

To be held at 9.00am on

# **Tuesday 5 October 2021**

Via Zoom

# **Order of Business**

- 1 Apologies
- 2 Acknowledgement of Traditional owners
- 3 Confirmation of Minutes of Previous Meeting
- 4 Business Arising From The Minutes
- 5 Report of RMS delegated formal items
- 4 general business
- 5 Closure

# **Members**

His Worship the Mayor Councillor M Honey (Chairman)

Mr J Miles
Senior Constable C Gray
Mr D Clingan

To the Chairman, Councillors and Committee Members:

# NOTICE OF KIAMA LOCAL TRAFFIC COMMITTEE MEETING

You are respectfully requested to attend an **Kiama Local Traffic Committee Meeting** of the Council of Kiama, to be held via Zoom on **Tuesday 5 October 2021** commencing at **9.00am** for the consideration of the undermentioned business.

Yours faithfully

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# AGENDA FOR THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING OF KIAMA MUNICIPAL COUNCIL TUESDAY 5 OCTOBER 2021

# 1 APOLOGIES

# 2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

# 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

3.1 Kiama Local Traffic Committee Meeting on 7 September 2021

# **Attachments**

1 Minutes - Kiama Local Traffic Committee - 07/09/21 - PDF

# **Enclosures**

Nil

# **RECOMMENDED**

That the Minutes of the Kiama Local Traffic Committee Meeting held on 7 September be received and accepted.



# MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE MEETING

commencing at 9.03am on

# **TUESDAY 7 SEPTEMBER 2021**

Via Zoom

### MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 7 SEPTEMBER 2021

# MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE HELD VIA ZOOM

### ON TUESDAY 7 SEPTEMBER 2021 AT 9.03AM

### PRESENT:

Councillor M Honey (Mayor) (Chairman), Justin Miles (Transport for NSW Representative) Donna Binns (Observer – Transport for NSW), Craig Gray (NSW Police Representative), Darrell Clingan (Local Member's Representative), Mark Way (Councillor), Darren Brady (Manager Design and Development), Janelle Burns (Kiama Council Road Safety Officer), Chris Balzarano (Council Ranger), Jeremy Marten (Minnamurra Progress Association), and Alyson Hodgekiss (Minutes)

# 1 APOLOGIES

Mike Dowd (Director Engineering and Works)

# 2 ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

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

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

# 3 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

# 3.1 Kiama Local Traffic Committee Meeting on 3 August 2021

# 21/035LTC

**Resolved** that the Minutes of the Kiama Local Traffic Committee Meeting held on 3 August 2021 be received and accepted.

(Member Darrell Clingan and Mayor Mark Honey)

# 4 BUSINESS ARISING FROM THE MINUTES

# 4.1 Traffic, Cyclist and Pedestrian Safety at the Federal Street & Charles Avenue intersection, Minnamurra

Jeremy Marten, President of the Minnamurra Progress Association, spoke about the report regarding the Federal Street and Charles Avenue Intersection, put up at the August Traffic Committee meeting. Jeremy advised that concerns were raised at the last Minnamurra Progress Association meeting, regarding the Charles Avenue and Federal Street intersection, particularly surrounding school children on their way to school around 9am, and on their way home from school around 3pm. JM advised

Kiama Municipal Council

### MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 7 SEPTEMBER 2021

that MPA appreciate the proposed upgrade of the green strip and additional concrete kerb, however it focuses more on keeping northbound cyclists safe, it doesn't really take into consideration school kids crossing this intersection on their way to and from school. He also noted that there is no support for children walking to school, such as a pedestrian crossing or pedestrian crossing supervisor, and added that further education for school children would be beneficial, in regards to road safety. JM also advised that the area where the speed measurement device was placed was on the southern side of the intersection, was very close to the cross street at Carson Place, where a number of vehicles were already slowing down to exit or enter Carson Place. JM stated that the MPA have concerns that this may not be giving the full picture of the speed that vehicles travel at, through this intersection. JM also noted that there is more traffic now than there was, as there are more grocery and shopping deliveries due to Covid.

JM suggested an additional green strip on the southern side of the road, so that it is on both sides of the road. He also suggested a larger investigation into bike lanes on Federal Avenue and Riverside Drive, as there is no shoulder or lane for them to travel on. JM also suggested a roundabout at the intersection, as he feels it will further slow traffic.

MW added that he has experienced an issue turning right from Federal Street on to Charles Avenue, due to the short site distance. JM added that the roundabout would certainly assist with this.

DB explained that a roundabout may be feasible, however more investigations would need to be made to check the gradient of the Federal Street side of the intersection for potential bus rollover dangers. He also added that roundabouts can be inherently more dangerous for pedestrians as a crossing point, as they need to look in multiple directions for turning vehicles to find a clearing to cross the road. DB agreed that a roundabout could slow traffic down, but ideally it is better to have pedestrians away from a roundabout which would require a crossing arrangement similar to that proposed.

