



KIAMA MUNICIPAL COUNCIL
your council, your community

Kiama Development Control Plan 2020

Chapter 1. Introduction and Administration



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

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Chapter 1. Introduction and Administration

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Topic 1.1 - Name of this DCP

This plan is known as the Kiama Development Control Plan (DCP) 2012 as prepared in accordance with [Division 3.6](#) of *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

Topic 1.2 - Adoption and Commencement

Commencement of the DCP

The Kiama DCP 2012 was adopted by Council on 31 July 2012 and came into effect on 24 August 2012.

Amendments to this DCP

Amendment Number	Chapter/Change	Commencement Date
1	<u>New Chapter</u> Chapter 29 – Flood Liable Land, insertion of chapter This chapter contains information and development controls needed to prepare and assess development applications on flood prone land.	19/06/13
2	<u>New Chapter</u> Chapter 30 – Heritage, insertion of chapter This chapter assists in enabling an understanding of the significance of heritage, and ensuring that future development is undertaken in accordance with legislative requirements and is sensitive to the significance of heritage items.	21/06/13
3	<u>Amendment</u> Chapter 2 – Overall Controls, deleted controls Heritage controls from Section 20 & 21 were repealed, as they have been updated and consolidated, in Chapter 30 Heritage.	25/09/13
4	<u>Amendment</u> Re-numbering of pages – re-formatting.	02/10/13
5	<u>Amendment</u> Chapter 3 – Preservation & Management of Trees & Vegetation This chapter provides clear guidelines and specific controls which can be used for the preparation and assessment of tree management and development applications.	11/06/14
6	<u>New Chapter</u> Chapter 31 – Site Specific Controls – Wyalla Road Residential Release Area	17/03/15

Amendment Number	Chapter/Change	Commencement Date
	The Wyalla Road Residential Release Area is to comprise of high quality mixed residential and housing for Seniors and People with a Disability development that incorporates and utilises the high quality natural scenic character of the Jamberoo area. The residential release area is to comprise a mix of low density residential allotments, housing for seniors and people with a disability, a community facility and an environmental management area. The development is to attain visual amenity through linkages to Hyams Creek corridor and scenic hills beyond.	
7	<p><u>Amendment</u></p> <p>Chapter 12 – Short Term Rental Accommodation</p> <p>The amendments to this Chapter aim to ensure that minimum bin size requirements and additional best practice guidelines for waste management for STRA be incorporated to address issues of inadequate waste provisions at many STRA properties, particularly in light of the changing kerbside waste service.</p>	18/11/15
8	<p><u>Amendment</u></p> <p>Chapter 7 – Subdivision</p> <p>The main amendments to the DCP relate to the clarification of the different road hierarchy types and an increase in minimum street widths to 6.5, 8, 9.5 and 11.5 metres for Access Streets, Access Roads and Minor and Major Collector roads respectively, based on traffic volumes.</p>	13/01/16
9	<p><u>Amendment</u></p> <p>Chapter 9 – Car Parking</p> <p>This Chapter has undergone revision to address identified issues, provide better clarity and increase development opportunities.</p>	01/06/16
10	<p><u>Amendment</u></p> <p>Chapter 5 – Medium Density</p> <p>This chapter has been amended to include controls for development encompassing 3 or more dwellings/units is classed as medium density development and includes: Residential Flat Buildings, Multi dwelling Housing, Boarding Houses, Group Homes, Seniors Housing, Shop Top Housing.</p>	10/08/16
11	<p><u>New Chapter</u></p> <p>Chapter 32 – Cedar Grove – Stage 2</p> <p>Site specific chapter for Cedar Grove Stage 2 which refers to a residential release area located on the western edge of</p>	10/08/16

Amendment Number	Chapter/Change	Commencement Date
	Kiama. The release area contains a range of lot sizes aimed at giving greater choice and diversity for housing options.	
12	<u>Amendment</u> Chapter 32 – Cedar Grove – Stage 2 Amendments to establish building lines for larger residential lots.	11/3/17
13	<u>Amendment</u> Chapter 31 – Site Specific Controls – Wyalla Road Residential Release Area Amendments to establish building line and address minor errors.	03/06/17
14	<u>Amendment</u> Chapter 2 – Overall Controls Minor amendments relating to neighbour notification policy.	30/10/17
15	<u>New Chapter</u> Chapter 33 – Jamberoo Village New chapter to ensure development within the Jamberoo Village respects and positively contributes to the desired future character of the village.	10/01/18
16	<u>Amendment</u> Chapter 13 – Tourist Accommodation Restructure of chapter to include controls for Bed & Breakfast Accommodation, Farm Stay Accommodation and Eco Tourist Accommodation.	10/12/18
17	<u>Amendment</u> Chapter 3 – Preservation & Management of Trees & Vegetation This chapter provides clear guidelines and specific controls which can be used for the preparation and assessment of tree management and development applications. This chapter has been amended to reflect the new <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i> .	12/01/19
18	<u>Amendment</u> Chapter 30 – Heritage Minor Amendments to include controls relating to items of Aboriginal Cultural Heritage and site specific controls for the Pheasant Point Heritage Conservation Area.	15/6/19
19	<u>Amendment</u>	1/11/19

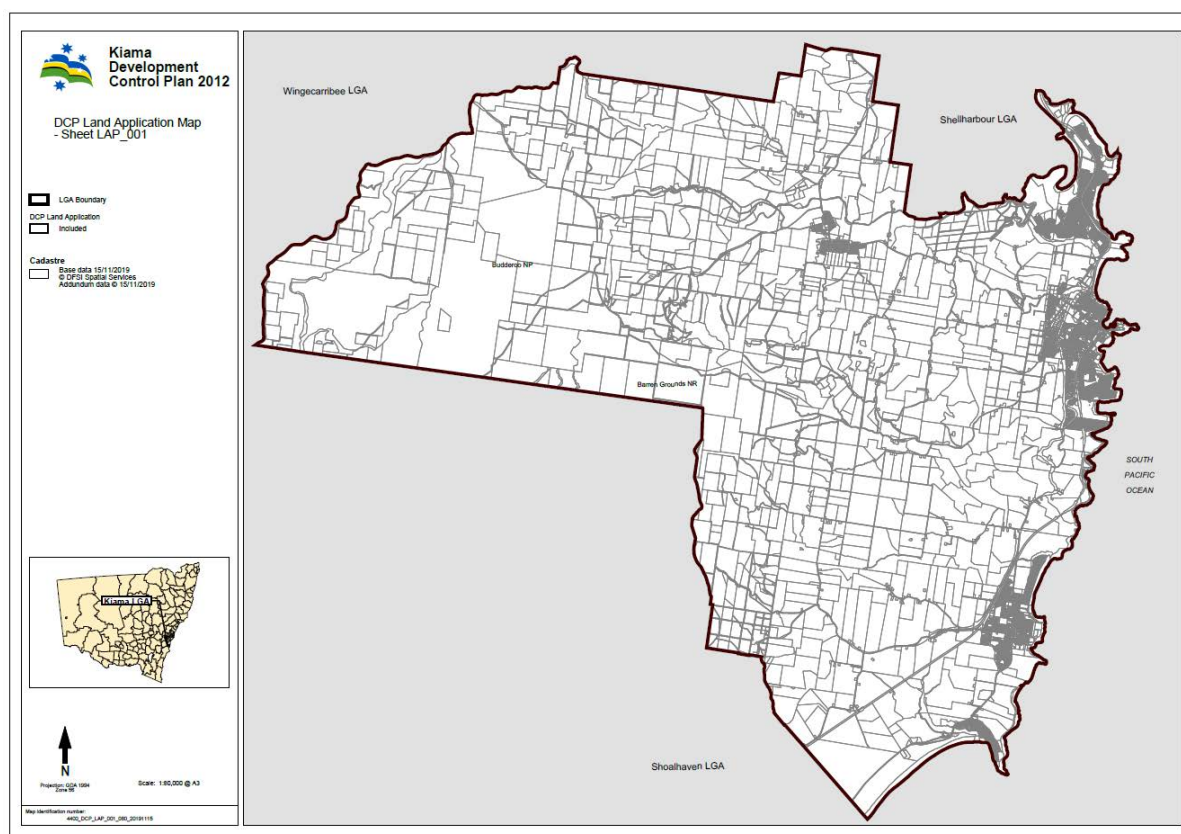
Amendment Number	Chapter/Change	Commencement Date
	Chapter 2 – Overall Controls Repealing Sections 24-35 neighbour notification policy. Neighbour notification policy now contained in Community Participation Plan.	
20	<u>New Structure</u> Restructure of all existing controls into a simplified structure. New rural use controls.	4/04/2020

Savings and Transitional Arrangements

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Topic 1.3 - Where this DCP Applies

This plan applies to land within the Kiama Local Government Area where the [Kiama Local Environmental Plan \(LEP\) 2011](#) applies.



Topic 1.4 - How to Use this DCP

How to Use this DCP

The DCP applies to all development that may be carried out with development consent. Council must consider this DCP when assessing your development application under the provisions of the EP&A Act.

Any application for development in the Kiama Municipality will need to address the provisions contained in this DCP. Throughout this DCP you may find a combination of Objectives, Mandatory Controls, Performance Criteria and Acceptable Solutions.

Objectives: For each Section or topic of relevance, objectives will clearly state what Council seeks to achieve once the Controls or the Performance Criteria are met.

Mandatory Controls: Are specific, prescriptive measures required for achieving the desired objectives.

Performance Criteria: Identify how a development should perform so that the desired objectives can be achieved.

Acceptable Solutions: Indicate how the development can achieve the desired performance and objectives.

This DCP is divided into the following Parts and Chapters:

- Introduction and Administration
 - Site Considerations
 - Common Requirements
 - Development Specific Controls
 - Area Specific Controls

Variations to DCP controls

The EP&A Act enables Council to be flexible in applying the provisions and controls of our DCP and to allow reasonable alternative solutions that achieve the objectives of those controls/standards for dealing with that aspect of the development.

Objectives

O:1.4.1 To make provisions that an applicant may make a written submission to Council to request a variation if the provisions of any part of a chapter are unnecessary or unreasonable having regard to the circumstances of the site and the application sought.

An applicant may make a written submission to Council to request a variation to the provisions of a Chapter in this plan if:

- the development site has special or exceptional conditions that justify the variation sought. It will be compulsory to demonstrate that a functional development is impossible on site without seeking a variation, or
- the provisions of a Chapter in this plan do not have appropriate regard to the development proposal, or
- the application to vary the provisions of a Chapter in this plan must accompany the development application and shall be submitted to Council with the appropriate fee as fixed by Council, or
- in requesting a variation, the applicant must consider whether any other reasonable option is available and each of the objectives of the specific controls to be varied.

Note: Council will assess any variation based on planning principles and compliance with the objectives within the particular chapter.

Topic 1.5 - Aims of this Plan

Aims

The aim of our DCP is to:

- provide detailed development controls which support the Kiama Local Environmental Plan 2011;
- ensure future development responds positively to the qualities of the site and the character of the surrounding locality;
- ensure that development does not detract from the natural, cultural and agricultural values of the Kiama Local Government Area;
- promote development that is sustainable, appropriately designed for the climate and adaptable;
- promote development that is accessible and adaptable to meet the existing and future needs of all residents;
- ensure appropriate information is submitted with Development Applications;
- ensure that development contributes to the quality of the natural and built environments;
- ensure development is of a high design standard and energy efficient;
- promote development that encourages liveable, safe and sustainable living and working environments; and
- promote development that adds to the character of Kiama and assists in promoting a liveable, sustainable environment.

The objectives of our DCP will be outlined separately in each section.

Ecologically Sustainable Development

The [Local Government Act 1993](#) states ecologically sustainable development (ESD) requires the effective integration of economic and environmental considerations in decision-making processes. The [Integrated Planning and Reporting](#) framework also requires councils to address social, environmental, economic and civic leadership issues in an integrated way.

A number of principles underpin ecologically sustainable development and can be used to guide our decision making and actions. They include:

- The precautionary principle.
- Intergenerational equity.
- Biodiversity and ecological diversity.
- Improved economic valuation including environmental factors.

The Precautionary Principle states that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

Intergenerational equity requires the present generation to ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations.

ESD mandates that the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making, including in the formulation, adoption and implementation of any economic and other development plan, program or project.

Economic valuation of the environment is an anthropocentric concept: it is the value of those environmental goods and services that impact on human welfare.

Kiama Municipal Council is committed to the principles of ESD. The principles of ESD form part of the assessment process and should be taken into consideration when planning any development within the Kiama Municipality. The following landscaping suggestions should be included in landscape plans, when required, to facilitate the principles of ESD:

- Native Gardens to provide a habitat for native fauna.
- Retain bushland to prevent further loss of native plants and animals.
- Minimise large expanses of open lawn areas.
- Minimise impervious surfaces by using porous materials or increasing garden bed size.
- Plant trees to aid in wind and shade protection, noise abatement and a more pleasing environment.
- Use and integrate local materials into the landscape where possible.
- Minimise earthworks.
- Minimise potential for erosion and sedimentation.
- Minimise demolition and excavation material by reusing, recycling or disposing in an environmentally sustainable manner.
- Retain existing mature trees and shrubs.
- Use rainwater tanks to conserve water.
- Allocate an area for composting of green waste.

Climate Change

Council recognises and anticipates that climate change will become an increasingly relevant issue for building design in the coming years.

As new homes built under this Policy or as complying development will be affected by climate change within their normal expected lifetime, it is timely for new home owners to consider the potential consequences of climate change in designing their new homes. This will be particularly relevant if people anticipate remaining in their new homes over the next 20 years or more during which time the impacts of a changing climate are likely to be more noticeable.

Council is not yet in a position to determine what land may be impacted by sea level rise, coastal processes, flooding and rising water table, or impacts of higher temperatures, possibility of bushfire events. Until the required investigations and studies are completed, Council recommends that people building new homes in any low lying area near the coast or a waterway, or in the more remote and vegetated areas should exercise caution and discretion in commissioning designs for new homes and have regard to the recommended voluntary design guidelines to the extent they see fit in their particular circumstances.

The impacts of changed weather events may result in Kiama experiencing more intense rainfall and storm events, destructive winds, higher temperatures, more drought periods and heatwave conditions. New development must be designed and constructed to ensure environmentally sustainable buildings that can more easily cope with climate change over time.

