

Register of Planning Matters Determined by Council Resolution 2020 onwards

Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Endorsement of draft Local Strategic Planning Statement (LSPS) 2020 for public exhibition	11/2/2020 20/0250OC	Committee recommendation that Council endorse the draft Kiama Local Strategic Planning Statement 2020 to go on public exhibition for a period of at least 28 days	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way. Against: Nil	
10.2019.195.1 - 68 Cathedral Rocks Avenue, Kiama Downs - Conversion and Additions to an Existing Garage to Create a Secondary Dwelling	17/3/2020 20/0640C	Committee recommendation that Council approve Development Application No 10.2019.195.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Steel, Watson, Way and Westhoff Against: Councillors Rice and Sloan	
Proposed Classification and Categorisation of Council Managed Crown Land as a requirement of the Crown Land Management Act 2016	17/3/2020 20/0650OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. Endorse the initial classification and categorisation for the Crown Land in this report, except for the land proposed for classification as Operational Land. Surf Beach Holiday Park, Coronation Park, Lot 274 DP 728008 Kiama Harbour Cabins, Blowhole Point Reserve, Lot 273 DP 726742 Reserve No. 87397 Werri Beach Holiday Park, Oourie Park Lot 269 DP 728043, Lot 270 DP 728043, Lot 272 DP 728043 Reserve No. 80816 Seven Mile Beach Holiday Park Lot 4 DP 1068566, Lot 82 DP 821422, Lot 7306 DP 1157197 Reserve No. 83972 Gerroa Sanitary Purposes (Lot 59 DP 751268, Lot 7003 DP 1124357, Part Lot 7306 DP 1157197) Jamberoo General Cemetery (Lot 7032 DP 1058003, Reserve no. 1010050) 2. That the Holiday Parks above are all classified as Community Land, with category General Community Use – Holiday Park. 3. That Gerroa Sanitary Purposes is classified as Community Land with category Natural Area. 4. That Jamberoo Cemetery is classified as Community Land with Category General Community Use. 5. Authorise the General Manager to finalise and provide written notice of the proposed categorisations applied to the land under the management of Council for Ministerial consent. 	For: Councillors Reilly, Rice, Sloan, Way and Westhoff Against: Councillors Brown, Honey, Steel and Watson	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Motion: Short Term Rental Accommodation	17/3/2020 20/0660OC	Committee recommendation that Council: <ol style="list-style-type: none"> 1. Write to property owners of Short Term Rental Accommodation (STRA) where complaints from residents have been received to remind them of their responsibilities in relation to the operation of STRA. As part of this letter outline that in accordance with Clause 6.10 of the Kiama Local Environmental Plan 2011 Council may require Development Consent should they continue to breach this clause 2. Undertake investigations as required in response to complaints where Council has the legal ability to issue infringement notices under the Local Government Act and the Protection of the Environment Operations Act 1997 3. Conduct an education campaign to property owners and agents outlining the requirements for appropriate behaviour of tenants and operators of STRA 4. Continue to seek advice from the Local Member and State Government about the status of the STRA reforms and advocate for these reforms to be expedited. 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
10.2019.147.1 - 106 Charles Avenue, Minnamurra - Alterations to Existing Dwelling and Construction of a Secondary Dwelling	17/3/2020 20/0690OC	Committee recommendation that Council approve Development Application No 10.2019.147.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Sloan, Steel, Watson, Way and Westhoff Against: Councillor Rice	
10.2019.203.1 – 41 Hothersal Street, Kiama - Swimming Pool, Decking, Retaining Walls and Removal of 4 Trees	17/3/2020 20/0700C	Committee recommendation that Council approve Development Application No 10.2019.156.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
Planning Proposal: Reclassifying 85 Attunga Avenue, Kiama Heights and 18A Hughes Crescent, Kiama Downs	17/3/2020 20/0710C	Committee recommendation that Council support the reclassification of No 85 Attunga Avenue, Kiama Heights from community to operational land and that the amended Planning Proposal be submitted to the Department of Planning, Industry and Environment for a Gateway Determination.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Endorsement: Kiama Development Control Plan 2020	17/3/2020 20/072OC	Committee recommendation that Council: <ol style="list-style-type: none"> 1. endorse the Kiama Development Control Plan 2020 with the following changes: <ol style="list-style-type: none"> a. change to the overall structure of the plan b. addition of the rural lands chapter and mobile food van controls 2. provide notification of its endorsement in a local newspaper within 28 days. 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
Motion of Urgency: Boral Limited Dunmore Lakes Sand Extraction Project Modification 2	17/3/2020 20/079OC	Resolved that Council: <ol style="list-style-type: none"> 1. Note that Modification 2 (the extension of the sand mine into areas 5A and 5B in the Minnamurra Catchment) is being assessed under the Planning and Environment Act 1979 section 7W. 2. Note that in May 2019 148 submissions of objection were lodged with the Department of Planning, including from Kiama Municipal and Shellharbour City Councils. This triggered the proposal to be sent through to the Independent Planning Commission for assessment and determination. 3. Note that more than 1100 people attended a Public Meeting in July 2019 where there was unanimous opposition to this proposal and further that The Hon Gareth Ward Member for Kiama and Minister for Families, Community Services and Disabilities raised the matter as a Private Members Statement in the Legislative Assembly in August 2019. He called on the Independent Planning Commission to reject this Proposal. 4. Note that representatives from Friends of Minnamurra River met with representatives from the Department of Planning at proposed new sites on Saturday 7 March 2020. 5. Note with alarm that Friends of Minnamurra River were apparently advised that the Department was changing the assessment process so that the Independent Planning Commission would not be making the determination in this matter, but that it could be done “in-house” under Delegated Authority under changes recommended by the Productivity Commission in December 2019 (recommendation 8b of the PC report). 6. Note with alarm that Friends of Minnamurra River were verbally informed that the report on Modification 2 would be finalised in the few days following the 7 March meeting. Its determination may now be imminent. 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	

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Motion of Urgency: Boral Limited Dunmore Lakes Sand Extraction Project Modification 2 – CONTD.	17/3/2020 20/079OC	7. Note advice received from the Environmental Defenders Office (EDO) that the change in assessment approach cannot be implemented for this proposal because the recommendations from the Productivity Commission have not been enacted through changes to the Planning and Environment Act and that even if those changes were made to the Act it would be unlikely that they could be applied retrospectively. 8. Re-affirm Councils strong opposition to this modification being granted for the reasons stated in the unanimous resolution of Kiama Municipal Council on 21 May 2019. 9. Write to the Department of Planning and the Minister for Planning and Environment, the Hon Rob Stokes, requesting urgent formal advice to confirm the assessment methodology that will apply to Boral Limited Dunmore Lakes Sand Extraction Project Modification 2 and to advise that council will oppose any change to the State Significant Development assessment process that limits community input or reduces transparency. 10. Forward the correspondence to the Member for Kiama and Shellharbour City Council for their information.		
10.2019.27.1 - 17 Minnamurra Street, Kiama - alterations and additions to dwelling and addition of detached gym	21/4/2020 20/095OC	Committee recommendation that Council approve Development Application No 10.2019.27.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Watson and Way Against: Councillors Reilly, Rice, Sloan and Westhoff The resolution was carried on the casting vote of the Mayor	
10.2019.65.1 - 2 Surfleet Place Kiama - Demolition of existing structures, construction of 60 residential apartments and 60 Lot Strata Subdivision	21/4/2020 20/101OC	Committee recommendation that Council approve Development Application No 10.2019.65.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions of consent at the end of this report.	For: Councillors Honey, Sloan, Steel, Watson, Way and Westhoff Against: Councillors Brown, Reilly and Rice	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2019.155.1 - 79 Stafford Street, Gerroa - demolition of existing structures, construction of attached dual occupancy and 2 Lot Torrens Title Subdivision	21/4/2020 20/104OC	Committee recommendation that Council approve Development Application No 10.2019.155.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Sloan, Steel, Watson, Way and Westhoff Against: Councillor Rice	
10.2019.156.1 - 15 Riversdale Avenue, Kiama Downs – Dwelling	21/4/2020 20/105OC	Committee recommendation that Council approve Development Application No 10.2019.156.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
Repeal of Kiama Council Section 94 Contribution Plan No 5 Car Parking Contribution - Gerringong & Plan No 6 Car Parking Contribution - Jamberoo	21/4/2020 20/106OC	Committee recommendation that Council endorse the repeal of: <ol style="list-style-type: none"> 1. Kiama Council Section 94 Contribution Plan No 5 Car Parking Contribution – Gerringong, and 2. Kiama Council Section 94 Contribution Plan No 6 Car Parking Contribution – Jamberoo. Notice of the repeal will be carried out in accordance with the Environmental Planning and Assessment Regulation 2000.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
Question for future meeting: Potential acquisition of former Scout Hall on Ritchie Place, Minnamurra	21/4/2020 20/111OC	Committee recommendation that Council: <ol style="list-style-type: none"> 1. approach the Scouts Land Management division and confirm the Scouts' intention to either sell or retain ownership of the disused Scout Hall (Lot 21 DP259452) situated in Ritchie Place, Minnamurra. The Hall would be ideal for use as a Community centre. 2. advise Councillors with a view to potentially purchasing this property and re classification to Community Land for use as Community centre. 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2019.163.1 - 351 Fountaindale Road, Jamberoo - Demolition of existing garage, alterations & additions to existing dwelling, swimming pool and spa	19/5/20 20/131OC	Committee recommendation that Council approve Development Application No 10.2019.163.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report	For: Councillors Brown, Honey, Sloan, Steel, Watson, Way and Westhoff Against: Councillors Reilly and Rice	
Adoption of interim Minor Maintenance and Repair Works of Heritage Items Policy	19/5/20 20/132OC	Committee recommendation that Council adopt the interim Minor Maintenance and Repair Works of Heritage Items Policy to guide decisions under clause 5.10(3) of the Kiama Local Environmental Plan (LEP) 2011 subject to the following changes: 1. under Section 5.0 Policy the final dot point read "...and where consistent with the controls and guidelines outlined in all relevant sections of the Kiama Development Control Plan 2020". 2. the paragraph immediately following this dot point be amended to read "It is generally likely that these types of maintenance and repair works would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area."	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
Amendments to Kiama Community Participation Plan 2019	19/5/20 20/133OC	It was moved by Councillor Brown and seconded by Councillor Watson that Council endorse the amended Kiama Community Participation Plan 2019 for public exhibition. An amendment was moved by Councillor Rice and seconded by Councillor Sloan that Council endorse the amended Kiama Community Participation Plan 2019 for public exhibition subject to the following change: <i>In section 8.1 What applications will be notified? under clause a) the fourth dot point read: Demolition of existing buildings under 50 years old where no other work is proposed.</i> The amendment on being put was carried. The amended motion became the motion and was put and carried.	For: Councillors Honey, Reilly, Rice, Sloan, Watson and Westhoff Against: Councillors Brown, Steel & Way For: Councillors Honey, Brown, Reilly, Rice, Sloan, Watson, Way and Westhoff Against: Councillor Steel	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2017.215.3 – Lot 100 DP 1230058 – 8 Blackwood Street, Gerringong – Modified – restoration of Gerringong School of Arts, construction of a library and community facilities	23/6/20 20/165OC	Committee recommendation that Council: 1. refuse Section 4.55 Modification of Consent Application No. 10.2017.215.3 under Section 4.55 of the Environmental Planning and Assessment Act 1979, for the following reason: it is inconsistent with clause 4.3 of the Kiama Local Environmental Plan 2011 for height limits 2. seeks to recover the cost of fixing the structure from the people who made the decision to raise the height.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil	
10.2019.57.1 – Lot 2 DP 1231430 – 4A Taylor Street, Kiama – Attached dual occupancy and 2 Lot Strata Subdivision	23/6/20 20/166OC	Committee recommendation that Council approve Development Application 10.2019.57.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil	
10.2015.232.4 – Lot 52 DP 884475, Lot 51 DP 884475 – Fern Street, Gerringong, 98 Fern Street, Gerringong – Modification of retail building, tourist apartments and addition to existing car park	23/6/20 20/167OC	Committee recommendation that Council approve the Section 4.55 Modification of Consent Application No. 10.2015.232.4 under Section 4.55 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil	
10.2018.273.2 – Lot 104 DP 1094576 – 81 Jerrara Road, Jerrara – Modification – Use of property for animal boarding and training establishment (dog breeding and sale)	23/6/20	Committee recommendation that Council approve Section 4.55 Modification of Consent Application No 10.2018.273.2 under Section 4.55 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Sloan and Watson Against: Councillors Rice, Steel and Way	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Planning Proposal - Lot 442 DP 1201831 Henry Parkes Drive, Kiama Downs	23/6/20 20/168OC	Committee recommendation that Council support the rezoning of part of Lot 442 DP 1201831, Henry Parkes Drive, Kiama Downs from E2 Environmental Conservation to R2 Low Density Residential and that the attached Planning Proposal be submitted to the Department of Planning, Industry and Environment for a Gateway Determination.	For: Councillors Brown, Sloan, Steel, Watson and Way Against: Councillors Reilly and Rice	Councillor Honey declared a significant pecuniary interest in this matter as he is related to the proponent and previously owned the property. Councillor Honey left the Chamber and took no part in discussion or voting on this matter.

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest										
Endorsement of Kiama Local Strategic Planning Statement (LSPS) 2020	22/6/20 20/169OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. endorse the Kiama Local Strategic Planning Statement (LSPS) 2020 with the following addendums: <ol style="list-style-type: none"> a. Theme 4 be reworded as follows “Mitigate and adapt to climate change and protect our environment” and this change be reflected throughout the document b. The following action be added to ‘Planning Priority 1 – Plan for and balance housing supply’: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Action</th> <th style="text-align: left;">Council's Role</th> <th style="text-align: left;">Timeframe</th> <th style="text-align: left;">Key Stakeholders</th> <th style="text-align: left;">Responsibility</th> </tr> </thead> <tbody> <tr> <td style="vertical-align: top;">Prepare and adopt a Housing Strategy, utilising the Department of Planning, Industry and Environment’s ‘Local Housing Strategy Guideline and Template, to detail how and where housing will be provided in the Municipality.</td> <td style="vertical-align: top;">Lead</td> <td style="vertical-align: top;">Short-medium (within 2021/2022 financial year)</td> <td style="vertical-align: top;">Council, DPIE, Housing Providers and Broader Community</td> <td style="vertical-align: top;">Strategic Planning</td> </tr> </tbody> </table> <ol style="list-style-type: none"> c. Inclusion of notation that the timeframes nominated for actions will be reviewed each year as part of the planning works program linked to Council’s Operational Plan 2. publish the endorsed LSPS on the NSW Planning Portal and Council’s website 3. notify submitters, Precinct Committees, Community Associations and broader community of endorsement 4. review the LSPS when preparing the new Community Strategic Plan 5. report on the status of Actions as part of the Annual Report 6. formally repeal the Kiama Urban Strategy 2011. 	Action	Council's Role	Timeframe	Key Stakeholders	Responsibility	Prepare and adopt a Housing Strategy, utilising the Department of Planning, Industry and Environment’s ‘Local Housing Strategy Guideline and Template, to detail how and where housing will be provided in the Municipality.	Lead	Short-medium (within 2021/2022 financial year)	Council, DPIE, Housing Providers and Broader Community	Strategic Planning	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil	
Action	Council's Role	Timeframe	Key Stakeholders	Responsibility										
Prepare and adopt a Housing Strategy, utilising the Department of Planning, Industry and Environment’s ‘Local Housing Strategy Guideline and Template, to detail how and where housing will be provided in the Municipality.	Lead	Short-medium (within 2021/2022 financial year)	Council, DPIE, Housing Providers and Broader Community	Strategic Planning										
10.2019.231.1 – Lot 3 SP 81516 – 3 3 Brown Street, Kiama – Change of use of premises as an indoor recreational facility (fitness studio)	23/6/20 20/173OC	Committee recommendation that Council approve Development Application No 10.2019.231.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions and reasons at the end of this report.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil											

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2019.154.1 – Lot 247 DP 30126 – 58 Kalang Road, Kiama Heights – Dwelling alterations and additions	23/6/20 20/174OC	Committee recommendation that Council approve Development Application No 10.2019.154.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil	
10.2019.173.1 – Lot 12 DP 1259233 (Lot 103 DP 561082 at the time the application was lodged) – 96 Rose Valley Road, Rose Valley – Concrete paved silage bale storage area	23/6/20 20/175OC	Committee recommendation that Council approve Development Application No 10.2019.173.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Sloan, Steel, Watson and Way Against: Councillors Reilly and Rice	
10.2020.19.1 - Lot 43 DP 30200 - 61 North Kiama Drive, Kiama Downs - Demolition of existing garage, construction of new garage and driveway	21/7/20 20/205OC	Committee recommendation that Council approve Development Application 10.2020.19.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson, Way and Westhoff Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
<p>10.2019.220.1 – Lot 11 DP 599429 – 261 Jamberoo Mountain Road, Jamberoo – Construction of rural shed, farmgate (roadside stall), machinery shed and hay store and intensive plant agriculture</p>	<p>21/7/20 20/206OC</p>	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. Refuse Development Application No 10.2019.220.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for the following reasons: <ul style="list-style-type: none"> • The roadside stall is not located at the roadside and the sale of produce is from the farm shed which is characterised as a shop and is prohibited in the RU2 Rural Landscape Zone. • The development does not satisfy the objective of the RU2 – Rural Landscape zone to maintain the rural landscape character, and to protect agricultural land for long term agricultural production. • The development is generally inconsistent with Chapter 6 – Rural Development of the Kiama Development Control Plan 2012 (DCP). • The development has not been appropriately designed and sited to minimise impacts on the natural and scenic rural landscape; and • The development has not been carefully designed and sited to compliment the natural landscape. • The development is not appropriately clustered with the existing approved development on the site. • The development will lead to adverse impacts on the scenic rural landscape of the Jamberoo locality. • The development is configured in a manner that will disrupt the rural amenity of adjoining properties. • A geotechnical report has been submitted that demonstrates the unauthorised building platform that has already been constructed that can support the proposed structure. • The development will lead to unsuitable planning outcomes as the proposal will unreasonably interfere with the scenic rural landscape. • The development has been objected to by the local community. • The development sets an undesirable planning precedent and is not in the public interest. • The development relies on allegedly unauthorised works that have been constructed at the property without first seeking and obtaining development consent, and those works are considered unsatisfactory and unacceptable. 2. Commence negotiations with the applicant in regards to rectifying non compliance and report back to Council in response to the alleged unauthorised development on the land. 	<p>For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson, Way and Westhoff Against: Nil</p>	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
<p>10.2018.251.1 - 143 Terralong Street, Kiama - Additions to existing shopping centre and additional car parking</p>	<p>21/7/20 20/207OC</p>	<p>Committee recommendation that Council refuse Development Application No 10.2018.251.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for the following reasons:</p> <ol style="list-style-type: none"> 1. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(i), the development is unacceptable and must be refused because the proposal does not satisfy all of the objectives of the B2 Local Centre zone prescribed in Clause 2.1 to the Kiama Local Environmental Plan 2011, because the proposal is not considered to sufficiently encourage walking to the centre due to the limited streetscape activation proposed for Terralong Street, since the frontage is dominated by loading docks, car park, sub-stations and other electricity infrastructure rather than shop fronts and direct pedestrian access arrangements to the centre. 2. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(i), the development is unacceptable and must be refused because the proposal does not satisfy development standard under Clause 6.8 – Active Street Frontage requiring that the building will have an active street frontage after its erection or change of use, and the ground floor of the building will not be used for the purposes of a car park, seeking a 72% variation, with just 22% of the frontage activated by two small shop fronts and thereby failing the objective of the clause to promote uses that attract pedestrian traffic along the Terralong Street frontage in the B2 Local Centre Zone under the Kiama Local Environmental Plan 2011. 3. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(i), the development is unacceptable and must be refused because the proposal written exception to development standard submitted under Clause 4.6 – Exception to Development Standards under the Kiama Local Environmental Plan 2011 is not well founded since the variation fails to identify the extent of the departure, and does not demonstrate compliance with Clause 6.8 – Active Street Frontage objective of the standard development standard is unreasonable and unnecessary since the Terralong Street frontage remains dominated by loading docks, car park, sub-stations and other electricity infrastructure, with only 22% of the 88 metre frontage where the new building and ancillary works are proposed being activated by two small tenancies with shop fronts. 		

