

REGISTER OF DEVELOPMENT APPLICATIONS DETERMINED BY RESOLUTION OF COUNCIL

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2007.338.1	Lot 44 DP434015 No 13 Noble Street Gerringong - Eleven (11) Unit Mixed Use Development Including Five (5) Part Commercial & Part Residential Units and Six (6) Residential Units & Associated Car parking	09.09.08 CR308	<ol style="list-style-type: none"> 1) Council grant deferred commencement consent to development application No 10.2007.338.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 subject to conditions. The deferred commencement conditions to be placed on the consent are to require: <ul style="list-style-type: none"> • The submission of detailed plans demonstrating compliance with the Building Code of Australia and AS1428 – Equity of Access in relation to the provision of an adaptable floor plan for each ground floor unit. • the provision of a reciprocal right of way along the existing driveway to the southern property boundary of Lot 44 DP 434015 in favour of Lot 50 DP 884475 for the provision of vehicular and service vehicle access. This will require modification to the balconies at the rear of the building to provide a minimum 3.5m clear driveway area for service vehicle access. 2) Council notes the contention in the applicant's SEPP 1 objection as repeated on page 33 of this report that in their view "Council has in effect abandoned or destroyed the development standard." Council clearly states that it disagrees totally with this contention and Council has consistently supported its development standards, codes and policies and will continue to do so in the future. 3) Following compliance with all deferred commencement requirements subsequent conditions should include: <ul style="list-style-type: none"> • Management of stormwater drainage along the eastern boundary. • Dilapidation report prepared for the adjoining dwelling at the applicant's expense. 	<p>For – Cllrs Jones, Wheatley, Devenney, Bradley, East, & McCarthy</p> <p>Against – Cllrs Steel, Fredericks & Comber</p>	

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		09.09.08 CR309	that an additional condition be included in the deferred commencement consent: <ul style="list-style-type: none"> The building design be modified to more fully comply visually with the structure of the roof line required by the DCP No 14 – Gerringong Town Centre definition of two and a half storey as detailed on page 50 of the DCP. The objective being to ensure that the top floor level is visually seen to be constructed within the roof line space. 		
10.2006.307.1	Lot 1 DP434015 No 89 Manning Street Kiama - Three Storey Mixed Use Development Comprising 2 Shops at Ground Level, 4 Serviced Apartments and 5 Residential Units with Basement Car Parking	09.09.08 CR310	that Council grant delegated authority to the General Manager to determine Development Application No 10.2006.307.1 in consultation with the Director of Environmental Services and subject to appropriate conditions and/or reasons. Any consent must include conditions addressing the following matters: <ul style="list-style-type: none"> A bin storage and servicing plan to be submitted to and approved by Council's Manager of Environmental Health prior to the issue of any Construction Certificate. The provision of a Waste Management Plan for the construction stage of the development. Landscaping measures such as deeper planter boxes to provide additional screening from development to the northeast. Rearrangement of the car park layout so as to relocate (if possible) the parking for persons with a disability to be located closer to the entry to the foyer. One unit is to meet adaptable housing standards. Management of the serviced apartments including: <ul style="list-style-type: none"> a Section 88E Instrument outlining management controls; and requirements for Strata By-Laws to implement the management controls which can only be varied by Council. 	For – Ctrs Jones, Wheatley, Devenney, Bradley, East, McCarthy, Steel, Fredericks & Comber Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
		CR311	that the wording on page 3 of the report be altered from “area with fourteen (14) car spaces (including one space for persons with a disability)” to “area with fourteen (14) car spaces (including two spaces for persons with a disability)”.		
10.2008.151	Lot 14 DP 3638 No 458 Princes Highway, Foxground - Conversion of Existing Dwelling House into a Studio and Erection of a new Rural Dwelling House	21.10.08 CR312	<p>give delegated authority to the General Manager to determine development application No 10.2008.151.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 subject to conditions and/or reasons deemed suitable in consultation with the Director of Environmental Services with any approval including the following condition.</p> <ul style="list-style-type: none"> The proposed conversion of the existing old dwelling to a studio shall be constructed in a way which prevents its occupation as a separate dwelling house. In this regard the internal walls, fixtures and fittings, including plumbing shall be removed other than for support structures. A plan shall be lodged with Council, for approval, detailing the proposed structural changes prior to the issue of the Construction Certificate. 	<p>For – Cllrs Jones, Wheatley, Devenney, Bradley, East, McCarthy, Councillors Steel, Fredericks & Comber</p> <p>Against - Nil</p>	
10.2008.229.1	Lots 7 and 8 SP 19175 No 7 and 8/24 Collins Street, Kiama - Use of Altered Floor Layout	21.10.08 CR376	that pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 Council give delegated authority to the General Manager to determine development application No 10.2008.229.1 in consultation with the Director of Environmental Services subject to the imposition of appropriate conditions and/or reasons of consent including a requirement for the completion of the rectification works within three (3) months.	<p>For – Cllrs McCarthy, Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, van der Wijngaart & Wheeler</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2005.375.1 & 05.1995.148.3	Lot 1 DP 870161 No 211 Minnamurra Falls Road - Proposed Dwelling & Proposed Modification of Two Lot Subdivision	21.10.08 CR382	that this matter be deferred pending a site inspection.	For – Cllrs McCarthy, Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, van der Wijngaart & Wheeler Against - Nil	
10.2003.540.2	Lot 203 DP 1054190 No 109 Terralong Street, Kiama - Additions & Refurbishment of Club Building – Modification of Development Consent	18.11.08 CR421	that the application to modify the development consent No 10.2003.540.2 be deferred to the December Council meeting to allow for further consideration of the car parking standard AS/NZ 28901; Council's policy catering for overlapping uses and other relevant issues.	For – Cllrs Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, & Wheeler Against - Nil	
10.2008.266.1	Lot 2 DP 1101655 No 121 Riverside Drive, Kiama Downs – Dwelling	18.11.08 CR422	that pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 it is recommended that Council give delegated authority to the General Manager to determine development application No 10.2008.266.1 in consultation with the Director of Environmental Services subject to the imposition of appropriate conditions and/or reasons of consent. The following specific matters require conditioning: a) earthy and recessive colours; b) stormwater disposal; c) acid sulphate soils.	For – Cllrs Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, & Wheeler Against - Nil	

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10.2005.375.1 & 05.1995.148.3	Lot 1 DP 870161 No 211 Minnamurra Falls Road - Proposed Dwelling & Proposed Modification of Two Lot Subdivision	18.11.08 CR423	<p>that delegated authority be given to the General Manager to determine development application 10.2005.375.1 pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, and modification of consent 5.1995.148.3 pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979, subject to conditions and/or reasons deemed appropriate in consultation with Council's Director of Environmental Services.</p> <p>The deferred commencement conditions are as follows:</p> <ol style="list-style-type: none"> 1) The registration of restriction-as-to-user (RATU) applying to modified development consent 5.1995.148 issued 28 November 2000. 2) The submission of driveway long sections complying with AS/NZS 2890.1 – 2004. 3) Provide site plan identifying the proposed turning area enabling the manoeuvring of Rural Fire Service vehicles. 4) Provide amended landscape plan consistent with the Rural Fire Service manoeuvring area, and a native tree planting providing a screen on the Quarter Sessions Road elevation to the rear of the proposed development to mitigate the visual impact of the altered roof line. 	<p>For – Cllrs Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, & Wheeler</p> <p>Against - Nil</p>	
10.2003.540.2	Lot 203 DP 1054190 No 109 Terralong Street, Kiama - Additions & Refurbishment of Club Building – Modification of Development Consent	16.12.08 CR458	that the matter be deferred.		

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10.2007.338.1	Lot 44 DP434015 No 13 Noble Street Gerringong - Eleven (11) Unit Mixed Use Development Including 5 Part Commercial & Part Residential Units and 6 Residential Units & Associated Car Parking	16.12.08 CR459	<p>1) Request the applicant to provide amended plans detailing the following:</p> <ul style="list-style-type: none"> a) A minimum 3.5m driveway width along the rear boundary of the property, clear of any obstructions, in order to allow for the future provision of driveway access to the property adjoining the southern boundary of the subject site in accordance with DCP No 14 – Gerringong Town Centre. b) A building design complying with the visual depiction of the structure of the roof line required by DCP No 14 – Gerringong Town Centre definition of 2.5 storeys to ensure that the top floor level is visually seen to be constructed within the roof line space. c) Detailed plans demonstrating compliance with the Building Code of Australia and AS1428 – Equity of access in relation to an adaptable floor plan for each ground floor unit. <p>2) Give the General Manager delegated authority to determine the application following the receipt of amended plans.</p>	<p>For – Cllrs McCarthy, Wheeler, Reilly, Dare-Ward & Van der Wijngaart</p> <p>Against – Cllrs Petschler, Fredericks, Steel & Bowman</p>	
10.2008.85.1	Lot 11 DP 877637 No 36 Allowrie Street Jamberoo - Demolition of Existing Dwelling & Erection of Five (5) Units (DES	16.12.08 CR460	that the item be deferred to the next meeting with an onsite inspection to be undertaken.	<p>For – Cllrs McCarthy, Dare-Ward, Wheeler, Van der Wijngaart & Steel</p> <p>Against – Cllrs Reilly, Petschler & Bowman</p>	<p>Clr Fredericks declared a pecuniary interest as the owner of a business in the vicinity of the application and left the chambers</p>

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10.2001.56.8	Kiama Blue Development 31 Shoalhaven Street Kiama - Proposed modification	16.12.08 CR466	that delegated authority be given to the General Manager to determine the application to modify development consent 10.2001.56.8 pursuant to Section 96 of the EP&A Act 1979 & subject to conditions deemed appropriate in consultation with the Director of Environmental Services by: 1) Approving the modified drawings by Matt Fearn dated 17/11/2008. 2) Modifying Condition No 152 to read as follows: (152) The ground floor of the Kiama Infants School building shall be available for the use by community groups and shall be accessible by the general public as a gallery, function and conference centre in accordance with the Management Plan dated November 2008. 3) Adding the following conditions to the consent: 1(d) Construction works associated with the Kiama Infants School building shall be undertaken in accordance with plans prepared by Matt Fearn in 4 sheets dated 17 November 2008. 152(a) The Kiama Infants School building is to be used in accordance with the Management Plan dated November 2008.	For - Cllrs McCarthy, Bowman, Steel, Petschler, van der Wijngaart, Dare-Ward, Reilly & Wheeler Against - Nil	
2009					
10.2008.268.1	Unauthorised Building Works at No 8 Wilson Street, Gerringong	17.02.09 CR049	that the information be noted.		
10.2003.540.2	Lot 203 DP 1054190 No 109 Terralong Street, Kiama - Additions & Refurbishment of Club Building – Modification of Development Consent	17.02.09 CR005	that Council determine the application to modify development consent 10.2003.540.2 pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979, by: 1. Amending condition No 1 to require 124 car parking spaces. 2. Modifying condition No 3 “Car parking” to identify the replacement landscape plan. 3. Requiring Section 94 Contributions for the car parking spaces which cannot be provided onsite. 4. Allowing the proponent to pay the Section 94 contribution over a period no longer than 3 years having regard to the special circumstances that apply.	For – Cllrs McCarthy, van der Wijngaart, Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel & Wheeler Against - Nil	

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10.2008.85.1	Lot 11 DP 877637 No 36 Allowrie Street Jamberoo - Demolition of Existing Dwelling & Erection of Five (5) Units	17.2.09 CR006	that delegated authority be given to the General Manager to determine Development Application No 10.2008.85.1 subject to conditions and/or reasons as recommended by Council's Director of Environmental Services.	For – Clrs McCarthy, Bowman, Steel, Petschler, van der Wijngaart, Dare-Ward, Reilly & Wheeler Against - Nil	Clr Fredericks declared a pecuniary interest as owner of a business in the vicinity of the application & left the chambers during the determination of the matter
10.2004.84	Lot 1 DP 805229 No 29 Glenbrook Drive Kiama - Six (6) Lot Torrens Title Subdivision, Erection of Attached Dual Occupancy on Proposed Lots 2 – 5 and Further Two (2) Lot Torrens Title Subdivision of each Dual Occupancy	17.2.09 CR009	that delegated authority be given to the General Manager to determine development application No 10.2004.84 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions and/or reasons deemed appropriate in consultation with the Director of Environmental Services.	For – Clrs McCarthy, van der Wijngaart, Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel & Wheeler Against: Nil	
10.2008.177	Lot 850 DP231591 No 92 North Kiama Drive, Kiama Downs - Demolition of Existing Structure and Erection of a New Dwelling	17.2.09 CR010	that pursuant to Section 82A of the Environmental Planning & Assessment Act 1979, Council refuse development application number 10.2008.177.1 for the following reasons: <ol style="list-style-type: none"> 1. The development proposal is inconsistent with Kiama LEP 1996. 2. The development proposal is inconsistent with the building height policy as defined under Kiama DCP No 8 – “Building Height and Amenity”. 3. The proposed development is likely to detrimentally impact on the amenity of an adjoining property. 4. The development proposal is inconsistent with the abovementioned standards and legislation & consequently the development proposal is not in the public interest. 	For – Clrs McCarthy, van der Wijngaart, Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel & Wheeler Against - Nil.	

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10.2008.364.1	Lot 4 DP 810013 No 1/220 Wyalla Road, Jamberoo - Shed	17.2.09 CR011	Delegated authority be given to the General Manager to determine development application No 10.2008.364.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, and subject to a conditions and/or reasons deemed appropriate in consultation with the Director of Environmental Services; Any approval be subject to a condition that the building envelope be modified such that it incorporates the shed and it is reduced to the north of the dwelling.	For – Clrs Wheeler, Reilly, Dare Ward, van der Wijngaart, Petschler, Fredericks, Steel & McCarthy Against – Clr Bowman.	
10.2008.364.1	Lot 4 DP 810013 No 1/220 Wyalla Road, Jamberoo - Shed – Section 82A Redetermination	17.03.09 CR059	Council approve Development Application number 10.2008.364.1 pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979, to permit the construction of the proposed machinery shed outside the building envelope without amending the 88B Instrument	For – Clrs McCarthy, Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, van der Wijngaart & Wheeler Against - Nil	
10.2007.57	Lot 97 DP 1042921 Princes Highway Kiama - New Sheds and Office for Relocation of Kiama Landscape Supplies	17.03.09 CR060	Delegated authority be given to the General Manager to determine development application 10.2007.57.1 pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to conditions and/or reasons deemed appropriate in consultation with Council's Director of Environmental Services, including noise, dust suppression and contamination issues. Any approval restrict the operation of the Kiama Landscape Supplies on Lot 97 to exclude Sundays except for retail operations	For - McCarthy, Bowman, Dare-Ward, Fredericks, Reilly, Steel, van der Wijngaart & Wheeler Against - Clr Petschler	

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10.2008.251.1	Lot 131 DP 1091996 Rose Valley Road Rose Valley - Dwelling and Double Garage	17.03.09 CR063	<p>Pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 Council give delegated authority to the General Manager to determine development application No 10.2008.251.1 in consultation with the Director of Environmental Services subject to the imposition of appropriate conditions and/or reasons of consent. The following specific matters require conditioning:</p> <ul style="list-style-type: none"> • Earthy and recessive colours. • Stormwater disposal. • Acid sulphate soils. • <p>The following clause "Subject to the provision that there is no increase to the current building entitlements for the combined area of Lots 131 and 132" be appended to the recommendation</p>	<p>For – Cllrs McCarthy, Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, van der Wijngaart & Wheeler</p> <p>Against - Nil</p>	
10.2008.56.1	Lot 9 DP 737505 No 17 Pheasant Point Drive Kiama - Demolition of Existing Dwelling and Construction of an Attached Dual Occupancy	21.04.09 CR089	That Council, under Section 82A of the Environmental Planning & Assessment Act 1979, reaffirm its determination refusing the development application 10.2008.56.1.	<p>For – Cllrs Dare-Ward, van der Wijngaart, McCarthy, Bowman & Wheeler</p> <p>Against – Cllrs Reilly, Petschler, Fredericks & Steel</p>	

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10.2008.193.1	Lot 421 DP 570983 No 68 Crooked River Road Gerroa - Alterations and Additions to Club and Use of Additions for the Purposes of a Function Room	21.04.09 CR090	<ol style="list-style-type: none"> Council delegate authority to the General Manager to determine Development Application number 10.2008.193.1 and that should consent be granted conditions should be imposed in consultation with the Director of Environmental Services including management and operational conditions relating to: <ul style="list-style-type: none"> Submission of plans clearly showing the uses proposed and additional car parking spaces; Landscaping; Acoustic Report recommendations; Use of the function room; and Stormwater. Council consider how the use of sub-woofers, as recommended in the acoustic report, may be controlled and whether to restrict their use to daylight hours only or disallow their use in the function room; and Council investigate and report on the adequacy of parking at the Club as a condition of consent. 	<p>For – Cllrs McCarthy Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, van der Wijngaart & Wheeler</p> <p>Against - Nil</p>	
		21,04.09 CR091	A subsequent motion was moved by Councillor Petschler and seconded by Councillor Steel that Council advise the applicant of its concerns for the amenity of the neighbourhood, particularly in relation to the generation of noise and the impact of patron car parking and of its intention to monitor those impacts to ensure compliance with the conditions of consent.	<p>For – Cllrs McCarthy Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, van der Wijngaart & Wheeler</p> <p>Against - Nil</p>	

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		21.04.09 CR092	A subsequent motion was moved by Councillor Dare-Ward and seconded by Councillor van der Wijngaart that in the interests of the public, in particular those residents who have made submissions to Council regarding their concerns with this application, could the Director of Environmental Services make available a report for information to the May Council meeting any conditions of consent that are to be attached to this development. Could the conditions which directly address issues raised by the residents in their submissions be highlighted when they are forwarded to them as is Council's practice, as well as a full list of conditions being sent to the South Precinct.	For – Cllrs McCarthy Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, van der Wijngaart & Wheeler Against: Nil	
10.2008.234.1	Lots 100 - 106 DP 1064460 Cnr Shoalhaven Street and Seaview Street Kiama - Staged Development - Consolidation of 7 Existing Lots into 5 Lots, Demolition of Existing Ancillary Structure on No 2 Seaview Street, Kiama, Demolition of Existing Dwelling and Ancillary Structures on No 135 Shoalhaven Street, Kiama & Partial Demolition of Existing Dwelling on No 133 Shoalhaven Street, Kiama and Construction of 3 Attached Dual Occupancy Dwellings	21.04.09 CR093	that the matter be deferred for further consideration at the May Council meeting.	For – Cllrs Wheeler, Reilly, Petschler, Fredericks, Bowman & McCarthy Against - Dare-Ward; van der Wijngaart & Steel.	

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		21.04.09 CR094	A subsequent motion was moved by Councillor Petschler and seconded by Councillor Fredericks that Council note all amendments to the original report.	For – Clrs McCarthy Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, van der Wijngaart & Wheeler Against - Nil	
10.2008.358.1	Lots 7 and 8 DP 871423 No 126-130 Belinda Street (Corner Noble Street) Gerringong - Mixed Use Development incorporating Part Commercial Units, 6 Residential Units & Associated Basement Car parking	21.04.09 CR095	<p>It was moved that Council refuse to grant consent to development application No 10.2008.358.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 for reasons including, but not limited to:</p> <ol style="list-style-type: none"> 1. The development exceeds the height development standards at Clause 50 of Kiama LEP 1996. 2. The development is inconsistent with the objectives of Zone No 3(a) and pursuant to Clause 10 of Kiama LEP 1996 should be refused. 3. The proposal is inconsistent with the requirements and detailed planning for the site provided by Kiama DCP No 14 – Gerringong Town Centre and the variation sought is not well justified. 4. The proposal will result in an unacceptable impact on the current and desired character of the locality. 5. The development will have an unacceptable impact upon the amenity of the adjoining residential area, by way of noise, visual and acoustic privacy and treatment to the boundaries of the adjoining properties. 6. The development is not in the public interest. 	<p>For – Clrs McCarthy, Wheeler, Dare-Ward, van der Wijngaart & Bowman Against – Clrs Petschler, Steel, Fredericks & Reilly</p>	

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10.2008.353.1 & 10.2008.267.2	Lot 1002 DP859186 No 94 - 112 Manning Street Kiama – Ss Peter and Paul's Catholic School - Request for Refund of Fees	21.04.09 CR098	that Council not refund the fees levied in respect of development application No 10.2008.353.1, but refund the fee levied in respect of the application to modify consent number 10.2008.267.2.		
		21.04.09 CR099	A subsequent motion was moved by Councillor Petschler and seconded by Councillor Steel that Council review its procedures to ensure that applicants with development applications: 1. are fully aware of the requirements for full information to support such application; and 2. clearly understand all advice which is provided to assist such applications.		
10.2008.295	Lot 66 DP 1114917, Lot 1 DP1123518 & Lot 62 DP1095779 No. 417 Wallaby Hill Road Jamberoo – Two (2) Lot Subdivision	19.05.09 CR133	that delegated authority be given to the General Manager to determine development application No 10.2008.295 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions and/or reasons deemed appropriate in consultation with the Director of Environmental Services.	For – Cllrs Steel, Bowman, Fredericks, Petschler, Wheeler, Dare-Ward, & van der Wijngaart Against: Nil	
10.2009.13.1	Lot 100 DP836039 No. 50 Jupiter Street, Gerringong – Use of Extension of Rear Deck – Section 82A Redetermination	16.06.09 CR179	that Council consider the development application pursuant to Section 82A of the Environmental Planning and Assessment Act and uphold the previous refusal issued under delegated authority	For – Cllrs McCarthy, Wheeler, Reilly, Dare- Ward, van der Wijngaart, Petschler, Fredericks & Bowman	

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10.2009.24.1	Blowhole Point Public Reserve Land adjacent to Lots 276 and 277 DP 728098 Terralong Street Kiama () Shade Structures, Resurfacing, Outdoor seats to be used for Outdoor Dining	17.07.09 CR214	that Council refuse to grant Development Consent to Development Application No 10.2009.24.1, being for the placement of outdoor seating and tables for outdoor dining purposes, the erection of shade sail structures, resurfacing and other works at the Public Reserve adjacent to Lots 276 and 277 DP 728098 for the following reasons: 1. The development is prohibited in the 5(a) "Special Uses" (Wharf) Zone pursuant to the provisions of Clause 9 of Kiama Local Environmental Plan 1996. 2. The development as proposed will have an unacceptable impact on the heritage significance of the adjacent Kiama Wharf Building. 3. The proposed development is not within the public Interest.	For- Ctrs Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, van der Wijngaart, Wheeler & McCarthy Against - Nil	
10.2009.106.1	Lot 15 DP 31576 Riversdale Road, Jamberoo – Dwelling	18.08.09 CR259	that: 1) delegated authority be given to the General Manager to determine development application No 10.2009.106.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, and subject to conditions and/or reasons deemed appropriate in consultation with the Director of Environmental Services; and 2) a condition of any consent exclude the use of high noise construction activities including excavation, the use of power saws, posthole diggers, nails guns on the site between the hours of 4.00pm and 9.00am from October to April inclusive.	For – Ctrs McCarthy, Wheeler, Reilly, Dare-Ward, van der Wijngaart, Petschler, Fredericks, Steel & Bowman Against - Nil	
10.2009.99.1	Lot 143 DP 1080550 No 2a Sandy Wha Road, Gerringong - Dwelling and Inground Swimming Pool	18.08.09 CR260	that delegated authority be given to the General Manager to determine development application No 10.2009.99.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, and subject to conditions and/or reasons deemed appropriate in consultation with the Director of Environmental Services and including a condition that the proposed roof pitch of 32 degrees be reduced to 26 degrees with amended plans to be provided prior to the release of the Construction Certificate.	For – Ctrs McCarthy, Wheeler, Reilly, Dare-Ward, van der Wijngaart, Petschler, Fredericks, Steel & Bowman Against - Nil	

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10.2008.146.1	Lot 948 DP 236617 No 23 Johnson Street, Kiama Downs - Residential Unit above Existing Pharmacy	15.09.09 CR301	that the matter be deferred to enable a site inspection.	For – Clrs Bowman, Dare-Ward, Fredericks, Reilly, Steel, van der Wijngaart, Wheeler & McCarthy Against - Clr Petschler	
10.2008.264.1	Lot 100 DP 878895 Connors Creek Road, Broughton Village - Dwelling House, Swimming Pool and Tennis Court	15.09.09 CR304	that delegated authority be given to the General Manager to determine development application No 10.2008.264.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions and/or reasons deemed appropriate in consultation with the Director of Environmental Services including a condition requiring the modification of the previous application (DA 122/90) in relation to the building envelope and part two storey construction.	For – Clrs Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, van der Wijngaart, Wheeler & McCarthy Against: Nil	
PR.12410 & DCP.015.92	Elambra Estate Gerringong - Designated Dual Occupancy Sites	15.09.09 CR305	that an amendment to DCP No 24 to enable lots identified for dual occupancy purposes in Elambra Estate to be developed alternatively for a single dwelling house as discussed in the report be exhibited for public comment in accordance with the requirements of the Environmental Planning and Assessment Act.	For – Clrs Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, van der Wijngaart, Wheeler, McCarthy Against: Nil	

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10.2008.146.1	Lot 948 DP 236617 No 23 Johnson Street, Kiama Downs - Residential Unit above Existing Pharmacy	20.10.09 CR357	that delegated authority be given to the General Manager to determine development application No 10.2008.146.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions and/or reasons deemed appropriate in consultation with the Director of Environmental Services.	For – Clrs van der Wijngaart, Reilly, Dare-Ward, Petschler & Bowman Against – Clr Steel	
10.2007.353.1	Lot 21 DP 618820 No 110 Terralong Street, Kiama - Second Storey Addition to Existing Commercial Premises and 4 Lot Strata Subdivision	20.10.09 CR360	that delegated authority be given to the General Manager to determine development application No 10.2007.353.1 subject to conditions and/or reasons deemed appropriate in consultation with the Director of Environmental Services.	For – Clrs van der Wijngaart, Reilly, Dare-Ward, Petschler, Steel & Bowman Against - Nil	
10.2001.56.9	Kiama Blue – Corner Minnamurra and Shoalhaven Streets, Kiama – Application to Modify the Development Consent to Extend Trading House	17.11.09 CR381	that the application to modify development consent 10.2001.56.9, pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979 be approved by modifying condition No 153 to read: 153) The hours of operation of the cafe, cocktail bar, function centre and restaurant shall be restricted to between 8.00am and 12 midnight Monday to Sunday inclusive.	For – Clrs McCarthy, Wheeler, Reilly, Dare-Ward, van der Wijngaart, Petschler, Fredericks, Steel & Bowman Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2001.56.9	Kiama Blue –Corner Minnamurra and Shoalhaven Streets, Kiama – Application to Modify the Development Consent to Extend Trading House	17.11.09 CR382	<ol style="list-style-type: none"> 1) Council request the management of Kiama Blue and representatives of the affected community precinct negotiate, in good faith, a management accord that attempts to ameliorate the noise and other amenity impacts associated with the operation of the business; 2) Council offer its services to facilitate such negotiations; and 3) following the establishment of such a management accord that this group is retained to address ad hoc issues as they arise. 	<p>For – Clrs McCarthy, Wheeler, Reilly, Dare-Ward, van der Wijngaart, Petschler, Fredericks, Steel & Bowman.</p> <p>Against - Nil</p>	
10.2001.56.9	Kiama Blue –Corner Minnamurra and Shoalhaven Streets, Kiama – Application to Modify the Development Consent to Extend Trading House	17.11.09 CR383	<ol style="list-style-type: none"> 1) the Local Kiama Traffic Committee investigate the installation of resident only signposting on both sides of Minnamurra Street and Devonshire Street and the western side of Pheasant Point Drive between the hours of 12.00am and 6.00am with residents being assigned “Resident” stickers in accordance with Council and RTA regulations; and 2) Council investigate and report on the expansion of alcohol free zones to incorporate Minnamurra Street, Pheasant Point Drive and surrounding residential areas as the investigation deems appropriate. 	<p>For – Clrs McCarthy, Wheeler, Reilly, Dare-Ward, van der Wijngaart, Petschler, Fredericks, Steel and Bowman.</p> <p>Against - Nil</p>	
10.2003.580.7	Lot 97 DP14188 No 6 Warri Street Warri Beach – Attached Dual Occupancy and Two Lot Torrens Title Subdivision – Application to Modify the Development Consent to Authorise the Use of Illegal Work	17.11.09 CR384	<ol style="list-style-type: none"> 1. determine the Application to Modify Development Consent No 10.2003.580.7 pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979 by refusing to Modify the Development Consent as sought; and 2. issue appropriate Notices and Orders under the Environmental Planning and Assessment Act 1979 to require the removal of the unauthorised building work. 	<p>For - Clrs McCarthy, Wheeler, Reilly, Dare-Ward, van der Wijngaart, Petschler, Fredericks, Steel & Bowman.</p> <p>Against - Nil</p>	

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10.2003.580.7	Lot 97 DP14188 No 6 Werri Street Werri Beach – Attached Dual Occupancy and Two Lot Torrens Title Subdivision – Application to Modify the Development Consent to Authorise the Use of Illegal Work	17.11.09 CR385	that Council lodge a complaint against the Principle Certifying Authority, Yellamo Building Certifiers Pty Ltd (Michael O'Malley) with the Department of Planning.	For – Cllrs McCarthy, Wheeler, Reilly, Dare- Ward, van der Wijngaart, Petschler, Fredericks, Steel and Bowman. Against - Nil	
10.2009.258.1	Lot 80 DP14188 No 80 Pacific Avenue Werri Beach – Proposed Garage, Workshop and Games Room	15.12.09 CR434	that delegated authority be given to the General Manager to determine development application 10.2009.258.1 pursuant to Section 80(3) of the Environment Planning and Assessment Act, 1979 and subject to conditions and/or reasons deemed appropriate in consultation with the Director of Environmental Services. Should consent be issued it shall include a requirement that Development Application 10.2007.203.1 be modified to remove the front boundary fence from that consent so as to ensure sight distance requirements at the access driveway are provided.	For – Cllrs McCarthy, Bowman, Steel, Fredericks, Petschler, van der Wijngaart, Dare-Ward, Reilly & Wheeler Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2009.214.1	Lot 286 DP30126 No 18 Elanora Road, Kiama Heights – Erection of Attached Dual Occupancy with Two Lot Torrens Title Subdivision	15.12.09 CR435	<p>that Development Application number 10.2009.214.1 be refused pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, for the following reasons:</p> <ol style="list-style-type: none"> 1) The height of the building exceeds the 2 storey limit imposed by Clause 50 of Kiama LEP 1996. The SEPP 1 Objection submitted is not well founded and strict compliance with the standard is not unreasonable or unnecessary in this case. 2) The double garages exceed 50% of the street elevation and have not been appropriately recessed into the building facade and is out of character with the established and desired streetscape for Elanora Road. Accordingly the proposal is contrary to Clauses 8.2(h) and 8.4(b) of Kiama DCP No 7 – Dual Occupancy Development. 3) The height of the proposed building, within 16 metres of the front property boundary, exceeds the maximum height of two storeys allowed by clause 8.2(b) of Kiama DCP No 7 – Dual Occupancy Development. 4) The height of the proposed building, beyond 16m of the front property boundary, exceeds the maximum height of 3.6 metres allowed by clause 8.2(b) of Kiama DCP No 7 – Dual Occupancy Development. 5) The height of the proposed building exceeds the 7 metre height limit permitted by Kiama DCP No 8 – Building Height and Amenity 6) The proposed building exceeds the Building Height Plane restriction contained within Kiama DCP No 8 – Building Height and Amenity 7) The site is not suitable for the proposed development. 8) Given the number and nature of non-compliances with Kiama DCP No 7 – Dual Occupancy Development, Kiama DCP No 8 – Building Height & Residential Amenity, and Kiama DCP No 36 – Building Lines & Foreshore Building Lines, approval of the development proposal is not considered to be in the public interest. 	<p>For – Cllrs Reilly, Dare- Ward, van der Wijngaart, Petschler, Fredericks, Steel, Bowman & McCarthy.</p> <p>Against – Cllr Wheeler</p>	

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10.2009.69	Lot 101 DP875647 No 121 Clover Hill Road, Jamberoo – Dwelling	15.12.09 CR437	that delegated authority be given to the General Manager to determine development application 10.2009.69.1 pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to conditions and/or reasons deemed appropriate in consultation with Council's Director of Environmental Services.	For – Clrs McCarthy, Wheeler, Reilly, Dare- Ward, van der Wijngaart, Petschler, Steel, Fredericks & Bowman. Against - Nil	
2010					
10.2009.214.1	Lot 286 DP 30126 No 18 Elanora Road, Kiama Heights - Section 82A – Review of Determination - Erection of Attached Dual Occupancy with Two (2) Lot Torrens Title Subdivision	16.02.10 CR005	that: 1) delegated authority be given to the General Manager to determine development application No 10.2009.214.1 pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979, subject to conditions and/or reasons deemed appropriate in consultation with the Director of Environmental Services. 2) Council place a condition and restriction on the site to maintain and protect the spring if consent is granted.	For – Clrs McCarthy, van der Wijngaart, Bowman, Steel, Fredericks, Petschler, Dare-Wad, Reilly & Wheeler Against - Nil	
10.2009.290.1	Lot 850 DP 231591 No 92 North Kiama Drive, Kiama Downs - Demolition of Existing Dwelling and Addition of New Dwelling and Plunge Pool	16.02.10 CR008	that delegated authority be given to the General Manager to determine development application 10.2009.290.1 pursuant to Section 80(3) of the Environment Planning and Assessment Act, 1979 and subject to conditions and/or reasons deemed appropriate in consultation with the Director of Environmental Services.	For – Clrs McCarthy, van der Wijngaart, Bowman, Steel, Fredericks, Petschler, Dare-Wad, Reilly & Wheeler Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2008.307.1	Lot 2 DP1003719 – 58 Old Saddleback Road Kiama – Demolition of Existing Dwelling & Construction of Seniors Living Development Comprising 52 Serviced Self-Care Dwellings	16.03.10 MN028 MN029	that Council refuse the application. the reasons for refusal are: 1) The development is poorly designed in relation to the defined edge of West Kiama 2) There is inadequate access to the property and the development does not provide a perimeter road 3) The wall of housing on the edge of the development is inappropriate in terms of the rural and visual amenity and impact on the rural interface 4) The distance to town services, shops and transport is unsatisfactory 5) The road access is dangerous 6) The proposal is not in the public interest in terms of the LEP and the group of people which the development is to house because of poor access to services 7) The development encroaches on valuable agricultural land which should be preserved for agricultural production 8) The site compatibility certificate was issued outside of the guidelines of the State Environmental Planning Policy.	For – Cllrs McCarthy, Bowman, Steel, Petschler, van der Wijngaart, Dare-Ward, Wheeler & Reilly. Against – Cllr Fredericks For – Cllrs McCarthy, Bowman, Steel, Petschler, van der Wijngaart, Dare-Ward, Wheeler, Fredericks & Reilly Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2009.288.1	Lot 500 DP1064140 No 43 Old Saddleback Road, Kiama – Six Lot Subdivision and Extinguishment of the Easement for Bushfire Trail 10 Wide	16.03.10 CR047	that delegated authority be given to the General Manager to determine development application 10.2009.288.1 pursuant to Section 80 of the Environment Planning and Assessment Act, 1979 and subject to conditions and/or reasons as deemed appropriate in consultation with the Director of Environmental Services.	For – Ctrs McCarthy, Bowman, Steel, Fredericks, Petschler, van der Wijngaart, Dare-Ward, Reilly & Wheeler. Against - Nil	
10.2010.14.1	Lot 8 DP285560 No37 Byrnes Run, Curramore – Garden Shed	16.03.10 CR048	that delegated authority be given to the General Manager to determine development application 10.2010.14.1 pursuant to Section 80 of the Environment Planning and Assessment Act, 1979 and subject to conditions and/or reasons deemed appropriate in consultation with the Director of Environmental Services.	For – Ctrs McCarthy, Bowman, Steel, Fredericks, Petschler, van der Wijngaart, Dare-Ward, Reilly & Wheeler Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2008.90.1	Lot 1 DP 743509 & Lot 202 DP 1054190, No 33 Collins Street, Kiama - Demolition of Existing Building, Consolidation of 2 Lots & Construction of 41 Shops	20.4.10 CR070	<p>that Council refuse Development Application number 10.2008.90.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the following reasons:</p> <ol style="list-style-type: none"> 1) Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with clause 21 of Kiama LEP 1996, which sets a maximum floor space ratio of 1.5:1 for the site. The development comprises a floor space ratio of 1.76:1. The objection pursuant to State Environmental Planning Policy No 1 - Development Standards (SEPP 1) is not considered to demonstrate that the development standard is unreasonable or unnecessary under the circumstances of the case. 2) Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with clause 50 of Kiama LEP 1996, which sets a maximum height limit of 3 storeys for the site. The development comprises 4 storeys. No objection pursuant to SEPP 1 has been lodged. 3) Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with objective (f) of the 3(a) General Business zone under Kiama LEP 1996, with respect to scale. 4) Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with Clause 139 of the Illawarra Regional Environmental Plan as the proposed development exceeds 11 metres in height. 5) Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is prohibited as it is dependent upon access over land zoned Residential 2(b) – Residential “B”. Shops are prohibited in the Residential 2(b) – Residential “B” zone pursuant to Kiama LEP 1996. 6) Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with clause 55 of Kiama LEP 1996, for the following reasons: 	<p>For – Cllrs McCarthy, Bowman, Dare-Ward, Reilly, van der Wijngaart, & Wheeler</p> <p>Against - Nil</p>	<p>Clr Fredericks declared a pecuniary interest in this matter as the owner of existing supermarkets in the area. Clr Fredericks left the Council Chambers and took no part in the determination of the matter. Following determination of the matter Clr Fredericks returned to the Council Chambers.</p>