MW suggested a speed hump near the intersection, DB advised that it will likely generate noise complaints from adjacent residences similar to what recently occurred in Bong Bong Street.

MH put the idea forth to encourage pedestrians not to use the crossing at this intersection, but to cross the road at the school, and walk south along the eastern side of Charles Avenue. DB advised that the footpath doesn't extend all the way down to the school, it crosses back over to the western side. 500 metres of new footpath would need to be constructed along the eastern side of the road, which would need to be included in the budget for future financial years.

DB advised that the design proposed was to address the cyclist accident, which according to TfNSW data is the only recorded accident at this location in the past 10 years. Although concerns are now extending to vehicle speeds and potential dangers to children crossing the intersection, the proposed works should be considered part of an incremental process and that Council can investigate other additional treatments at this intersection for future works.

## 21/036LTC

Kiama Municipal Council

# MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 7 SEPTEMBER 2021

### Resolved

To proceed with the current treatments in the original recommendation, and look at future treatments for continuous safety improvements.

(Mayor Mark Honey and Member Darrell Clingan)

# 5 REPORT OF RMS DELEGATED FORMAL ITEMS

5.1 Taylor and Bonaira Streets Intersection – Installation of a regulatory "Stop" sign and regulatory Stop line marking.

# 21/037LTC

**Resolved** that the Committee approve a regulatory "Stop" sign and line marking be installed at the intersection of Taylor and Bonaira Streets, Kiama.

(Member Darrell Clingan and Member Justin Miles)

5.2 No Stopping zone – South End of Johnson Street – adjacent to Merindah Street, Kiama Downs

# 21/038LTC

**Resolved** that the Committee approve a 'No Stopping' zone to be created on the western side of Johnson Street, Kiama Downs, between Merindah Street and Johnson Lane with the installation of regulatory signage and line marking.

(Member Justin Miles and Member Darrell Clingan)

# 6 CLOSURE

There being no further business the meeting closed at 9.44am

These Minutes were confirmed at the Ordinary Meeting of Council held on 5 October 2021

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# Item 3.1

Attachment 1

MINUTES OF THE KIAMA LOCAL TRAFFIC COMMITTEE 7 SEPTEMBER 2021

Mayor

Director Engineering & Works

Kiama Municipal Council

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# 4 BUSINESS ARISING FROM THE MINUTES

# 5 REPORT OF RMS DELEGATED FORMAL ITEMS

# 5.1 Temporary Road Closure - Bourrool Lane, Kiama

CSP Objective: 1.0 A healthy, safe and inclusive community

CSP Strategy: 1.3 We live in a safe community

Delivery Program: 1.3.3 Undertake local community safety initiatives

# **Summary**

Council has approved a sixteen (16) residential unit development at No.15 Bourrool Lane Kiama. The developer has advised that additional services (water, gas & power) will need to be provided in the road network and due to the narrowness of the Bourrool Lane, this will require the road to be closed off to traffic to undertake the works.

Consultation with likely affected residents and emergency services, in accordance with a resolution made by the Kiama Local Traffic Committee at their meeting of 3 August 2021, was undertaken. One submission was received and this has been provided in the report.

An application has been made in accordance with the requirements set out in Section 138 of the *Roads Act 1993*. It is recommended that approval be issued by Council, as the Roads Authority, subject to conditions to address matters raised in the submission being included.

# **Financial implication**

N/A

**Policy** 

N/A

**Consultation (internal)** 

N/A

# **Communication/Community engagement**

N/A

# **Attachments**

- 1 Attachment 1 Traffic Control Plan Bourrool Lane Kiama
- 2 Attachment 2 Design plans Bourrool Lane Kiama

# **Enclosures**

Nil

# RECOMMENDATION

5.1 Temporary Road Closure - Bourrool Lane, Kiama (cont)

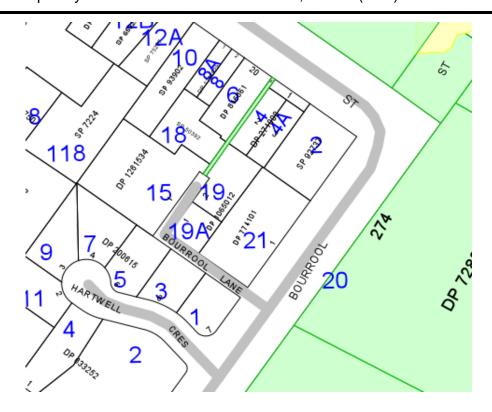
That the Kiama Local Traffic Committee approve the temporary closure of Bourool Lane, Kiama from 25 October 2021 to 2 November 2021 (with no closure on the Sunday in-between) between the hours of 7 a.m. and 6:00 p.m., subject to the inclusion of the following conditions:

- 1. The Permit Holder shall have current at all times insurance in the sum of no less than \$20,000,000.00. The policy shall indemnify Kiama Council from all costs and/or claims resulting from any actions of the contractor.
- 2. Should the permit holder, supervisor, contractor or sub-contractor fail to comply with any conditions of the permit, the permit may be revoked by Council, pursuant to Section 140 of the Roads Act 1993.
- 3. Road closure shall only occur during approved work dates and times. The road is to be returned to a trafficable condition outside of these dates and times.
- 4. Immediately following the direction of any Council and/or emergency services officers, road plates shall be installed over all excavations, the road way cleared of all plant & materials and then opened to traffic. A sufficient amount of appropriately sized road plates shall be located in close vicinity of excavations at all times.
- 5. Subject to the discretion of the Roads Authority, days lost over the permit period due to inclement weather may be made up at the expiration of permit. Written consent of the Roads Authority shall be obtained prior to undertaking works.

# **BACKGROUND**

Council has approved (see DA 10.2016.231.1) a sixteen (16) residential unit development at No.15 Bourrool Lane Kiama. A location plan is provided below.

5.1 Temporary Road Closure - Bourrool Lane, Kiama (cont)



The road is a 'no through road' for vehicles. A pathway links the terminus of the laneway to Barney Street and this is shown as the thin green strip (adjacent to No.6 Bourrool Street) on the plan above.

The properties which gain their primary vehicular access via Bourrool Lane are:

- No. 19A a single residence
- No. 19 a single residence
- No.18 a dual occupancy dwelling

No.3 Hartwell Crescent have their garage access off Bourrool Lane and No 5. Hartwell Crescent has an unformed access off Bourrool Lane to their backyard.

Construction of the development is very close to completion. The developer has lodged a Road Occupation Permit application (pursuant to the requirements of Section 138 of the *Roads Act 1993*) to undertake the following works in support of the development:

- Trench for new 150mm Sydney Water Main and 32mm Jemena Gas Main;
- Replacement of three street lights and power poles;
- Upgrading of overhead power lines;
- Installation of one new street light; and
- Minor road widening

Due to the nature of the works and the limited width of the Bourrool Lane, full road closure to undertake the work will be necessary. The developer has requested that the works will be undertaken from 25 October 2021 to 2 November 2021 between the hours of 7 a.m. and 6:00 p.m. The developer has allowed a contingency of four extra

5.1 Temporary Road Closure - Bourrool Lane, Kiama (cont)

days to cater for unforeseen circumstances caused by weather or additional late inclusion requirements by agencies associated with the installation of services.

The matter was previously reported to the Kiama Local Traffic Committee meeting held on 3 August 2021. The following resolution was made:

- a. defer consideration of endorsing the temporary closure of Bourrool Lane until further community consultation is undertaken and improvements to the developer's plans are made;
- b. endorse undertaking consultation with the residents of Bourrool Lane and emergency services by exhibiting the proposed plans for a minimum 14 day period seeking submissions; and
- c. note that community submissions on the closure will be reported back to the Kiama Local Traffic Committee at an upcoming meeting for consideration and subsequently any required amendments provided to the developer for incorporation into revised plans.

In response to part a) of the resolution, the traffic control plan and design plans were improved so that they could be better understood by potentially affected residents and are located in Attachment 1 & Attachment 2, respectively. These plans were sent out to residents and the three emergency services.

In response to part b) of the resolution, the traffic control plan, design plans and notification letter were hand delivered to the six likely affected residences on the 6 September 2021 and where provided fifteen days to make a submission to Council. Police, Ambulance and Fire & Rescue where also provided with the same notification.

In response to part c) of the resolution, one submission was received which was from a solicitor acting on behalf of one of the neighbouring residents. The contents are tabled below, along with a corresponding response from a Council officer responsible for Road Occupation Permits.

Submission	Officer Response
Our clients understand that Council intends to commence works on an upgrade to the stormwater drainage and car park at the south Surf Beach carpark directly adjacent to Barney Street.	Council is currently constructing kerb and gutter works in Bourrool Street. The work should be completed in the upcoming weeks.
	Council understands that Sydney Water plan to do upcoming works around the car park area, but we are not aware of timing.
	Council has no upcoming works in the car park.
The Council's proposed works are likely to create traffic congestion and difficulties with on-street parking for	