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10.2018.251.1 - 143 Terralong Street, Kiama - Additions to existing shopping centre and additional car parking	21/7/20 20/207OC	<p>Committee recommendation that Council refuse Development Application No 10.2018.251.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for the following reasons:</p> <ol style="list-style-type: none"> 1. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(i), the development is unacceptable and must be refused because the proposal does not satisfy all of the objectives of the B2 Local Centre zone prescribed in Clause 2.1 to the Kiama Local Environmental Plan 2011, because the proposal is not considered to sufficiently encourage walking to the centre due to the limited streetscape activation proposed for Terralong Street, since the frontage is dominated by loading docks, car park, sub-stations and other electricity infrastructure rather than shop fronts and direct pedestrian access arrangements to the centre. 2. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(i), the development is unacceptable and must be refused because the proposal does not satisfy development standard under Clause 6.8 – Active Street Frontage requiring that the building will have an active street frontage after its erection or change of use, and the ground floor of the building will not be used for the purposes of a car park, seeking a 72% variation, with just 22% of the frontage activated by two small shop fronts and thereby failing the objective of the clause to promote uses that attract pedestrian traffic along the Terralong Street frontage in the B2 Local Centre Zone under the Kiama Local Environmental Plan 2011. 3. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(i), the development is unacceptable and must be refused because the proposal written exception to development standard submitted under Clause 4.6 – Exception to Development Standards under the Kiama Local Environmental Plan 2011 is not well founded since the variation fails to identify the extent of the departure, and does not demonstrate compliance with Clause 6.8 – Active Street Frontage objective of the standard development standard is unreasonable and unnecessary since the Terralong Street frontage remains dominated by loading docks, car park, sub-stations and other electricity infrastructure, with only 22% of the 88 metre frontage where the new building and ancillary works are proposed being activated by two small tenancies with shop fronts. 	<p>For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson, Way and Westhoff Against: Nil</p>	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
<p>10.2018.251.1 - 143 Terralong Street, Kiama - Additions to existing shopping centre and additional car parking Contd.</p>		<p>4. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(iii), the proposal is unacceptable and must be refused because the additional 88 car parking spaces proposed results in a 35% short fall of parking from the proposed additional Gross Leasable Floor Area (GLFA) and does not comply the Kiama Development Control Plan 2012 Chapter 9 – Car Parking that requires compliance with the car parking rates in the “RMS Guide to Traffic Generating Development” for shopping centres.</p> <p>The “RMS Guide to Traffic Generating Development” for shopping centres stipulate 6.1 car spaces/100m2 Gross Leasable Floor Area (GLFA) for centres less than 10,000m2 GLFA, and therefore the car parking demand for an additional 1924m2 GLFA requires an additional 136 spaces to ensure sufficient parking exists at the centre during peak demand.</p> <p>The justification to vary the proposal is inadequate because it is based on a two-day traffic survey in July instead of in the peak season, such as in summer, and is inconsistent with the Guide at Section 5.2.1 which indicates that when a proposed development is expected to have strong seasonal variations, an assessment of the impact of these variations should be undertaken; and</p> <p>5. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(iii), the proposal is unacceptable and must be refused because the total 256 car parking spaces proposed does not account for the existing and proposed total GLFA proposed at the centre and results in a 39% deficiency of parking and does not comply the Kiama Development Control Plan 2012 Chapter 9 – Car Parking that requires compliance with the car parking rates in the “RMS Guide to Traffic Generating Development” for shopping centres to ensure sufficient parking exists at the centre during peak demand.</p> <p>The “RMS Guide to Traffic Generating Development” for shopping centres stipulate 6.1 car spaces/100m2 Gross Leasable Floor Area (GLFA) for centres less than 10,000m2 GLFA, and therefore the car parking demand for the total combined existing and proposed GLFA of 6613m2 requires 403 spaces, and only 256 are proposed on site for commercial use and an additional 147 car spaces are required; and</p>		

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<p>10.2018.251.1 - 143 Terralong Street, Kiama - Additions to existing shopping centre and additional car parking Contd.</p>		<p>6. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(iii), the proposal is unacceptable and must be refused because the proposal is generally inconsistent with the Kiama Development Control Plan 2012 (DCP), with the relevant objectives and controls within:</p> <ul style="list-style-type: none"> o Chapter 26 requiring good pedestrian access, street-wall design, active frontage in the town centre, maintaining amenity for neighbouring residents, and gateway-site design outcomes on key corner sites; and o Chapter 9 for car parking required, to be provided in accordance with the RMS Guide to Traffic Generating Development for shopping centre; and o Chapter 10 for remediation of contaminated land; and o Chapter 11 for waste management; and o Chapter 16 concerning food premises. <p>7. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(e) the proposed development is not in the public interest, because the proposed development is:</p> <ul style="list-style-type: none"> a. Not supported by the community due to the impacts of the development as indicated by 79 objections to the development; and b. Unacceptable due to the unreasonable economic impacts of the development arising from the insufficient setbacks to neighbours; and c. Unacceptable due to the amended plans having not maintained the terms of the pedestrian access way easement which provided for a public crossing point linking either side of Terralong Street at the main entrance to Kiama Village; and d. Unsatisfactory with respect to streetscape outcomes proposed on a gateway site that has been specifically identified as both a strategic opportunity site and a catalyst site in the Kiama Town Centre Study. 		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2018.251.1 - 143 Terralong Street, Kiama - Additions to existing shopping centre and additional car parking Contd.		<p>8. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(b) the proposal is unacceptable and must be refused because the proposed engineering outcomes are unresolved and are considered to unreasonably and adversely impact on the built and natural environment which includes:</p> <p>a. Provide additional information on the civil drawings, including:</p> <ul style="list-style-type: none"> i. The civil drawings show no carpark levels. The architectural plans (see Section 1.3 above) states this will be confirmed by a civil engineer. It is expected it would be shown on the civil drawings. ii. All major pipelines to be constructed (dia. 375 and above) shall be provided with drainage long-sections showing natural and design levels, services and infrastructure. iii. The drawings show columns located over proposed drainage infrastructure. The geotechnical report states due to poor ground piles will be required. This may affect the location of the proposed drainage lines. iv. The treatment at the end of the pipe is unsatisfactory for the following reasons: <ul style="list-style-type: none"> • It directs concentrated flows directly into the neighbouring property potentially causing damage, regardless of the proposed dissipater; • It direct flows outside of the existing easement on the adjoining lot; • It is inconsistent with landscape drawings provided. • The captured stormwater flows from the site shall be connected into the existing system which leads into the piped easement of No.133 Terralong Street. v. the connection of the proposed box culverts to the existing pipe drainage system. <p>b. Provide a revised stormwater report and modelling to ensure that the redesign of the pipe system mentioned in Point 2 above does not contribute to flooding impacts.</p> <p>c. Provide a contamination report, from a suitably qualified person, for the existing fill material to ensure groundwater that enters pits complies with legislative requirements.</p> <p>d. Address of all ambiguities in the current architectural plans on revised plans.</p> <p>e. Delete the loading bay for the Mini Major as it is located in an emergency escape path for the existing development and does not presently exist on the site.</p> <p>f. Provide a structural engineers report from a registered engineer, which includes (but is not limited to) pictorial examples and recommendations on:</p> <ul style="list-style-type: none"> i. How proposed drainage works and Council's existing drainage infrastructure will be protected from the impact of loads from proposed columns; and ii. How Council's existing drainage infrastructure will be need to be treated, as the proposal will make it inaccessible for replacement and/or maintenance. 		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
<p>10.2018.251.1 - 143 Terralong Street, Kiama - Additions to existing shopping centre and additional car parking Contd.</p>		<p>9. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(b) the proposal is unacceptable and must be refused because the proposed engineering outcomes are unresolved and are considered to unreasonably and adversely impact on the built and natural environment and the following changes are required:</p> <p>a. Design plan and specifications for the bin storage rooms, waste oil facilities and any waste paper balers are to be submitted to Council. The plans are to include:</p> <ul style="list-style-type: none"> • Floor plan with dimensions • Elevations • Internal and external height (floor level to roof level) • Location and size of waste bin for general waste (garbage) recyclables (cardboard, paper, glass, plastics) and food waste • Location and dimensions for proposed storage waste cooking oil drums and spillage containment bunds • Location of trade waste connect to the Sydney Water Corporation Sewerage system • Location of bin washing facility and the hot and cold water supply and floor waste • Location of nearest hydrants, hose reel and fire extinguisher • Specification for the floor, ceiling, external and internal walls, enclosed roof, roller and access doors, and stormwater disposal from storage room roof and proposed method of ventilation • Location of nearest hydrants, hose reel and fire extinguisher • The nominated bin collection point • Details of vehicle swept path for the maximum size waste collection vehicle and any acoustic screening proposed to reduce the impact of noise during servicing • Any other information as specified in Chapter 11 – Kiama Development Control Plan 2012 – Section 5 Waste Requirements Garbage, Recycling Bin Storage Rooms. <p>b. A Waste Management Plan providing waste types, estimates and disposal location at an approved licensed waste/recycling facility is to be submitted for Council approval. This is to include the classification and disposal of excavated material from the proposed car parking area.</p>		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
<p>10.2018.251.1 - 143 Terralong Street, Kiama - Additions to existing shopping centre and additional car parking Contd.</p>		<p>c. A review of the waste management practices currently on site identified:</p> <ul style="list-style-type: none"> • No fully enclosed and roofed waste storage rooms/compounds incorporating bin washing facilities (provision of a hot and cold water supply and a connection to a sewer discharge point) are currently located on site for the storage of waste containers or bins from Woolworths and the other commercial premises. • All waste bins and oil drums are stored in the open, in the Woolworths loading dock or in the car parking area. This is already generating odours, is unsightly and is likely to attract vermin and flies. • The current method of waste storage is unacceptable and does not comply with the current designs standards as specified in Chapter 11 – Kiama Development Control Plan 2012 – Waste Requirements in particular Section 5 Garbage, Recycling Bin Storage Rooms <p>It is recommended that this issue be rectified as part of the redevelopment of this site. This will require a number of separate fully enclosed bin storage rooms to be provided for both the new and existing commercial premises.</p> <p>10. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(b) the proposal is unacceptable and must be refused because the application is not furnished with sufficient information to consider the likely impacts of the proposed development.</p> <p>11. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(i), the development is unacceptable and must be refused because the application is not supported with information that demonstrates whether the proposal meets the objectives of the clause 5.10 – Heritage since a heritage management document has not been provided to allow assessment of the impact, and therefore consideration of whether the proposal is likely to adversely affect the heritage significance of the items within the vicinity has not been able to made.</p>		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2018.251.1 - 143 Terralong Street, Kiama - Additions to existing shopping centre and additional car parking Contd.		<p>12. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(ii), the development is unacceptable and must be refused because the proposal does not satisfy the objectives of Draft State Environmental Planning Policy No. 55 - Remediation of Land which requires Council to consider whether the land is contaminated and if it is contaminated if remediation works are required, because no investigation of site contamination has been provided by the applicant, and therefore it has not been confirmed whether the land is considered to be suitable for the proposed use without remediation.</p> <p>13. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(i), the development is unacceptable because the proposal does not satisfy all of the objectives of State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) to demonstrate the signage proposed that is over 8 metres above the ground is compatible with the desired future character of an area because the applicant has not provided mandatory information to the Council requiring an impact statement that addresses the assessment criteria in Schedule 1 of SEPP64, and accordingly the application is not able to be advertised in accordance with section 79A of the Act as ‘advertised development’ and therefore the amended application is not properly made;</p> <p>14. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(e) the application is not adequately made in accordance with the requirements of Clause 50 of the Environmental Planning and Assessment Regulation, and must contain the information, and be accompanied by the documents, specified in Part 1 of Schedule 1 and must be refused on the basis that:</p> <ol style="list-style-type: none"> a. an impact statement that addresses the assessment criteria in Schedule 1 to State Environmental Planning Policy (Sepp) No. 64 – Advertising Signage has not been provided; and b. SEPP No. 55 – Land Contamination has not been investigated by the applicant to demonstrate the site is suitable for redevelopment without remediation; and; c. insufficient information in the form of plans and specifications clearly identifying the waste management, noise mitigation, food premises arrangements, and stormwater, drainage, and traffic and car parking geometry, and car parking survey preventing a reasonably informed assessment of the proposal against the relevant State and Local Plans and Polices that would enable Council to undertake a fully informed assessment of the proposal. 		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Motion: 10.2018.277.1 - Lot 1 DP 582706 - 135 Fern Street, Gerringong	21/7/20 20/209OC	Committee recommendation that the condition of height on the northern end of the veranda, the subject of Development Application No. 10.2018.277.1 be modified from 2,700mm to 2,460mm.	For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson, Way and Westhoff Against: Nil	
Endorsement of Planning Proposal to rezone Council's administration site and to allow a greater building height at the Retirement Village site - 2 Havilah Place, Kiama	21/7/20 20/213OC	Committee recommendation that Council endorse this Planning Proposal to: <ol style="list-style-type: none"> 1. Rezone 11 Manning Street Kiama 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. 2. 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. and use its plan-making delegations to make the necessary amendments to the Kiama Local Environmental Plan 2011.	For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson, Way and Westhoff Against: Nil	
Endorsement of Planning Proposal to rezone part of Lot 2 DP 805229, Dido Street, Kiama	21/7/20 20/214OC	Committee recommendation that Council endorse this Planning Proposal, to rezone part of Lot 2 DP 805229, and use its plan making delegations to make the necessary amendments to Kiama Local Environmental Plan 2011.	For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson, Way and Westhoff Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Adoption of amendments to Kiama Community Participation Plan (CPP) 2019	21/7/20 20/215OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. Endorse the Kiama Community Participation Plan and upload the endorsed Plan to both Council's website and the NSW Planning Portal 2. Notify the Precinct Committees, Community/Ratepayers Associations and individuals who made submissions of Council's endorsement of the Plan. 	<p>For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson, Way and Westhoff Against: Nil</p>	
Lot B DP 164747 - 47 Thomson Street, Kiama - Outcomes of Interim Heritage Order and Heritage Assessment	21/7/20	This report was withdrawn.		Councillor Honey declared a less than significant non-pecuniary interest in this matter due to his family having historical ownership of the property. Councillor Honey remained in the Chamber.
Question for future meeting: Short Term Rental Accommodation Policy	21/7/20 20/220OC	Committee recommendation that Council as a matter of urgency, collates all relevant data and prepares a case for reducing the non-hosted short-term rental accommodation period in Kiama from 365 days to 180 days per year and that this information is provided to the Minister for Planning, requesting that a Ministerial Direction is issued, reducing the total occupancies allowable under the Fair Trading Amendment (Short-term Rental Accommodation) Act 2018.	<p>For: Councillors Honey, Reilly, Rice, Way and Westhoff Against: Councillors Brown, Steel and Watson</p>	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2019.85.1 – Lot 1 DP 798617 Jamberoo Mountain Road, Jamberoo – proposed rural dwelling house	18/8/20 20/239OC	<p>Committee recommendation that Council refuse Development Application No 10.2019.85.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for the following reasons:</p> <ol style="list-style-type: none"> 1. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(i), the development is unacceptable and the proposal must be refused because: <ol style="list-style-type: none"> a) The proposed development does not satisfy the objective of the RU2 – Rural Landscape zone To encourage sustainable primary industry production by maintaining and enhancing the natural resource base under the Kiama Local Environmental Plan 2011, because the proposal is focused on residential related purposes, which will dominate any future agricultural use of the land; and b) The proposed development does not satisfy the objective of the RU2 – Rural Landscape Zone To maintain the rural landscape character of the land under the Kiama Local Environmental Plan 2011, because approval of the development will negatively fragment the land from achieving long term agricultural production in the RU2 Zone; and c) The proposed development does not satisfy the objective of the RU2 – Rural Landscape Zone To provide for a range of compatible land uses, including extensive agriculture under the Kiama Local Environmental Plan 2011, because the proposal does not provide for a range of compatible land uses as the site is significantly undersized limiting the viability of agricultural pursuits on the land; and d) The proposed development is inconsistent with the aims of cl 1.2 (2)(d)&(h) under the Kiama Local Environmental Plan 2011 e) The proposed development does not satisfy objective cl 4.2A(1)(a) to minimise unplanned rural residential development as the proposal is 76% under the minimum lot size requirement pursuant to cl 4.2A (3)(a); and f) The proposed development does not satisfy the objective cl 4.2A(1)(a) to minimise unplanned rural residential development as the proposed location is in a visually prominent location that will disrupt the established rural residential settlement pattern of the Jamberoo locality; and g) The proposed development does not does satisfy the objective cl. 4.3A(1)(b) as the structure on the site known as ‘Bully’s Cottage’ is not presently constructed to be fit and safe for human habitation to enable its replacement under cl. 4.2A(5)(a). 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2019.85.1 – Lot 1 DP 798617 Jamberoo Mountain Road, Jamberoo – proposed rural dwelling house CONTD		<ol style="list-style-type: none"> 2. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(i), the development is unacceptable and must be refused because the written exception to development standard submitted under Clause 4.6 – Exception to Development Standards under the Kiama Local Environmental Plan 2011 is not well founded as the variation does not reasonably justify why compliance is unreasonable and unnecessary. 3. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(i), the development is unacceptable and must be refused because the written exception to development standard submitted under Clause 4.6 – Exception to Development Standards under the Kiama Local Environmental Plan 2011 is not well founded as the variation does not provide sufficient environmental planning grounds to contravene the minimum lot size development standard. 4. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(i), the development is unacceptable and must be refused because the written exception to development standard submitted Clause 4.6 – Exception to Development Standards under the Kiama Local Environmental Plan 2011 is not in the Public Interest as the development is inconsistent with the objectives of the RU2 - Rural Landscape Zone and objectives of cl 4.2A. 5. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(iii) the development is unacceptable and the proposal must be refused because: <ol style="list-style-type: none"> i. The proposal is non-compliant with un-numbered Control of Section 1 of Chapter 6 of the Kiama DCP 2012 as the proposed development is sited on the side of a ridge; and ii. The proposal is inconsistent with the first two objectives under the heading Overall Objectives under Chapter 6 of the Kiama DCP 2012; and 6. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(c) the development is unacceptable and the proposal must be refused because the proposed development is on a significantly undersized allotment which will jeopardize any future agricultural use on the land. 7. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(d) the development is unacceptable and the proposal must be refused because during the initial notification period 1 submission against the proposal raised that the Lot is significantly undersized and approval would set an undesirable precedent in the Jamberoo locality. 		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2019.85.1 – Lot 1 DP 798617 Jamberoo Mountain Road, Jamberoo – proposed rural dwelling house CONTD		8. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(e) the proposed development is not in the public interest and must be refused, because the proposal sets an undesirable planning precedent, is inconsistent with the objectives of the RU2 – Rural Landscape Zone, is inconsistent with the objectives of cl. 4.2A, and is inconsistent with controls in relation to the siting of development in the rural zone.		
10.2019.176.1 – Lot 11 DP 258846 - 95 Shoalhaven Street, Kiama - demolition of existing dwelling, 2 Lot Torrens Title subdivision & construction of 2 attached dual occupancies including pool to proposed Lot 110 residence B	18/8/20 20/2400C	Committee recommendation that Council approve Development Application 10.2019.176.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Steel, Watson, Way and Westhoff Against: Councillors Rice and Sloan	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Minnamurra Bike Skills Track Final Design	18/8/20 20/242OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. Note the information provided in response to the 21 November 2017 Council resolution providing approval for the project. 2. Approve the final design of the Minnamurra Bike Skills Track project to be constructed in Sanctuary Place Quarry. 3. Pursuant to Section 632 of the Local Government Act 1993 (acting contrary to notices erected by Council), declare the following activities to be prohibited activities, at Sanctuary Place Quarry, located on Lot 1 DP 593079 (Ritchie Place, Minnamurra) – <ol style="list-style-type: none"> a. motorbike or trail bike riding, b. driving or parking of motor vehicles on the track, c. playing golf, d. lighting of fires, e. camping, f. taking dogs or animals onto the site, g. smoking, h. flying drones, i. selling of food (unless otherwise approved by Council), j. illegal dumping of waste and, k. disposal of domestic, commercial or demolition waste in public place bins 4. Pursuant to Section 632A of the Local Government Act 1993, declare Sanctuary Place Quarry, located on Lot 1 DP 593079 (Ritchie Place, Minnamurra) to be an Alcohol Prohibited Area. 	<p>For: Councillors Brown, Honey, Rice, Sloan, Steel, Watson and Way Against: Councillors Reilly and Westhoff</p>	
Rescission Motion: Item 16.15 Question for future meeting: Short Term Rental Accommodation Policy - 21 July 2020 meeting		<p>It was moved by Councillor Brown and seconded by Councillor Steel that Council rescind committee recommendation 20/220OC of the 21 July 2020 ordinary meeting that Council as a matter of urgency, collates all relevant data and prepares a case for reducing the non-hosted short-term rental accommodation period in Kiama from 365 days to 180 days per year and that this information is provided to the Minister for Planning, requesting that a Ministerial Direction is issued, reducing the total occupancies allowable under the Fair Trading Amendment (Short-term Rental Accommodation) Act 2018.</p> <p>The motion on being put was lost.</p>	<p>For: Councillors Reilly, Rice, Sloan, Way and Westhoff Against: Councillors Brown, Honey, Steel and Watson</p>	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2020.67.1 – Lot 2 SP 98549 – 2G/17 Noble Street, Gerringong – Medical Centre	18/8/20 20/247OC	Committee recommendation that Council approve Development Application No 10.2020.67.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson, Way and Westhoff Against: Nil	Councillor Sloan declared a significant pecuniary interest in this matter as his spouse is partner in an existing/competing medical practice. Councillor Sloan took no part in discussion or voting on this matter. Councillor Sloan left the meeting at 06:35 pm. Councillor Sloan returned to the meeting at 06:35 pm.
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	18/8/20 20/248OC	Committee recommendation that Council: 1. Strongly object to the actions of the Applicant in demolishing the dwelling at 47 Thomson Street that occurred without the notification or approval of Council. 2. Continue to investigate and take action for any breach or non-compliance resulting from the demolition of the dwelling undertaken under Complying Development Certificate No. 12.2019.71.1 and approved by a Private Certifier. 3. Approve Development Application No 10.2018.225.1 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 a condition stipulating that wildlife supervision and rescue be available at the time of tree removal.	For: Councillors Brown, Honey, Reilly, Sloan, Steel, Watson, Way and Westhoff Against: Councillor Rice	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Question for future meeting: Protection of Kiama's Heritage Buildings	18/8/20 20/257OC	Committee recommendation that a report is prepared to provide further discussion of budgetary options raised in the report in relation to heritage protection including but not limited to allocating funds for a permanent heritage officer, establishing heritage grant programs and providing additional/alternative resources for the Family History Centre.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
10.2019.179.1 – Lot 12 DP 1259233 (LOT 103 DP 561082 at the time the application was lodged) - 96 Rose Valley Road, Rose Valley – Farms	22/9/20 20/242OC	Committee recommendation that Council approve Development Application No 10.2019.179.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Steel, Watson, Way and Westhoff Against: Councillors Rice and Sloan	
Planning Proposal - Rezone part of 48 and 86 Campbell Street, Gerringong	22/9/20 20/243OC	Committee recommendation that Council not support this Planning Proposal, to rezone part of Lot 2 DP 1168922 and part of Lot 11 DP 1045242 – 48 and 86 Campbell Street, Gerringong, as it is inconsistent with the Kiama Local Strategic Planning Statement 2020 and therefore fails the strategic merit test.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
<p>10.2019.227.1 - Lot 19 DP 156143 - 139 Manning Street, Kiama - Demolition of existing dwelling & associated structures, construction of attached dual occupancy & 2 Lot Torrens Title Subdivision</p>	<p>22/9/20 20/251OC</p> <p>20/252OC</p>	<p>Committee recommendation that Council approve Development application 10.2019.227.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.</p> <p>Committee recommendation that Council engages in a review of Kiama Development Control Plan Chapters 3 and 6 to ensure that respect for local character, including roof pitch in areas adjoining older urban development, is consistently reflected throughout these chapters and reinforced by related controls.</p>	<p>For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil</p> <p>For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil</p>	
<p>10.2020.44.1 - Lot 1 DP 796950 - 169 Willowvale Road, Willow Vale - secondary dwelling, ancillary equipment shed and associated earthworks</p>	<p>20/10/20 20/292OC</p>	<p>Committee recommendation that Council approve Development Application No 10.2020.44.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to necessary and reasonable conditions determined by Kiama Municipal Council.</p>	<p>For: Councillors Brown, Reilly, Steel, Watson and Way Against: Councillors Honey, Rice and Sloan</p>	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Housekeeping Amendments to Kiama Local Environmental Plan 2011 to address mapping anomalies	20/10/20 20/293OC	Committee recommendation that Council <ol style="list-style-type: none"> 1. Endorse the preparation of a Planning Proposal for housekeeping amendments to the Kiama LEP 2011 to: <ol style="list-style-type: none"> a. Amend land use annotations for land zoned SP2 Infrastructure; b. Rezone Public Reserves to RE1 Public Recreation; c. Rezone 20 Eddy Street, Kiama, from SP2 Infrastructure to B2 Local Centre; and d. Rezone 133 North Kiama Drive, Kiama Downs, from R2 Low Density Residential to SP2 Infrastructure – Water Supply System. 2. Forward the Planning Proposal to the Department of Planning, Industry and Environment for Gateway Determination. 3. Request plan-making delegations from the Department of Planning, Industry and Environment. 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil	
	20/294OC	Foreshadowed motion Committee recommendation that Council note that there are zoning anomalies with the Terrestrial Biodiversity Land of Werri Beach, Sheets BIO_014 and BIO_013. As Terrestrial Biodiversity Land it appears that this land should be zoned E2 Environmental Conservation rather than RE1 and that this anomaly should be investigated	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Jamberoo Sewerage Capacity	20/10/20 20/295OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. Express disappointment that adequate planning has not been undertaken and advice has not been provided by Sydney Water to Council and our residents regarding the capacity of the system at Jamberoo. 2. Work with Sydney Water to engage with and communicate to the Jamberoo Community about the capacity of the sewerage system. 3. Consider further options relating to existing permissible uses within the Jamberoo township and R5 zone, following further investigation and consultation to undertake such changes. 4. Strongly advocate to Sydney Water and the NSW Government for continued planning and upgrade options to be in place and funded for the Kiama Municipality. 5. Notes the Board Charter of Sydney Water is to deliver “essential services that our customers love” (13.1.1) and “to protect the environment, and to protect public health” (13.1.2). Clause 13.2 then states the Board’s responsibilities to Jamberoo residents (which are Sydney Water customers) and to the community include: <ol style="list-style-type: none"> a) being aware of and responsive to customer and community concerns; and b) acting honestly and in the public interest. 6. Notes that Sydney Water is a State Owned Corporation and is subject to the State Owned Corporations Act 1989. The principal objectives of State Owned Corporations, amongst other things, is “to exhibit a sense of social responsibility by having regard to the interests of community in which it operates” (s 20E(1)(b)). 7. Resolves to contact the Minister responsible for Sydney Water as a matter of urgency to determine the problems with the Jamberoo sewer system, particularly, the issue that the current pressurised system which works well in normal weather is under stress in wet weather and send a copy to our local member, The Hon. Gareth Ward MP. 8. Confirm to the Jamberoo community that we will work with them to find a solution to the current problems, such as health, environment and planning, amongst others, so they are not disadvantaged by their own LEP. 	<p>For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil</p>	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2020.73.1 - Lot 2 DP 709501 Connors Creek Road, Broughton Village - dwelling and water tank	20/10/20 20/297OC	Committee recommendation that Council approve Development Application No 10.2020.73.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil	
10.2020.106.1 – Lot 317 DP 703905 – 68 Barton Drive, Kiama Downs - Demolition of laundry, garage and pool, alterations to garage and laundry and 2 Lot Subdivision	20/10/20 20/309OC	Committee recommendation that Council approve Development Application No 10.2020.106.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to the conditions at the end of this report, and delegate authority to the Mayor and General Manager to affix the Council seal to the relevant documentation to release the restriction as to user secondly referred to in the Section 88B Instrument attached to Deposited Plan 73905, specifically for Lot 317.	For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson and Way Against: Councillor Sloan	
10.2019.185.1 - Lot 1 DP 610751 - 38 Long Brush Road, Jerrara - Eco-tourist facility with 4 tents, secondary dwelling (manager's residence), new access, signage and 5 space car park to be constructed in 2 stages	17/11/20 20/336OC	Committee recommendation that Council approve Development Application No 10.2019.185.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson, Way and Westhoff Against: Councillor Sloan	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2019.233.1 - Lot 2 DP 1202029 - 11 Willowvale Road, Willow Vale - Use of Crooked River Wines for 4 events each year over a 3 year period with events including a variety of live music, food, culture, sporting and community events	17/11/20 20/337OC	<p>Committee recommendation that Council:</p> <p>1. Approve Development Application No 10.2019.233.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report except as amended below:</p> <p style="padding-left: 40px;">(a) Condition (6) under heading 'General' be amended as follows:</p> <p style="padding-left: 80px;">(6) Two (2) weeks prior to the commencement of any event, subject of this consent, the event organiser and/or the person/s having the benefit of this consent is to provide Council and the owners/residents of properties on Willowvale Road and Baileys Road, and any other adjoining properties, with a notice of the upcoming event. This notice can be provided by way of signage, letterbox drop etc. and is to include the following details:</p> <ul style="list-style-type: none"> • The dates, times, patron capacity, and schedule of the event and; • The name, address and contact telephone number of the event coordinator and or complaint manager. <p style="padding-left: 40px;">(b) All conditions under headings 'On Site Sewer Management System' and 'Toilet cleaning/additional portable toilets' be deleted and replaced with the following conditions:</p> <p>On Site Effluent Management</p> <p>(1) Within 12 months from the date of this consent, a new/upgraded On-Site Sewage Management System, as recommended by the Soil and Site Assessment For Onsite Wastewater Disposal Report (REF: 3775WW) prepared by Harris Environmental Consulting, is to be installed and be operating.</p> <p>Note: A separate approval, under Section 68 of the Local Government Act 1993, to install and operate the new/upgraded On-Site Sewage Management System is required.</p>		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2019.233.1 Contd.		<p>(2) When events, the subject of this consent, are held, the event organiser and/or the person/s having the benefit of this consent shall ensure for the provision of the following sanitary facilities:</p> <p>a. events with patron numbers between 2,001 and 2,500:</p> <ul style="list-style-type: none"> i. 10 male water closets; and ii. 18 male urinals; and iii. 20 female water closets; and iv. 20 hand basins. <p>b. events with patron numbers less than 2,001:</p> <ul style="list-style-type: none"> i. 9 male water closets; and ii. 15 male urinals; and iii. 18 female water closets; and iv. 12 hand basins. <p>Note: The existing toilets within the existing restaurant are to be used exclusively for the VIP patrons of these events. Portable toilets, which collect wastewater for off-site removal, will need to be brought on site to provide the required sanitary facilities.</p> <p>(c) The consent is to include clarification that the imposed conditions only apply to the four 'major' events as defined in conditions (3) and (4) under the heading 'General'.</p> <p>2. Require the applicant to commence the preparation of a Planning Proposal and submit this to Council, to seek the inclusion of function centres within the permissible land use table for the subject site.</p>	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
Endorsement of Planning Proposal to reclassify 85 Attunga Avenue, Kiama Heights	17/11/20 20/338OC	Committee recommendation that Council defer endorsement of the planning proposal and form a small group to meet the land owners of the property at the rear of 85 Attunga Avenue, Kiama Heights, in the immediate future, to discuss access options from 85 Attunga Avenue to Easts Beach.	For: Councillors Brown, Reilly, Rice, Sloan, Steel, Watson and Westhoff Against: Councillors Honey and Way	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Reimbursement: Development modification application 10.2018.279.2	17/11/20 20/346OC	Committee recommendation that Council: 1. reimburse the development modification application fees of \$1,186.00 for DA 10.2018.279.2 to the member of the Kiama Power Australian Football Club who paid these lodgement fees. 2. note the correspondence received from the President of Kiama Junior Australian Football Club, Mr Dirk Ovenden, dated 12 November 2020 (Attachment A).	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
Jamberoo Sewerage Connection- Current Development Applications- Fees Reimbursement Request	17/11/20 20/348OC	Committee recommendation that Council provide a reimbursement of all fees paid for the applications numbered 10.2020.28.1, 10.2020.83.1 and 10.2020.96.1, once the applications have been withdrawn from Council.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
Lot D DP 160615 - 66 Collins Street, Kiama - Outcomes of Heritage Assessment and Interim Heritage Order	17/11/20 20/349OC	Committee recommendation that Council: 1. remove the Interim Heritage Order over Lot D DP 160615 – 66 Collins Street, Kiama 2. notify the owners of the property of this resolution 3. continue the assessment of Development Application 10.2019.230.1. An amendment was moved by Councillor Reilly and seconded by Councillor Westhoff that Council: 1. remove the Interim Heritage Order over Lot D DP 160615 – 66 Collins Street, Kiama 2. notify the owners of the property of this resolution 3. continue the assessment of Development Application 10.2019.230.1 4. in agreement with the owner, seek to preserve in perpetuity the visual character of that dwelling, indeed, the surrounding area in their ownership. 5. undertake preparations for a Southern Town Centre Residential Heritage Conservation Area working collaboratively with all owners. The amendment on being put was lost.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil For: Councillors Reilly and Westhoff Against: Councillors Brown, Honey, Rice, Sloan, Steel, Watson and Way	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Request to Remove Restriction-as-to-User - Lot 320 DP 703905 – 74 Barton Drive, Kiama Downs	17/11/20 20/350OC	Committee recommendation that Council delegate authority to the Mayor and General Manager to affix the Council seal to the relevant documentation to release the restriction as to user secondly referred to in the Section 88B Instrument attached to Deposited Plan 703905, specifically for Lot 320 known as 74 Barton Drive, Kiama Downs.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
Item 11.7 – Reimbursement: Development modification application 10.208.279.2	15/12/20 20/361OC	Resolved that Council provide a one-off donation of \$7,647.54 to Kiama Power Junior AFL Club for Section 711 fees under development application 10.2018.279.2 to reimburse Council fees paid by a member of the Club.	For: Councillors Brown, Honey, Reilly, Rice, Watson, Way and Westhoff Against: Nil	
Motion	15/12/20 20/363OC	Resolved that Council write to the Federal Minister of Environment, Sussan Ley and outline our concern that there may be a potential breach to the Environment Protection and Biodiversity Conservation Act in relation to the approvals granted for the Dunmore Lakes Modification 2 - Boral Sand Mine.	For: Councillors Brown, Honey, Reilly, Rice, Watson, Way and Westhoff Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights - Alterations and additions to existing dwelling	15/12/20 20/376OC	<p>Committee recommendation that Council refuse Development Application No 10.2020.139.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979, for the following reasons:</p> <ol style="list-style-type: none"> 1. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(a)(iii) the development is unacceptable and the proposal must be refused because: <ol style="list-style-type: none"> i. The proposal is non-compliant with Kiama DCP 2020 Chapter 6: Building Line Controls – Front Building Lines 6.1.16 as the proposed development has not been provided with a 6m front setback. ii. The proposed development is non-compliant with Kiama DCP 2020 Chapter 6: Building Line Controls – Building Lines for Garages or Carports 6.1.24 as the proposed development has not been provided with a 6m front setback. iii. The proposed development is non-compliant with Kiama DCP 2020 Chapter 6: General Objectives 6.1.8 to ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character. iv. The proposed development is non-compliant with Kiama DCP 2020 Chapter 6: Control 6.1.6 to maintain and improve the existing and future desired character/amenity of residential zones. Council will only approve of new dwelling houses/additions where they are compatible with the existing and environmental character of the locality and have a sympathetic and harmonious relationship with adjoining development. 2. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(b) the development is unacceptable and the proposal must be refused because: <ol style="list-style-type: none"> a) The proposed development has adverse impacts on the existing streetscape and does not protect the established character of the neighborhood; and b) The proposed development has not been appropriately designed and sited to minimise impacts on the streetscape and will disrupt the amenity of adjoining properties; and c) The proposal does not allow for vehicles to be stack parked in front of the garage and be wholly within the property boundary. This will lead to them being parked on the footpath road reserve and interfere with pedestrian access. 		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2020.139.1 - Lot 285 DP 30126 - 16 Elanora Road, Kiama Heights - Alterations and additions to existing dwelling CONTD.		<p>3. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(b) the development is unacceptable and the proposal must be refused because the proposed development does not create a suitable planning outcome as the proposal will have an impact on the built environment in the locality.</p> <p>4. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(e) the proposed development is not in the public interest and must be refused because the proposal sets an undesirable planning precedent, is inconsistent with controls in relation to the siting of development in the R2 zone, and does not reasonably mitigate the overall impacts associated with the proposal.</p>	<p>For: Councillors Brown, Honey, Rice, Steel, Watson and Westhoff Against: Councillor Way</p>	
10.2020.66.1 - Lot 7 DP 313028 - 21 Burke Parade, Gerroa – 2 Lot Torrens Title Subdivision	15/12/20 20/377OC	Committee recommendation that Council defer Development Application No 10.2020.66.1 until Councillors have further considered the matter at a briefing in the new year.	<p>For: Councillors Brown, Honey, Reilly, Rice, Steel, Way and Westhoff Against: Councillor Watson</p>	
10.2019.213.1 - Lot 1 DP 740414 - 10 Manning Street, Kiama – Alterations to upper storey and construction of additional storey (residential) atop of the existing commercial building	15/12/20 20/378OC	Committee recommendation that Council approve Development application 10.2019.213.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	<p>For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson and Westhoff Against: Nil</p>	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2019.81.1 - Lot 52 DP 802835, Lot 90 DP 844399, Lots 91, 92, 93, & 94 DP 1103274 - 14 & 16 Bland Street, Kiama - Demolition of Existing dwelling, construction of multi dwelling consisting of 4 attached dwellings and Community Title Subdivision	15/12/20 20/379OC	Committee recommendation that Council approve Development Application No 10.2019.81.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson and Westhoff Against: Nil	
10.2019.112.2 - Lot 100 DP 1175715 - 1215 Jamberoo Road, Curramore - Modified - Demolition of existing water slides and pool & construction of water slides, children's play area & pedestrian facilities	15/12/20 20/384OC	Committee recommendation that Council approve Section 4.55 Modification of Consent Application No. 10.2019.112.2 under Section 4.55 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson and Westhoff Against: Nil	
10.2020.101.1 - Lot 2 DP 598759 - Cliff Drive, Kiama Downs – Construction of public staircase in Bombo Quarry	15/12/20 20/386OC	Committee recommendation that Council approve Development Application No 10.2020.101.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson, Way and Westhoff Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Cancellation of Planning Proposal - Lot 3 DP 1018217 - Dido Street, Kiama	15/12/20 20/387OC	Committee recommendation that Council request an amended Gateway determination from the NSW Department of Planning, Industry and Environment to no longer proceed with PP_2018_KIAMA_002_03 which seeks to rezone Lot 3 DP 1018217 Dido Street, Kiama.	For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson, Way and Westhoff Against: Nil	
Planning Reform - Public Legacy Program and Action Plan	15/12/20 20/388OC	Committee recommendation that support Council achieving the targets set by the Public Spaces Legacy program, Council reinstate delegated authority to the General Manager to: <ol style="list-style-type: none"> 1. Determine all Development Applications – <ol style="list-style-type: none"> a) with a value of up to \$5 million and that have received no more than five objections during any notification period. 2. Determine Modification of Development Applications where – <ol style="list-style-type: none"> a) there is no significant change to the external configuration of the building and, b) where the value of the modifications themselves do not exceed the \$5 million threshold and that have received no more than five objections during any notification period. 	For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson, Way and Westhoff Against: Nil	
Submission on Draft Illawarra Shoalhaven Regional Plan 2041	15/12/20 20/389OC	Committee recommendation that Council endorse the submission on the draft Illawarra Shoalhaven Regional Plan 2041 to be sent to the NSW Department of Planning, Industry and Environment.	For: Councillors Brown, Honey, Reilly, Rice, Steel, Watson, Way and Westhoff Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Revision of Council's Fees and Charges - Development Applications and Requests for Information	09/02/21 21/16OC	Committee recommendation that Council advertise revised Fees and Charges in relation to combined Development Applications and Construction Certificates and the retrieval of off-site records associated with informal Government Information (Public Access) applications as detailed in the background section of this report in accordance with the requirements of the Local Government Act 1993.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
10.2020.190.1 - Lot 201 DP 1022563 - 16 Crooked River Road, Gerroa - Primary & Secondary Dwelling, 2 Pools, Shed, Driveway & 2 Woodheaters	16/03/21 21/42OC	Committee recommendation that development application 10.2020.190.1 - Lot 201 DP 1022563 - 16 Crooked River Road, Gerroa be refused. The proposal does not satisfy clause 4.2A(3)(a) minimum lot size under the Local Environmental Plan Lot Size Map to permit the erection of a dwelling house. It is such an overdevelopment of the site that it extinguishes any argument for Council to vary this clause due to the proposal's additional non-compliance with Council's Local Strategic Planning Statement Planning Priority 9, E3 zone objectives and Development Control Plan clauses O:3.2.4, O:3.2.8, O:3.2.9, O:3.2.10, 3.2.11, 3.2.14, 6.2.12 and 8.4.10.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Way and Westhoff Against: Councillor Watson	
10.2020.113.1 – Lot 10 DP 38751 – 4 Darien Avenue, Bombo - Staged Development - Stage 1 Demolition of Existing Dwelling and Construction of Dual Occupancy, Stage 2 - Two (2) Lot Torrens Title Subdivision	16/03/21 21/43OC	Committee recommendation that Council approve Development Application No 10.2020.113.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Reilly, Sloan, Steel, Watson and Way Against: Councillors Honey, Rice and Westhoff	Councillor Steel declared a less than significant non-pecuniary interest in this matter as as he lives in Darien Avenue, Bombo. Councillor Steel took part in discussion and voting on this matter.