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2008.90.1	Contd.		<p>a) A revised traffic impact assessment report was requested by Council. The document has been assessed by Council officers who are of the opinion that there has been no significant change to the previously assessed document.</p> <p>b) The applicant has nominated the vertical clearance for the service ramp at Collins Street and the service area at 4.3 metres. This is an insufficient clearance floor to ceiling. The minimum vertical clearance for articulated, heavy rigid and medium rigid vehicles is 4.5 metres as required in Table 4.1 of Section 4.2 Dimensions of Service Bays of AS 2890.2.</p> <p>c) The applicant has not provided the minimum access driveway width at the Collins Street ramp for the service vehicles. Section 3 Access Driveways and Circulation Roadways of AS 2890.2 provides a clear direction in regard to passing vehicles and lines of sight. The traffic impact assessment under sub-clause 3.4.2 Service Vehicle Access clearly indicates non-compliance.</p> <p>d) The Collins Street access driveway which provides access for service vehicles has not made provision for minimum sight lines for pedestrians in compliance with Figure 3.3 of AS/NZS 2890.1.</p> <p>e) The applicant has not made adequate provision for the minimum access driveway and circulation roadway width at Meares Place. The traffic impact assessment under sub-clause 3.4.1 clearly indicates that the proposed entry treatment will not comply with AS/NZS 2890.1. Section 3.2 Access Driveways – Width and Location provides in Tables 3.1 and 3.2 for the class of parking and access driveway widths. The development would require a 3A user class and a category 3 access driveway.</p> <p>f) The applicant was requested to provide the AS 2890.2 12.5 metre heavy rigid vehicle design swept paths for access to and from Collins Street and within the proposed service area. The applicant has provided design swept paths for a 9.2 metre refuse collection vehicle and the 19 metre articulated vehicle, but failed to provide for the 12.5 metre heavy rigid vehicle. AS 2890.2 provides differences in manoeuvring capability which was the reason for the request.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2008.90.1	Contd.		<p>g) The traffic impact assessment has not fully examined the impacts on Meares Place and whether it can accommodate an additional 785 veh/peak hour or 7838 veh/daily from this development.</p> <p>h) The traffic impact assessment has not satisfactorily investigated possible queuing effects in Meares Place at the proposed development's car park entry and exit.</p> <p>i) The traffic impact assessment does not satisfactorily identify the raised concrete median proposed for Collins Street and its relationship with and impact on the manoeuvring of service vehicles. The treatment has been identified by Council and the Kiama Local Traffic Committee as a necessary traffic management treatment to be located over the road length between the existing Terralong and Minnamurra Street roundabouts.</p> <p>j) The traffic impact assessment does not satisfactorily identify the turning movements for service vehicles that could be impacted at the existing roundabout located at the Collins and Minnamurra Street intersection.</p> <p>k) The traffic impact assessment has not fully addressed the issue of employee parking associated with the development and the impacts this will have on nearby public streets. It is noted that 11 car parking spaces have been set aside for staff parking on level 5, however the issue of integrating staff parking with existing on-street parking on the surrounding public road network has not been substantially addressed.</p>		

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10.2008.90.1	Contd.		<p>l) The initial traffic impact assessment submitted to Council on 11 June 2009 modelled two (2) proposed options for the Meares Place and Terralong Street intersection, being a left in/out only arrangement and the construction of a new roundabout. Concerns were raised by Council officers that although the overall intersection volumes appeared to comply, there was no indication on where the figures for the traffic splits were derived from as shown in Figs 5.3 and 5.4. In addition, Figs 6.1 and 6.2 showed a substantial increase in traffic volumes for the post-developed westbound traffic in Terralong Street, which do not match those in Figs 5.3 and 5.4. The revised traffic impact study submitted 12 January 2010 did not provide adequate information for Council officers to further assess this matter. It is also noted that following further investigation the proposed roundabout option has been discounted by the applicant as an unworkable option due to a number of constraints. Council officers in an earlier assessment had concerns about the left in/left out proposal and the impact that this would have on the existing Terralong Street roundabouts. This view has not changed.</p> <p>m) The applicant through the revised traffic impact assessment submitted on 12 January 2010 did not consider any further option of alternative traffic management treatments for the Meares Place and Terralong Street intersection other than return to the left in/out only arrangement and removal of the roundabout option due to existing constraints. No other traffic management options have been put forward for consideration.</p> <p>n) The applicant has not provided a detailed and satisfactory pedestrian analysis with the traffic impact assessment.</p> <p>o) The traffic impact assessment in the intersection analysis has identified substantial westbound queue lengths in Terralong Street as a result of this development. The traffic impact study has not investigated how this substantive queuing will impact on the nearby collector and distributor road network.</p>		

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10.2008.90.1	Contd.		<p>7) Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is excessive in height, bulk and scale and would adversely impact upon the amenity of the locality.</p> <p>8) Pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.</p>		
10.2010.6.1	Lot 71 DP 831089 No 200 Terralong Street, Kiama - Relocation of Existing Structures (3 Relocatable Buildings & 1 Container), Foundations, Renovation of Structures and Use as Community Gardens	20.4.10 CR071	<p>that delegated authority be given to the General Manager to determine development application 10.2010.6.1 pursuant to Section 80(3) of the Environment Planning and Assessment Act, 1979 and subject to conditions and/or reasons deemed appropriate in consultation with the Director of Environmental Services with the following amendments to be included:</p> <p>1) Council proceed with the community garden at this stage with the exclusion of livestock in the garden</p> <p>2) that the exclusion of the livestock be reviewed in six (6) months.</p>	<p>For – Clrs McCarthy, Bowman, Fredericks, Reilly & Wheeler</p> <p>Against – Clrs Dare-Ward & van der Wijngaart</p>	
10.2007.379.1	Lot 28 DP 751292 and Lot 2 DP 208387 Knights Hill Road, Knights Hill - Development Application – Mineral Water Bottling Facility	20.4.10 CR072	<p>that this development application be refused on the grounds that:</p> <p>1) there is concern regarding the impact of the proposal on the surrounding aquifer, and watershed including the hanging swamps and waterways downstream.</p> <p>2) the application is against the public interest.</p>	<p>For – Clrs McCarthy, Dare-Ward, Bowman, van der Wijngaart, & Wheeler</p> <p>Against – Clrs Fredericks & Reilly</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.55.1	Lot 50 DP 29245 No 4 Charles Avenue, Minnamurra - Use of Front Fence	20.4.10 CR073	that delegated authority be given to the General Manager to determine development application 10.2010.55.1 pursuant to Section 80 of the Environment Planning and Assessment Act, 1979 and subject to conditions and/or reasons deemed appropriate in consultation with the Director of Environmental Services and subject to the following conditions: 1) that the height of the courtyard wall is no higher than 1.8m in height; 2) that the matured shrubs fronting the wall are maintained.	For – Ctrs McCarthy, Bowman, Fredericks, Reilly & Wheeler Against – Ctrs Dare-Ward & van der Wijngaart	
10.2009.141.1	Lots 10 & 11 DP1045242 Campbell St, Gerringong - Caravan & Tourist Park - 365 sites comprising 252 long term sites, 113 tourist sites consisting of 23 insitu ensuite cabins, 40 short term sites for caravans & 50 camp sites, conversion of 1 existing dwelling to managers, conversion of second existing dwelling to community centre, construction of 2 amenities buildings, associated infrastructure & rehabilitation works to existing dam to create a detention pond, extension of Campbell St to form a public road and subdivision into 252 lots for lease purposes.	22.06.10 CR171	that Council refuse the application for the following reasons: 1) insufficient information has been provided with regard to traffic and associated impacts both within and to the site to allow favourable consideration of the application. 2) the proposed development is contrary to the objectives of the Illawarra Regional Strategy in that it results in the loss of Agricultural Lands as this site has been identified by the DPI as Class 3 lands which are “lands well suited to pasture improvement and associated pasture management practices. These lands may be cultivated for an occasional crop depending on the nature of the constraints. Overall there is good capability for agriculture” 3) the proposed development is contrary to the public interest in that insufficient information has been provided to determine the impact of the proposed development.	For – Ctrs McCarthy, Bowman, Dare-Ward, Reilly, van der Wijngaart, Wheeler, Petschler & Fredericks. Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2009.181.1	Lot 2 DP 1003719 No 58 Old Saddleback Road, Kiama - Manufactured Home Estate	22.06.10 CR172	<p>that Council refuse Development Application number 10.2009.181.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, for the following reasons.</p> <ol style="list-style-type: none"> 1) The proposal is not consistent with the objectives of State Environmental Planning Policy No 36 – Manufactured Home Estates. 2) The proposal is not consistent with the objectives of Kiama Local Environmental Plan 1996. 3) Council has not been satisfied that adequate transport services are available to service the property in accordance with Clause 9(1)(b) of State Environmental Planning Policy No 36 – Manufactured Home Estates. 4) The development does not satisfy Clause 17 of the Local Government (Manufactured Home Estates, Caravan Parks, Complying Grounds and Moveable Dwellings) Regulation 2005. 5) The proposed “Y”-turning head on the site would cause an unacceptable level of vehicle movement conflict. 6) The location and management of the office/kiosk would present security concerns and are therefore not consistent with crime prevention through environmental design (CPTED) Guidelines. 7) Given the level of non-compliance the proposal is not in the public interest. 	<p>For – Clrs McCarthy, Bowman, Dare-Ward, Reilly, van der Wijngaart, Wheeler, Petschler & Fredericks.</p> <p>Against - Nil</p>	
10.1999.473	Kiama Seaside Craft Markets	20.07.10 CR209	that the General Manager be given the delegated authority to determine the Development Application for the Kiama Seaside Markets to operate under existing arrangements, up to a limit of 170 stalls until the end of February 2011.	<p>For – Clrs Wheeler, Reilly, Dare-Ward, van der Wijngaart, Petschler, Steel & Bowman</p> <p>Against – Clr McCarthy</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.167.1	Shop Fitout and Minor Alterations to Addison's Garage	20.07.10 CR237	1) Development Application 10.2010.167.1 be presented to a future Council meeting for determination; and 2) the report to Council make it clear whether the new owners of Cohen's Newsagency intend to keep trading as a Newsagency and to what extent they plan to move newsagency operations to the refurbished garage site.	For – Clrs McCarthy, Wheeler, Reilly, Dare- Ward, van der Wijngaart, Petschler, Steel & Bowman	
10.2010.167.1	Lot 1 DP223587 No. 180 Manning Street, Kiama – Shop Fitout and Replacement of Window with Doorway	24.08.10 CR260	1) Delegated authority be given to the General Manager to determine development application 10.2010.176.1 pursuant to Section 80 of the Environment Planning and Assessment Act, 1979 and subject to conditions and/or reasons as deemed appropriate in consultation with the Director of Environmental Services. 2) the applicant/owner be requested to participate in the Pedestrian Access Mobility Plan (PAMP) to prepare for the subject area.	For – Clrs Reilly, Dare- Ward, Petschler, Fredericks, Steel, Bowman, van der Wijngaart	
10.2010.164.1	Lot 56 DP 1122129 and Lot 59 DP 1122131 No 157 & 159 Princes Highway, Kiama Heights - Two (2) Lot Boundary Adjustment	19.10.10 CR346	that Development Application number 10.2010.164.1 be granted Development Consent subject to imposition of conditions, pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 and subject to conditions and/or reasons as deemed appropriate in consultation with the Director of Environmental Services.	For - Clrs McCarthy, Bowman, Fredericks, Petschler, van der Wijngaart, Dare-Ward, Reilly & Wheeler Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.254	Lot 1 DP 1139651 No 4A Illoura Place, Gerringong - Use of Under Floor Addition	16.11.10 CR378	that delegated authority be given to the General Manager to determine development application 10.2010.254.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions and/or reasons deemed appropriate in consultation with Council's Director of Environmental Services.	For – Ctrs McCarthy, Bowman, Fredericks, van der Wijngaart, Dare-Ward, Reilly, Steel & Wheeler Against - Nil	
10.2010.206	Lot 11 DP 1096691 Margaret Street, Gerringong - Industrial Warehouse	16.11.10 CR379	that: 1. Council endorse the exhibition and briefing program identified within this report; 2. Community Panel Members be briefed on the draft LEP and Kiama Urban Strategy; 3. Council not establish a specific LEP exhibition review committee; and That the following additional documents also be placed on the Council website and the Kiama Comment web page for exhibition in conjunction with the LEP: a. details of original JSA Kiama Needs & Directions Study (Stubbs 2006) land suitability for residential development b. Hill Thallis report on Urban Structure and Improvements and Urban Design c. Dr Danny Wiggins – the final DW Place-based Residential Strategy reports for Jamberoo Dec 2004, Gerringong-Gerroa 2003 and Kiama Dec 2008.	For - Ctrs McCarthy, Bowman, Fredericks, van der Wijngaart, Dare-Ward, Reilly, Steel & Wheeler Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
2011					
10.2009.176.2	Lot 1 DP10476163 No 21 Bland Street, Kiama – Attached Dual Occupancy and two Lot Torrens title Subdivision – Modification of Development Consent	15.02.11 CR009	that Council: 1) Refuse the proposed modification of development consent 10.2009.176.2 for the following reasons: a. The rock retaining wall and private open space areas breach the Restriction on Use of Land fourthly referred to in the 88b Instrument for DP 1046163 as they encroach within the restricted area. b. The rock retaining wall and private open space areas require a controlled activity approval pursuant to the Water Management Act, which has not been obtained. The development thereby breaches the Restriction on Use of Land fifthly referred to in the 88b Instrument for DP 1046163. c. The rock retaining wall and private open space areas protrude within the protected watercourse area and thereby:- i) disrupt the ongoing function of the watercourse; and conversely ii) are at increased risk of damage from the watercourse. d) Approval of the modification of development consent would set an undesirable precedent for similar inappropriate development within the protected land. 2) Issue an Order for the removal of the work within the restricted land and reinstatement of that land to pre-development conditions.	For – Clrs McCarthy, Bowman, Fredericks, van der Wijngaart, Dare-Ward, & Wheeler Against – Clrs Reilly & Steel	
		15.02.11 CR010	a Subsequent Motion was moved by Councillor van der Wijngaart and seconded by Councillor Dare-Ward that a report be provided to Council in relation to the role of the private certifier and the illegal embankment work at 21 Bland Street, Kiama.	For – Clrs McCarthy, Bowman, Fredericks, van der Wijngaart, Dare-Ward, Reilly, Steel & Wheeler Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.300.1	Lot B DP 163686 No 3 Pacific Street Kiama (10.2010.300.1) Demolition of Existing Dwelling, Construction of Attached Dual Occupancy and Subsequent Two (2) Lot Torrens Title Subdivision	15.02.11 CR011	<p>that Council refuse Development Application number 10.2010.300.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the following reasons:</p> <ol style="list-style-type: none"> 1) Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with the objectives of Kiama DCP No 36 – Building Lines & Foreshore Building Lines, with respect to ‘appropriate siting of dwellings and other buildings’ and ‘protecting the amenity of the locality’. 2) Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with clause 4.1 of Kiama DCP No 8 – Building Height & Amenity, which sets a maximum 7 metre height limit for attached dual occupancy development. Dwellings 1 and 2 both exceed 7 metres in height. 3) Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with Kiama DCP No 36 – Building Lines and Foreshore Building Lines, which identifies primary and secondary building lines. It has not been demonstrated as required in clause 10.1 that special circumstances apply in relation to the site to justify the variation proposed in terms of the frontages to which the building lines are proposed to be applied. 4) Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is excessive in bulk and would adversely impact upon the amenity of the locality. 5) Pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest. 	<p>For – Cllrs McCarthy, Bowman, Fredericks, van der Wijngaart, Dare-Ward, Reilly, Steel & Wheeler</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.300.1	Contd.	15.2.11 CR012	a Subsequent Motion was moved by Councillor Reilly and seconded by Councillor Steel that the word “assumed” be removed from Clause 8.2 of DCP7.	For – Clrs Bowman, van der Wijngaart, Dare-Ward, Reilly & Steel Against – Clrs McCarthy, Fredericks & Wheeler	
10.2010.198.2	Lot 7008 DP1074746 Terralong Street Kiama - Modification to Development Consent Kiama Craft Markets	15.2.11 CR020	<p>that Council grant delegated authority to the General Manager to determine modified development application 10.2010.198.2 in consultation with the Director Environmental Services and subject to appropriate conditions and/or reasons. The modifications to the consent being as follows:</p> <ol style="list-style-type: none"> 1) Removing Condition No. 2 under the heading “General”. (i.e. “This consent will operate until 28 February 2011 only, no markets shall be undertaken after that date.”), and 2) Modifying Condition No. 2 under the heading “General” to read: “(2) The operation of the market shall be limited to two (2) Sundays per calendar month and the number of stalls in any market including community stalls shall not exceed two hundred (200) stalls.”, and 3) Modifying Condition No. 4 under the heading “General” to read: “(4) This consent is for the operation of a market from Lot 7007 and 7008 DP 1074746 (“the reserve”). On its own this consent does not allow the applicant to operate a market from the reserve. In addition to this consent the applicant must obtain from Kiama Council, as Reserve Trust Manager, a license to use and occupy the reserve. <p>For the avoidance of doubt the applicant must:</p> <ol style="list-style-type: none"> i) Obtain from Council (as Reserve Trust Manager) a license to use and occupy the reserve; and ii) Fully comply with the terms and conditions of that licence in order for this consent to come into effect.” 	<p>For – Clrs McCarthy, Bowman, Fredericks, van der Wijngaart, Dare-Ward, Reilly, Steel & Wheeler</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.294.1	Lot 41 DP1047848, 131 Daltons Road, Jamberoo – Rural Dwelling and Access Road	15.3.11 CR054	that delegated authority be given to the General Manager to determine development application 10.2010.294.1 pursuant to Section 80 of the Environment Planning and Assessment Act, 1979 and subject to conditions and/or reasons as deemed appropriate in consultation with the Director of Environmental Services.	For – Clrs McCarthy, Bowman, Fredericks, van der Wijngaart, Reilly, Steel & Wheeler Against - Nil	
10.2010.171.1	Lot 145 DP33903 No. 39 Tingira Crescent, Kiama – Wind Turbine	15.3.11 CR055	that this matter be deferred to allow the receipt and assessment of further information.	For – Clrs McCarthy, Bowman, Fredericks, van der Wijngaart, Reilly, Steel & Wheeler Against - Nil	Clr van der Wijngaart declared a pecuniary interest as the owner of the property.
10.2010.358.1	Lot 66 DP 603951 No. 125 Minnamurra Falls Road, Jamberoo and Lot 1 DP60500 No. 30 Quarter Sessions Road, Jamberoo – Rural Boundary Adjustment	15.3.11 CR057	That delegated authority be given to the General Manager to determine development application 10.2010.358.1 pursuant to Section 80 of the Environment Planning and Assessment Act, 1979 and subject to conditions and/or reasons as deemed appropriate in consultation with the Director of Environmental Services.	For - McCarthy, Bowman, Fredericks, van der Wijngaart, Reilly, Steel & Wheeler Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.125.1	Lots 1 & 2 DP 1108823 No 8-10 Blackwood Street, Gerringong and Lot E DP38381 - Removal of Existing Museum and Construction of Alterations and Additions to Gerringong School of Arts to Create a Library and Community Facility	28.6.11 CR236	<p>That Council approve development application No 10.2010.125.1 by deferred commencement pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 subject to conditions below:</p> <p>Deferred Commencement Condition</p> <p>The applicant shall consolidate Lots 1 & 2 DP1108823 and Part Lot E DP38381 with such consolidation being registered with the Land and Property Management Authority.</p> <p>Operative Consent Conditions</p> <p>General</p> <ol style="list-style-type: none"> 1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2010.125.1 dated - and on the application form except as amended by the following conditions. 2) The developer shall comply with the requirements set out in Kiama Development Control Plan 32 - Kiama Development Code. 3) 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: <ol style="list-style-type: none"> a The variation in hours required. b The reason for that variation. c The type of work and machinery to be used. 		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.125.1	Contd.		<p>Bonds and Contributions</p> <p>1) A contribution pursuant to Section 94A 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 any Occupation Certificate. The total contribution required for the development is \$26,840.00.</p> <p>The amount of the contribution shown on the development consent will be indexed to the time of payment in the following manner: Contribution (at time of payment) = $C \times \frac{CPI_P}{CPI_C}$</p> <p>Where: C = The original contribution amount as shown in the development consent. CPIP = The Consumer Price Index: All Groups Index for Sydney as published by the Australian Bureau of Statistics and which applied at the time of payment. CPIc = The Consumer Price Index: All Groups Index for Sydney as published by the Australian Bureau of Statistics and which applied at the time of issue of the development consent.</p> <p>Prior to Commencement of Works</p> <p>1) The developer must lodge with Council a bond of \$10,000.00, in the form of an unconditional bank guarantee or cash, prior to the commencement of any work, as a security for new and remedial work associated with the development proposal and covering all work within the public roads administered by Council under the Roads Act 1993 and compliance with the submitted Waste Management Plan during the course of construction.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.125.1	Contd.		<p>The developer shall submit a dilapidation survey prior to commencement of any work within the road reserve.</p> <p>The bond shall be refunded in full subject to the following:</p> <ul style="list-style-type: none"> • There being no damage to the infrastructure within the road reserve. • Twelve (12) months has elapsed from the date of issue of the Occupation Certificate and/or Subdivision Certificate. • 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. <p>2) The developer must construct the footpath access driveway in compliance with the Kiama Development Control Plan No. 32 – Kiama Development Code and Council's "Footpath Works Procedure Manual"</p> <p>3) The applicant must provide, to Council, the appropriate fee for the inspections required for the construction of the footpath crossing/access driveway in accordance with Council's adopted fees and charges. This inspection fee must be paid prior to the commencement of works within the road reserve area.</p> <p>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.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.125.1	Contd.		<p>4) Under the provisions of the Act, work may not commence on the development until the following is carried out:</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p>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.</p> <p>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.</p> <p>5) The developer shall obtain a Construction Certificate prior to the commencement of any civil engineering works.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.125.1			<p>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:</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p>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.</p> <p>Demolition Works</p> <ul style="list-style-type: none"> 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. 2) Safe access to and egress from adjoining buildings shall be maintained at all times for the duration of the demolition work. 3) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia) 		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.125.1	Contd.		<p>4) Removal of asbestos, or of materials containing asbestos fibres, shall be in accordance with the National Occupational Health and Safety Commission code of practice. Arrangements are to be made with a qualified contractor prior to the disposal of asbestos.</p> <p>Civil Engineering Design</p> <p>1) All flexible pavements are to be designed in accordance with the AUSTROADS publication "A Guide to the Design of New Pavements for Light Traffic – APRG Report No.21".</p> <p>2) The proposed pavement treatment must be identified and the design detail shall be submitted to the Certifying Authority for assessment prior to the release of the Construction Certificate.</p> <p>3) All concrete roads shall be designed and constructed in accordance with the principals of the Cement and Concrete Association Technical Notes. The completed technical notes shall be submitted with the Construction Certificate Application.</p> <p>4) The developer shall submit details of all civil engineering works, on engineering drawings, to the Certifying Authority for approval prior to the issue of the Construction Certificate.</p> <p>5) Where required the developer shall provide details of the retaining walls required to support the proposed embankments. The detail shall be submitted to the Certifying Authority for assessment and approval prior to the release of the Construction Certificate and shall include but is not limited to plans, sections, and method of sub-surface drainage and jointing. The retaining wall must be designed by a suitably qualified civil and/or structural engineer.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.125.1	Contd.		<p>Access Construction</p> <p>1) The developer must restore any redundant vehicle crossing to normal kerbing in conjunction with construction works, in accordance with the Kiama Development Control Plan No. 32 – Kiama Development Code and Council's "Footpath Works Procedure Manual".</p> <p>Car Parking and Vehicular Access</p> <p>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 Carparking and the design requirements of Kiama Development Control Plan 32 - Kiama Development Code.</p> <p>Stormwater Management</p> <p>1) Stormwater shall be connected to the existing system.</p> <p>2) All stormwater kerb and gutter connections to have a minimum of 40 millimetres cover of concrete finishing flush with the top of the existing kerb. Pipe size to achieve this should be 90 millimetres in diameter.</p> <p>3) Where roll top kerb is existing, an approved metal adaptor (which converts a round pipe to rectangular shape) will need to be provided to allow sufficient cover of 40 millimetres.</p> <p>4) Where required the developer must 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 in compliance with the Kiama Development Control Plan 32 – Kiama Development Code.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.125.1	Contd.		<p>5) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. The storage must be designed in accordance with Kiama Municipal Council's Requirements for On-site Stormwater Detention Storage. Structural details and detailed calculations must be provided to the Certifying Authority for assessment and approval prior to the issue of the Construction Certificate.</p> <p>6) The developer shall provide a detailed stormwater drainage network in accordance with the requirements of the Kiama Development Control Plan 32 – Kiama Development Code and civil engineering drawings approved by the Certifying Authority.</p> <p>The developer must design and construct all stormwater drainage infrastructure to reflect the needs and requirements of the Kiama Municipal Council Stormwater Management Plan.</p> <p>7) The hydrologic and hydraulic design detail shall be submitted to the Certifying Authority for assessment and approval prior to the release of the Construction Certificate.</p> <p>8) The developer shall provide certification from the designer verifying that the constructed stormwater drainage infrastructure meets with the approved design. The certification shall be provided prior to the release of the Occupation Certificate.</p> <p>9) The developer shall provide environmental stormwater management controls in the form of post development water quality (including trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatment detail shall comply with the design requirements of Kiama Development Control Plan 32 - Kiama Development Code and shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.125.1	Contd.		<p>Civil Engineering Construction</p> <p>1) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.</p> <p>Inspections</p> <p>1) The building work shall be inspected at critical and other stages as required by the Principal Certifying Authority for the development.</p> <p>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.</p> <p>Building Construction</p> <p>1) All building work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p>2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council.</p> <p>3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards.</p> <p>4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.</p> <p>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.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.125.1	Contd.		<p>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.</p> <p>7) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;</p> <p>Monday to Friday - 7.00 am to 6.00 pm Saturdays - 8.00 am to 1.00 pm</p> <p>No construction work is to take place on Sundays or Public Holidays.</p> <p>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.</p> <p>9) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to Council prior to release of the Occupation Certificate and release of any bond or security deposit paid in relation to this application.</p> <p>Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet.</p> <p>10) Disabled persons access shall be provided to, and facilities shall be provided within, the building in accordance with AS1428 and D3.2 of the Building Code of Australia.</p> <p>11) Plan details at a scale of 1:50 of the sanitary compartment, access ramps, placement of tactile markers, signage and parking space for persons with a disability shall be submitted to the accredited certifier prior to the release of a Construction Certificate.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.125.1	Contd.		<p>Erosion and Sedimentation Controls/Soil and Water Management</p> <ol style="list-style-type: none"> 1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular: <ol style="list-style-type: none"> 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. 2) The developer shall submit to the Certifying Authority for approval prior to the issue of the Construction Certificate, a detailed soil and water management plan designed in accordance with the requirements of the Department of Natural Resources. All works on the site must be in accordance with the approved soil and water management plan for the full duration of construction works. <p>The soil and water management plan must provide an overall site detail as well as, where required, the development staging plan and must comply fully with the manual "Department of Housing (2004) Managing Urban Stormwater – Soils and Construction".</p> <ol style="list-style-type: none"> 3) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work. 		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.125.1	Contd.		<p>Landscaping Works</p> <ol style="list-style-type: none"> 1) A detailed landscape plan shall be approved by Council prior to release of the Construction Certificate. The plan shall be prepared in accordance with Kiama Development Control Plan 31 – Landscape Guidelines and shall be consistent with the landscape concept plan. 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. 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. 4) Prior to release of the Occupation Certificate or Subdivision 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. <p>Site Facilities</p> <ol style="list-style-type: none"> 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. 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. 		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2010.125.1	Contd.		<p>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:</p> <ul style="list-style-type: none"> 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. <p>Any such sign is to be removed when the erection or demolition of the building has been completed.</p> <p>Prior to Occupation</p> <p>1) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979. 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.</p> <p>The applicant shall design a Local Area Traffic Management Plan for Blackwood Street Gerringong between Fern and Greta Streets and implement the recommendations prior to the issue of an Occupation Certificate for the development.</p> <p>Advertising Signage</p> <p>1) A Development Application shall be submitted to Council and approval obtained prior to the erection of any advertisement or advertising structure.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2001.117.5	Lot 44 DP 751290, Part Lots 2 & 3 DP 32664, Part Lot 26 DP 995961, Lots 103 & 104 DP 751279, Lot 4 DP 614949 & Lots 4 & 5 DP 831722 - Jamberoo Road Jamberoo 2533 - Re-subdivision of 9 lots into 4 lots – Modification of Development Consent	28.6.11 CR237	that delegated authority be given to the General Manager to determine the application to modify development consent 10.2001.117.5 pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979, and subject to conditions and/or reasons deemed appropriate in consultation with the Director of Environmental Services by: Approving modified drawing number 10.2001.117.5 dated 28/6/2011. Modifying condition number 2 c under the heading “General” to read: “c (in the case of Lot 20) be sited at alternative envelope location “B” as shown on the approved plan.”		
10.2011.18.1	Lot 1 DP 609971, PLT 73 DP 751279, PLT 74 DP 751279, PLT 75 DP 751279, Lot 180 DP 751279, Lot 181 DP 751279, Lot 182 DP 751279, Lot 184 DP 751279, Lot 280 DP 729230, Lot 1 DP 1135218 - Jamberoo Road Kiama, Jerrara Road Kiama - Re-subdivision of ten (10) lots into two (2) lots	29.6.11 CR239	that delegated authority be given to the General Manager to determine development application No 10.2011.18.1 subject to conditions recommended by Council's Director of Environmental Services.		
10.2011.115.1	Lot 2 SP 75143 No 2/11 Bergin Street Gerringong - Change of use to Dance Studio	16.8.11 CR280 (19.7.11)	to be noted that it has been confirmed that the operation of the Dance Studio does not breach the licence terms of the nearby distillery nor any other business in the area and as such DA 10.2011.115.1 is approved subject to the conditions stated in the report.		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.73.1	Lot 100 DP 1085137 and LOT 10 DP: 874728 Nos 242 and 250 Fern Street, Gerringong - Two (2) Lot Subdivision (Boundary Adjustment)	16.8.11 CR300	that delegated authority be given to the General Manager to determine development application 10.2011.73.1 pursuant to Section 80 of the Environment Planning and Assessment Act, 1979 and subject to conditions and/or reasons as deemed appropriate in consultation with the Director of Environmental Services	For – Clrs van der Wijngaart, Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel & Wheeler Against - Nil	
10.2011.167.1	Lot 23 No 6 Gura Street, Kiama - Fence	20.9.11 CR337	that Council approve Development Application No 10.2011.167.1 for the following reasons: 1) Unique circumstances of one way street travelling from south to north (ie from open side of the driveway; 2) Narrow pavement width and nearby corners will keep traffic speed much slower immediately adjacent to the driveway; 3) Insignificant traffic movements in the street; 4) The driveway is double width, allowing a car moving from the garage to use a wider turning circle; 5) The fence replaces an existing fence which has been in place for a considerable period (replacing like with like); 6) Limited pedestrian traffic in the vicinity (dead end street); 7) There is an existing hedge along the fence boundary which is of similar height; 8) The fence is only a partial fence (2.4m).	For – Clrs McCarthy, Bowman, Steel, Fredericks, Petschler, Reilly & Wheeler Against – Clrs van der Wijngaart & Dare-Ward	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Lot 313 DP 33903 No 24 Tingira Crescent, Kiama – Demolition of Existing Dwelling, Attached Dual Occupancy and Two Lot Torrens Title Subdivision	18.10.11 CR378	<p>that Council approve development application 10.2011.152.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the following conditions and reasons:</p> <p>General</p> <p>(1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2011.152.1 dated - and on the application form except as amended by the following conditions</p> <p>(2) No development/work is to take place until a Construction Certificate has been issued for the development and the necessary conditions of development consent satisfied to enable release of a Construction Certificate.</p> <p>(3) The external materials of construction and finishing colours shall be consistent with those indicated on Sheet No. DA04, DA05 & DA06.</p> <p>(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.</p> <p>(5) This approval is in respect of the plans submitted with the development application and as modified by the terms of this consent. If for any reason, including the making of alterations necessary to meet the requirements of another Authority, changes to the approved building design layout are proposed, then the approval of Council shall be obtained prior to commencement of any works on site.</p> <p>(6) The developer shall under section 138 of the Roads Act 1993 make application to Council for permission to access the public road reserve for the purpose of providing construction work.</p>	<p>For – Cllrs Reilly, Dare- Ward, Fredericks, Petschler, Steel, Bowman & McCarthy.</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Contd.		<p>(7) The developer shall comply with the requirements set out in Kiama Development Control Plan 32 - Kiama Development Code.</p> <p>(8) The developer shall not carry out any work other than emergency procedures to control dust or sediment-laden runoff outside the normal working hours, namely, 7.00am to 5.00pm, Monday to Friday and 8.00am to 1.00pm Saturday, without the prior written approval of the Principal Certifying Authority. Any request to vary these hours shall be submitted to the Principal Certifying Authority in writing detailing:-</p> <ul style="list-style-type: none"> a The variation in hours required. b The reason for that variation. c The type of work and machinery to be used. <p>(9) Permission is granted to remove one <i>Metrosideros excelsa</i> (New Zealand Christmas Bush) from the eastern boundary and one <i>Tristania laurina</i> (Watergum) street tree in the footprint of the driveway crossover.</p> <p>Contributions</p> <p>(1) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 & 2 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the development is \$6,455.64.</p> <p>Prior to Commencement of Works</p> <p>(1) Building work must not commence until the Principal Certifying Authority for the development to which the work relates has been informed of:</p> <ul style="list-style-type: none"> i The licensee's name and contractor licence number; ii That the licensee has complied with Part 6 of the Home Building Act 1989. 		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Contd.		<p>In the case of work to be done by any other person, the Principal Certifying Authority:</p> <p>a Has been informed in writing of the person's name and owner builder permit number;</p> <p style="text-align: center;">or</p> <p>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.</p> <p>(2) The developer must lodge with Council a bond of \$500 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.</p> <p>The developer shall submit a dilapidation survey prior to commencement of any work within the road reserve.</p> <p>The bond shall be refunded in full subject to the following:</p> <p>There being no damage to the infrastructure within the road reserve.</p> <p>Twelve (12) months has elapsed from the date of issue of the Occupation Certificate and/or Subdivision Certificate.</p> <p>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.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Contd.		<p>(3) The developer must construct the footpath access driveway in compliance with the Kiama Development Control Plan No. 32 – Kiama Development Code and Council's "Footpath Works Procedure Manual".</p> <p>(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.</p> <p>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.</p> <p>(5) Under the provisions of the Act, work may not commence on the development until the following is carried out:</p> <ul style="list-style-type: none"> 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. <p>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.</p> <p>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.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Contd.		<p>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.</p> <p>(6) The BASIX commitments shall be indicated on the plans to the satisfaction of Council or an Accredited Certifier prior to the release of the Construction Certificate.</p> <p>(7) The developer shall obtain a Construction Certificate prior to the commencement of any civil engineering works.</p> <p>(8) 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:</p> <p>Showing the name, address and telephone number of the Principal Certifying Authority for the work;</p> <p>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</p> <p>Stating that unauthorised entry to the work site is prohibited.</p> <p>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.</p> <p>(9) 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.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Contd.		<p>Demolition Works</p> <p>(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.</p> <p>(2) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).</p> <p>(3) Removal of asbestos, or of materials containing asbestos fibres, shall be in accordance with the National Occupational Health and Safety Commission code of practice. Arrangements are to be made with a qualified contractor prior to the disposal of asbestos.</p> <p>Civil Engineering Design</p> <p>(1) The developer shall submit details of all civil engineering works, on engineering drawings, to the Certifying Authority for approval prior to the issue of the Construction Certificate.</p> <p>Site Facilities</p> <p>(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.</p> <p>(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.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Contd.		<p>(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:</p> <ul style="list-style-type: none"> 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. <p>Any such sign is to be removed when the erection or demolition of the building has been completed.</p> <p>Erosion and Sedimentation Controls/Soil and Water Management</p> <p>(1) All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur. In particular:</p> <ul style="list-style-type: none"> 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. <p>(2) The developer shall submit to the Certifying Authority for approval prior to the issue of the Construction Certificate, a detailed soil and water management plan designed in accordance with the requirements of the Department of Natural Resources. All works on the site must be in accordance with the approved soil and water management plan for the full duration of construction works.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Contd.		<p>The soil and water management plan must provide an overall site detail as well as, where required, the development staging plan and must comply fully with the manual "Department of Housing (2004) Managing Urban Stormwater – Soils and Construction".</p> <p>(3) The developer shall ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.</p> <p>Civil Engineering Construction</p> <p>(1) The developer shall carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to residents of adjacent properties.</p> <p>(2) The developer shall ensure that no vibratory rollers are used during the construction of this subdivision without prior written approval of the Principal Certifying Authority. The Principal Certifying Authority shall not issue this approval unless the geotechnical consultant has confirmed in writing that the use of vibratory rollers will not affect existing adjacent dwellings.</p> <p>Access Construction</p> <p>(1) The developer must restore any redundant vehicle crossing to normal kerbing in conjunction with construction works, in accordance with the Kiama Development Control Plan No. 32 – Kiama Development Code and Council's "Footpath Works Procedure Manual".</p> <p>The work must be completed prior to the release of the refundable \$500 damage security bond.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Contd.		<p>(2) The access driveway shall be a minimum of 3.0 metres wide at the property boundary and vehicular crossing (layback) or roll top kerb in accordance with Council's "Footpath Works Procedure Manual".</p> <p>Should the developer require variation to standard, an application must be submitted in writing to Council.</p> <p>NOTE: The access driveway shall be installed prior to the issue of a Final Occupation Certificate.</p> <p>Car Parking and Vehicular Access</p> <p>(1) The driveway, car parking and manoeuvring areas shall be paved in materials other than plain concrete or asphaltic concrete (e.g. brick pavers, exposed aggregate, coloured concrete, stencilled concrete etc). Details of the proposed paving material, including colour, shall be submitted to the Principal Certifying Authority prior to the issuing of the Construction Certificate. In this regard;</p> <ul style="list-style-type: none"> a Clay segmental pavers shall comply with design requirements of "Part 1 – Specifying Clay Pavers Note 1 – 'Specifying and laying Pavers'" and with the requirements of AS/NZS 4455. b Interlocking concrete pavers shall be designed and constructed in accordance with the Principles of the Concrete Masonry Association of Australia publication "Interlocking Concrete Paving Design Manual". c Cement concrete access driveways shall be designed and constructed in accordance with the principles of the Cement and Concrete Association of Australia Technical Notes. <p>The proposed pavement treatment shall be identified and the design detail shall be submitted to the Certifying Authority for assessment prior to the release of the Construction Certificate.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Contd.		<p>(2) Car parking and manoeuvring shall comply with the requirements of the Standards Australia publication AS/NZS 2890.1 Parking Facilities Part 1: Off Street Carparking and the design requirements of Kiama Development Control Plan 32 - Kiama Development Code.</p> <p>Stormwater Management</p> <p>(1) 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.</p> <p>(2) The developer shall provide on-site detention storage for stormwater runoff in conjunction with the proposed development drainage network. The storage must be designed in accordance with Kiama Municipal Council's Requirements for On-site Stormwater Detention Storage. Structural details and detailed calculations must be provided to the Certifying Authority for assessment and approval prior to the issue of the Construction Certificate.</p> <p>(3) The developer shall provide a detailed stormwater drainage network in accordance with the requirements of the Kiama Development Control Plan 32 – Kiama Development Code and civil engineering drawings approved by the Certifying Authority.</p> <p>The developer must design and construct all stormwater drainage infrastructure to reflect the needs and requirements of the Kiama Municipal Council Stormwater Management Plan.</p> <p>(4) The developer shall design the onsite detention tank to incorporate lockable grates, access for maintenance and a suitably graded invert to prevent ponding.</p> <p>(5) The hydrologic and hydraulic design detail shall be submitted to the Certifying Authority for assessment and approval prior to the release of the Construction Certificate.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Contd.		<p>(6) The developer shall provide certification from the designer verifying that the constructed stormwater drainage infrastructure meets with the approved design. The certification shall be provided prior to the release of the Occupation Certificate.</p> <p>(7) The developer shall provide environmental stormwater management controls in the form of post development water quality (including trash arresters) and sedimentation control measures to be located within the proposed development site. The proposed treatment detail shall comply with the design requirements of Kiama Development Control Plan 32 - Kiama Development Code and shall be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.</p> <p>(8) The developer shall comply with the design requirements of Council's Water Sensitive Urban Design policy, a document developed in association with Kiama Development Control Plan 32 - Kiama Development Code.</p> <p>The proposed stormwater drainage network and water quality infrastructure shall comply fully with the design principles of Council's Water Sensitive Urban Design policy and Stormwater Management Plan.</p> <p>Detail shall be submitted to the Certifying Authority for assessment prior to the release of the Construction Certificate.</p> <p>(9) Technical compliance with the Water Sensitive Urban Design policy shall be met prior to the issue of the Occupation/Subdivision Certificate. In this regard the developer shall provide a Compliance Certificate to the Principal Certifying Authority.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Contd.		<p>Inspections</p> <p>(1) The building work shall be inspected at critical and other stages as required by the Principal Certifying Authority for the development.</p> <p>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.</p> <p>Building Construction</p> <p>(1) All building work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p>(2) The roadway, footpath or Council reserve shall not be used to store building material without the prior approval of Council.</p> <p>(3) All excavations and backfilling must be executed safely in accordance with appropriate professional standards.</p> <p>(4) All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.</p> <p>(5) No building work is to commence until details prepared by a practising structural engineer have been submitted to and accepted by the Principal Certifying Authority for the retaining walls in excess of 1.0 metre high.</p> <p>(6) The Reduced Levels (RL) of the proposed development must be in accordance with the approved plans. Certification of these levels by a registered surveyor must be submitted to an accredited certifier or Council prior to proceeding past that level.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Contd.		<p>(7) A survey shall be undertaken and a copy be made available to Council or an accredited certifier, certifying that the building is correctly located in relation to the boundaries of the site and in accordance with the approved plans. Such survey shall be submitted at peg out stage.</p> <p>(8) Construction and demolition work, delivery of materials and plant, etc shall only take place between the following hours;</p> <p>Monday to Friday - 7.00 am to 6.00 pm Saturdays - 8.00 am to 1.00 pm</p> <p>No construction work is to take place on Sundays or Public Holidays.</p> <p>(9) The Waste Management Plan shall be strictly adhered to at all stages during the demolition, construction and/or subdivision work. All waste nominated for disposal must be disposed of at a licensed landfill facility. All waste nominated for recycling must be reused or recycled.</p> <p>(10) The completed Waste Management Compliance Sheet (Appendix 1C) shall be submitted to Council prior to release of the Occupation Certificate and release of any bond or security deposit paid in relation to this application.</p> <p>Supporting documentation (dockets/receipts) verifying recycling and disposal shall be attached to the Compliance Sheet.</p> <p>Landscaping Works</p> <p>(1) All landscape areas shown on the approved landscape plans (drawing numbers 11611-DA09) or otherwise required under the conditions of this consent, shall be landscaped and maintained in accordance with the approved plans and conditions.</p> <p>(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.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Contd.		<p>(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.</p> <p>(4) Prior to release of the Subdivision 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.</p> <p>Utility Servicing</p> <p>(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 the issuing of the Subdivision Certificate.</p> <p>(2) The developer shall bear the cost of relocation of any service utilities required in the provision of vehicular access.</p> <p>(3) The developer shall ascertain with Sydney Water Corporation details of the location of the existing water main in Tingira Crescent and, if necessary, the developer will be responsible for the underboring of water services/conduits beneath the road to ensure that the proposed allotments can be provided with a connection to the existing water main.</p> <p>A Plumber's Certificate shall be provided for each service and shall be submitted to the Certifying Authority prior to the release of the Subdivision Certificate.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Contd.		<p>Prior to Occupation</p> <p>(1) 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.</p> <p>(2) The whole or part of the building must not be occupied unless an Occupation Certificate has been issued in relation to the building or part in accordance with Clause 109M of the Environmental Planning and Assessment Act 1979.</p> <p>(3) The development is to be provided with mail boxes in accordance with Australian Standard AS/NZS 4253 - 1994 which covers the dimensions, installation and positioning for mail boxes for receipt of mail. The dwellings shall each be numbered as follows:</p> <p style="padding-left: 40px;">Dwelling 1 – 24A Dwelling 2 – 24.</p> <p>(4) Each dwelling shall be provided with a private open space area having a minimum width of 4.0 metres and minimum area of 25m².</p> <p>Conveyancing Requirements</p> <p>(1) Under the provisions of Section 88B of the Conveyancing Act 1919 the developer shall provide a restriction on the use of land and a positive covenant in favour of Kiama Municipal Council detailing protection measures and long term maintenance requirements for the on-site stormwater detention system and associated stormwater drainage infrastructure.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Contd.		<p>The document shall meet the standard terms applied by Council, shall be submitted to the Council for assessment and approval and shall be registered with Land and Property Management Authority prior to the release of the Final Occupation Certificate.</p> <p>Prior to Issuing of Subdivision Certificate</p> <p>(1) The Subdivision Certificate shall not be released until all conditions of this Development Consent are complied with or satisfactory arrangements are made with the Principal Certifying Authority.</p> <p>(2) The developer shall complete all engineering works prior to the issue of a Subdivision Certificate unless otherwise approved in writing by the Principal Certifying Authority.</p> <p>(3) The developer must submit the following information to the Principal Certifying Authority prior to the issue of a Subdivision Certificate:</p> <ul style="list-style-type: none"> a All relevant Construction and Compliance Certificates. b Fees appropriate at the time of submission of the Subdivision Certificate application. c Final plan of subdivision and six (6) paper copies. A copy of the satisfactory final plan of subdivision shall also be provided as an electronic file in either DXF or DWG format. <p>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 either on disc or may be directly emailed to gis@kiama.nsw.gov.au with clear reference to the Development Application Number.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.152	Contd.		<p>All sections of the final plan of subdivision, including the original and copies, (except for the Subdivision Certificate block) must be completed prior to the lodgement.</p> <p>d An Instrument under Section 88B of the Conveyancing Act 1919.</p> <p>e Subdivider/Developer Compliance Certificate from Sydney Water Corporation.</p> <p>f Written advice from Endeavour Energy Australia regarding the supply of electricity to the proposed allotments.</p> <p>g Written advice from Telstra Corporation regarding the supply of telephone services to the proposed allotments.</p> <p>h Section 94 Contributions.</p> <p>(4) The developer shall submit to the Principal Certifying Authority, prior to the release of the Subdivision Certificate, two (2) copies of a Works as Executed drawing prepared and signed by a registered surveyor. The drawings shall include final locations and levels for all works associated with the subdivision.</p>		
10.2011.144	Part Lot 117 DP 751279 No 130 Hoddles Road, Foxground – Demolition of Existing Dwelling & Construction of Dwelling, Pool, Garage & Barn	18.10.11 CR379	that delegated authority be given to the General Manager to determine development application 10.2011.144.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions and/or reasons deemed appropriate in consultation with Council's Director of Environmental Services.	<p>For – Cllrs Dare-Ward, Reilly, Petschler, Fredericks, Steel and Bowman & McCarthy.</p> <p>Against: Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.144	Part Lot 117 DP 751279 No 130 Hoddles Road, Foxground – Demolition of Existing Dwelling & Construction of Dwelling, Pool, Garage & Barn	18.10.11 CR380	<p>that DCP35 be reviewed in relation to Clauses 7.6.2 “Electricity and Telecommunications Infrastructure” including 7.1 “General Requirements” and below.</p> <ul style="list-style-type: none"> Any structures associated with provision of electricity have minimal environmental impact including noise pollution etc, and Where diesel or petroleum based back-up generators are proposed they are to be permitted, conditional on them being emergency back-up only in conjunction with appropriately sized clean power generators such as solar, wind, hydro or a combination. Appropriately sized to be read as being appropriate according to the scale and solar passive siting of all dwellings and ancillary buildings and their combined potential power usage. <p>Any other changes Directors feel necessary to bring it into line with modern standards.</p> <p>with a report to be brought back to Council.</p>		
10.2011.179.1	Lot 7 & 8 DP 579406 No 11 Baileys Rd, Gerringong - Subdivision to Create Replacement Lot, Proposed Dwelling & Demolition of Existing Structures	13.12.11 CR463	that delegated authority be given to the General Manager to determine development application 10.2011.179.1 pursuant to Section 80 of the Environment Planning and Assessment Act, 1979 and subject to conditions and/or reasons as deemed appropriate in consultation with the Director of Environmental Services.	<p>For – Cllrs Dare-Ward, Reilly, Petschler, Fredericks, Steel and Bowman & McCarthy.</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
2012					
10.2011.305.1	Lot 12 DP581766 No 2 Riverside Drive, Bombo, Demolition of Existing Dwelling and Structures and Filling of Land	21.02.12 CR006	<p>moved by Councillor Reilly and seconded by Councillor Bowman that Council defer the application to enable the applicant:-</p> <ol style="list-style-type: none"> 1) to provide further information to justify the level of fill including options of onsite detention methods to meet the future subdivision requirements with the aim of reducing the height of the fill. 2) to provide further information on view lines from various locations from Darien Avenue and from the northern end of Bombo Beach with any alternative options prepared as identified in Item 1. <p>An Amendment was moved by Councillor Petschler and seconded by Council Reilly that Council defer the application to enable the applicant:-</p> <ol style="list-style-type: none"> 1) to provide further information on the level of fill required including options of onsite detention methods to meet the future subdivision requirements with the aim of reducing the height of the fill. 2) to provide further information on view lines from various locations from Darien Avenue and from the northern end of Bombo Beach with any alternative options prepared as identified in Item 1. <p>The Amendment was put and Carried.</p>	<p>For – Clrs Wheeler, Reilly, Dare- Ward, Petschler, Bowman & McCarthy</p> <p>Against - Nil</p>	Clr Warren Steel he resides in nearby Darien Avenue
10.2011.322.1	Lot 288 No 22 Elanora Road, Kiama Heights - Demolition of Existing Pool Deck, Erection of New Decks and Minor Alterations	20.03.12 CR045	that delegated authority be given to the General Manager to determine Development Application No 10.2011.322.1 pursuant to Section 80 of the Environmental Planning & Assessment Act, 1979 and subject to conditions and/or reasons deemed appropriate in consultation with the Acting Director of Environmental Services and conditions recommended in the report.	<p>For – Clrs McCarthy, Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, van der Wijngaart & Wheeler</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2011.305.1	Lot 12 Dp581766 No. 2 Riverside Drive Bombo – Demolition of Existing Dwelling and Structures and Filling of Land	20.03.12 CR046	that delegated authority be given to the General Manager to determine Development Application No 10.2011.305.1 pursuant to Section 80 of the Environmental Planning & Assessment Act, 1979, subject to the following conditions: 1) that the depth of fill on the site be limited to a maximum depth of 3.5 metres; and 2) the use of coal wash in any form for fill material be prohibited.	For – Cllrs McCarthy, Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, van der Wijngaart & Wheeler Against - Nil	Cllr Steel – pecuniary interest as a resident of Darien Avenue.
10.2012.3.1	Lot 103 DP 851370, Lot 104 DP 851370 No 24 Fern Street Gerringong, Lot 5 DP 32320 No 36 Willawa Avenue Gerringong, Lot 269 DP 728043 No 1A Bridges Road Gerringong - Three Staged Subdivision being a Boundary Adjustment, Subsequent 4 Lot Torrens Subdivision and 2 Lot Torrens Subdivision in Stage 3 along with Demolition of Existing Garage	17.04.12 CR076	1) the proposed development not be supported until the applicant submits to Council alternative access plans that achieve one of the following solutions: a) provide for access from Willawa Avenue along the centreline of Lot 5 DP32320 No 36 Willawa Avenue as far to the rear of that lot as possible until it needs to meet the drawn access between the proposed Lots 201 and 202. This would require the removal of the existing dwelling on Lot 5; b) provide access to the proposed new lots entirely from Fern Street. 2) any planned access from Willawa Avenue should also include suitable landscaping and natural screening from the access road through Lot 5 for the dwellings on either side; 3) access to the Manse from the Willawa Avenue access road be disallowed as there is existing access from Fern Street; and 4) that revised plans be resubmitted for consideration by Council.	For – Cllrs McCarthy, Bowman, Dare-Ward, Fredericks, Petschler, Reilly, Steel, van der Wijngaart & Wheeler Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
05.1985.95.4	Lot 1 DP 734816 No 24 Princes Highway Gerringong - Additional Rural Dwelling – Modification of Development Consent	15.05.12 CR105	that the determination of the application be deferred to enable the applicant to consider a further amendment to the current proposal by siting the dwelling a minimum distance of 95 metres from the adjoining property boundary.	For – Cllrs Steel Petschler Fredericks Reilly, Wheeler & Bowman Against – Cllrs Dare-Ward, van der Wijngaart & McCarthy	
10.2005.144.2	Lot 316 DP 33903 No 30 Tingira Crescent, Kiama - Demolition of Existing Dwelling and Construction of Attached Dual Occupancy and 2 Lot Torrens Title Subdivision - Modification of Colour Palette	26.06.12 CR143	<ol style="list-style-type: none"> 1) the proposed application to modify Development Application No 10.2005.144 under section 96(1a) of the Environmental Planning and Assessment Act 1979 for the proposed external colour palette be approved, excluding the request for the proposed Colorbond 'Dune' roof colour. 2) the owner of 30 Tingira Crescent attempt to resolve the glare issue to the satisfaction of the neighbour concerned with suitable screening that meets the requirements of the General Manager. 3) if this cannot be resolved to the satisfaction of both parties, then the matter is to be brought back to Council for further consideration. 	For - McCarthy, Fredericks, Petschler, Wheeler, van der Wijngaart & Dare-Ward Against - Reilly, Steel & Bowman	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2012.62	Lot 12 DP 581766 No 2 Riverside Drive Bombo - Seventeen (17) Lot Torrens Title Subdivision	25.09.12 CR244	<p>that Council refuse Development Application number 10.2012.62.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 for the following reasons:</p> <ol style="list-style-type: none"> 1) Pursuant to the provisions of Section 79C (1)(a)(iii) of the Environmental Planning & Assessment Act 1979 the proposal did not meet all the objectives of Section 15 in Chapter 7 of Kiama DCP 2012. 2) Pursuant to the provisions of Section 79C (1)(b) of the Environmental Planning & Assessment Act 1979, the proposal is likely to cause adverse impacts to road safety. 3) Pursuant to the provisions of Section 79C (1)(c) of the Environmental Planning & Assessment Act 1979, the site attributes are considered to not be conducive to development as safe vehicular egress cannot be undertaken from the site. 4) Pursuant to the provisions of Section 79C (1)(d) Environmental Planning & Assessment Act 1979, submissions made regarding adverse impacts to road safety are considered relevant to refuse the application. 5) Pursuant to the provisions of Section 79C (1)(e) Environmental Planning & Assessment Act 1979, the proposal is considered to be inconsistent with Kiama Development Control Plan 2012, is likely to cause adverse impacts to road safety, has been objected to on a relevant matter and is not suitable for the site and accordingly is considered to be not within the public interest if the application was to be approved. 6) Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal does not meet the general objective of Kiama LEP 2011, Clause 2.1(i) in that the proposed development does not represent orderly development of the land as the proposed method of waste disposal/collection is inadequate and vehicle access and parking throughout the site is also considered to be inadequate. 7) Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposal does not meet the general objective of Kiama LEP 2011, Zone R2 Low Density Residential, to provide for the housing needs of the community in that the proposed method of waste disposal/collection may prevent use of future housing by aged and disabled persons. 	<p>For – Cllrs Petschler, Honey, McClure, Reilly, Rice Seage, Sloan & Way</p> <p>Against - Nil</p>	Cllr Steel