New homebuyers/builders are encouraged to consider environmental and flexible design measures that will, if incorporated in the initial design stage, be achieved in many cases at minimal cost while making homes more:

- environmentally pleasant to live in overtime as climate changes.

- easily adapted if they are located in low lying areas potentially affected by sea-level rise, coastal processes, storm surge, rising water table or flooding.
- likely to maintain their value and be more marketable if they are sold, and potentially subject to lower insurance premiums.

In some locations as knowledge is improved, climate change impacts may require mandatory controls to be applied.

New homes are likely to be affected by the impacts of changing weather conditions including:

- hotter summers and more frequent droughts and heatwave conditions.
- increasing risk of bush fires.
- more frequent severe weather events such as destructive storms, hail and damaging winds,
- flooding of waterways in floodplains and valleys.
- sea/tidal inundation and rising water tables in low lying areas near the coast and estuaries.
- coastal erosion and associated coastal processes in foreshore locations associated with predicted sea level rise and severe weather events.
- higher summer temperatures.

Urban Design

Urban design aims at the creation of useful, attractive, safe, environmentally sustainable, economically successful and socially equitable places. Good urban design pursues local identity and sense of place, cultural responsiveness and purposeful environmental innovation. It achieves a high level of quality, comfort, safety, equity, beauty and cohesion in the overall, physical outcome of all the development, planning, engineering, architectural and landscape design decisions that contribute to urban change. Urban design includes, but is not limited to:

- public domain/open space design;
- urban development/architecture design;
- adaptive reuse and urban infill design;
- urban landscape design;
- public infrastructure design;
- sustainable development;
- accessibility and mobility;
- community development;
- cultural heritage;
- culturally sensitive design; and
- safety by design.

Our DCP strives to establish good urban design in all of our towns and villages. Proposed development that does not positively contribute to the urban design of our towns and villages will generally not be supported.

Relationship to Other Documents

Our DCP relates to and should be read in conjunction with:

State Environmental Planning Policies

Certain *State Environmental Planning Policies* (SEPPs) may also apply to certain lands in the Kiama Municipality. The provisions of any SEPP will prevail over this DCP, in the event of any inconsistency. Different SEPPs cover a range of development including but not limited to secondary dwelling, boarding houses, education facilities, hospitals, seniors living, infrastructure and complying development.

Our **Tree Preservation and Vegetation Management** section of [Chapter 2](#) is to be read in conjunction with *SEPP (Vegetation in Non-Rural Areas) 2017* when applying for a permit for vegetation clearing in non-rural areas.

Our DCP does not apply to 'exempt' or 'complying' development identified in the relevant environmental planning instruments. However, Council recommends that other public authorities take this DCP into account when determining activities under [Part 5](#) of the EP&A Act 1979.

Local Strategic Planning Statement

Our [local strategic planning statement \(LSPS\)](#) will set out the 20-year vision for land-use in the Kiama Municipality, the special character and values that are to be preserved and how change will be managed into the future. Future versions of the Kiama DCP will need to be consistent with the LSPS.

Kiama Local Environmental Plan 2011

The DCP provides detailed planning and design guidelines to support the planning controls in the [Kiama Local Environmental Plan \(LEP\) 2011](#).

Kiama Community Participation Plan 2019

Our [Community Participation Plan \(CPP\)](#) outlines how we engage the community in our planning functions under the EP&A Act, including making decisions on proposed development.

Kiama Local Infrastructure Contribution Plans

Council has a number of [Contributions Plans](#) which allows Council to levy contributions on development consents issued for land within the Kiama Municipality. These contributions assist the provision of community facilities or infrastructure to meet demand created by development.

Our DCP is also to be read in conjunction with the following:

- [Environmental Planning and Assessment Act, 1979](#);
- [Environmental Planning and Assessment Regulation 2000](#);
- [Local Government Act 1993](#);
- [National Construction Code \(NCC\) / Building Code of Australia \(BCA\)](#);
- Relevant [Australian Standards](#) as identified throughout this DCP;
- [Land and Environment Court Planning Principles](#); and

Any other policy or document identified for consideration throughout this DCP.

How to contact Council

Post

General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
Website: www.kiama.nsw.gov.au

Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



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Kiama Development Control Plan 2020

Chapter 2 – Site Considerations



RESPECT



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Topic 2.1 - Site Analysis

Different types of application will require different plans/reports. To assist applicants, Council has developed a series of Checklists detailing the Application requirements for different development types.

A major reason for delay in the processing of applications lodged with Council is the failure of applicants to provide sufficient information with their applications. Failure to provide the details which Council requires to make an adequate assessment of any application will add to the processing time as Council must request further information from the applicant.

In order to understand this context, a site analysis (at an appropriate scale) should be undertaken as a first step in preparing for a development. This should identify the opportunities and constraints of the site and create a platform from which to develop a design. A site analysis demonstrates that the proposed development is the best possible solution and makes the best contribution to its surroundings.

All development applications should submit a site analysis.

The degree of detail required will vary according to the nature, type and scale of the development and its surroundings. The level of detail required should be clarified with Council's development assessment officers. For detached dwellings, a site analysis that includes information about neighbouring lots will generally suffice. Larger scale developments will need to include the broader context.

A site analysis assessment should document the key opportunities and constraints of a site and its surroundings and show how these, in conjunction with the provisions of this DCP have determined the final proposal for the site. This assessment may include plans, sketches, photographs and supporting written information. A site analysis should include the following information:

Identifying Information:

- orientation
- scale and north point
- date

Property Details:

- site dimensions, property boundaries and site area
- easements for drainage, services and rights of carriageway

Landform and Vegetation:

- spot levels and contours
- differences in ground levels on site as well as between the site and adjoining properties
- existing vegetation on/or affecting the site, location, height, canopy cover and species types
- important views - from the site and from adjoining land
- identification of any contaminated soils on the site and extent of any known landfill
- landscape features - cliffs, rock outcrops, embankments, retaining walls and foreshores
- soil type and depth
- flood liable land, existing means of stormwater drainage, existing stormwater detention systems, flow paths, drainage easements and watercourses and channels etc.
- sun and shade characteristics
- prevailing winds

Access:

- vehicle and pedestrian access to and from the site
- public roads, laneways and pathways
- on corner sites, the provision of a splay corner if required by Council
- driveways, parking areas, loading bays on the site and within the vicinity of the site
- existing cycle facilities within the area
- public transport services

Existing Development:

- existing buildings - on the site and on adjoining land. Show location, distance from the boundary, height and current use. Include elevations showing adjacent buildings
- existing neighbourhood character, including the pattern of development, built form, building materials and colours, fencing and garden styles
- direction and distances to local shops, schools, public transport, parks, community facilities and local activity centres
- overshadowing of and by adjoining buildings
- fences and walls location, height and materials
- swimming pools and slipways
- privacy - adjoining private open spaces, doors and windows
- street frontage features - poles, trees, kerbs, footpaths, crossings and street furniture
- noise, odour and light spillage sources (e.g. main roads, railway lines, sports fields, air conditioning units, pool pumps and industrial areas)
- heritage and/or archaeological features (indigenous and non-indigenous) on site and in the vicinity of the site include landscapes, buildings, conservation areas and special character areas
- existing advertising signs

Assessment of Proposed Development:

It is imperative that a site analysis include likely impacts of the proposed development and the measures proposed to mitigate these impacts. It should also show where the site has been unable to incorporate the opportunities and constraints of the site and the requirements of the DCP. Written and graphical explanations should be provided, for any site analysis, ultimately showing the suitability of the site for the proposed use.

The site analysis should include:

- The urban structure including property boundaries, street network and public spaces;
- the land uses;
- topography and landscape;
- transport routes and stops;
- main building typologies;
- open space and waterways;
- heritage and archaeology;
- key views and vistas; and
- building envelope, including footprint, height, setbacks and through links required in Kiama LEP 2011 and this DCP.

Topic 2.2 - Biodiversity

Riparian Corridors

Kiama LEP 2011 contains clauses relating to Riparian Lands. The land affected by this clause includes a natural waterways and land that adjoins a natural waterway including an estuary or coastal lake/lagoon (eg Werri Lagoon). Riparian land performs important environmental functions including:

- helping to maintain water quality and healthy aquatic ecosystems.
- providing habitat for native wildlife, maintaining the natural functions of waterways including stable banks and channels, providing a scenic interface between development and waterways.

Objectives

O:2.2.1	To ensure that any development maintains, protect and improves water quality within waterways.
O:2.2.2	To ensure that any development maintains, protect and improves the stability of the bed and banks of waterways, aquatic and riparian habitats.
O:2.2.3	To ensure that any development maintains, protect and improves ecological processes within waterways and riparian areas.
O:2.2.4	To ensure that any development maintains, protect and improves the habitat of threatened aquatic species, ecological communities and populations, and the scenic and cultural heritage values of waterways and their adjoining riparian land.

Controls

- 2.2.1 Development on or near to land identified as being riparian and in the Kiama LEP 2011 must ensure that it does not have significant adverse environmental impact, including, but not limited to, impacts on:
- water quality,
 - bank and bed stability,
 - ecological processes and any habitats.
- 2.2.2 Riparian land affected by proposed development must be protected and improved through any development.

Terrestrial Biodiversity

Development has the potential to negatively impact on the natural environment and scenic landscape. Thorough site analysis is essential to enable evaluation of impacts and to show how they may be avoided or mitigated where some impact is unavoidable due to site context and conditions.

Adverse environmental impacts must be avoided rather than relying on mitigation of impacts to achieve some other private benefit such as an improved view.

Objectives

- O:2.2.5 To protect, maintain and enhance native vegetation/biodiversity, endangered ecological communities, natural ecosystems, and riparian and wildlife corridors.
- O:2.2.6 To protect rare and threatened species and their habitats.
- O:2.2.7 To protect waterways, water quality and drinking water catchments from polluting land use or development activities.
- O:2.2.8 To protect the natural and scenic cultural landscape.

Controls

- 2.2.3 Dwellings and ancillary development must be located as far away as possible from stands of native vegetation to protect biodiversity and threatened species and their habitat, and reduce bush fire risk.
- 2.2.3 Clearing native vegetation to provide a building envelope in a subdivision in line with clauses contained in chapter 7, or provide access, or provide bush fire Asset Protection Zones (APZ) will not be permitted if cleared areas already exist on the land that would satisfy these purposes without significantly compromising other environmental attributes of the land and the aims and objectives of this chapter.
- 2.2.4 If development cannot be carried out without clearing native vegetation, an ecological assessment report (prepared by a person with appropriately qualified consultant) must be submitted to:
- identify the amount and type of native vegetation proposed to be removed, identify any endangered ecological communities affected by the clearing of native vegetation.
 - justify why that native vegetation or an endangered ecological community should be removed.
 - explain what alternatives were considered to clearing of native vegetation or endangered ecological communities and why those alternatives are not justifiable or practical alternatives
- [Note: Cost will not be considered to be an acceptable reason].
- identify what native species of native wildlife, threatened species and native wildlife habitat and natural ecosystems will be affected.
- 2.2.5 Council may impose vegetation improvement conditions on any Development Application. Improvement may include additional planting of biodiversity offsets, the removal of noxious weeds and introduced species, the rehabilitation of riparian corridors, the connection of detached stands of native vegetation, the planting of buffer native vegetation to protect exposed endangered ecological communities.

- 2.2.6 Where land contains native vegetation or an endangered ecological community or where a proposed development or an activity may affect a threatened species, population or ecological community or their habitat, Council may, require a Species Impact Statement to be submitted in accordance with the provisions of Division 2 or Part 6 of the Threatened Species Conservation Act, 1995.
- 2.2.7 In consideration of any specialist report, Council must have regard to:
- any measures proposed in a species impact statement to mitigate any adverse effect of a proposed development or activity on a threatened species, population or ecological community or their habitat, and
 - any approvals that must be obtained under any other legislation.
- 2.2.8 The keeping of cats and goats will not be permitted (by condition of consent) on land occupied by a threatened species, population or their habitat or an endangered ecological community.
- 2.2.9 The keeping of dogs may, by condition of consent, be permitted to be kept on land occupied by, or likely to be occupied by, or periodically used by, a threatened species, population or ecological community subject to:
- the keeping of dogs on the land not being contrary to any measures recommended in a species impact statement or any consent or approval issued under any other legislation.
 - dogs being restrained during the hours between sunset and sunrise each day so they cannot roam during the night time.
 - dogs being accompanied by a responsible person during daylight hours outside the immediate curtilage of the dwelling.
 - dogs being suitably restrained and not permitted to roam on the property when the occupants are not at home.
- 2.2.10 A property landscape plan (PLP) must be submitted with a development application for the erection of a dwelling house, secondary dwelling, ancillary development, access road, services infrastructure, fencing or works where the proposed development will require:
- clearing of native vegetation.
 - revegetation or planting of screening vegetation for land stabilisation.
 - biodiversity offsets to maintain and improve biodiversity.

NOTE: Native vegetation cannot be removed unless approval is given under the Native Vegetation Act administered by the Southern Rivers Catchment Management Authority.

2.2.11 The property landscape plan must:

- clearly identify strategically important existing and proposed vegetation aimed at screening development to ensure it will be enduring through time and able to be clearly identified by condition(s) of development consent.
- include measures to ensure such vegetation will be maintained and replaced over time if this becomes necessary due to damage, natural death or failure to survive due to human intervention or natural causes.
- maximise the use of local endemic species of plants.
- indicate how the visual impact of any access road and services infrastructure and fencing on the landscape will be mitigated by planting of vegetation.
- must not rely on landscaping and planting alone to be used as an alternative to improved siting options which use the natural landscape and landform to screen or reduce the visibility of proposed development to public view.

2.2.12 A property landscape plan must be prepared by a person(s), or with appropriate qualifications in the botanic, ecological or natural sciences.

2.2.13 A property landscape plan that includes biodiversity offsets must have regard to and be informed by “Principles for the use of biodiversity offsets” in NSW government publications“.

Topic 2.3 - Natural Resources

Drinking Water Protection (new)

58.26km² of land located in the west of the Kiama Municipality is contained within the Shoalhaven Catchment of the Sydney Drinking Water Catchments – this represents 22.5% of the local government area.

