structure will be demolished as part of the proposed development. The proposed single storey development to replace the carport will effectively not alter the current rear setback but will enhance the street appeal of the subject property when viewed from Cope Place (see Figure 6 above). The streetscape implications of the proposed 900mm rear setback, as proposed with the development, are considered

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acceptable from a streetscape perspective having regard to the existing conditions of the site.

The impacts of the reduced rear setback on 4 Cope Place are ameliorated by the existing driveway to 4 Cope Place along the boundary with the development site, creating separation, as well as by the existing row of screening vegetation, as is seen in the Figure below:



**Figure 17 – 4 Cope Place (left of boundary fence) and 16 Willowbank Place (right of boundary fence)**

The proposed development is single storey in height and has limited openings along its western elevation, ensuring minimal privacy loss impacts both from and to the proposed development.

Beyond the streetscape and neighbour amenity issues discussed above, it is also recognised that the proposed Lot 2, containing the new dwelling (Dwelling 2), is only 315m<sup>2</sup> in size with an approximately 11m frontage to Cope Place. The width of the proposed lot makes observation of a 6m setback to the south western boundary difficult. A reduced setback to the rear boundary, as proposed, opens up a greater setback to the north western property boundary, which enables the rear yard of proposed Dwelling 2 to achieve optimal solar exposure with a northerly aspect. This is particularly positive in comparison to that which would otherwise be expected had the open space been sited adjacent to the rear property boundary, to the south west of dwelling 2. Additionally, the private open space area for Dwelling 2, as proposed, is significantly more private compared to a yard adjacent to the south western boundary and Cope Place, which would otherwise be exposed to the street.

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Overall, having regard to the circumstances of the site, it is generally accepted that a better planning outcome is achieved in this instance as a consequence of a reduced rear setback and enhanced setback to the northern property boundary. The proposed variation to the rear setback is considered acceptable under the circumstances, based on the justification put forward by the applicant and the discussion above.

- Control 6.4.37 states:

*Garage/Car Parking for dual occupancies is to comply with the garaging/car parking requirements outlined in Topic 6.1*

Control 6.1.69 states, in relation to Garaging/Car Parking:

*“Any garaging must be setback a minimum of 6m to allow for stacked parking”*

The applicant has sought a variation to this control, based on the following justification:

*“The proposed Residence 2 garage is to take advantage of the existing residences garaging facilities. The existing garage doors have been taken out and replaced with windows at some stage, the current owner purchased the residence with this conversion in place. It is proposed to reinstate the garage doors and use it for the garage of proposed residence 2. Therefore, the reduced setback does not change from its current approved form, the 3.65m setback will remain unchanged. The residence 2 complies with the parking provisions of two spaces onsite. Visitor parking for residence two would be located on the street. This is currently where visitors park to visit 16 Willowbank as it is safer and more convenient to the current access to the residence. This will remain unchanged for the proposed dual occupancy, where there will be ample visitor parking on the kerb adjoining the property.”*

#### Comment

The existing garage under 06.1989.585.1 (shown in Figure 3 above) was approved with a setback of 3.6m from Cope Place. As can be seen in Figure 2, this requires cars parked on the driveway to be parked partly on site and partly overhanging Council's street verge.

The proposed development involves the reinstatement of the garage effectively as approved under Building Application No 06.1989.585.1. Council would ordinarily press for the garage to be setback the required 6m; however, the conditions of Cope Place are such that it is a short cul-de-sac with a broad turning head, meaning Cope Place carries relatively low traffic volumes, vehicles using Cope Place are slow moving and the road pavement is broad.

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There is currently no formed footpath on the road verge within Cope Place and, having regard to the conditions of the street as described, there is unlikely to be one. The reduced garage setback as originally approved has been in place for approximately 30 years and has not given rise to any incidents that Council is aware of. Furthermore, no submissions from neighbours raised any issues with this arrangement unacceptably inhibiting, conflicting or obstructing pedestrians, cyclists or other road users of Cope Place. Council's Engineers have also not expressed any road safety or vehicle movement concerns with the proposed development with its reduced garage setback.

It is emphasised that the proposed Dwelling 2 garage utilises the existing garage design as approved under 06.1989.585.1. Given this fact, combined with the conditions of Cope Place as described above, the proposed development is considered acceptable under the circumstances.

The proposed development generally complies with the relevant controls of DCP 2020, and where strict compliance is not achieved the objectives of the controls are maintained.

#### **Any Planning Agreement**

Nil

#### **Any Matters Prescribed by the Regulations**

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

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

##### Australian Standard AS 2601—1991: The Demolition of Structures

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

#### **Any Coastal Zone Management Plan**

Nil

#### **The Likely Impacts of the Proposed Development**

##### Biodiversity

The application 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.*

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Vegetation proposed to be removed consists of one large gum tree (*Eucalyptus nicholli*) and one Evergreen alder. 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 clearing of native vegetation that does not exceed the threshold.

#### Biodiversity Values Map

The subject site is not identified as having outstanding biodiversity values.

#### Test of significance

No threatened species or Endangered Ecological Species/Threatened Ecological Species were identified during the site visit. 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.

The proposed development is not required to enter the Biodiversity Offsets Scheme under the BC Act 2016.

#### Streetscape

The re-orientation of the rear setback from the south western boundary to the north western boundary for the proposed dwelling is a departure from the street pattern with other corner sites. However, the proposed dwelling is a low profile single-storey dwelling behind and attached to the existing dwelling, with a neighbouring access driveway to the south west on a fan shaped allotment at the end of the cul-de-sac. This form provides adequate punctuation in the streetscape notwithstanding the absence of a 6m setback to the southern western (rear) boundary.

The design of the proposed development is considered 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.

#### Noise

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

#### Privacy and Overlooking

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 Figure 18 below:

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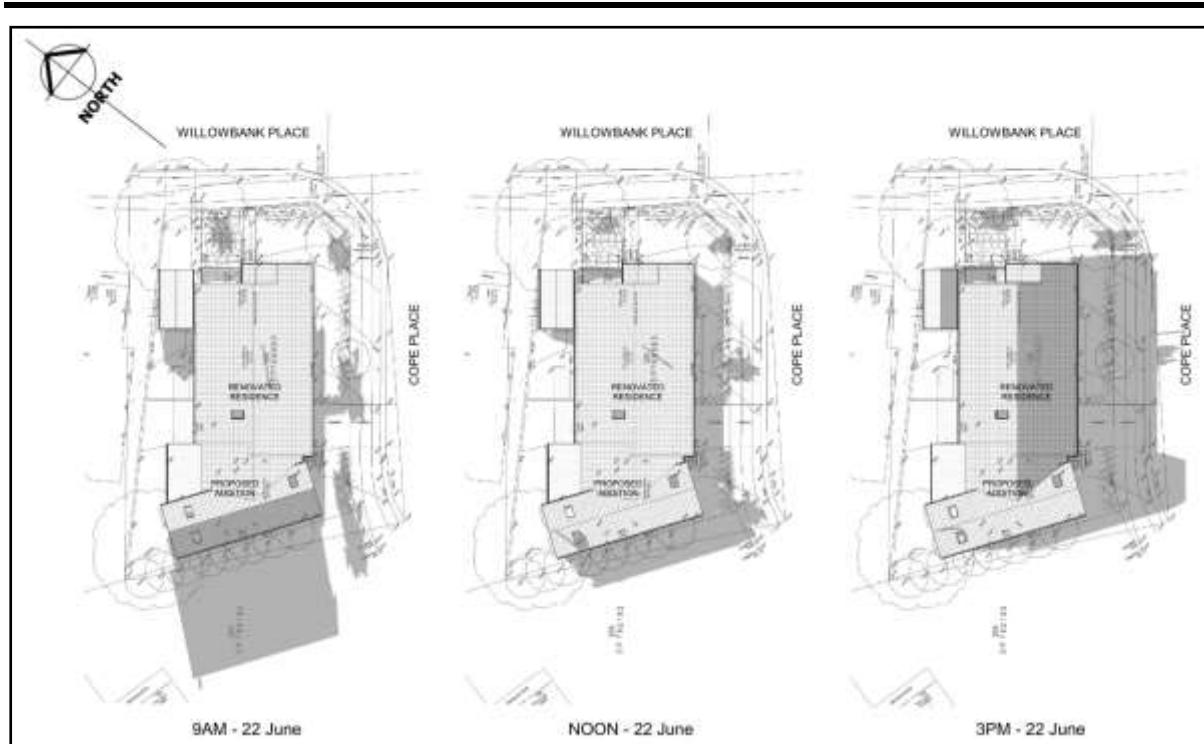


Figure 18 – 9am, 12 noon & 3pm Shadows Mid-winter

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 Impacts

*Vegetation Removal* – 2 trees are proposed to be removed. Council’s Landscape Officer has raised no objection to the removal of these trees.

*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.

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*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.

Other issues to consider include:

- Traffic and Access

Council's Engineers have raised no concerns with the proposal in relation to traffic and access matters.

- Contamination from previous land uses

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

- Effect on public domain

The proposal is expected to have a not unacceptable impact on the public domain. The proposed dwelling is architecturally compatible with the existing dwelling, together making for a cohesive street presentation for the resulting dual occupancy.

- Utility needs and supply

The proposal is serviced by all essential services.

- Safety, security & crime prevention

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

- Risks to people & property from natural & technological hazards

No known risks.

- 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.

### **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.



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## Submissions

### Public Submissions

Notification letters were sent to neighbouring property owners who were provided with fourteen (14) days in which to comment on the proposal. At the conclusion of the notification period, five (5) submissions were received, which raised the following (summarised) matters of concern:

Objection	Assessment Officer's Comment
Wood Heater Pollution	<p>All 5 submissions expressed concern about the proposed wood-fire heater including that:</p> <ul style="list-style-type: none"> <li>• wood-fired heaters are harmful to our air quality, especially in urban areas; and</li> <li>• alternative environmentally friendly methods of heating exist.</li> </ul> <p>The applicant removed the wood heater from the proposal and replaced it with a gas fireplace.</p> <p>This is considered an acceptable outcome having regard to the concerns raised.</p>

### External Referrals

#### Sydney Water

Sydney Water advised by way of letter dated 4 June 2020 that they had no objection in relation to the proposed development. Standard conditions are recommended, including the requirement for a S.73 Certificate.

### Internal Referrals

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

#### Building Assessment Officer

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

#### Subdivision & Development Engineer

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

#### Landscape Design Officer

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

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#### 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.

In accordance with AS/NZS 4819:2011 Rural and Urban Addressing, standard Torrens Title addressing applies. Letterboxes to be located at access point and public road boundary. Proposed house numbers to be allocated are:

- Proposed Lot 1 – 16 Willowbank Place, Gerringong.
- Proposed Lot 2 – 2 Cope Place, Gerringong.

#### **The Public Interest**

The proposal is generally 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.

#### **Developer Contributions**

##### Section 94 Contributions

The proposal has a nexus on the demand for the provision of public infrastructure and services therefore a Section 94 contribution of \$7,524.00 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 3.

#### **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 DCP 2020, with variations discussed within this report and supported having regard to the circumstances of the case. 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.

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**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 10.2020.266.1 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 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:
- The variation in hours required.
  - The reason for that variation.
  - The type of work and machinery to be used. (g165.doc)
- (6) Road Occupancy approval, pursuant to Section 138 of the Roads Act 1993 shall be obtained from Council prior to any proposed interruption to pedestrian and/or vehicular traffic within the road reserve caused by the construction of the development. Examples of interruption include (but is not limited to) loading and unloading of vehicles, pumping of concrete, use of cranes and/or site fencing in the road reserve.

**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 & 3 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is **\$7,524.00**. (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:
- The licensee's name and contractor licence number;

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- ii That the licensee has complied with Part 6 of the Home Building Act 1989.  
In the case of work to be done by any other person, the Principal Certifying Authority:
- a Has been informed in writing of the person's name and owner builder permit number;
- or
- b Has been given a declaration, signed by the owner/s of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989. (pt005.doc)
- (2) The developer shall lodge with Council a bond of **\$3000** 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) The applicant shall nominate on the Construction Certificate plans Dwelling 2 (Unit 2) as the adaptable housing unit. The nominated adaptable housing unit shall, as a minimum requirement, meet "Adaptable house class C" requirements set out in Appendix A of Australian Standard AS 4299-1995 Adaptable housing. Certification from a suitably qualified professional stating that the Construction Certificate plans have met the requirements listed above shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate. (pt015.doc)
- (4) Under the provisions of the Act, work may not commence on the development until the following is carried out:
- a Detailed plans and specifications of the building must be endorsed with a Construction Certificate by Council or an Accredited Certifier; and

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

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

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

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

- (5) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the issue of the Construction Certificate. (pt034.doc)
- (6) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a Showing the name, address and telephone number of the Principal Certifying Authority for the work;
  - b Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - c Stating that unauthorised entry to the work site is prohibited.

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

- (7) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for any reinforced concrete slabs, footings or structural steel. (pt062.doc)
- (8) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for the retaining walls in excess of 1.0 metre high. (pt068.doc)

### 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)

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- (2) During construction the applicant shall provide, inside the property boundaries a suitable waste container for the disposal of all papers, plastics and other light weight materials. (sf015.doc)
- (3) A sign must be erected in a prominent position on the premises on which the erection or demolition of a building is being carried out:
- a Stating that unauthorised entry to the premises is prohibited; and
  - b Showing the name of the builder or other person in control of the worksite and a telephone number at which the builder or other person may be contacted outside working hours.

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

**Erosion and Sedimentation Controls/Soil and Water Management**

- (1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:
- a A silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). Such fence must be regularly inspected and cleaned out and/or repaired as is necessary, and all collected silt must be disposed of in accordance with Council's Sedimentation Control Policy.
  - b Unnecessary disturbance of the site (eg; excessive vehicular access) must not occur.
  - c All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.
  - d All the above requirements must be in place for the duration of the construction works. (esc005.doc)
- (2) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work. (esc020.doc)

**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

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- (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 10m<sup>2</sup> of Bonded Asbestos Sheeting**

Demolition works involving the removal of less than 10m<sup>2</sup> of bonded asbestos sheeting may be carried out by a licensed builder who has completed an appropriate bonded asbestos removal course.

**Completion of demolition works**

Council will monitor and review the demolition of the structure to ensure all conditions of consent application to the removal of asbestos has been satisfied. (dw015.doc)

- (3) The techniques adopted for stripping out and for demolition shall minimise the issue of dust into the atmosphere. (dw030.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)

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- (2) The developer shall restore any redundant vehicle crossing to barrier kerb in compliance with Council's "*Driveway and Footpath Works Procedure Manual*". (ac010.doc)
  - (3) The access driveway shall be constructed to meet the design requirements of Council's "*Driveway and Footpath Works Procedure Manual*". The access driveway shall be installed prior to the issue of any Occupation Certificate. (ac015.doc)
  - (4) The applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area.

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

**Car Parking and Vehicular Access**

- (1) Car parking and manoeuvring shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Car Parking. (c035.doc)

**Stormwater Management**

- (1) Stormwater shall be connected to the existing system. (sm005.doc)
- (2) The stormwater drainage system shall be completed in accordance with the details approved by the Private Certifying Authority. (sm006.doc)
- (3) 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)
- (4) 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)
- (5) 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)
- (6) 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)
- (7) Prior to issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off and allowance is made for surface run-off from adjoining properties in the design.



## Report of the Director Environmental Services

12.2 10.2020.266.1 – Lot 126 DP 788993 – 16 Willowbank Place, Gerringong -  
New Dual Occupancy and Torrens Title Subdivision - alterations and  
additions to residence to create an attached dual occupancy with Torrens  
Title Subdivision and one gas heater (cont)

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- (8) The developer shall provide on-site detention storage for stormwater run-off 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)
- (9) The developer shall provide compliance certification from the hydraulic engineer verifying that the constructed stormwater drainage infrastructure meets with the approved design. The certification shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate. (sm130.doc)
- (10) The developer shall provide environmental stormwater management controls in the form of post development water quality (including first flush treatments such as trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatments shall be submitted to the Accredited Certifying Authority for assessment and approval prior to the issue of the Construction Certificate. (sm135.doc)
- (11) The developer shall comply with the design requirements of Council's "*Water Sensitive Urban Design*" policy in association with the design requirements of "*Section D5 Stormwater Drainage*" of the Kiama Development Code as appended to Kiama Development Control Plan 2012.
- Detail shall be submitted to the Accredited Certifying Authority for assessment prior to the issue of the Construction Certificate. (sm150.doc)
- (12) Stormwater run-off from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP). Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP. (sm155.doc)
- (13) The pipe under the proposed carport must be concrete encased and the carport designed on a continuous raft slab footing system with piercing 100mm below the invert of the pipe. Details shall be submitted to the accredited Certifying Authority for assessment prior to the release of the Construction Certificate.

### Inspections

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

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

## Report of the Director Environmental Services

- 12.2 10.2020.266.1 – Lot 126 DP 788993 – 16 Willowbank Place, Gerringong - New Dual Occupancy and Torrens Title Subdivision - alterations and additions to residence to create an attached dual occupancy with Torrens Title Subdivision and one gas heater (cont)
- 

**Building Construction**

- (1) All building work must be carried out in accordance with the requirements of the Building Code of Australia. (bu010.doc)
- (2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council. (bu086.doc)
- (3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards. (bu090.doc)
- (4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property. (bu095.doc)
- (5) If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must:
  - a Preserve and protect the building from damage;
  - b Underpin and support the building in an approved manner, if necessary, and;
  - c At least seven (7) days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the proposed work. (bu100.doc)
- (6) 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)
- (2) The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access. (us045.doc)

## Report of the Director Environmental Services

- 12.2 10.2020.266.1 – Lot 126 DP 788993 – 16 Willowbank Place, Gerringong - New Dual Occupancy and Torrens Title Subdivision - alterations and additions to residence to create an attached dual occupancy with Torrens Title Subdivision and one gas heater (cont)
- 

**Landscaping Works**

- (1) All landscape areas shown on the approved landscape plans (drawing number DA-1801) 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 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)
- (6) The *Eucalyptus nicholii* in the front yard may be removed for the development. The Evergreen alder in the rear yard may also be removed for the development.

**Prior to Occupation**

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

Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet. (po002.doc)

- (2) The BASIX schedule of commitments shall be complied with prior to the issue of a Final Occupation Certificate for the development and if required a certificate shall be provided to the Principal Certifying Authority from a properly qualified person to certify that the BASIX schedule of commitments have been provided and/or installed. (po003.doc)
- (3) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Section 6.9 of the Environmental Planning and Assessment Act 1979.

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

- (4) The developer shall complete all access and drainage works prior to the issue of any Occupation Certificate. (po010.doc)

## Report of the Director Environmental Services

12.2 10.2020.266.1 – Lot 126 DP 788993 – 16 Willowbank Place, Gerringong - New Dual Occupancy and Torrens Title Subdivision - alterations and additions to residence to create an attached dual occupancy with Torrens Title Subdivision and one gas heater (cont)

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- (5) A certified Works-As-Executed (WAE) drawing for all drainage and access related works shall be submitted to the Principal Certifying Authority (PCA) prior to the issue of any Occupation Certificate (OC). The WAE drawing shall be signed by a Registered Surveyor. The WAE drawing shall show in red ink all changes to the approved Construction Certificate (CC) drawings and finished levels. The PCA shall not issue the OC if any changes to the approved CC design will cause an adverse impact on adjoining lands.
- (6) For each dwelling a separate waste service will be required. The new waste service application must be submitted to Council, together with a copy of the Occupation Certificate, prior to tenancy of the new dwelling.
- (7) The development is to be provided with mail boxes in accordance with Australian Standard AS/NZS 4253 - 1994 which covers the dimensions, installation and positioning for mail boxes for receipt of mail.
- (8) The dwellings/Lots shall each be numbered as follows:
  - Existing Dwelling 1/Lot 1 - 16 Willowbank Place, Gerringong
  - Proposed Dwelling 2/Lot 2 – 2 Cope Place, Gerringong

**Conveyancing Requirements**

- (1) Under the provisions of Section 88B/88E of the Conveyancing Act 1919 the developer shall provide a restriction on use of land and a positive covenant in favour of Kiama Municipal Council detailing protection measures and long term maintenance requirements for on-site stormwater detention system and associated stormwater drainage infrastructure.