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2012.176	Lot 50 DP 884475 No 17 Noble Street, Gerringong – Mixed Use Development	18.12.12 CR360	<p>1) approve Development Application number 10.2012.176.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the conditions at the end of the report subject to the following variation.</p> <p>2) consider the car parking levy at a general retail rate having regard to the fact that general restaurant usage tends to be evening/night times when demand for public car parking from other uses is minimal and that a contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plan No. 5 (Car Parking Contribution – Gerringong) shall be paid to Kiama Council prior to the release of the Construction Certificate. The total contribution required in lieu of the provision of eight (8) car parking spaces on site is \$70,384.00</p>	<p>For - Reilly, Honey, Way, Sloan, Rice, Steel, Seage, McClure and Petschler</p> <p>Against - Nil</p>	
2013					
10.2012.237	Lot 1, DP 602883 No 160 Manning Street, Kiama – Proposed Change of Use of Existing Shop to Liquor Store	<p>19.02.13 CR007 MN014</p> <p>CR009 MN014</p>	<p>That Council approve Development Application number 10.2012.237.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the conditions at the end of this report and the following additional condition: A closed circuit television (CCTV) security system is to be installed within the shop. The CCTV system is to have sufficient coverage so as to monitor the shop counter, front door and rear door. Appropriate signage is to be displayed at the front and rear door to advise that CCTV surveillance is in operation within the shop. The CCTV system is to be installed to the satisfaction of the Principal Certifying Authority prior to issue of the Occupation Certificate. That the hours of operation be restricted to 9.00am to 8.00pm.</p>	<p>For - Reilly, Sloan, Rice, Way, McClure & Seage</p> <p>Against - Petschler</p> <p>For - McClure, Seage, Way, Sloan, Rice, Reilly & Petschler</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2012.62.1	Lot 12 DP 581766 No 2 Riverside Drive Bombo - Seventeen (17) Lot Torrens Title Subdivision - Review of Determination Pursuant to Clause 82A of the Environmental Planning & Assessment Act 1979	19.03.13 CR064 MN	that Council: 1) review its determination made in regard to Development Application number 10.2012.62.1, pursuant to Section 82A of the Environmental Planning and Assessment Act 1979, and as a consequence grant approval to such application subject to the 'draft' Conditions of Consent provided at the conclusion of this report. 2) include a condition requiring appropriate fencing/balustrading to be provided along the retaining wall in accordance with the Building Code of Australia.	For – Clrs Petschler, Honey, McClure, Rice, Seage, Sloan & Way Against - Reilly	Clr Steel declared an interest in this matter as he is a resident in the vicinity. Clr Steel left the Council during discussion thereon and following the Committee rec. Clr Steel returned to the Chambers.
10.2012.85	Lot 10 DP 1106049 No 118 Free Selectors Road, Foxground - Farm Stay Accommodation Consisting of 1 Cottage and 2 Studios	CR065 MN027	that this matter be deferred.	For – Clrs Steel, Honey, McClure, Seage & Way Against – Clrs Reilly, Petschler, Rice & Sloan	
10.2012.268.1	Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs – Dwelling	CR067 MN027	that Council approve development application No 10.2012.268.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of this report	For – Clrs Petschler, Honey, McClure, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
T43.003.000	Review of Kiama DCP 2012 - Chapter 3 Preservation and Management of Trees	CR068 MN027	that a working party of Councillors and the responsible Council officers be formed to provide the guidelines to make the implementation of Section 3 DCP "Preservation and Management of Trees and Vegetation" more 'user-friendly' particularly in the removal of unwanted and nuisance trees (or vegetation) in urban and peri urban areas of Kiama Municipality	For – Clrs Petschler, Honey, McClure, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	
		CR069 MN027	that the nominees for the working party be Councillors Honey, Rice and McClure.		
10.2012.85	Lot 10 DP 1106049 No 118 Free Selectors Road, Foxground - Farm Stay Accommodation Consisting of 1 Cottage and 2 Studios	16.04.13 CR105 MN041	that Council grant approval to development application 10.2012.85.1 pursuant to Section 80(1)(a) of the Environmental Planning & Assessment Act 1979 adopting the 'Draft' Conditions of Consent provided at the conclusion of this report.	For - all Clrs Against - Nil	
		CR106 MN041	that Council develop a definition of "farm stay" for the purposes of future planning decisions.	For - all Clrs Against - Nil	
DP380582	Lot C DP 380582 No 44 Manning Street Kiama – Demolition of Existing - Building and Construction of Twenty-three (23) Seniors Living Apartments and One (1) Retail/Commercial Premises	21.05.13 CR139 MN065	that: 1) determination of the application be deferred as Council has significant concerns as to whether the development of 44 Manning Street as proposed, will unreasonably prejudice the development of the adjoining site to the south by constraining that site's ability to comply with the relevant planning controls, particularly solar access, privacy and provision of private open space; and 2) the applicant be requested to consult with adjoining land owners to investigate a joint venture in any development to ensure planning controls can be achieved across all sites.	For - all Clrs Against - Nil	Clr Rice declared an insignificant non-pecuniary interest in this matter as she is a member of the Kiama Uniting Church.

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2012.262	Lot 1 DP 151383, Lot 3 DP 156317, Lot 2 DP 156317, Lot 50 DP 1036100, 17 Farmer Street, 136 Shoalhaven Street, 134 Shoalhaven Street, 132 Shoalhaven Street, Kiama – Demolition of Existing Dwellings and Erection of a Residential Flat Building Comprising Fifty One (51) Units	CR140 MN065	that this matter be deferred to allow for further discussion with the developer and relevant Council staff.	For – Cllrs Reilly, Honey, Way, Steel, Seage, McClure & Petschler Against - Sloan & Rice	
	Draft Flood Liable Land Policy	CR147 MN065	that the attachment Chapter 29, Development on Flood Liable Land be adopted as part of Councils Development Control Plan	For - all Councillors Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
05.1985.95.4	Lot 1 DP 734816 No. 24 Princes Highway Gerringong - Additional Rural Dwelling – Modification of Development Consent	CR148 MN065	<p>that Pursuant to Section 96 of the Environmental Planning and Assessment Act, 1979, the application to modify development consent 05.1985.95.4 be refused for the following reasons:</p> <ol style="list-style-type: none"> 1) Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with Clause 10(3)(a) and (b) of State Environmental Planning Policy (Rural lands) 2008, with respect to potential adverse impact on adjoining agricultural operations because of the proximity of the proposed modified dwelling. 2) Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with Clause 12(2)(a) of Kiama LEP 1996, with respect to potential adverse impact on adjoining agricultural operations because of the proximity of the proposed modified dwelling. 3) Pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development is inconsistent with Clause 7.5 of Development Control plan No 35 – Rural Dwellings Design & Siting Guidelines, which requires a minimum 150 metre separation between a dwelling and an adjoining agricultural enterprise. The proposed modification does not comply with this. 4) Pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning & Assessment Act the development is likely to be incompatible with the established vineyard operations on the adjoining rural land. Approval of the development is therefore not in the public interest. 	For - All Clrs Against - Nil	
	Aboriginal Cultural Heritage Management Development Assessment Toolkit	CR149 MN065	that Council endorse and adopt the Aboriginal Cultural Heritage Management Development Assessment Toolkit dated 22 January 2013.	For - all Clrs Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
DP837424	Review of Community Land Plan of Management - Lot 10 DP837424 Downes Place Jamberoo	CR154 MN065	that Council publicly notify the proposed amendment to the Community Land Plan of Management for Lot 10 DP837424 Downes Place Jamberoo as required by legislation and report the matter to Council at the conclusion of the notification period.	For - all Clrs Against - Nil	
T43.003.001	Issues Associated with the Preparation of a Planning Proposal Regarding Dual Occupancy Development in the Silver Hill/Cedar Ridge Estate	25.06.13 CR181 MN078	that: 1) the information contained in this report be received and noted by Councillors; and 2) Council support the minimum 1000m ² lot area for subdivision and the requirement of one dwelling per 1000m ² .	For: all Clrs Against: Nil	
10.2012.262.1	Demolition of Existing Dwellings and Erection of a Residential Flat Building comprising of 51 units , Lot 1 DP151383, Lot 3 DP156317, Lot 2 DP156317, Lot 50 DP1036100, 17 Farmer Street, 136 Shoalhaven Street, 134 Shoalhaven Street, 132 Shoalhaven Street, Kiama	CR182 MN078	that Council grant consent to development application 10.2012.262.1 pursuant to Section 80 of the Environmental Planning & Assessment Act 1979 subject to the draft conditions of Consent provided at the end of this report.	For – Clrs Way, Honey, Seage, Steel & McClure Against - Reilly & Rice	
		CR183 MN078	That the LEP and DCP applying to medium density development be reviewed.	For - all Clrs Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2012.264.1	Lot C DP 380582 No. 44 Manning Street Kiama – Demolition of Existing Building and Construction of Twenty-three (23) Seniors Living Apartments and One (1) Retail/Commercial Premise	16.07.13 CR218 MN093	that Council refuse DA10.2012.264.1 because it is not in the public interest and Council has significant concerns as to whether the development of 44 Manning Street as proposed will unreasonably prejudice the development of the adjoining site to the south by constraining that site's ability to comply with the relevant planning controls, particularly solar access, privacy and provision of private open space.	For – Cllrs Petschler, McClure, Seage, Steel, Sloan, Rice, Honey, Way & Reilly Against - Nil	
10.2013.90	Lot 782 DP: 1179947, No 25 Noble Street, Gerringong – Mixed Use Development Incorporating Construction of 22 Residential Units above 4 Retail Suites & 1 Business Premise, 76 Basement Car Parking Spaces & Subsequent 27 Lot Strata Subdivision	17.09.13 MN116	that Council approve Development Application number 10.2013.90.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the conditions at the end of this report	For – Cllrs Petschler, Honey, McClure, Reilly, Rice, Seage, Sloan, Steel & Way. Against - Nil	
DP797732 & DP758563	Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Lots 1 & 2 DP 797732, Lot 1, 2, 3 & 4 Sec 67 DP 758563 Jamberoo Road, Kiama	CR297 MN130	that: 1) Council endorse this Planning Proposal to proceed to the Department of Planning and Infrastructure for Gateway Determination. 2) Staff prepare the Gateway Report, SEPP Compliance Report and Section 117 Direction Compliance Report in order for this Proposal to proceed to Gateway Determination. 3) The applicant be advised that a playground with an area of a minimum of 200 sq metres, as close to the northern side of the development as possible, be included in the exhibited proposal. 4) The applicant be advised that a linkage is to be provided to provide, at minimum, pedestrian and cycle access to the existing development to the south of the proposal	For – Cllrs Petschler, Honey, McClure, Reilly, Rice, Seage, Sloan, Steel & Way. Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
220.2013.60	Appeal Against Refusal of Tree Application for the Removal of Norfolk Island Pine Tree - Lot 51 DP 1101796, No 2/21 Pheasant Point Drive, Kiama	15.10.13 CR340 MN147	that, having regard to the criteria contained in Section 9 of Chapter 3 of Kiama DCP 2012, Council review its determination of tree application 220.2013.60 by granting permission for removal of the subject tree for the following reason: The tree is undesirable having regard to its current size, location, and its expected mature size, particularly having regard to the nature of the surrounding development and infrastructure.	For – Clrs Reilly, Honey, Way, Steel, Seage, McClure & Petschler Against – Clrs Rice & Sloan	
220.2013.244.	Tree Application No 220.2013.244 for the removal of Moreton Bay Fig Tree located at the rear of Lot 1 DP 719290 No 53 Bong Bong Street, Kiama	CR341 MN147	that tree application 220.2013.244 for the removal of a Morton Bay Fig tree located at No 53 Bong Bong Street be approved having regard to the criteria contained in Section 9 of Chapter 3 of Kiama DCP 2012 and particularly that the tree is undesirable having regard to its current size, location and its expected mature size, particularly having regard to the nature of the surrounding development and infrastructure. The approval be conditional on the owner providing a plan of replacement landscape trees to be approved by Council prior to removal of the Moreton Bay Fig tree and such trees being planted within 2 months of the removal of the Moreton Bay Fig	For- Clrs Reilly, Honey, Way, Steel, Seage, McClure, Sloan & Petschler Against – Clr Rice	
	Jerrara Dam - Dam Safety Options Reports – Public Submissions	CR358 MN147	that: 1) Council proceed with the decommissioning of Jerrara Dam in line with the Jerrara Dam Decommissioning Concept Design (March 2013) and as reported to Council on 20 August 2013; 2) the Dam Safety Committee be advised of Council's determination and the program for the works to be undertaken in June/July 2015; 3) a detailed design and specification be prepared to allow the calling of tenders for the works; 4) tenders be called in sufficient time to meet the scheduled programming of the works; 5) a means of payment for these works be sought by Council from other sources.	For – Clrs Petschler, McClure, Seage, Steel, Sloan, Rice, Honey & Reilly Against - Clr Way	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
DP1179996	Lot 221 DP 1179996 No 6 Drualla Road Jamberoo - Thirty-one (31) Lot Torrens Titled Subdivision	17.12.13 CR427 MN196	that Council approve Development Application number 10.2013.128.1 for the nominated Stage 1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the conditions at the end of the report. The conditions to include the installation of a permanent cul-de-sac at the western end of Road 1 and a pathway constructed between this cul de sac and Downes Place.	For – Clrs McClure, Reilly, Seage, Sloan, Steel & Way Against – Clrs Petschler, Honey & Rice	
DP628003	Lot 5 DP 628003, 12 Elimatta Place Kiama - 34 Torrens Titled Dwellings	CR428 MN196	that Council defer the Elimatta Avenue development application for further negotiations between Council staff and the developer regarding: 1) the replacement of the proposed through road between Elimatta Place and Garden Avenue with a cul de sac in Elimatta Place 2) the elimination of units 17A and 17B. 3) the provision of a pedestrian track linking the extension of Elimatta Place to the unformed Thomson Street road reserve. The preferred location of this access is adjoining 15B and 16A.	For – Clrs Petschler, Reilly, Honey, McClure, Rice, Seage, Sloan, Steel & Way Against - Nil	
	Request for a Heritage Precinct – Pheasant Point Drive, Kiama	CR449 MN196	that Council: 1) develop a precinct specific DCP for the area encompassing Minnamurra, Devonshire and Fitzroy Streets as identified by the National Trust 2) consult with the owners of 10 Fitzroy Street with a view to the Heritage listing of this property.	For – Clrs Petschler, Reilly, Honey, McClure, Rice, Seage, Sloan, Steel & Way Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
2014					
10.2013.254.1	Proposed Cafe – Lot 2 DP 158665 No 2 Victoria Street, Gerringong	04.02.14 CR010 MN011	<p>that having regard to the individual circumstances of this application, i.e.</p> <ul style="list-style-type: none"> • The B7 Business Park zoning of the allotment and the sites corner location, along with the location of the existing buildings on the allotment, • The change of use is from one commercial use to another commercial use, both of which are food preparation and sale oriented, • There is no Section 94 plan which would support the making of a contribution in lieu of onsite provision of carparking, and • The historic uses of the site. <p>It is moved that a variation be granted to Councils DCP Chapter 9 Car parking requirements and that Council approve Development Application No 10.2013.254.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the following conditions:</p> <p>Conditions of Development Consent: General</p> <p>(1) The development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2013.254.1 dated ---- and on the application form except as amended by the following conditions:</p> <p>a) Use of the site as a Cafe' is not permitted until an Occupation Certificate has been issued by an Accredited Certifier.</p> <p>b) All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.</p> <p>(2) Compliance with the following regulations and standards is required at all times:</p> <ul style="list-style-type: none"> • Design, construction and fit-out of food premises AS4674-2004; • Food Act 2003; • Food Regulations 2010; <p>Prior to Operating</p> <p>(1) Prior to operating, the proprietor must contact Council's Environmental Health Officer to organize a final inspection.</p>	<p>For – Ctrs Petschler, Honey, McClure, Reilly, Rice, Seage, Sloan, Steel & Way</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2013.254.1	Contd.		<p>(2) The applicant must contact Sydney Water (Mark Robinson Trade Waste Officer from Sydney Water, contact number is 0408 614 233) to gain advice as to whether a trade waste approval is required. If such an approval is required the applicant must submit a copy of the trade waste approval to Kiama Municipal Council prior to the operation of the shop. If a grease trap is deemed not required by Sydney Water, information detailing such is to be forwarded to Council prior to operation.</p> <p>(3) Prior to operating, the proprietor must notify the Food Authority of the food premises Food Safety Supervisor.</p> <p>(4) Prior to operating, the proprietor must complete Councils Food Registration Form.</p> <p>(5) Prior to operating, the proprietor must provide Council with the Food Authorities notification reference number.</p> <p>Site Operations</p> <p>(1) The hours of operation of the business shall generally be restricted to between 8.00 a.m. and 6.00 p.m. unless otherwise approved in writing by Council.</p> <p>(2) No advertising signs shall be erected without firstly obtaining development consent.</p> <p>(3) Noise from the premises and equipment must not exceed 5dB(A) above background noise.</p> <p>(4) The development shall not interfere with the amenity of the neighbourhood by reason of noise, fumes, steam, grit, waste products or otherwise.</p>		
10.2013.137.1	Lot 5 DP 628003 No 12 Elimatta Place Kiama - 32 Torrens Titled dwellings	04.02.14 CR011 MN011	that Council approve Development Application No 10.2013.137.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the conditions at the end of the Director's report	For – Cllrs Petschler, Honey, McClure, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
DP1063277 & DP7881781	Planning Proposal Lot 100 DP 1063277 and Lot 1 DP 7881781 Wyalla Road Jamberoo	04.02.14 CR012 MN011	1) Council adopt the Planning Proposal submitted for Lot 100 DP 1063277 and Lot 1 DP 7881781 Wyalla Road Jamberoo. 2) Council proceed with preparation of the planning proposal documents and maps and upon completion these be forwarded to Parliamentary Counsel's Office for agreement. 3) Upon receipt of agreed documentation from Parliamentary Counsels Office, the General Manager or Director of Environmental Services exercise the plan making powers under Section 59 (2) and (3) of the Environmental Planning and Assessment Act, delegated to them by the Minister for Planning, in regard to this Planning Proposal	For – Clrs Petschler, Honey, McClure, Reilly, Steel & Way Against – Clrs Rice, Seage & Sloan	
DP1006083	Lot 101 DP 1006083 No 19 Alne Bank Lane, Gerringong – Proposed Release of Restriction on the Use of Land	18.03.14 CR047 MN026	that Council: 1) resolve to release restriction on use of land numbered 3.1.2 under the terms of the 88b Instrument in DP 1006083. 2) resolve to delegate authority to the General Manager to release similar restrictions on use of land where Council is the authority benefited.	For – Clrs Petschler, Honey, McClure, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	
10.1998.271.2	Lot 102 DP 1074479 No 71 Nuninuna Drive Saddleback Mountain	15.04.14 CR084 MN042	that Council: 1) approve the additional building envelope on Lot 102 in DP 1074479 as shown in the attached plan subject to the unused building envelope being extinguished from the Section 88B instrument upon the completion of the dwelling on the other envelope, and 2) delegate authority to the General Manager to authorise the required changes to the Plan of Subdivision.	For – Clrs Petschler, Honey, Way, Sloan, Seage & McClure Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
DP 797732, DP 758563	Planning Proposal for Lots 1 and 2 DP 797732, Lot 1, 2, 3 and 4 Sec 67 DP 758563 Jamberoo Road, Kiama	20.05.14 CR114	<ol style="list-style-type: none"> 1) Council endorse the Planning Proposal submitted for Lots 1 and 2 DP 797732, Lots 1, 2, 3 and 4 Sec 67 DP 758563 Jamberoo Road, Kiama. 2) Council proceed with preparation of the planning proposal documents and maps and upon completion these be forwarded to Parliamentary Counsel's Office for agreement. 3) Upon receipt of agreed documentation from Parliamentary Counsels Office, the General Manager or Director of Environmental Services exercise the plan making powers under Section 59 (2) and (3) of the Environmental Planning and Assessment Act, delegated to them by the Minister for Planning, in regard to this Planning Proposal. 	For – Clrs Reilly, Honey, Way, Steel, Seage, Rice, Sloan, Petschler & McClure Against - Nil	
DP 797732, DP 758563	Planning Proposal for Lots 1 and 2 DP 797732, Lot 1, 2, 3 and 4 Sec 67 DP 758563 Jamberoo Road, Kiama	20.05.14 CR114 MN091	it was Moved by Councillor Seage and seconded by Councillor Steel that should the gateway proposal for rezoning be approved, that Council open up communications with the developer for the preferred access to the subdivision Lots 1 and 2 DP 797732, Lots 1, 2, 3 and 4 Sec 67 DP 758563 Jamberoo Road, Kiama	For – Clrs Petschler, Reilly, Honey, Way, Steel, Seage & McClure Against – Clrs Rice & Sloan	
DP 540376	Lot 1 DP 540376 No 33 Bong Bong Street Kiama Use of Existing Premises as a Tattoo Studio	20.05.14 CR117 MN091	that Council approve Development Application number 10.2014.82.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the 'draft' conditions of consent at the end of this report with a variation to item 5 in relation to CCTV with a recording function being installed on the inside and outside of the entrance to the premises and the footage being made available to police when requested	For – Clrs Reilly, Sloan, Rice, Way, Petschler, McClure and Honey Against – Clrs Seage & Steel	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Draft Chapter 3 of Kiama Development Control Plan – Preservation and Management of Trees and Vegetation	20.05.14 CR118 MN091	<p>1) the attached Chapter 3 - Preservation and Management of Trees and Vegetation be adopted as part of Council's Development Control Plan subject to the words "Council may take into consideration" being changed to "Council must take into consideration" in clause C2 of Section 4 – Controls.</p> <p>2) for clearing of native vegetation within rural or environmental zonings over 10ha applicants should refer to the Native Vegetation Act 2003 as administered by Local Land Services or responsible State government Department/Agency.</p> <p>For rural landholdings under 10ha, specific application and permit through Local Land Services is required.</p>	<p>For - Cllrs Reilly, Honey, Way, Steel, Seage, Rice, Sloan, Petschler & McClure</p> <p>Against - Nil</p>	
10.2014.81.1	Lot 40 DP 1175501 - 4-6 Gura Street Kiama - Demolition of existing dwelling, erection of a dual occupancy and two (2) lot Torrens title subdivision	19.08.14 14/090	that Council defer this matter to allow further negotiation with the proponent about opportunities to lower the height of the development to be more consistent with the current view sharing principles endorsed by the Land and Environment Court	<p>For – Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way</p> <p>Against - Nil</p>	
10.2014.21.2	Lot 1 DP 603129 No 18 Manning Street Kiama - Alterations and additions to existing building to provide commercial premise and tourist and visitor accommodation	19.08.14 14/094	that Council approve Development Application No 10.2014.21.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the inclusion of the 'draft' conditions of consent at the end of this report. that Council approve Development Application No 10.2014.21.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the inclusion of the 'draft' conditions of consent at the end of this report.	<p>For – Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2014.81.1	Lot 40 DP 1175501 - 4-6 Gura Street Kiama - Demolition of existing dwelling, erection of a dual occupancy and two (2) lot Strata title subdivision ()	16.09.14 14/146	that Council pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 approve a 'deferred commencement' consent for Development Application 10.2014.81.1 subject to the inclusion of the 'draft' conditions of consent at the end of this report, which includes a consent condition requiring a maximum ridge height of R.L 41.400. Plans and specifications, which indicate the maximum ridge height requirement has been met, are required to be submitted to Council prior to the issue of an 'operational consent'	For – Clrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	
DP1151501	Finalisation of Planning Proposal for Lot 20 DP1151501 Caliope Street Kiama	16.09.14 14/149	that Council: 1) adopt the planning proposal submitted for Lot 20 DP 1151501 Caliope Street, aimed at rectifying a zoning anomaly on the subject site by applying the R2 zoning and associated planning controls to the whole of the subject lot. 2) amend the planning proposal and correct the mapping anomalies over Caliope Street, Kiama by rezoning the whole of Lots 21 to 24 DP 1155392 from RU2 Rural Landscape to R2 Low Density Residential along with accompanying maps and Council consult directly with the landowners of the affected 4 lots. 3) exercise plan making delegations for this LEP amendment and proceed with finalisation of this matter in accordance with conferred delegations.	For – Clrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	
10.2014.110.1	Lot 5 DP 32320, Lot 104 DP 851370, Lot 269 DP 728043, 36 Willawa Ave Gerringong, 24 Fern St Gerringong, 1a Bridges Rd Gerringong - demolition of existing dwelling and 5 lot Torrens title subdivision	14.10.14 14/205	that Council approve Development Application number 10.2014.110.1 by way of a deferred commencement development consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of this report.	For – Clrs Reilly, Honey, Way, Rice, Sloan, Steel, Seage, McClure & Petschler Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2014.168.1	Lot 387 DP 30547 No 78 Johnson Street Kiama Downs - Demolition of existing dwelling and erection of a new dwelling and swimming pool	18.11.14 14/245	that Council defer DA10.2014.168.1 (Lot 387 No 78 Johnson St Kiama Downs), subject to amended plans being submitted to Council by 4pm on 16 December 2014. Non-compliance will result in refusal, as outlined in the Council report.	For – Cllrs McClure, Reilly, Rice, Sloan & Steel Against – Cllrs Honey, Petschler & Way	
DP 263906	Removal of Restriction-as-to-User - Lot 244 DP 263906 Barton Drive Kiama Downs	18.11.14 14/246	That Council 1) Council support the release of the second restriction-as-to-user identified within the Section 88B Instrument attached to Deposited Plan 263906. 2) All costs associated with the removal of the restriction-as-to-user from the 88B Instrument be borne by the owner of the subject property. 3) Council contact the owners of Lots 245 to 247 inclusive in DP 263906 to provide advice that Council would give favourable consideration to a formal request made by them to release the second restriction-as-to-user identified in the Section 88B Instrument attached to Deposited Plan 263906 provided they met all costs associated with the removal of the restriction-as-to-user from their Section 88 Instrument.	For – Cllrs Honey, McClure, Petschler, Reilly, Rice, Sloan, Steel & Way Against - Nil	
10.2014.189.1	Five lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo	16.12.14 14/290	an amendment was moved by Councillor Sloan and seconded by Councillor Reilly that the application be deferred to enable a further Senior Counsel opinion to be obtained.	For – Cllrs Petschler, McClure, Reilly, Seage, Sloan & Rice. Against – Cllrs Way & Steel The amend. became the Motion & was Carried by all Councillors	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2014.193.1	Fifty one lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo	16.12.14 14/291	that Council defer the application to enable a Senior Counsel opinion to be obtained.	For – Clrs Petschler, Reilly, Rice, Sloan, Steel, Seage & McClure Against – Clr Way	
10.2014.191.1	Eleven lot Torrens title subdivision for Lot 1 in DP 781781 Wyalla Road Jamberoo	16.12.14 14/292	that Council defer the application to enable a Senior Counsel opinion to be obtained.	For – Clrs Petschler, Reilly, Rice, Sloan, Steel, Seage & McClure Against – Clr Way	
	Draft Chapter 31 Site Specific Controls – Wyalla Road Residential Release Area	16.12.14 14/293	1. Council endorse draft Chapter 31 site specific controls – Wyalla Road Residential Release Area for public exhibition subject to the provisions of the Environmental Planning and Assessment Act for a period of not less than 28 days. 2. at the completion of the exhibition period a further report be submitted to Council.	For – All Clrs	
10.2014.161.1	Sixteen lot Torrens title subdivision for Lot 2 DP 1165344 & Lot 20 DP 1151501 Caliope Street Kiama	16.12.14 14/295	that Council approve Development Application number 10.2014.161.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the “draft” conditions at the end of this report.	For – All Clrs	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Dual Occupancy Subdivision – Planning Proposal	16.12.14 14/296	<ol style="list-style-type: none"> 1. Council staff provide a report on likely administrative Planning Proposals required under Kiama LEP 2011 and potential time frames for same; 2. Council receive a report on the possibility of amending the B7 planning zones to include gymnasiums and fitness centres, as well as light industrial training; and 3. A report be provided on the need to form an LEP Review Committee. 	<p>For – Clrs Petschler, Way, Sloan, Steel, Seage & McClure</p> <p>Against – Clrs Rice</p>	
2015					
10.2014.245.1	Development application for a dwelling and access driveway for Lot 300 DO116371 Fountaindale Road Saddleback Mountain	10.2.15 15/008	that Council not approve Development application Number 10.2014.245.1 on the basis that the DCP regarding rural properties is being breached.	<p>For – Clrs Reilly, Rice, Seage, Sloan, Steel & Way</p> <p>Against – Clrs Honey, McClure & Petschler</p>	
10.2014.278.1	Lot 2 DP 609891, 40 Crooked River Road Gerroa – Machinery shed, tennis court, picnic facility and renovation of existing dam	10.2.15 15/011	<ol style="list-style-type: none"> 1. Council approve the machinery shed as outlined in Development Application 10.2014.278.1 (excluding the tennis court, and dam proposed augmentation works) pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to the draft conditions at the end of this report and as amended as follows: “General” condition (1) to read as follows: “This development consent is for a machinery shed and picnic facility and as such, development shall be implemented generally in accordance with the details set out on the plan/drawing endorsed by Council as 10.2014.278.1 dated 10/02/15 and on the application form, except as amended by the following conditions: Also delete conditions number (1)-(4) under the heading Site Operations. 2. The determination of the dam augmentation works, picnic facility and tennis court be brought back to a future meeting of Council for further consideration subject to discussion between the parties. 	<p>For – Clrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2014.189.1	Development application for a 5 lot Torrens title subdivision for Lot 100 DP1063277 Wyalla Road Jamberoo	10.2.15 15/012	that Council approve Development Application number 10.2014.189.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to “draft” conditions provided in Item 9.2 – Report of the Director of Environmental Services to Council – 16 December 2014 as attached to this report.	For – Clrs Honey, McClure, Petschler, Reilly, Seage, Steel & Way Against – Clrs Rice & Sloan	
10.2014.193.1	Development application for a 51 lot Torrens title subdivision for Lot 100 DP 1063277 Wyalla Road Jamberoo	10.2.15 15/013	that Council approve Development Application number 10.2014.193.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to “draft” conditions provided in Item 9.3 – Report of the Director of Environmental Services to Council – 16 December 2014 as attached to this report.	For – Clrs Honey, McClure, Petschler, Reilly, Seage, Steel & Way Against – Clrs Rice & Sloan	
10.2014.191.1	Development application for an 11 lot Torrens title subdivision for Lot 1 DP 781781 Wyalla Road Jamberoo	10.2.15 15/014	that Council approve Development Application number 10.2014.191.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to “draft” conditions provided in Item 9.4 – Report of the Director of Environmental Services to Council – 16 December 2014 as attached to this report	For – Clrs Honey, McClure, Petschler, Reilly, Seage, Steel & Way Against – Clrs Rice & Sloan	
	Revision of Chapter 9 – Kiama Development Control Plan 2012	10.2.15 15/021	<ol style="list-style-type: none"> Deferred to allow the Review of Chapter 9 – Kiama Development Control Plan to be referred to the Development Industry Committee prior to going on exhibition, for its review and advice. Brought to the next Council meeting subject to any comments that the Committee may make. 	For – Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way.	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Matters relating to potential Planning Proposals and the need for an LEP Review Committee	10.2.15 15/047	that Council form a LEP committee.	For – Ctrs Honey, McClure, Petschler, Reilly, Seage, Steel & Way Against – Ctrs Sloan & Rice	
	Matters relating to potential Planning Proposals and the need for an LEP Review Committee	10.2.15 15/048	that Council form a LEP committee. That Council submit an administrative planning proposal to include gymnasiums and fitness centres, as well as light industrial training in the B7 planning zones.	For – Ctrs Honey, McClure, Petschler, Reilly, Seage, Sloan, Steel & Way Against – Clr Rice	
	Master Plan for the Akuna Street Precinct	10.2.15 15/051	that Council: 1. Prepare a Master Plan for the Akuna Street Precinct that: a. Develops and recommends the most appropriate options for the use of council owned property fronting Akuna Street; b. Provides additional public car parking spaces; c. Improves pedestrian access between Akuna and Terralong Streets; d. Takes into consideration current and likely future use of privately owned land on Akuna Street, noting the B2 Zoning; e. Ensures community involvement in the development of options; and f. Is completed by end January 2016.	For – Ctrs McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel and Way Against – Clr Honey	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Five lot Torrens Title subdivision for Lot 100 DP1063277 Wyalla Road Jamberoo	10.2.15 15/055	that Council note the legal advice and that it be released.	For – Clrs McClure, Petschler, Rice, Seage, Sloan & Steel Against – Honey & Reilly & Way	
10.2014.168.1	Demolition of existing dwelling and erection of new dwelling and swimming pool – Lot 387 DP30547 No 78 Johnson Street Kiama Downs	17.3.15 15.066	that pursuant to Section 80 of the Environmental Planning and Assessment Act, that Council refuse development application number 10.2014.168.1 for the following reasons: 1. The building alignment of the proposed development is not consistent with the objectives under Chapter 2 Section 8 Kiama DCP 2012 – “Building Line Setbacks in Context”. 2. The rear building line does not comply with Chapter 2 Section 12 of Kiama DCP 2012. 3. The proposed development is not consistent with the requirement of Control C2 under Chapter 4 Kiama DCP 2012. 4. The proposed development will be sited inappropriately in relation to neighbouring dwellings. 5. The proposed development does not comply with the objectives and controls of Chapter 2 Section 5 of Kiama DCP 2012 – Maintenance of views and vistas and as such will impact unreasonably on existing views. 6. The proposal is not in the public interest.	For – Clrs Reilly, Honey, Wary, Rice, Sloan, Seage, McClure & Petschler Against - Nil	
10.2014.241.1	Mixed use development comprising of 5 shops, 8 professional suites & 29 residential units – Lot 781 DP 1179947 No 128 Belinda Street Gerrington	17.3.15 15/067	that Council refuse development application 10.2014.241.1 on the basis that it is not consistent with the objectives of Chapter 27 DCP generally and of Sections 3 and 4 particularly, with relation to streetscape compatibility. The development also involves multiple requested variations to the DCP.	For – Clrs Reilly, Honey, Way, Rice & Petschler Against – Clrs Seage & McClure	Councillor Sloan – non pecuniary interest