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Council Submission on the Draft Kiama Harbour Revitalisation Strategic Framework	16/03/21 21/44OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. Note the development of the Draft Kiama Harbour Revitalisation Strategic Framework by Transport for NSW in consultation with Council and the local community. 2. Endorse Council's submission on the Draft Kiama Harbour Revitalisation Strategic Framework as contained in the body of this report, with the following amendments and additions – <ol style="list-style-type: none"> a. amend Item 1 to remove first sentence expressing gratitude for collaborative consultation approach by Transport for NSW b. delete Item 2, stating that the draft plan generally aligns with associated Council strategies c. amend Item 3 to remove first sentence indicating Council support for the proposed Visions and Objectives for the strategic framework and recognising the appropriateness of the principles used d. amend Item 5b to remove the word 'severely' from sixth line referencing restrictions on access to the area around the rock pool e. amend Item 5c by adding the following to strengthen wording in the submission opposing the relocation of the boat ramp – "Council is not supportive of the relocation on the basis that the existing location and supporting infrastructure is considered appropriate and adequate for the location. In addition, the proposed relocation of the boat ramp appears to contradict the guidelines and safety considerations for boat ramps as stated in Transport for NSW's Maritime Boat Ramp Facility Guidelines, specifically in regards to proximity to trailer parking, open space and public swimming areas." f. amend the first sentence of Item 5e to read "Council is supportive of but is not the lead agency responsible for the repair and upgrade of the damaged seawalls (Item 1.3) as this is a State Government (TfNSW) responsibility." g. amend Item 5f to clarify Council's opposition to a Marina-style facility to include reference to Figure 30 in the draft Strategic Framework h. add a new Item 5,g) stating "Council is supportive of further investigations into smaller scale breakwater extensions or groyne installation at the entrance of the harbour to improve and protect existing harbour infrastructure, similar to Figure 29 in the Draft Strategic Framework." 3. Grant the General Manager authority to finalise the submission based on Councillor feedback and forward it to Transport for NSW by 17 March 2021. 	<p>For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil</p>	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Planning Proposal to reclassify 85 Attunga Avenue, Kiama Heights	13/04/21 21/65OC	Committee recommendation that Council proceeds with its prior resolution for a small delegation to meet with the owners of the adjacent property to discuss the potential for access arrangements in the future.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
10.2019.221.1 - Lot 47 DP 245502 - 41 Hillview Circuit, Kiama - Staged 2 Lot Torrens Title Subdivision and Construction of Dwelling House	13/04/21 21/66OC	Committee recommendation that Council approve Development Application No 10.2019.221.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Sloan, Watson, Way and Westhoff Against: Councillors Rice and Steel	Councillor Watson declared a less than significant non-pecuniary interest in this matter as he is a near neighbour. Councillor Watson took part in discussion and voted on this matter.13/
	21/67OC	Committee recommendation that Council write to the Roads and Maritime Services requesting a noise assessment be undertaken and consideration give to the installation of barriers to mitigate road noise for affected residents in Hillview Circuit and surrounds.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Planning Proposal - Rezone part of 48 Campbell Street, Gerringong	20/04/21 21/90OC	Committee recommendation that Council support this Planning Proposal, to rezone part of Lot 2 DP 1168922 – 48 Campbell Street, Gerringong, as it is consistent with Kiama Local Strategic Planning Statement 2020 and therefore satisfies the strategic merit and site-specific merit tests.	For: Councillors Brown, Honey, Steel, Watson and Way Against: Councillors Reilly, Rice and Sloan	
10.2018.225.2 – Lot B DP 164747 – 47 Thomson Street, Kiama – Modification of Consent	20/04/21 21/95OC	Committee recommendation that Council approve Section 4.55 Modification of Consent Application No 10.2018.225.2 under Section 4.55 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil	
10.2020.208.1 – Lot 49 DP 241462 - 44 Armstrong Avenue, Gerringong - Demolition of existing dwelling, new 2 storey dwelling & pool	20/04/21 21/96OC	Committee recommendation that Council approve Development Application No 10.2020.208.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2020.139.1 – Lot 285 DP 30126 – 16 Elanora Road, Kiama Heights – Alterations & additions to existing dwelling	18/05/21 21/137OC	Committee recommendation that Council approve Development Application No 10.2020.139.1 under Section 8.2 review of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Clrs Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
10.2020.266.1 – Lot 126 DP 788993 – 16 Willowbank Place, Gerringong - Dual Occ & Torrens Title Subdivision - alterations and additions to residence to create an attached dual occupancy with Torrens Title Subdivision	18/05/21 21/138OC	Committee recommendation that Council: <ol style="list-style-type: none"> 1. approve Development Application No 10.2020.266.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report. 2. vary the restriction as to use of land for which Council is the benefited authority and the body empowered to vary the restriction on use of land. 3. investigate how the restriction on the use of land can be removed from all allotments within the Willowbank Estate and provide a report back to Council detailing the findings. 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
Secondary Dwellings in Rural Zones	18/05/21 21/139OC	Committee recommendation that Council write to the Department of Planning, Industry & Environment to: <ol style="list-style-type: none"> 1. request the inclusion of clause 5.5 into Kiama Local Environmental Plan 2011 as follows: If development for the purposes of a secondary dwelling is permitted under this Plan on land in a rural zone: <ol style="list-style-type: none"> (a) The total floor area of the dwelling, excluding any area used for parking, must not exceed whichever of the following is the greater- <ol style="list-style-type: none"> i. 120 square metres, ii. 0% of the total floor area of the principal dwelling, and (b) The distance between the secondary dwelling and the principal dwelling must not exceed 60 metres. 2. outline Council's concern and disappointment with the 18 December 2020 amendments as referenced in this report. 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2020.194.1 – Lot 2 SP 93088 – 2/16 Hutchinson Street, Bombo – Double Storey Dwelling	15/06/21 21/131OC	Committee recommendation that Council approve Development Application No 10.2020.194.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions/reasons at the end of this report.	For: Councillors Brown, Honey, Reilly, Sloan, Steel, Watson and Westhoff Against: Councillors Rice and Way	
Planning Proposal - Lot 2 DP 1018217 Dido Street, Kiama	15/06/21 21/132OC	Committee recommendation that Council request an amended Gateway Determination from the NSW Department of Planning, Industry and Environment to no longer proceed with PP_2019_KIAMA_003_01 to rezone part of Lot 2 DP 1018217 Dido Street, Kiama.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
Kiama Heritage Review - Quote Variations	15/06/21 21/140OC	Committee recommendation that Council: <ol style="list-style-type: none"> 1. Notes that in August 2020 GML Heritage were award the contract to undertake the Kiama Heritage Review for a total fee of \$148,225 (incl. GST). 2. Approves the variations to the contract awarded to GML Heritage to complete the amended Kiama Heritage Review, taking the total contract value to \$204,985 (incl. GST). 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Planning Proposal - Lot 442 DP 1201831 - Henry Parkes Drive, Kiama Downs – Finalisation	15/06/21 21/142OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. Endorse this Planning Proposal to rezone part of Lot 442 DP 1201831 Henry Parkes Drive, Kiama Downs from E2 Environmental Conservation to R2 Low Density Residential. 2. List dry stone walls in the Kiama Downs area as local heritage items in Schedule 5. 3. Use its plan making delegations to make the necessary amendments to the Kiama Local Environmental Plan 2011 	<p>For: Councillors Brown, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil</p>	<p>Councillor Honey declared a significant pecuniary interest in this matter as he is related to the applicant. Councillor Honey took no part in discussion or voting on this matter. Councillor M Honey left the meeting at 06:51 pm.</p>
10.2007.338.8 – 15 Noble Street, Gerringong – Modified New Residential Flat Building	28/06/21 21/161OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. Express it's deep concern and disappointment at the work that has occurred outside of the required consent process and in line with our existing policy provisions and precedent, confirm that this is unacceptable 2. Authorise staff through the CEO to initiate regulatory action and impose any Penalty Infringement Notices available to us under the both the Environmental Planning and Assessment Act 1979 and the Local Government Act 1973 3. Given the specific circumstances of this case, approve the Section 4.55 Modification of Consent Application No. 10.2007.338.8 under Section 4.55 of the Environmental Planning and Assessment Act 1979, subject to conditions as specified in the draft Development Consent 4. Through the CEO authorise staff to issue any applicable Penalty Notice prior to the issue of the Development Consent Notice to the Applicant. 	<p>For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil</p>	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Planning Proposal - Lot 40 DP 1230679 - 5 Sims Road, Gerringong - Commencement	28/06/21 21/162OC	Committee recommendation that Council: <ol style="list-style-type: none"> 1. support the proponent led Planning Proposal on Lot 40 DP 1230679, 5 Sims Road Gerringong, proceeding to the Department of Planning, Industry and Environment (DPIE) for Gateway Determination (the next step in the planning proposal process) as it satisfies the strategic merit and site specific merit test. 2. provide further detailed communication to the community about the process that is to be followed for all planning proposals and the future further engagement that is required to occur for this process under legislation. 	For: Clrs Brown, Honey, Reilly, Steel, Watson, Way and Westhoff Against: Councillors Rice & Sloan	
Planning Proposal - Multiple Lots - South Kiama - Finalisation	28/06/21 21/163OC	Committee recommendation That Council write to the Minister for Planning and Public Spaces to: <ol style="list-style-type: none"> 1. Inform the Minister that the proponent lead Planning Proposal, PP_2019_KIAMA_004_00, for land south of Saddleback Mountain Road, north of Weir Street and to the west of and immediately adjacent to the Princes Highway now fails to satisfy the Strategic Merit and Site-Specific Merit Tests for the following reasons: <ul style="list-style-type: none"> • other initiatives have now been pursued by Council, some to completion, to meet projected housing needs identified in the Illawarra Shoalhaven Regional Plan. This includes: <ul style="list-style-type: none"> o the planning proposal for Henry Parkes Drive, Kiama Downs o the planning proposal for 48 Campbell Street, Gerringong o completion of the Local Strategic Planning Statement and o the commitment to prepare and adopt a Local Housing Strategy by 30 June 2022 • the proposal is inconsistent with Ministerial Directions 2.3 Heritage Conservation, 4.3 Flood Prone Land and 6.1 Approval and Referral Requirements • the amount of fill the proponent considers necessary to make the site suitable is excessive and completely outside Council's policy framework and provisions. The proposed cut and fill in fact suggests that the site is in not suitable for this level of development, noting the Southern Planning Panel's conclusion that the site would have site-specific merit through further refinement and reduction in initial yields (with no reduction of yields provided in this application) • there remains significant community opposition to the proposed development and this development is not deemed to be within the public interest • there also remains significant concerns relating to the following matters: <ul style="list-style-type: none"> o impacts on local educational facilities particularly Kiama High School and Primary School to be able to support the additional population resulting from this proposal o significant impacts on traffic and movement particularly the intersection between Saddleback Mountain Rd and South Kiama Drive and local roads leading from there to the Princes Highway. A full traffic assessment and modelling is still required and needs to be associated with Council's Kiama Traffic and Parking Study o reservations remain regarding the ability for the site to be serviced by Sydney Water, given lack of forward planning that has occurred by Sydney Water to date. 2. Recommend that the NSW Department of Planning, Industry and Environment issue an amended Gateway Determination to no longer proceed with PP_2019_KIAMA_004_01 to rezone multiple Lots between Saddleback Mountain Road, Weir Street and the Princes Highway, Kiama. 		Disclosure of Interest - Councillor Watson Councillor Watson declared a less than significant non-pecuniary interest in relation to Item 4.4 Planning Proposal - Multiple Lots - South Kiama - Finalisation as he is a near neighbour. Councillor Watson took part in discussion and voted on this matter.