The document shall meet the standard terms applied by Council and shall be submitted to Council for assessment and approval and shall have these titles registered with NSW Lands & Property Management Authority under Sections 88B/88E of the Conveyancing Act 1919. (cr040.doc)

- (2) Under the provisions of Section 88B/88E of the Conveyancing Act 1919 the developer shall provide a “Easement for Drainage of Water” as defined in Part 8 of Schedule 8 to the Conveyancing Act 1919 as amended, provided that:
  - i) the cost of maintenance of the drainage lines and drainage structures installed within the site of the easement shall be borne equally by the owners of the benefiting lots.
  - ii) The carport structure including posts erected within the site of the easement be permitted to remain so long as it does not interfere with the drainage of stormwater. The cost of maintenance or replacement of the carport structure shall be borne by the owner of the lot burdened, unless the cause of maintenance or replacement is a result of actions by the owner or occupier of the lot benefited.
  - iii) The owner of the lot burdened acknowledges the carport structure may need to be temporarily removed to allow repair and maintenance of the

## Report of the Director Environmental Services

- 12.2 10.2020.266.1 – Lot 126 DP 788993 – 16 Willowbank Place, Gerringong - New Dual Occupancy and Torrens Title Subdivision - alterations and additions to residence to create an attached dual occupancy with Torrens Title Subdivision and one gas heater (cont)
- 

drainage lines and structures. The cost of temporary removal shall be borne equally by the owners of the benefitting lots. The carport should be reinstated as soon as is practicable following completion of work on the drainage lines and structures.

**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:
  - a) All relevant Construction and Compliance Certificates (where these have not been issued by Council).
  - b) Payment of fees in accordance with Council's adopted fees and charges.
  - c) A Final Plan of Subdivision and four (4) copies.

A copy of the satisfactory final plan of subdivision shall also be provided as an electronic file in either DXF or DWG format. In this regard the electronic copy must be on MGA (Zone 56) orientation, where this is required by the Surveying Regulation 2001, and should preferably use co-ordinates based upon the MGA values of the nearest established permanent survey mark connected as part of the survey. It is preferred the raw boundary line work only be provided, excluding final page layout and text where possible. This must be provided electronically by email to [council@kiama.nsw.gov.au](mailto:council@kiama.nsw.gov.au) including a clear reference to the relevant Development Application number.

- d) An original Deposited Plan Administration Sheet and one copy, prepared in accordance with NSW Land & Property Information requirements.
- e) An original Section 88B Instrument and one copy, prepared in accordance with the requirements of the Conveyancing Act 1919.
- f) An original Subdivider/Developer Compliance Certificate (Section 73 Certificate) from Sydney Water Corporation which references the relevant development application number.
- g) An original Notification of Arrangement from an electricity provider which references the relevant development application number.
- h) An original Telecommunications Infrastructure Provisioning Confirmation from a communications provider which references the proposed development.
- i) The payment of all required Section 7.11 and 7.12 Contributions identified in this consent.
- j) An Occupation Certificate for each dwelling to be separately titled. (sub020.doc)

Report of the Director Environmental Services

12.2 10.2020.266.1 – Lot 126 DP 788993 – 16 Willowbank Place, Gerringong -  
New Dual Occupancy and Torrens Title Subdivision - alterations and  
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Title Subdivision and one gas heater (cont)

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- (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 must show and label the extent of the party wall on the final plan of subdivision pursuant to the requirements of Section 181B of the Conveyancing Act 1919.

**Item 12.2**

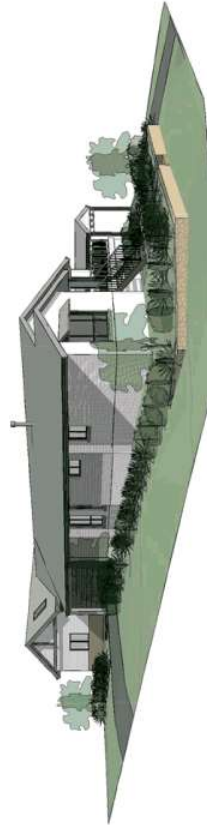


site

SITE LOCATION

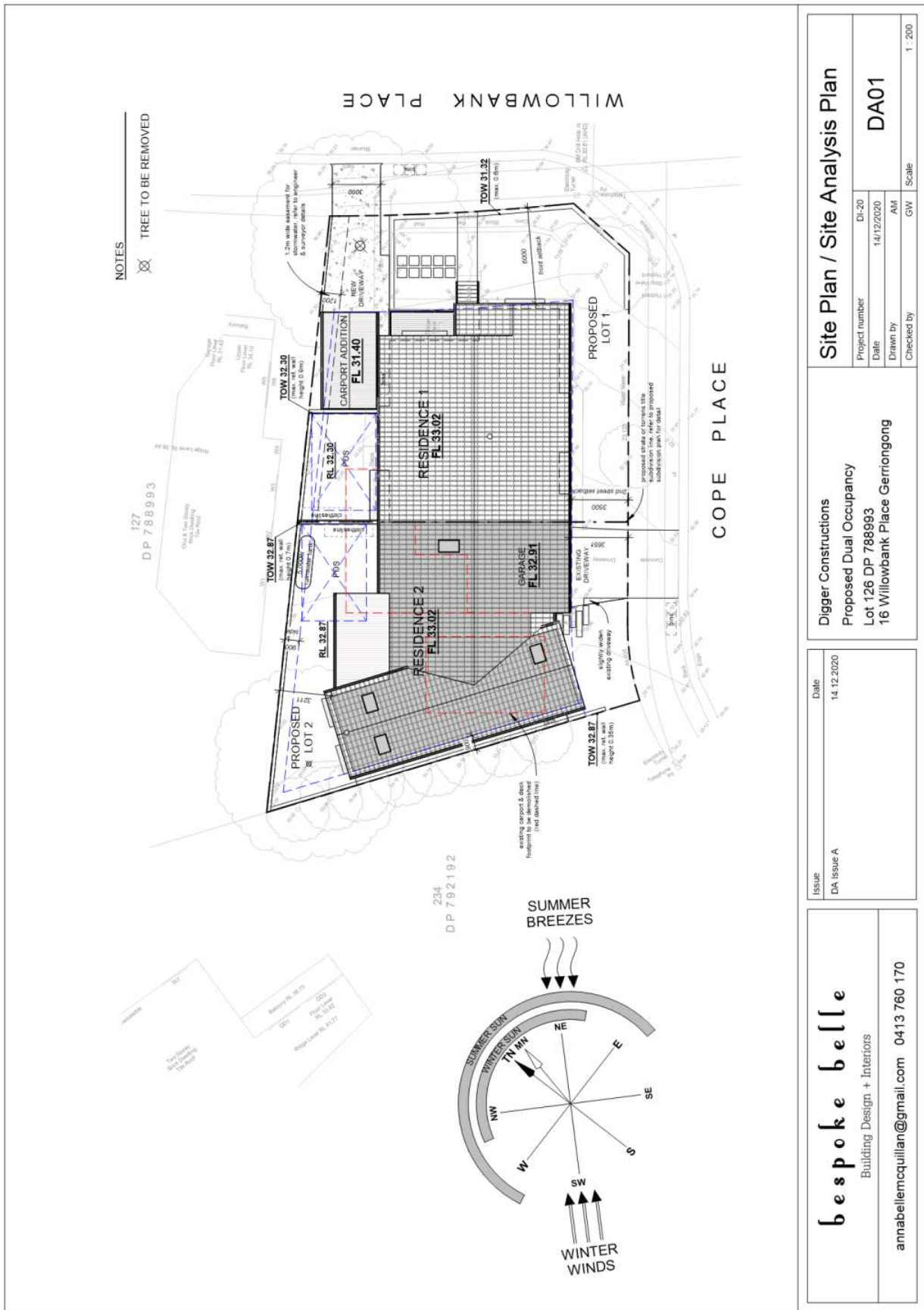
NOTES

1. Check dimensions on site
2. Window sizes are nominal. Check measure onsite prior to order.
3. Written dimensions take precedence over those scaled from drawing.
4. All works to comply with relevant Australian Standards & relevant NCC BCA Volumetric.
5. All works to comply with AS 1984, tracing & windows to comply with the relevant wind hazard category.
6. Smoke detectors to be installed to Australian Standard
7. This drawing is subject to copyright.

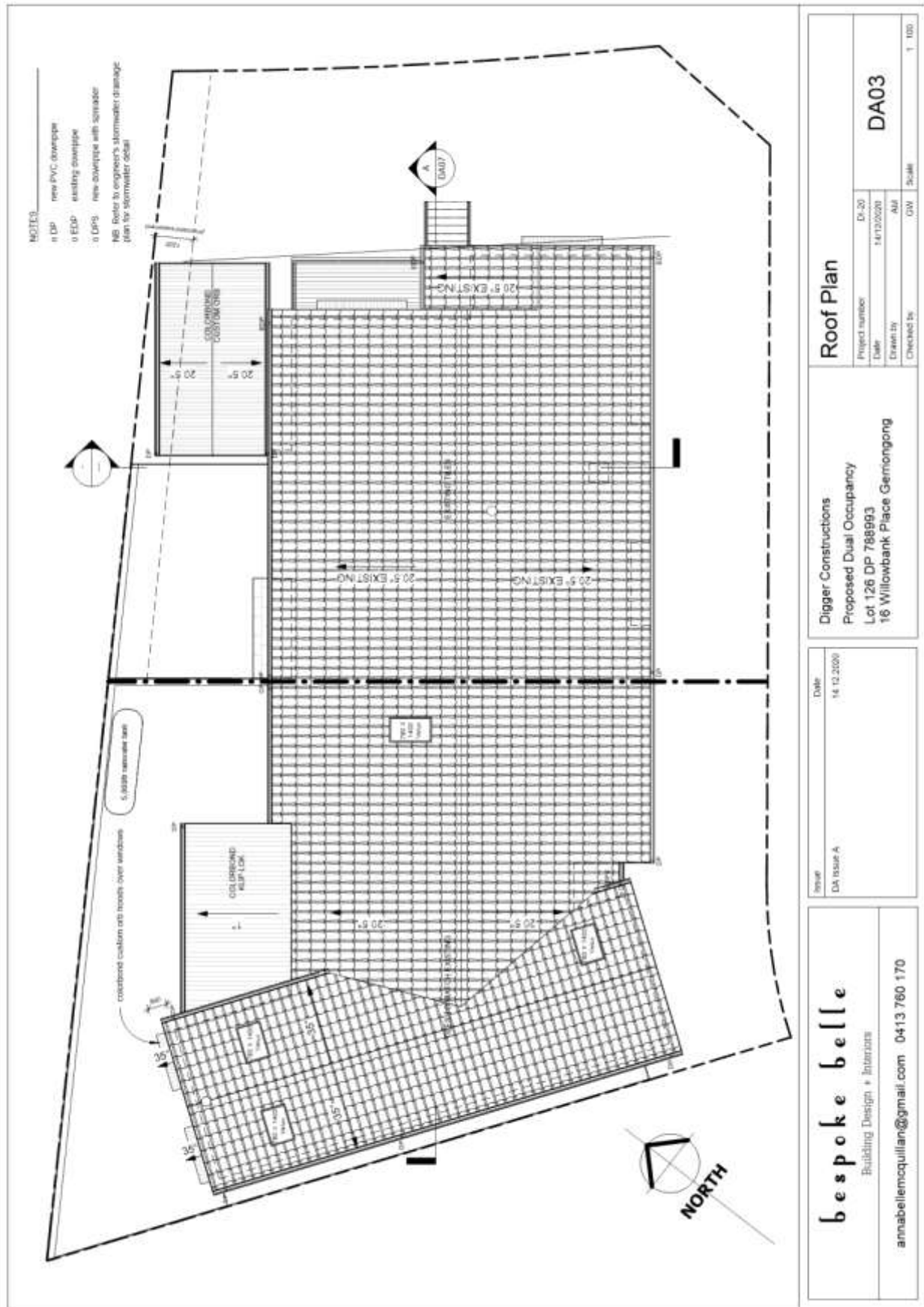


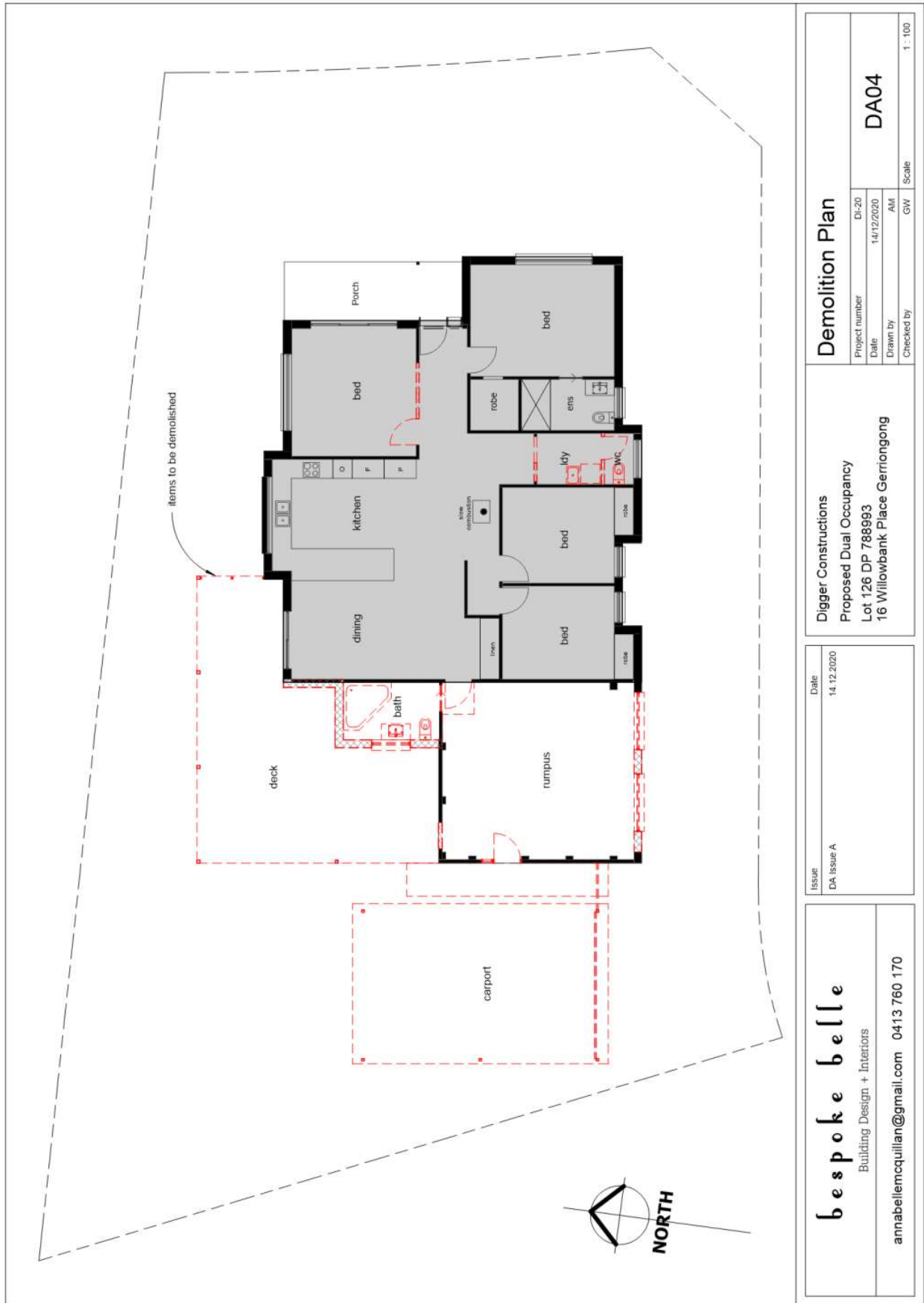
PROPOSAL

<b>bespoke belle</b>		Building Design + Interiors		annabellemcquillan@gmail.com 0413 760 170	
Issue DA Issue A		Date 14.12.2020		<b>Cover Sheet</b>	
Digger Constructions Proposed Dual Occupancy Lot 126 DP 788993 16 Willowbank Place Gerringong				Project number DI-20	DA00
				Date 14/12/2020	
				Drawn by AM	
				Checked by GW	Scale









<b>Demolition Plan</b> Project number: DA-20 Date: 14/12/2020 Drawn by: AM Checked by: GW Scale: 1 : 100		Project number: DA04	
		Date: 14/12/2020	
Digger Constructions Proposed Dual Occupancy Lot 126 DP 788993 16 Willowbank Place Gerringong			
Issue: DA Issue A	Date: 14.12.2020		
<b>bespoke belle</b> Building Design + Interiors annabellemcquillan@gmail.com 0413 760 170			

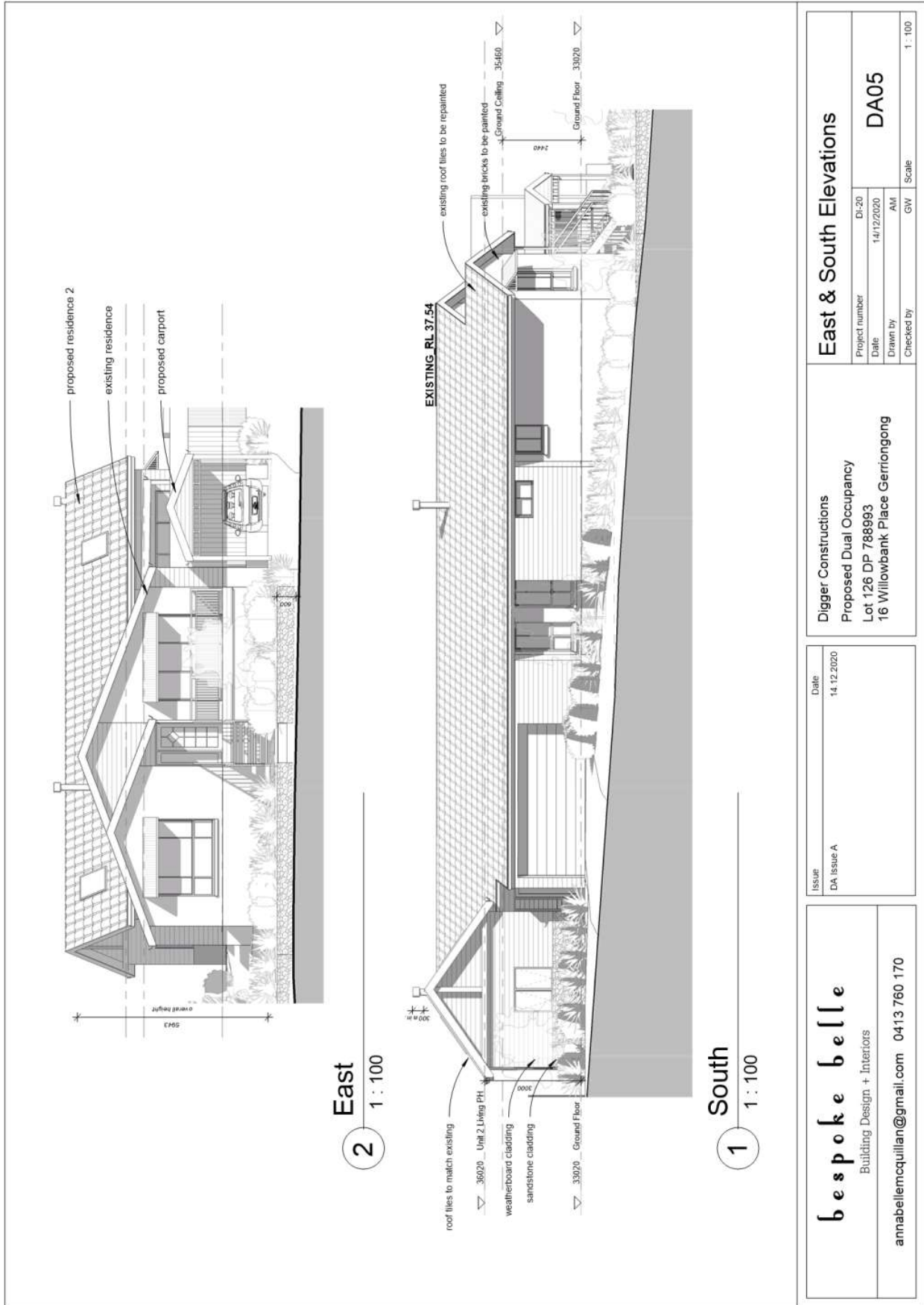
**Item 12.2 - 10.2020.266.1 – Lot 126 DP 788993 – 16  
Willowbank Place, Gerringong - New Dual Occupancy  
and Torrens Title Subdivision - alterations and  
additions to residence to create an attached dual  
occupancy with Torrens Title Subdivision and one gas  
heater**

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**Attachments 1 - 10.2020.266.1 -  
Plans**