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Draft Chapter 31 Site Specific Controls – Wyalla Road Residential Release Area – Post Exhibition Summary	17.3.15 15/071	that Council adopt draft Chapter 21 site specific controls – Wyalla Road Residential release Area as a part of Kiama DCP 2012 subject to the provisions of the Environmental Planning and Assessment Act.	For – Clrs Reilly, Honey, Way, Rice, Seage, McClure & Petschler Against – Clr Sloan	
	Report to Council supporting Initial Gateway consideration of the Planning Proposal for Part Lot 1 DP710456 39 Macquarie Street Jamberoo	17.3.15 15/072	that Council endorse this Planning Proposal to proceed to the Department of Planning and Environment for a Gateway determination and that Council request plan making delegations for this proposal as a part of the Gateway determination. That on receipt of the Gateway determination Council can proceed with recommendations including requesting any further studies and public exhibition.	For – Clr Reilly, Honey, Way, Seage, McClure & Petschler Against – Clr Rice & Sloan	
	Revision of Chapter 9 – Kiama DCP 2012 – Car Parking Requirements	17.3.15 15/073 15/074	that the schedule of parking requirements for multi-dwelling house and residential flat buildings be altered in relation to visitor parking such that one visitor car parking space per two dwellings is provided behind the front boundary. That: 1. Serious consideration be given to a blanket proposal of one car space per 35m ² of floor area for all future commercial developments within the Municipality with an exception for future potential fast food outlets, theme parks and the like with such development attracting larger traffic generation to be dealt with on individual merit. 2. A further report be provided to Council prior to Chapter 9 being placed on public exhibition.	For – Clrs Reilly, Honey, Way, Rice, Sloan, Seage, McClure & Petschler Against – Nil As above for both resolutions	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Part Lot 73 DP1153471 Bland Street Kiama – Former Sale of Council Land and Planning Proposal	17.3.15 15/080	that a planning proposal commence for that part of Lot 73 DP1153471 Bland Street Kiama currently zoned SP2 Infrastructure to R2 Residential under Kiama LEP 2011 and that Council meet the costs in the preparation and lodgment of the planning proposal.	For – Ctrs Reilly, Honey, Way, Rice, Sloan, Seage, McClure and Petschler Against – Nil	
10.2014.274.1	Review of Determination – Lot 24 DP241462 35 Armstrong Avenue Gerringong	28.4.15 15/090	that Council uphold the original decision to refuse DA 10.2014.274.1 for the following reasons: 1. Pursuant to the provisions of 79C (1)(a)(iii) of the Environmental Planning & Assessment Act 1979 the proposal is inconsistent with Section 5 of Chapter 2 of Kiama Development Control Plan 2012 in that the proposal does not adequately consider view sharing principles. 2. Pursuant to the provisions of 79C (1)(d) of the Environmental Planning & Assessment Act 1979, a valid objection regarding view loss has been made in accordance with the Environmental Planning & Assessment Act 1979 and Environmental Planning Regulations 2000. 3. Pursuant to the provisions of 79C (1)(e) of the Environmental Planning & Assessment Act 1979, the proposal is not considered to be in the public interest.	For – Ctrs Way, Rice, Sloan, Steel, Seage, McClure & Petschler Against – Ctrs Honey & Reilly	
	Proposed Local Environment Plan Review Committee	19.5.15 15/142	that : 1. Council endorse the attached draft terms of reference as the operational Terms of Reference for the Kiama Local Environment Plan Review Committee and advertise for expressions of interest for membership as per the Terms of Reference; 2. Council include a sunset clause of September 2016 for this Committee; and 3. a report be brought back to Council in August 2016.	For – Ctrs Petschler, McClure, Seage, Steel, Way, Honey & Reilly Against – Ctrs Rice & Sloan	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2015.27.1	100 Lot Torrens Title Subdivision - Lot 1 DP1203690, Lot 201 DP1199549 & Lot 202 DP 1199549, Lilly Pilly Way Kiama	16.6.15 15/174	that Council approve Development Application No. 10.2015.27.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to: 1. the draft conditions at the end of the report; 2. the inclusion of the additional nine car parking spaces the developer has proposed to be included at the top of Banksia Drive, and 3. the requirement for the developer to install LED lights for the street lighting in the subdivision.	For – Cllrs McClure, Reilly & Steel Against – Cllrs Petschler, Rice, Sloan & Way	Cllr Seage declared a pecuniary interest in this matter as his son recently placed a deposit on an allotment of land within the proposed subdivision
	Proposed Local Environmental Plan Review Committee	16.6.15 15/177	Moved by Councillor Reilly and seconded by Councillor Way that the following nominees be endorsed as members of the LEP Review Committee: <ul style="list-style-type: none"> Kiama - Mr Mark Hitchcock, BHI Architects Pty Ltd North Kiama/Kiama Downs/Minnamurra - Mr Cliff Mason, Minnamurra Progress Association Rural - Mr Brian Burgess Gerringong/Werri Beach/Gerroa - Mrs Sandra McCarthy Jamberoo - Mr John Friedmann The three Committee representative members are: <ul style="list-style-type: none"> Economic Development Committee - Mr Patrick Mahedy Kiama District Industry Committee - Stewart Dixon Health & Sustainability Committee - Leonardo Murgio 	For – Cllrs McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against – Nil	
	Revision of Chapter 9 – Kiama DCP 2012 – Car Parking Requirements	16.6.15 15/178	that : 1. Council Endorse 'draft' revised Chapter 9 - Car Parking Requirements of Kiama Development Control Plan 2012 for public exhibition, for a period of not less than 28 days and pursuant to the provisions of the Environmental Planning and Assessment Act 1979. 2. At the completion of the exhibition period a further report be submitted to Council for its consideration, which includes any submissions received during the exhibition period and Council staff comments.	For – Cllrs McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against – Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2014.241.1	Review of Determination – Mixed use development comprising of 5 shops, 8 Professional Suites & 29 Residential Units Lot 781 DP119947 No. 128 Belinda Street Gerringong	16.6.15 15/179	that Council, as a consequence of its review of the subject application, change the determination by granting approval to the development application 10.2014.241.1, as amended in application for review pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to draft conditions at the end of this report.	For – Cllrs McClure, Petschler, Reilly, Rice, Seage, Steel & Way Against – Nil	Cllr Sloan declared a pecuniary interest in this matter.
10.2014.245.1	Review of Determination - Proposed Dwelling and Access driveway - Lot 300 DP 1163471 Fountaindale Road Saddleback Mountain	21.7.15 15/235	that Council, as a consequence of its review of the determination of development application 10.2014.245.1, confirm their determination of refusal of the application as per resolution 15/008 for the reasons specified in this resolution.	For – Cllrs Petschler, Reilly, Rice & Sloan Against – Cllrs Honey, McClure, Seage & Steel Carried on casting vote of Mayor	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Amendment to Chapter 12 of Kiama Development Control Plan 2012 – Short Term Rental Accommodation	21.7.15 15/238	<p>1. Council endorse the amendments to Chapter 12 of Kiama DCP – Short Term Rental Accommodation, as outlined in this report and attachment hereto. Such amendments relate to the minimum requirements for STRA properties regarding waste bin size, being:</p> <p>a. STRA which accommodate up to two guests must have a minimum 140 litre garbage bin (red lid bin)</p> <p>b. STRA which accommodate more than two guests must have a minimum 240 litre garbage bin (red lid bin)</p> <p>c. additional Best Practice Guidelines related to waste management.</p> <p>2. The endorsed amendments be placed on public exhibition for a period of not less than 28 days.</p> <p>3. Following public exhibition a further report be submitted to Council for consideration.</p>	<p>For – Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan & Steel</p> <p>Against – Nil</p>	
	Administrative Planning Proposals	18.8.15 15/280	that Council endorse the matters listed below as a Planning Proposal for submission to the Department of Planning for Gateway determination and subsequent adoption.	<p>For – Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan & Steel</p> <p>Against – Nil</p>	
10.2015.128.1	Pt Lot 19 DP156143, 139 Manning St, Kiama – Demolition of Existing Building, Construction of 4 Units & Strata Subdivision	18.8.15 15/281	that Council refuse Development Application No 10.2015.128.1 because it fails to provide sufficient separation to ensure reasonable visual and acoustic privacy for future residents, and those in likely future neighbouring medium density developments, as required by Chapter 5 of the Kiama DCP and the primary building controls as specified in the SEPP 65 Residential Flat Design Code	<p>For – Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan & Steel</p> <p>Against – Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Planning Proposal – Part Lot 1 No 39 Macquarie Street, Jamberoo	18.8.15 15/282	that Council proceed with the preparation and finalisation of the LEP instrument and mapping amendment in conjunction with Parliamentary Counsel and the Department of Planning and Environment.	For – Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan & Steel Against – Nil	
10.2015.142.1	Three Lot Torrens Title Subdivision – Lot 48 DP779575 No 15 Wyalla Road, Jamberoo	15.9.15 15.322	that Council approve Development Application No. 10.2015.142.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the draft conditions at the end of this report.	For – Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan & Steel Against – Nil	
10.2013.140.2	Section 82A Review of Determination - Lot 1 DP 602883 No 160 Manning Street Kiama	15.9.15 15/324	that the Brooding Italian Cafe be granted an approval to be able to commence trading at 6am with the following conditions: 1. That no external tables are put in place until 7am. 2. That this approval is only for Monday to Friday inclusive. 3. That the proprietor of the Brooding Italian is to make his patrons aware as well as provide signage to notify that “noise is to be kept to a minimum” at all times. 4. That this motion is effective immediately.	For – Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan & Steel Against – Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Lot 52 DP884475 adjoining Lot 51 DP884475 - 98 Fern Street Gerringong	15.9.15 15/325	that Council provides owner's consent to lodge a development application on the subject leased lot within the confines of the original lease.	For – Clrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan & Steel Against – Nil	
	Revenue Sub Committee	15.9.15 15/327	that Council formally proceeds with a planning proposal for part of the Iluka Reserve at Kiama Downs to create up to nine residential lots including open space embellishment over the remainder of the public reserve to meet community needs for future recreation activities in the area based on a master plan including community consultation	For – Clrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan & Steel Against – Nil	
	Revenue Sub-Committee	15.9.15 15/328	that Council not proceed with the planning proposal on the land at the corner of Willawa Avenue and Fern Streets Gerringong.	For – Clrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan & Steel Against – Nil	
	Land & Environment Court Decision Affecting Development Outcomes - Burwood Council -v- Ralan Burwood Pty Ltd	15.09.15 15/330	that Council: 1. write to the NSW Government, through the Member for Kiama, expressing Council's concerns regarding the repercussions of the recent Land & Environment Court decision (Burwood Council -v- Ralan Burwood Pty Ltd) on Council's ability to maintain the integrity of its Development Approvals and seeking changes in legislation in line with this report. 2. Request LGNSW to consider this matter at the forthcoming conference.	For – Clrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan & Steel Against – Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Revision of Chapter 12 – Kiama DCP 2012 – Short Term Rental Accommodation	20.10.15 15/376	that Council endorse 'draft' revised Chapter 12 – Short Term Rental Accommodation for inclusion within Kiama Development Control Plan 2012. Further, that all short term rental accommodation sites be required to have 240 litre bins.	For – Clrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	
	Draft Amendments to Kiama Development Control Plan 2012 - Chapter 7 Subdivision Road Widths	20.10.15 15/385	that Council: 1. publicly exhibit for a minimum 28 day period, draft amendments to residential subdivision road widths contained in Kiama Development Control Plan 2012 - Chapter 7 Subdivisions. 2. prepare a future report at the close of the public exhibition on submissions received. 3. Refer to draft amendments to the Development Industry Committee for information and comment.	For – Clrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	
10.2015.77.1	Lot 202 DP 1169384, 242 Fern Street Gerringong - Two dwellings, tennis court & pavilion, shed, stables, dams & two swimming pools	17.11.15 15/412	that Council refuse development application 10. 2015.77.1, pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, for the following reasons: 1) It is considered that the proposed development is inconsistent with the Aims of SEPP 71 – Coastal Protection and does not satisfy the matters for consideration prescribed by clause 8. 2) It is considered that the proposed development is inconsistent with the E3 Environmental Management zone objective to protect areas with special aesthetic values. The size, bulk, scale and siting of the development is unacceptable within the zone. 3) It is considered that the proposed dams and equestrian centre are prohibited within the E3 Environmental Management zone. 4) It is considered that the proposed development is inconsistent with Clause 5.5 of Kiama LEP 2011. The proposed development is of a bulk, scale, size and overall built form design that is unsuitable due to the impact on the natural scenic quality of the area.	For – Clrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel and Way Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2015.77.1	Contd.		<p>5) It is considered that the proposed development is inconsistent with Clause 6.7 of Kiama LEP 2011. The proposed principal dwelling, tennis court and pavilion are sited within the foreshore area, do not contribute to achieving the objectives for the zone and are of an appearance that is not compatible with the surrounding area.</p> <p>6) It is considered that the proposed development is inconsistent with the provisions of DCP 2012 Chapter 6 – Rural Development, in particular in relation to the design and siting of the proposed development.</p> <p>7) It is considered that the proposed development is excessive in height, bulk and scale and also involves extensive landscaping that would likely adversely impact the scenic amenity of the locality.</p> <p>8) The proposed development is of a bulk, scale, size, siting and overall built form design that is unsuitable due to its impact on the scenic amenity of the area and does not comply with the registered building envelope.</p> <p>9) Submissions have been received making valid objections to the development on the grounds of visual impact and non-compliances with Environmental Planning Instruments and DCP 2012.</p> <p>10) It is considered that in the circumstances of the case, approval of the development would not be in the public interest.</p>		
	Design and Construction of Community Recycling Centre Shed Tender	17.11.15 15/415	<p>that :</p> <ol style="list-style-type: none"> 1. In accordance with Clause 178(1)(b) of the Local Government (General) Regulation 2005, Council decline to accept the tenders as submitted by Builtform Constructions Pty Ltd and Malsave Pty Ltd for supply and construction of the Community Recycling Centre 2. In accordance with Clause 178(3)(f) of the Local Government (General) Regulation 2005, Council resolve to carry out the requirements of the proposed contract itself. 3. As part of the 2015-16 Budget Review process, Council resolve to allocate \$125,000 from Waste Management Reserves, to cover any expenditure above the Waste Less Recycle More grant funds, for the construction of the Community Recycling Centre 		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Masterplan - Akuna Street Precinct	17.11.15 15/425	that Council seek to appoint appropriate consultants to undertake a masterplan for the Kiama Town Centre incorporating the Akuna Street precinct incorporating the matters raised by the Shoalhaven Street Working Party, LEP review Committee and Economic Development Committee.		
	Possible Commercial Opportunity for Caravan Storage & Secure Storage for Caravans & Boats	17.11.15 15/433	that Council inspects the old tip site at Gerroa to ascertain its suitability for future use as a storage centre for caravans and boats and if deemed suitable proceed with the appropriate action to enable its conception.		
10.2015.122.1	Lot 70 DP 1172093, Nelson Street Gerringong - Business Park comprising of hardware & associated landscaping & building material supplies; 5 additional units & strata subdivision of the resultant development	15.12.15 15/456	that Council, having considered the view sharing, streetscape and flood impacts raised in the Council report, also the applicants proposed amended plans (A4502 dated 11.12.15 prepared by bhi architects) and undertakings to lower the building height by a minimum of 2.35 metres along the entire eastern façade and addressing flooding issues, that, subject to the original objectors being contacted for comment and the satisfactory resolution of the above, delegation be granted to the General Manager to determine the application in the appropriate manner.	For – Ctrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against -Nil	
10.2013.236.3	Lot 505 DP 33905 No 45 Bonaira Street Kiama – Modified dwelling & swimming pool	15.12.15 15/457	that Council grant an exception, in accordance with Clause 4.6 of Kiama Local Environment Plan, in regard to maximum height of the subject development, as outlined in this report and approve modified Development Application 10.2013.236.3, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions at the end of this report.	For – Ctrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	
SC1987	Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for “Additional Permitted” uses on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley	15.12.15 15/458	that Council: 1) Endorse the Planning Proposal for “Additional Permitted” uses (as outlined in this report) on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley proceeding to the Department of Planning and Environment for a Gateway Determination. 2) Request plan making delegations for this proposal as a part of the Gateway determination if the Department of Planning and Environment determines that as a part of the Gateway determination that the planning proposal can proceed. 3) On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition.	For – Ctrs Honey, McClure, Petschler, Reilly & Rice Against – Ctrs Seage, Sloan, Steel & Way	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2015.232.1	Lots 51 & 52 DP 884475, Fern Street Gerringong - Retail Building, Tourist Apartments & Addition to Existing Carpark	15.12.15 15/459	<p>Moved by Councillors Reilly and Sloan that Council refuse DA 10.2015.232.1 in accordance with the Planning Principle for Public Domain Views established by the Land and Environment Court (Ref: Rose Bay Marina Pty Ltd V Woollahra).</p> <p>An amendment was moved by Councillors Seage and Steel that Council:</p> <ol style="list-style-type: none"> 1) Defer the application to enable the holding of discussions with the applicant and seek amended plans. 2) Investigate the provision of a decking/paved area on Council's reserve to link with the leased area. <p>The Amendment was Put and Carried. The Amendment therefore become the Motion and was adopted.</p>	<p>For – Cllrs Honey, Petschler, Rice, Seage, Sloan, Steel & Way</p> <p>Against – Cllrs McClure & Reilly</p>	
	Report on public exhibition of concept design for refurbishment of Kevin Walsh Oval amenities building	15.12.15 15/471	<p>that Council:</p> <ol style="list-style-type: none"> 1) Adopt the concept plan for the refurbishment of the existing amenities building at Kevin Walsh Oval, Jamberoo and commence detailed design and specifications suitable to call tenders for the construction works. 2) Incorporate the waste management recommendations into the project. 3) Determine if an adult change table is to be included in the project following receipt of detailed cost estimates. 		
SC673	Amendments to Kiama Development Control Plan 2012 - Chapter 7 Subdivision Road Widths	15.12.15 15/472	that Council adopt the amendments as publicly exhibited to residential subdivision road widths contained in Kiama Development Control Plan 2012 - Chapter 7 Subdivisions.		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
2016					
10.2015.224.1	Lot 11 DP 581766, Lot 10 DP 581766, Lot 1A DP 38751, 10 Riverside Drive Bombo - Staged development - Stage 1- proposed 2 lot boundary adjustment & creation of easement over a shared access; Stage 2 - construction of 3 new dwellings	02.02.16 16/011	that Council refuse development application 10.2015.224.1 pursuant the provisions of Section 80 of the Environmental Planning and Assessment Act 1979, for the following reasons 1. It is considered that the proposed development results in unacceptable view loss impacts. 2. It is considered that the proposed development results in an unjustified breach of the front 6m building line. 3. Submissions have been received making valid objections to the development on the grounds of view loss. 4. For the reasons outlined, the proposed development is not considered to be within the public interest.	For – Ctrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan & Way Against - Nil	Clr Steel declared a pecuniary interest in this matter as he is the owner of a property affected by this application. Clr Steel left the Chambers & took no part in discussion or voting on this matter.
10.2015.128.1	Review of Determination - Demolition of existing building, construction of 4 units & Strata subdivision – Part Lot 19 DP 156143 No 139 Manning Street, Kiama	02.02.16 16/012	that Council defer development application 10.2015.128.1 to an extraordinary meeting to be held on 23 February 2016, due to additional information being received.	For – Ctrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	105 Shoalhaven Street, Kiama - Kiama Lions Club	02.02.16	that Council: <ol style="list-style-type: none"> 1. Support in principle the refurbishment/renovation of the Council owned building at 105 Shoalhaven Street, Kiama by the Kiama Lions Club to be used as a holiday respite house for carers. 2. Commence the gateway process to permit the proposal. 3. Donate the relevant gateway and development applications fees to the Lions Club to offset the relevant costs. 4. Enter into a peppercorn lease agreement with the Lions Club for the subject premises for a period of ten years subject to the relevant approvals. 5. Advise the Kiama Lions Club that Council is not in a position to provide any other financial assistance to the proposal. 	For – Clrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan & Way Against - Nil	Clr Steel declared a insignificant non-pecuniary interest in this matter as he is a member of the Lions Club.
10.2014.241.2	Modification – Mixed use development comprising of 5 shops, 8 professional suites & 29 residential units – Lot 781 DP1179947 No 128 Belinda Street Gerringong	02.02.16 16/013	that Council: <ol style="list-style-type: none"> 1. Approve the variation to maximum building under clause 4.6 of Kiama LEP 2011 to allow for the maximum height of up to 11.9 metres as outlined in the following report, and 2. Approve the proposed modified development under Section 96(1a) of the Environmental Planning and Assessment Act. 3. Makes a concessional request that 2 units in the development be used for the purpose of holiday letting. 	For – Clrs Honey, McClure, Reilly, Seage, Steel & Way Against – Clrs Petschler & Rice	Clr Sloan declared a potential pecuniary interest in this matter as he has been speaking with the developer in regards to buying or renting within the development. Clr Sloan left the Chambers and took no part in discussion or voting on this matter.