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2020.197.1 – 30 Cedar Ridge Road, Kiama – 3 Lot Torrens Title Subdivision	20/07/21 21/185OC	Committee recommendation that Council approve Development Application No 10.2020.197.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil	
10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling	20/07/21 21/186OC	<p>Committee recommendation that Council refuse Development Application No 10.2020.218.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to following reasons:</p> <p>DPIE Concurrence Refused</p> <p>1. Pursuant to the provisions of Clause 4.6(5) of Kiama LEP 2011, the delegate of the Secretary has declined the granting of concurrence to the Clause 4.6 exception to the lot size development standard in Clause 4.2A Erection of dwelling houses on land in certain rural and environment protection zones of Kiama LEP 2011 and must be refused because:</p> <ul style="list-style-type: none"> a) the proposed 98% variation from the minimum lot size for the erection of a dwelling is considered to be beyond the appropriate scope of Clause 4.6 under Kiama LEP 2011; b) the applicant has not demonstrated that the 40ha development standard for the erection of a dwelling is unreasonable or unnecessary; c) it is in the public interest that a variation of this size is not supported. Any dwelling proposed to be erected on the site should be considered through a strategic planning process ideally considering a larger area than just this site; d) the proposal could set an undesirable precedent for the erection of dwellings on other undersized lots; e) the proposal is considered to be inconsistent with the objectives of the RU1 Primary Production zone and Clause 4.2A(2) through proposing unplanned rural residential development; f) the proposal could set a precedent for adverse impacts on agricultural land that would be inconsistent with both the Illawarra Shoalhaven Regional Plan and the Draft Illawarra Shoalhaven Regional Plan 2041; and g) Council has not abandoned the development standard since the notification of Kiama LEP 2011. 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling CONTD		<p>Inappropriate Use of the Planning Regime</p> <p>2. Pursuant to Section 4.24 of the EP&A Act, the provisions of Section 4.15(1)(a)(i) of that Act and Clause 4.2A of Kiama LEP 2011 relating to development applications and development consents apply to the concept DA.</p> <p>The effect of the application of Clause 4.2A(3)(a) of Kiama LEP 2011 is that development consent must not be granted for the erection of the proposed single dwelling house on the 0.7041ha site having regard to the 40ha minimum lot size specified for that land.</p> <p>The dispensational power to uphold a written request pursuant to Clause 4.6 of Kiama LEP 2011 for exception to that development standard would not be exercised in the circumstances of the case. In the alternative, the concept DA is of no utility and is an inappropriate use of the planning regime established by the EP&A Act and must be refused because:</p> <ul style="list-style-type: none"> a) Section 4.24(1) of the EP&A Act provides that the provisions of or made under the EP&A Act or any other Act relating to development applications and development consents apply, except as otherwise provided by or under the EP&A Act or any other Act, to a concept development application and a development consent granted on the determination of any such application; b) Section 4.24(2) of the EP&A Act provides that while any consent granted on the determination of a concept development application for a site remains in force, the determination of any further development application in respect of the site cannot be inconsistent with the consent for the concept proposals for the development of the site; c) Section 4.15(1)(a) of the EP&A Act provides that in determining a development application, a consent authority is to take into consideration matters including the provisions of any environmental planning instrument as are of relevance to the development the subject of the development application; d) Clause 4.2A of Kiama LEP 2011 applies to the site such that development consent must not be granted for the erection of a dwelling house on land in the RU1 Primary Production zone and on which no dwelling house has been erected unless the land is a lot that is at least the minimum lot size specified for that land by the Lot Size Map; e) The minimum lot size specified for the site by the Lot Size Map is 40ha; f) The site has an area of 0.7041ha; g) Having regard to Clause 4.2A(4) and (5), there is no other exception which applies to the minimum lot size development standard in Clause 4.2A(3)(a); 		

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10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling CONTD		<p>h) A development standard which is not relaxed by dispensation granted under Clause 4.6 of a local environmental planning instrument prohibits the carrying out of development. It follows that a development standard that requires a lot to be not less than 40ha in size for the erection of a dwelling and which is not relaxed by a dispensation granted under Clause 4.6, will prohibit the carrying out of the relevant development. In the present case, the effect of this is that the erection of a dwelling on the site, where that standard is not and cannot be met, will be prohibited development;</p> <p>i) The concept DA expressly forecasts a proposed single dwelling house with associated garage and vehicular access, to be situated on the south-western portion of the site with frontage to Jamberoo Road, and seeks a 220m² building envelope for the proposed dwelling house;</p> <p>j) The dispensational power to uphold a written request pursuant to Clause 4.6 of Kiama LEP 2011 would not be exercised in the circumstances of the case, for the reasons which are detailed further below;</p> <p>k) In the alternative, on the basis that a variation to the minimum lot size development standard would not be supported in relation to any subsequent development application for the erection of the proposed dwelling house, for the reasons which are detailed further below, any development consent granted to the concept DA is futile;</p> <p>l) It is appropriate that the applicant's proposal be properly examined through the strategic planning process and not through an individual development application or multiple development applications (including a concept development application) as is proposed in this case.</p> <p>Inadequate Clause 4.6 Variation Request</p> <p>3. The development that is anticipated by the concept DA is for a rural residential use on a small lot and is inconsistent with the objectives of Clause 4.2A(1)(a) of Kiama LEP 2011, one of which aims 'to minimise unplanned rural residential development'. The development anticipated by the concept DA will create a use of the site for rural residential development on a lot that is 98% under the minimum lot size which applies for such development pursuant to Clause 4.2A (3)(a) of Kiama LEP 2011 and must be refused because:</p> <p>a) Clause 4.6(4) of Kiama LEP 2011 establishes preconditions that must be satisfied before a consent authority or the Court exercising the functions of a consent authority can exercise the power to grant development consent.</p> <p style="padding-left: 40px;">The consent authority must form two positive opinions of satisfaction under Clause 4.6(4)(a).</p> <p style="padding-left: 40px;">These preconditions are a jurisdictional fact because the formation of the opinion of satisfaction enlivens the power of the consent authority to grant development consent.</p>		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling CONTD		<p>The consent authority could and would not be satisfied that the applicant’s written request has adequately addressed the matters required to be addressed by Clause 4.6(3) and that the development anticipated by the concept DA will be in the public interest;</p> <p>b) The proposed variation to the applicable minimum lot size development standard which would be required in any subsequent application for the erection for a dwelling is representative of a 98% variation. Such a significant variation is beyond the appropriate scope of clause 4.6 of Kiama LEP 2011 and fails to meet the objectives of this clause which are as follows:</p> <ul style="list-style-type: none"> i. to provide an appropriate degree of flexibility in applying certain development standards to particular development; ii. to achieve better outcomes for and from development by allowing flexibility in particular circumstances. <p>c) The Clause 4.6 written request that has been submitted with the concept DA fails to adequately demonstrate the following matters which the consent authority must be satisfied of in order to support any variation of the minimum lot size development standard that is sought:</p> <ul style="list-style-type: none"> i. that compliance with the development standard is unreasonable or unnecessary in the circumstances; ii. that there are sufficient environmental planning grounds to justify contravening the development standard; iii. that it is in the public interest to allow a variation to the development standard. <p>d) As identified by Preston CJ in <i>Initial Action Pty Ltd v Woollahra Council</i> [2018] NSWLEC 118 at [24], there are two respects in which an applicant’s Clause 4.6 written request needs to be ‘sufficient’ in relation to the environmental planning grounds so as to justify the contravention of a development standard. These are:</p> <p>“First, the environmental planning grounds advanced in the written request must be sufficient “to justify contravening the development standard”. The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole [emphasis], and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole [emphasis]: see <i>Four2Five Pty Ltd v Ashfield Council</i> [2015] NSWCA 248 at [15].</p> <p>Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see <i>Four2Five Pty Ltd v Ashfield Council</i> [2015] NSWLEC 90 at [31].”</p>		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling CONTD		<p>The Clause 4.6 written request included in the concept DA fails to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard;</p> <p>e) The development anticipated by the concept DA fails to meet the objectives of the minimum Lot size standard specified at Clause 4.2A(3)(a) of Kiama LEP 2011. The objectives of this standard are as follows:</p> <ul style="list-style-type: none"> (a) to minimise unplanned rural residential development; (b) to enable the replacement of lawfully erected dwelling houses in rural and environmental protection zones. <p>As a result, compliance with this development standard is not unreasonable or unnecessary and the applicant’s Clause 4.6 written request is not well founded. On this basis the concept DA must fail because the development that it anticipates will fail;</p> <p>f) The consent authority cannot be satisfied that the proposed development will be in the public interest because it is not consistent with the objectives of the particular development standard (Clause 4.2A(3)(a) of Kiama LEP 2011) or the objectives of the RU1 Primary Production zone.</p> <p>Incompatibility of Development with Flood Hazard</p> <p>4. The development that is anticipated by the concept DA is for a rural residential use on a small lot and is not consistent with the objectives of and fails to satisfy the matters for consideration under Clause 6.3 – Flood Planning of Kiama LEP 2011 and must therefore be refused because:</p> <ul style="list-style-type: none"> a) The site is inundated by the 1% AEP flood event; b) The flood affectation of the site has been classified as high hazard flood way in the Spring Creek Catchment Flood Study prepared by GHD dated May 2014. The Study notes the NSW Government Floodplain Development Manual defines High Hazard as follows: “... possible danger to personal safety; evacuation by trucks difficult; able-bodied adults would have difficulty in wading to safety; potential for significant structural damage”. c) The flood affectation of the land has been classified as floodway in the Spring Creek Catchment Flood Study prepared by GHD dated May 2014. The Study notes the NSW Government Floodplain Development Manual defines floodway as follows: “... those areas of the floodplain where a significant volume of water flows during floods. They tend to be areas of natural channel and overland flow paths. Floodways are identified as those areas which, if blocked, would result in a significant increase in flood levels or a significant redistribution of flood flows”. d) The consent authority could not be satisfied that the development anticipated by the concept DA is compatible with the flood hazard of the site, nor that that it incorporates appropriate measures to manage risk to life from flood contrary to the provisions of Clause 6.3 of Kiama LEP 2011. 		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling CONTD		<p>Detrimental Visual Impact</p> <p>4. The development that is anticipated by the concept DA is for a rural residential use on a small lot and will have a detrimental impact on the scenic value and amenity of the locality and must therefore be refused because:</p> <ul style="list-style-type: none"> a) The site is a gateway site to Kiama and provides uninterrupted sweeping rural views comprised of low-lying grazing land set in a landscape dominated by steep vegetated land and on the northern side which is the dominant view when entering Kiama from the west; b) The site and its immediate surrounds form the interface between rural land and urban land at the western entry to Kiama. This interface is the deliberate and strategic outcome of a series of environmental planning processes administered by Council in accordance with the Kiama Urban Strategy and Kiama Local Strategic Planning Statement. Noting that the DA anticipates development for residential related purposes, and not rural related ones, this will undermine the strategic outcome that has been achieved and negatively impact the interface that has been established; c) The dwelling proposed to be erected on the site under a subsequent development application is to be located 10m from Jamberoo Road and is to have dimensions of 10m wide and 21m long having an area of 220m² and a maximum height of 8.5. This will be a very large building and its bulk and scale would be the dominant built element in this significant rural landscape which would diminish the importance and appreciation of the view, and is not acceptable considering the significant departure from the applicable minimum lot size for dwellings in the RU1 Zone; d) The concept DA lacks any Visual Impact Analysis of the potential impact of the development anticipated by the concept DA on the site and on the surrounding land. Therefore, the consent authority is unable to consider and assess the likely visual impacts of the development anticipated by the concept DA; and e) For the reasons described above, the erection of the dwelling that is anticipated by the concept DA conflicts with the objectives of the Kiama Urban Strategy and Kiama Local Strategic Planning Statement which have been prepared to ensure and promote the protection, restoration and enhancement of areas, such as the site, which have special aesthetic value. 		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling CONTD		<p>Inconsistent with Primary Production Zone Objectives</p> <p>6. The concept DA anticipates development that is inconsistent with the objectives for development in the RU1-Primary Production Zone and should therefore be refused because:</p> <ol style="list-style-type: none"> a) The concept DA anticipates development for rural residential purposes on such a significantly undersized lot which will not be used for a sustainable primary industry but will be for rural residential development, and this will preclude any future sustainable primary industry production of the site and will not maintain or enhance the natural resource base; b) The concept DA anticipates development for residential related purposes only, which will not encourage diversity in primary industry enterprises and systems appropriate for the area; c) The concept DA anticipates development for residential related purposes on a significantly undersized Lot and this will lead to more fragmentation of the area; d) The size of the lot and its intended use has the potential to lead to land use conflict with any adjoining agricultural use of the land; e) The concept DA anticipates development for rural residential use, which will dominate any future agricultural use of the land on the undersized allotment and will not protect agricultural land for long term agricultural production; and f) The concept DA anticipates development for rural residential use, which will not provide any opportunities for employment generating agricultural development. <p>Inconsistent with the Aims of Kiama LEP 2011</p> <p>7. The development that is anticipated by the concept DA is for a rural residential use on a small lot and is inconsistent with a number of the aims of Clause 1.2 of Kiama LEP 2011 and must be refused because:</p> <ol style="list-style-type: none"> a) The development anticipated by the concept DA (being the erection of a dwelling on the site) cannot comply with the minimum Lot size development standard and does not meet the objectives of this standard. The proposal is considered contrary to the following aims of Clause 1.2 (set out in italics below) and the following reasons for refusal are made in respect of these: <ul style="list-style-type: none"> • to maintain, protect and improve the natural environment including native vegetation, endangered ecological communities, natural habitat corridors, riparian land, groundwater dependent ecosystems and wetlands for their biodiversity values. <p style="margin-left: 40px;">The use of the site for rural residential purposes on such an undersized lot will be contrary to these aims because it will not protect and improve the natural environmental values listed.</p> <ul style="list-style-type: none"> • to protect agricultural land and restrict its fragmentation for purposes other than primary production. 		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
<p>10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling CONTD</p>		<p>The use of the site for rural residential purposes on such an undersized lot will be contrary to these aims because it will not protect agricultural land and will lead to further fragmentation of the agricultural land by adding more rural residential development into the landscape rather than primary production.</p> <ul style="list-style-type: none"> • to protect and enhance the coastal and rural character of Kiama’s rural towns, neighbourhoods and villages, and the characteristic scenic landscapes that contribute to its liveability and identity. <p>The use of the site for rural residential purposes on such an undersized lot will be contrary to these aims because it will not protect and enhance the coastal and rural character and the characteristic scenic landscapes that contribute to Kiama’s liveability and identity and will in fact hinder the attainment of the objective.</p> <ul style="list-style-type: none"> • to protect and maintain land used or to be used for employment in rural and urban areas <p>The use of the site for rural residential purposes on such an undersized lot will be contrary to these aims because it does not protect and maintain land that is used for employment in rural areas of the LGA.</p> <p>Coastal Protection</p> <p>8. The development that is anticipated by the concept DA is for a rural residential use on a small lot and is inconsistent with the aims of the “SEPP Coastal Management” and does not satisfy the matters for consideration prescribed in Clause 11 and 13 of this SEPP and must therefore be refused because:</p> <ul style="list-style-type: none"> a) The site is situated within the ‘Coastal Zone Land Application area’, ‘Coastal Wetlands Proximity Area’ and ‘Coastal Environmental Area’, all of which have been mapped by the SEPP Coastal Management; b) Having regard to clause 10(4) of the SEPP Coastal Management, a consent authority could not be satisfied that the proposed development will not significantly impact on the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest and therefore development consent must not be granted for the Concept DA; and c) Having regard to Clause 13(2) of the SEPP Coastal Management, a consent authority could not be satisfied that the development will not have an impact on the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, coastal environmental values and natural coastal processes and therefore development consent must not be granted for the concept DA. 		

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10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling CONTD		<p>Inconsistent with Provisions of Kiama LEP 2011</p> <p>9. The development that is anticipated by the concept DA is for a rural residential use on a small lot and is inconsistent with Clauses 5.10, 5.16, 6.1, 6.2, 6.5 and 6.12 of Kiama LEP 2011 and should therefore be refused because:</p> <p><i>Heritage</i></p> <p>a) The concept DA anticipates development that will be in the vicinity of five (5) Heritage Items listed in Schedule 5 of Kiama LEP 2011. The concept DA fails to adequately consider and assess the impact of the proposal on these listed heritage items;</p> <p>b) All of the items of local environmental heritage which are located in the vicinity of the site contribute to the scenic value and amenity of the locality and the development anticipated by the DA will diminish the heritage and scenic values of the area.</p> <p><i>Land Use Conflict</i></p> <p>c) Clause 5.16(3) of Kiama LEP 2011 provides that a consent authority must take certain matters into account when determining a development application for a dwelling house on land in the RU1 zone;</p> <p>d) Pursuant to Clause 5.16(4) the development of the site for rural residential development is likely to be incompatible with agricultural production which is the preferred and predominant land use in the vicinity of the site;</p> <p>e) The concept DA has failed to adequately consider and assess the impacts of this potential land use conflict.</p> <p><i>Acid Sulphate Soils</i></p> <p>f) The concept DA fails to satisfy and adequately address those matters for consideration referred to under Clause 6.1 – Acid Sulphate Soils of Kiama LEP 2011 and must therefore be refused;</p> <p>g) An acid sulphate soils management plan as required by Clause 6.1(3) of Kiama LEP 2011 has not been provided in the concept DA and therefore development consent cannot be granted as there is no information before the consent authority to confirm that the development anticipated with the concept DA will not disturb, expose or drain acid sulphate soils and cause environmental damage.</p>		

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10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling CONTD		<p>Earthworks</p> <p>h) The concept DA fails to satisfy and adequately address the matters for consideration under Clause 6.2 – Earthworks of Kiama LEP 2011 and must therefore be refused;</p> <p>i) The concept DA anticipates the construction of a large area of cut and fill to construct the future dwelling house on and this has not been adequately considered and addressed. The concept DA provides inadequate information to allow for an assessment of the matters listed in Clause 6.2(3) of Kiama LEP 2011.</p> <p>Riparian Land and Watercourses</p> <p>j) The development anticipated by the concept DA is for a rural residential use on a small lot and fails to satisfy the matters for consideration under Clause 6.5 – Riparian Land and Watercourses of Kiama LEP 2011 and must therefore be refused;</p> <p>k) The concept DA fails to adequately address Clause 6.5 of Kiama LEP 2011 – Riparian Land and Watercourses, particularly with respect to likely Section 3) (ii) aquatic and riparian species, habitats and ecosystems of the watercourse and (v) any future rehabilitation of the watercourse and its riparian area;</p> <p>l) The concept DA anticipates development that will involve encroachment of large areas of cut, fill and encroachment of engineered retaining walls into the 20m RPZ buffer area, and excavation works potentially within 5-10m from the top of bank in the south-east corner of the site. Given the sensitive nature of downstream wetlands, and large areas of work within the floodplain in close proximity to the creek;</p> <p>m) As there is no VMP submitted with the concept DA it is not clear how and what species would be utilised in the RPZ buffer area. There is also no information to assess how the maintenance of the bushfire APZ and the provisions of a VMP may interact and can be dealt with for a satisfactory rehabilitation of the riparian area through the site. Section 7.3.3 of the Statement of Environmental Effects (SEE) identifies that there is no conflict between the APZ and RPZ, 'as the predominant vegetation for the proposed development is managed grassland with existing development located to the south'. A VMP developed in accordance with NRAR guidelines for riparian corridors and VMPs must be provided in order for the consent authority to be able to determine this assertion in section 7.3.3 of the SEE. Given the proximity of the proposed dwelling anticipated by the concept DA to the creek, and the potential impacts, the consent authority would expect that there would be revegetation of the RPZ buffer area in line with the DPIE Water 'Guidelines for vegetation management plans on waterfront land'. The potential conflict with the recommendations in the bushfire protection assessment, which identifies much of the property as managed grassland must also be considered.</p>		