**Item 12.2**

**Attachment 1**



<b>bespoke belle</b> Building Design + Interiors annabellemcquillan@gmail.com 0413 760 170	ISSUE DA Issue A	Date 14.12.2020	<b>East &amp; South Elevations</b>
	Digger Constructions Proposed Dual Occupancy Lot 126 DP 788993 16 Willowbank Place Gerringong		Project number DA05
		Date 14/12/2020	Drawn by AM
		Checked by GW	Scale 1 : 100

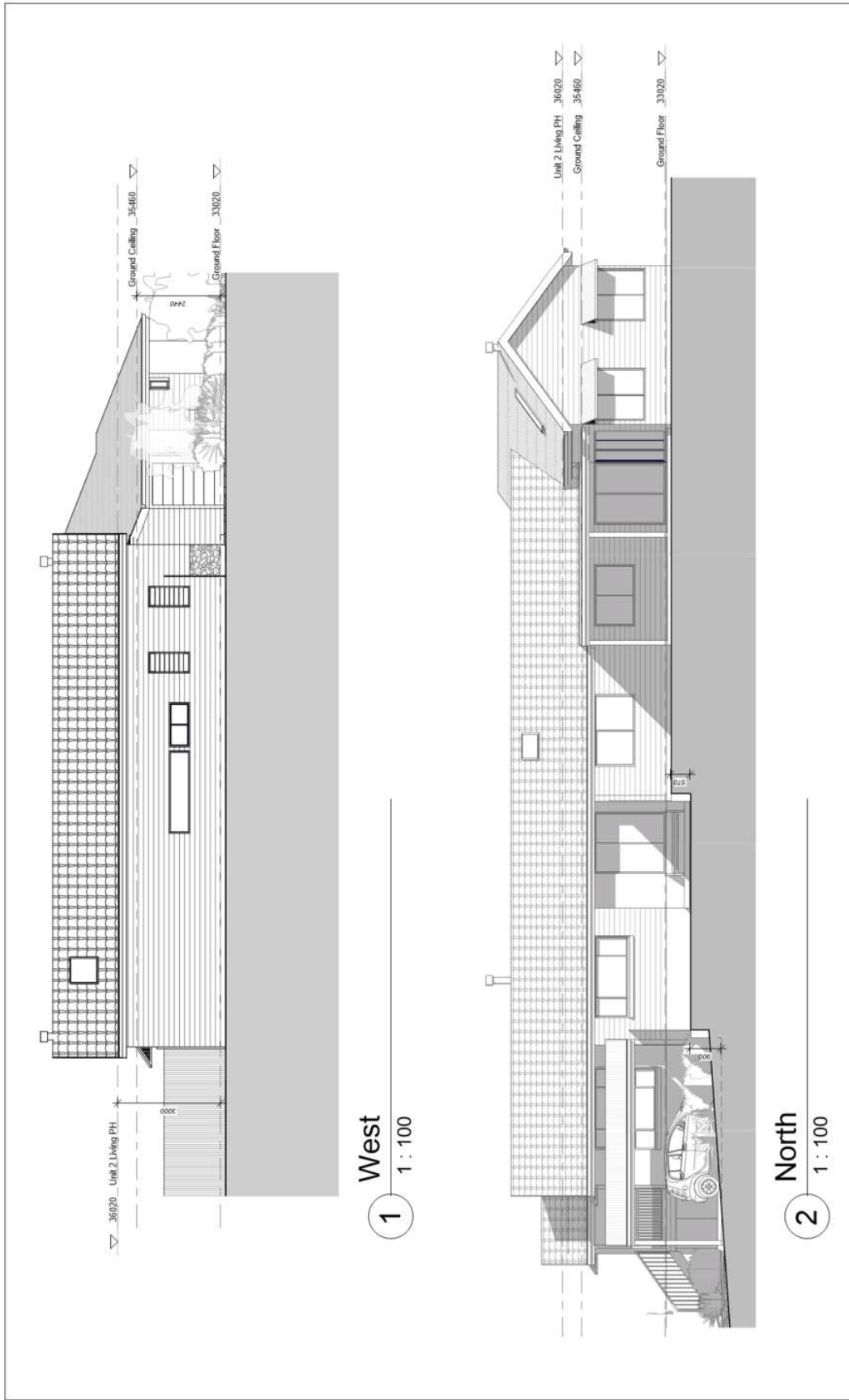
**Item 12.2 - 10.2020.266.1 – Lot 126 DP 788993 – 16  
Willowbank Place, Gerringong - New Dual Occupancy  
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**Attachments 1 - 10.2020.266.1 -  
Plans**

**Item 12.2**

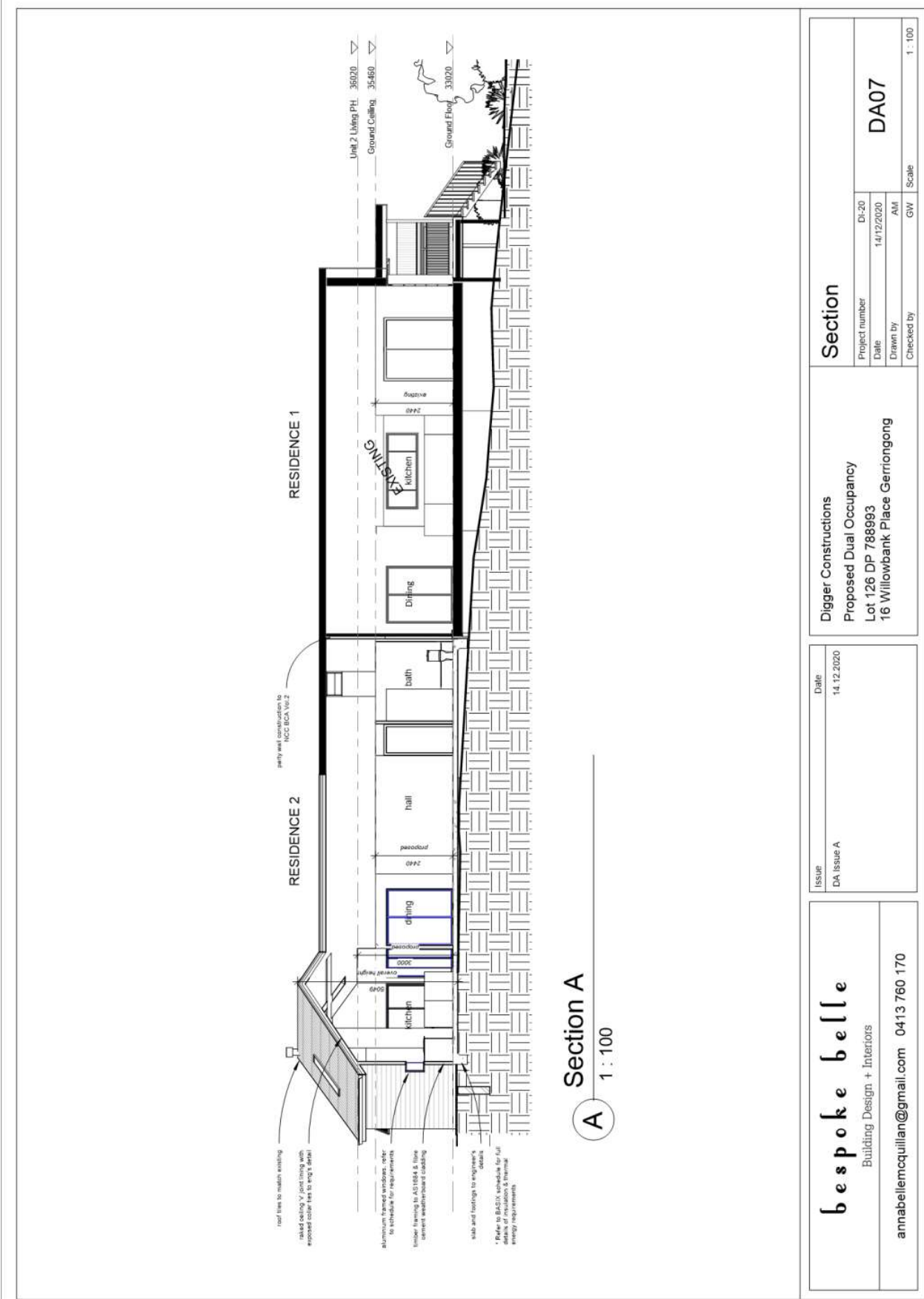
**Attachment 1**



1 West  
1 : 100

2 North  
1 : 100

<b>bespoke belle</b> Building Design + Interiors annabelleccquillan@gmail.com 0413 760 170		Issue DA Issue A		Date 14.12.2020	
		Digger Constructions Proposed Dual Occupancy Lot 126 DP 788993 16 Willowbank Place Gerringong			
West & North Elevations			Project number DA06		
Drawn by AM			Date 14/12/2020		
Checked by GW			Scale 1 : 100		



Section A  
1 : 100

**bespoke belle**  
Building Design + Interiors  
annabellemcquillan@gmail.com 0413 760 170

ISSUE  
DA Issue A  
Date  
14.12.2020

Section  
Digger Constructions  
Proposed Dual Occupancy  
Lot 126 DP 788993  
16 Willowbank Place Gerringong

Project number  
DA07  
Date  
14/12/2020  
Drawn by  
AM  
Checked by  
GW  
Scale  
1 : 100

EXTERIOR COLOUR PALETTE



Stone Features - Sandstone



Painted Brick & Cladding - Dulux 'White on White'



Roof (tiles & colorbond) - Colorbond 'Windspray'



<p><b>bespoke belle</b> Building Design + Interiors annabellecmcquillan@gmail.com 0413 760 170</p>		<p>ISSUE DA Issue A</p>		<p>Date 14.12.2020</p>	
		<p>Digger Constructions Proposed Dual Occupancy Lot 126 DP 788993 16 Willowbank Place Gerringong</p>		<p>Perspectives</p>	
<p>Project number Di-20</p>		<p>Date 14/12/2020</p>		<p>DA10</p>	
<p>Drawn by AM</p>		<p>Checked by GW</p>		<p>Scale</p>	



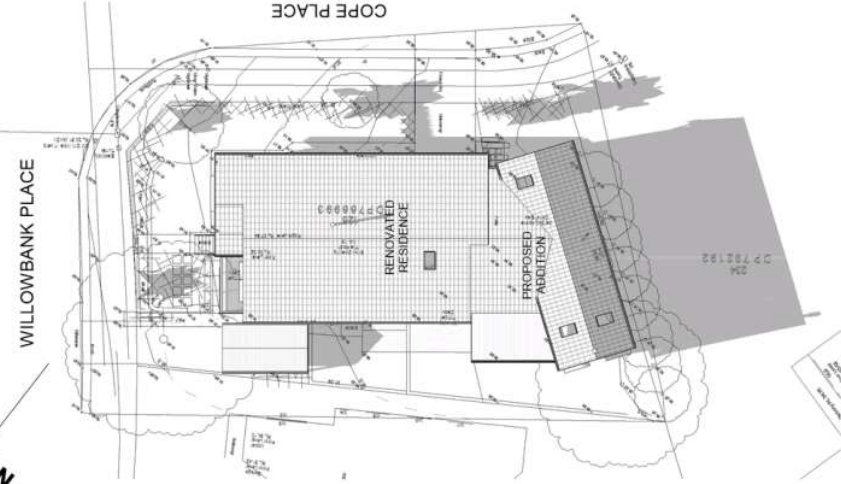
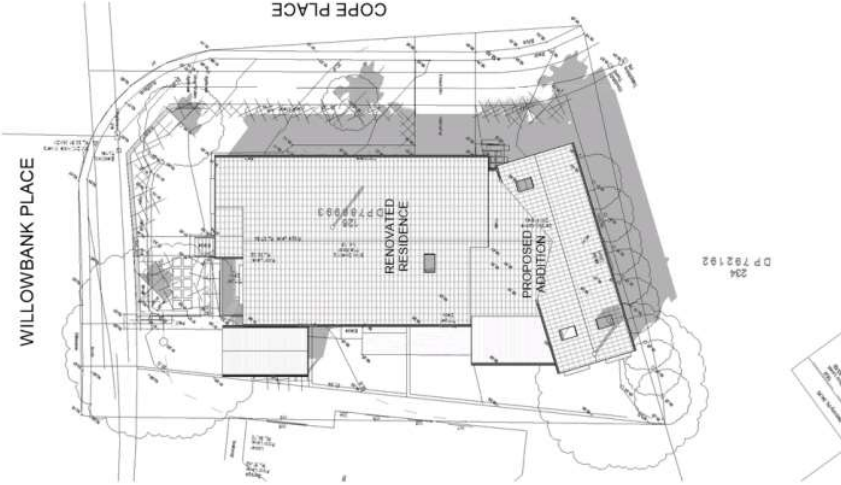
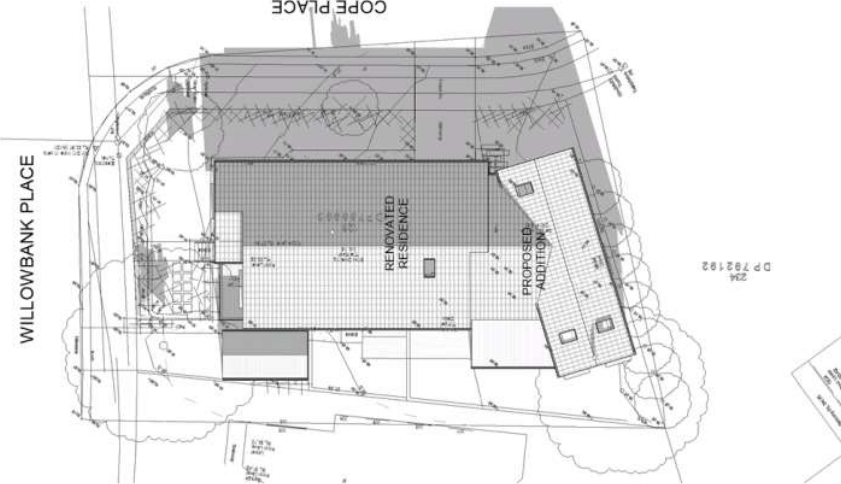

**Item 12.2 - 10.2020.266.1 – Lot 126 DP 788993 – 16  
Willowbank Place, Gerringong - New Dual Occupancy  
and Torrens Title Subdivision - alterations and  
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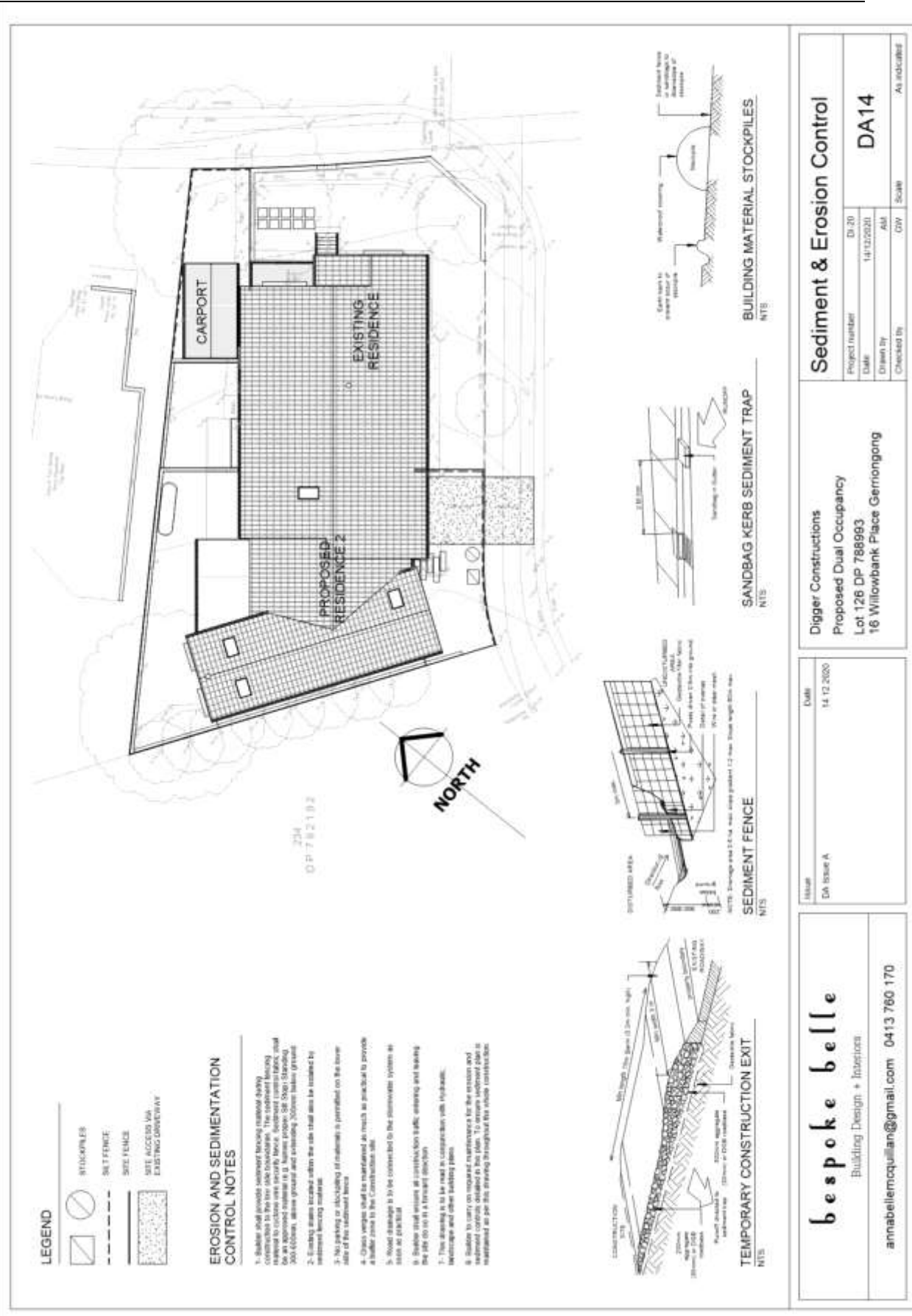
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**Attachments 1 - 10.2020.266.1 -  
Plans**

**Item 12.2**

**Attachment 1**

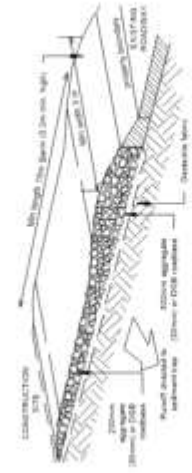
 <p style="text-align: center;">9AM - 22 June</p>	 <p style="text-align: center;">NOON - 22 June</p>	 <p style="text-align: center;">3PM - 22 June</p>										
 <p>NORTH</p>	<p>WILLOWBANK PLACE</p> <p>COPE PLACE</p> <p>RENOVATED RESIDENCE</p> <p>PROPOSED ADDITION</p> <p>DP 788993</p> <p>DP 782192</p>											
<p>Digger Constructions Proposed Dual Occupancy Lot 126 DP 788993 16 Willowbank Place Gerringong</p>												
<p>Issue: DA Issue A Date: 14.12.2020</p>												
<p><b>bespoke belle</b> Building Design + Interiors annabellemcquillan@gmail.com 0413 760 170</p>												
<p>Shadow Diagrams</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Project number</td> <td>DR-20</td> </tr> <tr> <td>Date</td> <td>14/12/2020</td> </tr> <tr> <td>Drawn by</td> <td>AM</td> </tr> <tr> <td>Checked by</td> <td>GW</td> </tr> <tr> <td colspan="2" style="text-align: right;">Scale</td> </tr> </table> <p style="text-align: right; font-size: 24pt; font-weight: bold;">DA11</p>			Project number	DR-20	Date	14/12/2020	Drawn by	AM	Checked by	GW	Scale	
Project number	DR-20											
Date	14/12/2020											
Drawn by	AM											
Checked by	GW											
Scale												



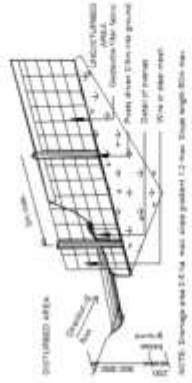
- LEGEND**
- STOCKPILES
  - SET FENCE
  - SITE FENCE
  - SITE ACCESS VIA EXISTING DRIVEWAY

**EROSION AND SEDIMENTATION CONTROL NOTES**

1. Builder shall provide sediment fencing (national duty) construction to the site boundaries. The sediment fencing shall be constructed in accordance with the requirements of the Code of Practice for the Construction Industry (CPI) (Sediment Fencing) 2004-65000, above ground and extending 300mm below ground.
2. Stockpile areas located within the site shall also be encircled by sediment fencing material.
3. No parking or stacking of materials is permitted on the lower side of the sediment fence.
4. Green verges shall be maintained as much as practical to provide a buffer zone to the Construction site.
5. Road drainage is to be connected to the stormwater system at least as practical.
6. Builders shall ensure all construction traffic entering and leaving the site do so in a forward direction.
7. This drawing is to be read in conjunction with hydraulic, landscape and other related plans.
8. Builder to carry on regular maintenance for the erosion and sediment controls installed in the plan. To ensure sediment silt is maintained as per the drawing throughout the whole construction.