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2015.128.1	Review of Determination - Demolition of existing building, construction of 4 residential units & strata subdivision - Part Lot 19 DP156143 No 139 Manning Street, Kiama	23.02.16 16/041	that Council review the original determination of Development Application 10.2015.128.1 by granting conditional approval to the application subject to the conditions listed at the end of this report.	For – Clrs McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel and Way Against -Nil	
10.2015.309.1	Proposed Gymnasium - 13 Johnson Street Kiama Downs	15.03.16 16/070 & 16/071	<p>It was Moved by Councillors Reilly and Seage that Council grant approval to development application 10.2015.309.1 pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979, subject to conditions contained in this report.</p> <p>An Amendment was moved by Councillor Sloan and Steel to grant approval to development application 10.2015.309.1 with the additional General Condition (5) that the doors onto the verandah not remain in the open position prior to 8am and after 6pm.</p> <p>The Amendment was put and lost.</p> <p>A further Amendment was moved by Councillors Rice and McClure to grant approval to development application 10.2015.309.1 with the additional General Condition (5) that the doors onto the verandah not remain in the open position prior to 8am.</p> <p>The further Amendment became the Motion and was Put and Carried.</p>	<p>For - Clrs Honey, McClure, Rice, Seage, Sloan, Steel & Way</p> <p>Against - Clrs Petschler & Reilly</p> <p>For - Clrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2015.232.1	Lots 51 & 52 DP 884475, Fern Street Gerringong - Retail Building, Tourist Apartments & Addition to Existing Carpark	15.03.16 16/072 16/073	<p>Moved by Councillors Way and Steel that Council grant development consent to development application 10.2015.232.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions contained in this report and the addition of the following conditions:</p> <p>(1) That Council and the developer enter into a Deed of Agreement prior to the commencement of any work on Lot 52 DP 884475 Fern Street Gerringong inclusive of the following terms –</p> <p>Upon completion of the landscaping program of works by Council on Lot 53 DP 884475 the developer shall within one month of the completion of those works remove that portion of glass balustrading immediately adjacent to the access stairs, as provided as a result of those works by Council, between Lots 53 and 52 DP 884475.</p> <p>(2) The proposed 1.5m high glass balustrade adjacent to the north eastern curved portion of the proposed deck shall be reduced in height to 1.0m maximum height.</p> <p>An Amendment was moved by Councillors Sloan and Reilly that Council grant development consent to development application 10.2015.232.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions contained in this report and the addition of the following conditions:</p> <p>(1) That Council and the developer enter into a Deed of Agreement prior to the commencement of any work on Lot 52 DP 884475 Fern Street Gerringong inclusive of the following terms –</p> <p>Upon completion of the landscaping program of works by Council on Lot 53 DP 884475 the developer shall within one month of the completion of those works remove all balustrading as provided as a result of those works by Council, between Lots 53 and 52 DP 884475.</p> <p>(2) Any temporary balustrade be limited to no more than 1.0 metre in height and only be located east of the proposed stairs.</p> <p>(3) No balustrade be permitted on the western Fern Street side of the development with continuous paved steps to be provided if required.</p> <p>(4) No roof structure be installed on Lot 52 any further west of the proposed verandah line of Lot 51.</p> <p>The Amendment became the Motion and was Put and Carried.</p>	<p>For - Cllrs Honey, McClure, Petschler, Reilly, Rice & Sloan</p> <p>Against - Cllrs Seage, Steel & Way</p> <p>For- Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage & Sloan</p> <p>Against - Cllrs Steel & Way</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2015.169.1	Additional Information for the Director of Environmental Services Report 9.3.	15.03.16 15/074	that Council accept the inclusion of the information contained in this report and consider it in conjunction with the information contained in the report by the Director of Environmental Services 9.3 contained within this business paper.		
10.2015.169.1	Lot 12 DP 664055 & Lot 1 DP 25919, 22 Stafford Street Gerroa - General store & dwelling alterations & additions	15.03.16 16/075	that Council defer consideration of this Development application 10. 2015.169.1, pending discussions with the applicant with a view to modifying the height of the roof.	For - Cllrs McClure, Petschler, Reilly, Rice, Seage, Sloan and Steel Against - Cllrs Honey and Way	
	Leisure Centre - Proposed Extension	15.03.16 16/078	that Council: 1 Accepts the tender submitted from Tenderer 2, as listed in the enclosure, for the extension to the aerobics room and provide an internal spin room at the Kiama Leisure Centre. 2 Approves a total budget of \$150,000 for the extension to the aerobics room and provide an internal spin room at the Kiama Leisure Centre.	For - Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	
	Kiama Development Control Plan 2012 – draft Chapter 32, Site Specific Controls - Cedar Grove Stage 2, Small Lot Development	26.04.16 16/121	that Council endorses Draft Chapter 32 – Cedar Grove Stage 2 to be placed on public exhibition for twenty-eight (28) days for the purpose of receiving public submissions.	For - Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2015.317.1	Proposed demolition and erection of 7 residential units, No 133 Manning Street Kiama	26.04.16 16/122	that Council approves Development Application 10.2015.317.1, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, for the demolition of all structures on the land and the erection of 7 residential units at No 133 Manning St Kiama subject to the conditions within this report.	For - Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	
	Minutes of the Local Environmental Plan Review Committee Meeting held on 5 April 2016 - Proposed draft amendments to Chapter 5, Medium Density, of DCP 2012	26.04.16 16/123	that : 1. Council endorses the minutes of the Local Environmental Plan Review Committee meeting held on 5 April 2016. 2. Council resolves to place on public exhibition the draft Chapter 5 Medium Density Development of Kiama DCP 2012. 3. upon expiry of the public exhibition period a further report be submitted to Council on the review of Chapter 5 Medium Density of Kiama DCP 2012. 4. Council congratulates and thanks Mr Mark Hitchcock for his excellent work with the review and amendments of Chapter 5 which reflects the provisions of SEPP 65 and the Apartment Design Guide and also Mr Patrick Mahedy for his presentation made to the Committee and his input into the proposed development standards. 5. expressions of interest be sought from architects to be appointed to a panel, from which attendance at relevant Development Assessment Unit (DAU) meetings will be selected on a rotational basis, to provide advice on design/character issues on medium density developments proposed in the Kiama Municipality. 6. an architectural review fee of \$850 be included for consideration in Council's draft 2016/17 Fees and Charges Schedule to provide a report and independent advice on design/character issues on medium density developments proposed in the Kiama Municipality.	For - Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Revision of Chapter 9 – Kiama DCP 2012 – Carparking Requirements	17.05.16 16/156	that Council adopt the exhibited, revised Chapter 9 - Car Parking Requirements for inclusion within Kiama Development Control Plan 2012.	For - Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	
10.2016.41.1	Lot 5204 DP 1210287 No 3 Bourrool Street, Kiama - Proposed attached dual occupancy and strata subdivision	28.06.16 16/196	that Council refuse development application 10. 2016.41.1 due to significant non-compliance with controls C2, C29 C42, C54 and potentially C26 of Chapter 4 of Development Control Plan 2012.	For - Cllrs Honey, Petschler, Steel & Way Against - Cllrs Reilly, Rice and Sloan	
	Iluka Reserve, Riverside Drive, Kiama Downs	28.06.16	Motion - It was moved by Councillor Reilly and seconded by Councillor Rice that Council defers any further activity with regard to Iluka Reserve and the residential land around it until after the September council elections. The Motion on being put was Lost .	For - Cllrs Reilly & Rice Against – Cllrs Honey, Petschler, Sloan, Steel & Way	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2015.162.1	Lot 2 DP 155220 No 30 Barney Street, Kiama - demolition of existing dwelling, construction of 4 x 3 storey units	28.06.16 16/197	<p>Motion - It was moved by Councillor Rice and seconded by Councillor Sloan that Council approve development application 10.2015.162.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions contained within the report with the inclusion of the following additional condition:</p> <ul style="list-style-type: none"> • Prior to occupation that a suitable clothes line be installed in the garages of Units 3 and 4. <p>The Motion on being Put was Lost.</p> <p>That Council approve development application 10.2015.162.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained within the report.</p>	For – Clrs Rice & Sloan Against - Clrs Honey, Petschler, Reilly, Steel & Way For -Clrs Honey, Petschler, Reilly, Rice, Sloan, Steel & Way Against - Nil	
	Initial Gateway Consideration of the Planning Proposal for consideration of part of Lot 100 DP 1157883 26 Drualla Road Jamberoo and Lot 101 DP 1157883, 2A Downes Place, Jamberoo	28.06.16 16/198	that Council: 1) Endorse this Planning Proposal to proceed to the Department of Planning and Environment for a Gateway determination 2) Request plan making delegations for this proposal as a part of the Gateway determination. 3) On receipt of the Gateway Determination, undertake any requirements of such determination.	For - Clrs Honey, Petschler, Steel & Way Against - Clrs Reilly, Rice & Sloan	
10.2000.246.3	Modification of Consent - No 2 Hothersal Street Kiama	19.07.16 16/241	That Council approve modification of consent application 10.2000.246.3, pursuant to section 96(AA) of the Environmental Planning and Assessment Act 1979, for the modification of the Residential Flat Building at Lot 100 DP 1219840, 2 Hothersal Street Kiama subject to the conditions within this report.	For - Clrs Honey, McClure, Petschler, Reilly, Rice, Sloan, Steel & Way Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2016.109.1	Lot 25 SP 89199, 25/25 Noble Street, Gerringong - proposed variation to existing operating hours	19.07.16 16/242	that Council approve development application 10. 2016.109.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Honey, McClure, Petschler, Reilly, Rice, Sloan, Steel & Way Against - Nil	
10.2016.81.1	Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension	19.07.16 16/243	that Council defer consideration of this matter.	For - Cllrs Honey, McClure, Petschler, Reilly, Rice, Sloan, Steel & Way Against - Nil	
	Draft Amendments Kiama DCP 2012 - Chapter 5 Medium Density, Expressions of Interest - Architectural Panel, Development Assessment Unit	19.07.16 16/244	that : 1. Council adopt the attached 'draft' revised Chapter 5 – Medium Density Development for inclusion within Kiama Development Control Plan 2012. 2. Council endorse the expressions of interest in regard to appointment to the architectural panel giving advice on medium density development to Council Development Assessment Unit.	For - Cllrs Honey, McClure, Petschler, Reilly, Rice, Sloan, Steel & Way Against - Nil	
	Draft Amendments to Kiama DCP 2012 - Chapter 32 – Cedar Grove Stage 2	19.07.16 16/245	that Council adopt the attached version of Chapter 32 – Cedar Grove Stage 2 subject to amendments providing clarification in relation to lots smaller than 450 square metres.	For - Cllrs Honey, McClure, Petschler, Reilly, Rice, Sloan, Steel & Way Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Kevin Walsh Oval amenities building renewal	19.07.16 16/252	that Council: 1. proceed with the advertising of public tenders for the construction and refurbishment of the Kevin Walsh Amenities Building. 2. re-allocate 2016/17 project funding to cover the expected funding shortfall, from either: a) the Kiama harbourside crib-wall replacement, pending the storm damages insurance claim outcome; or b) the deferral of the Blowhole Point tennis court bank stabilisation works.		
10.2016.81.1	Lot 9 DP 285560, 47 Byrnes Run Curramore - shed, pool, cabana and driveway extension	16.08.16 16/280	that Council approve development application 10.2016.81 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report with the exception and exclusion of the shed and its location.	For - Clrs McClure, Petschler, Reilly, Rice, Seage & Sloan Against – Clrs Honey, Steel & Way	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2015.169.1	Lot 12 DP 664055 & Lot 1 DP 25919, 22 Stafford Street Gerroa - General store & dwelling alterations & additions	16.08.16 16/281	<p>that Council approve Development Application 10.2015.169.1, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained within this report.</p> <p>An amendment was moved by Councillor Sloan and seconded by Councillor Rice that Council defer consideration of Development Application 10.2015.169.1 pending further discussions with the neighbours and the proponent. The amendment was Put and Lost.</p> <p>The original Motion was Put and Carried.</p>	<p>For Cllrs Honey, Petschler, Reilly, Rice, Seage, & Way</p> <p>Against - Cllr Sloan</p>	<p>Cllrs Steel & McClure declared a non-pecuniary interest in this matter as a member of their team for Council elections has forwarded a submission relating to this matter. Cllrs Steel & McClure left the Chambers and took no part in discussion or voting on this matter. Cllrs Steel & McClure left the meeting at 5.45pm.</p> <p>Cllrs Steel & McClure returned to the meeting at 5.55pm.</p>