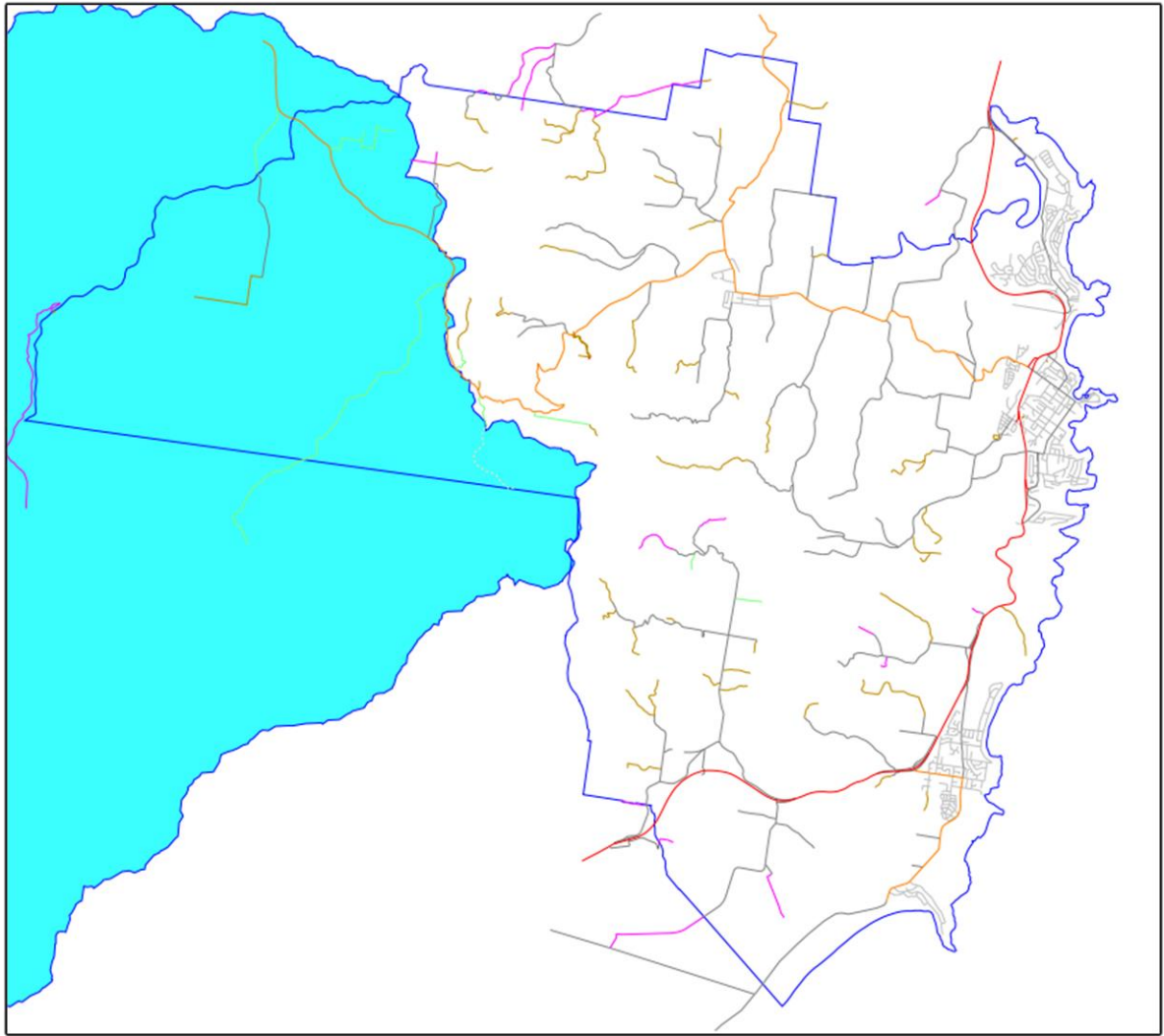


Figure 1. Sydney Drinking Water Catchment

The Shoalhaven catchment covers 5,640 square kilometres - more than one-third of Sydney's drinking water catchment. The Shoalhaven River runs through the heart of the catchment, from the fine wool country around Braidwood in the south-west to the lush rainforests of Kangaroo Valley in the north-east.

Developments in the Sydney drinking water catchment must have a neutral or beneficial effect on water quality.

To ensure water quality continues to be protected in the Sydney drinking water catchment, all proposed developments that require consent under the Kiama LEP 2011 need to have a neutral or beneficial effect (NorBE) on water quality.

Under [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#), proposals need to be assessed to identify potential risks to water quality (eg sediment from construction) and ways to avoid any adverse impacts from those risks (eg by applying [current recommended practices and standards](#)).

Possible impacts on both surface and groundwater are considered as part of the neutral or beneficial effect on water quality assessment.

All development applications in the Sydney drinking water catchment must include a water cycle management study (WCMS) or equivalent information to help council and WaterNSW assess whether the development will have a [neutral or beneficial effect on water quality](#) (NorBE).

[Water Quality Information Requirements \(PDF, 269.4 KB\)](#) for development in the Sydney drinking water catchment document describes the different reports and modelling you need to include with a development application, and how they vary for different types and scales of development.

To help you choose a consultant to prepare the water cycle management study for your development application, download the [Using a Consultant to Prepare Your Water Cycle Management Study \(PDF, 181.42 KB\)](#) document.

Topic 2.4 - Tree Preservation and Vegetation Management

Introduction

This Section outlines Kiama Municipal Council's requirements for the removal or pruning of trees and other vegetation.

Under [Part 2](#) of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* (SEPP Vegetation), a person must not clear vegetation in any non-rural area of the State to which [Part 3](#) applies without the authority conferred by a permit granted by the council under that Part.

[Part 3](#) of the SEPP allows Council to prepare a development control plan and make declarations in any manner, including by reference to any of the following:

- a) the species of vegetation;
- b) the size of vegetation;
- c) the location of vegetation (including by reference to any vegetation in an area shown on a map or in any specified zone); and
- d) the presence of vegetation in an ecological community or in the habitat of a threatened species.

Objectives

The objectives of this Topic are to:

- | | |
|---------|--|
| O:2.4.1 | Give effect to State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 by listing trees and other vegetation that require approval. |
| O:2.4.2 | Maximise public safety within the Kiama Local Government Area. |
| O:2.4.3 | To establish a framework and, methodology and requirements for the pruning, removal and replacement of trees with the Kiama Local Government Area. |
| O:2.4.4 | To identify Exempt trees and other vegetation that may pruned or removed without the necessity for a Tree Management Application or Development Consent. |

Application

This Topic prescribes trees for the purposes of [Part 3](#) of SEPP Vegetation. In accordance with [Clause 7\(1\)](#) of the SEPP, a person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or lop or otherwise remove a substantial part of the vegetation without a permit granted by Council.

A prescribed tree for the purpose of [Part 3](#) of the Vegetation SEPP includes all trees in non-rural areas not listed as exempt which:

- Are five (5) metres or more in height; or
- Have a diameter of 200mm or more when measured at a height of one (1) metre above the ground; or
- Have a branch spread of three (3) metres or more.

Relevant Legislation

Application for the removal of trees and vegetation will need to take the following legislation into consideration:

- [Biodiversity Conservation Act 2016 \(NSW\)](#) - Contact NSW Office of Environment and Heritage;
- [Biosecurity Act 2015 \(NSW\)](#) – Removal of weeds - Contact NSW Office of Environment and Heritage;
- [Environment Protection and Biodiversity Conservation Act 1999 \(Cth\)](#) – Protect and manage native flora, fauna, ecological communities and heritage places;
- [Fisheries Management Act 1994](#) – Prohibits removal of mangroves – Contact NSW Department of Primary Industries;
- [Heritage Act 1977 \(NSW\)](#) - Contact NSW Office of Environment and Heritage.
- [Local Land Services Act 2013 \(NSW\)](#) – Clearing of native vegetation - Contact NSW Office of Environment and Heritage;
- [National Parks and Wildlife Act 1974 \(NSW\)](#) – fauna habitat, protected plants - Contact NSW Office of Environment and Heritage;
- [Rural Fires Act \(NSW\)](#) – ‘10/50 Vegetation Clearing Code of Practice for NSW’ and authorised removal of fire hazards – Contact NSW Rural Fire Service;
- [Water Management Act 2000 \(NSW\)](#) – Controlled activity approvals for certain types of development and activities that are carried out in or near a river, lake or estuary (including removal of vegetation) – Contact NSW Department of Primary Industries – Water;
- [Kiama Local Environmental Plan 2011](#) – Trees that form part of or are identified as an item of environmental heritage listed in [Schedule 5](#).

Land to which this Chapter Applies

This Chapter applies to development for the removal or pruning of trees or other vegetation within non-rural areas (including environmental zones) as defined by [SEPP Vegetation 2017](#).

Exemptions

A Tree Management Application is not required for the cutting down, pruning, removal of any tree or other vegetation for the following:

- The tree is listed in the Exempt species list in [Appendix 1](#) (excluding trees in the curtilage of a heritage item or heritage conservation area) and the property owners has notified Council of any proposed work;
- Where a Complying Development Certificate is issued under [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) and such tree removal is in accordance with the associated provisions;
- Any works to make safe a prescribed tree outside Council business hours from an extreme weather event where there is an immediate threat of injury to persons or property as identified and directed from either an emergency service department (SES, Fire Brigade,

Police) or AQF Level 3 arborist. Evidence of the threat must be submitted to Council within 48 hours from the work being undertaken. Evidence supplied to Council must contain:

- the name and position of the emergency departments employee,
 - photographs and /or name of arborist,
 - level of qualifications,
 - photographs and arborist report.
- Where a prescribed tree has been approved for removal or management under a previous valid development consent.
 - Where the clearing of native vegetation is permitted under the [Local Land Services Act 2013](#) or [Biodiversity Conservation Act 2016](#), as administered by Local Land Services or the responsible State Government Department/Agency.
 - Where a prescribed tree is identified as a noxious weed under the [Biosecurity Act 2015](#) or any management plan published by the [Illawarra District Weeds Authority](#) or other Authority.
 - Where action is carried out by Council, State Emergency Service, Rural Fire Service, or another infrastructure authority/emergency service authority in response to an emergency (i.e. where there is an immediate threat of injury to persons or damage to property).
 - Removal of dead trees and dead wood, as long as the trees are not a threatened species, fauna habitat or a habitat tree.
 - Where clearing or pruning of a tree, including prescribed trees, is required or authorised to be undertaken under one of the following:
 - [Section 88](#) of the Roads Act 1993;
 - [Section 48](#) of the Electricity Supply Act 1995;
 - [Plantations and Reafforestation Act 1999](#) - where a prescribed tree is located within an “approved plantation”, as per the definitions stated within this Act.
 - [Forestry Act 2012](#) - where a prescribed tree is located within a “State Forest” or on land reserved for sale as a “timber forest reserve”, as per the definitions within this Act.

Assessment Criteria

Controls

- 2.4.1 Where tree pruning or removal is to be carried out as a result of a Tree Management Application, all works are to be carried out in accordance with the following:
- a) Australian Standard 4373 2007- Pruning of Amenity Trees (AS4373)
 - b) Australian Standard 4970 2009 - Protection of Trees on Development Sites (AS4970)

2.4.2 Council must take into consideration whether the growth habit or predicted mature size of a tree is likely to come into contact with, interfere with or the drip line overhang: power lines, utility services, infrastructure, dwellings or high occupancy areas.

2.4.3 Where a [Tree Management Application](#) is submitted for tree removal or pruning, Council will base any decision to remove a tree or trees on one or more of the following:

- a) The condition of the tree, where a tree is dead or dying, or where it is assessed to pose a hazard as in the consequence consideration points in the [Tree Risk Assessment Matrix](#). In the application of the risk assessment and determining the risk posed by a tree, Council will take into consideration the advice of trained Council officers; alternatively, Council will consider a report prepared by a person who has obtained an AQF level 5 or higher qualification in Arboriculture (Horticulture);
- b) Whether the tree has any structural defects which may impact on the integrity of the tree;
- c) Whether the tree is causing structural damage to a building, structure, water main or sewer;

Note: A report may be required by a suitably qualified and experienced consultant where the damage is not visually evident demonstrating that the tree, its trunk, or its root system is causing damage and the damage cannot be controlled by mitigation measures;

- d) Whether the tree is severely stressed, diseased or is suffering insect damage and whether the health of the tree can be improved;
- e) Whether a tree species is appropriate in terms of its proximity to an existing habitable dwelling, adjoining dwellings or other buildings;
- f) Whether the growth habit or mature size of a trees is undesirable in a given situation (e.g. power lines, root interference with service, infrastructure or building);
- g) Whether the tree is too large for its location or is interfering or likely to interfere with public infrastructure or private utilities;
- h) Whether the tree shows poor form and shape and/or vigour typical to the species;
- i) Whether the removal of the tree(s) will pose any adverse impact upon the amenity or scenic environmental quality of the locality;
- j) Whether the removal of the tree(s) will cause any potential adverse slope instability or geotechnical impacts upon the site or the locality;
- k) Whether removal of the tree has the potential to affect a threatened species, endangered population, endangered ecological community or critical habitat for any fauna species;
- l) Whether the tree is an irritant to the applicant affecting quality of life. (Medical Certificate maybe required from a suitably qualified specialist);
- m) Whether any previous condition of development consent required the retention of the tree(s)
- n) The ecological significance of the tree, including the trees habitat value.
- o) Whether or not the tree is listed as being of Special Significance as identified in [Appendix 4](#).

- p) Any other reason at the discretion of Council staff, which can be justified on either legal or technical grounds.