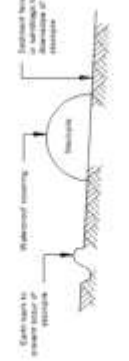
**TEMPORARY CONSTRUCTION EXIT**  
NTS



**SEDIMENT FENCE**  
NTS



**SANDBAG KERB SEDIMENT TRAP**  
NTS



**BUILDING MATERIAL STOCKPILES**  
NTS

**b e s p o k e b e l l e**  
Building Design + Interiors  
annabellequillan@gmail.com 0413 760 170

Issue: DA Issue A  
Date: 14.12.2020

Digger Constructions  
Proposed Dual Occupancy  
Lot 126 DP 788993  
16 Willowbank Place Gerringong

**Sediment & Erosion Control**  
Project Number: DA14  
Date: 14/12/2020  
Drawn By: AM  
Checked By: DW  
Scale: As indicated



**Item 12.2 - 10.2020.266.1 – Lot 126 DP 788993 – 16  
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**Attachments 1 - 10.2020.266.1 -  
Plans**

**Item 12.2**

**Attachment 1**

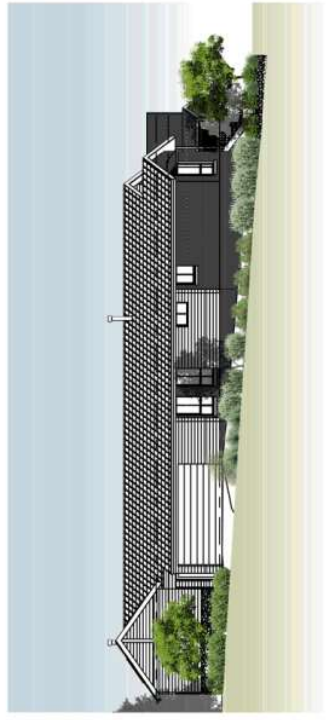
**PROPOSED DUAL OCCUPANCY DEVELOPMENT**  
**DEVELOPMENT APPLICATION LANDSCAPE DOCUMENTATION**

No 16 WILLOWBANK PLACE GERRINGONG NSW  
 PREPARED FOR: Digger Constructions  
 PREPARED BY: CAPTIVATE LANDSCAPE DESIGN & ARCHITECTURE

**LANDSCAPE CALCULATIONS:**

Garden Areas	= 97.54sqm
Turf Areas	= 170.40sqm
<b>TOTAL</b>	<b>= 267.94sqm</b>

ID	Qty	Common Name	Botanical Name	Scheduled Size	Mature Height	Mature Spread	Stakes
<b>Trees</b>							
Shrub 1	2	River Wattle	<i>Acacia copulata</i> 'Copper Top'	40L	3m	2.5m x 2	
Shrub 2	8	Lamington Blood Wattle	<i>Acacia Lineage</i>	200mm	1m	1m	
Shrub 3	8	Libby Pilly	<i>Acacia smithii</i> 'Caring Starburst'	200mm	1.5m	1m	
Shrub 4	8	Black 27 Pine	<i>Callistemon Green Blends 'Off Fire'</i>	200mm	1.5m	1.5m	
Shrub 5	8	Black 27 Pine	<i>Callistemon Green Blends 'Off Fire'</i>	200mm	1.5m	1.5m	
Shrub 6	16	Coolabah Rosemary	<i>Westringera hutchinsonii</i> 'Aussie Box'	200mm	0.8 - 1.2m	0.8 - 1.2m	
Shrub 7	8	Coolabah Rosemary	<i>Westringera hutchinsonii</i> 'Aussie Box'	200mm	0.8m	0.8m	
<b>Ground Covers</b>							
GC 1	8	Cotton Lavender	<i>Stachys cymatocarpus</i>	150mm	0.3 - 0.6m	0.3 - 0.6m	
GC 2	8	Peppercorn	<i>Scaevola aemula</i> 'Valerie Carter'	150mm	0.15-0.3m	0.6-1m	
GC 3	8	Peppercorn	<i>Scaevola aemula</i> 'Valerie Carter'	150mm	0.15-0.3m	0.6-1m	
<b>Grasses</b>							
Gr 1	11	Doonilla	<i>Doronicum tenuicaule</i> 'Emerald Arch'	150mm	0.55m	0.55m	
Gr 2	6	Luna Wren Lomatia	<i>Lomatia cylindrica</i> 'Luna Wren'	150mm	0.7m	0.7m	



South Elevation  
1:200

**ISSUE DATE** ... **NOTE** ... THIS DRAWING IS TO BE USED FOR THE SETTING OUT OF THE WORKS. THE CHECKS OF ALL DIMENSIONS AND LEVELS ON SITE, AND THE RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE CONTRACTOR FOR THE WORKS, DO NOT SCALE FROM DRAWINGS.

**Client**  
Digger Constructions

**Address**  
No 16 Willowbank Place  
Gerringong NSW

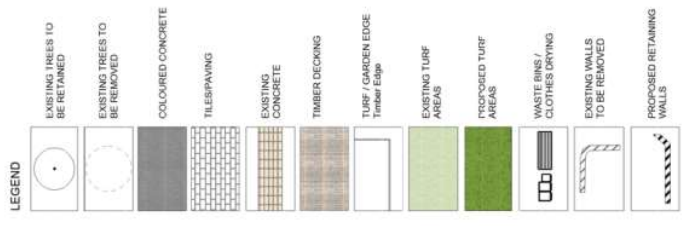
**Project**  
Dual Occupancy  
Development

**Drawing**  
Landscape Concept Plan

**Captivate**  
Landscape Design & Architecture

18 Manning St Kiama NSW 2533  
 PO Box 702 Kiama NSW 2533  
 P (02) 4232 1191  
 E info@captivate.com.au  
 captivate.com.au  
 captivatelandscape.com.au

Scale @A3 Job No. DA-1801  
 1:200  
 Date 10.12.20 Page 1  
 Status  
**For Development Application Only**



South Elevation  
1:200

### 12.3 Secondary Dwellings in Rural Zones

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 State Government is working on planning policies that encourage diverse and affordable housing development to meet the needs of our communities. This includes changes to the *State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP)* and the introduction of a new *State Environmental Planning Policy (Housing) (Housing SEPP)*.

On 18 December 2020, the first set of changes to housing policies were made. Of particular interest to this Council, changes were made to the size of secondary dwellings in rural zones. These amendments enable Council to set a maximum size for secondary dwellings and the maximum distance a secondary dwelling in a rural zone can be located from the principal dwelling.

The Department are requesting councils to nominate the maximum size and distances for rural secondary dwellings by 30 May 2021. As part of finalising the new Housing SEPP, in the middle of this year, the Department will make the necessary amendments to the Standard Instrument on Council's' behalf.

Council has previously resolved to restrict secondary dwellings to a maximum of 120 square metres. This size is considered appropriate for rural secondary dwellings. Kiama Development Control Plan (DCP) 2020 requires rural development, including secondary dwellings, to be clustered together and around the principal dwelling. While, the DCP does not define when a secondary dwelling is clustered around the principal dwelling the standard approach has been to require the dwellings to be located within 100m of each other. As rural dwellings often have a large footprint it is considered appropriate to require secondary dwellings to be located at least 60m from principal dwellings.

The lack of consultation and poor roll out of these amendments is a concern. The amendments made on 18 December 2020 have resulted in there being currently no size requirements for secondary dwellings in rural zones. The amendments also do not differentiate between secondary dwellings in Environmental zones and Residential zones.

#### Finance

N/A

#### Policy

The Kiama Local Strategic Planning Statement (LSPS) 2020 contains the Planning Priority to 'Plan for and balance housing supply and demand'.

#### Consultation (Internal)

Consultation has occurred internal with the Development Assessment team.

Report of the Director Environmental Services

12.3 Secondary Dwellings in Rural Zones (cont)

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### Communication/Community Engagement

The Strategic Planning works program includes a review into housing related controls within Kiama LEP 2011. A review of secondary dwelling controls will form part of this review. Consultation, in accordance with the Kiama Community Participation Plan (CPP) 2019, will occur as part of any future review led by Council.

#### Attachments

Nil

#### Enclosures

Nil

### RECOMMENDATION

That Council write to the Department of Planning, Industry & Environment to:

1. Request the inclusion of clause 5.5 into *Kiama Local Environmental Plan 2011* as follows:

*If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone:*

- (a) *The total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater-*
    - i. **120** square metres,
    - ii. **0%** of the total floor area of the principal dwelling, and
  - (b) *The distance between the secondary dwelling and the principal dwelling must not exceed 60 metres.*
2. Outline Council's concern and disappointment with the 18 December 2020 amendments as referenced in this report.

### BACKGROUND

The State Government is working on planning policies that encourage diverse and affordable housing development to meet the needs of our communities. This includes changes to the *State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP)* and the introduction of a new *State Environmental Planning Policy (Housing) (Housing SEPP)*.

#### Housing SEPP

The new SEPP aims to facilitate the delivery of diverse housing that meets the needs of the State's growing population and support the development of a build-to-rent sector. The proposed new SEPP would consolidate three current SEPPs and update some planning provisions in response to community and council concerns about boarding house and seniors housing development. Three new diverse housing types – build-to-rent housing, student housing and co-living – are being introduced to provide more housing options for the people of NSW.



Report of the Director Environmental Services

## 12.3 Secondary Dwellings in Rural Zones (cont)

### Changes to Kiama LEP 2011

On 18 December 2020, the first set of changes to housing policies were made. Of particular interest to this Council, changes were made to the size of secondary dwellings in rural zones.

On 18 December 2020, an order was issued to amend all Standard Instrument LEPs, including the Kiama LEP 2011, to change the existing size requirements for secondary dwellings to only apply to secondary dwellings in urban areas. The previous wording, prior to 18 December 2020, of clause 5.4(9) is provided below:

(9) **Secondary dwellings**

*If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—*

- (a) 60 square metres,
- (b) 100% of the total floor area of the principal dwelling.

Following the 18 December 2020 order, clause 5.4(9) now reads as follows:

(9) **Secondary dwellings on land other than land in a rural zone**

*If development for the purposes of a secondary dwelling is permitted under this Plan on land other than land in a rural zone, the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater—*

- (a) 60 square metres,
- (b) 100% of the total floor area of the principal dwelling.

Prior to 18 December 2020 all secondary dwellings in the Municipality were required to comply with clause 5.4(9) of the Kiama LEP 2011, which limited the size of secondary dwellings to either 60 square metres or 100% of the total floor area of the principal dwellings, whichever is the greater. Since 18 December 2020 there are no size limitations for secondary dwellings in rural zones.

While not addressing the immediate lack of regulation, the amendments also introduced a new provision to provide councils the discretion to set:

- The maximum size of a secondary dwelling
- The maximum distance a secondary dwelling in a rural zone can be located from the principal dwelling.

This new, optional, clause is provided below:

**5.5 Controls relating to secondary dwellings on land in a rural zone [optional]**

*If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone—*

- (a) *the total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater:*
  - (i) *[insert number] square metres,*

## Report of the Director Environmental Services

## 12.3 Secondary Dwellings in Rural Zones (cont)

(ii) *[insert number]% of the total floor area of the principal dwelling, and*

(b) *the distance between the secondary dwelling and the principal dwelling must not exceed [insert number] metres.*

**Direction**

*This clause may also be adopted without paragraph (a) or without paragraph (b).*

The effect of the amendment means that Council is able to nominate its preferred size for secondary dwellings on rural land via the preparation of a planning proposal which would adopt the new optional clause 5.5.

Alternatively, the Department are proposing to update the provisions of the Standard Instrument when the new Housing SEPP is finalised in the middle of this year. The Department are therefore requesting councils to nominate the maximum size and distances for rural secondary dwellings by 30 May 2021. As there are currently no size limitations for secondary dwellings in rural zones it is imperative that Council provide a response to Department in order for this void to be filled.

**Sizes of Secondary Dwellings**

At the September 2017 meeting Council requested the preparation of a report on the feasibility of a Planning Proposal to adjust Clause 5.4(9) of LEP 2011 in such a way as to reduce the permissible size of *secondary dwellings* from 100% to 25% of the principal dwelling. A report was prepared and discussed at the November 2017 meeting.

*Secondary dwellings* are permissible in all residential and rural zones and the E3 Environmental Management zone under the provisions of LEP 2011. LEP 2011 definition for *secondary dwellings* is provided below.

***secondary dwelling*** means a self-contained dwelling that:

- (a) *is established in conjunction with another dwelling (the principal dwelling), and*
- (b) *is on the same lot of land as the principal dwelling, and*
- (c) *is located within, or is attached to, or is separate from, the principal dwelling.*

At the November 2017 Ordinary Council meeting, Council resolved to reduce the total floor area of secondary dwellings to no greater than 120 square metres. While this resolution could not be enacted, due to limitations associated with Council's ability to amend the Standard Instrument LEP, it demonstrated a desire to limit the size of, particularly rural, secondary dwellings to 120 square metres.

## Report of the Director Environmental Services

## 12.3 Secondary Dwellings in Rural Zones (cont)

The intent of *secondary dwellings* is to provide small, affordable housing in conjunction with a principal dwelling on a property. In general terms this sort of development would often be referred to as a 'granny flat'. Both LEP 2011 and *State Environmental Planning Policy (Affordable Rental Housing) 2009* indicate that 60 square metres is the acceptable size for 'granny flat' development. It is also noted that 60 square metres is the standard size of most prefabricated/project 'granny flats'. It is clear that 60 square metres is both the industry's and government's acceptable standard in an urban context.

The current provisions of LEP 2011 enable large *secondary dwellings* to be erected on rural properties. It is understood that this was done, primarily, to allow larger secondary dwellings to occur in rural areas as the size of secondary dwellings in urban area are generally restricted by floor space ratio controls. Using the new clause 5.5 to limit the size of secondary dwellings in rural zones to 120 square metres is considered to be appropriate under the current circumstances.

As Council have the ability to nominate both the total square metre and percentage size of secondary dwellings in rural zones the overall size can be capped at 120 square metres by nominating a 0% of the total floor area of the principal dwelling.

Separation of Secondary Dwellings

The Kiama Development Control Plan (DCP) 2020 requires rural development, including secondary dwellings, to be clustered together and around the principal dwelling. This is done to reduce the amount of land required for asset protection zones and the impact on productive agricultural land.

Unfortunately, the DCP does not define or prescribe what circumstances/distances are considered 'clustered'. Utilising the new controls contained in clause 5.5 will assist in establishing when a secondary dwelling is clustered around the principal dwelling.

The standard approach being taken when assessing Development Applications is to require the rural development to be located within 100 metres of the principal dwelling. The wording of clause 5.5 would mean that when viewed in the landscape the nearest part of the principal and secondary dwellings would be separated by a maximum of 100 metres. The average asset protection zone is approximately 20 metres of clearing on all sides of a dwelling. This is a significant area, when considering that most rural dwellings have a larger width than urban dwellings. In this regards it is considered appropriate to require secondary dwellings to be located within 60 metres from principal dwellings.

The Strategic Planning works program includes a review into housing related controls within Kiama LEP 2011. A review of secondary dwelling controls will form part of this review and further amendments/refinements can be made at this time.

Flaws in State's Roll Out of Changes

The lack of consultation and poor roll out of these amendments is a concern. The amendments made on 18 December 2020 have resulted in there being currently no size requirements for secondary dwellings in rural zones. The means that currently a Development Application could be submitted for a secondary dwelling in a rural zone that was larger than the principal dwelling.

Report of the Director Environmental Services

### 12.3 Secondary Dwellings in Rural Zones (cont)

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Additionally, the amendments also do not differentiate between secondary dwellings in Environmental zones and Residential zones. Under Kiama LEP 2011, secondary dwellings are permissible with consent in all Residential and Rural zones and the E3 Environmental Management zone. With the orders issued 18 December 2020 the rule/restrictions that apply to secondary dwellings in Residential zones also apply to secondary dwellings in the E3 Environmental Management zone. This is not appropriate. It would be more appropriate to consider secondary dwellings in the E3 Environmental Management zone in a similar fashion to secondary dwellings in the Rural zones.

#### **Conclusion**

The ongoing reforms to the NSW Planning system are supported by Council. Unfortunately, the current piecemeal approach being taken by the Department is resulting in numerous issues that Local Government are required to address.

The introduction of different controls for secondary dwellings in Rural zones is supported. However, it needs to be acknowledged that different controls for secondary dwellings in Environmental zones are also required.

Council will continue to undertake housekeeping amendments to Kiama LEP 2011 as part of the Strategic Planning works program.

If supported by the elected Council, this report will be forwarded to the Department of Planning, Industry and Environment as Council's submission prior to 30 May 2021.

**13 REPORT OF THE DIRECTOR CORPORATE AND COMMERCIAL SERVICES**

Nil

## 14 REPORT OF THE DIRECTOR ENGINEERING AND WORKS

### 14.1 Question for future meeting: Blowhole Point - paid parking

CSP Objective: 1.0 A healthy, safe and inclusive community

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

Delivery Program: 1.1.7 Manage recreation and open space infrastructure to cater for current and future generations

Item 14.1

### Summary

At the February 2021 Council meeting, Councillor Steel requested a report on the possibility of introducing paid parking for visitors to Blowhole Point, Kiama. The matter was referred to the Director Engineering and Works for investigation and report.

### Attachments

Nil

### Enclosures

Nil

### **RECOMMENDATION**

[That Council notes the information contained in this report related to future parking schemes at Blowhole Point.](#)

### Report

Transport for NSW (TfNSW) have developed 'Pay Parking Guidelines' which provide legislative framework for pay parking schemes within NSW. The guidelines outline objectives and principles of pay parking schemes and responsibilities of both TfNSW and Local Councils for establishing and operating pay parking schemes. Any proposed pay parking scheme at Blowhole Point would fall within the intent of these Guidelines.

There are four main objectives outlined in the Guidelines for establishing pay parking schemes:

- ensuring both safety and traffic efficiency within the overall context of travel demand management and the management of traffic on the road system
- providing equitable access to parking spaces through increased parking turnover in areas where demand for parking exceeds the available parking spaces
- helping to manage the competition between short-medium term parking and all day parking

## Report of the Director Engineering and Works

## 14.1 Question for future meeting: Blowhole Point - paid parking (cont)

- 
- ensuring that any parking demand strategy is consistent with any land transport strategy for the area, and to support and complement the transport objectives, especially public and active transport, rather than working against them.

TfNSW generally will not support pay parking schemes where parking demand is adequately met by the available parking spaces. Under the Guidelines, TfNSW approval is required for:

- all pay parking devices or systems that are used in NSW
- pay parking schemes proposed on classified roads
- cashless metered or ticket pay parking schemes.

In accordance with TfNSW delegation to councils within the Guidelines, Council is responsible for:

- developing a parking strategy that includes proposed pay parking schemes, supported by parking studies and community consultation
- referring all pay parking schemes to the local traffic committee for consideration and recommendation to Council or its delegate
- establishing and operating pay parking schemes on roads and road related areas within their area of operations, except on classified roads unless approved by TfNSW
- installing and maintaining parking control signs and devices associated with the pay parking scheme
- installing parking control signs and devices associated with declared organisations' pay parking schemes, if and as required
- all installation, maintenance, enforcement, recovery of revenue and other administrative costs associated with the pay parking scheme
- keeping records of the types of traffic control devices installed, time and date of installation, and display, alteration or removal of signs and devices
- fixing the parking fees by resolution of the Council.

In 2007, Council engaged consultants ARRB to carry out a Parking Occupancy Study and Pay Parking Feasibility Study of Kiama CBD. Although the finding of those studies concluded that a pay parking scheme was unwarranted at the time due to consistent turnover of vehicles and general compliance within existing restrictions, the near full utilisation of parking at peak times (weekends and public holidays) indicated that future intervention might be required. Preliminary results from the Traffic and Parking study of the Kiama CBD that is currently underway, are finding similar results. It is noted however that the 2007 and current study, both exclude Blowhole Point as part of the study areas.