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2015.307.1	Lot 1 DP 1115030, Lot 1 DP 200068, Lot A DP 161881, Lot 7016 DP 1074643, Lot 1 DP: 615423, 10 Bong Bong Street, Kiama - Demolition of Existing Building and Construction of Mixed Used Development Consisting of 9 Serviced Apartments & 14 Shop Top Housing Units	16.08.16 16/282	<p>that Council refuse development application 10.2015.307.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, for the following reasons:</p> <ol style="list-style-type: none"> 1. It is considered that the proposed residential accommodation does not qualify as shop top housing as it is not located above a ground floor retail premises or business premises. The residential accommodation proposed is thereby prohibited under the terms of Kiama LEP 2011. 2. It is considered that the proposed building height breach (Kiama LEP 2011 Clause 4.3) is unacceptable and the Clause 4.6 exception request does not adequately justify why the development standard should be varied. 3. It is considered that the proposed development does not satisfy LEP 2011 Clause 6.8, which requires the development to have an active street frontage. 4. It is considered that the proposed development is incompatible with the existing streetscape, predominantly on account of the excessive building height. 5. It is considered that the proposed development is inconsistent with the provisions of Kiama DCP 2012 Chapter 5 – Medium Density Development, in particular in relation to control C4 adaptable dwellings, Section 13 drying areas and the three (3) storey height limit under Chapter 26. 6. Submissions have been received making valid objections to the development on the grounds of excessive building height and view loss. 7. It is considered that in the circumstances of the case, approval of the development would not be in the public interest. 	For – Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2016.41.1	Review of Determination - Lot 5204 DP 1210287 3 Bourrool Street, Kiama - Proposed attached dual occupancy and strata subdivision	16.08.16 16/283	that Council confirm the previous determination and refuse development application 10.2016.41.1 for the reasons set out in the original refusal and for the following additional reasons: 1. it does not contribute to achieving the objectives of the R3 Zone. 2. the development does not meet C16 and C17 of Chapter 4 of the Kiama Development Control Plan 2012.	For - Cllrs Honey, McClure, Petschler, Reilly, Rice, Sloan, Steel & Way Against - Nil	Cllr Seage left the Chambers and took no part in discussion or voting on this matter. Cllr Seage left the meeting at 6.11pm. Cllr Seage returned to the meeting at 6.16pm
	Developer Contributions Review - Stage 1	16.08.16 16/284	that Council resolve to prepare a new Section 94A Contributions Plan to cover the entire Municipality and develop a new works schedule for the redistribution of the unallocated funds already collected. These documents are to be endorsed by Council prior to any formal public exhibition.	For - Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	
SC2194	Planning Proposal for Part of Lot 73 DP 1153471, 35 Bland Street, Kiama	16.08.16 16/285	that Council exercise its delegation in relation to the preparation of the amendment to the Kiama Local Environmental Plan 2011 to rezone part of Lot 73 DP 1153471, 35 Bland Street Kiama from SP2 Infrastructure to R2 Low Density Residential, introduce a minimum lot size of 450m ² , and apply a maximum building height of 8.5m.	For - Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Sunset Clause in Kiama Local Environmental Plan 2011	16.08.16 16/286	that Council 1. prepare a media release for distribution in September advising the community of the expiration provisions within Clause 4.2A of Kiama Local Environment Plan 2011. 2. Advise all rural ratepayers direct of the expiration of the Sunset Clause.	For - Cllrs Honey, McClure, Petschler, Reilly, Rice, Seage, Sloan, Steel & Way Against - Nil	
	Amendment to Chapter 32 of Kiama Development Control Plan - Cedar Grove Stage 2	27.09.16 16/326	that Council endorse the amendments to Chapter 32 – Cedar Grove Stage 2 of the Kiama Development Control Plan and the document be placed on public exhibition for a period of 28 days.	For Cllrs Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Pheasant Point Draft Development Guidelines and Potential for Listing in LEP 2011 as a Heritage Conservation Area	27.09.16 16/327	that Council defer this matter to allow for more comprehensive community engagement and to allow the process to move through and have the heritage conservation area become part of the Kiama Local Environmental Plan.	For Cllrs Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Planning Proposal - Rezoning and Amendment to Minimum Lot Size - Lot 2 DP 626183 Golden Valley Way Jamberoo	18.10.16 16/373	it was moved by Councillors Way and Reilly that Council defer consideration of the gateway proposal for one month to allow for community input. Councillor Sloan foreshadowed a notice to refuse the proposal. Committee recommendation that Council defer consideration of the gateway proposal for one month to allow for community input.	For - Cllrs Brown, Honey, Reilly, Steel, Watson, Way & Westhoff Against - Cllrs Rice & Sloan	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Planning Committee	18.10.16 16/374	that Council: 1. adopt the Draft Terms of Reference (attached to this report) for Council's Planning Committee. 2. appoint up to four non-councillor representatives from diverse areas with relevant skills and experience, to the committee for the term of the current elected Council, and 3. appoint the Economic Development Manager to the Committee.		
	Planning Proposal Policy	18.10.16 16/375	that Council endorses the draft Planning Proposal Policy to replace the existing Policy adopted in 2012.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Question for future meeting: Rezoning of properties in Cuba Street	15.11.16 16/403	that Council officers investigate the proposal submitted by David Yates, and any other alternative options, for a second access to Cedar Grove 2 and report back to Council.	For - Cllrs Brown, Honey, Reilly, Watson, Way & Westhoff Against Cllrs Rice & Sloan	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2016.154.1	Lot 1 DP 216613, 132 Manning St, Kiama - Demolition of Existing Structures & Construction of 4 Dwellings with Strata Title Subdivision	15.11.16	it was moved by Councillor Brown and seconded by Councillor Watson that Council officers determine development application 10.2016.154.1 under delegated authority. This motion was put and lost .	For Clrs Brown, Reilly & Watson Against - Clrs Honey, Rice, Sloan, Way & Westhoff	
		16/404	that Council defer consideration of development application 10.2016.154.1 to review the modification documents provided and report back to Council.	For Clrs Brown, Honey, Reilly, Rice, Watson & Way Against Clrs Sloan & Westhoff	
10.2016.41.1	Kiama Municipal Council vs Turnbull	15.11.16 16/412	that Councillors Honey, Rice and Reilly be delegated with the power to negotiate matters on behalf of Council, as and if required, during proceedings in the Land & Environment Court matter of Kiama Municipal Council vs Turnbull (Proceedings No 2016/260950).	For Clrs Brown, Honey, Reilly, Rice, Sloan, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	South Precinct Meeting Minutes – Item 3 General Business	15.11.16 16/426	that a report be brought to Council's December 2016 meeting outlining the process and evidence of compliance of the development applications associated with item 3 in the South Precinct meeting minutes, including the 2010 development application determined under staff delegation, the 2015 development application determined under delegation and the 2016 development application determined under delegation including copies of the officer's reports for each.	For Clrs Brown, Honey, Reilly, Rice, Sloan, Watson, Way & Westhoff Against - Nil	
		16/427	to ensure future consistency in determining development applications which are very likely to attract significant public interest and community input in relation to the preservation of coastal and scenic rural landscapes, that these development applications be referred to Council for determination.	For Clrs Brown, Honey, Reilly, Rice, Sloan, Watson, Way & Westhoff Against - Nil	
	Council land suitable for caravan and boat parking/storage	15.11.16 16/428	that Council: 1. Further investigate the former Sydney Water site at Kiama Downs and the Railway property at the rear of Lot 97 Panama Street, Kiama. 2. Develop a business case looking at demand, access and cost for the use of these sites.		
	Planning Proposal - Rezoning and Amendment to Minimise Lot Size – Lot 2 DP 626187, Golden Valley Way, Jamberoo	15.11.16 16/430	that Council waive the hire fee for the Jamberoo School of Arts for the community meeting held on 8 November 2016.		
	Question for future meeting: Illawarra Regional Infrastructure and Growth Plan	15.11.16 16/433	that Council write to Local Member, Gareth Ward requesting he contact the Minister for Planning and the Department of Planning and Environment to amend the Illawarra-Shoalhaven Urban Development Program to be consistent with the Illawarra Regional Infrastructure and Growth Plan document regarding "South Gerringong" investigation area. Specifically that the 350 lots at South Gerringong be removed from the UDP.	For Clrs Brown, Honey, Reilly, Rice, Sloan, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2016.154.1	Lot 1 DP 216613, 132 Manning Street, Kiama - Demolition of Existing Structures and Construction of 4 Dwellings with Strata Title Subdivision (Amended)	20.12.16 16/452	that Council approve development application 10.2016.154.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Clrs Brown, Reilly, Steel, Watson & Way Against Clrs Honey, Rice, Sloan & Westhoff	
	Planning Proposal - Rezoning of Lot 2 DP 626183, Golden Valley Road, Jamberoo	20.12.16 16/453	that Council reject the subject Planning Proposal having regard to the commentary above.	For -Clrs Brown, Honey, Reilly, Rice, Sloan, Watson, Way & Westhoff Against - Clr Steel	
		20.12.16 16/454	That Council engages with the community in order to locate areas suitable for future development in Jamberoo and to assist development of a Jamberoo specific development control plan.	For - Clrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Planning Proposal for Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley	20.12.16 16/455	that Council proceed with the preparation and finalisation of the draft Kiama Local Environmental Plan and mapping amendment, associated with additional permitted uses at 96 Rose Valley Road, Rose Valley, and the inclusion of sections of Schedule 1 into Clause 4.6(8) of the draft Kiama Local Environmental Plan in conjunction with Parliamentary Counsel and the Department of Planning and Environment.	For Clrs Brown, Honey, Reilly, Steel, Watson, Way & Westhoff Against - Clrs Rice & Sloan	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Development of North Warri Headland - South Precinct Minutes (Item 3 General Business)	10.12.16 16/457	That: 1. Council employ an environmental solicitor to conduct a forensic review of the process and legal compliance involving all the DA's from 2010 to 2016 for 27 Princes Hwy Gerringong and then make a recommendation. 2. The report be presented to Council firstly for comment, then to be provided to Councillors for consideration and appropriate action. The reports to be completed for the business papers at the March Council meeting	For - Cllrs Honey, Reilly, Rice, Sloan, Way & Westhoff Against – Cllrs Brown, Steel & Watson	
		20.12.16 16/458	It was moved by Councillor Sloan and seconded by Councillor Steel that the Mayor and the General Manager be authorised to speak to the proponent regarding moving the development. The Motion was Put and Carried	For Cllrs Brown, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Cllrs Honey & Reilly	
		20.12.16 16/459	It was further moved by Councillor Reilly and seconded by Councillor Brown that Council limit the delegated authority of Council officers and that any development more than \$2M or with more than three submissions come before Council. The Motion was Put and Carried	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Iluka Reserve - Siteplus community consultation	20.12.16	It was moved by Councillor Reilly and seconded by Councillor Brown that Council withdraw the planning proposal for Iluka Reserve. The Motion was Put and Lost .	For - Cllrs Brown, Reilly, Rice & Watson Against - Cllrs Honey, Sloan, Steel, Way & Westhoff	
			It was further moved by Councillor Steel and seconded by Councillor Sloan that Council defer the decision regarding the planning proposal for Iluka Reserve to allow the requested information to be provided. The Motion was Put and Lost	For - Cllrs Sloan, Steel, Way & Westhoff Against - Cllrs Brown, Honey, Reilly, Rice & Watson	
	Bombo Quarry	20.12.16 16/475	that Council form a task force to investigate the potential benefit in terms of residential and commercial revenue to Council of Bombo Quarry. The task force should comprise of the Mayor and two councillors, two staff and up to two independent volunteer experts. Further the task force should develop terms of reference and questions it wishes to have answered (including a property ownership and interest register) and submit this information to Council for approval by no later than the March 2017 meeting. Further that this group bring back a report to council no later than September 2017, at which time the task force dissolves.		
2017					
	Amendment to Chapter 32 of Kiama Development Control Plan - Cedar Grove Stage 2	14.02.17 17/028	that Council adopt the amendments to Chapter 32 - Cedar Grove Stage 2 of Kiama Development Control Plan 2012 as exhibited and outlined in this report.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area	14.02.17 17/029	that Council endorse the attached, amended version of Chapter 31 – Wyalla Road Residential Release Area for public exhibition as outlined in this report and subsequent report back to Council.	For - Cllrs Brown, Honey, Reilly, Steel, Watson, Way & Westhoff Against - Cllrs Rice & Sloan	
10.2016.255.1	Replace existing light tower, add mobile phone base station - Lot 12 DP708875 Havilah Place, Kiama	14.02.17 17/030	that Council approve DA 10.2016.255.1 under Section 80(1) of the Environmental Planning & Assessment Act 1979 subject to the conditions identified at the end of the report.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Cedar Ridge Stage 2 access	14.02.17 17/043	that Council officers investigate the proposal submitted by David Yates, and any other alternative options, for a second access to Cedar Grove 2 and report back to Council.	For - Cllrs Brown, Reilly, Rice, Steel & Watson Against - Cllrs Honey, Sloan, Way & Westhoff	
	Submission – Draft State Environmental Planning Policy – Coastal Management	14.02.17 17/047	that Council support the concerned citizens who have submitted a request to the Coastal Reforms Team to elevate Werri Lagoon to a Schedule 1 Water Body.	For – Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Question for future meeting: 2011 Urban Strategy Lots and dwellings released since commencement of the Kiama Urban Strategy	14.02.17 17/048	that council approach the NSW Department of Planning to seek regional solutions on housing requirements for future regional requirements rather than just a Local Government Area based solution.	For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Planning Proposal for part of Lot 100 DP 710456 and Lot 101 DP 710456, 26 Drualla Road, Jamberoo	21.03.17 17/065	that Council proceed with the preparation and finalisation of the draft Kiama Local Environmental Plan and mapping amendment in conjunction with Parliamentary Counsel and the Department of Planning and Environment.	For - Ctrs Brown, Honey, Reilly, Steel, Watson, Way & Westhoff Against - Ctrs Rice & Sloan	
10.2014.241.4	Modification - Mixed use development comprising of 5 Shops, 8 Professional Suites & 29 Residential Units – Lot 781 DP1179947 No 128 Belinda Street Gerringong	21.03.17 17/066	that Council refuse modified development application 10.2014.241.4 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, for the following reasons. 1) It is considered that the proposed modification does not satisfy Section 30(2) of the EP&A Regulation, 2000, as the modification does not demonstrate that adequate regard has been given to: (a) the SEPP 65 design quality principles, and (b) the objectives specified in the Apartment Design Guide for the relevant design criteria.	For - Ctrs Brown, Honey, Reilly, Rice, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2014.241.4	Contd.		<p>2) It is considered that the proposed development is inconsistent with the provisions of SEPP 65 - Design Quality of Residential Apartment Development in relation to direct sunlight access to apartment living rooms and private open space. The Design criteria supporting Objective 4A-1 of the Apartment Design Guide identifies that "living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter" and also a "maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter". It is considered that 69% of apartments in the development receive a minimum of three hours direct sunlight between 9am and 3pm on 22 June to living rooms and private open spaces; and, more notably, 26% of apartments in the building receive no direct sunlight between 9am and 3pm on 22 June as a result of the proposed modification.</p> <p>3) The modified proposal breaches performance controls C12, C21 & C31 of Chapter 5 of Kiama DCP 2012. In particular the modified proposal does not achieve the minimum 75% of apartments having dual aspect, as prescribed by control C12. Only 51% of residential units in the modified development have dual aspect. Control C21 is consistent with The Design criteria supporting Objective 4A-1 of the Apartment Design Guide, above. Controls C31 requires units to have a minimum private open space area, in which units 12-15 and 25-28 inclusive on the southern side of the building currently do not comply.</p> <p>4) The applicant has identified amendments to the modified proposal to address DCP Chapter 5 controls C21 & 31; however insufficient information has been submitted with the application in relation to these amendments to enable Council to make a fully informed assessment of the proposed modified development.</p> <p>5) It is considered that in the circumstances of the case, approval of the modified development would not be in the public interest.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2016.120.1	Lots 191 and 192 DP 883437, 141A and 141B Belinda Street Gerringong - mixed use development including 2 retail shops, 3 serviced apartments, 7 residential apartments and 2 levels of basement parking & associated strata subdivision	21.03.17 17/067	that Council approve Development Application number 10.2016.120.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama Local Environmental Plan 2011	21.03.17 17/070	that Council: 1) endorse this Planning Proposal for housekeeping amendments to the Kiama LEP 2011 to proceed to the Department of Planning and Environment for a Gateway determination, 2) request plan making delegations for this proposal as a part of the Gateway determination, and 3) on receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
10.2016.297.1	Lot 206 DP 1164476, 27 Princes Highway Gerringong – Farm Shed	21.03.17 17/071	that Council approve Development Application 10.2016.297.1, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained within this report.	For – Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2016.81.1	Lot 9 DP 285560 - 47 Byrnes Run, Curramore - Section 82A Review of Determination	21.03.17	<p>Moved by Councillor Reilly and seconded by Councillor Sloan that this application does not proceed due the breach of Council's LEP clauses 1.9A suspension of covenants, agreements and instruments.</p> <p>Under clause 1.1 of Part 2 DP 285560 – The Terms of Restriction (Firstly Referred), requires that “no building shall be erected on the land burdened unless all buildings are contained within the building envelope marked on the deposited plan”.</p> <p><i>Breaches of DCP:</i></p> <p>Control 20 requires that the dwelling and ancillary development must be located at least 100m from another dwelling on an adjoining property.</p> <p>Breaches of Control 75 – Design of Earthworks</p> <p>Chapter 21 – Byrnes Run</p> <p>The need for consulting an architect, building inside the building envelope.</p> <p>The S82A review plans indicate that the construction of the revised shed would require the removal of six (6) trees however another three (3) trees would likely need to be removed as the retaining wall foundations would likely be within the structural root zone of the trees.</p> <p>The motion was Put and Lost.</p>	<p>For - Cllrs Reilly, Rice, Sloan & Westhoff</p> <p>Against -Cllrs Brown, Honey, Steel, Watson & Way</p>	
		21.03.17 17/073	that Council review the determination of DA 10.2016.81.1 pursuant to Section 82A of the Environmental Planning & Assessment Act by approving the development application in full, inclusive of the amended plans and the draft conditions of approval attached to this report.	<p>For -Cllrs Brown, Honey, Steel, Watson & Way</p> <p>Against – Cllrs Reilly, Rice, Sloan & Westhoff</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Development Applications Considered by Council	21.03.17 17/075	that Council remove the need to report modifications to development applications to Council in the following circumstances: <ul style="list-style-type: none"> where there is no significant change to the external configuration of the building and, where the value of the modifications themselves do not exceed the \$2,000,000 threshold and, where there are no variations required to Councils DCP or LEP resulting from the modification and, where there are no more than three (3) objections received specifically in relation to the modification proposed. 	For - Ctrs Brown, Honey, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Ctrs Reilly	
	Review of consents issued for 27 Princes Highway, Gerringong	21.03.17 17/094	Moved by Councillor Way and seconded by Councillor Rice that, following the removal of individual Council officer's names, the report be placed on Council's website for a period of three months. The Motion was Put and Carried	For – Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
10.2016.288.1	Lot 91 DP 229951 - 110 Headland Drive Gerroa - dwelling, swimming pool & pergola	11.04.17 17/115	that Council approve development application 10.2016.288.1, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained within this report.	For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
10.2016.265.1	Lot 50 DP 880425, Belinda Street, Gerringong - 100 bed residential care house facility and associated car parking	11.04.17 17/116	that Council approve Development Application number 10.2016.265.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions contained in the report.	For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Planning Proposal - rezoning of Lot 2 DP 626183, Golden Valley Road, Jamberoo	11.04.17 17/117	that Council nominate Councillor Reilly to present to the Southern Joint Regional Planning Panel in May 2017 the reasons for Council rejecting the subject Planning Proposal.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff	
		17/118	that Council nominate Councillor Watson to present to the Southern Joint Regional Planning Panel in May 2017 the reasons for Council rejecting the subject Planning Proposal.	Against - Nil	
		17/119	that Council nominate Councillor Sloan to present to the Southern Joint Regional Planning Panel in May 2017 the reasons for Council rejecting the subject Planning Proposal.		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2016.243.1	Lot 31 DP 1164476, Lot 2 DP 907763 & Lot 1 DP 71530, 31 Bong Bong Street & 49 Manning Street Kiama – Demolition of existing building at 31 Bong Bong Street & additions & refurbishment of the existing Grand Hotel, including construction of a 4 storey building containing guest accommodation & 2 levels of basement parking at 49 Manning Street, Kiama	11.04.17	<p>that Council refuse Development application 10.2016.243.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposal breaches height limit prescribed by Clause 4.3 of the <i>Kiama Local Environmental Plan (LEP) 2011</i>; 2. The proposal breaches floor space ratio prescribed by Clause 4.4 of the LEP 2011; 3. The proposal is not appropriate in the coastal zone as outlined by Clause 8 of <i>State Environmental Planning Policy No 71 – Coastal Protection</i> and Clause 5.5 of the LEP 2011; 4. The proposal will negatively affect, and not conserve the heritage significance of the Grand Hotel as outlined by Clause 5.10 of the LEP 2011 and Chapter 30 of the Kiama Development Control Plan (DCP) 2012; 5. The proposal has not provided sufficient car parking spaces as prescribed by Chapter 9 of the DCP 2012; 6. The proposed basement car parking areas do not meet relevant engineering standards as prescribed by Chapter 9 of the DCP 2012; 7. Insufficient information has been submitted to ensure compliance with Council's Food Premises requirements as prescribed by Chapter 16 of the DCP 2012; 8. Insufficient information has been submitted to ensure compliance with Council's Waste Management requirements as prescribed by Chapter 11 of the DCP 2012; 9. Insufficient information has been submitted to ensure compliance with Council's Demolition requirements as prescribed by Chapter 2 of the DCP 2012; 10. Construction over the registered right-of-way will inhibit the free liberty and right to use the burdened land; 11. Lot 1 DP 128011 has not been included in the Development Application form; 12. Approval of the application would not be in the public interest. 	<p>For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2016.231.1	Lots 2 & 3 DP 774101, Part Lot 1 DP 176929, Lot 1 DP 309656, 15-17 Bourrool Lane Kiama - demolition of existing dwelling & erection of 16 residential units & 40 car parking spaces	16.05.17 17/149	that Council refuse Development Application number 10.2016.231.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 for the following reasons: <ol style="list-style-type: none"> 1. Incompatible with the Kiama Development Control Plan - Chapter 7 – Control C61 - Characteristics of Roads In Residential Road Networks. 2. There is inadequate width of the access road. 3. The proposal is an overdevelopment. 4. The neighbours will experience unreasonable view loss. 	For - Ctrs Brown, Reilly, Rice, Sloan, Steel, Way & Westhoff Against - Ctrs Honey & Watson	
10.2016.320.1	Lot 270 DP 14188 – 45 Werri Street, Werri Beach – demolition of existing dwelling & construction of new dwelling, swimming pool & retaining wall	16.05.17 17/151	that Council approve development application 10.2016.320.1, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained at the end of this report, subject to the consent being amended to provide that any pool overflow not be permitted to flow into Werri Lagoon.	For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Community Engagement Strategy - Development Assessment	16.05.17 17/152	that Council: <ol style="list-style-type: none"> 1. Endorses the recommended actions as detailed in the report in order to improve the availability and notification of development application information. 2. Commits to implementing the recommendations, with the following modifications: <ol style="list-style-type: none"> a) Recommendation 1 (page 183) - add to the recommended action the words “other than requesting DA applicants to add a Table of Contents to the pdf file lodged with Council”. b) Recommendation 4 (middle of page 185) - add to the recommended action the words “Council’s proposed changes to the DCP will be subject to the usual process of public consultation.” c) Recommendation 7 (page 186) - add to the recommended action the words “The Kiama Urban Strategy register will be updated on a quarterly basis”. 3. Further commits to providing quarterly updates on the implementation of the recommended actions. 	For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.5.1	Lot 1 DP 832012 No 12 Thornett Way, Kiama Downs - Secondary Dwelling	16.05.17 17/153	that Council approve development application number 10.2017.5.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions contained at the end of this report.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Cedar Grove Estate access	16.05.17 17/154	It was moved by Councillor Steel and seconded by Councillor Reilly that Council: <ol style="list-style-type: none"> Note that the plan presented is feasible in engineering terms. May seek to progress further. Seek advice from the RMS in the meantime. <p>The Motion was put and lost.</p>	For – Cllrs Brown, Reilly, Watson & Steel Against - Cllrs Honey, Sloan, Rice, Way & Westhoff	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Amendment to Chapter 31 of Kiama Development Control Plan – Wyalla Road Residential Release Area	16.05.17 17/155	<p>that Council adopt the amendments to Chapter 31 – Wyalla Road Residential Release Area of Kiama Development Control Plan 2012 as exhibited and subsequently amended to take account of public comments. The wording on the residency restrictions to be included is as follows:</p> <p><i>No building erected upon the land hereby burdened shall not be used for accommodation unless it is limited to:</i></p> <p><i>4.1 Seniors aged people or people who have a disability being:</i></p> <p><i>4.1.1. people aged 55 or more years;</i></p> <p><i>4.1.2. people who are resident at a facility at which residential care (within the meaning of the "Aged Care Act 1997" of the Commonwealth of Australia) is provided;</i></p> <p><i>4.1.3. people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider;</i></p> <p><i>4.1.4. people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life</i></p> <p><i>4.2 People who live within the same household with senior aged people or people who have a disability.</i></p> <p><i>4.3 Staff employed to assist in the administration of and provision of services to housing provided and this policy</i></p>	<p>For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff</p> <p>Against - Nil</p>	
10.2016.325.1	Lot 390 DP 1131790 and Lot 38 DP 111258, Jamberoo Road Curramore - dwelling and access road	16.05.17 17/156	that Council approve Development Application number 10.2016.325.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of this report and amalgamation of the lots.	<p>For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Planning Proposal - Rezoning of Lot 2 DP 626183, Golden Valley Road, Jamberoo	22.6.17 17/199	An amendment was moved by Councillor Reilly and seconded by Councillor Rice that the Council accepts the role of Relevant Planning Authority (RPA) and respond to the Panel accordingly but ensure full public engagement is followed and following that, if necessary, a consultant is appointed to assist developing the Jamberoo DCP. The amendment was put and LOST . Recommendation that Council accepts the role of Relevant Planning Authority (RPA) and respond to the Panel accordingly.	For - Cllrs Brown, Reilly, Rice, Steel, Watson, Way & Westhoff Against - Nil	
10.2016.7.1	Lot 20 DP 1186998, 22 Manning Street, Kiama - shop & 4 residential units	22.6.17 17/200	that Council approve Development Application number 10.2016.7.1 pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.	For - Cllrs Brown, Reilly, Rice, Steel, Watson, Way & Westhoff Against - Nil	
10.2017.1.1	Lot 1 DP 1203416, 35 Jupiter Street, Gerringong - basement car park, ground floor Medical Centre with outdoor parking area & 3 residential units	22.6.17 17/201	that Council refuse Development Application number 10.2017.1.1 as the proposed development: 1. use 'medical centre' is prohibited in the R3 zone under Kiama LEP 2011 and is incompatible with surrounding land uses. 2. does not meet the objectives of the R3 zone in Kiama LEP 2011 as it does not meet an established day to day need of local residents. 3. does not meet an established need for additional medical services in Gerringong. 4. will undermine the viability of the existing medical practices. 5. is not easily accessible by patients as it is separate from the town centre on a steep site and will result in excessive on street parking with difficult grades to enter the building. 6. relies upon multiple variations to Council's local planning controls. 7. may create a precedent for height variations on partly excavated sites and for out of town centre medical centres 8. is a purpose built medical facility with little capacity for adaptation to other uses.	For - Cllrs Brown, Reilly, Rice, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	27 Princes Highway Gerringong	22.6.17	<p>Moved by Councillor Reilly and seconded by Councillor Rice that:</p> <ol style="list-style-type: none"> 1. A further forensic report be prepared examining all aspects of all the development approvals that were issued on the various developments overlooking Werri Lagoon known as '27 Princes Highway Gerringong'. 2. This report be prepared by a suitably qualified firm or individual with no previous relationship with Kiama Municipal Council nor staff who were involved in the preparation of the above approvals. 3. This report will make recommendations to improve our processes, should any improvements be necessary. 4. This action in no way reflects on the quality of previous reports on this matter. <p>The Motion was put and Lost.</p>	<p>For Clrs Reilly, Rice & Westhoff</p> <p>Against - Clrs Brown, Steel, Watson & Way</p>	
10.2017.117.1	Lot 229 DP 30126 - 44 Anembo Crescent, Kiama Heights - 2 lot Torrens title subdivision	18.07.17 OC17/069	<p>that Council approve Development Application number 10.2017.117.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.</p> <p>An amendment was moved by Councillor Rice and seconded by Councillor Sloan that Council approve Development Application number 10.2017.117.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report and the amendment to delete the words "Coastal Banksia" from Consent Condition (7) under the heading General.</p> <p>The amendment became the Motion and was put and carried.</p>	<p>For - Clrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson & Way</p> <p>Against - Nil</p>	
10.2017.116.1	Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Bong Bong Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space & 16 Shop Top Dwellings & Associated Parking	18.07.17 OC17/070	<p>that Council, at the request of the applicant, defer Development Application number 10.2017.116.1 for one month to allow staff more time to consider new information.</p>	<p>For- Clrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson & Way</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Draft DCP for Jamberoo	18.07.17 OC17/071	that Council endorse the attached draft Chapter 33 - Jamberoo, Kiama Development Control Plan, to be placed on public exhibition for a minimum period of 60 days and the results of exhibition be reported back to Council for determination.	For Clrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson & Way Against - Nil	
10.2015.316.1	Request for Review of Section 94A Contribution - Lot 2 - 188 Knights Hill Road, Knights Hill	18.07.17 OC17/072	that Council: 1. acknowledge the professionalism and hard work of all staff and volunteers at Triple Care Farm 2. recognise this facility is available to all people in NSW, in particular the greater Sydney region and the Illawarra and Southern Highlands 3. acknowledge receipt of \$29,165.77 from Mission Australia by way of its s 94A obligation 4. donate \$10,000 to Mission Australia on the condition the money is allocated to Triple Care Farm to recognise the proven successful intensive programs and their associated costs. This money is to be in addition to other monies Council spends on infrastructure and other matters that assist Triple Care Farm. 5. nominate Neil Reilly to liaise with Triple Care Fam with the aim of strengthening youth at risk programs in Kiama.	For - Clrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson & Way Against - Nil	Councillor Brown declared a non- significant non- pecuniary interest in this matter as the CEO of Triple Care Farm is a relative and the Chair of Mission Australia is a former employer. Councillor Brown took part in discussion and voting on this matter.
10.2017.50.1	Lot 280 DP 14188 – 69 Werri Street, Werri Beach – retaining walls and access stairs	18.07.17 OC17/073	that Council approve development application number 10.2017.50.1, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions contained at the end of this report.	For - Clrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson & Way Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Planning Proposal - Pheasant Point Heritage Conservation Area	15.08.17 OC17/100	that Council exercise its delegation in relation to the amendment of Schedule 5 of the Kiama LEP 2011 to establish a Heritage Conservation Area over the subject 17 lots and amend map sheet HER_012 to cover the affected properties.	For - Cllrs Brown, Honey, Reilly, Rice, Steel, Watson & Way Against - Nil	
10.2017.116.1	Lot C DP 380582 44 Manning Street Kiama – Demolition of existing building at 44 Manning Street, Kiama - construction of a 3 Storey Mixed Use Development Consisting of Ground Floor Commercial/Retail Space and 16 Shop Top Dwellings and Associated Parking	15.08.17 OC17/101	that Council refuse Development Application number 10.2017.116.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, for the following reasons: 1. The proposal is not consistent with the objectives of the B2 Local Centre Zone; 2. The proposal is not consistent with the relevant objectives and design criteria of the Apartment Design Guide, specifically: a. Visual Privacy; b. Bicycle and Car Parking; c. Solar & Daylight Access; d. Heights; e. Private open space; f. Acoustic Privacy; g. Apartment Mix; h. Landscape Design; i. Planting on Structures; j. Energy Efficiency; and k. Building Maintenance.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson & Way Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.116.1	Contd.		<p>3 The proposal does not comply with the requirements of Chapter 5 – Medium Density Development of the Kiama Development Control Plan 2012, specifically:</p> <ul style="list-style-type: none"> a) Lot Width; b) Adaptable Housing; c) Setbacks; d) Sound Transmission Class rating; e) Deep Soil Zone Landscaping; and f) Drying Facilities; <p>4 The proposal has not provided sufficient car parking spaces;</p> <p>5 The proposed car parking areas do not meet relevant engineering standards; and</p> <p>6 Upgrading of the right-of-way is required as part of proposal and consent of owner of LOT: C DP: 380582 has not been received.</p> <p>7. The proposal will negatively affect the heritage significance of the adjoining Kiama Uniting Church.</p>		
10.2017.37.1	Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport	15.08.17 OC17/102	<p>that</p> <p>1. Council defer determination of DA 10.2017.37.1 for one month only to allow the applicant to submit amended plans which indicate the upper floor level being recessed by a minimum of 4.0 metres to the west of the front façade of the building with a further report being presented to Council following consideration of those amendments by staff.</p> <p>2. If the amendments are not received within one month then the application be refused in accordance with the recommendation</p>	<p>For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Watson & Way</p> <p>Against – Cllr Steel</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Planning Proposal for Part of Lot 12 DP 708075, Lots 36 & 45 DP 263449 and Lot 38 DP 630551, Irvine Street, Kiama	15.08.17 OC17/103	that Council requests that the Department of Planning & Environment make the amendment to the Kiama LEP 2011 to rezone part of Lot 12 DP 708075, Lots 36 & 45 DP 263449 and Lot 38 DP 630551, Irvine Street Kiama from RE1 Public Recreation to R2 Low Density Residential and from Community to Operational Land. This will include introducing a minimum lot size of 450m ² , and apply a maximum building height of 8.5m and maximum floor space ratio of 0.45:1.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson & Way Against - Nil	
	Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011	15.08.17 OC17/104	<p>Moved by Councillor Rice and seconded by Councillor Sloan that Council:</p> <ol style="list-style-type: none"> Endorse this Planning Proposal for housekeeping amendments to the Kiama LEP 2011 to proceed to the Department of Planning and Environment for a Gateway determination to have the capacity to limit dual occupancy as described in the report by introducing a minimum lot size for dual occupancies in newly zoned R2 Low Density Residential land. Apply the new minimum lot sizes for dual occupancies on all future greenfield subdivisions. Request plan making delegations for this proposal as a part of the Gateway determination. On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition. <p>The Motion was Put and Lost.</p> <p>Moved by Councillor Brown and seconded by Councillor Watson that the report be noted.</p> <p>The Motion was Put and Carried.</p>	For - Cllrs Brown, Honey, Reilly, Rice, Steel, Watson & Way Against Cllr Sloan	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Gerringong Men's Shed - Lot 7010, DP1026773 Blackwood Street, Gerringong	15.08.17 OC17/106	that Council provide owner's consent for the lodgement of the development application for Lot 7010, DP1026773 Blackwood Street, Gerringong.		
10.2016.306.1	Lot 5 DP 621070 - 291 Minnamurra Lane, Jamberoo - secondary dwelling	19.09.17 OC17/156 19.09.17 OC17/157	that Council approve Development Application number 10.2016.306.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report. Motion Committee recommendation that staff prepare a report on the feasibility of a Planning Proposal to adjust Clause 5.4b of the Kiama LEP 2011 (size of secondary dwellings) from 100% to 25%.	For - Ctrs Honey, Steel, Watson, Way & Westhoff Against Ctrs Reilly, Rice & Sloan For - Ctrs Honey, Reilly, Rice, Sloan, Steel, Way & Westhoff Against - Ctr Watson	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.37.1	Lot 3 DP 32006 - 3 Gura Street Kiama - Dwelling alterations and additions and carport	19.09.17 OC17/158	<p>It was moved by Councillor Rice and seconded by Councillor Reilly that Council refuse DA 10.2017.37.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, for the following reasons:</p> <ol style="list-style-type: none"> The proposed development would be contrary to Control C13 in Chapter 4 of Kiama DCP 2012 – Low Density Development - which requires low density development: <i>“To maintain and improve the existing and future desired character/amenity of residential zones. Council will only approve of new dwelling houses/additions where they are compatible with the existing and environmental character of the locality and have a sympathetic and harmonious relationship with adjoining development.”</i> The proposed development would be contrary to the following development objective listed in Chapter 4 of Kiama DCP 2012 – Low Density Development: <i>“To ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character.”</i> The proposed development would result in the loss of dynamic forward facing views for an upslope property as a result of the building design not meeting the abovementioned development objective. The combined impact of the proposed development would be contrary to “C6 Any development in Kiama should incorporate view sharing principles into the design and siting of development to ensure that where possible with that existing view lines are not detrimentally impacted.” “C8 Development should ensure, where possible, that there is no unreasonable loss of existing view lines from existing development”. <p>The Motion on being Put was Lost.</p> <p>that Council approve Development Application No 10.2017.37.1 pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979, subject to the conditions at the end of the report.</p>	<p>For - Cllrs Reilly & Rice</p> <p>Against – Cllrs Honey, Sloan, Steel, Watson, Way & Westhoff</p> <p>For - Cllrs Honey, Reilly, Sloan, Steel, Watson, Way & Westhoff</p> <p>Against - Cllr Rice</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Planning Proposal for Part of Lot 34 DP 28122 and part of Lot 243 DP 30200, Part of Iluka Reserve, Kiama Downs	19.09.17 OC17/161	that Council request that the Department of Planning & Environment make the amendment to the Kiama Local Environmental Plan 2011 for part of Lot 34 DP 28122 and part of Lot 243 DP 30200, part of Iluka Reserve Kiama Downs to: <ul style="list-style-type: none"> Reclassify part of the land from community to operational land and change interests; Rezone part of the land from RE1 Public Recreation to R2 Low Density Residential amend the minimum lot size, building heights and floor space ratio control maps; and Rezone part of the land from R2 Low Density Residential to RE1 Public Recreation and amend the minimum lot size, building heights and floor space ratio control maps. 	For - Cllrs Honey, Sloan, Steel, Way & Westhoff Against - Cllrs Reilly, Rice & Watson	
	Planning Proposal - 105 Shoalhaven Street - Community Facility as Additional Permitted Use - Lions Club Respite Care	19.09.17 OC17/162	that Council proceed with the preparation and finalisation of the draft Kiama Local Environmental Plan and mapping amendment in conjunction with Parliamentary Counsel and the Department of Planning and Environment.	For - Cllrs Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	At this time, 6.12pm, Cllr Steel declared a non- significant non-pecuniary interest in this matter as he is a member of the Lions Club.
	Planning Proposal to reclassify Lot 208 DP 792192, O'Connell Place, Gerringong	19.09.17 OC17/163	that Council proceed with the preparation and finalisation of the draft Kiama Local Environmental Plan in conjunction with Parliamentary Counsel and the Department of Planning and Environment.	For Cllrs Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Rescission of Motion - Item 9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011	19.09.17 OC17/188	It was moved by Councillors Rice, Sloan and Way that the motions relating to the abovementioned item 9.4 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011 adopted at the 15 August 2017 Council meeting be rescinded. The Motion on being Put was Carried .	For - Clrs Honey, Reilly, Rice, Sloan, Steel, Way & Westhoff Against - Clr Watson	
		19.09.17 OC17/189	It was further moved that Council support the staff recommendations made at Item 9.4 of the August 2017 meeting (Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011) and: <ol style="list-style-type: none"> 1. Endorse the Planning Proposal for housekeeping amendments to the Kiama LEP 2011 to proceed to the Department of Planning and Environment for a Gateway determination to have the capacity to limit dual occupancy as described in the report by introducing a minimum lot size for dual occupancies in newly zoned R2 Low Density Residential land. 2. Applying the new minimum lot sizes for dual occupancies on all future greenfield subdivisions, being 600 m2 for Kiama, Gerringong and Gerroa and 1200 m2 for Jamberoo. 3. Request plan making delegations for this proposal as a part of the Gateway determination. 4. On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition. The Motion on being Put was Carried	For – Clrs Honey, Rice, Sloan, Steel, Way & Westhoff Against - Clrs Reilly & Watson	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Kiama Urban Strategy	17.10.17 OC17/201	that Council: 1. not support any new planning proposals that involve new residential land outside the identified town boundaries referred to in the adopted urban strategy areas; 2. seek the Member for Kiama's assistance in ensuring that the NSW Government does not support any planning proposals that involve land outside the identified town boundaries referred to in the adopted urban strategy areas; and 3. seek the Member for Kiama's urgent assistance in progressing the rehabilitation and development of the Bombo quarry area which provides significant opportunity to meet the Municipality's housing needs for at least the next 20 years.	For - Ctrs Brown, Honey, Sloan, Watson, Way & Westhoff Against - Clr Reilly	
	Rescission Motion - Item 9.4 Planning Proposal Iluka Reserve	17.10.17	No. OC-17/161 of the Ordinary Council meeting held on 19 September 2017 regarding the Planning Proposal for part of Lot 34 DP28122 and part of Lot 243 DP30200, Iluka Reserve, Kiama Downs be rescinded. The Motion on being Put was Lost	For - Ctrs Brown, Reilly & Watson Against – Ctrs Honey, Sloan, Way & Westhoff	
10.2016.231.1	PSEC Project Services Pty Ltd v KMC - Land & Environment Court Appeal against refusal	17.10.17 OC17/208	that, subject to the receipt of quotes that are acceptable, Council engage either Marsdens Law Group or Lindsay Taylor Lawyers to act on Council's behalf to defend the subject appeal to the Land & Environment Court and engage a consultant town planner to provide expert evidence in support of the appeal.	For - Ctrs Brown, Honey, Reilly, Sloan, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2016.103.2	Lot 3 DP 1123051, 1 Tasman Drive Gerringong – Proposed modified dwelling	21.11.17 OC17/158	that Council refuse development application number 10.2016.103.2, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 for the following reasons: <ol style="list-style-type: none"> The proposed modified development is inconsistent with the provisions of Kiama DCP 2012 Chapter 25 – Site Specific Controls – Gerringong Headland Site – 6.3.1 Built Form Objectives: (vi) Minimise the bulk and visual impact of dwellings. The proposed modified development is inconsistent with the provisions of Kiama DCP 2012 Chapter 25 – Site Specific Controls – Gerringong Headland Site – 6.3.2 Built Form Controls: (ii) The proposal does not comply with the Building Height Plane applicable to the site. Having regard to the requested variations and submissions received approval of the modified development would not be in the public interest. 	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
10.2017.81.1	Lot 2 DP 1190416 - 18 Wells Street, Gerringong - Attached dual occupancy and 2 lot Torrens title subdivision	21.11.17 OC17/159	that Council refuse DA number 10.2017.81.1 pursuant to Section 80 of the Environmental Planning & Assessment Act, 1979, for the following reasons: <ol style="list-style-type: none"> It is considered that the proposed development is inconsistent with the Overall objectives of Chapter 4 of DCP 2012 as the development is not considered to be of an acceptable design standard and will result in poor end user amenity for residents of the proposed dual occupancy dwellings. The proposed development breaches performance controls C46 of DCP 2012 Chapter 2 requiring a minimum 9m setback to rural zoned land and C17 of DCP 2012 Chapter 4 requiring a minimum 6m rear setback. These breaches are not considered to be acceptable in the circumstances. The applicant has failed to provide stormwater concept plans, which are required by both DCP 2012 Chapter 4 control C50 and the registered Positive Covenant (DP 1190415). The proposed development is not considered to be suitable for the site having regard to the site constraints and the DCP breaches brought about by the proposed dual occupancy development. Submissions have been received making valid objection as to the suitability of the site for the development, the end user amenity of the dual occupancy dwellings and the DCP non-compliances. It is considered that in the circumstances of the case, approval of the modified development would not be in the public interest. 	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.115.1	Proposed Tennis Court and Pavilion - 40 Crooked River Road Gerroa	21.11.17 21.11.17 OC17/160	<p>It was moved by Councillor Brown and seconded by Councillor Watson that Council approve development application number 10.2017.115.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.</p> <p>The motion was put and LOST.</p> <p>that development application number 10.2017.115.1 is rejected for its inability to comply with the Chapter 6 Development Control Plan overall controls on ridge location, as well as the further Rural Land controls, C7, not clustered nor protective of agricultural land, C10 excessive alteration of ground levels, C12 shared access for ancillary development being too distant, C20 less than 100m from neighbouring property, C75 excessive cutting below 1.0 metre.</p>	<p>For - Ctrs Reilly, Rice, Sloan, Steel, Way & Westhoff</p> <p>Against - Ctrs Brown, Honey & Watson</p>	
10.2017.264.1	5 Lot Torrens Title Subdivision - Glenbrook Drive Kiama	21.11.17 OC/17/161	that Council approve Development Application number 10.2017.264.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.	<p>For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff</p> <p>Against - Nil</p>	
	Planning Proposal - Rezoning or a portion of land from E2 to E3 - Part of Lot 1 DP 129766 and Part of Lot 144 DP 751279 - 144 Jamberoo Mountain Road, Jamberoo	21.11.17 OC17/162	that Council endorse the request to prepare a Planning Proposal for the rezoning of part of the subject lots from E2 Environmental Conservation to E3 Environmental Management and forward the proposal to the NSW Department of Planning and Environment for Gateway Determination.	<p>For - Ctrs Brown, Honey, Reilly, Sloan, Steel, Watson, Way & Westhoff</p> <p>Against - Ctr Rice</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Question for Future Meeting: Potential use of Minnamurra Quarry site for a BMX track for local youth	21.11.17 OC17/163	that Council construct a BMX-Mountain bike/Bike Skills/Scooter Facility at Minnamurra Quarry based on best practice design and process as follows: <ol style="list-style-type: none"> 1. Finalise the concept design. 2. In accordance with legal advice provided in the report, apply the existing Plan of Management for implementation of this facility. 3. Confine operating times for this facility to daylight hours. 4. Accept the offer of assistance from the Minnamurra Lions Club to work on the facility. 5. Ensure that the requirements of Council's Community Engagement Plan are met and that includes local media and writing to each property owner within the adjoining area to the Quarry to address any additional issues that have not been raised and considered prior to commencement of work. 6. Continue to work with the local schools and stakeholder groups to ensure that the final design meets their expectations. 7. Commence work providing costs can be contained within the current financial constraints. 		
		21.11.17 OC17/164	The following addendum to the above motion was moved by Councillor Brown and seconded by Councillor Reilly. <ol style="list-style-type: none"> 8 That a detailed costing and funding sources be submitted to Council for approval prior to any works being undertaken, including costing options for the provision of toilets, additional car parking, signage and provision of water. 9. That Council commission a Contamination Report on the Quarry area once budget approval has been obtained and that any fill brought onto the site during construction be certified as clean fill prior to being delivered. 10. That Council prior to construction commencing a comprehensive risk assessment be carried out both for the construction component and the ongoing operation of the proposed facility including risk mitigation strategies. 11. That Council consider including the proposal in the 2018/2019 operational plan. The addendum was put and also CARRIED.		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2014.241.6	Modification – Mixed use development comprising of 5 shops, 8 professional suites & 29 Residential Units – Lot 781 DP1179947 - 128 Belinda Street Gerringong	21.11.17 OC17/168	<p>that Council approve modified development application 10. 2014.241.6 pursuant to Section 96(1a) of the Environmental Planning and Assessment Act 1979, by:</p> <ol style="list-style-type: none"> 1. Approving modified drawing number 10.2014.241.6. 2. Substituting the development description on the title page of the consent notice with the following development description: Mixed development comprising five (5) shops, four (4) professional suites, five (5) serviced apartments & twenty-nine (29) residential units 3. Inclusion of the following condition under the sub-heading 'General': “(12) The five (5) Serviced Apartments shall only be used for the purpose of short term rental accommodation. Accordingly, the apartments may only be occupied for a maximum period of 60 consecutive days in any 12 month period.” 4. Inclusion of the following condition under the sub-heading 'Contributions': “(2) A contribution pursuant to Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) and Kiama Council's Section 94 Contributions Plans Nos. 1 & 3 shall be paid to Council prior to the issuing of the Construction Certificate. The total contribution required for the Serviced Apartments is \$10,617.05.” 	<p>For - Ctrs Brown, Reilly, Steel, Watson, Way & Westhoff</p> <p>Against - Ctrs Honey & Rice</p>	<p>Clr Sloan declared a non-significant pecuniary interest in this matter. Clr Sloan left the Chambers and took no part in discussion or voting on this matter.</p> <p>Clr A Sloan left the meeting at 6.07pm. Clr A Sloan returned to the meeting at 6.12pm.</p>
10.2016.301.1	Lot 34 DP 1181744 - 2 Surfleet Place, Kiama - Demolition of Existing Dwelling and Construction of 46 Townhouses & Car Park	21.11.17 OC17/170	that Council defer this matter to allow clarification of the issues of owner's consent for the use of the unmade section of Marsden Street, the proposed intersection design and the window treatments to the western elevations of the development.	<p>For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama Local Environmental Plan 2011	21.11.17 OC17/172	<p>that Council:</p> <ol style="list-style-type: none"> Endorse this Planning Proposal to amend the Kiama LEP 2011 in order to: <ol style="list-style-type: none"> Permit Bed & Breakfasts with consent in the RU1, RU2 & E3 zones; and Reduce the total floor area of secondary dwellings to no greater than 120 square metres of the total floor area of the principal dwelling. Proceed to the Department of Planning and Environment for a Gateway determination. Request plan making delegations for this proposal as a part of the Gateway determination. On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition. 	<p>For - Cllrs Brown, Honey, Reilly, Rice, Steel, Watson, Way & Westhoff</p> <p>Against - Cllr Sloan</p>	
10.2017.137.1	Proposed Dual Occupancy & Strata Subdivision - Lot 27 DP 1193900 - 27 Chapel Lane, Jamberoo	21.11.17 OC17/174	that Council approve Development Application number 10.2017.137.1 pursuant to section 80(3) of the Environmental Planning & Assessment Act 1979 subject to the conditions attached to the end of this report.	<p>For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Jamberoo DCP	19.12.17 OC17/216	<p>that Council adopt the final draft of the draft Kiama DCP Chapter 33 – Jamberoo Village as outlined in this report and attachments with the following amendments:</p> <ol style="list-style-type: none"> Inserting the following text after paragraph 2 on page 5: <i>Application of this Chapter prevails in the event of an inconsistency between Chapter 33 – Jamberoo Village and any other Chapter of the Kiama DCP 2012.</i> In section A6.1 for both single dwelling and dual-occupancy sections – amend the wording to: <i>The primary roof structure shall be a pitched roof with a minimum pitch of 25°. Lower pitch skillion roofs are permitted on verandahs and other minor elements of the building.</i> With regards to outbuildings in section A11 for both single dwelling and dual occupancy sections, increase the side boundary setback from 900mm to 1.5m or according to any applicable easement for consistency with dwelling setback. Retain 900mm for rear setback. 	<p>For - Cirs Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff</p> <p>Against - Nil</p>	
10.2017.215.1	Lot 100 DP 1230058 - 8 and 10 Blackwood Street Gerringong – part demolition and relocation of part of Gerringong Historical Society museum building and restoration of Gerringong School of Arts building, which will include construction of a library and community facilities	19.12.17 OC17/217	that Council approve Development Application 10.2017.215.1 under Section 80 of the Environmental Planning and Assessment Act 1979 subject to conditions at the end of the report.	<p>For - CIs Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	10.2017.241.1 - Lot 16 DP 1206612 11 Northpoint Place Bombo – construction of an attached dual occupancy & subsequent 2 lot Torrens title subdivision	19.12.17 OC17/218	that Council refuse Development Application 10.2017.241.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, as the proposal: <ol style="list-style-type: none"> 1. is an overdevelopment of the allotment 2. is too high and too close to the rear boundary 3. has inadequate vehicular access and parking 4. will result in allotments which will be inadequate with one of the dwellings also exceeding the permissible floor space ratio as outlined in Part 4 Clause 4.4(2) of the Kiama Local Environmental Plan 2011. 	For - Ctrs Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
10.2017.156.1	Lot 17 DP 1123051 – 29 Tasman Drive Gerringong – dwelling & swimming pool	19.12.17 OC17/219	that Council approve the amended Development Application 10. 2017.156.1, dated 19 December 2017, under Section 80 of the Environmental Planning and Assessment Act 1979, subject to the amended plans submitted.	For - Ctrs Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
10.2017.38.1	Lot 1 DP 709368 - 4 Dido Street, Kiama - alterations and additions to existing dwelling for a change of use to childcare facility for 39 children and onsite car parking	19.12.17 OC17/220	that Council approve the amended Development Application 10.2017.38.1, dated 19 December 2017, under Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Ctrs Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Clr Honey	
	Report to Council seeking endorsement of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011	19.12.17 OC17/221	that Council proceed with the preparation and finalisation of the draft Kiama Local Environmental Plan, for amendments to the subdivision controls, in conjunction with Parliamentary Counsel and the Department of Planning and Environment.	For - Ctrs Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011	19.12.17 OC17/222	<p>It was moved by Councillor Reilly and seconded by Councillor Watson that 1(c) be amended to refer to 45% of the total floor area of the principal dwelling. The Motion was put and lost</p> <p>that Council:</p> <ol style="list-style-type: none"> 1. Endorse this Planning Proposal to amend the Kiama LEP 2011 in order to: <ol style="list-style-type: none"> (a) permit Bed & Breakfasts with consent in the RU1, RU2 & E3 zones; (b) permit Eco Tourist Facilities with consent in the RU2 & E3 zones; and (c) reduce the total floor area of secondary dwellings to 25% of the total floor area of the principal dwelling. 2. Proceed to the Department of Planning and Environment for a Gateway determination. 3. Request plan making delegations for this proposal as a part of the Gateway determination. 4. On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition. 5. Concurrently prepare an amendment to Chapter 13 – Bed and Breakfast/Farm Stay of the Kiama Development Control Plan 2012 to include development controls for Eco Tourist Facilities. Report the draft amendment to Council for endorsement to proceed with community consultation. 	<p>For - Cllrs Reilly, Steel & Watson</p> <p>Against - Cllrs Honey, Rice, Sloan, Way & Westhoff</p> <p>For - Cllrs Honey, Rice, Sloan, Steel, Way & Westhoff</p> <p>Against - Cllrs Reilly & Watson</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.225.1	Lot 2 DP 1073383 – 31 Jupiter Street Gerringong – dwelling	19.12.17 OC17/223	that Council approve development application 10.2017.225.1, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, subject to the conditions at the end of this report.	For -Clrs Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
2018					
10.2016.103.3	Lot 3 DP 1123051, 1 Tasman Drive, Gerringong – proposed modified dwelling	06.02.18 06.02.18 OC18/008	It was moved by Councillor Way and seconded by Councillor Steel that Council approve development application No 10.2016.103.3 pursuant to section 80 of the Environmental Planning and Assessment Act 1979. The Motion on being Put was Lost . that Council refuse development application No 10.2016.103.3, pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 for the following reasons: 1. The proposed modified development is inconsistent with the provisions of Kiama DCP 2012 Chapter 25 – Site Specific Controls – Gerringong Headland Site – 6.3.1 Built Form Objectives: (i) strong architectural character; (ii) equitable outlook and privacy to all dwellings; (vi) minimise the bulk and visual impact of dwellings. 2. Having regard to the requested variations and submissions received, approval of the modified development would not be in the public interest.	For – Clrs Steel & Way Against- Clrs Brown, Honey, Reilly, Rice, Sloan & Watson For -Clrs Brown, Honey, Reilly, Rice, Sloan, Steel & Watson Against - Clr Way	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.310.1	Lot 136 DP: 30126 - 98 Attunga Avenue, Kiama Heights - Demolition of existing dwelling, construction of attached dual occupancy & 2 Lot Torrens Title subdivision	06.02.18 OC18/013	that Council approve Development Application No 10.2016.301.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.	For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson & Way Against - Nil	
10.2016.301.1	Lot 34 DP 1181744, 2 Surfleet Place, Kiama - Demolition of Existing Dwelling and Construction of 46 Townhouses and Car Park	06.02.18 OC18/014	that Council grant deferred commencement development consent to development application 10.2016.301.1 pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, subject to conditions contained at the end of this report with the addition of the following condition: Prior to the issue of any Occupation Certificate, the developer shall make application to Council for the provision of Domestic Waste Management Services.	For -Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson & Way Against - Nil	
10.2017.138.1	Lot 77 DP 1206414, 13 Fadden Street, Kiama - Detached dual occupancy and 2 lot Torrens Title subdivision	06.02.18 OC18/015	that Council refuse Development Application No 10.2017.138.1 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, for the following reasons: 1. Failure to suitably satisfy planning controls that respond to the first aim 1.2 2a of Kiama LEP 2011 – To provide planning controls for the Kiama area to achieve ecologically sustainable development principles. 2. Failure to satisfy the Kiama LEP 2011 R2 zone objective – To provide for the housing needs of the community within a low density residential environment. 3. Failure to satisfy the Kiama DCP controls C26, C56 and C38, among others.	For - Ctrs Honey, Rice, Sloan & Steel Against - Ctrs Brown, Reilly, Watson & Way The Motion was Put and Carried on the casting vote of the Mayor.	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Rescission of Motion - Item 10.3 Report to Council supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping Amendments to the Kiama LEP 2011 (Council meeting held 19 December 2017)	06.02.18 OC18/036 06.02.18 OC18/037	Resolved that Council rescind Committee Recommendation (OC-17/222) Item 10.3 1(c): 1. <i>Endorse this planning Proposal to amend the Kiama LEP 2011 in order to:</i> (c) <i>reduce the total floor area of secondary dwellings to 25% of the total floor area of the principal dwelling.</i> Resolved that Council remove item “1.(c) Reduce the total floor area of secondary dwellings to 25% of the total floor area of the principal dwelling” from report item 10.3 Report to Council Supporting Initial Gateway Consideration of the Planning Proposal for Housekeeping amendments to the Kiama LEP 2011, of the 19 December 2017 Council meeting.	For - Cllrs Brown, Honey, Reilly, Steel & Watson Against Cllrs Rice, Sloan & Way For Cllrs Brown, Honey, Reilly, Steel & Watson Against - Cllrs Rice, Sloan & Way	
10.2017.211.1	Lot 70 DP 1206414, 83 Merrick Circuit, Kiama – detached dual occupancy and 2 lot Torrens Title Subdivision	01.03.18 OC18/048	that Council approve Development Application No. 10.2017.211.1 under Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of this report.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Watson, Way & Westhoff Against - Nil	
10.2017.222.1	Lot 96 DP 1206414 – 53 Merrick Circuit, Kiama – attached dual occupancy and 2 Lot Torrens Title Subdivision	01.03.18 OC18/049	that Council approve Development Application No. 10.2017.221.1 under Section 80 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of this report and the following specific matter requiring conditioning: (a) NSW RFS General Terms of Approval.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.176.1	Rescission Motion: 6 February 2018 - Item 10.5 - 10.2017.176.1 - Lot 99 DP 1206414, 47 Merrick Circuit, Kiama - attached dual occupancy and 2 Lot Torrens Title subdivision	01.03.18 OC18/050 OC18/051	that Council rescind the motion to refuse Development Application No. 10.2017.176.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 for the following reason: 1. It fails to comply with Kiama DCP controls C26, C34 and C56 and potentially C37. It was moved by Councillor Brown and seconded by Councillor Sloan that Council approve Development Application No. 10.2017.176.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 subject to the conditions contained at the end of Item 10.5 of the business paper of the Ordinary meeting held on 6 February 2018. The Motion was put and carried.	For – Cllrs Brown, Honey, Reilly, Rice, Sloan, Watson, Way & Westhoff Against - Nil For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Watson, Way & Westhoff Against - Nil	
10.2017.331.1	Lot 28 DP 1181744 – 43 Surfleet Place, Kiama – attached dual occupancy and 2 lot Torrens Title Subdivision	01.03.18 OC18/052	that Council approve Development Application No. 10.2017.331.1 under Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of the report.	For - Cllrs Brown, Honey, Reilly, Rice, Watson, Way & Westhoff Against – Cllr Sloan	
10.2017.222.1	Lot 8 DP 1206414 – 96 Merrick Circuit, Kiama – attached dual occupancy and 2 Lot Torrens Title Subdivision	01.03.18 OC18/053	that Council approve Development Application No. 10.2017.222.1 under Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of the report.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.322.1	Lot 410 DP 1209559 – 29 Gibson Crescent, Jamberoo – dual occupancy and 2 Lot Torrens Title Subdivision	01.03.18 OC18/054	that Council approve Development application No. 10.2017.332.1 under to Section 80 of the Environmental Planning and Assessment Act 1979, subject to conditions/reasons at the end of the report.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Watson, Way & Westhoff Against - Nil	
10.2017.138.1	Rescission Motion: 6 February 2018 - Item 10.4 - 10.2017.138.1 - Lot 77 DP 1206414, 13 Fadden Street, Kiama - Detached dual occupancy and 2 lot Torrens Title subdivision	01.03.18 OC18/056 OC18/057	<p>that Council rescind Committee Recommendation OC-18/015 to refuse Development Application No. 10.2017.138.1 Lot 77 DP 1206414 pursuant to Section 80 of the Environmental Planning and Assessment Act 1979, for the following reasons:</p> <ol style="list-style-type: none"> 1. Failure to suitably satisfy planning controls that respond to the first aim 1.2 2a of Kiama LEP 2011 – To provide planning controls for the Kiama area to achieve ecologically sustainable development principles. 2. Failure to satisfy the Kiama LEP 2011 R2 zone objective – To provide for the housing needs of the community within a low-density residential environment. 3. Failure to satisfy the Kiama DCP controls C26, C56 and C38, among others. <p>It was moved by Councillor Brown and seconded by Councillor Reilly that Council approve Development Application No. 10.2017.138.1 pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979 subject to the conditions contained at the end of Item 10.4 of the business paper of the Ordinary meeting held on 6 February 2018. The Motion was put and carried.</p>	<p>For - Cllrs Brown, Honey, Reilly, Watson, Way & Westhoff Against – Cllrs Rice & Sloan</p> <p>For - Cllrs Brown, Honey, Reilly, Watson & Way Against - Cllrs Rice, Sloan & Westhoff</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.176.1	47 Merrick Circuit, Kiama	01.03.18 OC18/060	that the report be received and noted. (Councillors Way and Westhoff)		
10.2017.176.1	Rescission Motion: 6 February 2018 - Item 10.5 - 10.2017.176.1 - Lot 99 DP 1206414, 47 Merrick Circuit, Kiama - attached dual occupancy and 2 Lot Torrens Title subdivision	01.03.18 OC18/061	This item was dealt with as part of Public Access.		
10.2017.56.1	Lot: 280 DP 14188 - 69 Werri Street, Werri Beach - 2 Lot Torrens Title subdivision	20.03.18 OC18/070	that Council approve Development Application No 10.2017.117.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.	For - Cllrs Brown, Honey, Steel, Watson & Way Against - Cllrs Sloan & Westhoff	
10.2017.304.1	Lot 72 DP 1206414 No 79 Merrick Circuit Kiama - Detached dual occupancy and 2 Lot Torrens Title subdivision	20.03.18 OC18/071	that Council approve Development Application No 10.2017.304.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Brown, Honey, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Byrnes Run, Curramore Road, Jamberoo	20.03.18 OC18/074	that Council amend the Byrnes Run Community Title Neighbourhood Management Statement and relevant Section 88B Instrument applying to Byrnes Run, by removing the need for the designs of all buildings at Byrnes Run to be approved by the Byrnes Run advising architect before being submitted to Kiama Municipal Council.	For - Cllrs Brown, Honey, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Planning Proposal Policy to establish a new Development Control Plan Policy	20.03.18 OC18/078	that Council endorse both the draft Planning Proposal Policy to replace the existing policy adopted in 2012, and the draft preparation of Development Control Plans Policy.	For - Ctrs Brown, Honey, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
10.2017.236.1	Lot 73 DP 1206414 – 7 Blair Street, Kiama – Attached Dual Occupancy with 2 lot Torrens Title Subdivision	20.03.18 OC18/079	that Council approve Development Application No 10.2017.236.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of the report.	For - Ctrs Brown, Steel, Watson & Way Against - Ctrs Honey, Sloan & Westhoff	
	Supporting Initial Gateway Consideration of the Planning Proposal for Lot 3 DP 1018217, Dido Street, Kiama	20.03.18 OC18/080	that Council: 1. Endorse this Planning Proposal to proceed to the Department of Planning and Environment for a Gateway determination 2. Request plan making delegations for this proposal as a part of the Gateway determination. 3. On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition.	For - Ctrs Brown, Honey, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Question for Future Meeting: SP3 Tourist Zone	20.03.18 OC18/090	that this item be reported to the next meeting of Council to allow Councillors absent from this meeting the opportunity to comment.		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Report to Council Seeking Final Endorsement of Planning Proposal for Golden Valley Road Jamberoo	17.04.18 17.04.18 OC18/111	<p>It was moved by Councillor Reilly and seconded by Councillor Rice that Council:</p> <ol style="list-style-type: none"> Request that the Department of Planning & Environment refuse amendment to the Kiama Local Environmental Plan 2011 for Lot 2 DP 626183, 15 Golden Valley Road, Jamberoo. Prepare amendments to Chapter 30 – Heritage of the Kiama Development Control Plan 2012 to ensure the conservation of significant areas and items of Aboriginal Cultural Heritage. <p>The MOTION on being put to the meeting was LOST.</p> <p>that Council:</p> <ol style="list-style-type: none"> Request that the Department of Planning & Environment make the amendment to the <i>Kiama Local Environmental Plan 2011</i> for Lot 2 DP 626183, 15 Golden Valley Road Jamberoo. Prepare amendments to Chapter 30 – Heritage of the Kiama Development Control Plan 2012 to ensure the conservation of significant areas and items of Aboriginal Cultural Heritage. 	<p>For - Cllrs Reilly, Rice & Westhoff Against - Cllrs Honey, Steel, Watson & Way</p> <p>For - Cllrs Honey, Steel, Watson & Way Against - Cllrs Reilly, Rice & Westhoff</p>	
10.2017.263.1	Lot 259 DP 30126 - 39 Elanora Road, Kiama Heights, Attached Dual Occupancy with 2 Lot Torrens Title Subdivision	17.04.18 OC18/112	<p>that Council refuse Development Application 10.2017.263.1 under Section 4.16 of the Environmental Planning and Assessment for the following reasons:</p> <ul style="list-style-type: none"> The development exceeds the floor space ratio requirements of Clause 4.4 of the Kiama LEP 2011, The development fails to comply with the front building line control of Chapter 2 of the Kiama DCP 2012, The development fails to comply with the rear building line control of Chapter 2 of the Kiama DCP 2012, The development fails to comply with the private open space controls of Chapter 4 of the Kiama DCP 2012, The development fails to comply with the earthwork controls of Chapter 4 of the Kiama DCP 2012, The development fails to comply with the adaptable housing plans controls of Chapter 4 of the Kiama DCP 2012, The development fails to provide the required amount of landscaped area as outlined in Chapter 7 of the Kiama DCP 2012, The development is considered to be an over development of the site. 	For - Cllrs Honey, Reilly, Rice, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.300.1	Lot 2 DP 1235469 (formerly Lot 100 DP618342: No 4) 6 Sanctuary Place Minnamurra - Detached Dual Occupancy and Torrens Title Subdivision	17.04.18 OC18/114	that Council approve Development application 10.2017.300.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Honey, Reilly, Rice, Steel, Watson, Way & Westhoff Against - Nil	
10.2017.292.1	Lot 31 DP 574051, Lot 2 DP 907763 & Lot 1 DP 128011 - 31 Bong Bong Street, Kiama - Demolition of Existing Building and Erection of Hotel	17.04.18 OC18/115	that Council approve Development Application 10.2017.292.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979 subject to conditions at the end of this report.	For - Cllrs Honey, Reilly, Rice, Steel, Watson, Way & Westhoff Against - Nil	
10.2017.311.1	Lot 23 Sec 11 DP 758563 - 36 Farmer Street, Kiama - Deferred Commencement - 4 Lot Torrens Title Subdivision	15.05.18	It was moved by Councillor Reilly and seconded by Councillor Way that Council defer this item until the June meeting to allow mediation between the parties and the exploration of alternative drilling methods. The Motion on being Put was Lost	For - Cllrs Reilly, Rice, Steel & Way Against - Cllrs Brown, Honey, Sloan, Watson & Westhoff	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.311.1	Lot 23 Sec 11 DP 758563 - 36 Farmer Street, Kiama - Deferred Commencement - 4 Lot Torrens Title Subdivision	15.05.18 OC18/139	<p>that Council approve Development Application 10.2017.311.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979 subject to conditions at the end of this report with the addition of the following:</p> <p>That under Schedule A of the Conditions of Development Consent that the Applicant has 36 months from the date of this consent to forward to Council the necessary information as to the following matters:</p> <p>This deferred commencement consent is issued pursuant to section 4.16(3) of the Environmental Planning and Assessment Act 1979. The consent is not operational until written notice is provided from Council, verifying the following matter has been satisfactorily addressed:</p> <ul style="list-style-type: none"> A. Registration of a 1.5 metre wide drainage easement, under Section 88B of the Conveyancing Act 1919, over SP 81633 (34 Farmer Street) benefitting the subject site. B. Development Consent for the construction of the drainage works in 34 Farmer Street (SP 81633). <p>Further, that the operational consent lapse 5 years from the date of the notice of determination for the development application inclusive of the 36 month deferred commencement period.</p>	For - Clrs Brown, Honey, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Clr Reilly	
10.2018.18.1	Lot 651 DP 611087 & Lot 50 DP 880425, Belinda Street, Gerringong - Demolition of Existing Structures and Alterations & Additions to Existing Seniors Housing Development	15.05.18 OC18/140	that Council approve Development Application No 10.2018.18.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.	For Clrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against – Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.363.1	Lot 97 DP 30126, 141 Attunga Avenue, Kiama Heights - Demolition of Existing Dwelling and Construction of an Attached Dual Occupancy and 2 Lot Torrens Title Subdivision	15.05.18 OC18/145	that Council approve Development Application 10.2017.363.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Ctrs Brown, Honey, Reilly, Steel, Watson, Way & Westhoff Against - Ctrs Rice & Sloan	
10.2017.253.1	Lot 90 DP 1206414 - 17 Fadden Street, Kiama - Attached Dual Occupancy and 2 Lot Torrens Title Subdivision	15.05.18 OC18/146	that Council approve Development application 10.2017.253.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against – Nil	
10.2018.11.1	Lot 3 DP 1181744 - 27 Surfleet Place, Kiama - Attached dual occupancy and 2 lot Torrens Title subdivision	15.05.18 OC18/147	that Council approve Development Application number 10.2018.11.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.	For - Ctrs Brown, Honey, Reilly, Steel, Watson, Way & Westhoff Against - Ctrs Rice & Sloan	
10.2017.302.1	Lot 28 DP 1206414 - 21 Fadden Street, Kiama - Detached Dual Occupancy	15.05.18 OC18/148	that Council approve Development Application 10.2017.302.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Ctrs Brown, Honey, Reilly, Steel, Watson & Way Against - Ctrs Rice, Sloan & Westhoff	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.55.1	Lots 279 & 280 DP 30126 - 4 & 6 Elanora Road, Kiama Heights - Attached dual occupancy and 2 lot Torrens Title subdivision	26.06.18 OC18/191	that Council approve Development Application 10.2018.55.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of the report.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Planning Committee – Terms of Reference	26.06.18 26.06.18 OC18/192	An amendment was Moved by Councillor Rice and seconded by Councillor Sloan that Council approve the term Community Representatives is maintained and applied consistently throughout the Planning Committees TOR. Further, that point ii. under the heading Responsibility, is amended to read that Committee Members will: Be broadly representative of the community without specific responsibility to any particular community group. The Amendment on being put was Lost. that Council endorse the Terms of Reference attached to this report.	Cllrs Rice & Sloan requested their dissenting vote be recorded.	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.195.1	Lot 189 DP 33904 - 5 Gwinganna Avenue, Kiama - Use of lower ground floor already converted into an attached dual occupancy	26.06.18 OC18/193	<p>that Council refuse DA 10.2017.195.1 under Section 4.16 of the Environmental Planning & Assessment Act 1979, for the following reasons:</p> <ol style="list-style-type: none"> 1. It is considered that the proposed development is inconsistent with the overall objectives of Chapter 4 of Kiama DCP 2012 as the development is not considered to result in acceptable amenity for residents of the proposed dual occupancy dwellings. 2. The proposed development breaches performance Controls C29 & C48 of DCP 2012 Chapter 4 requiring that the deck/balcony may count as part but not all of a dwelling's private open space; and that each dwelling in a dual occupancy development/secondary dwelling development must have a clearly defined and identifiable street entrance. These non-compliances are not considered to be acceptable in the circumstances. 3. The Building Code of Australia Report for the change of use to a dual occupancy Class 2 building for the Class 1 dwelling has identified multiple fire-safety non-compliance issues with the current construction based on the Deemed to Satisfy provisions of the Building Code of Australia. The change of use would be reliant upon Fire Engineering Performance Solutions known as Alternative Solution. Whilst it has been concluded that some solutions can be achieved and there are others that only may be able to achieve compliance with the Performance Requirements of the National Construction Code (NCC). A Performance Solution only complies with the NCC when the solution is demonstrated and achieves compliance with the Performance Requirements and given this uncertainty the proposal cannot be supported. 4. The applicant has not provided details prepared by a suitably qualified person demonstrating compliance with the BCA requirements for acoustic measures between sole occupancy units. 5. The proposed development is not considered to be suitable for the site having regard to DCP breaches brought about by the proposed dual occupancy development. 6. It is considered that in the circumstances of the case, approval of the modified development would set an undesirable precedent and is therefore not in the public interest. 	For - Cirs Brown, Honey, Rice, Sloan, Watson & Westhoff Against - Cirs Reilly, Steel & Way	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.320.1	Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs - Demolition of Existing Carport and 2 Lot Torrens Title Subdivision	26.06.18 OC18/195	that Council defer Development Application 10.2017.320.1 to the July 2018 Council meeting to allow consideration of the information provided at Public Access.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Housekeeping Amendments to the Kiama LEP 2011	26.06.18 OC18/202	that Council 1. Endorse the preparation of a Planning Proposal for minor housekeeping amendments to the Kiama LEP 2011 for: - The addition of minor activities and events on public land to be included in Schedule 2 Exempt Development; - Amendment of the land use table in the IN2 Light Industrial Zone by removing Industrial Training Facilities from the prohibited land uses; - The addition of an Essential Services clause to be added to Part 6 of the Kiama LEP 2011. 2. Forward the Planning Proposal to the Department of Planning and Environment for Gateway Determination. 3. Request plan-making delegations from the Department of Planning and Environment.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Amendments to the Kiama LEP 2011 to introduce dual occupancy and multi dwelling housing development standards	26.06.18 OC18/203	that Council: 1. Endorse this Planning Proposal for amendments to the Kiama LEP 2011 to proceed to the Department of Planning and Environment for a Gateway determination to: a. Introduce a minimum lot size and/or a dwelling density for dual occupancy, manor house and multi dwelling housing (terrace) development in zoned R2 Low Density Residential and R3 Medium Density Residential land, b. Make multi dwelling housing (terraces) permissible in the R2 Low Density Residential zone, and c. Rezone the western portion of Silver Hill/Cedar Ridge area from R5 Large Lot Residential to E4 Environmental Living. 2. Request plan making delegations for this proposal as a part of the Gateway determination. 3. On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition.		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Submission Points for Cleary Bros. Modification Application	26.06.18	<p>It was Moved by Councillor Sloan and seconded by Neil Reilly that:</p> <ol style="list-style-type: none"> 1. Council staff prepare a submission to the Department of Planning and Environment in relation to the public exhibition of the application to modify the existing approval to extract sand at the Gerroa sand mine and request appropriate consideration of Council's concerns in relation to flora and fauna, flooding, surface and groundwater, noise and heritage 2. the submission to be amended to more clearly articulate concerns about noise and visual impacts, flooding, and question whether this should be considered as a new application rather than an extension given it is on the other side of Blue Angle Creek and has a significantly larger surface area than the currently approved mine. <p>The Motion on being put was Lost.</p> <p>It was Moved by Councillor Brown and seconded by Councillor Steel that Council staff prepare a submission to the Department of Planning and Environment in relation to the public exhibition of the application to modify the existing approval to extract sand at the Gerroa sand mine and request appropriate consideration of Council's concerns in relation to flora and fauna, flooding, surface and groundwater, noise and heritage.</p> <p>The Motion on being put was Lost.</p>		
		OC18/204	<p>that :</p> <ol style="list-style-type: none"> 1. Council staff prepare a submission to the Department of Planning and Environment in relation to the public exhibition of the application to modify the existing approval to extract sand at the Gerroa sand mine and request appropriate consideration of Council' concerns in relation to flora and fauna, flooding, surface and groundwater, noise and heritage, and 2. the submission to be amended to more clearly articulate concerns about noise and visual impacts, flooding. 		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.265.1	Lot 38 DP 9760 - 127 Charles Avenue, Minnamurra - 2 Lot Torrens Title subdivision	17.07.18 OC-18/239	It was moved by Councillor Way and seconded by Councillor Steel that Council approve development application 10.2017.265.1 under section 4.16 of the environmental planning assessment act 1979, subject to the conditions at the end of this report. The Motion was withdrawn. that Council defer development application 10.2017.265.1 to the August 2018 Council meeting to allow new information to be considered and assessed.	For - Cllrs Brown, Honey, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
10.2017.320.1	Lot 324 DP 703905 - 82 Barton Drive, Kiama Downs - demolition of existing carport and 2 Lot Torrens Title subdivision	17.07.18 OC-18/240	that Council approve development application 10.2017.320.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, and delegate authority to Council Officers to issue all necessary consent conditions.	For - Cllrs Brown, Honey, Steel, Watson & Way Against - Cllrs Rice, Sloan & Westhoff	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.60.2	Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama - demolition of existing dwelling and 2 Lot Torrens Title Subdivision	17.07.18 OC-18/241	<p>that Council approve the Section 4.55 modification of consent application 10.2017.60.2 under Section 4.55 of the Environmental Planning and Assessment Act 1979, subject to the following modified condition: Vegetation Management</p> <p>1. The following trees shall be removed;</p> <ul style="list-style-type: none"> • Tree 3 Liquidambar • Tree 9 Norfolk Island Pine • Tree 10 Date palm • Tree 11 Bangalow palm • Tree 17 Radiata pine • Tree 18 Privet • Tree 23 Privet • Tree 24 Red cedar • Tree 25 Bangalow palm • Tree 26 Red cedar, • Mulberry tree north west corner • Macadamia tree near tree 22 • Tree 30 Casuarina – on sewer manhole in the road reserve and • all other Pittosporums, Olives, Privets and vegetation less than 3m tall. <p>The Project Arborist is to identify these trees for the contractor. Refer to Arboricultural Development Assessment Report by Moore Trees dated October 2016.</p>	For - Cllrs Brown, Honey, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.49.1	Lot 179 DP 14188 - 10 Renfrew Road Werri Beach – proposed detached shed and carport	17.07.18	<p>It was moved by Councillor Brown and Seconded by Councillor Watson that Council refuse development application 10.2018.49.1, under Section 4.16 of the Environmental Planning and Assessment Act 1979 for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed development is inconsistent with Kiama Local Environmental Plan 2011, Zone R2 Low Density Residential, (3. Permitted with consent table) which does not allow for the stand alone use development of a shed and carport. 2. The proposed development is inconsistent within the definition of ancillary use, which means it must serve the dominant purpose being that of a dwelling house which is permitted in the zone. 3. Having regard to the proposal it would not be in the public interest and would create an undesirable precedent. 		
		OC18/242	<p>An amended motion was moved by Councillor Rice and seconded by Councillor Steel that Council defer development application 10.2018.49.1 to the August 2018 meeting to allow further discussions with the applicant. The amended Motion on being put was Carried.</p> <p>The amendment therefore became the motion.</p>	<p>For - Cllrs Brown, Honey, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
Public Exhibition of Draft DCP Chapter 13 - Tourist Accommodation		17.07.18 OC18/246	<p>that Council endorse and exhibit:</p> <ol style="list-style-type: none"> 1. draft Chapter 13 Tourist Accommodation subject to the following amendments: <ol style="list-style-type: none"> a) The inclusion of the following note at the end of all relevant sections that mention the requirement for 24hour contact information: “NOTE: this number should connect to a person who is able to respond on-site if necessary within 30 minutes of a call being logged.” b) The correction of any incorrect accommodation type referencing as relevant in each section. 2. the repeal of Chapter 12 to be replaced with the attached Short-Term Rental Accommodation Policy subject to the following amendments to the policy: <ol style="list-style-type: none"> a) the inclusion of the following point i. in relation to waste education resources and the amendment of the existing provision relating to additional waste services as presented in ii: <ol style="list-style-type: none"> i. Council provides additional education resources for STRA properties that include: <ul style="list-style-type: none"> • a sticker to go on the front of the food waste caddy that each property should have received from Council when the new service began, otherwise, if properties do not have a caddy, please contact Council • a magnetic information card outlining what goes in the recycling bin to go on the fridge • a sticker for internal kitchen bins to clearly label which one is for garbage, and which one is for recycling 	For - Cirs Brown, Honey, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
Public Exhibition of Draft DCP Chapter 13 - Tourist Accommodation Contd.			<ul style="list-style-type: none"> bin stickers for each of the Council issued external bins information sheet for property compendium waste service calendars providing information on Council's waste service, important waste events, what can go in each bin and other waste related information. <p>Where these resources are provided, the STRA operator is required to display the information prominently to encourage short stay users of the property to use source separate their food waste into the 7 litre kitchen caddy supplied and to source separate their recyclables to minimize waste going to landfill.</p> <p>ii. If the waste generated by the STRA exceeds the capacity of this service, the following options are available:</p> <ul style="list-style-type: none"> order a second urban waste service for the STRA from Council, consisting of an additional garbage, recycling and organic bin and the applicable annual Domestic Waste Management Charge, or engage a private waste contractor to remove excess waste from the property as required, or STRA Weekly 240L all red bin garbage service - or an additional 240L red lid bin garbage serviced fortnightly. <p>b) The maximum number of guests permitted at a STRA must not exceed a maximum of 2 adults per bedroom.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.7.1	Lot 12 DP 866128 - Jamberoo Road Croom - Demolition of existing dairy, new dwelling, second dwelling and farm stay accommodation in 5 cabins, educational building, hay and tractor sheds and roadworks	21.08.18 OC18/281	<p>that Council refuse Development Application 10.2018.7.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for reasons shown below:</p> <p>1. <u>Prohibited Development</u> The development application proposes development that is prohibited in the RU2 Rural Landscape Zone pursuant to the Kiama LEP 2011. In this regard, it has not been demonstrated that the proposed five “<i>farm stay accommodation</i>” dwellings satisfy the definition of “<i>farm stay accommodation</i>” in the Kiama LEP, and the proposed five dwellings are not otherwise permissible in the RU2 Zone.</p> <p>The development application proposes development that is prohibited in the RU2 Rural Landscape Zone pursuant to the Kiama LEP 2011. In this regard, it has not been demonstrated that the proposed “<i>information and education building</i>” satisfies the definition of “<i>information and education facility</i>” in the Kiama LEP and the proposed building is not otherwise permissible in the RU2 Zone.</p> <p>2. <u>Owners Consent</u> The applicant has failed to demonstrate that they have (and can) obtained owner’s consent from the Department of Industry - Lands to undertake work over the unformed Crown roads that traverse Lot 12 as shown on Deposited Plan 866128.</p> <p>3. <u>Staging</u> The applicant has not adequately demonstrated the staging of the development in the description of the development on the development application form.</p> <p>4. <u>Kiama Local Environmental 2011</u> The applicant has failed to demonstrate that the proposal meets the Aims in clause 1.2 of the Kiama Local Environmental 2011, including the Aims in clause 1.2(2)(a) to (g). The applicant has failed to demonstrate that the proposal meets the Objectives of the RU2 Rural Landscape Zone. The applicant has failed to demonstrate that the use of the proposed educational building will be for a purpose described by the definition of “<i>information and education facility</i>”.</p>	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.7.1 Contd.			<p>5. <u>Kiama Development Control Plan 2012</u> The applicant has failed to demonstrate compliance with the following controls and objectives of the Kiama DCP: Chapter 1 Section 3, Chapter 2, C1, C6, C8, C9, C10, Section 18, C43, C44, C45, Chapter 6, C2, C3, C4, C7, C8, C10, C12, C13, C14, C17, C18, C19, C28, C66, C67, C68, C69 and C75.</p> <p>6. <u>Site Analysis</u> The applicant has failed to provide a satisfactory architectural statement, site analysis plan and site analysis statement.</p> <p>7. <u>Visual Impact</u> Approval of the development will reduce the visual amenity of, and will have an adverse visual impact on, surrounding properties. The applicant has failed to provide a satisfactory Visual Impact Analysis showing the imposition of all of the proposed buildings on photomontages in the landscape when viewed from both public and private domains.</p> <p>8. <u>Architectural Character, Streetscape and Scenic Quality</u> The design of the proposal, which is excessive in bulk and scale, is unreasonable when considered in relation to the context of the site. The proposal is not compatible with the existing or desired future character of the Jamberoo Valley rural landscape locality.</p> <p>9. <u>Privacy</u> The proposal will have a significant adverse impact caused by overlooking of the immediate neighbours to the site. This will cause loss of privacy for those neighbours, particularly the occupants of Lot 10 DP 866128.</p> <p>10. <u>Sustainability</u> The applicant has failed to demonstrate that the principal dwelling complies with the principles of ecologically sustainable development.</p> <p>11. <u>Essential Services</u> The applicant has failed to demonstrate a suitable means of onsite wastewater disposal because it relies on a reticulated water supply that Sydney Water Corporation advises is not available to the site and effluent treatment areas close to waterways that may give rise to adverse impacts to waterways and adjoining lands.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.7.1 Contd.			<p>12. <u>Bushfire Hazard Management</u> The applicant has failed to demonstrate that the design of all driveways in the development are in accordance with the requirements of the NSW Rural Fire Service document “<i>Planning for Bushfire Protection 2006</i>”.</p> <p>13. <u>Easements</u> The applicant has failed to demonstrate that they have obtained written permission from Endeavour Energy to undertake development in the easement shown as thirdly in the 88B instrument of DP 866128.</p> <p>14. <u>Contaminated Land Management</u> The applicant has failed to demonstrate that the requirements of “<i>Guidelines for Consultants Reporting on Contaminated Site prepared by the NSW Office of Environment & Heritage</i>” have been satisfied.</p> <p>15. <u>Traffic Safety</u> The applicant has failed to demonstrate that the intersection of the access driveway with Jamberoo Road is safe and has not provided comprehensive engineering road design plans for road work proposed in the road reserve.</p> <p>16. <u>Flooding and Riparian Land and Watercourses</u> The applicant has failed to provide a flood assessment report and modelling in accordance with the requirements set out in Section 3 of Chapter 29 of Kiama Development Control Plan 2012. The applicant has failed to provide a flood study and engineering plans in accordance with the requirements of Control C66 to C70 inclusive of Chapter 6 of Kiama Development Control Plan 2012 demonstrating:</p> <ul style="list-style-type: none"> · the location and floor levels for habitable dwellings and ancillary buildings; · that the design does not adversely affect stream flow, riparian vegetation and water quality and shall include improvements of the riparian land in the vicinity of the crossing to restore its natural form and function; and · details of elevated crossings for horse riding/walking trails through riparian lands/watercourses clear of the 1 in 100 year storm event levels. <p>The applicant has not demonstrated that the development is designed, sited and will be managed to avoid any significant adverse environmental impact on riparian land and watercourses.</p> <p>The applicant has failed to demonstrate consistency with the requirements and objectives of Clauses 6.3 and 6.5 of Kiama Local Environmental Plan 2011.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.7.1 Contd.			<p>17. <u>Earthworks and Geotechnical</u> The proposal will lead to excessive and unnecessary cut and fill. The applicant has failed to provide an earthworks plan demonstrating all proposed cutting and filling in the proposal. The applicant has failed to provide a geotechnical report from a suitably qualified engineer which takes into account matters specified in Section 13 of Chapter 6 of Kiama Development Control Plan 2012 and Clause 6.2(3)(a) – (h) (inclusive) of Kiama Local Environmental Plan 2011. The applicant has failed to demonstrate in the design consideration that the Reserved Roads 10.06 wide in Deposited Plan 866128 may be constructed as a formed road in the future. The applicant has failed to demonstrate that the proposed access driveway has been designed in accordance with Council's Driveway and Footpath Procedures Manual.</p> <p>18. <u>Stormwater Management</u> The applicant has failed to demonstrate satisfactory stormwater management for the secondary dwelling, shed complex and access driveways</p> <p>19. <u>Soil and Water Management</u> The applicant has failed to demonstrate satisfactory soil and water management plans prepared for the proposed access driveways. <u>Landscaping Assessment</u></p> <p>20. <u>Vegetation Management</u> The applicant has failed to demonstrate satisfactory details concerning tree removal for the construction of the access driveway (Road 2 & 3) and for the secondary dwelling and other trees likely to be adversely impacted by the proposal.</p> <p>21. <u>Species Selection</u> The application proposes inappropriate plantings utilising plants listed as unsuitable for the Kiama Municipality in the Kiama Development Control Plan 2012 Chapter 8 - Appendix 1.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.7.1 Contd.			<p>22. <u>Nominated Integrated Development</u> The NSW Department of Primary Industry Water (DPI-Water) has not issued General Terms of Approval under Section 89, 90, or 91 of the Water Management Act 2000, and the Council is therefore prevented from favourably determining the application absent the General Terms of Approval and the application must therefore be refused.</p> <p>23. <u>Terrestrial Biodiversity and Environmental Impact</u> The site is affected by land mapped as terrestrial biodiversity pursuant to the Kiama Local Environmental Plan 2011. The applicant has failed to demonstrate that the development is designed, sited and will be managed to avoid any significant adverse environmental or ecological impacts. The development is likely to have a negative impact on the natural environment due to the intensity of the proposal , the dispersal of dwellings, buildings, roads and driveways on the site with excessive land take, the excessive cut and fill and the disruption to the rural landscape. The development application is not consistent with the objectives or requirements of clause 6.4 of the Kiama Local Environmental Plan 2011.</p> <p>24. <u>Insufficient information: access and manoeuvring</u> The Applicant has failed to provide consistent information and plans which demonstrate indicative sight distances to Jamberoo Road can be met.</p>		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.21.1	Lot 80 DP 1168560 – 29 Saddleback Mountain Road Kiama – Proposed dwelling alterations & additions	21.08.18 OC18/288	that Council refuse Development Application No 10.2018.21.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979 for the following reasons: <ol style="list-style-type: none"> The building alignment of the proposed development is not consistent with the objectives under Chapter 2 Section 8 Kiama DCP 2012 – “Building Line Setbacks in Context”. The rear building line does not comply with Chapter 2 Section 12 of Kiama DCP 2012. The proposed development is not consistent with the requirement of Control C2 under Chapter 4 Kiama DCP 2012. The proposed development will be sited inappropriately in relation to neighbouring dwellings. The proposed development does not comply with the objectives and controls of Chapter 2 Section 5 of Kiama DCP 2012 – Maintenance of views and vistas and as such will impact unreasonably on views from properties to the west. The proposal is not in the public interest. 	For - Cirs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
10.2018.103.1	Lot 4 DP 562389 - 16 Greta Street Gerringong - Demolition of existing dwelling and construction of medical centre with 3 residential apartments and associated car parking	18.09.18 OC18/243	that Council approve Development application 10.2018.103.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cirs Brown, Honey, Reilly, Rice, Steel, Watson, Way and Westhoff Against - Nil	Clr Sloan declared a significant pecuniary interest in this matter as is part owner of the subject property. Councillor Sloan left the Chamber and took no part in discussion or voting on this matter.