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<p>10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling CONTD</p>		<p><i>Essential Services</i></p> <p>n) Clause 6.12 of Kiama LEP 2011 states that development consent must not be granted until services that are essential for the development are available and this includes the disposal and management of sewage as well as stormwater drainage and suitable road access;</p> <p>o) The concept DA fails to address the disposal and management of sewage and there is no evidence of arrangements being made for this to be carried out and so the application must be refused;</p> <p>p) The concept DA fails to address stormwater drainage and so the application must be refused;</p> <p>q) The proposed road access will interfere with the bus acceleration bay to the east of the bus stop and evidence is required to address the adequate road access to the site.</p> <p><i>Vehicular Access</i></p> <p>r) The proposed vehicular access from Jamberoo Road (a Classified Road) fails to satisfy Clause 100 of SEPP Infrastructure because alternative vehicular access to the site that is practicable and safe, is available from Dido Street, which is a Local Road.</p> <p>Unsuitable Site for the Proposed Development</p> <p>10. The development that is anticipated by the concept DA is for a rural residential use on a small lot and having regard to the significant environmental constraints that affect the site, in the absence of information which adequately addresses the suitability of the site and the location of the proposed building envelope for the development that is anticipated, the application must be refused because:</p> <p>a) The site and the location of the proposed building envelope is unsuitable for the development anticipated by the Concept DA due to the following environmentally significant constraints which affect the site:</p> <ul style="list-style-type: none"> i. the site's proximity and impacts on Spring Creek traversing the site; ii. the site's proximity and impacts on mapped Coastal Wetlands within 100m of the site; iii. the impact on the Class 2 and 3 riparian zones traversing the site; iv. the flood affection of the site; v. the site's proximity and impacts on a number of local heritage items in the vicinity of the site; vi. the site's proximity and the impacts of mapped Bushfire Prone Land; vii. the site's proximity and the impacts of high voltage transmission lines traversing the site; viii. the proposed vehicle access to the classified road when alternative access via a local road is available to the site; ix. the impact of the Class 5 Potential Acid Sulphate Soils mapped on the site; x. the potential for contamination to exist on the site; 		

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10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling CONTD		<ul style="list-style-type: none"> <li style="margin-left: 40px;">xi. the site's importance in defining the edge of the rural land and its interface with the Kiama urban area with respect to protecting the scenic quality of the landscape at this key location; <li style="margin-left: 40px;">xii. the potential impact on aboriginal cultural heritage. <p>b) The Concept DA lacks information which adequately demonstrates that the development that is anticipated is capable of achieving the relevant objectives of the EP&A Act.</p> <p>Potential site Contamination</p> <p>11. The unauthorised earthworks on the site have not been considered in the Concept DA and must be refused because:</p> <ul style="list-style-type: none"> <li style="margin-left: 20px;">a) Section 4.4 of the SEE which considers the provisions of SEPP 55 fails to consider and address the unauthorised works carried out on the site in recent years (referred to under 'Background') and the potential for these works to have contaminated the site; <li style="margin-left: 20px;">b) Given that the unauthorised works may have contaminated the site, the proposal invokes the requirements of State Environmental Planning Policy No 55 – Remediation of Land, in particular, whether the land is contaminated and requires remediation, and consideration of whether a consent authority can be satisfied that the land is suitable for the residential purpose for which the development is proposed to be carried out. <p>Aboriginal Cultural Heritage Conservation</p> <p>12. The concept DA fails to consider the effect of the development that is anticipated on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement) as required by 5.10(8) – of Kiama LEP 2011 and must be refused because:</p> <ul style="list-style-type: none"> <li style="margin-left: 20px;">a) It is contrary to what is specified in the applicant's SEE (at page 13) the results from a search of the AHIMS conducted by Council indicate that there is an Aboriginal place or object of significance in the locality to the west of the site. This is not unexpected given the site's close proximity to the coastline and the watercourse; 		

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10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling CONTD		<p style="margin-left: 40px;">b) In accordance with clause 5.10(8) of Kiama LEP 2011, consent cannot be granted until Council has been provided with sufficient information to enable it to consider the effect of the development that is anticipated by the DA on the Aboriginal place or object of significance that has been identified by the AHIMS.</p> <p>Public Interest and Undesirable Precedent</p> <p>13. The development that is anticipated by the concept DA is for a rural residential use on a small lot and is not in the public interest. Approval of the concept DA would create an unacceptable and undesirable precedent for future development of the site and similarly inappropriate applications in the RU1 zone which have the effect of significantly undermining Council's Local Strategic Planning Strategy, and Urban Land Strategy. Accordingly, the concept DA must be refused because:</p> <p style="margin-left: 20px;">a) The development that is anticipated by the concept DA is for a rural residential use on a small lot that requires a variation of the minimum lot size standard in Kiama LEP 2011 and the built form is of such bulk and scale that it will result in an adverse impact on the scenic quality of the northern side of Jamberoo at this key gateway to Kiama and this adverse impact on amenity impacts on the environment and nearby properties and this is not in the public interest;</p> <p style="margin-left: 20px;">b) Approval of the concept DA in circumstances where the development it anticipates is unsupported by Council's local strategic planning and urban land strategies would establish an undesirable precedent for the construction and siting of dwelling houses on similarly undersized lots within the RU1 Zone. This precedent could subsequently result in development which directly conflicts with strategic planning outcomes envisaged Council's Local Strategic Planning Strategy, and Urban Land Strategy delivered through Kiama LEP 2011 and Kiama DCP 2020.</p> <p>Reasons for Refusal that Relate to the Lack of Information</p> <p>14. Having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(e) the application is not adequately made in accordance with the requirements of Clause 50 of the Environmental Planning and Assessment Regulation, and must contain the information, and be accompanied by the documents, specified in Part 1 of Schedule 1 and must be refused on the basis that:</p>		

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10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling CONTD		<ul style="list-style-type: none"> a) Flood Planning <ul style="list-style-type: none"> i. Engineering details of the retaining structure, as described in the supporting flood assessment report must be provided; ii. Detailed cross-sections must be provided through the filling and encroachment off-set areas must be provided; iii. The flood modelling (post filling) advises that there will be an increase in flood levels on adjoining properties and in Dido Street. Council could not support this outcome in any circumstance; iv. A Scour Analysis Report for the road bridge in Dido Street to the east of the site is required to be prepared by a suitably qualified civil engineer. The report must take into account the proposed filling and excavation on the development site and include, but not be limited to, geomorphic changes that would affect the scour potential of the bridge must be provided; v. A geotechnical report must be provided which addresses the suitability of the filling and proposed structures (e.g. retaining walls) in the riparian corridor. If required, as per Kiama LEP requirements, an Acid Sulfate Soils Management Plan must be provided. b) Acid Sulphate Soils <ul style="list-style-type: none"> i. An acid sulphate soils management plan as required by Clause 6.1(3) of Kiama LEP 2011 must be provided; and c) Earthworks <ul style="list-style-type: none"> i. Adequate information must be provided to allow for an assessment of the matters listed in Clause 6.2(3) of Kiama LEP 2011. d) Access And Parking <ul style="list-style-type: none"> i. Architectural Plans for the dwelling must be provided to assess the necessary car parking and stormwater requirements must be provided; ii. A driveway longitudinal section that demonstrates compliance with Australian Standard AS2890.1:2004 and Councils Driveway and Footpath Works Procedure Manual is required. The proposed longitudinal section should nominate level points at kerb line, property boundary, intermediate points and the proposed garage level. The proposed longitudinal section should demonstrate that sag grade changes are not in excess of 15% algebraically and summit grade changes are not in excess of 12.5% algebraically. A sample longitudinal section is provided in Standard Drawing R07 of the Manual must be provided. iii. The driveway crossover widths shall be indicated on revised plans. A standard width of 3.0m should be applied. The maximum access driveway width at kerb line of 4.5m and at the property boundary 5m is permissible in certain circumstances; and 		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling CONTD		<ul style="list-style-type: none"> iv. The revised plans should demonstrate that compliance with Australian Standard AS2890.1:2004 - Fig 3.2 in relation to meeting sight distance requirements is capable of being achieved must be provided. e) Utility Services <ul style="list-style-type: none"> i. Utility services available to the site must be documented. If sewer is not available to the site any onsite sewer management system should be shown on revised plans and a geotechnical report advising on its suitability must be provided. f) Current site Survey <ul style="list-style-type: none"> i. A survey of the site by registered surveyor is required to enable the proposed assessment of the concept DA and must be provided. g) Effluent Disposal <ul style="list-style-type: none"> i. The concept DA lacks relevant information required to determine if the site is capable of adequately dealing with the development anticipated by the concept DA (i.e. the erection of a dwelling). At present the following is noted: <ul style="list-style-type: none"> a. The concept DA provides no detail on how wastewater is to be dealt with. There appears to be little or no viable land on the site to locate an effluent disposal area outside of a flood affected area or proposed area of fill; b. The recommended buffer distances stipulated by the NSW Department of Local Government, 'Environment & Health Protection Guidelines: Onsite Sewage Management for Single Households', DLG, Sydney, 1998 (the 'Silver Book'), of 100m for effluent disposal near a permanent water source, are unachievable on the lot. Any area above the 20 year flood level appears to be constrained by slope and/or buffer distance to Spring Creek; c. A detailed wastewater management report is required to determine if effluent from the development anticipated by the concept DA is able to be dealt with on the site. The report needs to be prepared by a suitably qualified consultant and address the requirements of AS/NZS 1547:2012 – On site domestic wastewater management and the 'Silver Book'. h) Heritage Conservation <ul style="list-style-type: none"> i. A heritage management document is required to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of heritage items located within the vicinity of the site; and The concept DA fails to consider the effect that the development that is anticipated by the Concept DA may have on numerous items of local heritage significance which are located within the vicinity of the site (which may involve consideration of a heritage impact statement), as is required by clause 5.10(5) of Kiama LEP because: <ul style="list-style-type: none"> a. The application is within the vicinity of a number of items of local heritage significance which are listed in Schedule 5 of Kiama LEP 2011; 		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2020.218.1 – Lot 1 DP 1018217 – Dido Street, Kiama – Concept Development for New Dwelling CONTD		<p>b. In accordance with Clause 5.10(5) of Kiama LEP 2011, consent cannot be granted until Council has been provided with sufficient information to enable it to consider the effect of the development that is anticipated by the concept DA on these items of local heritage significance.</p> <p>i) Visual Impacts</p> <p>i. Visual Impact Analysis of the development anticipated by the concept DA on the site and surrounding land and development, and their viewing locations, which addresses the Land and Environment Court’s Tenacity Planning Principles is required;</p> <p>ii. Photomontages of the development anticipated by the concept DA (depicting in the location and context) that is proposed should be prepared by a qualified visual impact assessment expert. The photomontages should capture the various key viewing locations and must be prepared in accordance with the Land and Environment Court of New South Wales “Photomontage Policy”.</p> <p>j) Vegetation Management Plan</p> <p>i. The concept DA must be accompanied by detailed information on construction soil and water management, details of re-establishment of vegetation within a VMP and identify how and where effluent disposal will be located and any potential impacts on the creek water quality.</p> <p>k) Site Contamination</p> <p>i. The proposal involves a change of use land therefore under the requirements of SEPP 55 a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines is required to be prepared and submitted including testing for contamination from the building waste dumped at the site.</p>		
Housekeeping Amendments to Kiama LEP 2011 to address mapping anomalies - Additional sites and Urban Release Area clause	20/07/21 21/188OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. Endorse the preparation of an amended Planning Proposal for housekeeping amendments to Kiama LEP 2011 to: <ol style="list-style-type: none"> a. Rezone Lot 2 DP 793745, Gwinganna Avenue, Kiama from R2 Low Density Residential to SP2 - Water Supply System; b. Rezone 15 North Street, Minnamurra from R2 Low Density Residential to SP2 Water Supply System; c. Rezone Lot 400 DP 801403, Newing Circuit, Kiama Downs from R2 Low Density Residential to SP2 Water Supply System; d. Rezone 46 Union Way, Gerringong from R2 Low Density Residential to SP2 Water Supply System; e. Amend Kiama LEP 2011 to include provisions for Urban Release Areas. 2. Forward the amended Planning Proposal to the Department of Planning, Industry and Environment for an amended Gateway Determination. 3. Following receipt of an amended Gateway Determination undertake the appropriate community and State agency consultation. 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Kiama Town Centre Study Implementation - Update	20/07/21 21/189OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. Note the update on the Kiama Town Centre Study Implementation Strategy, contained in the report; 2. Note that Expressions of Interests will be undertaken to form a 'community review panel' to review the deliverables from GML Heritage and Studio GL prior to formal exhibition of the plans; and 3. Note that a separate report will be prepared and provided to the new Council, (following the election) to address relevant/appropriate recommendations, made by GML Heritage and Studio GL, including: <ol style="list-style-type: none"> a. Amendments to the Kiama Local Environmental Plan 2011; b. The draft Chapter 4 - Heritage Conservation of the Kiama Development Control Plan 2020; and c. Draft Topic 12.10 – Kiama Town Centre of the Kiama Development Control Plan 2020. 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil	
Review of Kiama Development Control plan DCP 2020 - Finalisation of Environmental Guideline Amendments	20/07/21 21/191OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. Endorse amendments to the following sections of the Kiama Development Control Plan (DCP) 2020: <ul style="list-style-type: none"> • Chapter 3: Common Requirements <ul style="list-style-type: none"> o Topic 3.1 – Waste Minimisation and Management o Topic 3.4 – Utilities and Infrastructure • Chapter 6: Residential Accommodation <ul style="list-style-type: none"> o Topic 6.3 – Home Businesses, Industries and Occupations • Chapter 7: Commercial Premises <ul style="list-style-type: none"> o Topic 7.1 – Business Premises o Topic 7.2 – Retail Premises • Chapter 10: Visitor Accommodation and Tourism <ul style="list-style-type: none"> o Topic 10.3 – Serviced Apartments o Introduction of Topic 10.5 – Events 2. Adopt the following Environmental Health Guidelines: <ul style="list-style-type: none"> • Waste Collection Services Guideline Waste • Waste Management for Proposed Development Guideline • Onsite Sewage Management System Guideline • Beauty Premises Guidelines • Food Premises Guideline • Events Guideline 3. Publish the amended DCP Chapters and Environmental Health Guidelines on Council's website. 4. Provided notification to all Precinct Committees and Community Associations of Council's resolution. 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Way Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of already erected ornamental windmill	17/08/2021 21/221OC	Committee recommendation that Council defer Development Application No 10.2021.127.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, for one month in order to receive and consider the engineer's report to be provided by the applicant.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson and Westhoff Against: Clr Way	
Approval of Heritage Management Document - Gerringong Town Hall	21/09/2021 21/167OC	Committee recommendation that Council approve the heritage management document, prepared by Platinum Planning Solutions, for the Gerringong Town Hall.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
Strategic Planning Works Program	21/09/2021 21/168OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. note the Strategic Planning Works Program, and 2. endorse the 2021/2022 Strategic Planning Work Program Community Engagement Plan. <p>It was moved by Councillor Rice and seconded by Councillor Sloan that, in addition to outlining the interdependency of housing, employment and character in Kiama, the forthcoming workshop on these three elements will also entertain consideration of how the outcomes of strategic planning in these areas will evolve with respect to other Local Strategic Planning Statement planning priorities such as preservation of Kiama's agricultural land and planning for climate change.</p> <p>The motion on being put was lost.</p>	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil For: Councillors Rice and Sloan Against: Councillors Brown, Honey, Reilly, Steel, Watson, Way and Westhoff	
Notice of Motion: Wood-fired heaters	21/09/2021 21/169OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. develops a comprehensive policy and package of information pertaining to the installation, expected performance and safest usage of wood fired heaters 2. provides detail within this suite of information that explains the assessment stages of development applications for wood fired heaters and the site-specific criteria that are measured and taken into account 3. outlines community rights and responsibilities regarding wood fired heating 4. considers how incentives for electric home heating can be incorporated into the Kiama municipality's net zero emissions planning 5. reports on this as part of the budget process, for the new Council to consider its delivery in the 2022/23 financial year. 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2021.127.1 - 46 Allowrie Street, Jamberoo - Use of already erected ornamental windmill	21/09/2021 21/179OC	Committee recommendation that Council approve Development Application No 10.2021.127.1 under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to conditions at the end of this report.	For: Councillors Brown, Honey, Reilly, Sloan, Steel, Watson and Way Against: Cllr Rice and Westhoff	
Draft Environmental Planning and Assessment Regulation 2022 - Submission	21/09/2021 21/181OC	<p>Committee recommendation that Council inform the NSW Department of Planning, Industry and Environment that they are generally supportive of the draft Environmental Planning and Assessment Regulation 2021, but suggest the following:</p> <ul style="list-style-type: none"> • Consult with councils now on the content of the Approved Form/s of the NSW Planning Portal to ensure a smooth transition, and • Develop an online register, database or spatial viewer of areas of outstanding biodiversity value, declared by the Minister, to ensure councils are providing accurate information to their customers. 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
Planning Reform Program - improving customer experience and assessment timeframes	21/09/2021 21/182OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. support the Development Reform Program which focuses staff on this important initiative and change for our customers. 2. endorse the attached 2021/2022 Development Assessment Reform Program Engagement Plan, and in accordance with the engagement plan undertake several industry and stakeholder discussions to seek feedback on the reform program in October and November 2021 3. through the Chief Executive Officer (or their delegate) develop a draft Development Assessment Policy and this policy be provided to the October 2021 Council meeting for endorsement and exhibition 4. support the formation of a Major Projects Cluster (Internal) who will work with customers of major projects prior to and during application preparation and submission and delegate the formation of this cluster/team to the CEO. 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2021.69.1 – 31-33 Taylor Street, Kiama - Demolition and new multi-dwelling housing - demolition of an existing dwelling and detached garage, erection of 3 attached dwellings, basement carpark with associated landscaping and the relocation of an existing drainage easement	19/10/2021 21/2110C	Committee recommendation that Council approve Development Application No 10.2021.69.1 over land identified as 31- 33 Taylor Street Kiama. This approval be granted under Section 4.16 of the Environmental Planning and Assessment Act 1979, subject to the conditions of consent which are provided as an attachment to this report.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
10.2018.273.3 – 81 Jerrara Road, Jerrara – Use and Fitout	19/10/2021 21/2120C	<p>Committee recommendation that Council refuse Section 4.55 Modification of Consent Application No 10.2018.273.3 under Section 4.55 of the Environmental Planning and Assessment Act 1979 for the following reasons:</p> <ol style="list-style-type: none"> 1. is considered inconsistent with an aim of clause 1.2 of Kiama LEP 2011 because the development anticipated by the proposed modification has not demonstrated or reached the maximum operating capacity to which the consent enables. 2. is considered contrary to the aims of Clause 1.2, because the maximum operating capacity of the facilities has not been reached and the protection of the rural character of the locality is not ensured by the proposal. 3. the proposed modifications to the management practices of the Animal Boarding and Training Establishment will be contrary to this objective because it has not been demonstrated that the operations of the facility as proposed will be with compatible with surround land uses. 4. is inconsistent with an objective of Chapter 8 of the Kiama Development Control Plan. The proposed modification has failed to demonstrate that this objective is met and does not ensure the protection of the rural residential amenity. 5. there is insufficient information to understand the likely impacts of the proposed development or whether the site is suitable for the proposed changes to the management practices of the Animal Boarding and Training Establishment. 6. changes to the management practices of the Animal Boarding and Training Establishment to allow canines to use the outdoor gravel run unsupervised, in the absence of the facilities having never reached the operational capacity (maximum number of canines), does not allow the proposed modifications to be reasonably assessed. This is required to ensure that the Animal Boarding and Training Establishment provides for sufficient compatibility with the character of the rural environment, and to ensure the facilities do not pose an unreasonable impact on the locality. 	For: Councillors Brown, Rice, Steel, Watson, Way and Westhoff Against: Councillors Honey and Sloan	Clr Reilly declared a non-significant non-pecuniary interest in this matter as the proponent is a colleague of Clr Reilly. Clr Reilly left the chambers and took no part in discussion or voting on this matter. Clr N Reilly left the meeting at 05:09 pm. Clr N Reilly returned to the meeting at 05:14 pm.

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Planning Proposal - Reclassify Lot 514 DP 1066359 - 10 Cole Street, Kiama - commencement	19/10/2021 21/213OC	Committee recommendation that Council: <ol style="list-style-type: none"> 1. Not endorse the proponent lead Planning Proposal PP-2021-5683 to reclassify a portion of Lot 514 DP 1066359 – 10 Cole Street, Kiama proceeding to the NSW Department of Planning, Industry and Environment for a Gateway Determination for the following reasons: <ol style="list-style-type: none"> a. The Proposal fails to satisfy the Strategic Merit and Site-Specific Merit Tests as it is not justified by the Illawarra-Shoalhaven Regional Plan 2041 or the Kiama Local Strategic Planning Statement 2020, b. The Proposal fails to satisfy the Planning Secretary’s requirements as it is inconsistent with the Kiama Community Strategic Plan 2017-27, and c. The Proposal fails to satisfy the NSW Department of Planning, Industry and Environment’s Reclassification of Land Checklist as it is not the result of a strategic study and/or report. 2. Inform the proponent of Council’s resolution. 3. Commence enforcement action under the provisions of the Environmental Planning and Assessment Act 1979 to have the unauthorised structures removed from Lot 105 DP 1206239. 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
Planning Proposal - South Kiama	19/10/2021 21/215OC	Committee recommendation that Council: <ol style="list-style-type: none"> 1. express on behalf of the community our disappointment about the decision of the State Government relating to Department of Planning Industry and Environment approval for a development proposal at South Kiama PP_2019_KIAMA004_00 and the intention to rezone rural land west of the Princes Highway between Saddleback Mountain Road and south of Weir Street for residential purposes and environmental conservation. 2. note and reiterate for the public record, the previously stated resolutions from the 28 June 2021 report where specific concerns were cited in relation to the proposed development known as South Kiama which remain, including - <ul style="list-style-type: none"> - impacts of traffic - access to the highway - impact on the local schools - impact on rural landscapes - the adequacy of current infrastructure for the development and future residents. 3. respectfully issue an invitation to the New South Wales Minister for Planning and Public Spaces to present to Council and share the reasoning for the decision and discuss enhanced outcomes for our community. 4. request a meeting with Senior Department Planning Industry and Environment in order to further discuss Council’s concerns about the impacts of the development. 5. prepare an advocacy strategy for the needs of the community in respect to growth needs to inform State and Federal Governments. 6. following the finalisation of the Housekeeping Amendment to Kiama Local Environmental Plan note that the urban release areas clause will apply and that there will be a requirement for a site-specific Development Control Plan. 7. delegate to the Chief Executive Officer to work proactively with the proponent to seek early input and improved outcomes for the development of the site for the benefit of the community. 8. delegate to the Chief Executive Officer operational responsibility to continue to work collaboratively and provide planning expertise to the Department of Planning Industry and Environment using Council’s Major Projects team model, in order to assist with finalising the required mapping to support the development outlined at resolution 1. above 	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	C/r Watson declared a non-significant non-pecuniary interest in this matter as he is a neighbour to the subject site. C/r Watson remained in Chambers and took part in discussion and voting on this matter.