In terms of implementing a pay parking scheme that applied to visitors only, this would require a separate permit parking scheme to also be introduced that meets the TfNSW 'Permit Parking Guidelines'. Under these guidelines, the following eligibility criteria must be satisfied:

- There is a high demand for parking in the area;

## Report of the Director Engineering and Works

## 14.1 Question for future meeting: Blowhole Point - paid parking (cont)

- There is inadequate off-street parking and no potential to modify premises or create off-street parking;
- There is little or no unrestricted on-street parking close by;
- Eligible vehicle is not a truck, bus, tram, tractor or trailer (boat or caravan) and is registered in NSW or classified as a vehicle temporarily in NSW;
- There are no areas to be set aside exclusively for permit parking;
- Parking authorities to determine the total number of permit classes issued in their area of operations, but should not exceed the number of available on-street parking spaces in the area;
- Permit parking schemes must be distinct from other parking authorities' schemes;
- Permit parking schemes must be established and administered so users can readily identify which scheme applies to them or to their vehicle;
- Permit parking scheme identification codes must be displayed on permissive or pay parking signs.
- All permits other than resident's visitor permits must specify the vehicle registration to which they relate.

Based on the above, it is expected that the introduction of a permit scheme that would exempt non-visitors from pay parking fees at Blowhole Point, would not meet a number of the eligibility criteria listed and would also create a significant administrative burden on Council to implement, manage and monitor a permit parking scheme.

Blowhole Point Reserve is designated a Crown Reserve under the management and control of Kiama Council. A Management Plan for the Reserve has included a proposal to construct approximately 90 additional carparking spaces at Blowhole Point to address reported parking shortfalls at this state significant tourist destination. As part of the proposed Kiama Harbour Revitalisation Strategic Plan, a number of recommendations were made regarding the modification and limitation of vehicle traffic around Blowhole Point. Further traffic studies and parking analysis would need to be undertaken by the State government to implement these proposals. It is therefore envisaged that investigation of parking arrangements, including pay parking schemes at Blowhole Point Reserve, should be advocated by Council for incorporation into the scope of these future studies.

### Conclusion

To obtain TfNSW and community support for establishing a pay parking scheme at Blowhole Point, it would be necessary to first undertake a parking study at Blowhole Point to determine if a pay parking scheme meets the objectives outlined by TfNSW Pay Parking Guidelines. It is feasible that this study could be incorporated into the future traffic and parking investigations for the Kiama harbour revitalization planning.

However from an initial review of permit parking schemes, it is considered unlikely that a permit parking scheme to exempt non-visitors at Blowhole Point would meet the eligibility criteria set out in the TfNSW Guidelines at this time.



**14.2 Question for future meeting: James Oates Reserve and Charles Avenue congestion**

CSP Objective: 1.0 A healthy, safe and inclusive community

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

Delivery Program: 1.1.7 Manage recreation and open space infrastructure to cater for current and future generations

Item 14.2

**Summary**

Councillor Way requested a report on addressing the problems at Minnamurra created by additional tourists over school holidays and long weekends where the area particularly around James Oates Reserve and Charles Avenue are over populated causing concerns associated with overcrowding that include, camping, traffic, dog control, parking etc. as per advice from the Minnamurra Progress Association. This report should include short and long term strategies to remedy this situation. The matter was referred to the Director Engineering and Works for investigation and report.

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

That Council note the current short and potential long term strategies to address traffic and parking congestion in and around James Oates Reserve, Minnamurra.

**Background**

Like many areas across the Municipality, there has been a significant increase in visitation in recent years, more recently due to the impacts that the pandemic is having on people's ability to travel interstate and internationally. James Oates Reserve, Minnamurra is just one of many local areas that have been very busy over the summer holiday periods that has resulted in traffic and parking congestion and associated visitation issues.

Whilst the majority of visitors have been respectful and well behaved, there have been reports of issues surrounding parking, camping, dog control and public facility usage in the area.

Report of the Director Engineering and Works

14.2 Question for future meeting: James Oates Reserve and Charles Avenue congestion (cont)

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**Current and short term strategies**

Due to this demand, James Oates Reserve carparking was recently expanded to 58 parking spaces to cater for the multitude of different users including swimming, picnicking, kayaking, fishing and boat ramp launching. Council Rangers undertake regular patrols of these areas for illegal parking and will respond to complaints reported. For urgent or dangerous matters these can also be reported to NSW Police for action.

Similarly, camping and dogs off-leash are prohibited activities in these reserves and are actively enforced by Council Rangers as resources permit and additional signage has been installed to reinforce this. However it should be noted that many of the dog off-leash complaints are related to dogs on the northern (Killalea) side of the Minnamurra River which are outside the Kiama local government area.

While the James Oates Reserve carpark can reach capacity in peak periods, there is still ample untimed kerbside parking lanes in Charles Avenue which are only a short walk to the area. Council's draft budget for 2021/22 has included a proposal to construct additional footpaths within the reserve to cater for these pedestrians.

**Longer term strategies**

In order to cater for increased parking demand in the area in the long term, it is considered that James Holt Reserve carpark, approximately 950 metres north of James Oates reserve, is currently underutilised. This reserve has an existing gravel and grassed parking area with haphazard parking arrangements currently occurring. It is envisaged that the formalisation and expansion of this carpark has the scope to provide additional parking availability for the precinct with close proximity to the River.

Similarly, better promotion and/or signage of the Rangoon Road and North Street carparks as other parking alternatives that also provide access to the River could be undertaken to relieve the parking demand on James Oates Reserve. These proposals could be included in Council's longer term capital works programs for consideration as budget and resources permit.

A number of other matters previously raised by the Minnamurra Progress Association to Council including additional boat ramp signage and public showers are currently being investigated.

Further, more detailed analysis and consideration of current traffic impacts and of potential solutions beyond those referenced above, would require significant allocation of resources that are currently not allocated.

**14.3 Question for future meeting: Kiama Harbour boat owners**

CSP Objective: 1.0 A healthy, safe and inclusive community

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

Delivery Program: 1.1.7 Manage recreation and open space infrastructure to cater for current and future generations

**Summary**

This report responds to a Question for Future Meeting from Councillor Steel regarding the management of the boat moorings in Kiama Harbour.

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

[That Council note the contents of this report.](#)

**Background**

At the March 2021 Council meeting, Councillor Steel requested a report in response to the following questions:

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

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

**Report**

Kiama Harbour is managed by the NSW Department of Planning, Industry and Environment (Crown Lands Division). The Kiama Harbour Boat Owners Association Inc. (KHBOA) is a committee of mooring licence holders who have been granted usage rights and to ensure their Permissive Occupancy requirements are met. The KHBOA upholds these requirements by administering:

## Report of the Director Engineering and Works

## 14.3 Question for future meeting: Kiama Harbour boat owners (cont)

- 
- maintenance of the Harbour and fisherman sheds
  - maintenance of the moorings
  - harbour activity oversight
  - provision of visitor moorings
  - maintenance of a mooring waiting list
  - registration of vessel movements
  - maintenance and operational management of the Kiama Harbour Slipway.
  - mooring management.

Council officers contacted the KHBOA who provided the following information in response to the questions raised:

1. The boat owners do not rent directly from the NSW Government, but from the KHBOA who is the holder of the lease and subsequently each occupant contributes to this cost. Due to commercial in confidence reasons, the KHBOA was reluctant to provide rental details publicly but can be directly contacted for further enquiries.
2. There are two available berths for visitors that are a condition of the KHBOA occupancy agreement and are at no cost to visiting vessels. These are located inside the entrance to the actual harbour at the first mooring on the left and right when entering the harbour. The use of these moorings are subject to several rules of use, the main one being that under normal conditions these are only allowed to be utilised by a visiting vessel for a maximum of two days. However allowances are made for bad weather and vessel repairs etc.
3. Enquiries on moorings are to be made directly to the KHBOA at the contact details provided on their website at [www.kiamaharbour.com.au](http://www.kiamaharbour.com.au).

**14.4 Question for future meeting: Tree removal notification**

CSP Objective: 1.0 A healthy, safe and inclusive community

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

Delivery Program: 1.1.7 Manage recreation and open space infrastructure to cater for current and future generations

**Summary**

At the March 2021 Council meeting, Councillor Rice requested a report on the most efficient way that Council can notify the community of approved and expected tree removal activity across the Municipality. The matter was referred to the Director Engineering and Works for investigation and report.

**Attachments**

Nil

**Enclosures**

Nil

**RECOMMENDATION**

That Council notes that the review of the Tree Management Policy will include improvements to the public notification process for tree removal requests, with consideration of privacy and confidentiality requirements.

**Report**

The removal of trees in the Municipality falls into a number of categories with each having different notification processes as outlined below:

**1. Removal of trees as part of a development application**

Trees to be removed as part of a development application (DA) are generally shown on site plans or landscaping plans etc, that are included as part of neighbour notifications along with the publication on Council's DA tracker service. This service is available to the general public to view and is in widespread use by local Councils.

## Report of the Director Engineering and Works

## 14.4 Question for future meeting: Tree removal notification (cont)

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**2. Removal of trees on public land**

Trees on public land are assessed by Council's qualified staff who make a determination based on a number of factors including the tree's age, health, prominence, species and community risk management. Often the removal of a tree is a last option after other remediation measures have been exhausted. Notification to adjacent property owners may be made depending on the location etc. Wider community notification is only made if the tree's removal necessitates road closures or other impacts and inconveniences.

**3. Removal of trees on private land**

Trees on private land are managed under Council's Tree Management Policy. Following a formal application by a property owner to remove or prune a tree, an assessment is undertaken by Council's Tree Management officer similar to that carried out for public land trees. Formal correspondence is sent to the applicant advising of the decision. At present, these decisions are not publicly advertised, generally due to Privacy Act reasons. It is envisaged that into the future, redacted information can be made publicly available on Council's website advising of tree application decisions. However, in the interim if a member of the public has concerns regarding any tree removal activity, they can contact Council's customer services, who can provide specific advice, where available.

**4. Removal of trees for bushfire protection**

Trees on private land that are within designated bushfire prone zonings are permitted to remove trees within a certain distance from a dwelling. This permissibility falls within the NSW Rural Fire Service legislation that does not require application or notification to Council. In these instances as Council is generally not part of the approval process it is unable to provide any community notification.

The notification process for advising the community about tree removal applications and approvals varies depending on the nature and location of the tree removal request. Council's Tree Management Policy is currently under review and expected to be placed on public exhibition later this year. The community notification process for all types of tree removals will be reviewed and improved as part of this Policy review. Councillors and residents will have the opportunity to comment on these proposed improvements as part of draft development and exhibition process.

**15 REPORT OF THE DIRECTOR BLUE HAVEN**

Nil

## 16 REPORTS FOR INFORMATION

### 16.1 2020-21 NSW Environment Protection Authority Better Waste Recycling Fund Projects

Responsible Director: Environmental Services

#### BACKGROUND

The NSW Environment Protection Authority (EPA) Better Waste Recycling Fund (BWRF) provides funding to local councils and regional groups of councils for projects to make it easier for their communities to recycle more and decrease the amount of waste sent to landfill and to reduce illegal dumping.

All projects and allocated budgets have to be first approved by the NSW EPA before funding is provided prior to implementation. Council can also allocate and provide supplementary funding including other grant funds for these projects.

For the 2020-2021 financial year the NSW EPA has allocated funding of \$65,671.70 to fully fund the following projects as outlined in Table 1 below.

**Table 1**  
**2020-2021 Better Waste Recycling Fund Projects**

2020-2021 NSW EPA Funded Project	NSW EPA BWRF Project Amount
<p><b>Replas Product</b></p> <p>To incorporate product made from recycled content in Council key building projects. To use products that have little to no maintenance requirements thereby minimising maintenance costs. To provide an opportunity for Council to demonstrate and promote the use of recycled product.</p>	\$12,000
<p><b>Purchase of images from local photographers for new truck signage</b></p> <p>Project aims to replace the outdated signage on the waste service fleet with positive and relatable waste images and messages. A workshop held 22 October 2020 determined that the images would be sought from local photographers. This funding will be spent on the final photographs selected to feature in the new waste fleet signage.</p>	\$10,000
<p><b>Waste Services on Wheels</b></p> <p>To improve the efficiencies of Council's waste services over weekends, school holiday periods and over the summer holiday period. The purchase of the two all-terrain vehicles and trailers will allow easier access to public place bins for servicing on a regular basis throughout the day. The vehicles and trailers will feature prominent decals that will promote litter awareness.</p>	\$43,671



**16.2 Community donations update - 2nd and 3rd quarter reporting**

Responsible Director: Office of the General Manager

In the second and third quarters for the 2020/2021 financial year the Community Donations Panel has approved a \$250 contribution to the following:

<b>Applicant</b>	<b>Funding towards</b>
<b>Shine Kiama High School</b>	Purchase of data projector for classroom use
<b>Illawarra Wires</b>	Venue hire for training course
<b>Illawarra/Shoalhaven Compassionate Communities</b>	Venue hire for training course

**Communication/Community Engagement**

Details of Council's Community Donations Policy are available on Council's website. Closing dates for applications are advertised through usual media channels.

**16.3 Minutes: Central Precinct - 23 February 2021, 23 March 2021 and 27 April 2021**

Responsible Director: Office of the General Manager

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Attached for Councillors' information are the minutes of the Central Precinct meetings held on 23 February 2021, 23 March 2021 and 27 April 2021.

**Communication/Community Engagement**

Councillors and staff regularly attend and address Precinct meetings.

Meeting dates are published on Council's website.

**Attachments**

- 1 Minutes: Central Precinct - 23/02/2021 [↓](#)
- 2 Minutes: Central Precinct - 23/03/2021 [↓](#)
- 3 Minutes: Central Precinct - 27/04/2021 [↓](#)

## Kiama Central Precinct Agenda

Minutes - Meeting 23 February 2021

Chair: Mark Greaves

Venue: Joyce Wheatley Centre and [Online via Zoom platform](#)

Time: 7:00pm Tuesday 23<sup>rd</sup> February 2021

Meeting ID: Meeting ID: 825 5689 8639

Password: 191011

### 1) Preliminaries – Please use microphones

#### a) Covid-19 rules:

[COVID Safety Plan Kiama Municipal Council – effective 3 January 2021](#)

#### b) **Welcome** – Kiama Council’s Acting General Manager - Jessica Rippon Mayor - Mark Honey, Councillors – Neil Reilly, Kathy Rice and Mark Way

#### c) **Acknowledgement:** We acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.

#### d) **Apologies** – Heather Hill, Gordon Bell, Pam Wilson, Kim Elder

**Attendees** – Neil Reilly, Mark Way, Graeme Gherashe, Tanya George, Mark Greaves,  
Karen Lang, Barrie Bamford, Bryce Singh, Ken Cook, Warren Simpson, John Ryrne,  
Peter O’Neill, Heather O’Neill, Jessica Rippon, Patricia Giles, Margaret Watson, R.  
Zuch, Janet Peters, A. Marsden, Sofia Capodanni, Dan Balding, Murray Coddington,  
Julie Coddington, Peter Toohy, Sandy Morse, Elaine Norris, Annette Levering, Sue  
Clucas, Mila Evans, Stuart Larkins, Glenn Lowe, Greg Cameron, Richard Maitland,  
Tony Robison, Keith Watson, Judy Watson, Robert Barnes, Sharon Hindmarsh,  
Wayne Hollingworth, Judy Welstead, A. Robison, Jodi Keast, P. Giles, Joanne Fawnes,  
Leonie Deuis, Drew Ratz, Jill Lambert, Sue Eggins, Heather Bell, Cheryl Pearce, Neil  
Dixon, Susan Smith, Alan Woodward, Mark Honey, Thomas Carrie, Jan Katkjaer, Rob  
McKinnon, Ros McKinnon, Ginny Rhys, Geoff Pratt, Dianne Whittaker, Geoff Wilson,  
Anne Greaves, Alison Langham, Craig Summerhayes, Ian Gowan, L. Penninglan, M.  
Coddington, Elaine Norris, Michael Manning, Michael Bowden, Claire Roberts, Helen  
Lear, Bonnie Casser, Brian Warren, Suzanne Buroon, John Byrne, Julia Roso, Kathy  
Rice, Cathy Law, Warren Steel(late arrival)

#### e) **Minutes** of the KCP meeting 24 November 2020

Accepted – Sue Eggins

Seconded – Anne Greaves

## Kiama Central Precinct Agenda

Role of the Precinct is to:

- Distribute information from council to residents
- Gain opinions and aspirations of residents and advise council
- Two way process so as to make a positive contribution to the local community

### 2) Correspondence In

- a) [Updated COVID Plans and QR Code - KMC](#)
- b) [Crown Lands Report](#) Thank you from DPIE for submission on the draft State Strategic Plan for Crown land.
- c) [Community Directory](#)
- d) [Short Term Rental Accommodation Code of Conduct](#)
- e) [Amended DA 47 Thompson Street](#)  
[Amended DA 10 Bong Bong Street](#)  
[Amended DA 1/55 Collins Street](#)
- f) [FOMR News Release 14 Jan 2021](#)  
[FOMR News Release 31 Jan 2021](#)  
[FOMR News Release 14 Feb 2021](#)
- g) [Transport NSW – Kiama Harbour Revitalisation Plan](#) Draft Plan
- h) [Traffic and Parking Study](#) Request to council for update. This has been done and is in draft form
- i) [AUSMAP](#) – Kiama chosen as pilot for litter project
- j) [Update Dido Street and Spring Creek Proposed Development](#)
  - One proposal has been withdrawn a/c unable to meet fire requirements
  - Second proposal waiting on a caveat to be lifted from the department of transport. This will take some time
  - Third proposal – currently up for sale
- k) [DA process changes](#) Request to council for clarification on new DA process. 66 Collins Street proposed development.

All DA's in every council in NSW goes through a planning portal hosted by DPIE

### Kiama Central Precinct Agenda

Aim is to speed up time and move DA's from paper to an online system with a level of consistency. This is mandated by the State Government.