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.185.1	Lot 852 DP 231591 – 96 North Kiama Drive Kiama Downs - Construction of pergola over existing deck	16.10.18 OC18/242	that Council approve development application 10.2018.185.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Brown, Honey, Reilly, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
10.2017.307.1	Lot 859 DP 231616 - 110 North Kiama Drive, Kiama Downs – demolition of existing deck & construction of new decks	16.10.18 OC18/243	that Council approve development application 10. 2017.307.1, under Section 4.16 the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Brown, Honey, Reilly, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
10.2018.66.1	Lot 11 DP 599429 - 261 Jamberoo Mountain Road, Jamberoo - Demolition of existing dwelling and construction of principal dwelling, secondary dwelling, shed & swimming pool	16.10.18 OC18/244	that Council approve development application 10.2018.66.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Brown, Honey, Reilly, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Draft Amendments to Chapter 30 - Heritage - Kiama Development Control Plan 2012	16.10.18 OC18/250	that Council endorse the attached draft Development Control Chapter 30 – Heritage of the Kiama Development Control Plan 2012 for public exhibition and thank the staff involved for their efforts in producing this document.	For - Cllrs Brown, Honey, Reilly, Sloan, Steel, Watson, Way & Westhoff Against – Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.175.1	Lots 2 3 & 4 DP 271068, - 50, 52 & 54 Lilly Pilly Way, Kiama – Staged development of 6 dwellings over 3 individual lots and community title subdivision of those dwellings	16.10.18 OC18/251	that Council approve development application 10.2018.175.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Ctrs Brown, Honey, Reilly, Sloan, Steel, Watson, Way & Westhoff Against – Nil	
10.2017.245.1	Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley - Abattoir	20.11.18 OC18/280	that Council defer development application 10.2017.245.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979 to allow consideration of a geomorphologist report and that the matter be reported back to Council no later than the February 2019 meeting.	For - Ctrs Brown, Honey, Reilly, Rice, Steel, Watson, Way & Westhoff Against - Ctr Sloan	
	Endorsement of Planning Proposal to permit certain types of Tourist & Visitor Accommodation in Non-Urban Areas in Kiama LEP 2011	20.11.18 OC18/281	that Council: 1. Proceed with the preparation and finalisation of the draft Kiama LEP to permit certain types of Tourist & Visitor Accommodation in Non-Urban Areas, in conjunction with Parliamentary Counsel and the Department of Planning and Environment. 2. Adopt the final draft of the draft Kiama DCP Chapter 13 – Tourist Accommodation as outlined in this report and attachments.	For Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.286.1	Lot 1 DP 1045061 - 35 Bele Place, Kiama – Detached dual occupancy	20.11.18 OC18/282	<p>that Council refuse development application 10.2017.286.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for the following reasons:</p> <ol style="list-style-type: none"> The development is inconsistent with the Objectives of the Kiama LEP for the R5 Large Lot Residential Zone, in particular: <ul style="list-style-type: none"> To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. To ensure that development in the area does not unreasonably increase the demand for public services or public facilities. Does not satisfy the intent of Chapter 16 - Control C1 of the Silver Hill/Cedar Ridge Estate DCP, namely that a maximum development density of 1 dwelling per 1,000 m2 (exclusive of access handles) of site area (regardless of dwelling size) applies, because the curtilage of siting of the proposed dwelling has an area of 570 m2. Does not satisfy the objectives of Kiama DCP Chapter 2 - Section 12 – Building Lines in Urban Areas, in circumstance where the amenity and character of the area is not protected due to unreasonable building siting, overlooking, overshadowing and visual intrusion arising from the bulk of the building in the context. Fails to satisfy the objectives of Kiama DCP Chapter 4 – Low Density Development, to protect the character of areas, to provide a high level of visual and acoustic privacy for existing residents, and related controls: <ol style="list-style-type: none"> C5 - Privacy C13 - Maintain existing and future desired character/amenity C14 - New buildings should respect the scale, form and orientation of buildings in the street. 	For - Ctrs Honey, Reilly, Rice, Sloan, Way & Westhoff Against - Ctrs Brown, Steel & Watson	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Supporting Initial Gateway - Lot 2 DP 805229 Dido Street, Kiama	18.12.18 OC18/336	that Council: 1. Endorse this Planning Proposal, without the inclusion of the E2 rezoning, to proceed to the Department of Planning and Environment for a Gateway determination. 2. Request plan making delegations for this proposal as a part of the Gateway determination. 3. On receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition.	For - Cllrs Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
10.2018.191.1	Lot 1 DP 1049544 – 93A Tingira Crescent Kiama - Dwelling Alterations and Additions	22.01.19 19/007OC	Committee recommendation that Council approve Development Application No 10.2018.185.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.245.1	Lot 103 DP 561082 - 96 Rose Valley Road, Rose Valley - Abattoir	22.01.19 19/008OC	<p>Committee recommendation that Council approve development application 10.2017.245.1 under section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report with the following amendment:</p> <p>Under the heading Site Operations condition (2) be replaced as follows:</p> <p>(2) The abattoir shall process no more than 3,000kg live weight in any week of operation.</p> <p>An Amendment was moved by Councillor Sloan and seconded by Councillor Rice that Council approve development application 10.2017.245.1 under section 4.16 of the Environmental Planning and Assessment Act 1979, subject to the conditions at the end of this report with the following amendments:</p> <p>1. Under the heading Onsite Sewage Management the following condition is added:</p> <p>(5) The installer is to provide three (3) monthly services to the STP and provide a 24-hour notification call-out service. At each three (3) monthly service a treated effluent sample is to be analysed by a NATA Certified Laboratory and the results submitted to Council. The analysis results are to be:</p> <ul style="list-style-type: none"> BOD less than 20mg/L; Suspended Solids (NFR) less than 30mg/L; Total Nitrogen less than 15 mg/L (note the STP consultants report says it will usually be 10, but 15 maximum) Total Phosphorus less than 15 mg/L (note STP report assumes 12mg/L max) Faecal Coliforms less than 30 cfu/100ml. 	<p>For - Cirs Brown, Honey, Reilly, Steel, Watson and Way</p> <p>Against - Cirs Rice, Sloan and Westhoff</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.245.1 Contd.			<p>2. Under the heading Site Operations condition (2) be replaced as follows:</p> <p>(2) The abattoir shall process no more than 3,000kg live weight in any week of operation.</p> <p>The Amendment on being put was Lost.</p> <p>The Motion was then put and carried.</p>	For Clrs Brown, Honey, Reilly, Steel, Watson, Way & Westhoff Against Clrs Rice and Sloan	
	Endorsement of Amendments to Chapter 30 - Heritage of the Kiama Development Control Plan (DCP) 2012	22.01.19 19/009OC	Committee recommendation that Council defer the approval of the final draft of the Kiama DCP Chapter 30 – Heritage until consideration of additional clauses for protection of the Pheasant Point Heritage Conservation Area are reviewed for inclusion.	For - Clrs Brown, Honey, Reilly, Rice, Sloan, Watson, Way & Westhoff Against - Clr Steel	
10.2017.173.1	Lot 3 DP 1210621 - 5 Hanrahan Place, Kiama - Attached Dual Occupancy	19.02.19 19/048OC	Committee recommendation that Council approve Development Application 10.2017.173.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Clrs Brown, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.172.1	Lot 10 DP 1210621 - 11 Caliope Street, Kiama - 2 Lot Torrens Title Subdivision	19.02.19 19/049OC	Committee recommendation that Council refuse Development Application 10.2018.172.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979 for the following reasons: 1) Non-compliance with Control 27 of Chapter 4 of the Kiama Development Control Plan 2012. 2) Non-compliance with Control 37 of Chapter 4 of the Kiama Development Control Plan 2012. 3) Unacceptable planning outcome in regards to lack of privacy and car parking arrangements.	For - Cllrs Brown, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Cllr Reilly	
10.2018.212.1	Lot 1027 DP 232243 - 150 North Kiama Drive Kiama Downs and Lot 857 DP 231616 – 106 North Kiama Drive Kiama Downs - Use of Stairs on Council Reserve	19.02.19 19.02.19 19/050OC	It was moved by Councillor Way and seconded by Councillor Steel that Council defer Development Application 10.2018.172.1 to allow further discussions with the applicant. The Motion on being put was Lost. Committee recommendation that Council refuse Development Application 10.2018.212.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979 for the following reasons: 1. The proposal is prohibited development within the RE1- Public Recreation Zone. 2. The stairs are an unauthorised structure built without a planning approval over public land. 3. The proposal is inconsistent with the objectives of the RE1- Public Recreation Zone. 4. The proposal is inconsistent with the objectives of the State Environmental Planning Policy (Coastal Management) 2018. 5. The proposal is not considered to be in the public interest. 6. The approval of the proposal would set an undesirable precedent.	For - Cllrs Reilly, Steel & Way Against - Cllrs Brown, Rice, Sloan, Watson and Westhoff For - Cllrs Brown, Rice, Sloan, Watson, Way & Westhoff Against - Cllrs Reilly & Steel	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Post Exhibition Report - Planning Proposal - Rezoning of 144 Jamberoo Mountain Road	19.02.19 19/057OC	Committee recommendation that Council proceed with the preparation and finalisation of the draft Kiama LEP to rezone part of Lot 144 DP751279 and part of Lot 1 DP129766 from E2 Environmental Conservation to Environmental Management, in conjunction with NSW Parliamentary Counsel.	For - Cllrs Brown, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against - Nil	
	Planning Proposal - Land Adjoining Greyleigh Drive and Old Saddleback Road, Kiama	19.02.19 19/058OC	Committee recommendation that Council not endorse the Planning Proposal proceeding to Gateway and notify the applicant and the NSW Southern Regional Planning Panel of this decision.	For - Cllrs Brown, Rice, Sloan, Way & Westhoff Against - Cllrs Reilly, Steel & Watson	
	Planning Proposal - Lot 3 DP 805229 - 25 Dido Street, Kiama	19.03.19 19/092OC	Committee recommendation that Council not endorse the Planning Proposal proceeding to Gateway and notify the applicant of this decision.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Way and Westhoff Against - Nil	
10.2018.209.1	Lot 1 DP 741929 - 8 Owen Street, Jamberoo - Demolition of Existing Garage and 2 Lot Torrens Title Subdivision	19.03.19 19/093OC	Committee recommendation that Council approve Development Application No 10.2018.159.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Way and Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Planning Proposal - South Kiama	19.03.19 19/094OC	Committee recommendation that Council not endorse the Planning Proposal proceeding to Gateway at this time and notify the applicant of this decision.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Way and Westhoff Against - Cllr Steel	
10.2018.234.1	Lot 2 DP 1190416 - 18 Wells Street, Gerringong - Attached Dual Occupancy and 2 Lot Torrens Title Subdivision	19.03.19 19/095OC	<p>Committee recommendation that Council refuse Development Application No. 10.2018.234.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for the following reasons:</p> <ol style="list-style-type: none"> 1. It is considered that the proposed development is inconsistent with the overall objectives of Chapter 4 of Development Control Plan 2012 (DCP 2012) as the development is not considered to be of an acceptable design standard and will result in poor end user amenity for residents of the proposed dual occupancy dwellings. 2. The proposed development breaches performance controls C46 of DCP 2012 Chapter 2 requiring a minimum 9m setback to rural zoned land and C24 of DCP 2012 Chapter 4 requiring that the private open space area must be directly accessed from the main living area of each dwelling. These breaches are not considered to be acceptable in the circumstances. 3. The proposed development is not considered to be suitable for the site having regard to the site constraints and the DCP 2012 breaches brought about by the proposed dual occupancy development. 4. Submissions have been received making valid objection as to the suitability of the site for the development, the end user amenity of the dual occupancy dwellings and the DCP 2012 non-compliances. 5. It is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for end-user amenity for occupants of the dwellings and is therefore not in the public interest. 	For - Cllrs Honey, Reilly, Rice, Sloan, Steel, Way and Westhoff Against - Cllr Brown	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.211.1	Lot 26 DP 777725 - 37 Tate Place, Jamberoo - Proposed Use and Completion of a Partially Erected Garden Shed	19.03.19 19/096OC	Committee recommendation that Council approve Development Application No. 10.2018.211.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Ctrs Brown, Honey, Rice, Sloan, Steel, Way and Westhoff Against - Ctr Reilly	
	Draft Amendments to Chapter 30 - Heritage - Kiama Development Control Plan 2012	19.03.19 19/099OC	Committee recommendation that Council endorse the attached draft Development Control Chapter 30 – Heritage of the Kiama Development Control Plan 2012 for public exhibition.	For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Way and Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.273.1	Lot 104 DP 1094576 - 81 Jerrara Road, Jerrara - Use of property for animal boarding & training establishment (dog breeding & sale) & use of colorbond fencing	16.04.19	It was moved by Councillor Way and seconded by Councillor Westhoff that Council refuse Development Application No 10.2018.273.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979 for the following reason: 1. That excessive noise originating from barking dogs at the site will detrimentally impact neighbours. The Motion on being put was Lost. Committee recommendation that Council: 1. approve Development Application No 10.2018.273.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of this report. The following specific matters require conditioning: 1. Number of dogs at the premises. 2. Compliance with the Acoustic Report. 3. The Animal Boarding and Training Establishment is to be placed on a 6 month trial, and if it can be demonstrated the proposal can operate without the noise of barking dogs unreasonably impacting on the amenity of the rural landscape, the applicant can move off of the trial through a modification application, and a report to Council. 4. CCTV monitoring of the facility be installed. 2. request the recommendation is reported to the Companion Animals Management Advisory Committee.	For - Cllrs Steel, Way & Westhoff Against - Cllrs Honey, Reilly, Rice & Watson	
		19/124OC		For - Cllrs Honey, Reilly, Steel, Watson & Way Against - Cllrs Rice & Westhoff	
		19/125OC	Committee recommendation that Council receive a report regarding specific controls for dog breeding, boarding and training facilities.		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.274.1	Lot 10 DP 600425 – 70 Long Brush Road, Jerrara – Animal Boarding and Training Establishment	16.04.19 19/126OC	<p>Committee recommendation that Council approve Development Application No 10.2018.274.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of this report.</p> <p>The following specific matters require conditioning:</p> <ol style="list-style-type: none"> 1. number of dogs at the premises. 2. compliance with the Acoustic Report 3. the Animal Boarding and Training Establishment is to be placed on a 6 month trial, and if it can be demonstrated the proposal can operate without impacting on the amenity of the rural landscape through adverse noise, the applicant can move off of the trial through a modification application and report to Council. 	<p>For - Ctrs Honey, Reilly, Steel, Watson, Way & Westhoff</p> <p>Against - Ctr Rice</p>	
10.2018.277.1	Lot 1 DP 582706 - 135 Fern Street, Gerringong - Removal of existing awning and construction of new awning and verandah	16.04.19 19/127OC	<p>Committee recommendation that Council approve Development Application No 10.2018.277.1 under Section 4 of the Environmental Planning and Assessment Act 1979, subject to standard conditions for this type of development application and the following:</p> <ol style="list-style-type: none"> 1. The applicant will require a lease of airspace under Section 149 Roads Act 1993. The lease of airspace will be determined through valuation based on the square metre of useable airspace. 2. The applicant will be responsible for all costs incurred by Council in the preparation of the lease (current fees and charges \$495.00). The development application will need to be approved in order for the lease to be entered into. 3. The proposed balcony and support posts shall be designed by a suitably qualified Chartered Professional Engineer, and be certified that any individual stanchions dislodged with vehicle collision will not result in balcony collapse. The certified design shall be approved by the Road Authority prior to issue of the Construction Certificate. 4. The proposed location of the support posts should be considered to ensure sufficient setback from the kerb has been allowed for cars to park fronting the development at Fern Street and to allow sufficient room on the road reserve as a pedestrian thoroughfare. 5. The height from the underside of the balcony should be a minimum of 2.7m from ground level and be maintained for the entire length of the balcony structure. 	<p>For - Ctrs Honey, Reilly, Steel, Watson, Way & Westhoff</p> <p>Against - Ctr Rice</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.268.1	Lot 3 DP 286318 – 3/51 Old Saddleback Road, Kiama - Dwelling alterations and additions	16.04.19 19/128OC	Committee recommendation that Council approve Development Application No 10.2018.268.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Honey, Reilly, Rice, Steel, Watson, Way & Westhoff Against - Nil	
	Request to Amend Gateway to No Longer Proceed with Rezoning of Lot 3 DP 1018217 - 17 Dido Street, Kiama	16.04.19 19/137OC	Committee recommendation that Council request the Department of Planning and Industry to issue an amended Gateway Determination that this Planning Proposal no longer proceed.	For - Cllrs Honey, Reilly, Rice, Steel, Watson, Way & Westhoff Against - Nil	
10.2018.226.1	Lot 70 DP 243062 - 168 Charles Avenue, Minnamurra - Removal of existing light pole and installation of a telecommunications facility	16.04.19 19/139OC	Committee recommendation that Council approve Development Application No 10.2018.226.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to reasons at the end of this report.	For - Cllrs Honey, Reilly, Rice, Steel, Watson, Way & Westhoff Against - Nil	
10.2019.22.1	Lot 203 DP 1054190 - 109 Terralong Street, Kiama - Roof structure addition	16.04.19 19/140OC	Committee recommendation that Council approve Development Application No 10.2018.277.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Honey, Reilly, Rice, Steel, Watson, Way & Westhoff Against - Nil	
10.2018.202.1	Lot 51 DP 880425 - 14 Croft Place, Gerringong - Demolition of existing residential care facility and construction of a new residential care facility containing 20 beds	21.05.19 19/169OC	Committee recommendation that Council approve Development application 10.2018.202.1 under to Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2019.18.1	Lot 7306 DP 1157197 - Crooked River Rd, Gerroa - Operation of Surf School - Gerringong Surf School	21.05.19	It was moved by Councillor Brown and seconded by Councillor Watson that Council defer development application 10.2019.18.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979 until the relevant housekeeping changes to the Local Environment Plan are gazetted. The Motion on being put was Lost.	For - Cllrs Brown, Watson & Way Against - Cllrs Honey, Reilly, Rice, Sloan, Steel & Westhoff	
		19/170OC	A foreshadowed motion was moved by Councillor Steel and seconded by Councillor Reilly that Council approve Development Application No 10.2019.18.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report and the exclusion of Surf Zone A for all surf school operations. The foreshadowed motion on being put was Lost.	For - Cllrs Reilly, Steel & Westhoff Against - Cllrs Brown, Honey, Rice, Sloan, Watson & Way	
			A foreshadowed motion was moved by Councillor Sloan and seconded by Councillor Way that Council 1. approve Development Application No 10.2019.18.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report and the following amendments to those conditions: A. Amend condition (3) under the heading "General" to read: The operation of the surf school is limited to a maximum period of 52 days (whether or not consecutive days) in any period of 12 months: (a) For the purpose of calculating maximum period of 52 days referred to in this condition, this consent shall not operate until 90 days from the date of determination, or thereafter from the first day of commencement of surf lessons by the surf school. (b) The surf school shall continue to operate in the interim period under the pre-existing short-term licence that has been issued to the surf school by the Council. B. Remove the reference to group mediation in condition (4) and condition (7)h under the heading "General". C. Modify condition 8(c) under the heading "General" to merge Surf School Zone B and Surf School Zone C. D. Add to condition 10(ii) Surf School Zone A, under the heading "Surf School Zone Operations", that No surf schools are permitted to operate during the Easter holiday period. 2. expedites the community consultation to devise new guidelines for the use of Seven Mile Beach. The foreshadowed motion on being put was Carried.	For - Cllrs Brown, Honey, Rice, Sloan, Watson & Way Against - Cllrs Reilly, Steel & Westhoff	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2019.1.1	Lot 7306 DP 1157197 - Crooked River Road, Gerroa - Operation of Surf School - Lands Edge Pty Ltd	21.05.19 19/171OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. approve Development Application No 10.2019.1.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report and the following amendments to those conditions: <ol style="list-style-type: none"> A. Amend condition (3) under the heading "General" to read: The operation of the surf school is limited to a maximum period of 52 days (whether or not consecutive days) in any period of 12 months: <ol style="list-style-type: none"> (a) For the purpose of calculating maximum period of 52 days referred to in this condition, this consent shall not operate until 90 days from the date of determination, or thereafter from the first day of commencement of surf lessons by the surf school. (b) The surf school shall continue to operate in the interim period under the pre-existing short-term licence that has been issued to the surf school by the Council. B. Modify condition 8(c) under the heading "General" to merge Surf School Zone B and Surf School Zone C. C. Add to condition 10(ii) Surf School Zone A, under the heading "Surf School Zone Operations", that No surf schools are permitted to operate during the Easter holiday period. 2. expedites the community consultation to devise new guidelines for the use of Seven Mile Beach. 	For - Cllrs Brown, Honey, Rice, Sloan, Watson & Way Against - Cllrs Reilly, Steel & Westhoff	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.296.1	Lot 7306 DP 1157197 - Crooked River Road, Gerroa - Operation of Surf School - Surf Camp Australia Pty Ltd	21.05.19 19/172OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> approve Development Application No 10.2018.296.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report and the following amendments to those conditions: <ol style="list-style-type: none"> Amend condition (3) under the heading "General" to read: The operation of the surf school is limited to a maximum period of 52 days (whether or not consecutive days) in any period of 12 months: <ol style="list-style-type: none"> For the purpose of calculating maximum period of 52 days referred to in this condition, this consent shall not operate until 90 days from the date of determination, or thereafter from the first day of commencement of surf lessons by the surf school. The surf school shall continue to operate in the interim period under the pre-existing short-term licence that has been issued to the surf school by the Council. Modify condition 8(c) under the heading "General" to merge Surf School Zone B and Surf School Zone C. Add to condition 10(ii) Surf School Zone A, under the heading "Surf School Zone Operations", that No surf schools are permitted to operate during the Easter holiday period. expedites the community consultation to devise new guidelines for the use of Seven Mile Beach. 	For - Ctrs Brown, Honey, Rice, Sloan, Watson and Way Against - Ctrs Reilly, Steel & Westhoff	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Boral Limited Dunmore Lakes Sand Extraction Project Modification 2	21.05.19 19/173OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. Advise the Department of Planning of our strong opposition to Modification 2 for the reasons set out in the attached submission, and because: <ol style="list-style-type: none"> (a) The areas proposed in Modification 2 are physically separated from those considered in the original approval and have a far greater likelihood of causing environmental impact. (b) Areas 5A and 5B are both located in very close proximity to the Minnamurra River, and unlike the existing extraction areas, has the potential to impact on ecologically important ecosystems such as Coastal Wetlands and Bangalay Sand Forest, in addition to impacts on tourism and the scenic amenity that is of very high value to the Kiama Community. (c) Area 5A is located opposite Kiama Municipal Council's Waste and Recycling Depot and sand extraction in that location will potentially impact upon groundwater hydrology, mobilising contaminated groundwater with resultant impacts on the adjacent Minnamurra River. This potential risk has not been sufficiently evaluated. (d) The proposal appears to be inconsistent with the Objectives in Part 2 Section 6 of the Coastal Management Act 2016 (and the former SEPP 71) which are as follows: <ol style="list-style-type: none"> (i) to protect coastal wetlands and littoral rainforests in their natural state, including their biological diversity and ecosystem integrity, (ii) to promote the rehabilitation and restoration of degraded coastal wetlands and littoral rainforests, (iii) to improve the resilience of coastal wetlands and littoral rainforests to the impacts of climate change, including opportunities for migration, (iv) to support the social and cultural values of coastal wetlands and littoral rainforests, (v) to promote the objectives of State policies and programs for wetlands or littoral rainforest management. (e) The potential impact on Flora and Fauna is likely to be significant and has not been evaluated sufficiently. Area 5B is surrounded on three sides by the Minnamurra River and coastal wetland containing mangrove forests and salt marsh. 		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Boral Limited Dunmore Lakes Sand Extraction Project Modification 2 Contd.		<p>(f) Area 5B is very low-lying and council is concerned that the extraction will impact on natural groundwater and surface water (flood) flows with resultant impacts on the adjoining coastal wetland ecosystems.</p> <p>(g) According to the supporting documentation, 56% of Area 5B is made up of Bangalay Sand Forest vegetation that is classified to be in either moderate or good condition and it is proposed to remove completely 4.53 hectares of this ecologically endangered forest.</p> <p>(h) Council is concerned about noise and dust pollution to the residents of The Village (part of Minnamurra, off Riverside Drive), located within 500 metres of Area 5A.</p> <p>(i) Council is concerned that increased heavy vehicle traffic on Riverside Drive to service area 5A (including proposed backfill at that site) will add a significant traffic risk on the primary northern access road to the suburbs of Minnamurra, Kiama Downs and Gainsborough and has not been adequately addressed.</p> <p>(j) Neither council nor the community has been provided access to Area 5B to allow evaluation of the impacts of the proposed Modification.</p> <p>2. Request the Department of Planning terminate the current assessment process and consider this a new proposal, as Areas 5A and 5B are distant from the current approved extraction areas and will have a range of different impacts.</p> <p>3. Request the Department of Planning, either as part of this (or any new) proposal, offer a guided site tour in conjunction with the proponents to Kiama and Shellharbour councillors and staff and interested community group representatives.</p> <p>4. Amend the Submission to the NSW Department of Planning and Industry to add the points raised above and include a copy of the council resolution.</p> <p>5. Forward a copy of this resolution to Shellharbour Council (and councillors) for their information as soon as practicable.</p>	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Post-Exhibition - Housekeeping amendments to Kiama LEP 2011	21.05.19 19/174OC	Committee recommendation that Council proceed with the preparation and finalisation of the draft Kiama LEP for housekeeping amendments, subject to any legal drafting recommendations of Parliamentary Counsel.	For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
10.2018.286.1	Lot 237 DP 30200 – 20 Gibraltar Avenue Kiama Downs - Proposed alterations & additions to existing dwelling proposed carport and swimming pool	21.05.19 19/179OC	It was moved by Councillor Reilly and seconded by Councillor Steel that Council approve Development Application 10.2018.286.1 under section 4.16 of the Environmental Planning Assessment Act 1979, with the provision that storm water management plans are submitted and approved prior to the commencement of construction and plans, specifications, and details addressing onsite storm water management are similarly submitted and approved. The Motion on being put was Lost. Committee recommendation that Council defer for 2 months the determination of Development Application 10.2018.286.1 under section 4.16 of the Environmental Planning Assessment Act 1979.	For - Ctr Reilly Against - Ctrs Brown, Honey, Rice, Sloan, Steel, Watson, Way & Westhoff For – Ctrs Brown, Reilly, Rice, Steel, Watson, Way & Westhoff Against - Ctrs Honey & Sloan	
10.2015.198.4	Lot 1 DP 596755 - 14A Bonaira Street, Kiama - Kiama Aged Care Centre of Excellence	21.05.19 19/180OC	Committee recommendation that Council approve modification application 10.2015.198.4 under section 4.55 of the Environmental Planning and Assessment Act 1979 (as amended), subject to conditions contained on pages 38 and 39 of the attached independent planning assessment report.	For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Local Infrastructure Contributions Plan Options	21.05.19 19/182OC	<p>Committee recommendation that Council</p> <ol style="list-style-type: none"> 1. endorse the preparation of a new contributions plan framework, which takes a combination approach and incorporates both Section 7.11 and Section 7.12 Plans; 2. engage the services of a consultant to prepare the new plans, including details about the relationship between and administration of each new plan and transitional arrangements; 3. engage the services of consultants to undertake demand assessments and/or modelling as necessary to identify community, recreational, sporting, traffic and parking infrastructure in response to projected development and growth; 4. Agree that funding of items 2 and 3 above be funded through unallocated funds held in infrastructure contributions; 5. Note that further review of parking requirements for the Kiama Town Centre will be undertaken to inform a broad policy response that may include new off-site parking requirements, infrastructure planning and development contributions for off-site supplementary parking. 6. Review the existing Voluntary Planning Agreement Policy and report back to Council. 	<p>For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff</p> <p>Against - Nil</p>	
	Post-Exhibition - Chapter 30 Heritage Controls - Kiama DCP 2012	21.05.19 19/183OC	<p>Committee recommendation that Council endorse the amendments to the Kiama DCP 2012 to be published within 28 days of Council's decision.</p>	<p>For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.267.1	- Lot 7016 DP 1074643 - 74 Manning Street, Kiama - Use of land for Weekly Markets - Kiama Farmers Market Inc.	25.06.19 19/218OC 19/219OC	Councillor Steel foreshadowed a Motion that should the Motion be lost he would move that the Council refuse development application 10.2018.267.1. Committee recommendation that Council approve Development Application No 10.2018.267.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report. Committee recommendation that Council provide a total of 6 A-frames (printed the same those currently used for the carparks adjacent to the Pharmacy and the Medical Centre in Manning Street) for use by the Pharmacy and Medical Centre during the period of time the Kiama Farmers Markets are operating.	For - Clrs Brown, Honey, Reilly, Rice, Sloan, Watson & Way Against - Clr Steel For - Clrs Brown, Honey, Reilly, Rice, Steel, Watson & Way Against - Clr Sloan	
10.2018.196.1	Lot 21 DP 1218589 - 5 Pacific Street, Kiama - Proposed demolition of existing dwelling & construction of 4 dwellings & 4 lot Torrens Title subdivision	25.06.19 19/220OC	Committee recommendation that Council refuse Development Application No 10.2018.196.1 under Section 4.16 of the Environmental Planning and Assessment act 1979, for the following reasons: 1. It is an over-development of the site. 2. It is not consistent with the overall objectives of Kiama Development Control Plan 2012 for Low Density development in that Lot D fails to provide a high level of visual and acoustic privacy for existing and new residents. 3. It is not consistent with Chapter 7 of Kiama Development Control Plan 2012, in relation to Control 16 - battle axe and Section 6 - building envelope, provision of amenity and privacy for Lot D. 4. It is not consistent with Chapter 2, Section 6 of Kiama Development Control Plan 2012, in relation to building height plane control and Section 12 front and rear setback control. 5. It is not consistent with Chapter 4 of Kiama Development Control Plan 2012, in relation to controls C5 privacy, C7 length of walls, C8 view sharing and C9 design for privacy.	For - Clrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson & Way Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Endorsement of Planning Proposal to introduce dual occupancy and multi dwelling housing development standards to the Kiama LEP 2011	25.06.19 19/221OC	Committee recommendation that Council proceed with the preparation and finalisation of the draft Kiama LEP to introduce dual occupancy and multi dwelling housing development standards, in conjunction with Parliamentary Counsel and the Department of Planning and Environment.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson & Way Against - Nil	
10.2018.279.1	Lot 492 DP 208118 - 17 Girrawheen Avenue, Kiama - Alterations and additions to existing amenities building	25.06.19 19/222OC	Committee recommendation that Council approve Development application 10.2018.279.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against - Nil	
	Preparation of Rural Land Uses DCP Chapter	25.06.19 19/227OC	Committee recommendation that Council endorse the preparation of amendments to Chapter 6 Rural Development of Kiama Development Control Plan to include controls for the following rural land uses: <ul style="list-style-type: none"> • agricultural produce industries • animal boarding or training establishments • cellar door premises • extractive industries • farm buildings • open cut mining • stock and sale yards • roadside stalls. 	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.114.1	Lot 90 DP 241462 - 37 Osborne St Gerringong - Part demolition of existing dwelling & alterations to create attached dual occupancy & 2 Lot Torrens Title Subdivision	25.06.19 19/228OC	Committee recommendation that Council approve Development Application 10.2018.114.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Clrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson & Way Against - Nil	
10.2018.287.1	Lot 103 DP 561082 - 96 Rose Valley Rose Valley – Use of Shed	25.06.19	<p>An amendment was moved by Councillor Reilly and seconded by Councillor Sloan that Council approve Development Application No 10.2018.287.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report with the following amendments:</p> <ol style="list-style-type: none"> 1. Condition (2) is replaced with the following condition - <ol style="list-style-type: none"> (2) The development must only be used and occupied as an animal shelter and calving shed as detailed in the Applicant's Statement of Environmental Effects that accompanied the development application and as the Applicant advised Council, as shown in the Council report on the development application. 2. The addition of conditions (4) and (5) below - <ol style="list-style-type: none"> (4) The watercourse be fenced with that fence being of a construction and height so as to prevent damage or removal by cattle. The fence must be erected within two (2) months of the date of this approval with evidence of its construction being submitted to Council in the form of photographs. (5) The Applicant engage the services of a suitably qualified person to undertake a landscape plan for the remediation of the riparian corridor of the watercourse in the vicinity of where it has been damaged by cattle traversing it to access the new development. The riparian corridor is to be planted with endemic species provided in a species list by Council. The work is to be undertaken within six (6) months of the date of this approval. At the end of the six (6) month period photographic evidence of the work is to be provided to Council to show that the planting has been undertaken in accordance with this condition. <p>The amendment on being put was lost.</p>	For - Clrs Reilly, Rice & Sloan Against – Clrs Brown, Honey, Steel, Watson & Way	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.287.1 Contd.		25.06.19 19/229OC	Committee recommendation that Council approve Development Application No 10.2018.287.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Brown, Honey, Reilly, Rice, Steel, Watson & Way Against - Cllr Sloan	
10.2018.220.1	Lot 2 DP 9760 - 150 Charles Avenue, Minnamurra - demolition of existing garage, construction of addition to existing dwelling, construction of secondary dwelling and carports	25.06.19 19/230OC	Committee recommendation that Council approve Development Application No 10.2018.220.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Brown, Honey, Reilly, Sloan, Steel, Watson and Way Against - Cllr Rice	
10.2018.255.1	Lot 12 DP 1223177 - 37 Churchill Street, Jamberoo - 5 Lot Subdivision Including earthworks, access construction and riparian revegetation	25.06.19	Development application 10.2018.255.1 has been withdrawn by the applicant.		