Trees on Public Land

Where a private property adjoins public land, a Customer Request may be submitted to Council for the removal of a tree on public land, provided:

- a) The tree is on the Exempt Species list in [Appendix 1](#); or
- b) The condition of the tree, where a tree is dead or dying, or where it is assessed to pose a hazard as in the consequence consideration points in the Tree Risk Assessment Matrix. In the application of the risk assessment and determining the risk posed by a tree, Council will take into consideration the advice of trained Council officers; alternatively, Council will consider a report prepared by a person who has obtained an AQF Level 5 or higher qualification in Arboriculture (Horticulture)

Trees on Neighbouring Property

The owner of a neighbouring property may lodge a Tree Management Application to prune a neighbour's tree, if it overhangs their property. The application will be subject to the [assessment criteria](#) and shall be carried out in accordance with AS 4373–2007 Pruning of Amenity Trees and any root pruning will be subject to maintaining the tree's stability. All approved pruning shall be restricted to the applicant's side of the common property boundary only, where the tree owner's consent has not been obtained. Property owners are encouraged to cooperate where a branch overhangs a property boundary. Council has no direct legal role in dealing with neighbourhood disputes regarding trees on property boundaries or damage caused by trees. The Trees (Disputes Between Neighbours) Act 2006 allows the owner of an adjoining property to apply to the Land and Environment Court for an order to remedy, restrain or to prevent damage to their property or persons as a consequence of a tree situated on the neighbouring property. An individual must make a reasonable attempt to resolve the situation before an approach is made to the Court. Further information is available on the NSW Land and Environment Court's website.

Topic 2.5 - Risk Minimisation and Management

Contaminated Land

The information in this section forms the basis for the management of land contamination within Kiama Municipal Council. The following information references the [Managing Land Contamination Planning Guidelines \(EPA, 1998\)](#) and [State Environmental Planning Policy No 55 – Remediation of Land \(SEPP 55\)](#) in order to implement a contaminated land management framework within Kiama Municipal Council.

The Office of Environment and Heritage or OEH intervention in relation to contaminated land is triggered when contamination poses a significant risk of harm to public health or the environment ([Contaminated Land Management Act 1997](#)).

Council deals with all sites not posing a significant risk of harm, under the provisions of the [Environmental Planning and Assessment Act 1979](#), in accordance with [Managing Land Contamination: Planning Guidelines](#) and SEPP 55.

A Council who acts substantially in accordance with the [Managing Land Contamination Planning Guidelines](#) when carrying out specified planning functions are taken to have acted in good faith and receive statutory protection under the [Environmental Planning and Assessment Act 1979](#).

This section relates to and should be read in conjunction with [Kiama Local Environmental Plan 2011](#) and all relevant Chapters.

The controls apply to all land within the Kiama Local Government Area.

Objectives

- | | |
|---------|--|
| O:2.5.1 | To ensure that changes of land-use will not increase the risk to health and the environment; |
| O:2.5.2 | To avoid inappropriate restrictions on land-use; and |
| O:2.5.3 | To provide information to support decision-making and to inform the community. |

Council's Decision-Making Process

In determining all rezoning, subdivision and development applications, Council must consider the possibility of land contamination and the implications it has for any proposed or permissible future uses of the land. A precautionary approach will be adopted to ensure that any land contamination issues are identified and dealt with early in the planning process.

Initial evaluation

Council will conduct an initial evaluation as part of the development assessment process to determine whether contamination is an issue, and whether sufficient information is available for Council to carry out its planning functions in good faith.

The initial evaluation will be based on readily available factual information provided by the applicant and information available to Council such as previous investigations about contamination on the land, previous zoning and uses of the subject land, and restrictions relating to possible contamination such as notices issued by NSW OEH. Council may also conduct a site inspection of the subject land.

The following flowcharts provide an overview of the process involved where different forms of development are proposed on land which is or is suspected of being contaminated. More comprehensive information is available from Council's Environmental Services Department.

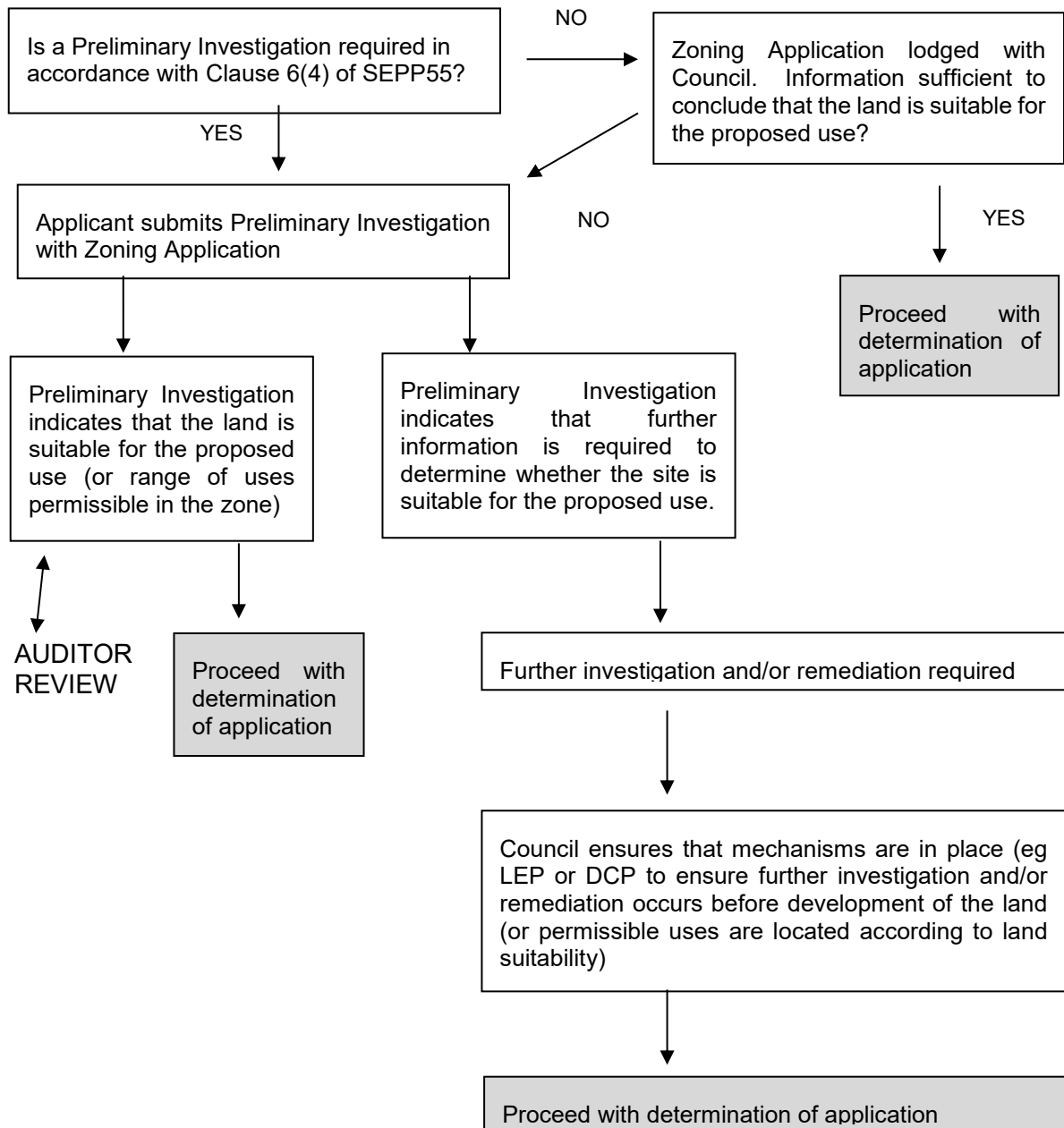


Figure 1: Council procedure for considering land contamination issues for zoning and rezoning applications (adapted from SSROC (1999) Model Policy on Contaminated Land)

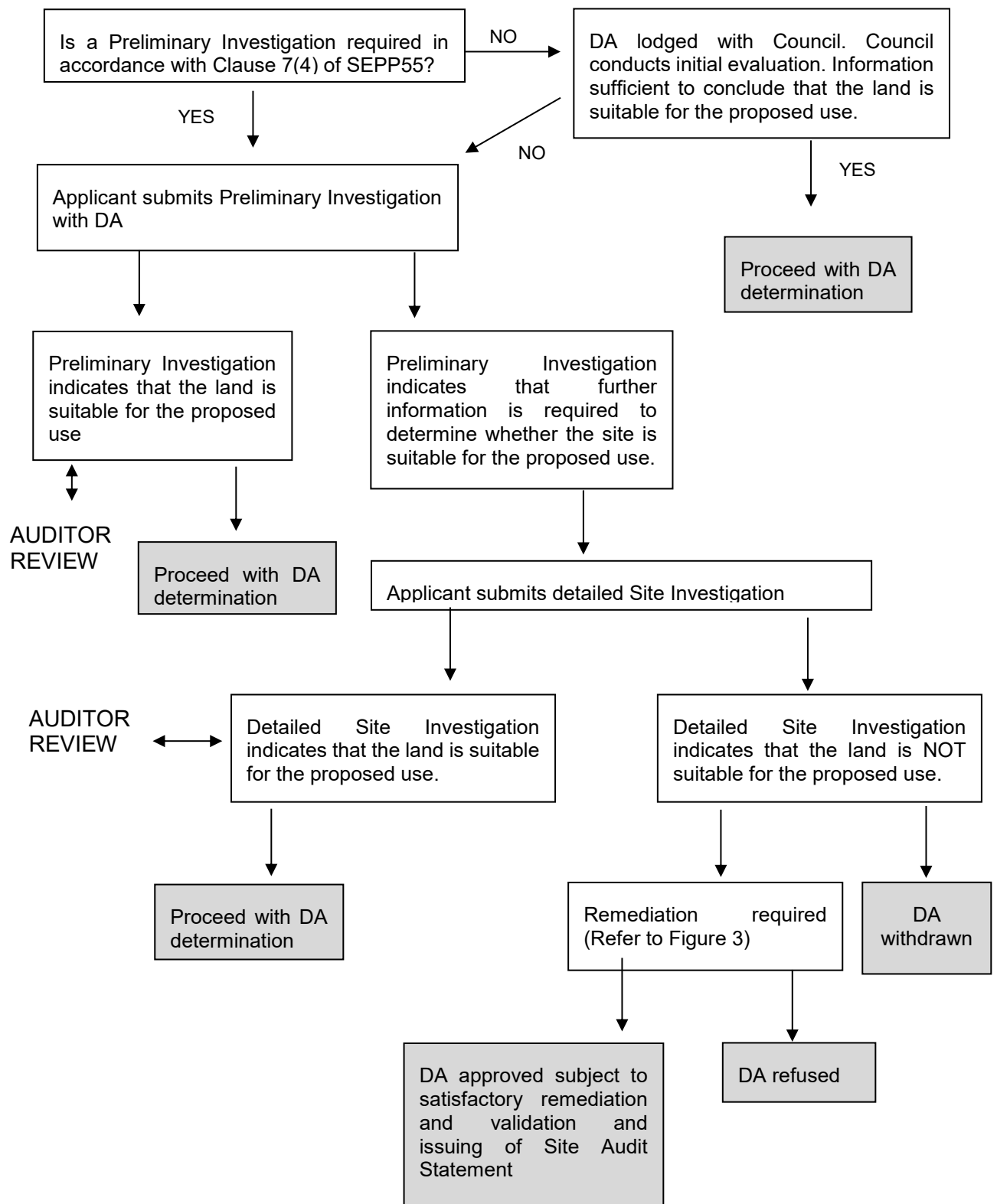


Figure 2: Council procedure for considering land contamination issues for subdivision and development applications (adapted from SSROC (1999) Model Policy on Contaminated Land)

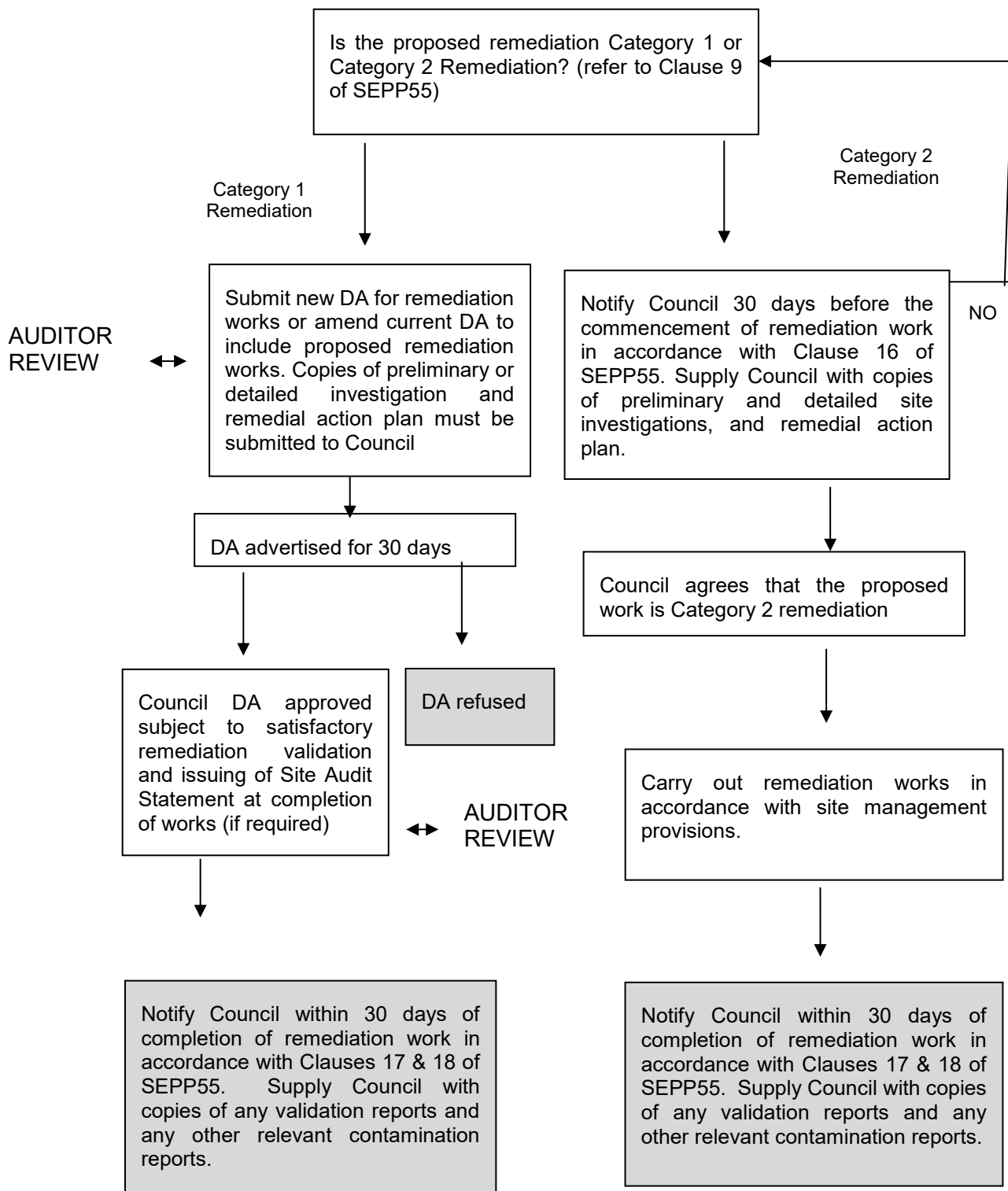


Figure 3: Council procedure for considering site remediation proposals (adapted from SSROC (1999) Model Policy on Contaminated Land)

Flood Prone Land

Introduction

This Chapter of Kiama Development Control Plan 2012 provides information and development controls needed to prepare and assess development applications on flood prone land.