residents that are affected by the Bourrool Lane closure.	proposed in Bourrool Lane will commence.  Regardless, these works are unlikely to impact on any proposed works in
	Bourrool Lane.
Our clients request that:  (i) they are provided with at least 14 days notice so that they may plan their coming and going from their property; and  (ii) the timing of the developer's works is to be co-ordinated so that they do not coincide with the dates of the works to the south Surf Beach surrounds;  (iii) the Bourrool Lane works are to be delayed so as not to occur in the NSW School holidays commencing in early December 2021, and any such delay to the commencement date is by agreement between the parties.	Notification that the works could commence (subject to the approval of the elected Council beforehand) on 25 <sup>th</sup> October 2021, was provided to your client on the 6 September 2021.In this regard more than 14 days' notice has been provided.  As stated above, the works in Bourrool Lane should be completed by this time and the works should also be completed by the December School holidays. Regardless, these works are unlikely to impact on any proposed works in Bourrool Lane.
We understand that the closure is required to provide for digging of a trench 800mm deep and 900mm wide for positioning of a 150mm Sydney Water Main and a 32mm Jemena Gas Main.	The developer has confirmed that the closure is for the following works:  • Trench for new 150mm Sydney Water Main and 32mm Jemena Gas Main;  • Replacement of three street lights and power poles;  • Upgrading of overhead power lines;  • Installation of one new street light; &  • Minor road widening
Our clients request that the developer provide reasons as to why it is not possible to implement a partial closure to allow access at all times.	<ul> <li>The developer has advised that:</li> <li>The existing lane is too narrow for electricity works to be safely conducted while vehicles are passing through.</li> <li>A relocated trench along the grass verge would damage the roots of the large trees along the lane.</li> <li>A relocated trench near the kerb would coincide with the existing</li> </ul>

	water main. This would require the existing water main to be shut off during the works. The current trench location allows for a new main to be constructed independently and water to be continuously supplied to all properties during the works.  • A relocated trench on the other side (adjacent to 19A and 21) will coincide with the current NBN main.
The width of Bourrool Lane would provide adequate space to allow for appropriate lane traffic management (please see the Civil site plan attached to the Notice).	Following on from above, the developer advises that the machine required to dig the trench is 2.8m wide. Therefore, the majority of the lane width will be occupied by this machine.
Our clients understand that placement of large metal sheets may provide for vehicular access during periods when the works are on standby.	The developer has confirmed that the road will be made available for use outside construction hours, including periods if works are suspended.  Council will condition that sufficient road plates (large metal sheets) are stored in close proximity to the work site so that emergency access can be provided in an expedient manner.
The Notice implies that works on a Sunday have been excluded, however if works can be continued on Sunday then the length of time of they will be inconvenienced will be reduced.	The developer has advised that the contractor is open to working on a Sunday.  Council's position is that the neighborhood amenity should not affected by having works being undertaken on a Sunday.
Please let us know if provision may be made for the works to be performed on Sunday 31 October 2021.	As per the advice above, Council does not support works taking place on a Sunday. Council's notification to you and other residents has advised that works will not occur on the Sunday.
The Notice states that the closure times are 7am to 6pm for 9 days (25 October 2021 to 2 November 2021), however the Traffic Control Plan attached to the	The developer has advised the works itself will only require 4 days between the hours of 8:00am to 5:00pm. The

Notice states in the box central to the page that the time and duration of the closure is to be '8am to 5pm for about 4 days'		contractor requires approximately one hour before works commence to set up and conduct any safety meetings prior to commencing and completing the works on each day. The contractor has allowed for a contingency of 4 extra days (excluding Sunday).
Our clients understand that work hours may be 7.30am to 5.30pm Monday to Friday (and until lockdown conditions commenced our clients were aware that workers usually commenced on site at 7 am and on numerous occasions finished at 6pm).		Council advises that the earliest time the works can commence will be 7a.m. and will finish no later than 6:00 p.m.
Our clier (i)	confirmation of what has caused the discrepancy between the Notice and the Traffic Management Plan;	Council advises that the times and dates specified on any permit issued will take precedence over the dates and times specified on any Traffic Control Plan.  Working after sunset (even under
(ii)	(ii) that the developer is to be limited to the usual hours of work, or in the alternative, the developer is to seek approval for works after hours;	floodlights) has its dangers. Council also does not favor night-time work due to its effect on neighborhood amenity.
(iii)	(iii) that if works can be continued into the evening then it may be preferable as the length of time they will be inconvenienced will be reduced.	
The Notice advises our clients that any delays due to adverse weather may require extension of the closure to make up for lost days.		The developer has advised that the notice has allowed for a contingency of 4 extra days (excluding Sunday) to conduct the works. This is a realistic scenario where there may be some unexpected weather or service authority delays. On a best case scenario, the works are expected to completed by the 29th of October.
The Notice does not correlate the extension of the closure to the amount of		Council advises that contingencies need to be made if there is a long period of rain. A situation where the project is