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Planning Proposal - Housekeeping Amendments to address mapping anomalies and introduce Urban Release Area controls - finalisation	19/10/2021 21/214OC	Committee recommendation that Council: 1. Endorse this Housekeeping Amendment Planning Proposal to address mapping anomalies and introduce Urban Release Area controls to Kiama Local Environmental Plan (LEP) 2011 which specifically: a. amends the relevant Land Zoning Maps, and Floor Space Ratio Maps for the following sites to annotate the land use zone using the infrastructure categories contained within the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) or the Standard Instrument dictionary and adopt associated development standards: i. Part of Lot 48 DP 250008 - 46 Blackwood Street, Gerringong, ii. Part of Lot 60 DP 703112 - Blackwood Street, Gerringong, iii. Part of Lot 206 & part of Lot 207 DP 1164476 - Fern Street, Gerringong, iv. Part of Lot 10 DP 1167819 - Fern Street, Gerringong, v. Part of Lot 38 DP 873965 - Fern Street, Gerringong, vi. Lot 100 DP 803472 - 7 Railway Parade, Kiama, vii. Lot 51 DP 830172 - Saddleback Mountain Road, Kiama, viii. Lot 51 DP 804377 - 210 Shoalhaven Street, Kiama, ix. Lot 14 DP 869959 - 205 Terralong Street, Kiama, x. Lots 1 & 3 DP 1236189 - 206 Terralong Street, Kiama, xi. Lot 1 DP 106081 - 24 Terralong Street, Kiama, xii. Lot 1 Section 5 DP 758563 - 30 Terralong Street, Kiama, xiii. Lot 7033 DP 1061038 - 32 Terralong Street, Kiama, xiv. Lot 1 DP 1056775 - Meehan Drive, Kiama Downs, b. amends the relevant Land Zoning Maps, Lot Size Maps, Height of Buildings Maps and Floor Space Ratio Maps for the following Public Reserves to rezone land to RE1 Public Recreation and/or E2 Environmental Conservation and remove associated development standards: i. Lots 86, 88 & 89 DP 838437 – Burnett Avenue, Gerringong, ii. Lot 53 DP 884475 – Fern Street, Gerringong, iii. Lot 91 DP 838437 – Fern Street, Gerringong, iv. Lot 747 DP 1171578 – Millewa Avenue, Gerringong, v. Lot 231 DP 1060665 – Neptune Street, Gerringong, vi. Lot 21 DP 264151 – Tanner Place, Kiama, vii. Lot 702 DP 1148475 – Union Way, Gerringong, viii. Lot 206 DP 1180016 – Union Way, Gerringong, ix. Lot 130 DP 1052645 – 18 Union Way, Gerringong, x. Lot 206 DP 1156196 - Wells Street, Gerringong, xi. Lot 2 DP 1065404 – Headland Drive, Gerroa, xii. Lot 8 DP 839577 – 7 Bland Street, Kiama,	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Planning Proposal - Housekeeping Amendments to address mapping anomalies and introduce Urban Release Area controls – finalisation CONTD		<ul style="list-style-type: none"> xiii. Lot 600 DP 1044512 – Bland Street, Kiama xiv. Lot 8 DP 850163 – Elourea Place, Kiama, xv. Lot 1429 DP 1061892 – Eugene Street, Kiama, xvi. Lot 1319 DP 1060995 – Greyleigh Drive, Kiama, xvii. Lot 300 DP 1059841 - Greyleigh Drive, Kiama, xviii. Lot 199 DP 1042913 - Greyleigh Drive, Kiama, xix. Lot 100 DP 1042908 - Greyleigh Drive, Kiama, xx. Lot 2 DP 1179778 - Greyleigh Drive, Kiama, xxi. Lot 1310 DP 1060995 –Old Saddleback Road, Kiama, xxii. Lot 499 DP 1064140 – Old Saddleback Road, Kiama, xxiii. Lot 2 DP 1056775 – Meehan Drive, Kiama Downs, <ul style="list-style-type: none"> c. amends the relevant Land Zoning Map, Lot Size Map, Height of Buildings Map and Floor Space Ratio Map for the following State agency owned sites to rezone from R2 to SP2 to reflect the current and intended use of the sites: <ul style="list-style-type: none"> i. Lot 909 DP 236615 – 133 North Kiama Drive, Kiama Downs; ii. Lot 2 DP 793745 – Gwinganna Avenue, Kiama; iii. Lot 139 DP 29245 – 15 North Street, Minnamurra, iv. Lot 400 DP 801403 – Newing Circuit, Kiama Downs, and v. Lot 436 DP 1088899 – 46 Union Way, Gerringong, d. amends the Land Zoning Map, Lot Size Map, Height of Buildings Map and Floor Space Ratio Map for one (1) State agency owned site, Lot 1 DP 883525 – 20 Eddy Street, Kiama, to rezone from SP2 Infrastructure to B2 Local Centre and adopt a maximum permitted Height of Building of 11m and Maximum permitted Floor Space Ratio of 1.5:1; e. amends Schedule 1 and Additional Permitted Use Map – Sheet APU_012 to include community facilities as a use permitted without development consent on Lot 1 DP 883525, 20 Eddy Street; f. includes specific provisions for Urban Release Areas. <ul style="list-style-type: none"> 2. Use its plan making delegations to make the necessary amendments to the Kiama Local Environmental Plan 2011. 		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
<p>10.2021.67.1- Lot 17 DP 1210621 – 2 Caliope Street, Kiama – 2 Lot Torrens Title Subdivision, 21 Lot Community Title Subdivision and 19 Serviced Self-Care Dwellings</p>	<p>19/10/2021 21/219OC</p>	<p>Committee recommendation that Council refuse Development Application No 10.2021.67.1 under Section 4.16 of the Environmental Planning and Assessment Act, 1979 for the following reasons:</p> <ol style="list-style-type: none"> 1. Having regard to the matters for consideration in the Environmental Planning and Assessment Act the development is prohibited and must be refused because: <ol style="list-style-type: none"> a) The proposed 2 Lot Torrens Title subdivision does not comply with cl 4.1(3) of Kiama Local Environmental Plan 2011, as the lots resulting from the subdivision are less than the 40ha minimum lot size; and b) The proposed 2 Lot Torrens Title subdivision cannot be approved under cl 4.6(6) of Kiama Local Environmental Plan 2011 as the proposed subdivision will result in 2 lots that are less than the minimum area specified and the subdivision will result in two (2) lots that are less than 90% of the minimum area specified for such a lot by a development standard and is therefore prohibited development; and c) It is inconsistent with the Site Compatibility Certificate issued by the Southern Regional Planning Panel on 26 June 2020 under cl 25(4) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, specifically requirement number 1 requiring the Asset Protection Zone (APZ) be amended to exclude the identified Zieria granulata plants. d) The proposed subdivision does not satisfy the objectives of the E2 Environmental Conservation Zone under Kiama Local Environmental Plan 2011, as it does not protect, manage and restore areas of high ecological value; and e) It does not satisfy the objectives of the RU2 Rural Landscape Zone under Kiama Local Environmental Plan 2011, as the proposal does not maintain the rural character of the land or protect agricultural land for long term agricultural production. f) It is inconsistent with the aims of Kiama Local Environmental Plan 2011 g) Insufficient information has been submitted to satisfy the requirements of cl 6.12 of Kiama Local Environmental Plan 2011, specifically: <ul style="list-style-type: none"> o Stormwater drainage or on-site conservation; and o Suitable road access. h) It is inconsistent with the aims and controls contained within the Kiama Development Control Plan 2020 specifically: <ul style="list-style-type: none"> • Topic 1.5 • Topic 3.6 • Topic 5.2 i) Insufficient information to allow NSW Rural Fire Service to issue Bush fire Safety Authorities (BSA) under s100B of the Rural Fires Act 1997 for the proposed Special Fire Protection Purpose (SFPP), specifically: <ul style="list-style-type: none"> • The proposed bushfire protection measures are not consistent with the Site Compatibility Certificate issued by the Southern Regional Planning Panel on 26 June 2020; and • Insufficient information has been provided to support vegetation classification and effective slope assessment. 	<p>For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil</p>	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
<p>10.2021.204.1 – 2 Pheasant Point Drive, Kiama – Demolition of existing decking and stairs and the erection of decking, stairs and landscaping and removal of 2 trees</p>	<p>16/11/2021 21/254OC</p>	<p>Committee recommendation that Council refuse Development Application No 10.2021.204.1, for Lot 2 DP 1026897 – 2 Pheasant Point Drive, Kiama, for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposal is unsatisfactory with regards to clause 13(1)(a)(iii) of the State Environmental Planning Policy (Coastal Management) 2018 in that it will cause unacceptable impacts on the visual amenity and scenic qualities of the coast, including coastal headlands, 2. The proposal is unsatisfactory with regards to clause 13(1)(b) of the State Environmental Planning Policy (Coastal Management) 2018 in that it will cause unacceptably adverse visual and physical impacts to the undeveloped headland upon which it is proposed, 3. The proposal is inconsistent with aim € of the Kiama Local Environmental Plan 2011 as it fails “to protect and enhance the coastal and rural character of Kiama’s rural towns, neighbourhoods and villages, and the characteristic scenic landscapes that contribute to its liveability and identity”. 4. The proposal is inconsistent with the objectives of the R2 Low Density Residential zone, contained in the Kiama Local Environmental Plan 2011, as it does not provide for the housing needs or the ‘day to day needs of residents’ whereby direct foreshore access is not defined as a ‘need’. 5. The proposal is considered unsatisfactory with regards to the provisions for visual impacts pursuant to Chapter 3 of the Kiama Development Control Plan 2020: <ol style="list-style-type: none"> a. objective O:3.2.7 To protect conserve and maintain the landform of the municipality; and b. control 3.2.14 Building design should have regard to the topography of the site and avoid unnecessary bulk or alteration of natural ground levels 	<p>For: Councillors Brown, Honey, Reilly, Rice, Sloan, Watson, Way and Westhoff Against: Councillor Steel</p>	
<p>Delegations for development assessment during caretaker period and planning reform update</p>	<p>16/11/2021</p>	<p>It was moved by Councillor Brown and seconded by Councillor Steel that Council delegate to the Chief Executive Officer the ability to:</p> <ol style="list-style-type: none"> 1. Determine all development applications in accordance with Council’s existing policies and strategic frameworks and under the provisions of the Environmental Planning and Assessment Act 1979, except for two applications which must be reported to the new Council for consideration, as they are deemed controversial development applications in the context of the caretaker provisions of the Local Government Regulations. 2. The two applications that will not be decided during caretaker are noted as: <ul style="list-style-type: none"> • 96 Rose Valley Road, Rose Valley – Abattoir • 15 Golden Valley Road, Jamberoo – Subdivision. <p>On being put the motion was lost.</p>	<p>For: Councillors Brown, Honey, Watson and Westhoff Against: Councillors Reilly, Rice, Sloan, Steel and Way</p>	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Approval of Heritage Management Document – 18 Belinda Street, Gerringong – Gerringong Dairy Co-Operative	16/11/2021 21/255OC	Committee recommendation that Council approve the heritage management document, prepared by Heritage 21, for the adaptive reuse of the heritage listed building (Item 16) on Lot 100 DP 1110583 – 18 Belinda Street, Gerringong.	For: Councillors Brown, Honey, Reilly, Rice, Sloan, Steel, Watson, Way and Westhoff Against: Nil	
NSW Employment Zone Reform - Retrospective Endorsement of Associated Amendments to Kiama LEP 2011	15/02/2022 22/033OC	Committee recommendation that Council: <ol style="list-style-type: none"> 1. retrospectively endorse the proposed amendments to the Kiama Local Environmental Plan 2011 as outlined in Enclosures 2 and 3 to allow exhibition of these changes to be undertaken by the NSW Department of Planning, Industry and Environment, and 2. express our disappointment to the NSW Department of Planning, Industry and Environment regarding the timing of the Translation Package given the NSW Local Government caretaker period and elections. 	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Rice and Steel Against: Councillor Renkema-Lang	
Endorsement of draft Chapter 4 - Heritage and Cultural Conservation of the Kiama Development Control Plan 2020 for exhibition and consultation	15/02/2022 22/034OC	Committee recommendation that Council: <ol style="list-style-type: none"> 1. seek feedback from the community, via a formal exhibition as prescribed by the Kiama Community Participation Plan 2019, on the enclosure: <ol style="list-style-type: none"> a. Kiama Town Centre Preliminary Justification Report, b. proposed Kiama Town Centre Heritage Conservation Area – Heritage Assessment; c. proposed Smith Farm Heritage Conservation Area – Heritage Assessment; d. proposed expanded Pheasant Point Heritage Conservation Area – Heritage Assessment; e. draft Chapter 4 – Heritage and Cultural Conservation of the Kiama Development Control Plan 2020; and f. the associated draft inventory sheets. 2. include the draft Chapter 4 – Heritage and Cultural Conservation of the Kiama Development Control Plan 2020, and associated Heritage Assessments, on the February open briefing session for discussion and feedback with the Councillors 3. following the closure of the formal exhibition process, make changes as necessary and report the final Chapter 4 – Heritage and Cultural Conservation of the Kiama Development Control Plan 2020 and a draft Planning Proposal to undertake any necessary amendments to the Kiama Local Environmental Plan 2011 back to the elected Council for formal endorsement and adoption. 	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Endorsement of draft Topic 12.7 - Kiama Town Centre of the Kiama Development Control Plan 2020 for exhibition and consultation	15/02/2022 22/035OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. seek feedback from the community, via a formal exhibition as prescribed by Kiama Community Participation Plan 2019, on the enclosure: <ol style="list-style-type: none"> a. Kiama DCP Review Summary Report b. Kiama Town Centre Feasibility Analysis c. draft Topic 12.7 – Kiama Town Centre of the Kiama Development Control Plan 2020 2. include the draft Topic 12.7 – Kiama Town Centre of the Kiama Development Control Plan 2020, and associated Summary Report and Feasibility Analysis, on the February open briefing session for discussion and feedback with Councillors, 3. following the closure of the formal exhibition process, make changes as necessary and report the final Topic 12.7 – Kiama Town Centre of the Kiama Development Control Plan 2020 and a draft Planning Proposal to undertake any necessary amendments to the Kiama Local Environmental Plan 2011 back to the elected Council for formal endorsement and adoption. 	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	
Exhibition of draft State Significant Agricultural Land Map - Retrospective Endorsement of Submission	15/02/2022 22/036OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. retrospectively endorse Council's submission on the draft State Significant Agricultural Lands Map, as outlined in Attachment 1, and 2. express its disappointment to the NSW Department of Primary Industries regarding the timing of the exhibition of the draft State Significant Agricultural Lands Map, given the NSW Local Government caretaker period and elections. 	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	
State Planning Amendments for Agriculture - Invitation to Adopt Optional Clauses for Agritourism - Endorsement of Community Consultation	15/02/2022 22/037OC	<p>Committee recommendation that Council</p> <ol style="list-style-type: none"> 1. preliminarily inform the Department that Council wishes to: <ol style="list-style-type: none"> a. make farm experiences premises and farm gate premises permissible with consent in the RU1 Primary Production and RU2 Rural Landscape zones of the Kiama Local Environmental Plan 2011; and b. adopt all optional clauses outlined in the Standard Instrument (LEP) Amendment (Agritourism) Order 2021; 2. formally seek feedback from community regarding the optional clauses outlined in the Standard Instrument (LEP) Amendment (Agritourism) Order 2021; 3. following the closure of the formal exhibition process, make changes as necessary and report the final optional clauses back to the elected Council for formal endorsement and adoption at the Ordinary March 2022 meeting. 	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Exhibition of draft Design and Place State Environmental Planning Policy (SEPP) - Endorsement of Submission	15/02/2022 22/038OC	Committee recommendation that Council: 1. supports the draft State Environmental Planning Policy (Design & Place) 2008 and associated Ministerial Direction and Guides 2. endorse the attached submission on the draft State Environmental Planning Policy (Design & Place) 2008 and provide this to the Department by the required due date 3. express disappointment with the exhibition period provided on the State Environmental Planning Policy (Design & Place) 2008 and the timing of the reforms which have provided little, to no time to engage with the new Council or the community.	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	
New Approach to Rezoning - Endorsement of Submission	15/02/2022 22/039OC	Committee recommendation that Council: 1. generally support proposals and reforms which seek to simplify the NSW Planning System 2. endorse the draft submission and provide this to the NSW Department of Planning, Industry and Environment noting the comments provided within this submission for consideration by the Department 3. express disappointment with the exhibition period provided for the NSW planning system reforms which have provided little, to no time to engage with the new Council or the community.	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel Against: Nil	
Commencement of Environmental Planning and Assessment Regulation 2021	15/02/2022 22/040OC	Committee recommendation that Council note that the Environmental Planning and Assessment Regulation 2021 has been published on the NSW Legislation website and will commence on 1 March 2022.	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	
10.2021.45.1 – 110 North Kiama Drive, Kiama Downs - Alterations & additions to residential development	15/02/2022 22/041OC	Committee recommendation that Council defer item 12.10 10.2021.45.1 – 110 North Kiama Drive, Kiama Downs – Alternations & additions to residential development to allow the parties to consider their application.	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	Disclosure of Interest - Councillor Keast Councillor Keast declared a non-significant non-pecuniary interest in item 12.10 10.2021.45.1 – 110 North Kiama Drive, Kiama Downs as the property owner assisted in her 2021 election campaign. Councillor Keast took part in discussion and voted on this matter.