The NSW Flood Prone Land Policy provides a framework for Council to manage flood prone land. Council is required under the [Environmental Planning Assessment Act 1979 \(EP & A Act\)](#), and in [Clause 6.3](#) of Kiama LEP 2011, to ensure that due regard is given to the impact of flooding upon development. This DCP provides the guidelines relating to development on flood prone land to assist Council in fulfilling this requirement.

Objectives

O:2.5.4	To ensure that dwellings and ancillary buildings are not subject to flooding (including sea/storm surge/tidal inundation).
O:2.5.5	To minimise the risk posed by floods to people and property and emergency services officers who provide assistance in flood emergencies

Application

This DCP applies to all objectives:

To minimise risk to life and damage to property by controlling development on flood prone land; development on land that is potentially impacted/inundated by floodwaters.

The controls that apply to development on flood prone land will depend on the hydraulic and hazard categorisation for a site, which can only be determined if flood information is available. Due to the number of water bodies within the Kiama Municipality, the information that is available for different catchments varies significantly, and could range from historical information to detailed flood modelling data formulated as part of the Floodplain Risk Management process.

It is therefore necessary to determine what existing information is available in regard to the behaviour of floodwaters for your site. You can determine the type of information available, including whether or not a Floodplain Risk Management Plan has been adopted for your area, by checking with Council.

For areas where sufficient flood information is available, you will be able to obtain site specific flood details from Council.

There are catchments within Kiama Local Government Area that have not been the subject of a detailed flood study. Any development application proposing works on land that is likely to be flood effected within such an area must therefore be accompanied by a Flood Assessment Report undertaken by a suitably qualified hydraulic engineer.

For areas where Council has not adopted a Floodplain Risk Management Plan, generic development controls as outlined in this policy will apply. These controls will also apply if the property is within 40m of a watercourse or within 10m of a major drainage system, overland flood path.

- a) For areas where Council has adopted a Floodplain Risk Management Plan, site specific controls will apply in addition to generic controls as mentioned above. These specific controls have been formulated having regard to the following
- b) To ensure that the impacts of the full range of flood sizes up to and including the Possible Maximum Flood (PMF) are considered when assessing development on flood prone areas.

- c) To ensure that development does not have a significant impact on flood behaviour, people's safety, surrounding properties and structures, and the natural environment;
- d) To ensure that the effects of climate change are considered when assessing development in flood prone areas, including increased ocean level boundary conditions.
- e) To ensure that development on the floodplain is consistent with the NSW Flood Prone Land Policy (1984) and NSW Floodplain Development Manual (2005);
- f) To ensure that developers and the community are conscious of the potential flood hazard and consequent risk associated with the use and development of land within the floodplain;
- g) To protect the integrity of floodplains and floodways, including riparian vegetation, environmental processes and water quality;
- h) To ensure that all land uses and essential services are appropriately sited and designed in recognition of all potential floods; and
- i) To ensure that development on flood prone land does not place an unacceptable financial burden on landowners or the community.

Controls

Flood Study

- 2.5.1 Where no flood study/management plan has been adopted for a specific site, applications for significant development in flood prone areas will need to be accompanied by a flood assessment report carried out by a suitably qualified and experienced engineer in this field. The full name of the person who prepared the report and relevant qualifications are to be provided in the report. The assessment report is to provide information on assessed flood risk to the site and is to be commensurate with the [NSW Floodplain Development Manual](#). The following information is to be included;
- a) A description of the creek or drainage system that is relevant to the flood characteristics of the site, whether located on, adjacent to or remote from the development site;
 - b) A plan showing cross-sections through the site, at minimum, at the upstream end and at the downstream end of the proposed development site;
 - Cross-sections should extend at least as high as the highest flood level available at the site and if possible be wide enough to cover the full width of the floodplain at that location; and,
 - The cross-sections should be plotted at a suitable exaggerated scale (i.e. the vertical scale is not necessarily the same as the horizontal scale);
 - c) Flood levels for the PMF, 1%, 5%, 10% and 20% Annual Exceedance Probability(AEP) events for the pre and post development scenario are to be provided (all assumptions, calculations and modelling output tables must be included). All levels must contain consideration of relevant Climate Change and Sea Level Rise factors. In regard to Sea Level Rise, 400mm up to the year 2050 and 900mm up to the year 2100 are relevant levels for inclusion.
 - d) Flood velocities and vectors for the 1% AEP event for the pre and post development scenario are to be provided (all assumptions, calculations and modelling output tables must be included);
 - e) Provisional Hazard categories based on depth and velocity as well as obvious other hazards such as evacuation difficulties as per the requirements of the 2005 [NSW Floodplain Development Manual](#);

- f) Provisional Hydraulic categories based on depth and velocity as per the requirements of the 2005 [NSW Floodplain Development Manual](#); and

Floor Level

- 2.5.2 All new buildings shall be constructed to the 1% AEP flood level + 0.50M freeboard. For minor additions to existing buildings, i.e. 10% of existing floor area or a maximum of 30m² floor level may be at existing or higher as practical. This concession is able to be used on one occasion only.

Building Components

- 2.5.3 Any portion of the building or structure below the Flood Planning level (FPL) is to be built from flood compatible materials and all electrical installations to be above the FPL.

Structural Soundness

- 2.5.4 A report shall be provided from a suitably qualified and experienced engineer certifying the building can withstand forces of floodwaters including debris and buoyancy forces up to the 1% AEP flooding scenario and that the structure will not become floating debris during such an event

Flood Evacuation Plan

- 2.5.5 Appropriate engineer's report demonstrating that permanent measures are incorporated in the development to ensure that the timely, orderly and safe evacuation of people is possible from the area and that it will not add significant cost and disruption to the community or the SES.

Management and Design

- 2.5.6 Applicant to demonstrate that there is an area where hazardous and valuable goods can be stored above the 1% AEP Flood Level. Bunding to the FPL to be installed around hazardous chemical storage areas or the like.

Survey Details

- 2.5.7 In addition to the requirement to lodge general survey details with the Development Application, the Survey Plan prepared by a Registered Surveyor must also indicate the following:

- Existing ground levels at each corner of the proposed building envelope;
- The floor levels of all existing buildings or structures to be retained as well as proposed floor levels for all new buildings and structures; and
- The location of any existing buildings or structures. All levels must be relative to Australian Height Datum (AHD). Levels relating to an arbitrary assumed datum are not acceptable. Note: Some applications for minor / ancillary.

Note: Some applications for minor / ancillary development may not require survey details if a structural engineering certificate is provided.

In addition to the requirement to lodge general survey details with the Development Application, the Survey Plan prepared by a Registered Surveyor must also indicate the following:

- Existing ground levels at each corner of the proposed building envelope;
- The floor levels of all existing buildings or structures to be retained as well as proposed floor levels for all new buildings and structures; and
- The location of any existing buildings or structures. All levels must be relative to Australian Height Datum (AHD). Levels relating to an arbitrary assumed datum are not acceptable. Note: Some applications for minor / ancillary.

Note: Some applications for minor / ancillary development may not require survey details if a structural engineering certificate is provided.

Waterway Crossing

- 2.5.8 Where a development proposal requires access over a waterway, consideration must be given in the statement of environmental effects to:

- any alternative development sites investigated that would avoid creek crossings.
- explain why any such alternative options investigated were not considered preferable to the proposed site design requiring access across a waterway.

- 2.5.9 Where a waterway crossing is unavoidable, the level of any waterway crossing must provide a safe carriageway in low flood conditions (i.e. a 1 in 20 year recurrent flood level) and the engineering design of waterway crossings must accompany the development application.

- 2.5.10 Council may require:

- the rehabilitation, maintenance and improvement of riparian land in the vicinity of a waterway crossing.
- works to restore the natural form and functions of a waterway within the riparian corridor in the vicinity of a waterway crossing.

- 2.5.11 Any riparian land rehabilitation, improvement or maintenance must be addressed in the property landscape plan and the Biodiversity Offset Principles outlined in this chapter will apply where biodiversity offsets are involved.

Bush Fire Prone Land

Planning for bush fires and applying bush fire protection measures such as land clearing and hazard reduction for rural housing can have detrimental consequences for the natural environment and biodiversity. Council will require that environmental and biodiversity considerations be taken into account in siting dwellings in bush fire prone areas.

Objectives

O:2.5.5	To have regard to the increased threat of bush fires posed by climate change in building in bush fire prone areas.
O:2.5.6	To reduce the bush fire risk to rural residents, their property assets and emergency services officers who attend bush fire emergencies.
O:2.5.7	To ensure development in bush fire prone areas is sited and designed in accordance with all relevant best practice policies including NSW RFS publications, Government's bush fire protection policy.
O:2.5.8	To avoid widespread clearing of native forest and the associated impact on native biodiversity for bush fire protection purposes where this can be avoided.

Controls

- 2.5.12 The erection of a dwelling on a lot containing bush fire prone land must:
- be located on a lot so that it is less susceptible to a direct bush fire attack threat.
 - comply with bush fire protection measures and control standards in the NSW Rural Fire Services' publication [Planning for Bushfire Protection](#), (including any revised editions or supplementary publications released by the NSW RFS).
- 2.5.13 A Bush Fire Assessment Report must be submitted with the statement of environmental effects.
- 2.5.14 Dwellings and ancillary development (including tourist accommodation) must be located as far as possible on cleared land to:
- minimise the bush fire risk, and
 - avoid the need to clear native vegetation to reduce the risk of bush fire attack
- 2.5.15 Where feasible, developments should provide for a perimeter road or reserve around the dwelling(s) and associated ancillary development to assist inner protection area management and bush fire fighting.
- 2.5.16 Provision must be made for access by bush fire fighting and other emergency services vehicles and where necessary, the ability for these vehicles and their emergency services officers and residents to be safely evacuated in the case of extreme bushfire threat.
- 2.5.17 In some locations, this may require providing an additional alternative means of access to the development in locations where a property is subject to a severe bush fire attack threat. This may also require the applicant/landowner negotiating alternative access arrangements over an adjoining property.

- 2.5.18 Select plants that match the conditions of the environment (soils, rainfall, temperatures, frost and wind) but do not overlook fire as a factor. All plants will burn but some are more tolerant of fire than others.

Features of plants that provide protection from fire include:

- High salt content of leaves
- High moisture content of leaves
- Low volatile oil content of leaves
- Thick bark protecting conductive tissues and dormant buds
- Seed enclosed in woody capsules
- Dense crown
- Lowest branches out of reach of ground fires

Refer to publications by the [NSW Rural Fire Service](#) for tree selection details.

- 2.5.19 Proposed residential subdivision upon bush fire prone land will be subject to compliance with the requirements of the NSW Rural Fire Service publication titled [“Planning for Bush Fire Protection”](#) guide and hence, the application must be accompanied by a bush fire assessment report. The bush fire assessment report must be prepared by a suitably qualified and experienced bush fire consultant and must provide a comprehensive assessment as to how the proposed development complies with the [“Planning for Bush Fire Protection”](#) guide. The Statement of Environmental Effects (SEE) should specifically address the findings and conclusions of the bush fire assessment report to ensure compliance with the [“Planning for Bush Fire Protection”](#) guide. The findings and conclusions of the bush fire assessment report should also be reflected in the design of the proposed subdivision.
- 2.5.20 New residential subdivisions in bush fire hazard prone lands will generally require a perimeter road system to assist in providing access to fire fighting vehicles. Any such perimeter road must be designed as a through road and cater for two-way vehicular traffic.
- 2.5.21 The public road system in bush fire prone areas should provide alternative access or egress for fire fighters and residents during a bushfire emergency.
- 2.5.22 Property access in rural areas, in particular isolated rural properties, can have operational difficulties for fire fighters. As a result the location and standards of property access roads need to be carefully considered. Short property access roads are preferable to long access roads for the safety of evacuating residents and emergency service personnel, and therefore it is preferable to site dwellings as close as possible to public through roads

Acid Sulfate Soils

Objectives

- To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

Controls

- 2.5.23 Development affecting land identified in the Acid Sulfate Soils Map in Kiama LEP 2011 must only be carried out in accordance with the relevant provisions of that plan.

Land Instability

Objectives

- O:2.5.9 To ensure dwellings and other ancillary development on unstable land are located and designed to maximise the structural design of buildings and the safety of their occupants.
- O:2.5.10 To minimise the risk of land slip impacting on habitable buildings and access roads.

Controls

- 2.5.24 Dwellings and ancillary development must not be carried out on slopes with gradients exceeding 20% unless this is in accordance with an approved existing building envelope that has been registered on the land title as a [Section 88E](#) restriction under the [Conveyancing Act 1919](#).
- 2.5.25 If there is no approved building envelope registered on the land title, and if development on steep land is unavoidable due to the site terrain and other constraints on the land, the reasons for locating a dwelling or ancillary development on land with a gradient exceeding 20% must be explained and justified in the Statement of Environmental Effects.
- 2.5.26 Council may require that a geotechnical report suitably qualified geotechnical consultant and submitted with development application for dwelling or ancillary development for habitable purposes. The geotechnical report must include:
- Investigation of the stability and suitability of land identified within the identified building envelope for a dwelling and any ancillary habitable buildings.
 - Engineering and design recommendations required to maintain the stability of the development site and the structural safety of any habitable building proposed to be erected within the building envelope.