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Repeal of Kiama Council Section 94 Contributions Plan No 4 Car Parking Contribution - Kiama	25.06.19 19/231OC	Committee recommendation that Council endorse the repeal of Kiama Council Section 94 Contributions Plan No 4 Car Parking Contribution – Kiama. Notice of the repeal will be carried out in accordance with the Environmental Planning and Assessment Act 2000.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson & Way Against - Nil	
	Rescission Motion: Request to Amend Gateway to No Longer Proceed with Rezoning of Lot 3 DP 1018217 - 17 Dido Street, Kiama	25.06.19 19/240OC	Resolved that Minute No. 19/1370C of the Ordinary Council meeting held on 21 May 2019 regarding a request to amend gateway to no longer proceed with rezoning of Lot 3 DP 1018217 - 17 Dido Street, Kiama be rescinded.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson & Way Against - Nil	
10.2016.317.1	Lot 14 DP 3923, Princes Highway, Rose Valley - Dwelling	16.07.19 19/261OC	Committee recommendation that Council approve Development Application 10.2016.317.1 under Section 4.16(3) of the Environmental Planning and Assessment Act 1979, subject to “deferred commencement” and “operational” conditions at the end of this report.	For – Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against - Nil	
10.2018.279.1	Reimbursement: Development application 10.2018.279.1	16.07.19 19/265OC	Committee recommendation that Council reimburse the development application fees of \$2,769.40 for DA 10.2018.279.1 to the member of the Kiama Power Australian Football Club who paid these lodgement fees.	For – Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2017.330.1	Lot 1 DP 719290, Lot 26 DP 773571 - 53 Bong Bong Street and 8 Akuna Street, Kiama - 2 Lot Torrens Title Subdivision and Dwelling on Newly Created Lot to be Constructed in 2 Stages	16.07.19 19/267OC	Committee recommendation that Council approve Development Application No 10.2017.330.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Brown, Honey, Reilly, Sloan, Steel, Watson, Way & Westhoff Against - Cllr Rice	
	Proposed Licence with Sydney Trains for "The Village" underpass mural	16.07.19 19/268OC	Committee recommendation that Council: 1. Subject to a peppercorn lease arrangement being negotiated, enter into a Licence with Sydney Trains for the works and ongoing maintenance of the mural at "The Village" underpass Minnamurra at a nominal rental. 2. Give the General Manager and Mayor delegated authority to sign under Seal or on behalf of Council any documentation in relation to the mural.	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Planning Proposal - South Kiama Drive - Planning Proposal Authority		<p>It was moved by Councillor Reilly and seconded by Councillor Rice that Council:</p> <ol style="list-style-type: none"> 1. Notes the recommendation of the Southern Planning Panel (SPP). 2. Advises the SPP that the Council strongly objects to the recommendation of the Panel to proceed to Gateway Determination for the Planning Proposal and that Council will be actively opposing the Planning Proposal in the next stage of its progress in line with the decision of 19 March 2019. 3. Refuses to accept the role of the Planning Proposal Authority (PPA) and responds to the SPP requesting; <ol style="list-style-type: none"> a. more detailed information about the background to the Strategic Merit and Site Specific Merit assessments done by the SPP and reported in the "Rezoning Review Record of Decision" as reported in the business papers. b. that the Department of Planning, Industry and Environment (DPIE) require an amended Planning Proposal that addresses the recommendations of the SPP prior to a Gateway Determination being issued; and c. the DPIE, in preparing a Gateway Determination for the Planning Proposal, to consider: <ol style="list-style-type: none"> i) the need for additional studies to address traffic impacts from the proposal on Kiama streets, including in the Kiama Town Centre; ii) liaise with Sydney Water regarding servicing and system augmentation requirements; and iii) liaise with councillors and staff of Kiama Municipal Council in relation to the planning proposal. 4 Establishes an accurate database of dwelling numbers and future dwelling options which relate to the timelines in the Kiama Urban Strategy and the Illawarra Shoalhaven Regional Plan. <p>The Motion on being put was Lost.</p>	For - Cllrs Reilly, Rice, Sloan & Westhoff Against - Cllrs Brown, Honey, Steel, Watson & Way	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Planning Proposal - South Kiama Drive - Planning Proposal Authority Contd.	16.07.19 19/279OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. Notes the recommendation of the Southern Planning Panel (SPP). 2. Advises the SPP that the Council strongly objects to the recommendation of the Panel to proceed to Gateway Determination for the Planning Proposal. 3. Notwithstanding its objection to the recommendation of the Panel, accepts the role of the Planning Proposal Authority (PPA) and respond to the SPP accordingly. In accepting the role of PPA, Council acknowledges its responsibility to represent the views of the community in relation to the Planning Proposal. 4. Notifies the proponent that the Planning Proposal is to be updated in accordance with the recommendations of the SPP prior to being submitted to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination. 5. Requests the DPIE, in preparing a Gateway Determination for the Planning Proposal, to consider: <ol style="list-style-type: none"> a) the need for additional studies to address traffic impacts from the proposal on Kiama streets including in the Kiama Town Centre; and b) liaise with Sydney Water regarding servicing and system augmentation requirements 6. Notes that the delegation of the Minister to make the Local Environmental Plan amendment will not be granted to Council as this Proposal was subject to a Rezoning Review. 	For - Cllrs Brown, Honey, Steel, Watson & Way Against - Cllrs Reilly, Rice, Sloan & Westhoff	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2019.42.1	Lot 1 DP 770131 – 148 Manning Street, Kiama - Proposed demolition of garage and sheds and dwelling alterations and additions	20.08.19 19/313OC	Committee recommendation that Council approve Development Application No 10.2019.42.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	Cllr Brown declared a significant pecuniary interest in item 12.7 10.2019.42.1 – Lot 1 DP 770131 – 148 Manning Street, Kiama, Proposed demolition of garage and sheds and dwelling alterations and additions as he is the registered owner of the property. Councillor Brown took no part in discussion or voting on this matter.

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Endorsement of Draft Community Participation Plan	20.08.19 19/327OC	Committee recommendation that Council endorse the attached draft Community Participation Plan and draft Chapter 2 of the Kiama Development Control Plan 2012 for public exhibition.	For Clrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Planning Proposal - Supporting Initial Gateway - Lot 2 DP 1018217 - Dido Street, Kiama	20.08.19 19/328OC	Committee recommendation that Council: 1. endorse this Planning Proposal, to enable residential development of the site, to proceed to the Department of Planning, Industry and Environment for a Gateway determination. 2. request plan making delegations for this proposal as a part of the Gateway determination. 3. on receipt of the Gateway Determination, proceed with recommendations including requesting any further studies and public exhibition.	For Clrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
10.2018.74.1	Lot 100 DP 1157883, Lot 101 DP 1157883 - 26 Drualla Road, Jamberoo and 2A Downes Place, Jamberoo - Consolidation of 2 Existing Lots - 12 Lot Torrens Title Subdivision and Construction of Road with 1 Residual Lot	20.08.19 19/329OC	Committee recommendation that Council approve Development Application No 10.2018.74.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Clrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2019.48.1	Lot 1 DP 15871, Lot 12 DP 15871 - 2 Bonaira Street, Kiama, 4 Henley Avenue, Kiama - Demolition of Existing Dwelling and Structures, Subdivision of 2 Lots into 3 Lots, Construction of Dual Occupancy on each Lot and Subsequent Torrens Title Subdivision of Each Dual Occupancy	20.08.19 19/330OC	<p>Committee recommendation that Council approve Development Application No 10.2019.48.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to the conditions at the end of this report with the exception of proposed General condition (2) and replacement with the following:</p> <p>(2) The development shall be undertaken in four (4) stages, as follows:</p> <p>Stage 1 – demolition of existing structures (with the exception of the existing dwelling) and three (3) lot Torrens title subdivision creating Lots 1, 2 & 3</p> <p>Stage 2 – construction of dual occupancy No 1 on Lot 1 and subsequent two (2) lot Torrens title subdivision</p> <p>Stage 3 – construction of dual occupancy No 2 on Lot 2 and subsequent two (2) lot Torrens title subdivision</p> <p>Stage 4 – demolition of existing dwelling and construction of dual occupancy No 3 on Lot 3 and subsequent two (2) lot Torrens title subdivision.</p>	<p>For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff</p> <p>Against - Nil</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Kiama Town Centre Study	17.09.19 19/355OC	<p>Committee recommendation that Council endorse:</p> <ol style="list-style-type: none"> 1. The Kiama Town Centre Study as a guiding document for future strategic planning and plan making functions, 2. A review of Schedule 5 – Environmental Heritage of the Kiama Local Environmental Plan (LEP) to: <ol style="list-style-type: none"> a. Establish a heritage conservation area along Manning Street, b. Review the exiting heritage listings, and c. Consider the inclusion of additional heritage items in the LEP, 3. The preparation of scope for a traffic and parking study for the Kiama township, 4. An audit of all public ‘way finding signage’ within the Kiama town centre and the development of a coordinated and contemporary design for public ‘way finding signage’, 5. A review of the Kiama Development Control Plan to include the controls recommended by the Kiama Town Centre Study, 6. Initiate discussions with the State ownership of Terralong Street heritage properties to encourage collaboration with future planning to activate the sites; and 7. Inform the community of the adoption of the Kiama Town Centre Study, as a guiding document, and the implementation strategy by sending direct correspondence to the Kiama Central Precinct and people who attended the works and who made public submissions during the exhibition period. 8. That the potential amendment of Kiama LEP 2011 to increase heights along Eddy Street not be considered until the heritage review is finalised. 9. Preparation of a report that investigates purchase by Council of the Police residence in Terralong Street and/or request the State Government to devolve the Police residence property as a matter of priority. 	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.238.1	Lot 202 DP 1184024 - 118 Clover Hill Road, Jamberoo - Subdivision of 1 Rural Lot into 3 Rural Lots (Staged)	17.09.19 19/364OC	Committee recommendation that Council approve Development Application No 10.2018.238.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Amendments to the Kiama LEP 2011 to rezone Council's Administration Site and to Allow a Greater Building Height at the Retirement Village Site at Havilah Place, Kiama	17.09.19 19/365OC	Committee recommendation that : 1. Council endorse this Planning Proposal for amendments to the Kiama LEP 2011 to proceed to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination to: a. Rezone Lot 100 DP 635688 - 11 Manning Street Kiama (i.e. Council's Administration site) from SP2 Special Purpose to B2 Local Centre and increase the permissible building height and floor space ratio to facilitate a five (5) storey building on the site, and b. Increase the permissible building height and floor space ratio for part of Lot 71 DP 831089 - 2 Havilah Place Kiama (i.e. the retirement village component of the Blue Haven site) to facilitate a seven (7) storey building on the site. 2. Council request plan making delegations for this proposal as a part of the Gateway determination. 3. On receipt of the Gateway determination, Council proceed with the recommendations of the DPIE including carrying out any further studies and public exhibition.	For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Question for future meeting: newly released lots to dual occupancy	17.09.19 19/374OC	Committee recommendation that Council progresses towards updating its record of the percentage of lots going to dual occupancy in all land releases as well as maintain an accurate record of dual occupancy development across the community, and that these figures are regularly reported to Council.	For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against – Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Question for future meeting: Minnamurra Boardwalk approvals	17.09.19 19/375OC	Committee recommendation that Council: 1. note the report on Minnamurra Boardwalk and continue with the process that allows the Department of Engineering and Works to finalise the design that will ensure the environment, operations and maintenance of the structure is considered as part of the design review. 2. on receiving the final design, the Department of Engineering and Works consider, evaluate and provide a recommendation to the Council.	For - Ctrs Brown, Honey, Rice, Sloan, Steel & Way Against - Ctrs Reilly, Watson & Westhoff	
10.2019.90.1	Lot 138 DP 14188 - 92 Renfrew Road Werri Beach – Demolition of existing garage and shed and construction of detached dual occupancy, swimming pool, garage and 2 Lot Torrens Title subdivision	22.10.19 19/393OC	Committee recommendation that Council defer Development Application number 10.2019.90.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979 to allow consideration of the amended plan.	For – Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Endorsement of Community Participation Plan	22.10.19 19/394OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> Endorse the Kiama Community Participation Plan subject to the following amendment: That the word “dwelling” is removed from 8.1a) to read: <ol style="list-style-type: none"> All development applications (including designated) with the exception of the following: <ul style="list-style-type: none"> Single storey outbuildings (including single storey additions and alterations) that comply with the relevant height, floor space ratio, setback and cut and fill requirements Subdivision of existing buildings (i.e. the subdivision of an existing dual occupancy etc.) Changes from one commercial use to another, excluding changes for licensed premises. Upload the endorsed Plan to both Council’s website and the NSW Planning Portal Endorse the amendments to Chapter 2 of the Kiama DCP 2012 and place notice in The Bugle within 28 days of Council meeting Notify the Precinct Committees, Ratepayers Associations and individuals who made submissions of Council’s endorsement of the Plan. 	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
	Kiama Local Strategic Planning Statement – Phase 2 Update	22.10.19 19/401OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> Receive and note this progress report on the development of the Kiama Local Strategic Planning Statement. Agree that the technical papers be uploaded on Council’s website as a record of the information that was discussed at the community workshops. 	For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
	Repeal of Chapter 12 - Short Term Rental Accommodation from Kiama Development Control Plan 2012	19.11.19 19/434OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> Following NSW Government's actual implementation of a new regulatory framework for short-term rental accommodation, repeal Chapter 12 – Short Term Rental Accommodation of the Kiama DCP 2012 and place notice in The Bugle within 28 days of that occurrence and Prepare a 'helpful hints for holiday houses' factsheet to publish on Council's website; and Notify the Precinct Committees, Ratepayers/Community Associations, individuals who made submissions and the wider community of Council's resolution and new factsheet by: <ol style="list-style-type: none"> sending individual correspondence including articles in Kimunico, Council's website and social media pages issuing a media release; and notifying Council's Economic Development and Destination Kiama Tourism Advisory Committees. 	For - Ctrs Brown, Reilly, Rice, Sloan, Steel & Watson Against - Ctrs Honey & Way	Councillor Sloan declared a non-significant non-pecuniary interest in this matter as his employer is mentioned in the report. Councillor Sloan took part in discussion and voting on this matter.
		19/435OC	Committee recommendation that Council holds discussions with Police to establish a mechanism for statistical reporting of urban disturbance interventions and the presence of any hot spots, back to Council.	For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson & Way Against - Nil	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.196.1	Lot 21 DP 1218589 - 5 Pacific Street, Kiama - Demolition of existing dwelling and construction of 4 dwellings & 4 Lot Torrens Title subdivision	17.12.19 19/475OC	<p>Committee recommendation that Council refuse Development Application No 10.2018.196.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979, for the following reasons:</p> <ol style="list-style-type: none"> 1. The development remains an overdevelopment of the site. The cumulative inconsistencies with Kiama's planning controls will result in a level of density and reduced setbacks that are uncharacteristic with the surrounding area. 2. The development remains in breach of Chapter 7 Kiama Development Control Plan 2012 - Subdivision, Section 5 – Battle-Axe Allotments Control 16: A maximum of two (2) battle-axe allotments will be permitted behind an allotment which has direct frontage to a dedicated public road in the proposed subdivision. Under no circumstances will Council favourably consider any subdivision proposal involving a series of battle-axe lots, one behind each other. The application continues to propose four dwellings, three with battle axe access. This breaches Control 16, and also disregards Council's original judgement that four dwellings were excessive for that site. 3. The development remains in breach of Chapter 2 Kiama Development Control Plan 2012 – Overall Controls, Section 6 – Building Height Plan – Low Density Development Only, in relation to building height plane control on its northern elevations and Section 12 – Design Standards – Building Lines in Urban Areas, front and rear setback controls. 4. The photomontage provided to Councillors is acknowledged by the planner to be inaccurate 5. The proposal does not exhibit view sharing in accordance with the Land and Environment Court's planning principal in Tenacity Consulting v Warringah Council [2004] NSWLEC 140, and is not consistent with Chapter 4 Kiama Development Control Plan 2012 – Low Density Development, Control 8 view sharing principles. 	<p>For - Cllrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson & Westhoff</p> <p>Against - Cllr Way</p>	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2019.31.1	Lot 41 DP 1068182 - 57 Thomson Street, Kiama - Demolition of existing structures and construction of multi dwelling housing comprising of 3 detached dwellings and Strata subdivision into 3 lots	17.12.19 19/476OC	Committee recommendation that Council approve Development Application No 10.2019.31.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to the conditions at the end of this report.	For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	
10.2018.290.1	10.2018.290.1 - Lot 1 DP 507180 - 3 Belvedere Street, Kiama - Demolition of existing building, removal of trees, construction of 22 self-storage units and Strata subdivision	17.12.19 19/477OC	Committee recommendation that Council approve Development Application No 10.2018.290.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Ctrs Brown, Honey, Sloan, Steel, Watson & Way Against - Ctrs Reilly, Rice & Westhoff	

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2019.112.1	Lot 100 DP 1175715 - 1215 Jamberoo Road, Curramore - Demolition of existing water slides and pool and construction of water slides, children's play area and pedestrian facilities	17.12.19 19/482OC	Committee recommendation that Council approve Development Application No 10.2019.112.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For - Cllrs Brown, Honey, Reilly, Rice, Steel, Watson, Way & Westhoff Against -Nil	Councillor Sloan declared a non- significant pecuniary interest in this matter as his son is an employee at the Jamberoo Action Park. Councillor Sloan took no part in discussion or voting on this matter. Councillor A Sloan left the meeting at 5.56pm. Councillor A Sloan returned to the meeting at 5.58pm.

DA NO	DESCRIPTION	MEETING DATE MINUTE NO	DETERMINATION	VOTE	DECLARATION OF INTEREST
10.2018.225.1	Lot B DP 164747 - 47 Thomson Street, Kiama - Demolition of existing building and construction of multi residential building consisting of 12 units	17.12.19 19/483OC	Committee recommendation that Council makes an Interim Heritage Order for 47 Thomson Street, Kiama to allow the heritage value of the property to be properly assessed and defer any future deliberation of its development until such time as Council is fully informed of any heritage significance the property has.	For - Ctrs Honey, Reilly, Rice, Sloan & Westhoff Against - Ctrs Brown, Steel, Watson & Way	
	Review of Kiama Development Control Plan (DCP) 2012 - Structure review and inclusion of Rural Uses Controls	17.12.19 19/484OC	Committee recommendation that Council endorse the attached draft Kiama Development Controls Plan 2012 for public exhibition in the new year.	For - Ctrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way & Westhoff Against - Nil	