time lost to adverse weather, which appears open ended.	incomplete and cannot progress because the permit has expired needs to considered and catered for.
Our clients request that:	Council confirms that it will:
(i) the works must only be extended by the same amount of days that adverse weather impacts, as this correlation is not specified in the Notice; and	<ul> <li>monitor the days lost and extend for those days only</li> <li>keep the road open on the days not worked and outside of the permit work hours.</li> </ul>
(ii) if the work ceases due to bad weather then access should be made available for that period.	pomit wont nodici
The FF section plan attached to the Notice shows on the right hand side a new stormwater line, however the plan does not provide any further information on the works to be conducted for insertion of the line.	The developer advises that a pipe from the storm water pit on the road to the development site has already been installed. The construction of the remaining storm water line is to be conducted within the development site
Our clients would like some clarity around the depth and engineering for the proposed stormwater works.	and does not relate to the road closure application. This was shown for reference purposes only.
Our clients would like further clarity on the impact of the stormwater works on their access and whether the stormwater works are intended to be completed at the same time as the other works contemplated by the Notice.	
The Kiama Local Traffic Committee meeting tabled consultation with the residence and emergency service access.	Council confirms that the notification you received follows on from this meeting.
We understand that the developer's conditions of consent for the development at large required that a traffic management plan was to be prepared in consultation with local residents. Our clients would like council to note that this condition of the development consent was not complied with.	Council officers could not locate this condition.

5.1 Temporary Road Closure - Bourrool Lane, Kiama (cont)

Emergency service entry is critical. Our clients have had a recent experience regarding ambulance access whereby vehicular access was required. The NSW Ambulance Service determine that access could not be achieved by parking in Barney Street and using a stretcher to transport the patient, and so the ambulance had to access our clients' property by way of Bourrool Lane. The safety of our clients may potentially be at issue

Council advises that one of the conditions of the permit will be that sufficient road plates will be required to be kept on the site to assist in access of emergency vehicles.

Our clients request that Council seek an undertaking that the developer will not block access when works are not being performed, and if access is blocked then an appropriate sanction is delivered. Our clients have experienced occasions during the current development where equipment and vehicles has been left in Bourrool Lane inhibiting access.

Council advises that one of the conditions of the permit will be that the road is kept open and safe outside of permit work hours.

Our clients have had negative experiences with works on the developer's site regarding access. including verbal abuse, and so an appropriate, immediately enforceable sanction must be available to local residences to enforce noncompliance with Council's conditions of consent to the closure. Further, General Condition 26 of the Development Consent for the site provides for the conditions for unloading and the creation of a 'Work Zone' external to the site, and we are instructed that none of General Condition 26 has ever been complied with. Our clients are therefore not confident that any conditions associated with the closure will be adhered to.

The developer has advised that the builder has a zero-tolerance policy regarding abusive behavior on the work site and towards the public and these individuals responsible are no longer with the project.

Council advises that all complaints should be directed firstly to the site supervisor and if they are unresolved Council can be contacted. It should be noted that Council has the right to revoke a permit should the conditions of the permit not be met.

The developer wishes to clarify that it is condition 36, not 26, that is being referred to. A permanent Work Zone has not been required for the development as all deliveries, loading and unloading were conducted within the site on most cases.

Our clients should not be required to utilise off-street parking.

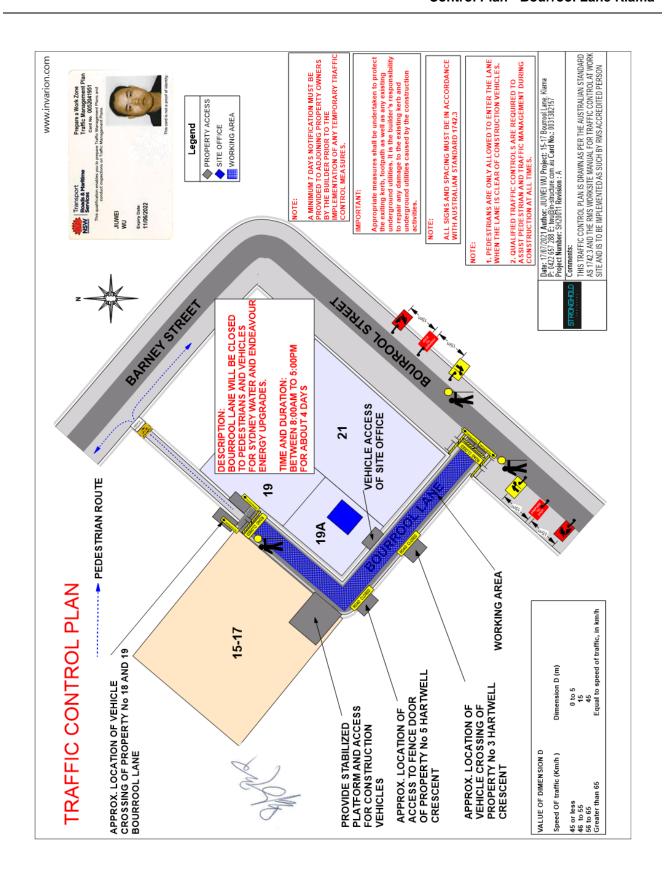
Unfortunately, it may not be possible at some times to access Bourrool Lane.