- 2.5.27 The design of earthworks associated with dwellings and ancillary development must:
- minimise the extent of cut and fill to reduce the potential for land slip and visual impact on the landscape.
 - restrict excavation for a building to not more than 1 metre below ground level (existing).
 - restrict the height of any external retaining wall outside the walls of a building to not more than 1 metre above ground level (existing).
 - restrict the design of any batter to not more than a gradient of 1:4 (absolute) and preferably 1:6.
- 2.5.28 Dwellings should be designed to step down steep sites by split level design to avoid the need for significant earthworks.
- 2.5.29 Any approved construction of a dwelling or ancillary development on land with a gradient exceeding 20% must be designed to minimise cut and fill and the risk of land instability, erosion and visual impact.
- 2.5.30 Where an earth batter is proposed, details of the revegetation works proposed to stabilise the batter and to prevent erosion and pollution of any nearby waterway must be included in the property landscape plan that accompanies the Development Application. Details must cover both the construction and post construction phases.

Appendix 1- Exempt Tree & Vegetation Species

The following list of exemptions **DO NOT** apply to:

- any trees or other vegetation located on a heritage item, Aboriginal object, Aboriginal place of heritage significance, or on land within a heritage conservation area.
- Habitat trees – meaning a tree which has developed hollows in the trunk or limbs suitable for nesting native birds, arboreal marsupials and mammals.

[Clause 10\(3\) of SEPP Vegetation](#) and [Clause 5.10 of the Kiama LEP 2011](#) contain requirements for trees and other vegetation located on heritage items and within heritage conservation areas.

Exempt Species List	
<i>Acacia baileyana</i>	Cootamundra Wattle
<i>Acacia mearnsii</i>	Black Wattle
<i>Acacia saligna</i>	Golden Wreath Wattle
<i>Alnus altissima</i>	Tree of Heaven
<i>Acer negundo</i>	Box Elder
<i>Celtis sinensis</i>	Chinese Celtis
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Cotoneaster species</i>	Cotoneaster
<i>Cupressus macrocarpa "Brunniana"</i>	Golden Pine
<i>Eriobotrya japonica</i>	Loquat
<i>Erythrina crista-galli</i>	Cockspur Coral Tree
<i>Erythrina sykesii</i>	Coral Tree
<i>Ficus elastic</i>	Rubber Tree
<i>Fraxinus griffithii</i>	Evergreen Ash
<i>Grevillea robusta</i>	Silky oak
<i>Koelreuteria elegans</i>	Golden Rain Tree
<i>Lagunaria patersonii</i>	Norfolk Island Hibiscus
<i>Ligustrum lucidum</i>	Privet
<i>Ligustrum sinense</i>	Privet
<i>Morella faya</i>	Candleberry Myrtle
<i>Nerium oleander</i>	Oleander

Exempt Species List	
<i>Olea Africana</i>	African Olive
<i>Pinus radiata</i>	Radiata Pine
<i>Pittosporum undulatum</i>	Sweet Daphne
<i>Populus species</i>	All poplar trees
<i>Radermachera sinica</i>	China Doll Tree
<i>Robinia pseudoacacia</i>	Black Locust
<i>Salix species</i>	All Willows
<i>Schefflera sp.</i>	Umbrella Tree
<i>Syagrus romanzoffianum</i>	Cocos Palm
<i>Tipuana tipu</i>	Tipuana
<i>Tecoma stans</i>	Yellow Bells
<i>Toxicodendron succedaneum</i>	Rhus Tree
<i>Cupressocyparis leylandii</i>	Leylandii Pines (all varieties)
Fruit trees being grown specifically for their edible fruit for human consumption	

Appendix 2 – Topic 2.4 Definitions

Consulting Arborist is a qualified Arborist who has attained a Diploma (Level 5) of Arboriculture or equivalent qualification, based upon the Australian Qualification Framework.

arboriculture means cultivating and managing trees as individuals and in small groups for amenity purposes.

Council means the council of a local government area and, in relation to a particular development, means the council of the local government area in which the development will be carried out.

dead tree means any tree that is no longer capable of performing any one of the following processes:

- Photosynthesis;
- Take up of water through the root system;
- Hold moisture in its cells; or
- Produce new shoots.

destroy means any activity leading to the death, disfigurement or mutilation of a tree.

development application means an application for consent under the Environmental Planning and Assessment Act (including any application to modify a development consent).

exempt tree species is any tree listed within the Exempt Tree Species list in Appendix 1 of this document.

habitat tree means any tree which is a nectar feeding tree, roost and nest tree or a hollow-bearing tree which is suitable for nesting birds, arboreal marsupials (possums), micro-bats or which support the growth of locally indigenous epiphytic plants such as orchids.

injury means any activity or damage to a tree and includes:

- removal
- lopping and topping
- poisoning, including applying herbicides and other plant toxic chemicals to a tree or spilling of oil, petroleum, paint, cement, mortar, etc onto the root zone or parts of the tree
- cutting, tearing, breaking or snapping of branches and roots that is not carried out in accordance with accepted arboricultural practices or is done for invalid reasons, including vandalism
- ring-barking, scarring the bark when operating machinery, fixing objects by nails, staples or wire or fastening materials that circle and significantly restrict the normal vascular function of the trunks or branches
- damaging a trees root zone by compaction, excavation or asphyxiation and includes unauthorised land filling or stockpiling of materials around the tree trunk
- under-scrubbing, unless carried out by hand tools such as brush cutters and the like.

native vegetation has the same meaning as in the [Biodiversity Conservation Act 2016](#)

Other Vegetation means:

Remnant Native Vegetation including:

- (i) trees,

- (ii) understorey plants,
- (iii) ground cover,
- (iv) plants occurring in a wetland.

prescribed tree - any tree/vegetation that is not listed as exempt which:

- are five (5) metres or more in height; or
- have a diameter of 200mm or more at a height of one (1) metre above the ground; or
- have a branch spread of three (3) metres or more

priority weed means a plant declared a priority weed under the [Biosecurity Act 2015](#).

pruning is the removal of any branch or root, dead or alive from a tree which conforms to the pruning types defined within the Australian Standard AS4373 Pruning of Amenity Trees. The pruning types are: dead wooding; crown thinning; selective pruning; formative pruning; reduction pruning; crown lifting; pollarding; remedial pruning; and line clearance. Lopping and topping are not types of pruning.

remnant tree or vegetation means a native tree or any patch of native vegetation which remains in the landscape after removal of the majority of the native vegetation in the locality.

remove means to cut down, take away or transplant a tree from its place of origin.

significant tree: important; of consequence.

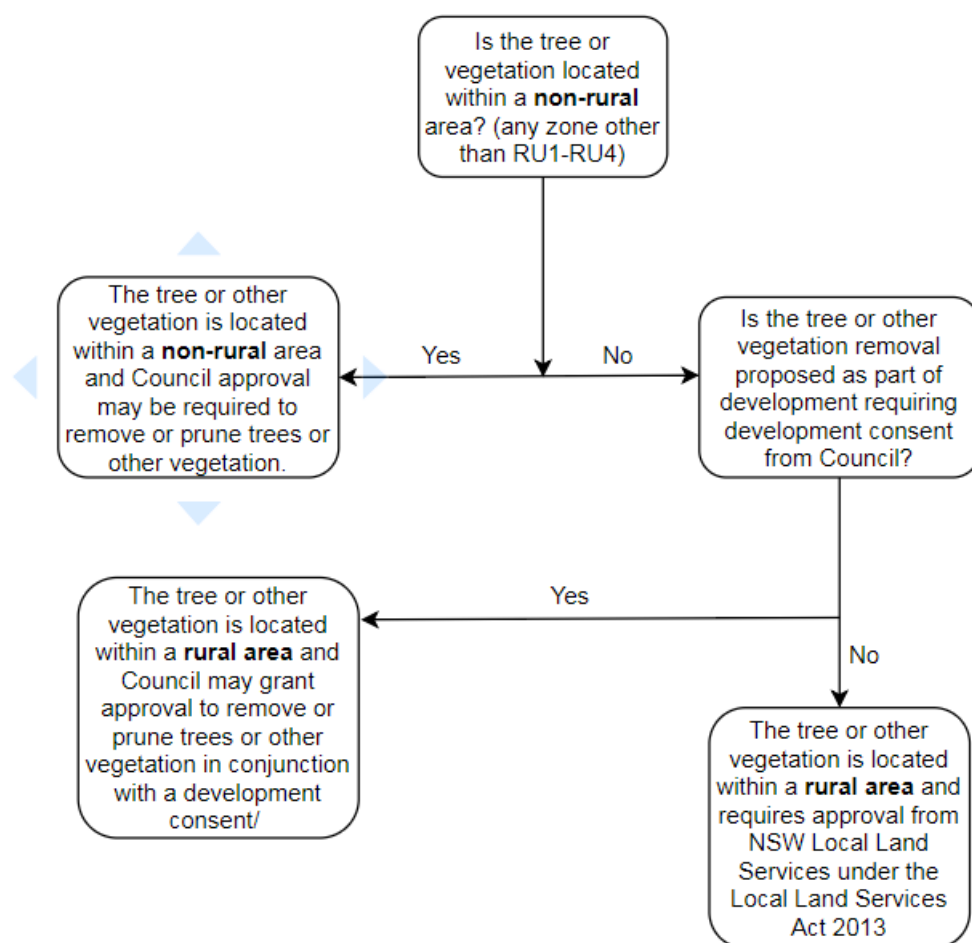
Example: due to prominence of location, or in situ, or contribution as component of the overall landscape for amenity or aesthetic qualities, or curtilage to structures, or importance due to uniqueness of taxa for species, subspecies, variety, crown form, or as an historical or cultural planting, or for age, or substantial dimensions, or as remnant vegetation, or habitat, or a rare or threatened species, or uncommon in cultivation, or of Aboriginal cultural importance, or is a commemorative planting.

SEPP – Any *State Environmental Planning Policy* of relevance to this document – refer to <http://www.legislation.nsw.gov.au/>

Tree Management Application (TMA) means an application to Council to remove, lop or prune a prescribed tree.

tree management works means any act which is likely to interfere with or cause injury to a tree.

Appendix 3 - Flow Chart – When Approval is required for the Removal of Trees or Vegetation



Appendix 4 - Trees of Special Significance

Kiama Municipal Council is concerned about the conservation of an important part of the heritage of the area that is the trees of special significance in the Municipality. These may be single trees, stands or avenues of trees which may be significant for a number of reasons. The following criteria should be used as a guide in determining if a tree or group of trees are of special significance.

Occurrence

- Species listed as endangered on the schedules of [Biodiversity Conservation Act 2016](#) and the Federal [Environment Protection and Biodiversity Conservation Act 1999](#).
- Species which occur rarely within the Municipality; these may be native or exotic species.

Heritage

- Trees which have an historical significance because of their age or association or commemorative value.

Cultural

- Trees which may have a particular cultural value because of their use or identification by a particular group.

Landscape

- Trees which add special character to a site or form a particular group e.g. avenues, or add to the aesthetics in a special way or are a very prominent feature in the landscape.

Form or Habit

- Trees which are very large, or have a special shape or growth characteristics or have special botanical interest.

Environmental Benefit

- Trees which provide special habitat values or shade or food source or act as a significant erosion control.

Many of these trees are Figs, Norfolk Island Pines and Palms and the following design criteria are provided for those species. However, there are other trees not specified in this document which also require particular treatment because of their significance. Persons preparing landscape plans should consult early with Council's development assessment staff regarding the treatment of these trees. A report prepared by a qualified arborist shall be prepared for any tree of special significance affected by the development.

Indigenous Fig Trees

Ficus macrophylla, *Ficus obliqua*, *Ficus rubiginosa*, *Ficus superba*

The Kiama region mature and historic Fig species are a reminder of the area's once dominant sub-tropical rainforest. As development of the area occurred, many of these trees were lost and so the need to conserve the remaining mature historic trees for future generations is most important.

Design Criteria

No structures shall compromise the health and integrity of the roots and canopy of the tree or trees.

- Wherever possible access ways should be located beyond the dripline.
- In locations where access can only be located or partly within the dripline segmented pavers approved by Council shall be used. Alternatively, a suspended structure will be provided which allows vehicular and pedestrian access without impacting upon the tree root system and which allows aeration and water penetration.

Indigenous Palms

Livistona australis (Cabbage palm)

Easily recognised by their tall slender trunks and palm fronds which once protruded above the rainforest canopy, many mature historic palms remain dotted throughout the hinterland as reminders of the scale of the rainforest vegetation.

Design Criteria

No excavation shall occur within 3.0 metres radius from the trunk. These palms may only be relocated under exceptional circumstances and then only when confirmed by a qualified arborist that the relocation presents little or no risk of harming the palm.

Norfolk Island Pines

Araucaria heterophylla (Norfolk Island Pine)

These trees are synonymous with the coastal landscape. Although not a native tree to this region, mature and historic Norfolk Island Pines are a part of the historical landscape of the Municipality and part of its identity.

Design Criteria

- No structure shall compromise the health and integrity of the roots and canopy of the tree or trees.
- Wherever possible, access ways should be located beyond the dripline.

In locations where access can only be provided within or partly within the dripline, a segmented paver shall be used. Alternatively, a suspended structure shall be provided to allow vehicular and pedestrian access without impacting upon the trees root system.

TREE RISK ASSESSMENT MATRIX

		PROBABILITY				
		A). No Detectable Threat	B). Failure Unlikely	C). Failure Possible	D). Failure Likely	E). Failure Certain
CONSEQUENCE	1). Minor	<small>A1</small> NEGLIGIBLE	<small>B1</small> VERY LOW	<small>C1</small> LOW	<small>D1</small> MEDIUM	<small>E1</small> MEDIUM
	2). Moderate	<small>A2</small> VERY LOW	<small>B2</small> LOW	<small>C2</small> MEDIUM	<small>D2</small> MEDIUM	<small>E2</small> HIGH
	3). Serious	<small>A3</small> LOW	<small>B3</small> MEDIUM	<small>C3</small> MEDIUM	<small>D3</small> HIGH	<small>E3</small> URGENT
	4). Extreme	<small>A4</small> MEDIUM	<small>B4</small> MEDIUM	<small>C4</small> HIGH	<small>D4</small> URGENT	<small>E4</small> CRITICAL

The Tree Risk Assessment is based on a ground based Visual Tree Assessment (VTA) as detailed in the Limitations and Explanation of Assessment Terms document.