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2020.210.1 – 5/45 and 6/45 Rowllins Road, Gerringong - Review of Determination	15/02/2022 22/042OC	Committee recommendation that Council: <ol style="list-style-type: none"> 1. Support the request for Review of Determination to Development Application No 10.2020.210.1, subject to the amended conditions of consent provided as an attachment. 2. Advise persons who made a submission on Development Application No 10.2020.210.1 of Council's decision. 	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	
10.2020.90.1 - 493 Jamberoo Road, Jamberoo - Review of Determination	15/02/2022 22/043OC	Committee recommendation that Council approve Development Application No 10.2020.90.1 for the existing approved dwelling to be approved for additional use as farm stay accommodation at 493 Jamberoo Road, Jamberoo subject to the conditions of consent as amended, and provided as an attachment to this report.	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	
10.2020.190.1 – 16 Crooked River Road, Gerroa - Review of Determination	15/02/2022 22/044OC	Committee recommendation that Council refuse DA 10.2020.190.1 – 16 Crooked River Road, Gerroa as it does not satisfy clause 4.2A(3)(a) minimum lot size under the Local Environmental Plan Lot Size Map to permit the erection of a dwelling house, for the following reasons: <ol style="list-style-type: none"> 1. the proposal fails to adequately meet the Objectives of the E3 Environmental Management Zone because it cannot be seen to protect, manage and restore relevant ecological, scientific, cultural or aesthetic values of the site through having no adverse effect on those values 2. the report reviewing Council's previous assessment did not completely address Objective 3.2.8 of the Kiama DCP 2020 "To limit potential for large bulky housing and development" that was one of the previous reasons for refusal. Failure to discuss this objective in its entirety means that demonstrating the proposal's elevations and setbacks will have no adverse impact on the aesthetic values of the E3 zone, has not been achieved 3. all relevant matters associated with the original determination under Clause 8.5 of the Act were not considered and the application should be refused. Councillor Croxford foreshadowed the following recommendation: That Council: <ol style="list-style-type: none"> 1. support the request to vary the minimum lot size development standard to permit the erection of a dwelling, pursuant to Clause 4.6 of Kiama Local Environmental Plan 2011 2. approve Development Application No 10.2020.90.1 for a primary dwelling and secondary dwelling with each having a swimming pool, and a shared access driveway at Lot 201 DP1022563 - 16 Crooked River Rd Gerroa, subject to the conditions as attached to the report 3. advise persons who made a submission on Development Application No 10.2020.90.1 of Council's decision. 	For: Councillors Draisma, Keast, Larkins, Reilly, Renkema-Lang and Rice Against: Councillors Brown, Croxford and Steel	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Endorsement of draft Amendments to Local Infrastructure Contribution Plans for Public Exhibition	15/03/2022 22/025OC	Resolved that Council: <ol style="list-style-type: none"> 1. in accordance with the Kiama Community Participation Plan 2019, seek feedback from the community, by way of a twenty-eight (28) day public exhibition process, on the proposed amendments to: <ul style="list-style-type: none"> • Section 94 Contributions Plan No.1 – Municipal Wide Plan • Section 94 Contributions Plan No.2 – Northern Region • Section 94 Contributions Plan No.3 – Southern Region • Section 94 Indirect Contributions Plan 2. following the public exhibition process, report the final amendments to the elected Council for formal adoption 3. repeal Section 94 Contributions Management Plan No.7 – West Kiama Urban Release Area & Cedar Ridge/Silver Hill as all projects have been completed and any new projects for this location will be included within Plan No. 1 and 2 	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel Against: Nil	
10.2021.150.1 - Lot 2 DP 1256113 Jamberoo Road, Croom	15/03/2022 22/026OC	Resolved that Council: <ol style="list-style-type: none"> 1. approve Development Application No 10.2021.150.1 for the demolition of an existing farm building, the construction of a principal and secondary dwelling including ancillary features (access road and effluent management systems), swimming pool and the removal of three trees, at Lot 12 DP 866128 Jamberoo Road, Croom, subject to the conditions of consent as attached to this report, with the inclusion of: <ol style="list-style-type: none"> a. the access road is to be completed prior to commencement of development b. the main power box be relocated to an area that does not require access via the neighbouring property. 2. advise persons who made a submission on Development Application No 10.2021.150.1 of Council's decision. <p>The variation proposed by Councillor Renkema-Lang (to include consent conditions requiring the access road is to be completed prior to commencement of development and for the main power box to be relocated to an area that does not require access via the neighbouring property) was accepted by the mover.</p>	For: Councillors Brown, Croxford, Draisma, Larkins, Reilly, Renkema-Lang, Rice and Steel Against: Councillor Keast	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2021.269.1 - 459 Saddleback Mountain Road, Saddleback Mountain	15/03/2022 22/027OC	Resolved that Council: 1. approve Development Application No 10.2021.269.1 for the demolition of the existing shed, construction of a new dwelling, detached garage, associated access and amendment to building envelope at Lot 6 DP: 827151 - 459 Saddleback Mountain Road, Saddleback Mountain, subject to the recommended conditions of consent as attached to this report 2. sign the relevant documentation allowing the amended building envelope to be registered on Lot 6 DP 1068326.	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	
Nos 32 and 34 Wyalla Road, Jamberoo - Request for Removal of Right of Carriageway	15/03/2022 22/028OC	Resolved that Council delegate authority to the Chief Executive Officer to affix the Council seal to the relevant documentation to release the restriction as to user which is referred to as item number four (4) in the Section 88B Instrument attached to DP 1209559, for Lots 401 and 402.	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel Against: Nil	
10.2021.271.1 - 2/12 Brown Street, Kiama	15/03/2022 22/029OC	Resolved that Council: 1. approve Development Application No 10.2021.271.1 for alterations and additions at Lot 2 DP 285049 - 2/12 Brown Street, Kiama subject to the conditions of consent as attached to this report 2. permit variation to the registered building envelope which is the restriction on the use of land referred to in Deposited Plan 285049 for Lot 2.	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	
10.2021.153.1 - 290 Rose Valley Road, Rose Valley	15/03/2022	It was MOVED by Councillor Brown and SECONDED by Councillor Croxford that Council approve Development Application No 10.2021.153.1 – 290 Rose Valley Road, Rose Valley, subject to standard conditions of consent. Councillor Rice FORESHADOWED a MOTION should Councillor Brown’s Motion be defeated that Council refuse Development Application No 10.2021.153.1 – 290 Rose Valley Road, Rose Valley for the reasons as outlined in the staff report. Councillor Brown’s motion on being PUT was LOST In favour: Brown, Croxford, Steel, Reilly Against: Draisma, Keast, Larkins, Renkema-Lang and Rice		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2021.153.1 - 290 Rose Valley Road, Rose Valley CONTD	15/03/2022 22/0300C	<p>Committee recommendation that Council refuse Development Application No 10.2021.153.1 – 290 Rose Valley Road, Rose Valley for the following reasons:</p> <ol style="list-style-type: none"> 1. having regard to the matters for consideration in the Environmental Planning and Assessment Act 1979 contained in Section 4.15 and the requirements of Council's LEP and DCP as it: <ol style="list-style-type: none"> a. increases the bushfire risk to residents, their assets and emergency services workers due to the siting of the dwelling b. does not maintain the rural landscape character of the land c. does not ensure that development does not detract from the natural, cultural, and agricultural values of the Kiama Local Government Area d. is sited on a ridgeline or knoll; and e. does not minimise earthworks; and f. is carried out on slopes greater than 20%. 2. having regard to the matters for consideration in the Environmental Planning and Assessment Act 1979 contained in Section 4.15 and the requirements of Council's LEP and DCP: <ol style="list-style-type: none"> a. the distant siting of the proposal from the existing dwelling and farm buildings increases the potential for land use conflict between rural dwellings and agricultural activities due to the scattering of the development on the site; and b. the siting of the proposal on a ridge and removed from the existing dwelling and farm buildings is not considered to maintain Kiama's scenic rural landscapes and low-density residential nature representing a poor site planning outcome c. the likely adverse impacts of the development on the rural environment and the visual impacts of the development being located on a ridge adversely impacting the scenic quality of the rural landscape d. the site planning is focused on rural residential purposes and results in a proliferation of dwellings/structures that do not contribute to the land being used for agricultural purposes; and e. the dispersal of the development on the site will likely give rise to land use conflicts with little opportunity for mitigation 3. having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(d) the proposal is unacceptable because submissions have been lodged objecting to the development on grounds of: <ol style="list-style-type: none"> a. not clustering development; and b. adverse visual impacts; and c. size and nature of secondary dwelling; and d. rural character and context; and e. precedence 4. having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(e) the proposed development is not in the public interest since the relevant objectives and controls of Development Control Plan 2020 have been generally consistently applied by the Council since its adoption and have not been abandoned by decisions made by the Council, and controls should be given determinative weight. 	<p>For: Councillors Draisma, Keast, Larkins, Reilly, Renkema-Lang and Rice Against: Councillors Brown, Croxford and Steel</p>	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2021.45.1 – 110 North Kiama Drive, Kiama Downs	15/03/2022	The Chief Executive Officer advised that item has been removed from the agenda after Development Application 10.2021.45.1 was withdrawn by the applicant.		
10.2021.44.1 - 150 Wyalla Road, Jamberoo	15/03/2022 22/031OC	<p>Resolved that Council refuse Development Application No 10.2021.44.1 – 150 Wyalla Rd Jamberoo Rose for the following reasons:</p> <ol style="list-style-type: none"> 1. having regard to the matters for consideration in the Environmental Planning and Assessment Act 1979 contained in Section 4.15 and the requirements of Council's LEP and DCP the development is refused as it: <ol style="list-style-type: none"> a. increases the bushfire risk to residents, their assets and emergency services workers due to the siting of the dwelling b. does not maintain the rural landscape character of the land c. does not ensure that development does not detract from the natural, cultural, and agricultural values of the Kiama Local Government Area 2. having regard to the matters for consideration in the Environmental Planning and Assessment Act 1979 contained in Section 4.15 and the requirements of Council's LEP and DCP the development is refused as: <ol style="list-style-type: none"> a. the distant siting of the proposal from the existing dwelling and farm buildings increases the potential for land use conflict between rural dwellings and agricultural activities due to the scattering of the development on the site b. the likely adverse impacts of the development on the rural environment and the visual impacts of the development adversely impact on the scenic quality of the rural landscape 3. having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(c) the proposal is unacceptable because the site is not suitable for the proposed development since: <ol style="list-style-type: none"> a. the site planning is focused on rural residential purposes and results in a proliferation of dwellings/structures that do not contribute to the land being used for agricultural purposes; and b. the dispersal of the development on the site will likely give rise to land use conflicts with little opportunity for mitigation 4. having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(d) the proposal is unacceptable because submissions have been lodged objecting to the development on grounds of: <ol style="list-style-type: none"> a. clustering of rural development b. fragmentation of agricultural land c. removal of vegetation d. impacts on adjoining properties 5. having regard to the matters for consideration in the Environmental Planning and Assessment Act contained in Section 4.15(1)(e) the proposed development is not in the public interest since the relevant objectives and controls of Development Control Plan 2020 have been generally consistently applied by the Council since its adoption and have not been abandoned by decisions made by the Council, and controls should be given determinative weight. 	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2021.248.1 - 143 Terralong Street, Kiama	15/03/2022 22/032OC	<p>Resolved that Council:</p> <ol style="list-style-type: none"> 1. approve Development Application No 10.2021.248.1 at 143 Terralong Street, Kiama subject to the conditions of consent as attached to this report, and with the inclusion of a condition that a landscape plan be submitted to Council for delegated approval of the Chief Executive Officer prior to commencement of construction 2. advise persons who made a submission on Development Application No 10.2021.248.1 of Council's decision. 	<p>For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel Against: Nil</p>	
10.2021.282.1 - 18 Belinda Street, Gerringong	15/03/2022	<p>It was MOVED by Councillor Croxford and SECONDED by Councillor Steel that Council:</p> <ol style="list-style-type: none"> 1. approve Development Application No 10.2021.282.1 at 18 Belinda Street, Gerringong subject to the conditions of consent as attached to this report, but with the following changes: <ol style="list-style-type: none"> a. Delete sub-paragraph E on page 623 being "Takeaway food – the takeaway is to be limited to serving takeaway beverages and pre-prepared food, with no cooking permitted within the takeaway premises. Reason – to minimise cooking fumes in close proximity to the property boundary that may affect the amenity of neighbouring residents."; and b. Amend sub-paragraph F to read "no earlier than 6:00am Monday – Saturday" rather than 7:00am 2. advise persons who made a submission to Development Application No 10.2021.282.1 of Council's decision. <p>Councillor Rice FORESHADOWED a MOTION should Councillor Croxford's Motion be defeated that Council defer Development Application No 10.2021.282.1 at 18 Belinda Street Gerringong to enable further consideration of amenity impacts on neighbours and the loss of resident's roadside parking that could occur nearby.</p> <p>Councillor Croxford's motion on being PUT was LOST</p> <p>In favour: Brown, Croxford and Steel Against: Draisma, Keast, Larkins, Renkema-Lang, Reilly and Rice</p>		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2021.282.1 - 18 Belinda Street, Gerringong CONTD	15/03/2022 22/033OC	<p>Committee recommendation:</p> <ol style="list-style-type: none"> 1. That Council defer Development Application No 10.2021.282.1 at 18 Belinda Street Gerringong to enable further consideration of amenity impacts on neighbours and the loss of resident's roadside parking that could occur nearby. 	<p>For: Councillors Draisma, Keast, Larkins, Renkema-Lang and Rice Against: Councillors Brown, Croxford, Reilly and Steel</p>	
10.2021.208.1 - 7 Marks Street, Kiama	15/03/2022 22/035OC	<p>Committee recommendation that Council:</p> <ol style="list-style-type: none"> 1. Grant deferred commencement consent to Development Application No 10.2021.208.1 at 7 Marks Street, Kiama subject to the conditions as attached to this report with the following amendments: <ol style="list-style-type: none"> a. Condition 2 under 'Operational Conditions' to read as follows: <ol style="list-style-type: none"> i. "Pursuant to S.4.17 of Environmental Planning and Assessment Act 1979, Exhibition events with a maximum of 80 guests are approved on a 3 year consent from the date of commencement and that Council staff will provide annual briefings to Councillors on the consent. Continuation of Exhibition events beyond the 3 year period is subject to the applicant demonstrating compliance with conditions of consent and submitting a S.4.55 modification of consent to Council requesting its consideration of such extension of the approval period b. Condition 4 under 'Operational Conditions' to read as follows: <ol style="list-style-type: none"> i. "The outdoor area is not to be occupied by guests after 10.00pm, after which all attendants are required to be located indoors to minimise noise audible to neighbours c. Delete Condition 6 under 'Operational Conditions' 2. Advise persons who made a submission on Development Application No. 10.2021.208.1 of Council's decision. 	<p>For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly and Steel Against: Councillors Renkema-Lang and Rice</p>	
10.2021.196.1 - 37 Pheasant Point Drive, Kiama	15/03/2022 22/036OC	<p>Resolved that Council:</p> <ol style="list-style-type: none"> 1. Approve Development Application No 10.2021.196.1 at 37 Pheasant Point Drive Kiama subject to the conditions of consent as attached to this report. 2. Advise persons who made a submission on Development Application No 10.2021.196.1 of Council's decision. 	<p>For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil</p>	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2018.273.3 – 81 Jerrara Road, Jerrara - Review of Determination	12/04/2022 22/030OC	Committee recommendation that Council in its review of determination: <ol style="list-style-type: none"> 1. Uphold its determination and refuse the modification of consent 10.2018.273.3 as per the reasons for refusal. 2. Advise persons who made a submission on Development Application No 10.2018.273.3 of Council's decision. 	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Renkema Lang, Rice and Steel Against: Nil	Councillor Reilly declared a non-significant non-pecuniary interest in item 12.1 10.2018.273.3 – 81 Jerrara Road, Jerrara – Review of Determination as the applicant was a participant on Councillor Reilly's team for the Local Government Election 2021. Councillor Reilly left the chamber and took no part in discussion or voting on this matter. Councillor N Reilly left the meeting at 6.23 pm and Councillor Draisma took the Chair. Councillor N Reilly returned to the meeting at 6:25 pm and Councillor Draisma vacated the Chair
Monthly development application report	12/04/2022 22/031OC	Committee recommendation that Council note the update that has been provided on the development assessment timeframes and process.	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	
10.2021.314.1 - 32 Pacific Avenue, Werri Beach	12/04/2022 22/034OC	Committee recommendation that Council: <ol style="list-style-type: none"> 1. approve Development Application No 10.2021.314.1 for the demolition of the existing dwelling and detached shed, erection of an attached dual occupancy, swimming pools and two (2) lot Torrens Title subdivision at 32 Pacific Avenue, Werri Beach, subject to the conditions as attached to this report. 2. advise persons who made a submission on Development Application No 10.2021.314.1 of Council's decision. 	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2019.27.2 - 17 Minnamurra Street, Kiama	12/04/2022 22/035OC	Committee recommendation that Council: <ol style="list-style-type: none"> 1. approve Application to Modify Consent No 10.2019.27.2 subject to the conditions as attached to this report. 2. advise persons who made a submission on the Application to Modify Consent No 10.2019.27.2 of Council's decision. 	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	
Endorsement of Planning Amendments for Agriculture (Agritourism) to Kiama Local Environmental Plan 2011		<p>It was moved by Councillor Brown and seconded by Councillor Steel that Council:</p> <ol style="list-style-type: none"> 1. provide a formal response to inform the NSW Department of Planning & Environment that Council wishes to: <ol style="list-style-type: none"> a. adopt optional clauses 5.23 and 5.24 as outlined in the Standard Instrument (LEP) Amendment (Agritourism) Order 2021 as follows: <ol style="list-style-type: none"> i. Clause 5.23(1)(c) – no other objectives required ii. Clause 5.23(2)(b) – insert 120 iii. Clause 5.23(2)(c) – insert 20 iv. Clause 5.23(2)(d) – insert 5 v. Clause 5.24(1)(c) – no other objectives required vi. Clause 5.23(2)(a) – insert 200 vii. Clause 5.23(2)(b) – insert 50 <p>An amendment was moved by Councillor Larkins and accepted by the mover that Council:</p> <ol style="list-style-type: none"> 1. provide a formal response to inform the NSW Department of Planning & Environment that Council wishes to: <ol style="list-style-type: none"> a. adopt optional clauses 5.23 and 5.24 as outlined in the Standard Instrument (LEP) Amendment (Agritourism) Order 2021 as follows: <ol style="list-style-type: none"> i. Clause 5.23(1)(c) – no other objectives required ii. Clause 5.23(2)(b) – insert 100 iii. Clause 5.23(2)(c) – insert 20 iv. Clause 5.23(2)(d) – insert 5 v. Clause 5.24(1)(c) – no other objectives required vi. Clause 5.23(2)(a) – insert 200 vii. Clause 5.23(2)(b) – insert 50 <p>The amended motion on being put was lost.</p>	For: Councillors Brown, Larkins, Reilly and Steel Against: Councillors Croxford, Draisma, Keast, Renkema-Lang and Rice	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Endorsement of Planning Amendments for Agriculture (Agritourism) to Kiama Local Environmental Plan 2011 CONTD	12/04/2022 22/036OC	<p>A foreshadowed motion was moved by Councillor Rice and seconded by Councillor Lang that Council:</p> <ol style="list-style-type: none"> 1. provide a formal response to inform the NSW Department of Planning & Environment that Council wishes to: <ol style="list-style-type: none"> a. adopt optional clauses 5.23 and 5.24 as outlined in the Standard Instrument (LEP) Amendment (Agritourism) Order 2021 as follows: <ol style="list-style-type: none"> i. Clause 5.23(1)(c) – no other objectives required ii. Clause 5.23(2)(b) – insert 80 iii. Clause 5.23(2)(c) – insert 20 iv. Clause 5.23(2)(d) – insert 5 v. Clause 5.24(1)(c) – no other objectives required vi. Clause 5.23(2)(a) – insert 200 vii. Clause 5.23(2)(b) – insert 50 <p>The foreshadowed motion on being put was carried.</p>	<p>For: Councillors Draisma, Keast, Larkins, Renkema-Lang and Rice Against: Councillors Brown, Croxford, Reilly and Steel</p>	
Bombo Quarry timeline	12/04/2022 22/046OC	<p>Resolved that Council:</p> <ol style="list-style-type: none"> 1. support the use of Bombo Quarry for future housing, commercial, industrial and community services and spaces, as outlined in Objective 20 and Action 9 of the Illawarra-Shoalhaven Plan 2041 2. write to the relevant NSW Government Ministers to request a timeline on the development and usage of Bombo Quarry, including the timeframe for cessation of quarrying by the NSW government 3. ensure that Bombo quarry housing options are explicitly included in the housing calculations of the Housing Strategy Reference Group with input from relevant community associations. 	<p>For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil</p>	
Rural and Agricultural Lands Strategy	12/04/2022 22/047OC	<p>Resolved that Council:</p> <ol style="list-style-type: none"> 1. acknowledge the importance of agriculture and rural lands as unique to the identity of the Kiama Municipality 2. as part of considerations for the 2022/23 draft Operational Plan and Budget undertake to develop a Rural and Agricultural Opportunities Strategy (the Strategy) 3. engage the community in the development of the Strategy through the Rural Futures Reference Group (the Group), as resolved at the 24 February 2022 Extraordinary Council Meeting 4. supports community engagement through the Group to identify both the challenges and opportunities for the rural environment, economy and infrastructure in the Kiama Municipality. 	<p>For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil</p>	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2021.361.1 - Lot 12 Barton Drive, Kiama Downs	17/05/2022 22/076OC	<p>Committee recommendation that Council resolve to refuse Development Application No 10.2021.361.1 for the following reasons:</p> <ol style="list-style-type: none"> 1. the proposal is an overdevelopment of the site, with the proposed 2.45m wide verge being inadequate in width for provision of essential infrastructure services and street tree planting. 2. the proposal is unsatisfactory in design details, with the plans providing no detail of lot areas and dimensions to quantify potential housing design, compliance and amenity. 3. the proposal has an unsatisfactory design, with the proposed lots all shallow in depth and irregular shape. In particular, Lots 1, 3, 4, 5, 6, 7, 10 and 11 are considered unacceptable to accommodate a compliant family dwelling and private open space. 4. the proposal is unsatisfactory with regards to stormwater drainage impacts, noting the applicant has not submitted a satisfactory Flood Assessment Report that assess the mapped watercourse traversing the site. 5. the proposal does not comply with Kiama Local Environmental Plan 2011 – Clause 5.21 – Flood Planning, Clause 6.2 – Earthworks and Clause 6.12 Essential Services. 6. the proposal does not comply with Kiama Development Control Plan 2020 with regard to the controls for flood management (C.2.5.1), minimum verge width (C3.6.67), pedestrian accessibility (C.5.1.4), excavation (C5.1.6), waste servicing (C5.1.4), and constrained lot sizes (C5.1.14) ; plus the objectives for subdivision design (O5.1.20) and building envelopes (O5.1.26). 7. the proposal is not within the public interest, noting issues raised in 5 submissions of objection. 	<p>For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil</p>	
10.2021.300.1 - 68 Shoalhaven Street, Kiama	17/05/2022	Development application 10.2021.300.1 has been withdrawn by the applicant.		

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2019.187.2 - 7 Federal Street, Minnamurra	28/06/2022 22/139OC	<p>It was moved by Councillor Brown and seconded by Councillor Steel that Council:</p> <ol style="list-style-type: none"> 1. Support the request to vary a development standard of Kiama Local Environmental Plan 2011 for the variation to the floor space ratio; and 2. Approve Modification Development Application 10.2019.187.2 for an attached dual occupancy and two Lot Torrens Title subdivision at 7 Federal Street, Minnamurra, subject to the conditions attached to this report. <p>At the request of Councillor Rice and by consent, the motion was varied and resolved as follows: That Council:</p> <ol style="list-style-type: none"> 1. Support the request to vary a development standard of Kiama Local Environmental Plan 2011 for the variation to the floor space ratio. 2. Approve Modification Development Application 10.2019.187.2 for an attached dual occupancy and two Lot Torrens Title subdivision at 7 Federal Street, Minnamurra, subject to the conditions attached to this report, with the following addition – <p>That a condition of consent be imposed to ensure that the storage cavities are not used for habitable purposes.</p>	<p>For: Councillors Brown, Croxford, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel Against: Nil</p>	<p>Councillor Draisma disclosed a less than significant non-pecuniary interest in this item and did not vote on this matter.</p>
Post Exhibition - Endorsement of Chapter 4 Heritage and Cultural Conservation of the Kiama DCP 2020 and preparation of Planning Proposal to amend Schedule 5 of the Kiama LEP 2011	28/06/2022 22/140OC	<p>It was moved by Councillor Brown and seconded by Councillor Steel that this matter be deferred for further consideration and consultation with residents.</p> <p>On being put this motion was lost.</p> <p>Councillor Croxford raised a point of order in relation to the validity of Councillor Draisma's amendment however the Mayor, Councillor Reilly deemed the amendment valid.</p>		<p>Councillor Larkins disclosed a less than significant non-pecuniary interest in this item and voted on this matter.</p>