Proposed development of 66 Collins Street:

- Detailed submission by KCP objecting to a number of issues
- July 2020 Council placed a 6 month interim heritage order on the site
- Detailed report came back from Heritage consultant advising that the property did not have enough heritage requirements to stop demolition
- Currently developer has withdrawn application
- Case to be made to Council for possible future alternate development
- Current heritage report will remain on this property for any future DA

#### 3) Correspondence Out

- a) [Kiama Community Radio Survey](#)
- b) [Email to councillors re GM Role](#)

#### 4) Updates

- a) Bombo Quarry and Kiama Epicentre Assoc update
  - Bombo quarry will be closing – not sure when
  - Different groups formed to discuss what will be happening
  - Could be up to 5,000 residents (2,400 dwellings)
  - Meetings have been held with Council, Gareth Ward, Transport for NSW and Department of Planning
  - Progress has been slow
  - Fill will be taken in by either road or rail, still has to be worked out
  - Boral keen to move on and sell the property after site rehabilitation
  - Development plans are unofficial and include a mixture of residential housing, commercial, light industrial, retail and entertainment areas
  - This is a 10-15 year project

In summary this has only been identified in a plan owned by the State Government, there is no developer, there is no master plan and there is no DA. This site is currently zoned 'Industrial'; however, the State Government would do the rezoning before passing over to Council

#### b) CCAG

- South Precinct - library panicle has been lowered
  - actively trying to establish the Bendigo Bank
- North Precinct – Friends of Minnamurra are actively involved with opposing Boral sand mining proposals

### Kiama Central Precinct Agenda

- Jamberoo – has infra-structure problems around sewerage and water, thus limiting expansion
- c) Short Term Rental Accommodation
- There have been many significant issues resulting from time to time in unsavoury behaviour by guests
  - Continued struggles over the past few years negotiating with Police, State Government and Council, trying to get legislation to work more effectively
  - KCP has formed a steering committee to liaise with Police, Council, State Government (Department of Fair Trading) and residents.
  - Previously there have been a number of major negative impacts associated with STRA properties throughout the LGA.
  - Initial difficulty in finding appropriate people in authority (from State Government, Council and Police) to listen to concerns
  - NSW Government were to release a paper last April 2020 – draft was inadequate
  - Council had a policy document regarding ‘what could and could not be done’ regarding STRA – never enforced and always in process of being rewritten
  - Need to find a desired solution
  - There are two types of STRA – Hosted and Non-hosted
  - Hosted properties are not such a problem because the host lives on the premises and takes accountability for what is happening
  - Non hosted large STRA properties are very different because the owner is usually absent, generally not contactable, takes little responsibility and accountability for what occurs at the property during its occupancy
  - State Government (Department of Fair Trading) has recently released (18<sup>th</sup> December 2020) a new Code of Conduct.
  - Kiama Council has recently released draft additions to DCP 2020 – Ch 10 ‘Visitor Accommodation and Tourism’ which, in part, covers STRA. The recommendations are on Public Exhibition
  - One of the aims of the STRA Steering Committee is to improve the communication process between residents and authorities
  - In addition there is a need to understand what obligations Council, State Government and the Police have in relation to controlling these businesses
- d) Kiama Community Radio
- Currently 5 podcasts per week are published
  - Recently published first Kiama LGA matters
  - Looking at a local health program
  - Many members have experience in FM matters so potentially looking at obtaining a temporary licence
  - Have 4 paying sponsors:

### Kiama Central Precinct Agenda

- Destination Kiama
  - Kiama Golf Club
  - Kiama Leagues Club
  - Kiama Community College
- e) Arts and Culture
- KCP pleased to support Arts and Culture
  - The Kiama LGA has more participation in the production of arts and culture than any other LGA in Australia
  - The Board (elected by Council) has 10 members
  - Annual cultural grant program (shortly closes - \$20,000)
  - Arts Centre concept – a lot of work still has to be done
  - Concept of starting a street art competition
- f) Urban Greening Strategy – terrestrial mapping, tree replacement policy
- For the first time a whole range of issues on Urban Greening Strategy appears in the Local Strategic Planning Statement (essentially a 20 year plan statement for the council area)
  - Funded terrestrial mapping (previously done in 2007)
  - Tree replacement policy to be included in next year's budget
- g) Heritage committee – Sue Eggins
- As a result of the Kiama Town Centre Study two years ago, Council budgeted to look at the heritage within the town centre
  - Looked at structures that already have heritage value, and structures believed to have heritage value but not listed
  - Historic society has 4 members on a heritage committee:
    - Michael Forsyth – previous General Manager of Kiama Council
    - Robyn Mills – heritage consultant
    - Cathy Timms – work on Pheasant Point heritage conservation area
    - Sue Eggins
  - Members prepared all the basic material for the consultants for the Town Centre Study related to the heritage update
  - Three heritage conservation areas which are believed to be important:
    - Area between Grand Hotel down the post office and around to the court house
    - Eddy Street – proposal to change zoning from 2 to 3 stories
    - Bong Bong street between Railway Parade up to Shoalhaven Street
- 5) General Business
- a) Harbour Revitalisation project  
[Central Precinct Submission](#)

### Kiama Central Precinct Agenda

- This is a draft submission
- This plan is not a 'Council Plan'. Council are stake holders in the process
- This is under consultation and there has been no decision made yet
- It is a vision and plan to get community comments
- Council own some parcels of the land
- There are many differing opinions within the community
- Council, as a body, will make a submission
- This plan is very high level and visionary
- The plan is unlikely to be implemented in the short term. There is no funding in place, nor has there been any costings done. A lot more consultation is required
- Residents are encouraged to send in submissions and comments, and the closing date is 5<sup>th</sup> March.
- There is widespread agreement that the harbour can be improved for all residents. This is the time for the Kiama community to embrace this opportunity and have a say as to what will happen
- At last the community has become engaged in the process and people are talking about what should happen
- The direction of the document is that of the NSW Governments' future vision of a revitalized Kiama Harbour – it is not the communities' vision.
- Document does not refer to the 2015 Harbour Master Plan
- The harbour is an interconnection between the ocean and the land and a framework that does not have connection to what the community want is very poor
- Suggestion to move boat ramp is ill-informed, as the current facility is 'as good as it gets'
- There is a uniqueness about Kiama harbour
- Some things do need an upgrade, such as the promenade and catering for the disabled
- There are concerns that traffic and parking issues have not been addressed
- Concern regarding the next stage of the consultation process
- Many residents are concerned as to who will be responsible for ongoing maintenance?
- This plan has not been adopted or endorsed by Council. Big push by State Government to spend money on public spaces due to COVID – 19. Council has had input into the plan but Council does not have the final say. There are many different processes to go through in terms of a DA.
- A comment was made that the turnaround time for submissions is short which gives the community a perception of 'things' being rushed through
- A further comment was made that the tone of the draft plan sounded very commercial with no voice from the community

- b) 85 Attunga Avenue  
Background information and correspondence:



## Kiama Central Precinct Agenda

[KCP letter of Support 15 Dec 20](#)  
[Background information and corro 5 Jan 21](#)  
[KMC response to KHRG corro 6 Jan 21](#)  
[Correspondence KMC 25 Jan 21](#)  
[KCP correspondence to KMC 28 Jan 21](#)  
[KMC advice re Gateway Determination 9 Feb 21](#)  
[KMC response to KCP 28 Jan corro 9 Feb 21](#)

### Background

- Kiama Heights residential estate was established in the late 1950s
- Two areas of park were included on the subdivision one of which is 85 Attunga Avenue
- Proposal that the park be reclassified and sold was first raised in 2017
- This was not raised with community in the initial stages
- In mid 2020 Council recommended a proposal to re-classify the land so that the block could be sold as a residential block
- Locals expressed concerns, in particular, the lack of consultation
- Council has been responsive to some of the concerns
- Local residents like to have their public space and it is used for many purposes.
- Value of the financial dividend from the sale is questionable
- It is unfair Kiama Heights has much less parkland than other areas across the LGA
- The whole issue is just puzzling and there seems to be no rationale. Not sure why this has come up at this particular point in time and not sure why there is an intention to decrease the public space.
- Looking at the current and future needs of Kiama Heights, there is an increasing need for more public space, not less
- Local public space is increasingly important, particularly during Covid times
- Residents would like to engage with the Council and the wider community on this matter in order to find a way forward on this issue. Residents do not want to feel they have lost something or been treated poorly
- The local residents are looking for a solution and require more information so as to better understand what is behind the proposal
- Via the Central Precinct the residents have formally asked Council for more information
- In addition the residents want a consultation process with Council that seeks to engage with the community, not simply a procedural matter
- The planning policy states that the proceeds from the sale of Council land has to go into a Council Land Development Reserve, and cannot be used for general expenditure by Council

### Kiama Central Precinct Agenda

- Motion – Central Precinct support the Kiama Heights Residents Group in its action and submissions – Seconded Graeme Gherashe. Unanimously supported. No one spoke against the motion
  
- c) Boral Sandmining Proposal – update from Richard Maitland, from Friends of Minnamurra River(FOMR)
  - Update
    - Both Kiama and Shellharbour Councils are opposed to this development
    - In terms of the Dunmore Lakes sand proposal:
      - 1999 stage 1 of the Dunmore Lakes sand project was granted development consent
      - Dunmore Soil and Sand were the applicants
      - Stage 1 is in the Dunmore Lakes Estate and consists of two artificial lakes
    - 2004 application lodged to develop stages 2 to 4 (western side of Dunmore straight). This was approved in 2005 (800,000 tonnes of sand per annum over 25 years)
    - 2005 Boral purchased Dunmore Soil and Sand and included Dunmore Lakes sand project
    - 2007 dredging commenced for stages 2 to 4
    - 2018. Sand supply running out so Boral applied for a modification in 2019 to open up two new sand mines adjacent to the Minnamurra River on the flood plain
    - This has been strongly opposed and the Independent Planning Commission held a public meeting to assess the application (October 2020).  
Presentations of submissions opposing Boral’s modifications were of a very high standard.  
Kiama Council, Shellharbour Council, Local State Member, Independent Member of the Upper House, environmental groups, Illawarra Land Council and many individuals all argued against the proposal
    - On 21<sup>st</sup> November 2020, three Commissioners granted consent for the two sand mines with limited conditions
    - Boral has effectively shifted the burden from themselves to the community and to the environment in regard to sand mining
    - Friends of Minnamurra River have sort legal advice in regard to this matter
    - The group is looking for funding support
  
- d) Dido Street – refer section 2 j

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### **Kiama Central Precinct Agenda**

- e) Selection of new GM and senior staff turnover
- Concern from residents and rate payers regarding significant turnover of senior staff in Council over the last 12 months
  - Most recently the General Manager has left
  - As a community we have an opportunity to support the good people we have in Council

**Final Comment**

- Motion - request Kiama Council as a matter of urgency to place an interim heritage order on 95, 97 and 99 Manning Street before the 13<sup>th</sup> March 2021 so they can investigate placing a permanent heritage order on these three homes
- Sue Eggins and Jessica Rippon advised the meeting that it is not easy to obtain an interim heritage order as a lot of information is required.
- To obtain an interim heritage a property must be under an imminent threat. Sale of the property is not an imminent threat. For example a DA is classified as an imminent threat

**Next Meeting** – 23 March 2021– Chair – Mark Greaves

**Topic of the month** - TBA

Kiama Central Precinct Agenda

Ongoing matters

Issue/topic and date raised	KCP Request	Council Response	Status
<b>Land use, development, dwelling numbers, and zoning have been ongoing issues discussed at KCP meetings since its inception in 2017.</b>			
Kiama Harbour Revitalisation	Mark Greaves and Peter O'Neil are KCP representatives on the Stakeholder working group <a href="#">KCP email 14 September 2020</a> to Megan Hutchison, General Manager and all Councillors – feedback on options presentation	<a href="#">Correspondence from Transport</a> (via Megan Hutchison Director of Economic Development) 21 July 2020 Megan Hutchison - <a href="#">options</a> presentation KCP meeting 25 Aug 2020	Open
Housing Strategy	<a href="#">Email from KCP 22 July 2020</a> – Requesting talking points on Housing Strategy <a href="#">Email to all Councillors on KCP submission on NSW Housing Strategy 24 July 2020</a>	<a href="#">Council email 1 July 2020</a> detailing C/r Rice's motion to develop a housing strategy <a href="#">Related email from DES Jessica Rippon</a> on Housing Strategy	Open
NSW Planning System	<a href="#">BPN Letter 18 July 2020</a> on changes to NSW Planning <a href="#">Email to all Councillors</a> on <a href="#">KCP submission on NSW Housing Strategy 24 July 2020</a> .		Open
Spring Creek and Dido Street Proposals	<a href="#">KCP Submission</a> – 9 June 2020 <a href="#">Invitation for all Councillors</a> to inspect the sites Follow-up <a href="#">KCP invitation 14 July 2020</a> to all Councillors to attend onsite meeting <a href="#">KCP email 15 July 2020 to Jessica Rippon</a> on combined meeting.	<a href="#">Response from C/r Rice</a> 14 July <a href="#">Response from DES</a> 14 July 2020 <a href="#">Response from C/r Sloan</a> 15 July 2020 <a href="#">Council notice 15 July 2020</a> - report Lot 2 (part of Spring Creek development) before Council 21 July 2020, over 12 emails from KCP members	Open

Kiama Central Precinct Agenda

<p>South Kiama rezoning and development proposal</p> <p>KCP meeting 23 July 2019</p>	<p><a href="#">Letter to Council</a> – 7 August 2019- requesting advice on South Kiama development proposal to rezone land between Weir Street and Saddleback Mountain Road</p> <p>Also see <a href="#">Letter to Gareth Ward MP dated 2 August 2019</a> and <a href="#">Letter to Gareth Ward dated 23 September</a></p> <p><a href="#">CCAG Letter</a> to Ministers Ward and Stokes 20 February 2020</p> <p>CCAG Meeting with Minister for Planning Rob Stokes 25 Feb 2020 – See <a href="#">thank you letter from CCAG dated 5 March</a></p>	<p>Dido Street Proposals – update - <a href="#">Council email 16 September 2020</a></p> <p><a href="#">Council's response</a> received 9 August 2019</p> <p>DPIE <a href="#">Letter from Luke Musgraves</a> following visit with Minister Stokes.</p>	<p>Open</p> <p>KCP and CCAG still seeking ways the community can be involved and timeframe</p>
<p>Bombo Quarry - Discussed at various KCP meeting since its inception</p>	<p><a href="#">Letter to Gareth Ward MP dated 2 August 2019</a> and <a href="#">Letter to Gareth Ward dated 23 September</a></p> <p><a href="#">Email from KCP</a> dated 16 Oct following Joint meeting held on 8 October</p> <p><a href="#">Peter O'Neill correspondence with Business Chamber 12 Nov 19 – Bombo Quarry</a></p>	<p>Meeting held with Gareth Ward on Friday 20 September 2019</p> <p>Joint Council, Community Group, Gareth Ward and NSW Transport meeting held at Council Chambers – 15 October 2019</p> <p>Positive meeting held at Council Chambers 8 October – Gareth, Mayor Honey, State Rail and Community groups attended</p> <p>Boral has stopped quarrying at Bombo Quarry and State Rail have indicated they will also be ceasing quarrying in the next few years.</p> <p>Boral has withdrawn their DA to fill the quarry. They have said that they want to have more discussions with other stakeholders and then redesign their development. Trish Oakley from State Rail advised they are now ready to go</p>	<p>Open</p> <p>Bombo epicentre – local landowner farm tour 26 March 2020 – cancelled due to Covid-19 restrictions.</p> <p>Meeting with stakeholder groups organised by Trish Oakley also cancelled</p>

Kiama Central Precinct Agenda

85 Attunga Street – proposed council purchase	<p><a href="#">KCP letter of Support 15 Dec 20</a>  <a href="#">Background information and corro 5 Jan 21</a>  <a href="#">Correspondence KMC 25 Jan 21</a>  <a href="#">KCP correspondence to KMC 28 Jan 21</a></p>	<p>ahead and organise meetings to plan the future of Bombo with all stakeholders</p> <p><a href="#">KMC response to KHRG corro 6 Jan 21</a>  <a href="#">KMC advice re Gateway Determination 9 Feb 21</a>  <a href="#">KMC response to KCP 28 Jan corro 9 Feb 21</a></p>	Open -
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## Kiama Central Precinct Meeting

Minutes - Meeting 23 March 2021

Chair: Mark Greaves

Venue: Joyce Wheatley Centre and [Online via Zoom platform](#)

Time: 7:00pm Tuesday 23<sup>rd</sup> March 2021

Meeting ID: Meeting ID: 812 3396 2275

Password: 861950

<https://us02web.zoom.us/j/81233962275?pwd=WDBsdG9lY2NIQUZjMFpSdTQyQ0yQT09>

### 1) Preliminaries – Please use microphones

a) Covid-19 rules:

[COVID Safety Plan Kiama Municipal Council – effective 3 January 2021](#)

b) **Welcome** – Councillor Neil Reilly, guest speaker Karen Lang and everybody.

c) **Acknowledgement:** We acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.

d) **Apologies** – Chris and Vicki Murray, Chris and Barbara George, Keith and Judy Watson, Peter and Heather O’Neill, Graeme Gherashe, Gordon Bell, Cheryl Pearce

**Attendees** – John Greer, Mila Evans, Michael Manning, Sue Eggins, Alan Woodward, Roz Davies, Anne Greaves, Mark Greaves, Kat Haynes, Imogen Draisma, Madeleine Scarf, Sandra Camilleri, Sarah Streamer, Cheryl Collinson-Smith, Neil Reilly, David Shaw, John Pearce, Jill Lambert, Rob McKinnon, Heather Bell, Julia Roso, Stuart Larkins, Cathy Law, Karen Lang, Warren Simpson

e) [Minutes of the KCP meeting 23<sup>rd</sup> February 2021](#)

Accepted - Sue Eggins

Seconded - Rob McKinnon

### 2) Correspondence In

a) [Acting GM response re Attunga Street submission timing](#)

b) [Kiama Beach Community Micro-Plastics Survey – Final Report](#)

c) [KCR – link to podcast of last meeting re Kiama Harbour Revitalisation Plan.](#)

d) [Microsoft 365 Annual subscription due](#)

e) [Acting GM response to KCP Harbour Plan submission](#)

### Kiama Central Precinct Meeting

- f) [KHRG - Final submission and cover letter 85 Attunga](#)
- e) [Email to Mark Biondich re update on Traffic and Parking Study - Council](#)  
commissioned a report late last year (still in draft form) and should be up for discussion  
over the next month. This will be an agenda item for the next KCP Meeting.
- f) [CCAG – Approval for changes to Terms of Reference](#)
- g) [Karen Lang – AUSMAP thanks to R3 and final report](#)
- h) [Council receipt 85 Attunga Street submission](#)

#### 3) Correspondence Out

- a) Thanks to speakers at February meeting.
- b) [KCP final Kiama Harbour Revitalisation Plan submission](#)
- c) KCP final Harbour submission forwarded to member, councillors, GM and Gareth  
Ward.
- d) [KCP submission on 85 Attunga Street](#)
- e) [Ed Paterson re update on Planning issues.](#) – waiting reply.

One of the updates requested relates to the South Kiama proposed development  
between Saddleback Mountain Road and Weir Street. This is a very large  
development (potentially 450 lots) and Council is the Planning Proposal Authority on  
the proposal and is currently awaiting reports from the various government and  
semi government bodies before a final decision is made.

Issues include such matters as:

- Scale
- Effect on scenic landscape
- Run off and sewerage
- Traffic
- Schools

The proposal has been given gateway approval to go through the process. It is now  
up to the Councillors to determine if the development should proceed.

#### 4) Treasurer's Report – Council support precincts and cover expenses up to \$500 per year and pay for the Microsoft operating system and lap top.

Balance in account to end June 2020 was \$150.77.

Current balance is \$749.81.



### Kiama Central Precinct Meeting

Currently seeking approval for:

- Payment of annual 365 account \$99.00.
- Expenses (\$173.80) associated with the incorporating of the Kiama Epicentre Association (Bombo Quarry). This expense will be returned to the KCP when funds are available to the KEA.

#### 5) Updates

a) Bombo Quarry and Kiama Epicentre Assoc update:

- Since the last meeting a meeting was held with Gareth Ward and a meeting has been organised for 19 April 2021 with Transport for NSW so as to obtain an understanding of the proposed future use of the quarry

b) CCAG:

- 3 representative from 4 precincts meet on a regular basis to discuss wider issues across the LGA. Amended CCAG terms of reference were ratified by the meeting of Central Precinct.
- Main issues for discussion include:
  - email sent to Acting General Manager regarding proposed Urban Strategy – waiting response
  - Discussion on L'Etape
- Question regarding the validity of North Precinct (last met 2019)  
This precinct is catered for by The Minnamurra Progress Association and The Friends of Minnamurra River  
Intention is to revisit these associations to see if they wish to become part of the Precinct Group

c) Short Term Rental Accommodation:

- STRA is an ongoing issue in the LGA
- 18 December 2020 a new '**code of conduct**' for STRA came into effect and it applies to all participants in STRA.
- This is a mandatory code of conduct on all participants.
- In mid-2021 there will be changes to the planning laws and will include:
  - A new planning policy that applies consistent regulation of the use of premises for STRA across NSW
  - Requirement of a STRA premises register which require hosts to register their premises
- Kiama Council acknowledges the operation of STRA under the Kiama LEP without the need to have a DA – this means residents of Kiama could have a STRA business start next door to them or in the neighbourhood at any time without any warning or notification

### Kiama Central Precinct Meeting

- Currently Kiama Council is in the process of releasing the 'Kiama Development Control Plan 2020 – Chapter 10 – Visitor Accommodation and Tourism document, which like the previous DCP – Chapter 12 STRA document, is a good document but NOT enforced by Council
  - The KCP STRA Sub Committee is intending to assist residents of the Kiama LGA as to how they can best manage issues that may arise with STRA.
  - One of the first starting points to consider is that all STRA Businesses must have a DA to operate as a business in a residential community – letter to Council
  - A Sub Committee representative has been in contact with the Department of Fair Trading and has had very positive discussions around:
    - Obtaining Fair Trading direct contact details and their willingness to assist with STRA issues
    - Concerns with Council not wanting to assist or protect residents in relation to STRA complaints
    - Firming up regulations associated with STRA businesses safety, cleanliness and occupancy numbers
  - We will not see how all this works until an actual complaint issue is taken to the Department of Fair Trading
- d) Kiama Community Radio
- e) Arts and Culture – A presentation of a proposed Arts and Culture site was presented at the KCP meeting towards the end of last year.  
Currently working on two projects:
- 🚧 Recommendation of the cultural grants ( up to \$20,000 for grants)
  - 🚧 Formation of a brief for running the Arts Centre
- f) Urban Greening Strategy – terrestrial mapping, tree replacement policy
- Waiting for details of Terrestrial mapping
  - A motion for a tree replacement policy to be included in next year's 21/22 budget was unanimously supported by Council
- g) Heritage committee – Sue Eggins:
- Two years ago the Council allowed the formation of a Heritage Group
  - Committee consists of 4 members:
    - Michael Forsyth – previous General Manager of Kiama Council
    - Robyn Mills – Heritage Consultant
    - Cathy Timms – worked 10 years on the Pheasant Point heritage conservation area
    - Sue Eggins – president of the Kiama Historical Society

### Kiama Central Precinct Meeting

- Review heritage within the town centre
  - Other areas reviewed for heritage listing include:
    - Manning street precinct – area between Grand Hotel down to the post office and around to the court house
    - Eddie Street
  - Nothing within the last month to do with heritage
  - Aluka (99 Manning Street) not listed on heritage list – very little information available. Has been sold to an individual who is intending to use for a ‘writing retreat’
  - 95, 97 and 99 Manning Street surrounded by large buildings. Area zoned R3 which is potentially 3 levels of development (11.5m building height)
- h) AUSMAP – in 2019 volunteers became ‘citizen scientists’ and carried out micro-plastic studies along Jones Beach, Bombo Beach and Black Beach.
- Funding was obtained to buy micro- plastic kits
  - A grant was obtained to buy more kits
  - Grant project finished and a final report was submitted
  - As a result, participation in a pilot project across the whole of NSW has been offered – terrestrial surveys. This will feed into a NSW framework
  - Interest by Reuters International
  - Terrestrial surveys with be combined with Beach surveys

#### 6) Coastal Management Plan

*Guest Speaker - Karen Renkema-Lang*

Kiama Councils Director of Environmental Services has advised that the Coastal Management Plan will help Council and other stake holders manage the coast line in a co-ordinated way using a science based approach. Where we are now in terms of coastal management and where we need to be in the future is what the plan is all about.