WEATHER

An understanding of the destructive capability of wind and adverse weather is necessary and will assist site owners and managers to comprehend the limitations of arboricultural inspections. For further details refer to Weather section of the Limitations and Explanation of Assessment Terms document. **Due to the known destructive capability of strong winds on defect-free trees, the ArborSafe assessment (including the risk assessment) is based on normal weather, wind speeds and directions for the site and the trees, up to a maximum average wind speed of 33 knots and/or a maximum gust of 43 knots, unless otherwise specifically advised in writing.**

PROBABILITY

For both Current Risk and the Residual Risk After Remedial Works, the inspecting Arborist considers the following points when determining the Probability of a future tree failure:

1. The probability of tree failure is considered to be within a 12 month reinspection interval, unless otherwise requested by the site manager.
2. The tree risk assessment is based on normal weather, wind speeds and directions for the site and the trees, up to a maximum average wind speed of 33 knots and/or a maximum gust of 43 knots, unless otherwise specifically advised in writing.
3. Where a tree has multiple defects, the probability of failure for the Current and Residual Risk is based on the part(s) of concern that present the highest risk.
4. Where possible, cavities or hollows within 1.5m of ground are sounded and/or probed to investigate the true extent and potential effect on structural integrity.
5. Evidence of previous failures, types of defects and species traits are considered when assessing the probability of failure.
6. Multiple compounding and/or progressive defects may increase the probability of failure.
7. If the structural integrity of the tree or part(s) of concern cannot be adequately determined from ground based VTA, if reasonable, the inspecting arborist will nominate further detailed inspection or testing of the defect/s and will nominate the location, type of test or report and detail required to make a future informed decision on the structural integrity of the tree or part(s) thereof.
8. The inspecting arborist may consider the potential impact of works within the root zone on the probability of failure, only where information on works within root zones has been accurately provided or is clearly visible at the time of the assessment.
9. The inspecting arborist may consider the effects of changes in wind loading on assessed trees when the site manager has informed the inspecting arborist of all activities that have taken place in proximity to assessed trees.

PROBABILITY	DESCRIPTION	EXAMPLE
No Detectable Threat (Failure Unforeseeable)	The tree has no sighted risk related defects and/or structure where failure of the tree or part is considered not foreseeable during the reinspection period.	The tree may present with good structure which is well suited to the location with no risk related defects sighted.
Failure Unlikely	The tree has a visible defect(s) and/or structure where failure of the tree or part is considered unlikely during the reinspection period.	The tree may present with fair to good structure, which is well suited to the location. The tree may exhibit good response growth, with defects that are well tolerated by the species and are unlikely to fail during the reinspection period.
Failure Possible	The tree has a visible defect(s) and/or structure where failure of the tree or part is considered possible during the reinspection period.	Previous branch failures may be evident in the subject tree. Excessive branch end weight. Included bark not well tolerated by the species. Epicormic branch growth. Bird browsing damage on branch unions. Cavities and/or decay of unknown extent. Small quantity of dead wood. Increased canopy exposure to wind.
Failure Likely	The tree has a visible defect(s) and/or structure where failure of the tree or part is considered likely during the reinspection period.	The tree may present at trend of branch failures. The tree may present with poor structure and known not to be well tolerated by the species. Advanced decay with poor response growth. Significant cavities likely to impact tree structure. Significant earth works within the Tree's Structural Root Zone (SRZ). Tree displays evidence of included bark and/or with significant swelling, cracks, splits, bleeding sap flow or aerial roots within a branch union. Tree exhibits large branch growth at previous lopping points. Significant quantity of deadwood. The tree has multiple defects each deemed a lower probability but combined present as compounding defects.
Failure Certain	The tree has a visible defect(s) and/or structure and failure of the tree or part is considered certain during the reinspection period.	The tree may have severe defects that have a potential of failure at any time and/or compromised tree or branch structure is evident. Unstable hanging limbs. Active root plate movement. is evident via soil lifting/cracking. Active trunk or branch union splits/cracks.

CONSEQUENCE

For both Current Risk and the Residual Risk After Remedial Works, the inspecting Arborist considers the following points when determining the Consequence of a potential future tree failure:

1. The size of the tree part(s) of concern.
2. Fall distance of the tree part(s) of concern.
3. Asset value or importance within the fall zone.
4. If multiple targets within fall zone increase the consequence.
5. The potential severity of injury or asset damage from the size of part(s) of concern.
6. Information provided from the site managers/owners regarding occupancy and usage within the fall zone.
7. The potential for impacting a target considering the intensity of use within the fall zone.
8. Observations at the time of assessment of human activity, visitation, assets and usage within the fall zone.
9. Other trees, branches, hardware or structures that would reduce the severity of impact and provide target protection.
10. Where a tree has multiple defects, the consequence of failure for the Current Risk and Residual Risk After Works is based on the part(s) of concern that present the highest risk.

CONSEQUENCE	DESCRIPTION
Minor	A low chance of significant human injury or death due to the size of the tree part(s) of concern and/or occupancy within the fall zone and/or asset damage limited to lower value assets.
Moderate	A medium chance of significant human injury or death due to the size of the tree part(s) of concern and/or intermittent occupancy within the fall zone and/or asset damage limited to moderate value assets.
Serious	A high chance of significant human injury or death due to the size of the tree part(s) of concern and/or frequent occupancy within the fall zone and/or asset damage to significant value assets and/or disruption to important services.
Extreme	A very high chance of significant human injury or death due to the size of the tree part(s) of concern and/or intense to constant occupancy within the fall zone and/or asset damage to major assets and/or disruption to significant services.

TIME FRAME FOR REMEDIAL ACTIONS

All risk based remedial actions should be prioritised by levels of risk, from Critical to Negligible in a descending manner. Critical risk works should be performed as soon as possible and fall zones of the tree or part(s) of concern should have effective exclusion zones established and maintained until remedial actions are performed. Urgent to High risk remedial work actions should be performed as soon as is practicable, with lower level risk level remedial works to be prioritised at the client's discretion based on resources available.

Appendix 6 – Information Required for Consulting Arborist Report

An Arborist report must include, but not be limited to the following information:

- (a) Details of the Consulting Arborist undertaking works, including; name, address, contact details and qualifications
- (b) Address details of site subject to the application
- (c) Details of person/organisation that commissioned the Arborist's report
- (d) Date of inspection(s)
- (e) The method of investigation/ techniques used in the research and preparation of the report
- (f) A statement outlining the aims of the report and confirming that work are in accordance with AS4970-2009
- (g) A scaled site plan illustrating:
 - i. lot boundaries, dimensions and north point
 - ii. numerical identification of all trees on the subject site, including those proposed for pruning, lopping or removal within the application
 - iii. trees located on adjoining properties, that are located within 10 metres of any proposed work should be identified
 - iv. identification of tree(s) by botanical and common name(s)
 - v. the Tree Protection Zone and Structural Root Zone, as determined by the Consulting Arborist
 - vi. existing infrastructure located on the site, including services, driveways and buildings shall be identified
- (h) A table showing for each tree:
 - i. number of the tree as indicated in the plan
 - ii. tree name- botanical and common name
 - iii. age class
 - iv. height
 - v. trunk diameter at 1.4 metres above ground level
 - vi. crown spread
 - vii. health and condition, and estimated useful life expectancy
 - viii. a recognised tree rating system such as SRIV, TREE-AZ or SULE
- (i) Details of other relevant information, including presence of tree hollows for wildlife, structure/weaknesses, root form and distribution, pests and diseases and/or a Tree Hazard Assessment
- (j) Supporting evidence including photographs and laboratory results, root mapping and any other information deemed relevant
- (k) Proposed replacement plantings, landscaping and soil remediation

- (l) Tree protection measures and a post-construction tree maintenance program, which can be used if development consent is approved
- (m) Sources of information referred to in the report
- (n) Any other relevant matters.

Note: Potential habitat trees' containing hollows, and likely to house arboreal wildlife (such as possums) or potential bird nesting sites, require an experienced wildlife handler (i.e. a member of the Native Animal Network Association or WIRES) to be present at the time of pruning/removal. Council requires a signed letter from the wildlife handler at the conclusion of the pruning/removal, reporting observations/sitings. It is recommended that nesting boxes be installed in the closest retained trees to replace hollows, irrespective of whether the lost hollow was a habitat at the time of removal.

Appendix 7 – Tree & Vegetation Assessment Methodologies

Visual Tree Assessment (VTA)

The Visual Tree Assessment (VTA) is an internationally recognised methodology of assessing trees. The system is based around 'The body language of trees' where a tree's biology and physiology is visually inspected to identify structural defects, pathogen or insect damage, tree form, vitality and any other environmental and/ or climatic conditions that affect the Safe Useful Life Expectancy (S.U.L.E) rating of a tree.

Safe Useful Life Expectancy (SULE)

SULE is an internationally recognised rating system that refers to an expected period of time a tree can be retained before its amenity value declines to a point where it may detract from the appearance of the landscape and/ or becomes potentially hazardous to people and/ or property above an acceptable level of risk.

Safe Useful Life Expectancy Categories

1. Long SULE: Trees that appeared to be retainable at the time of assessment for more than 40 years with an acceptable level of risk.
 - (a) Structurally sound trees located in positions that can accommodate future growth.
 - (b) Trees that could be made suitable for retention in the long term by remedial tree care.
 - (c) Trees of special significance for historical, commemorative or rarity reasons that would warrant extraordinary efforts to secure their long term retention.
2. Medium SULE: Trees that appeared to be retainable at the time of assessment for 15–40 years with an acceptable level of risk.
 - (a) Trees that may only live between 15 and 40 more years.
 - (b) Trees that could live for more than 40 years but may be removed for safety or nuisance reasons.
 - (c) Trees that could live for more than 40 years but may be removed to prevent interference with more suitable individuals or to provide space for new planting.
 - (d) Trees that could be made suitable for retention in the medium term by remedial tree care.
3. Short SULE: Trees that appeared to be retainable at the time of assessment for 5–15 years with an acceptable level of risk.
 - (a) Trees that may only live between 5 and 15 more years.
 - (b) Trees that could live for more than 15 years but may be removed for safety or nuisance reasons.
 - (c) Trees that could live for more than 15 years but may be removed to prevent interference with more suitable individuals or to provide space for new planting.
 - (d) Trees that require substantial remedial tree care and are only suitable for retention in the short term.

4. Remove: Trees that should be removed within the next 5 years.

- (a) Dead, dying, suppressed or declining trees because of disease or inhospitable conditions.
- (b) Dangerous trees because of instability or recent loss of adjacent trees.
- (c) Dangerous trees because of structural defects including cavities, decay, included bark, wounds or poor form.
- (d) Damaged trees that are clearly not safe to retain.
- (e) Trees that could live for more than 5 years but may be removed to prevent interference with more suitable individuals or to provide space for new planting.
- (f) Trees that are damaging or may cause damage to existing structures within 5 years.
- (g) Trees that will become dangerous after removal of other trees for the reasons given in (a) to (f).
- (h) Trees in categories (a) to (g) that have a high wildlife habitat value and, with appropriate treatment, could be retained subject to regular review.

5. Small, young or regularly pruned: Trees that can be reliably moved or replaced.

- (a) Small trees less than 5m in height.
- (b) Young trees less than 15 years old but over 5m in height.
- (c) Formal hedges and trees intended for regular pruning to artificially control growth.

How to contact Council

Post

General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
Website: www.kiama.nsw.gov.au

Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



Kiama Development Control Plan 2020

Chapter 3. Common Requirement



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

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Topic 3.1 - Waste Minimisation and Management

Introduction

This section contains Council's requirements for waste minimisation, management and recycling for all development within the Kiama Municipality.

It specifies the objectives and Controls that are required to be addressed when designing, planning, demolishing and constructing development in order to incorporate best practice waste management into all stages of the development.

Waste minimisation and management needs to be addressed for all applications for development, including subdivision, demolition, construction and the ongoing use of a site or premises.

The Statement of Environmental Effects (SEE) or the Environmental Impact Statement (EIS) is to include a Site Waste Minimisation and Management Plan (SWMMP) as the central document of compliance with this section's requirements.

Reference should also be made to any requirements specified in other legislation and standards and outlined in Kiama Council's Waste & Recycling Services Code.

A Waste Management Compliance Bond is payable for various types of developments. The reimbursement of this Bond is dependent on completion and submission of a Waste Compliance Certificate to be submitted prior to the issuing of the Final Occupation Certificate. This will be a condition of Development Consent.

The structure of service contracts plays an important role in ensuring efficient servicing of all types of developments. There are some collection services that can only be provided by Council and its contractor and other collection services that can either be undertaken by Council's contractor or a private contractor.

Indemnity and waste service flexibility are two important contract issues to be considered for larger types of developments and where an onsite collection service is proposed. You can contact Council's Waste Services Team to find out more information about Council's different waste services.

Controls for All Development Types

General

- 3.1.1 Waste and recycling management systems and collection services should be designed and operated to prevent the potential risk of injury or illness associated with the collection, recycling of material or disposal. This includes risk to:

- residents using the service
- building management and cleaning staff (if applicable) responsible for onsite management
- collection staff providing the service
- other people engaged in or affected by the waste and recycling management systems and collection services.

The designers, developers, site occupants and owners therefore have important roles in addressing these issues in planning design, construction and usage of the development when completed.

- 3.1.2 Collection methods and systems used for waste and recycling management in multi-unit developments, commercial development and larger scale developments must comply with the relevant and current occupational health and safety legislation and take into consideration industry guidelines and standards.

3.1.3 The underlying principles that also should be taken into consideration for all types of developments are:

- hygiene, safety and cleanliness are a priority
- sorting and storage waste and management recycling systems should be as simple as possible to use
- some waste and recycling management systems, particularly multi-unit or commercial or senior living developments may require a caretaker or manager
- onsite waste and recycling systems should aim to maximise source separation and the recovery of recyclable materials, garden waste and or food organics to comply with Council's or private service contractor requirements

3.1.4 Waste and recycling management systems provided to different developments may vary and require site specific design considerations, depending upon different site constraints.