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
<p>Post Exhibition - Endorsement of Chapter 4 Heritage and Cultural Conservation of the Kiama DCP 2020 and preparation of Planning Proposal to amend Schedule 5 of the Kiama LEP 2011 Contd.</p>		<p>That Council:</p> <ol style="list-style-type: none"> 1. Submit a nomination to the NSW Heritage Council to list the following sites as State heritage items: <ol style="list-style-type: none"> a. 30 Terralong Street, Kiama – Kiama Police Residence – Part Lot 2 Section 5 DP 758563 and Part Lot 7033 DP 1061038 b. 32 Terralong Street, Kiama – Kiama Police Station– Lot 1 Section 5 DP 758563 and Part Lot 7033 DP 1061038 c. 34 Terralong Street, Kiama – Kiama Court House - Lot 1 Section 5 DP 758563 and Part Lot 7033 DP 1061038 d. Corner of Eddy and Noorinan Street, Kiama – Kiama Rail turntable – Lot 2 DP 1073158. 2. Prepare a Planning Proposal to amend Schedule 5 of the Kiama Local Environmental Plan 2011 to: <ol style="list-style-type: none"> a. amend Item 164 to incorporate the Blowhole Tennis Court b. amend Item 117 to incorporate Saints Peter and Paul Catholic Church c. list the following the sites as local heritage items: <ol style="list-style-type: none"> i. 24 Manning – Lot 21 DP 1186998 ii. 5 Noorinan - Lot 12 DP 1166458 iii. 51 Shoalhaven Street – Part Lot 200 DP 1017091 iv. 23 Barney Street – Lot 1 DP 194007 v. 72 Collins Street – Lot 1 DP 781177 vi. 1 Bong Bong Street – Lot 1 DP 1115376 vii. 19 Barney Street – Lot 1 DP 1014606. d. List the following the areas as local Heritage Conservation Areas: <ol style="list-style-type: none"> i. area generally between Akuna Street, Shoalhaven Street, Barney Street, Seaview Street, Belvedere Street and Collins Street and 87 Shoalhaven Street – Lot 7 DP 258846 as the Smiths Farm Heritage Conservation Area ii. Manning Street, from Bong Bong Street to Terralong Street, and Terralong Street, from its eastern extent to Collins Street, including the façade of 66 and 68 Terralong Street – Lots 1 & 2 DP 508891, as the Kiama Town Centre Heritage Conservation Area. e. Map the known historical Dry Stone Walls, as identified by the Dry Stone Wall Program undertaken in 2008. 3. Submit the above Planning Proposal to the NSW Department of Planning & Environment for a Gateway Determination. 4. Undertake consultation with relevant State agencies and the community in accordance with the Gateway Determination and the Kiama Community Participation Plan 2019. 5. Following consultation prepare a future report to enable the elected Council to formally make the above amendments to Schedule 5 of the Kiama Local Environmental Plan 2011. 	<p>For: Councillors Brown, Croxford, Reilly and Steel Against: Councillors Draisma, Keast, Larkins, Renkema-Lang and Rice</p>	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Post Exhibition - Endorsement of Chapter 4 Heritage and Cultural Conservation of the Kiama DCP 2020 Contd.		6. Adopt and publish on the Council's website the enclosed Chapter 4 – Heritage and Cultural Conservation of the Kiama Development Control Plan 2020. 7. Acknowledge the significant contribution of Sue Eggins, Michael Forsyth, Robynne Mills and Kathy Timms, as members of the Heritage Reference Group since 2016 in the development of Chapter 4 – Heritage and Cultural Conservation of the Kiama Development Control Plan 2020.		
Quarterly Planning Update and Statistics	19/07/2022 22/185OC	<p>It was moved by Councillor Draisma and seconded by Councillor Croxford that Council note the update that has been provided on the:</p> <ul style="list-style-type: none"> • Planning Reform Program, • Development Assessment timeframes, • Land and Environment Court Appeals, • Planning Proposals, • Clause 4.6 Variation Approvals, and • Dwelling Approval and Completion Statistics <p>An amendment was moved by Councillor Renkema-Lang and seconded by Councillor Keast that:</p> <ol style="list-style-type: none"> 1. Council note the update that has been provided on the: <ol style="list-style-type: none"> a. Planning Reform Program, b. Development Assessment timeframes, c. Land and Environment Court Appeals, d. Planning Proposals, e. Clause 4.6 Variation Approvals, and f. Dwelling Approval and Completion Statistics 2. Future quarterly planning updates include: <ol style="list-style-type: none"> a. A table listing Land and Environment Court Appeals and outcomes b. Projections for population growth and housing needs in the Kiama LGA as part of the dwelling approval and completion statistics where available. <p>The Amendment on being put was Carried.</p> <p>The Amendment was carried on the casting vote of the Mayor.</p> <p>The Amendment became the adopted Motion.</p>	<p>For: Councillors Croxford, Keast, Renkema-Lang and Rice Against: Councillors Draisma, Larkins, Reilly and Steel</p> <p>For: Councillors Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel Against: Nil</p>	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2021.317.1 - 2/18 Bourrool Lane, Kiama	21/07/2022 22/187OC	Committee recommendation that Council approve Development Application No 10.2021.317.1 for alterations and additions at 2/18 Bourrool Lane subject to conditions of consent.	For: Councillors Croxford, Draisma, Larkins, Reilly and Steel Against: Councillors Keast, Renkema-Lang and Rice	Disclosure of Interest – Councillor Keast Councillor Keast disclosed a less than significant non-pecuniary interest in this item and voted on this matter.
Kiama LEP 2011 - South Kiama	22/193OC	<p>The Mayor raised a point of order requesting that Councillor Croxford withdraw comments regarding state government employees. Councillor Croxford's audio was inconsistent at this point in time.</p> <p>Resolved that :</p> <ol style="list-style-type: none"> 1. The Mayor and CEO jointly write to the Minister for Planning and Homes on Council's behalf, requesting that the NSW Government overturn the Department of Planning's decision to rezone South Kiama for urban development and seek advocacy from the Premier and Local Member on the same matter on the grounds that: <ol style="list-style-type: none"> a. Rezoning of this land will result in the permanent loss of Agricultural land with "great potential for small-scale agricultural development to support the recovery and resilience of farm businesses in regional economies and represent a diverse and unique tourism offering, including food and wine trails, farm stays, farmers, and farm experiences" (page 41- Illawarra Shoalhaven Strategic Plan 2041) b. The NSW Government has yet to advise on their strategy for the protection of important agricultural land in the Kiama Local Government Area, as the mapping of State Significant Agricultural Land has yet to be completed c. Population projections and dwelling number requirements are changing due to external and unpredictable influences, as acknowledged on page 17 of the independent assessor's report d. The current sewer system is already beyond capacity as evidenced by the frequent sewerage spills into Boneyard, Bombo, and Black Beaches (major international tourist attractions to the Kiama LGA) e. An LGA-wide analysis of housing types, numbers, time-frames, and the combined stormwater and sewerage capacity requirements is required to inform the feasibility, appropriate timing, and most suitable location for any urban rezoning and expansion f. The independent assessment did not adequately consider the strong community sentiment and high value placed on this landscape by both Aboriginal and non-indigenous people, as expressed in over 300 written submissions. g. That the area is highly prone to landslips. h. That Council has not been provided satisfactory information by Transport for NSW and the NSW Department of Education on this proposals impact on the Princes Highway, local roads and schools. 2. A copy of this letter, in point 1, is provided to the NSW Opposition Leader, Mr Chris Minns MP. 	For: Councillors Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2021.344.1 - 92 Jerrara Road, Jerrara	16/08/2022 22/231OC	Resolved that Council 1. Approve development application 10.2021.344.1 for an intensive plant agriculture and ancillary netting structure at 92 Jerrara Road, Jerrara, subject to the conditions as attached to the report. 2. Advise persons who made a submission on development application 10.2022.344.1 of Council's decision.	For: Councillors Brown, Croxford, Keast, Larkins, Reilly and Steel Against: Councillors Draisma, Renkema-Lang and Rice	
10.2021.336.1 - 41-43 Thomson Street, Kiama	16/08/2022 22/232OC	Resolved that Council approve Development Application No 10.2021.336.1 at 41 43 Thomson Street, Kiama subject to the conditions of consent as attached to this report, being updated to include the following: <i>An independent structural engineer undertakes an excavation movement analysis and a vibration excavation and monitoring program with the aim of minimising piling and excavation damage to neighbouring properties.</i>	For: Councillors Brown, Draisma, Keast, Larkins, Renkema-Lang, Rice and Steel Against: Councillor Croxford and Reilly	
10.2022.50.1 - 35 Manning Street, Kiama	16/08/2022 22/233OC	It was moved by Councillor Steel and seconded by Councillor Croxford that Council defer development application 10.2022.50.1. Following advice from staff, Councillor Steel withdrew the motion. Resolved that Council refuse development application 10.2022.50.1 for the following reasons: <ol style="list-style-type: none"> 1. An overdevelopment of the site, with excessive variation sought to the building height development standard of 11m under Kiama Local Environmental Plan (LEP) 2011, and the minimum lot width control under Kiama Development Control Plan (DCP) 2012 – Chapter 6.5.2 2. An unsatisfactory design when considering the Kiama LEP 2011 definitions of mixed development and shop top housing which requires "at least the ground floor is used for commercial premises." The predominant use of the ground floor is access and parking, with the single commercial premises being an ancillary component. 3. Inconsistency with Kiama LEP 2011 – Objectives of the B2 Local Centre zone. The development proposes to replace two existing commercial premises with one small commercial premises which will reduce employment opportunities and is contrary to zone objectives. 4. Inconsistency with Kiama LEP 2011 – Clause 4.3 Height of buildings; objective (a) to ensure future development is in keeping with the desired scale and character of the street and local area. 5. The Clause 4.6 Variation Request submitted in support of the application under Kiama LEP 2011 – Clause 4.6 was found to be unsatisfactory. In these circumstances development consent must not be granted for development that contravenes a development standard. 	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	

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Description	Meeting Date & No	Determination	Vote	Declaration of Interest
10.2022.50.1 - 35 Manning Street, Kiama Contd.		<ol style="list-style-type: none"> 6. Inconsistency with Kiama LEP 2011 Clause 5.10 Heritage conservation, with excess bulk and scale in context of its location and town setting, adjacent to three heritage items at No's 32, 33 and 48 Manning Street. 7. Inconsistency with SEPP No 65 – Design Quality of Residential Apartment Development, with regards to Principle 1: Context and neighbourhood character, Principle 2: Built form and scale, Principle 5: Landscape, Principle 6: Amenity, Principle 7: Safety, Principle 8: Housing Diversity and social interaction, Principle 9: Aesthetics. SEPP 65 states that Council must not grant consent where it considers that the development does not satisfy the design principles. 8. Inconsistency with the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021, in particular development within the Coastal Use Area, due to impacts on cultural and built environment heritage. 9. An unsatisfactory active street frontage within the B2 Local Centre zone, with the ground floor commercial premises occupying only 40% of the façade length, with the remained occupied by access to the basement and residential access/egress. 10. Unsatisfactory loss of privacy, with most balconies directly overlooking the rear private open space of the neighbouring property to the north – 33 Manning Street. 11. Unsatisfactory driveway access over the Manning Street footpath which conflicts with pedestrian movement 12. Development that is not within the public interest, noting the issues raised in the public submissions. 		
10.2021.156.1 - 96 Rose Valley Road, Rose Valley	20/09/2022 22/268OC	<p>Resolved that Development Application No 10.2021.156.1 be refused 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 EIS submitted with the Development Application for a Designated Development does not comply with the minimum requirements of the SEARs and Schedule 2 of the EP&A Regulation 2000. The EIS has not been prepared strictly in accordance with the requirements of Schedule 2 – Environmental Impact Statements, of the EP&A Regulation 2000. Specifically, it does not satisfactorily address all mandatory requirements of the NSW Planning Secretary's Environmental Assessment Requirements (SEARs) issued for the proposed abattoir. 2. The EIS submitted with the Development Application for a Designated Development does not comply with the minimum requirements of the SEARs and Schedule 2 of the EP&A Regulation 2000. As stated in EP&A Regulation 2000, Schedule 2 – Clauses 6 Form of Environmental Impact Statement and 7 Content of Environmental Impact Statement, each of the stated requirements must be provided. On this basis, the EIS is deemed inadequate whereby Clause 5.7(1) of the Environmental Planning and Assessment Act 1979 requires that Council cannot lawfully grant consent to the proposal, irrespective of its merits. 	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	<p>Councillor Rice declared a less than significant non-pecuniary interest in this item. Councillor Rice disclosed and voted on this matter.</p> <p>Councillor Keast declared a less than significant non-pecuniary interest in this item. Councillor Keast disclosed and voted on this matter.</p>

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10.2021.156.1 - 96 Rose Valley Road, Rose Valley Contd.		<p>3. The EIS submitted with the Development Application for a Designated Development does not comply with the minimum requirements of the SEARs and Schedule 2 of the EP&A Regulation 2000 because:</p> <ul style="list-style-type: none"> a) The EIS does not provide adequate justification for the development, in that it does not address all the principles of ecologically sustainable development which is a specific assessment requirement of Schedule 2 – Clause 7 of the Regulation. b) The Water Quality Assessment Report identifies a slight increase in gross pollutants, with no mitigation measures recommended to counter this impact on the water quality of downstream receiving waters. Accordingly, concern is raised that gross pollutants from the proposal may adversely affect water quality and negatively impacting on downstream aquatic ecosystems. c) The EIS defers assessment of key operational matters including managing animal welfare, disease control, biosecurity and human health; traffic management impacts; acid sulphate soils; water quality monitoring for wastewater; environmental management and construction management to separate future management plans. In deferring these matters the EIS fails to satisfactorily consider all potential impact and provide adequate mitigation measures as required. d) The discussion on 'project alternatives' does not identify alternative local sites/areas where the proposed abattoir is permissible with consent and the land would be suitable for such a land use. The analysis of feasible alternatives is therefore inadequate. e) Accordingly, the EIS fails to satisfy the relevant provisions of S.4.15 of the EP&A Act to enable a full assessment of all likely impacts, accordingly, Council cannot lawfully grant development consent. <p>8. Given the deficiencies, in the application, the proposal has not demonstrated that approval would be in the public interest and is therefore not considered to be in the public interest.</p>		
10.2018.290.2 - 3 Belvedere Street, Kiama	20/09/2022 22/269OC	<p>Resolved that Council:</p> <ul style="list-style-type: none"> 1. Approve Modification Development Application No 10.2018.290.2 for self-storage units at 3 Belvedere Street, Kiama, subject to the attached conditions of consent. 2. Advise persons who made a submission on Development Application No 10.2018.290.2 of Council's decision. 	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	Councillor Renkema-Lang declared a less than significant non-pecuniary interest in this item. Councillor Renkema-Lang disclosed and voted on this matter.

Register of Planning Matters Determined by Council Resolution 2020 onwards

Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Endorse for public exhibition: draft Kiama Municipal Council Committees Policy and Standard Terms of Reference	20/09/2022 22/270OC	<p>Resolved that Council:</p> <ol style="list-style-type: none"> 1. Seek community feedback on the draft Kiama Municipal Council Committee Policy and Framework by placing the draft Committee Policy and Framework on public exhibition for a minimum of 28-days. 2. Note that the draft Committee Policy and Framework seeks to dissolve/repurpose the following committees, formed at the extraordinary February 2022 meeting: <ol style="list-style-type: none"> a. Access and Movement Committee b. Arts & Cultural Committee c. Catchment and Flood Risk Management Committee d. Companion Animals Management Advisory Committee e. Destination Kiama Advisory Committee f. Environmental Management and Sustainability Committee g. Finance Advisory Committee h. Jamberoo Youth Hall s355 Committee i. Performance Review Committee j. Youth Advisory Committee 3. Note that the draft Committee Policy and Framework seeks to form the following committees: <ol style="list-style-type: none"> a. Audit, Risk and Improvement Committee – NSW Legislated Committee; b. Traffic Committee – NSW Legislated Committee; c. Planning and Development Committee – Committee of Council; d. Performance Review Committee – Committee of Council (as formed at the Extraordinary February 2022 meeting (Resolution Number 22/011OC)); e. Community and Culture Advisory Committee - Advisory Committee; f. Environmental Management and Sustainability Advisory Committee - Advisory Committee; g. Tourism & Economic Development Advisory Committee (incorporating the Tourism Advisory Committee) - Advisory Committee; h. Connected and Liveable Community Advisory Committee - Advisory Committee; i. Finance Advisory Committee – Advisory Committee. 4. Seek community feedback on the draft amendments to the Precinct System Operational Guidelines by placing the draft guidelines on public exhibition for a minimum of 28-days. 5. Note that the draft amendments to the Precinct System Operational Guidelines seek to establish/reinforce the relationship between Council and the Precincts and Community Associations and confirm that Councillors may not be a voting member of a Precinct or Community Association. 	<p>For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Rice and Steel Against: Councillor Renkema-Lang</p>	

Register of Planning Matters Determined by Council Resolution 2020 onwards

Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Endorse for public exhibition: Updates to Planning Proposal Policy	20/09/2022 22/271OC	Resolved that Council seek feedback from the community and other external stakeholders on the draft amendments to the Planning Proposal Policy by placing the draft Policy on public exhibition for at least 28 days.	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema Lang, Rice and Steel Against: Nil	
Post exhibition endorsement: Topic 12.7 Kiama Town Centre of Kiama DCP 2020 and preparation of Planning Proposal to amend Kiama LEP 2011	20/09/2022	<p>It was moved by Councillor Renkema-Lang and seconded by Councillor Rice that Council:</p> <ol style="list-style-type: none"> 1. Defer adoption of Topic 12.7 – Draft Kiama Town Centre of the Kiama Development Control Plan 2020 (DCP) subject to incorporating the following changes: <ol style="list-style-type: none"> a) Maintain the current maximum height of 11m (3 storeys) along the southern side of Terralong Street, between Thomson Street and Collins Street and update Figure 18 of the draft DCP accordingly. b) Change the maximum height of the Akuna Street strategic site to 14m (4 storeys) in the areas marked as 17m and 21m and update Figure 29 the draft DCP accordingly. c) remove Site F: Kiama Surf Lifesaving Club noting that the Kiama SLSC has been assessed as high risk in appendix E1 of the Coastal Management Program Stage 2 report, and that Clause 15 of the Coastal Management SEPP states that councils and consent authorities should take a precautionary approach to assessing risks associated with current and future coastal hazards pending the adoption of relevant CMPs. 2. Resubmit the revised draft DCP and associated updated planning proposal recommendations at the earliest opportunity for Council adoption. 3. Note the amendments being made to Council’s 10.7 certificates (part 5) to acknowledge properties in the Kiama Local Government Area business districts may be subject to greater intrusion from sound generating activities through the evening such as live music, entertainment and pedestrian movement. <p>The Motion was deemed by the Mayor to be an unlawful motion.</p>		Councillor Brown declared a less than significant non-pecuniary interest in this item. Councillor Brown disclosed and voted on this matter.

Register of Planning Matters Determined by Council Resolution 2020 onwards

Description	Meeting Date & No	Determination	Vote	Declaration of Interest
<p>Post exhibition endorsement: Topic 12.7 Kiama Town Centre of Kiama DCP 2020 and preparation of Planning Proposal to amend Kiama LEP 2011 Contd.</p>		<p>It was moved by Councillor Brown and seconded by Councillor Croxford that Council:</p> <ol style="list-style-type: none"> 1. Adopt and publish on the Council's website the enclosed Topic 12.7 – Kiama Town Centre of the Kiama Development Control Plan 2020 (DCP), as attached to this report. 2. Prepare a Planning Proposal to Sheet HOB_012 of the Kiama Local Environmental Plan 2011 to increase the maximum height of buildings permitted: <ol style="list-style-type: none"> a. Along the southern side of Terralong Street, between Thomson Street and Collins Street, to 14m, (as shown on Figure 15 of the attached Kiama Development Control Plan). b. Parts of Kiama Centrepoint Shopping Mall, to 14m, (as shown on Figure 41 of the attached Kiama Development Control Plan). c. Parts of the Akuna Street strategic site, to 14m, 17m and 21m (as shown on Figure 29 of the attached Kiama Development Control Plan). 3. Prepare a Planning Proposal to Sheet FSR_012 of the Kiama Local Environmental Plan 2011 to increase the maximum floor space ratio permitted: <ol style="list-style-type: none"> a. Along the southern side of Terralong Street, between Thomson Street and Collins Street, to 2:1, (as shown on Figure 15 of the attached Kiama Development Control Plan). b. Parts of Kiama Centrepoint Shopping Mall, to 2:1, (as shown on Figure 41 of the attached Kiama Development Control Plan). c. Parts of the Akuna Street strategic site, to 2:1, 2.5:1 and 3:1 (as shown on Figure 29 of the attached Kiama Development Control Plan). 4. Prepare a Planning Proposal to amend clause 6.8 of the Kiama Local Environmental Plan 2011 to outline that the active street frontage development standards, within the Kiama Town Centre, only apply to the areas marked as 'primary active frontages' in Figure 11 of the attached Kiama Development Control Plan. 5. Prepare a Planning Proposal to amend clause 6.8 of the Kiama Local Environmental Plan 2011 to rezone Lot 154 DP 751279, 72 Manning Street (i.e. Silica Restaurant) from RE1 Public Recreation to B2 Local Centre and apply a 11m maximum building height and a floor space ratio of 1.5:1. 6. Submit the above Planning Proposal/s to the NSW Department of Planning & Environment for a Gateway Determination. 7. Undertake consultation with relevant State agencies and the community in accordance with the Gateway Determination and the Kiama Community Participation Plan 2019. 8. Following consultation prepare a future report to enable the elected Council to formally make the above amendments to the Kiama Local Environmental Plan 2011. 9. Note the amendments being made to Council's 10.7 certificates (part 5) to acknowledge properties in Kiama LGA business districts may be subject to greater intrusion from sound generating activities through the evening such as live music, entertainment and pedestrian movement. 10. Notify those who made submissions of this resolution. 		

Register of Planning Matters Determined by Council Resolution 2020 onwards

Description	Meeting Date & No	Determination	Vote	Declaration of Interest
<p>Post exhibition endorsement: Topic 12.7 Kiama Town Centre of Kiama DCP 2020 and preparation of Planning Proposal to amend Kiama LEP 2011 Contd.</p>		<p>A variation was requested by Councillor Renkema-Lang but not accepted by the mover Councillor Brown that the motion include:</p> <p>That Council:</p> <p>a) remove Site F: Kiama Surf Lifesaving Club noting that the Kiama SLSC has been assessed as high risk in appendix E1 of the Coastal Management Program Stage 2 report, and that Clause 15 of the Coastal Management SEPP states that councils and consent authorities should take a precautionary approach to assessing risks associated with current and future coastal hazards pending the adoption of relevant CMPs.</p>		
		<p>An amendment was moved by Councillor Renkema-Lang and seconded by Councillor Keast that Council:</p> <ol style="list-style-type: none"> 1. Adopt and publish on the Council's website the enclosed Topic 12.7 – Kiama Town Centre of the Kiama Development Control Plan 2020 (DCP), as attached to this report. 2. Prepare a Planning Proposal to Sheet HOB_012 of the Kiama Local Environmental Plan 2011 to increase the maximum height of buildings permitted: <ol style="list-style-type: none"> a. Along the southern side of Terralong Street, between Thomson Street and Collins Street, to 14m, (as shown on Figure 15 of the attached Kiama Development Control Plan). b. Parts of Kiama Centrepoint Shopping Mall, to 14m, (as shown on Figure 41 of the attached Kiama Development Control Plan). c. Parts of the Akuna Street strategic site, to 14m, 17m and 21m (as shown on Figure 29 of the attached Kiama Development Control Plan). 3. Prepare a Planning Proposal to Sheet FSR_012 of the Kiama Local Environmental Plan 2011 to increase the maximum floor space ratio permitted: <ol style="list-style-type: none"> a. Along the southern side of Terralong Street, between Thomson Street and Collins Street, to 2:1, (as shown on Figure 15 of the attached Kiama Development Control Plan). b. Parts of Kiama Centrepoint Shopping Mall, to 2:1, (as shown on Figure 41 of the attached Kiama Development Control Plan). c. Parts of the Akuna Street strategic site, to 2:1, 2.5:1 and 3:1 (as shown on Figure 29 of the attached Kiama Development Control Plan). 4. Prepare a Planning Proposal to amend clause 6.8 of the Kiama Local Environmental Plan 2011 to outline that the active street frontage development standards, within the Kiama Town Centre, only apply to the areas marked as 'primary active frontages' in Figure 11 of the attached Kiama Development Control Plan. 5. Prepare a Planning Proposal to amend clause 6.8 of the Kiama Local Environmental Plan 2011 to rezone Lot 154 DP 751279, 72 Manning Street (i.e. Silica Restaurant) from RE1 Public Recreation to B2 Local Centre and apply a 11m maximum building height and a floor space ratio of 1.5:1. 		



KIAMA MUNICIPAL COUNCIL
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Register of Planning Matters Determined by Council Resolution 2020 onwards

Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Endorse for public exhibition: Draft Development Assessment Process Policy	20/12/22 23/391OC	Resolved that Council seek feedback from the community and other external stakeholders on the draft Kiama Development Assessment Policy and draft amendments to the Kiama Community Participation Plan by placing the draft Policies on public exhibition until 30 January 2023.	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel Against: Nil	
Post exhibition adoption: updates to Planning Proposal Policy	20/12/22 22/392OC	Resolved that Council adopt the Amendment No 3 to the Kiama Planning Proposal Policy.	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel Against: Nil	
Jamberoo Heritage Review - Commencement of Community Consultation	20/12/22 22/404OC	Resolved that Council: <ol style="list-style-type: none"> 1. Engage with the community, on the most appropriate ways to celebrate and conserve items and areas identified by Niche Environment and Heritage as being of heritage significance. 2. Review and revise the documents listed in a. to c. below to correct anomalies and errors and re-present them to Council in early 2023. <ol style="list-style-type: none"> a. Jamberoo Heritage Review – Heritage Places Study: Summary Report, b. Jamberoo Heritage Review – Existing Items c. Jamberoo Heritage Review – Potential Items Jamberoo Heritage Review documents 3. Acknowledge the contribution to the study of Sue Eggins, Stuart Richardson and Michael Forsyth, as members of the Jamberoo Heritage Reference Group. 	For: Councillors Brown, Croxford, Draisma, Keast, Reilly, Renkema-Lang, Rice and Steel Against: Councillor Larkins	

Register of Planning Matters Determined by Council Resolution 2020 onwards

Description	Meeting Date & No	Determination	Vote	Declaration of Interest
Spring Creek housing opportunities – State candidates advocacy	20/12/22 22/406OC	Resolved that Council: <ol style="list-style-type: none"> 1. Urgently seeks a commitment from the State Government to extinguish the covenant restricting residential development on Lot 26 DP 709368 and Lot 11 DP 810839 until quarry activities have ceased within Bombo Quarry 2. The letter attached to this report be provided to the following Members of Parliament, Public Servants and Community representatives: <ul style="list-style-type: none"> • Sam Faraway MLC – Minister for Regional Roads and Transport • Bruce Morgan – Chair of the Board, NSW Transport Asset Holding Entity. • Benedicte Colin – Chief Executive Officer, NSW Transport Asset Holding Entity. • Gareth Ward MP – Member for Kiama. • Kaitlin McInerney – Labor candidate for Kiama. • Dr Tonia Gray – Greens candidate for Kiama. • Ms Jenny Aitchison MP, Shadow Regional Minister for Transport and Roads • Peter Poulos MLC, Parliamentary Secretary for Wollongong and the Illawarra 	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel Against: Nil	
Update on request for State Heritage Listing nomination – Justice Precinct	20/12/22 22/407OC	Resolved that Council note the outcome of the request to seek State Heritage listing of the Justice Precinct and the completion of the recommendation made by Council.	For: Councillors Brown, Croxford, Draisma, Keast, Larkins, Reilly, Renkema-Lang, Rice and Steel Against: Nil	