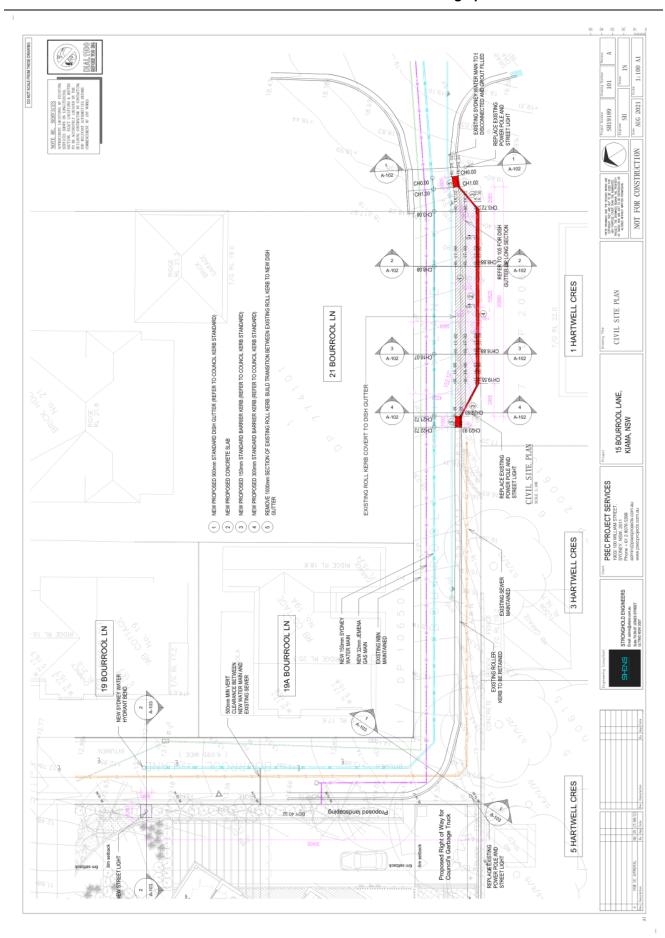
5.1 Temporary Road Closure - Bourrool Lane, Kiama (cont)

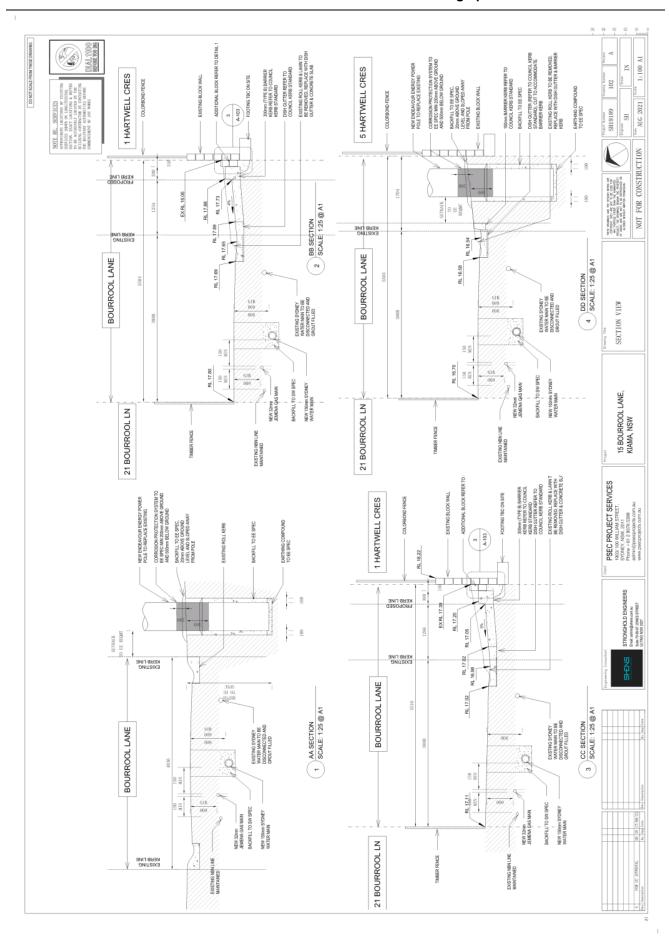
	Council advises that you may want to liaise with the contractor well beforehand if you have the need to use the laneway during the approved hours in the permit.
The risk to damage to their vehicle, the potential cost regarding a claim on their excess and notification to the insurer are all issues to be borne by our clients.	The developer has confirmed any third party damage caused by the works will be covered under the builders public liability insurance.
Our clients request that Council make it a condition of the closure that the developer is to reimburse our clients for any of these expenses that are borne by our clients due to the imposition of the works.	Council requires as a standard condition on all permits that the developer have a public indemnity policy of no less than \$20 million dollars.