***A copy of Karen’s presentation is attached.***

Key points of the presentation follow:

- Study has been a cross disciplinary study covering environmental science, policy and social aspects
- Last study titled ‘Stormy Weather – affluence, resilience and coastal management policy turmoil’.
- Continual damage occurring up and down the coast
- Two beaches studied due to the continued damage occurring
  - Wamberal beach
  - Narrabeen beach

### Kiama Central Precinct Meeting

- Resilience was looked at in terms of – capacity to respond to disaster, research looked at 2016 storm
- Both the local government areas were reliant on early warning systems and emergency services
- Narrabeen was quicker to respond due to Council accepting responsibility for managing the emergency
- Emergency services can be inundated with people requiring assistance.
- In both areas the onus is on the property owners and residents to be prepared
- The other measure of resilience is the capacity to rebuild and maintain the integrity of the foreshore
- Both case studies showed Councils have
  - Sophisticated long term data collection
  - Detailed definition of hazards and areas at risk
  - Identification of appropriate management actions and strategies
- They have no sustainable long term solutions for protecting shorelines or the capacity to rebuild the integrity of coastal foreshores
- Question - who pays?
- Kiama does not have the same challenges as the two case study beaches, however, there are challenges
- The Kiama Coastline Coastal Management Program is an excellent document (Consultant group BTM)
- Currently at stage 1 and the purpose of a coastal management program is to set the long term strategy for the co-ordinated management of land with the coastal zone
- The extent of the study covers from Minnamurra River down to part way along Seven Mile Beach
- Objectives of the Kiama CMP scoping study are to ensure:
  - Land use management recognises coastal risk
  - Public safety
  - Maintenance of beaches and other natural features
  - Exposure to hazards is reduced
  - Avoidance of degradation
  - Maintenance of essential infrastructure
  - Community resilience
- The study has a large section related to risk
  - For each risk category it highlights the areas at risk and why
  - High risks include:
    - Inappropriate or excessive development
    - Kiama Harbour revitalisation plan
    - Disturbance of biodiversity and habitat
    - Coastal hazards and sea level rise

### Kiama Central Precinct Meeting

- Poor quality catchment runoff
- Degradation of heritage and culture
- Lack of engagement
- Medium risks include:
  - Overuse by recreation and tourism
  - Conflict over resource and access availability
- Opportunities include alignment of CMP and harbour revitalisation
- Next stage (stage 2) of the CMP is to look at the risk, vulnerabilities and opportunities.
- Next steps include Harbour Revitalisation Plan – enhance and update to include specific actions to:
  - Ensure ‘environment and biodiversity protection
  - Acknowledge risks/actions in the CMP scoping study
  - Acknowledge cost of damage caused by historical sea surges and extreme weather events
- Who is responsible to:
  - Ensure alignment of CMP and Harbour revitalisation strategic framework
  - Both have multiple stakeholders
  - For funding, maintenance and ensuring community priorities
- What are the cost/benefits
- Who is involved – Council, NSW Government
- Council has funded Coastal Management Plan.
- Federal, State and Local policies need to be consistent (needs national policy)
- Proposal – The CMP scoping study be adopted to go forward to the next stage of implementing coastal management plan. Is it in the budget for next year?
  - Proposed – Madeleine Scarf
  - Seconded – Mark Greaves.
  - Email to be sent to Council.

#### 7) General Business

- a) Harbour Revitalisation plan...where are we up to? – Community in general were substantially involved in the draft plan.  
Transport for NSW received over 200 submissions.  
KCP submission by way of summary highlighted the following:
- Never been costed
  - No funding available at this stage
  - Is this going to sit with other plans and studies.
  - State Government may be short of funds due to recent floods.
- Next step is that Transport for NSW will assess submissions and come back with a revised plan based on information from the submissions
- b) 85 Attunga Avenue – what’s next?

### Kiama Central Precinct Meeting

- Kiama Heights resident group met with the Mayor, Acting General Manager and Manager of Strategic Planning and were advised that this matter will be put to Council at an Extraordinary meeting on 13 April 2021.
- Struggling to understand the rationale for Council wanting to reclassify from community land to operational land for a small parcel of land
- Council advised rezoning based on:
  - Financial benefit to Council
  - View current classification of community land as an anomaly and is out of alignment
- Widely acknowledged by Mayor, councillors and council staff that there is wide spread support for retention of the property as community land
- There has been 40 submissions to Council
- Approximately 200 members of the Kiama Heights Residents Group
- Petition from local residents for community classification
- Various reasons for support of community land;
  - Community garden
  - Opportunity for chairs and tables to enjoy open space
  - Potentially a safe place for children to play
- Decision making on this parcel of land should be looking into the future and not the past
- Council has rejected a call for another public hearing which was requested based on strong dissatisfaction from the first part of the hearing around process and access matters
- Key points include:
  - Incomplete or inaccurate information hinders everybody
  - Issues around history of land
  - Councillors provided with inaccurate information
  - Need to look at community impact and social impacts of major decisions
  - Process does matter, if done poorly it raises difficulties in the Councils relationship with the community. When not transparent it fuels distrust and suspicion
  - The residents will continue to press for the land to retain community classification
- The role of Central Precinct is substantial and it is an advisory body of Council. Hence the precinct sends information from council to the residents and also feeds information back from residents to Council

### **Kiama Central Precinct Meeting**

- The whole communication process should be better and needs to be more effective
- Council will make a decision on the reclassification of 85 Attunga on Tuesday 13 April 2021. Three options:
  - Sell the land, money would go into a restricted reserve
  - Not sell the land and retain as community land or
  - Defer the decision – this would pass down to the next Council
  
- c) 10 Bong Bong Street. Amended DA – this is an iconic piece of real estate and deserves a good development( refer notes in previous minutes)
  
- d) L’Etape review – race cancelled due to poor weather  
There have been differing opinions regarding this event, both positive and negative.  
Communication and consultation is important
  
- e) South Kiama proposed development update.
  
- f) Elections – format and timing for candidate Q&A. Use of podcasts? – Precincts are an ideal forum to interview prospective candidates. Will be asking candidates to come along to the central precinct and ‘field’ questions. This will get candidates on the record advising what they plan to do when elected – looking at May, June, July
  
- g) DA’s not in Bugle – Complaints have been raised by some elderly residents that DA’s are not appearing in the Bugle. According to Council deletion from the Bugle is based on cost and timing efficiencies  
There is a service called ‘Planning Alerts’ which will bring up DA’s that are going through Council
  
- h) Speed Bumps in Bong Bong Street considered dangerous and hazardous – KCP previously sent letter to Council. This can be raised as an agenda item when the traffic and parking plan is released

**Next Meeting** – 27<sup>th</sup> April 2021– Chair – Mark Greaves

**Topic of the month** – TBA

## Kiama Central Precinct Agenda

Minutes - Meeting 27 April 2021

Chair: Mark Greaves

Venue: Joyce Wheatley Centre

Time: 7:00pm Tuesday 27<sup>th</sup> April 2021

### 1) Preliminaries – Please use microphones

#### a) Covid-19 rules:

[COVID Safety Plan Kiama Municipal Council – effective 29<sup>th</sup> March 2021](#)

b) **Welcome:** Attendees were advised that parts of the meeting were to be recorded for Kiama Local Radio. No objections were raised.

c) **Acknowledgement:** We acknowledge the Traditional Owners of country throughout Australia and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.

d) **Apologies** – Cllr, Andrew Sloan, Chris & Vicki Murray, Georgia Hay, Warren Simpson, Jodi Keast, Rob McKinnon, Heather & Gordon Bell, Roy Purdy, Robert Croft, Mark Honey, Heather O'Neill, Margaret Watson, Heather Hill.

#### e) [Minutes of Meeting 23<sup>rd</sup> March 2021](#)

Motion: That Minutes of the previous meeting be accepted as an accurate record.  
Moved – Sue Eggins. Seconded – Graeme Gerashe. Carried.

### 2) Correspondence In

a) [COVID Safety Plan KMC Update 29<sup>th</sup> March 2021](#)

b) [Notification L'Etape – Community Meeting 13 April 2021](#)

Agreed that a representative from L'Etape be asked to attend and address a precinct meeting.

c) [STRA New Planning Provisions](#) Keith Watson (STRA sub committee) updated on proposed provisions to apply to all STRA properties. Concerns raised regarding how provisions will be regulated and managed. Enquiries will be made to the council re number of guests, requirement for DA, noise, parking, police checks, hosted vs non hosted regulations. In the absence of response and where questions are not Kiama Specific NSW Dept Fair Trading will be contacted.

d) [Council Resolution – 85 Attunga Street](#)

### 3) Correspondence Out

a) [Email – Mark Honey re Akuna Street](#)



### Kiama Central Precinct Agenda

- b) Notification to members of Extraordinary Council Meeting.
- c) Ed Paterson – Request for updates on Terrestrial Mapping, Town Centre Plan and South Kiama.

#### 4) Updates

- a) Bombo Quarry and Kiama Epicentre Assoc update.  
Meeting with Gareth Ward, Transport NSW, Mayor, council and community representatives indicated that the quarry has an approximate 5 year life span and that the community needs to start to be involved in planning for future development. The area has capacity to meet new housing demands as well as community space, entertainment options, sporting facilities etc.
- b) CCAG  
[Minutes Meeting 15 April 2021](#) Noted that North Precinct is not represented currently and interested community members encouraged to come forward. Also noted that Central Precinct is due to chair the next 6 months and any interested members please contact the executive.
- c) Short Term Rental Accommodation – see above
- d) Kiama Community Radio
- e) Arts and Culture - \$20000 in grants have been awarded to 4 projects in theatre, music and literature.
- f) Urban Greening Strategy – terrestrial mapping, tree replacement policy is being considered.
- g) Heritage committee
- h) AUSMAP – Microplastic beach surveys conducted by volunteers at Black Beach, Surf Beach and Kendalls Beach in April. Kiama selected as part of a pilot program to also conduct litter surveys with the intention of tracing sources of plastic pollution. Reuters International filmed the surveys.

#### 5) General Business

- a) 85 Attunga Avenue – Residents happy with resolution of extraordinary council meeting to not rezone and are engaging with council on future use of the block.
- b) South Kiama Planned Proposal. Document is available for public consultation until 17<sup>th</sup> May. Submissions should be lodged with council by that date.  
Members raised concerns re impacts on infrastructure of the town. In particular:
  - Traffic flow in and out of the development and through town given Transport NSW have said no additional ingress and egress to freeway will be considered.
  - School capacity - although reports have indicated that the local schools will absorb new enrolments.
  - Flood, water and sewerage impacts

### **Kiama Central Precinct Agenda**

Housing numbers :

Planned proposal refers to outdated reports.

KMC is currently formulating a Local Housing Strategy to be adopted EOFY 22. This will address any need for additional housing and if required where and how it should be achieved. Suggested that any development such as South Kiama should not proceed until we have a Local Housing Strategy.

Refer [KCP Housing Strategy Submission July 2020](#)

Members encouraged to put submissions to council and KCP executive will work with interested members to formulate a submission.

Members can send submissions to relevant planning departments too.

- c) Council Election – suggestion to hold meet the candidate sessions at July and August meetings.
- d) 3 Belvedere Street DA for 8 storage units and 16 light industrial units – Residents have lodged sufficient submissions relating to opening hours, noise, traffic and tree removal issues for it to go before council.
- e) Bus route – Taylor Street – Residents concerned re number of large buses (31 per day) using Taylor Street with few or no passengers. Safety concerns raised as no footpaths.

Action: Residents to present their case to the council Traffic Committee

Enquiries to be made with council engineering re footpaths for the area. .

[Correspondence Taylor Street Residents - Bus Route](#)

**Next Meeting** – 25<sup>th</sup> May 2021– Chair – Mark Greaves

**Topic of the month** – TBA

**16.4 Minutes: Jamberoo Valley Ratepayers and Residents Association - 6 April 2021**

Responsible Director: Office of the General Manager

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The minutes of the Jamberoo Valley Ratepayers and Residents Association meeting held on 6 April 2021 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 - 06/04/2021 [↓](#)

*Jamberoo Valley Ratepayers and Residents Association Inc.  
PO Box 146 Jamberoo NSW 2533  
jvrrasecretary@gmail.com*

## **JVRRA General Meeting Minutes**

**Tuesday 6th April 2021, 7.00 p.m., Club Jamberoo, Upstairs Room**

*Current COVID restrictions at Club Jamberoo: 52 people*

### **Present:**

Stuart Richards, Roger Lyle, Bob Neilson, Ros Neilson, Mary Lou Reid, Geoff Reid, Vivienne Marris, Peter Kennedy, Neil McCorkell, Deanne McCorkell, Steve Whitworth, Kate Troy, Susie Nash, Gordon Streek, Jim Dingle, Tristram Miall, Peter Brown, Garry Cochran, Tim Burton-Taylor, Veronica Baker, Sidney Baker, Narelle Day, Eve Richards, John Friedmann, Robyn Letham, Gail Taylor, Graham Letham, Graham Pike, Sally Rogers, Paul Rogers, Stan Judd, Geoff Boxsell, Kathy Rice, Mark Honey.

### **Apologies:**

Max Brennan, Kate Whitworth, David Hall, Steve Markham, Sandra Dingle, Helen Cochran, Tony Day, Lesley Friedmann, Julie McDonald, Ann Pike, Julia Roso, Margaret Stephens.

## **Agenda Items**

1. **Meeting opened** at 7.00 p.m. by Chair, Stuart Richards, who presented the Welcome to Country. Welcome to guests Mayor Mark Honey and Councillor Cathy Rice.
2. [Minutes](#) of JVRRA General Meeting 2 March 2021. Accepted (moved V. Marris, seconded S. Nash).
3. Any **business arising from the Minutes** not mentioned elsewhere in the Agenda. There was no further business.
4. [Treasurer's Report](#) for month ending 28 February 2021. Accepted (moved R. Neilson, seconded G. Reid).

## **5. Correspondence**

### [Correspondence IN](#)

- From Tim Burton-Taylor – copy of email to KMC re 261 Jamberoo Valley Road (see Item 12)
- From Council re motorcycle noise on Jamberoo Mountain Road
- From Neville Fredericks – copy of letter to Gareth Ward re current status of Jamberoo sewerage system (see Item 16)

### [Correspondence OUT](#)

- To Councillor Reilly re history of dog park discussions within JVRRA
- To Council re dangerous intersection Burra Creek Rd. and Jamberoo Mountain Rd.

6. Any **business arising from the correspondence** not mentioned elsewhere in the Agenda.
- Re Dog Off-leash area: Secretary has provided Neil Reilly and Kate Troy with [available documents](#) relating to past studies of possible off-leash areas and JVRRRA discussions.
  - Re the Burra Creek Rd intersection: the grass is currently well slashed.

7. [CCAG Report](#)

- Minutes of CCAG March meeting – see link.
- **Amended terms of reference for CCAG**  
Motion (Moved R. Lyle, Seconded G. Pike): *JVRRRA ratifies the amended CCAG terms of reference, with the following changes:*
  - *CCAG Reps nominating for Council elections required to stand down during election period*
  - *Appointment of minute taker*
  - *Removal of Reps for non-participation in CCAG meetings*
  - *Monthly timetable*Motion passed.

8. [Motion: Deanne McCorkell](#) - **Strategy for broader community engagement and inclusion**

Stuart Richards provided [documentation](#) from Department of Fair Trading and the JVRRRA Constitution to show that although Deanne's topic could be discussed, a motion to change the constitution can't be voted on at a General Meeting. Instructions for calling a Special General Meeting were provided.

Discussion: Deanne McCorkell spoke to the need to include a broader base of voting members if JVRRRA is to fulfil its constitutional obligation to represent the community. Steve Whitworth argued that the current demographic of JVRRRA members under-represents younger Jamberoo residents. Viv Marris mentioned current attempts to increase membership, including a letter-box drop, and pointed out that you can't make people attend meetings and vote - they tend to participate when they are interested in a particular topic. Geoff Boxsell pointed out that the proposed kind of change in constitution is likely to run foul of Dept of Fair Trading. Graham Pike argued that JVRRRA membership does include a sample of residents that is comparable with sampling used in polls and surveys, and that if we made the association non-compliant with the NSW Govt. regulations re Incorporated Associations, this could put members at risk of lawsuits. Ros Neilson argued that community surveys, such as the one that was carried out by JVRRRA in 2018, could give a wider group of residents a voice when broader community opinions were needed; results of surveys could be reported directly to Council.

9. [Roger Lyle: Motion](#) – (Moved R Lyle, Seconded G Pike): **JVRRRA to use additional channels of communication** with the community.

Discussion: Very general agreement on the need for a wider distribution of agendas and minutes. Concern re use of FaceBook, but general agreement to try all social media.  
Motion passed.

**Action:** Secretary to organise relevant postings on the Bugle App, FaceBook and Twitter.

10. [Motion: Graham Pike](#) re **Golden Valley Road DA** (Moved G. Pike, seconded J. Friedmann and A. Pike).

Discussion: Graham Pike argued that it is important not to let slippage occur re local Jamberoo DCP regulations. Current layout requires variations re line of sight for 8 blocks, narrowing of roads, and has no provision for a public green space. Although the DA is not yet open for public exhibition, it was agreed that these arguments should be presented to Council staff and Councillors.

Motion passed.

**Action:** R. Neilson to convey JVRRA's acceptance of the motion, as expressed by G. Pike, to KMC and Councillors.

#### **11. Development Applications – JVRRA Notifications**

Secretary stated that all DA notifications received by JVRRA will now be linked to the Agenda and Minutes of that monthly general meeting.

[DA 10.2020.269.1](#): **Jamberoo Glamping**, 256 Curramore Road, Curramore 2533 (LOT: 941 DP: 592698.) Note: submissions were due in 7<sup>th</sup> April.

Gordon Streek reported that neighbours were not notified in a timely fashion, especially give the Easter Break. There is concern re access – Curramore Road is a narrow, dangerous road, currently used by walkers and cyclists as well as Council trucks, and more tourist traffic could be a hazard. Residents are prone to being flooded in. The glamping structures are of substantial size, and will be situated on a bald ridge, highly visible to neighbours. The land being used for the DA is arable, and this kind of development could set a dangerous precedent for continuing fragmentation of farmland.

Peter Kennedy expressed concern re the possibility of effluent flow into local waterways. Mayor Honey and Councillor Cathy Rice encouraged Gordon to apply for an extension to the submission period.

**Action:** Gordon Streek to email Council immediately to request an extension for submissions regarding this DA.

[DA 10.2021.41.1](#) 1215 Curramore Road (no discussion)

[DA 10.2021.44.1](#) 150 Wyalla Road

Stuart Richards pointed out that this DA includes requests for variations to the DCP. The DA is still waiting for a bushfire study from the Rural Fire Service, and it is not yet on public exhibition.