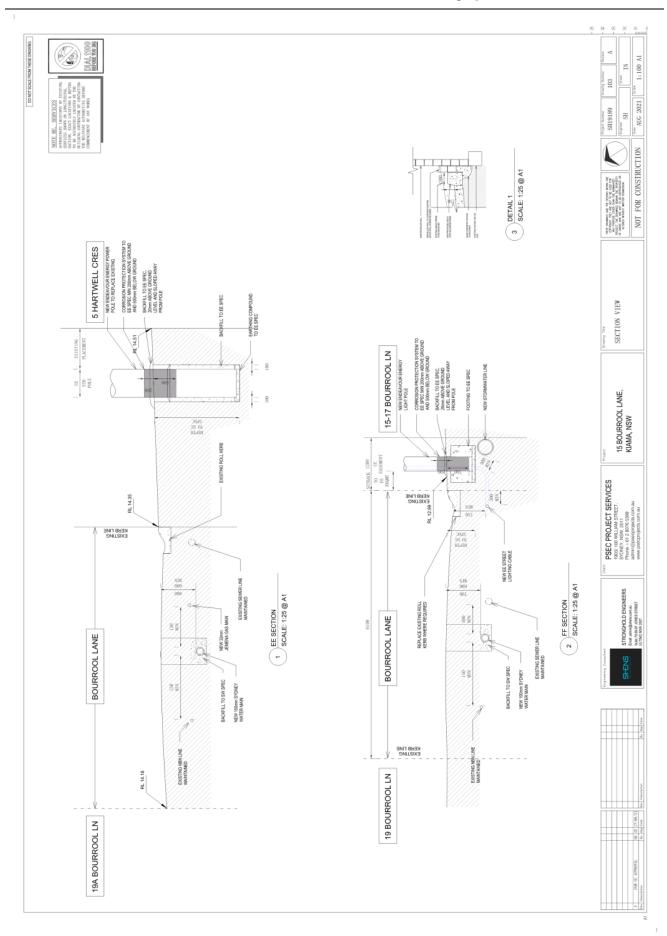
In response to the above the following conditions can be placed on the permit to ameliorate all of the concerns raised:

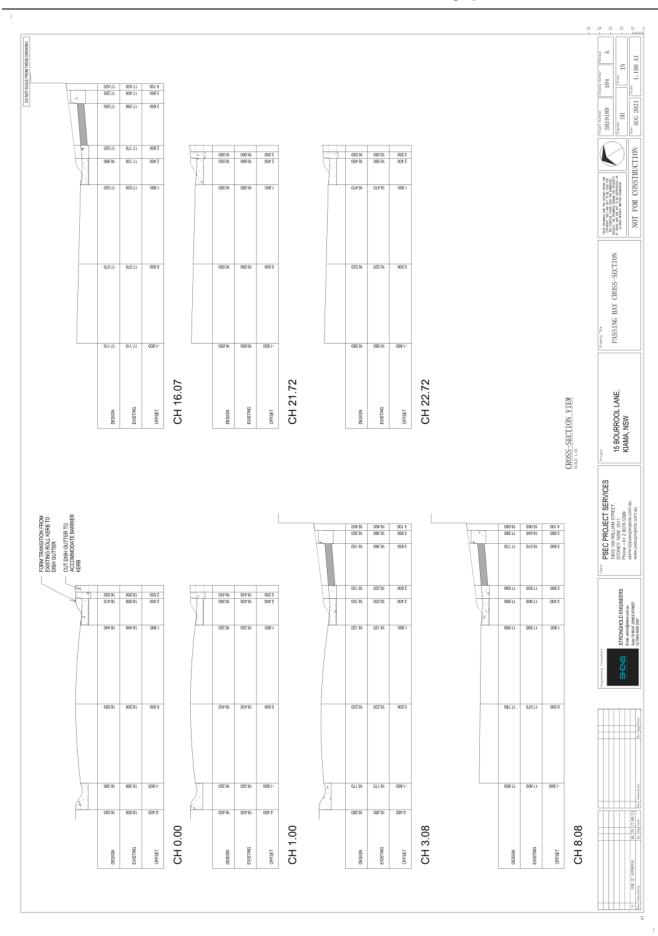
- 1. The Permit Holder shall have current at all times insurance in the sum of no less than \$20,000,000.00. The policy shall indemnify Kiama Council from all costs and/or claims resulting from any actions of the contractor.
- 2. Should the permit holder, supervisor, contractor or sub-contractor fail to comply with any conditions of the permit, the permit may be revoked by Council, pursuant to Section 140 of the *Roads Act 1993*.
- 3. Road closure shall only occur during approved work dates and times. The road is to be returned to a trafficable condition outside of these dates and times.
- 4. Immediately following the direction of any Council and/or emergency services officers, road plates shall be installed over all excavations, the road way cleared of all plant & materials and then opened to traffic. A sufficient amount of appropriately sized road plates shall be located in close vicinity of excavations at all times.
- 5. Subject to the discretion of the Roads Authority, days lost over the permit period due to inclement weather may be made up at the expiration of permit. Written consent of the Roads Authority shall be obtained prior to undertaking works.