[DA 10.2020.218.1](#) Dido Street (no discussion)

#### **12. Update on compliance issues at 261 Jamberoo Mountain Road.**

Tim Burton-Taylor and Jim & Sandra Dingle have written to Council requesting information on whether Council has taken action on the non-compliant structures and developments on the property. It was suggested that the original non-compliant display of Tiny Homes seems to have been extended. Graham Pike commented on the damage to Burra Creek that had previously been reported on, and he related this matter to wider issues of Council's actions on non-compliance. Mary Lou Reid reported that she has been informed that Council staff are currently working with the proponent on these issues.

#### **13. Drualla Road Walking Track**

John Friedmann reported that the onsite meeting of Council Walking Tracks and Cycleways Committee was postponed due to the rain, and has been moved to Tuesday 27<sup>th</sup> April, 10.00 a.m. All welcome. Meet at the corner of Downs Place and Drualla Rd. Gumboots optional.

#### **14. Re-opening of Jamberoo Youth Hall**

Stuart Richards reported that refurbishments have been completed by Council, and the Youth Hall is open for bookings. Fees have been kept as low as possible.

Booking Officer: Megan Collins, mobile 0407 940 511

[Booking form](#)

Contact Megan Collins for more information, or email:

[jamberooyouthhallsecretary@gmail.com](mailto:jamberooyouthhallsecretary@gmail.com)

See Council website for information, fees and charges.

<https://www.kiama.nsw.gov.au/Facilities/Community-halls-for-hire/Jamberoo-Youth-Hall>

15. Update on **fence between Reid Park and Kevin Walsh Oval** - see [report](#), sent to Jamberoo Youth Hall, of meeting with Veronica Lee (KMC) and stakeholders held on 8<sup>th</sup> December 2020. (JVRRA was not represented at this meeting.)

The permanent fence separating Reid Park from Kevin Walsh Oval is to be completed before the first JRLFC First Grade game on 17 April. It will join onto the corner of the Jamberoo Youth Hall, but a gate will be provided to allow both doors of the Youth Hall to be used for functions. The gap for vehicular entrance to the Jamberoo markets is to be widened. Council has stated that the erection of the fence between the children's playground and the sports fields was carried out because of safety concerns raised by the Jamberoo community.

#### **16. Sewerage system**

See letter (Correspondence IN) to Gareth Ward from Neville Fredericks, stating that the increased demand on the sewerage system during heavy rain events may be due to some Jamberoo residents having connected stormwater pipes to the sewerage system. Stuart Richards has done further research on the models of pods used in the system. He noted that all models used include an air vent inside the top rim, and they come with specifications that the pods have to be installed so that the ground slopes away from the vent, to prevent ingress of water. He has written to Sydney Water requesting comment.

#### **17. Flood consultant employed by Council**

Neil McCorkell reported that he had lodged a concern with Council that residents on Macquarie Street are affected by flooding during heavy rains. Council has informed him that a Consultant has been appointed, and will be speaking to him about this.

Graham Pike presented [further information](#) on the appointment of the Consultant, Catchment Simulation Solutions.

18. **General Business** – no further issues raised.

19. **Guest Speakers** for next meeting? Graham Pike to check to see if the flood consultant will be available to speak to the meeting.

**Close of meeting: 9.00 p.m.**

**Date of next JVRRA General Meeting: Tuesday 4<sup>th</sup> May 2021.**

**16.5 Minutes: Minnamurra Progress Association - 4 May 2021**

Responsible Director: Office of the General Manager

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Attached for Councillors' information are the minutes of the Minnamurra Progress Association meeting held on 4 May 2021.

**Communication/Community Engagement**

Councillors and staff regularly attend and address Precinct and resident association meetings.

Meeting dates for these groups are published on Council's website.

**Attachments**

- 1 Minutes: Minnamurra Progress Association - 04/05/2021 [↓](#)



## Minnamurra Progress Association Inc. Minutes-4th May 2021 Meeting

### Acknowledgement of Traditional Owners:

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

### Attendees:

C Mason, V Steele, E Skorulis, G Collinson-Smith, J Martens, P Williams,  
R & J Westley, A Wilson, J Bunce  
Visitors – Mayor Mark Honey, Councillor Mark Way

### Apologies:

A Skorulis, I Scott, I Dodsworth, D Stadius, N&B Sinclair, D Draxl, M Steele,  
C Collinson- Smith

### Minutes of last meeting:

6 April 2021 – previously distributed and approved.

**M:** G Collinson-Smith    **S:** J Bunce    **AIF:** Y    **C:** Y

### Business Arising & Correspondence:

- 1    Iain Scott emailed Cliff saying at a recent meeting of Minnamurra Public School P&C he suggested parents be encouraged to participate in MPA meetings. This was positively received and other opportunities for cooperation will be explored.
- 2    A letter from KMC regarding query to Traffic Committee about safety concerns at intersection at Charles/Federal Ave. Mark Honey said the Committee recognises it's a dangerous intersection with three injury accidents recorded in recent years. Police will conduct traffic studies so that planning can go ahead. A Wilson suggested monitoring traffic flows. Possible stop sign was suggested. More speed humps were not a popular idea.
- 3    Mark Honey updated the new CEO appointment. 58 applicants were narrowed down to 28 suitable candidates; from this 7 including 3 women were selected to interview. All councillors interviewed the final two candidates and Mrs Jane Stroud's appointment was unanimous. Jeremy queried CEO/GM Title; Mark explained they have the same meaning, just a preference nowadays. Mrs Stroud starts on 7<sup>th</sup> June & her family will be moving down.
- 4    Notification of KMC Planning proposal for development between Saddleback Mt Rd and Weir St, Kiama Heights to review deadline of 31 May 2021. (No comments)
- 5    In response to Roger Lyle, Chair, Combined Community Advocacy Group (CGAG) requesting MPA merge with Kiama Downs, Gainsborough and Bombo areas, given the failure of the North Kiama Precinct Committee (NKPC). Mark W asked us to consider including the east side of Riverside Drive to Bombo. This was actively discussed but voted against. Graham explained we are a separate entity with Minnamurra issues as our basis, not other area issues; we would need to alter our purpose outlined in MPA Constitution. Visitors are welcome at our meetings. Jeremy asked why NKPC was dissolved and what is the difference between a Precinct Committee and a Progress Association. Lack of interest was response.

MPA has been active for Minnamurra residents for 60 years and deals with our local area wellbeing. Precinct Committees are advisory parties to council, they have no statutory role on procedures and legislation but offer community feedback on matters.

- 6 A letter received from Daren Brady KMC Acting Director Engineering & Works regarding 8 items of correspondence members had presented at meeting 2 March 2021. A copy of this letter will be attached to Minutes. Council has applied for a grant to assess riverbank erosion. Andrew mentioned erosion under of the Norfolk Island pine tree on the riverbank. Graham mentioned the grate covering pipe in James Holt Reserve had been fixed but is dangerously slippery. M Honey made a note of this; he said that the rate variation introduced for 3 years was for upgrading items like public toilets.  
Question to M Honey about businesses operating on the Minnamurra River. He confirmed they must have a licence to operate.
- 7 Cliff attended the Southern Regional Planning Committee meeting for the Eco Tourism Resort development near Dunmore House. They noted the items that MPA had highlighted at our April meeting. A decision was deferred because they are waiting on a last minute Bush Fire report and a legal question about Fig Hill Road shared access. He will wait for news of another hearing in near future.
- 8 Cliff also attended the community consultation meeting last week for the proposal to expand Killalea Reflections campsite and facilities. Reflections are a NSW Crown Lands management organisation. Cliff provided some plans to survey (available on the Reflections website) for 15 eco cabins, 53 natural campsites to be upgraded the power/water-serviced sites plus a large community centre to be constructed claiming this upgrade is necessary to generate income that can be then used to properly maintain the park. Opposition is strong in the local community, road access and traffic problems highlighted. Maintenance and weed control has deteriorated since Reflections commenced management. Once the community consultation process is completed a Development Plan will be submitted. The world record protest paddle out was discussed and Graham said that Minnamurra surfers were not involved.

**Treasurer's Report:**

59 Members, 6/4/21 Raffle Raised \$27.00  
\$10 cash \$1,146.34 term deposit, \$1502.62 cheque a/c, **Total Funds \$2658.96**  
**M:** A Wilson      **SEC:** G Collinson-Smith      **AIF:** Y      **C:** Y

**General Business:**

- 1 Cliff asked for members to consider helping with Committee duties. The July AGM is approaching quickly and Cliff has been in the Presidents position for 9 years. He would like to continue to assist in the running of MPA but has another project that will take a lot of his time and may not be able to continue as President. Please chat to Cliff if you think you can provide some help with committee duties.
- 2 Mark Honey enquired about live streaming our meetings. Jeremy said the signal is very patchy making reception difficult. Liz asked if the hall or school could provide Internet access.
- 3 Enquire into proposed mobile tower/transmitter that was planned for Charles Ave near James Oats Reserve.

**Raffle:** Minnamurra Munchies Cookbook won by Vicki Steele

**Meeting closed 8.45pm**

**Next meeting Tuesday 1 June 2021**

**16.6 Parking Statistics - March and April 2021**

Responsible Director: Environmental Services

**March Parking Statistics**

<b>Patrols conducted</b>	96
<b>Infringements Issued</b>	203
<b>Total Infringement Value</b>	\$40,613
<b>Vehicle Spaces Inspected</b>	1728
<b>CRM requests received and actioned</b>	16

<b>Timed Zones</b>	<b>No. of patrols</b>	<b>PINS Issued</b>	<b>School Zone Patrols</b>	<b>No. of patrols</b>	<b>PINS Issued</b>
Kiama CBD East	11	25	St Peter & Pauls	9	8
Kiama CBD West of Railway Pde	11	22	Kiama High	6	1
Gerringong CBD	13	45	Kiama Public	4	15
			Jamberoo Public	4	2
Other Parking	19	76	Minnamurra Public	9	8
			Gerringong Public	10	1

**Pro-active Patrols**

<b>Offence</b>	<b>PINS Issued</b>	<b>Offence</b>	<b>PINS Issued</b>
No Stopping	20	No Stopping (School Zone)	15
Bus Zone	52	Bus Zone (School Zone)	14
No Parking/Mail Zone	4	No Parking (School Zone)	2
Unbroken Yellow Edge Line	0	Obstruct Driveway (School Zone)	3

## Reports for Information

## 16.6 Parking Statistics - March and April 2021 (cont)

Loading Zone	7	Double Park (School Zone)	0
Path/Strip/Island	6	Painted Island (School Zone)	3

**April Parking Statistics**

Patrols conducted	78
Infringements Issued	81
Total Infringement Value	\$11,580
Vehicle Spaces Inspected	2850
CRM requests received and actioned	14

Timed Zones	No. of patrols	PINS Issued	School Zone Patrols	No. of patrols	PINS Issued
Kiama CBD East	18	17	St Peter & Pauls	1	0
Kiama CBD West of Railway Pde	25	31	Kiama High	0	0
Gerringong CBD	14	18	Kiama Public	0	0
			Jamberoo Public	0	0
Other Parking	21	15	Minnamurra Public	0	0
			Gerringong Public	0	0

**Pro-active Patrols**

Offence	PINS Issued	Offence	PINS Issued
No Stopping	10	No Stopping (School Zone)	0
Bus Zone	3	Bus Zone (School Zone)	0
No Parking/ Mail Zone	1	No Parking (School Zone)	0

## Reports for Information

## 16.6 Parking Statistics - March and April 2021 (cont)

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Unbroken Yellow Edge Line	1	Obstruct Driveway (School Zone)	0
Loading Zone	0	Double Park (School Zone)	0
Path/Strip/Island	0	Painted Island (School Zone)	0

Item 16.6

**16.7 Question for future meeting: Bendigo Bank, Gerringong**Responsible Director: Environmental Services

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At its meeting held on 16 March 2021, Councillor Reilly requested a report on expediting Council's efforts in establishing the proposed physical Gerringong branch of the Bendigo Bank.

This report provides a short overview of the process to date and advises of the outstanding matters that are currently being resolved to support the development of the Branch in the selected location in Gerringong.

At its meeting held on 21 July 2020 Council resolved to enter into a lease agreement with the Bendigo Bank to support the operations of a Bank from the Gerringong Town Hall.

Staff have been working diligently to enable the required processes to be undertaken to support this proposal.

There are two components that need to be completed in order for the Bank to occupy the facility these include:

- A lease agreement
- Development Approval

A meeting with Bendigo Bank, staff and Council representatives was held onsite on 12 April 2021. This was to undertake a further investigation and discussion on site regarding the development application plans that have been submitted. The site is Heritage listed which further complicates the requirements of the application.

On review of the plans there are a number of items that need to be resolved and relate to the use of the facility for the purposes of a Bank. These include, security and other access requirements. The discussions also included considerations of what works needed to occur onsite and how the heritage restriction may be managed.

Staff are in constant contact with the applicant in relation to information required. Advice received as of last week, from representatives of Bendigo Bank, was that they had been onsite to remeasure and reassess their needs and requirements.

**Communication/Community Engagement**

N/A

**16.8 Question for future meeting: Use of Kiama Showground stables for Anzac Day**Responsible Director: Engineering and Works

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At the 20 April 2021 Council meeting, Councillor Reilly requested that the Kiama and Jamberoo RSL sub-branch be permitted to use the Kiama Showground stables to accommodate the horses ridden by the Light Horse Brigade at the Anzac Day dawn service. The matter was referred to the Director Engineering and Works for action.

**Report**

The use of the Showground stables to accommodate horses associated with Anzac Day services has been part of the support provided by Council to the Kiama and Jamberoo RSL sub-branch for many years.

The use of the stables had already been part of preparation discussions between Council and the RSL from early April and Council will continue to offer this facility into the future as requested.

**16.9 Questions for Future Meeting Register as at 10 May 2021**

Responsible Director: Office of the General Manager

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Attached for Councillors' information is the Questions for Future Meetings Register as at 10 May 2021.

**Attachments**

- 1 Questions for Future Meetings Register as at 10 May 2021 [↓](#)



Questions for Future Meetings Register

16/73192

No	Details	Actions
<b>15 December 2020</b>		
19.6	<p><b>Including Traditional Place names on correspondence</b>                      Councillor Watson requested a report on the inclusion of Traditional Place names on all official correspondence, eg:                      Rachael McPhail                      Wiradjuri Country                      70 Example Street                      COOLAMON NSW 2071</p> <p>and for this to be instigated by the end of the financial year. The matter was referred to the Director Environmental Services for investigation and report.</p>	Reporting to the June 2021 Council Meeting
<b>9 February 2021</b>		
19.4	<p><b>Blowhole Point – paid parking</b>                      Councillor Steel requested a report on the possibility of introducing paid parking for visitors to Blowhole Point, Kiama. The matter was referred to the Director Engineering and Works for investigation and report.</p>	Reported to the May 2021 Council meeting
19.5	<p><b>Community and Tourism grants / donations / sponsorship</b>                      Councillor Rice requested a report on the available budget, criteria, repeatability and selection processes for community and tourism grants, donations and sponsorship. The matter was referred to the Acting General Manager for investigation and report.</p>	Reporting to the June 2021 Council meeting
19.6	<p><b>Minnamurra congestion</b>                      Councillor Way requested a report on addressing the problems at Minnamurra created by additional tourists over school holidays and long weekends where the area particularly around James Oates Reserve and Charles Avenue are over populated causing concerns associated with overcrowding that include, camping, traffic, dog control, parking etc. as per advice from the Minnamurra Progress Association. This report should include short and long term strategies to remedy this situation. The matter was referred to the Director Engineering and Works for investigation and report.</p>	Reported to the May 2021 Council meeting

No	Details	Actions
<b>16 March 2021</b>		
19.3	<p><b>Bendigo Bank, Gerringong</b> Councillor Reilly requested a report on expediting Council's efforts in establishing the proposed physical Gerringong branch of the Bendigo Bank. The matter was referred to the Director Environmental Services for investigation and report.</p>	Reported to the May 2021 Council Meeting
19.6	<p><b>Kiama Harbour boat owners</b> Councillor Steel requested a report in response to the following questions: 1. How much do boat owners pay monthly for their rent of their Kiama Harbour boat space and rented sheds at the harbour 2. Where are the two boat spaces positioned for visitors to rent on a daily basis? 3. Who do visitors contact to be able to rent these boat spaces? The matter was referred to the Director Engineering and Works for investigation and report.</p>	Reported to the May 2021 Council meeting
19.8	<p><b>Tree removal notification</b> Councillor Rice requested a report on the most efficient way that Council can notify the community of approved and expected tree removal activity across the Municipality. The matter was referred to the Director Engineering and Works for investigation and report.</p>	Reported to the May 2021 Council meeting
<b>20 April 2021</b>		
19.1	<p><b>Use of Kiama Showground stables for Anzac Day</b> Councillor Reilly requested that the Kiama and Jamberoo RSL sub branch be permitted to use the Kiama Showground stables to accommodate the horses ridden by the Light Horse Brigade at the Anzac Day dawn service. The matter was referred to the Director Engineering and Works for action.</p>	Reported to the May 2021 Council meeting
19.2	<p><b>Scenic Management Guidelines</b> Councillor Rice requested a report on how Council can proceed to establish Scenic Management Guidelines as referenced on page 402 and 403 of the March business paper, which outlined the Guidelines value in development decisions by other Councils. The proposed overlay in our LEP concerning character should also be considered in this report. The matter was referred to the Director Environmental Services for investigation and report.</p>	Reporting to the July 2021 Council Meeting

No	Details	Actions
19.3	<p><b>Community Response Policy update</b>                      Councillor Rice requested a report to provide an update on the development of a Community Response Policy that included manageable timeframes for replying to community concerns and enquiries, which was endorsed by Council at the September 2018 meeting. The matter was referred to the Director Environmental Services for investigation and report.</p>	Reporting to the June 2021 Council Meeting

**17 ADDENDUM TO REPORTS**

## 18 NOTICE OF MOTION

### 18.1 Notice of Motion: Support for artificial reef

Councillor Way has submitted the following Notice of Motion for Council's consideration:

#### **MOTION**

That Council:

1. Make formal representations to NSW DPI and Member for Kiama, Gareth Ward MP to have an artificial reef located off Kiama as per the media release "Calls for next Offshore Artificial Reef" distributed from the Member for Kiama's office on 19 April 2021.
2. Suggest a location for the artificial reef at a depth of 15 to 17 fathoms (but not restricted to that depth), off Bombo Beach due east from the train station that would provide easy access for boats of all sizes from Kiama boat ramp and harbour.
3. Include in the stated benefits for Kiama that the local and tourist fishing / diving industry, both recreational and commercial, would benefit, plus it would provide flow on input to businesses in Kiama CBD and surrounding accommodation in the Municipality.

Signed: Councillor Way

#### **General Manager's response**

The NSW Department of Primary Industries has established an artificial reef program to build offshore reefs to enhance recreational fishing. According to the Department's website, the reef designs deflect currents to create eddies and up swellings to provide intricate habitats for a variety of fish species.

The Department is currently seeking Expressions of Interest from interested parties on the potential next locations for reef installations.

To nominate locations for consideration, organisations or individuals are being asked to complete an online survey before 17 June 2021. The survey can be completed from a link on the Department's website at:

[www.dpi.nsw.gov.au/fishing/recreational/resources/artificial-reef](http://www.dpi.nsw.gov.au/fishing/recreational/resources/artificial-reef).

## 19 QUESTIONS FOR FUTURE MEETINGS

## 20 CONFIDENTIAL SUMMARY

### CONFIDENTIAL COMMITTEE OF THE WHOLE

Submitted to the Ordinary Meeting of Council held on 18 May 2021

#### PROCEDURE

- Recommendation to go into Closed Committee.
- Mayoral call for Public Representations.
- Consideration of Representations and issues to be removed from Closed Committee.
- Recommendation to exclude Press and Public if required.
- Closed Committee discussions if required.

#### 20.1 Exclusion Of Press And Public:

#### *RECOMMENDATION*

That in accordance with Sections 10 and 10A of the Local Government Act, 1993 as amended, Council close the meeting of the Confidential Committee of the Whole to the Press and Public on the grounds detailed under the report headings as detailed below.

#### 21.1 MICROSOFT LICENSING RENEWAL

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

#### 21.2 NSW PUBLIC SPACES LEGACY PROGRAM: PUBLIC AND OPEN SPACE FUNDING AGREEMENT

**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 Microsoft Licensing Renewal

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

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

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

**REASON FOR CONFIDENTIALITY**

*This item is classified CONFIDENTIAL under the provisions of Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

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**21.2 NSW Public Spaces Legacy Program: Public and Open Space Funding Agreement**

CSP Objective: 1.0 A healthy, safe and inclusive community

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

Delivery Program: 1.1.7 Manage recreation and open space infrastructure to cater for current and future generations

**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.*

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**22 CLOSURE**