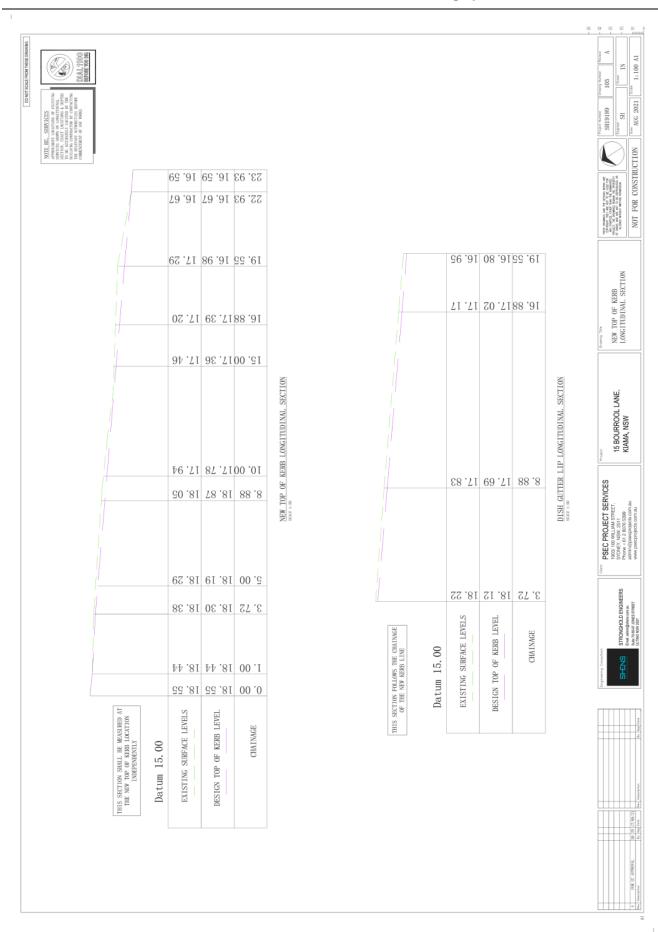


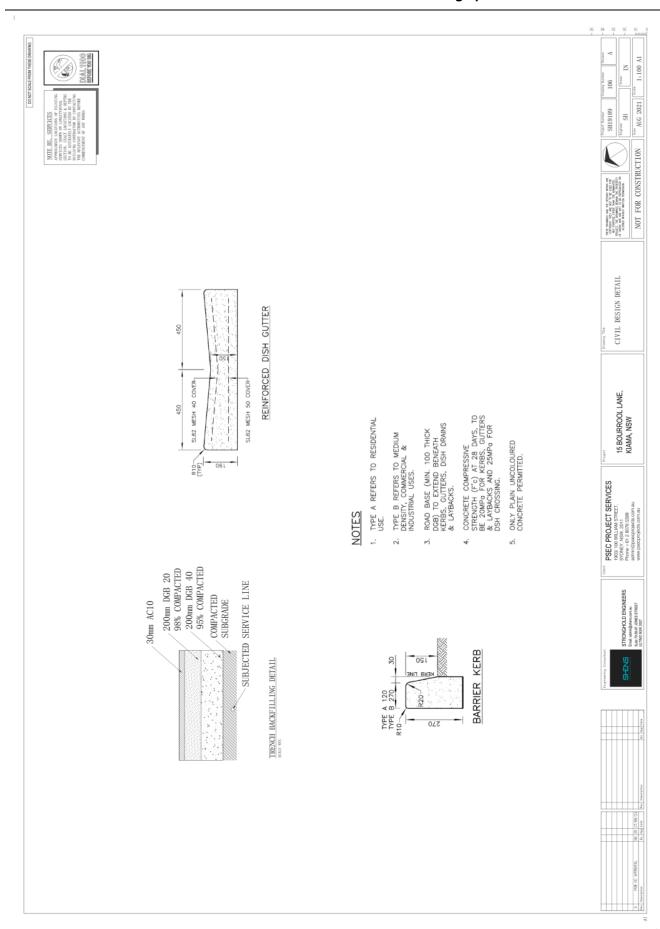












- 4 GENERAL BUSINESS
- 5 CLOSURE