Bins and Container Types

3.1.5 All garbage, recyclables and garden organics generated by a development need to be stored in the appropriate waste bins or containers with permanent, well-fitting lids. Waste bins and containers used should conform to the Australian Standard for mobile waste containers (AS 4213) if the standard is applicable for the selected bin or container type.

3.1.6 Waste bins and containers greater than 1700L where there is no Australian Standard should be designed to appropriate safety and other requirements.

3.1.7 For residential accommodation separate containers to encourage source separation of waste (garbage, recyclables, food and organics) should be provided to residents to be used to transport these materials to the bin storage area or disposal point. This will require adequate storage space within the kitchen area for the location of these containers to be incorporated into design plans.

Waste Handling Equipment

3.1.8 If it is proposed to install waste handling equipment, including chutes and compactors, then this equipment should be designed and installed to conform to relevant design and safety standards. Design details will have to be submitted with the Development Application.

Controls for Subdivision

A Development Application for a subdivision may involve the demolition of building or structures reference should be made to the [demolition controls](#) of this section and the applicable Control requirements, including the need to prepare and submit an Asbestos and Hazardous Materials Assessment Audit Report.

A statement and information is also to be provided on how the General and Specific Objectives (for Subdivision) and the design Controls as listed below will be achieved and complied with.

- 3.1.9 A completed Site Waste Minimisation and Management Plan - Subdivision (SWMMP) shall accompany the Development Application. This should include a statement on how the General and Specific Objectives (for subdivision work) and the Controls as listed below will be achieved and complied with.
- 3.1.10 The preparation and submission of a Contaminated Land Site Assessment Report for the proposed subdivision site to identify any site contamination and remedial action required.
- 3.1.11 If any soil or other material is to be removed from site or brought onto the site reference must be made to Chapter 1 Section 9 Importation or Export Off-site of Soil/Materials to be used as Fill.

Refer to the additional [demolition controls](#) of this section.

Controls for Low Density Developments (single dwellings, dual occupancy, secondary dwellings and any associated additions)

Internal Bins/Containers (Source Separation)

- 3.1.12 Separate containers or bins are to be provided to residents/occupiers that can be stored within dwellings or other types of developments and used to transport recyclable, food organics and garbage to the storage area or disposal point.
- 3.1.13 There should be sufficient space provided and nominated within the kitchen (or an alternate location) for the interim storage in bins or containers as supplied of source separated garbage, recyclables and food organics.

Collection Bins

- 3.1.14 As part of the residential development each single dwelling house, dual occupancy, secondary dwelling and other residential accommodation shall:
- be provided with its own separate garbage, recycling and garden waste/food organics collection bins that comply with Council's Waste Services Code and capacity requirements
 - be provided with bins that comply with Australian Standard 4123 (as amended) or applicable standard including designated colour schemes for the different types of bins and lids as specified in Kiama Council's Waste & Recycling Services Code.

External Bin Storage Area

- 3.1.15 The external bin storage area shall:
- have a minimum size of 2.1m x 1m to provide sufficient space for the storage of at least three (3) collection bins to be allocated to each dwelling for exclusive use
 - not affect the aesthetics of the development but blends in with surrounding buildings and landscape
 - be located behind the building line and where possible in the rear yard and screened from view from the public domain.

Roadside Bin Collection Point

3.1.16 The access paths to and from the external bin enclosure or bin storage room and leading to the nominated roadside collection points must:

- be designed and constructed to comply with legislative requirements for access and mobility, gradients for ramps and pathways
- be free from steps and obstacles
- be constructed of a durable material.

3.1.17 Ensure the nominated roadside collection point/s for bins that are located on Councils road verge are not:

- located near intersections
- located near roundabouts or slow-points
- located along busy arterial roads unless approved
- located in narrow lanes
- located where bins restrict pedestrian access or near pedestrian crossings
- located where parking will be obstructed or restricted or create a traffic hazard
- located near obstructions, including trees, overhanging buildings and overhead power lines.

3.1.18 The roadside bin collection point/s shall be nominated on a site plan and:

- be easily accessible for the collection vehicle
- have appropriate overhead clearances
- free from obstacles and traffic hazards
- should ensure adequate traffic and pedestrian safety is maintained
- have sufficient width to accommodate all bins
- be located to enable the mechanical pick-up of bins
- enable collection operations to be carried out on a level surface, away from driveways, vehicle ramps and not on steep gradients
- be in a location as approved by Council.

Note:- It is the responsibility of dwelling occupants to move bins to the identified collection point no earlier than the evening before collection day and to then return the bins to their storage area no later than the evening of collection day. Bins are to remain in their on-site storage area at all other times.

Controls for Medium Density Housing (3 or more dwellings/unit, including residential flat buildings, multi-unit dwelling housing, boarding houses, group homes, shop top housing, seniors housing)

Collection Bins

3.1.19

As part of the residential development each single dwelling house, flat, unit, shop top housing, group home and senior residential accommodation shall:

- be provided with its own separate garbage, recycling and garden waste/food organics collection bins that comply with Council's Waste

Services Code and capacity requirements, with front lift waste containers being prohibited

Note: For multiunit developments that are vertically above each other or seniors housing and larger residential developments shared garbage and recycling bins, more frequent services may be an alternative option. However Council approval would be required before this option is submitted for consideration.

- be provided with bins that comply with Australian Standard 4123 and as amended including specific requirements for designated colour schemes for the different types of bins and lids.

External Bin Storage Area (not applicable to vertical type multi-unit or shop top housing developments)

3.1.20 An external bin storage area must be provided that complies with the following requirements:

- be located within the rear yard area of each dwelling and in a position from which bins may be readily wheeled to the street for collection
- have a minimum size of 2.1m x 1m to provide sufficient space for the storage of at least three (3) collection bins to be allocated to each dwelling for exclusive use

Garbage, Recycling Bin Storage Rooms (only applicable to vertical type multi-unit or shop top housing developments)

3.1.21 Garbage and recycling bin storage rooms must:

- be integrated into the design of the overall development with the external construction materials and finishes being similar in style and quality to the external materials used in the rest of the development
- be constructed in accordance with the requirements of the National Construction Code, Building Code of Australia and all relevant Australian Standards mobility and applicable legislation as amended including design requirements for access and mobility and gradients for ramps and pathways
- be located wherever possible be in a basement location within the main building envelope (rather than a separate stand-alone structure) or other approved location by Council
- be located and designed in a manner that reduces adverse impacts upon the inhabitants of any dwellings on the site and upon neighbouring properties
- be of adequate size to accommodate all garbage, recycling and of garden waste and or food waste bins associated with the development and in accordance with service frequency and standards
- be designed to have segregated areas for the location of garbage, recycling and garden/food organics waste if applicable and be identified with signage
- be provided with natural ventilation or mechanical ventilation or air conditioning complying with the National Construction Code, Building Code of Australia and all relevant Australian Standards

- be designed to minimise noise generated from the bins being moved in and out of the room and any compaction or other equipment located therein
- have the floor constructed and finished to a smooth even surface, coved at the intersection with walls and plinths
- have the floor drained to a sump that is connected to Sydney Water Corporation sewage system and complies with any applicable plumbing codes and legislation and license requirements
- be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock for bin washing purposes
- have walls constructed of solid impervious materials, cement rendered internally to a smooth even surface coved at all intersections and must finished in a light colour
- have the ceiling constructed of solid impervious materials with a smooth even and light colour finish and capable of being easily cleaned
- have a close fitting and self-closing door and in addition a roller shutter door may be permitted under special circumstances as approved by Council and conditional that a sign being erected in a conspicuous position requiring the roller shutter to be kept closed at all times when not in use
- be provided with artificial light controlled by switches located both outside and inside the storage room.

Roadside Bin Collection Point (where applicable)

- 3.1.22 The access paths to and from the external bin enclosure or bin storage room and leading to the nominated roadside collection points must:
- be designed and constructed to comply with legislative requirements for access and mobility, gradients for ramps and pathways
 - be free from steps and obstacles
 - be constructed of a durable material.
- 3.1.23 Ensure the nominated roadside collection point/s for bins that are located on Councils road verge are not:
- located near intersections
 - located near roundabouts or slow-points
 - located along busy arterial roads unless approved
 - located in narrow lanes
 - located where bins restrict pedestrian access or near pedestrian crossings
 - located where parking will be obstructed or restricted or create a traffic hazard
 - located near obstructions, including trees, overhanging buildings and overhead power lines.

3.1.24 The roadside bin collection point/s shall be nominated on a site plan and:

- be easily accessible for the collection vehicle
- have appropriate overhead clearances
- free from obstacles and traffic hazards
- should ensure adequate traffic and pedestrian safety is maintained
- have sufficient width to accommodate all bins
- be located to enable the mechanical pick-up of bins
- enable collection operations to be carried out on a level surface, away from driveways, vehicle ramps and not on steep gradients
- be in a location as approved by Council.

On-site Bin Collection Point

If a roadside verge collection point cannot be provided, then onsite collection via the private access road to the development may be considered and will be subject to Council approval.

Where developments require an on-site bin collection point the following applies:

3.1.25 The internal road and access driveways must be designed and constructed in accordance with the relevant standards including those specified in legislation, regulations, guidelines, and codes and specific Council requirements as outlined Kiama Council's Waste Services Code;

3.1.26 Design details, plans, specifications and swept path details of the proposed private access road are to be submitted with Development Application where onsite collection is proposed.

Factors to be addressed in the road design include:

- gradients for turning heads
- longitudinal road gradients
- horizontal alignments
- vertical curve
- cross-falls
- carriageway width
- verges
- pavement widths
- turning areas for the collection vehicles
- sight distance requirements
- entry and exit locations
- clearance heights manoeuvring clearance
- any other requirements as specified in Kiama Council's Waste Services Code
- road strength (industrial-type strength pavement is required, designed for a maximum wheel loading per axle to accommodate garbage and recycling collection vehicles
- any other requirements as specified in Kiama Council's Waste Services Code.

- 3.1.27 Some applications may require documentation from a Waste and Recycling Services Contractor certifying that the design plans and development site has been inspected and that a Waste Services Agreement will be entered into for onsite access for provision and collection of garbage, recycling garden waste and or food waste bins that meet Council's specifications.
- 3.1.28 Some applications may require a Waste Services Agreement to be entered into including any other specific requirements as specified by the waste contractor and Council that must be complied with by residents or site occupants and including location of collection point and presentation and removal of bins.

Ongoing Management

- 3.1.29 Where required, a caretaker or nominated representative must be provided and delegated the responsibility for the tasks involved in ongoing site waste management, including:
- moving bins to and from the storage room to the collection point (if required) on collection day
 - washing bins and maintaining storage areas
 - arranging for the prompt removal of dumped rubbish
 - displaying and maintaining consistent signs on all bins and in all communal storage areas
 - managing communal composting areas (if applicable)
 - ensuring all residents are informed of the garbage, recycling, organics and bulky waste arrangements

Controls for Development with Two or More Land Uses

Council or a private contractor can provide garbage and recycling services to developments. However, in mixed use developments, urban residential ratepayers are required to pay the Domestic Waste Management Charge even if the development is serviced by a private contractor.

Developments comprising two or more individual land uses including a residential component and commercial land including retail/offices need to incorporate the following requirements as outlined.

- 3.1.30 The garbage and recycling management systems and services for the residential component of the development must be kept separate from the commercial use.
- 3.1.31 The garbage and recycling services provided to the residential component must only be provided by Council's contractor. The frequency and collection days are set in accordance with Council's approved service schedule and collection zone. The Domestic Waste Management Charge applies to each individual unit. Rather than have individual bins for each residential unit/flat there may be an opportunity for shared bins and more frequent collection services. This would be subject to Council approval.

Residential Component

Refer to the medium density waste management controls for the residential component of developments with two or more land uses.

Non-Residential Component

Internal Bins /Containers (Source Separation)

- 3.1.32 Separate containers or bins are to be provided to residents/occupiers that can be stored within dwellings or other types of developments and used to transport recyclable, food organics and garbage to the storage area or disposal point.
- 3.1.33 There should be sufficient space provided and nominated within the kitchen (or an alternate location) for the interim storage in bins or containers as supplied of source separated garbage, recyclables and food organics.

Collection Bins

- 3.1.34 The non-residential development and commercial component of the mixed use development shall:
- be provided with its own separate garbage, recycling and garden waste/food organics collection bins that comply with Council's Waste Services Code and capacity requirements, with front lift or side lift waste and recycling containers being prohibited unless first approved by Council
 - be provided with bins and containers used should conform to the Australian Standard 4123 as amended for mobile waste containers including specific requirements for designated colour schemes for the different types of bins and lids, if the standard is applicable for the selected bin or container. Waste bins and containers greater than 1700L should be designed to appropriate safety and other requirements.

Waste, Recycling Bin Storage Room

- 3.1.35 A separate storage room must be provided for the storage of garbage, recycling and or garden/food waste bins for the non- residential component of the development. Another storage room shall be provided for the residential component of the development.

3.1.36 Garbage and recycling bin storage rooms must:

- be integrated into the design of the overall development with the external construction materials and finishes being similar in style and quality to the external materials used in the rest of the development
- be constructed in accordance with the requirements of the National Construction Code, Building Code of Australia and all relevant Australian Standards mobility and applicable legislation as amended including design requirements for access and mobility and gradients for ramps and pathways
- be located wherever possible be in a basement location within the main building envelope (rather than a separate stand-alone structure) or other approved location by Council
- be located and designed in a manner that reduces adverse impacts upon the inhabitants of any dwellings on the site and upon neighbouring properties
- be of adequate size to accommodate all garbage, recycling and of garden waste and or food waste bins associated with the development and in accordance with service frequency and standards
- be designed to have segregated areas for the location of garbage, recycling and garden/food organics waste if applicable and be identified with signage
- be provided with natural ventilation or mechanical ventilation or air conditioning complying with the National Construction Code, Building Code of Australia and all relevant Australian Standards
- be designed to minimise noise generated from the bins being moved in and out of the room and any compaction or other equipment located therein
- have the floor constructed and finished to a smooth even surface, coved at the intersection with walls and plinths
- have the floor drained to a sump that is connected to Sydney Water Corporation sewage system and complies with any applicable plumbing codes and legislation and license requirements
- be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock for bin washing purposes
- have walls constructed of solid impervious materials, cement rendered internally to a smooth even surface coved at all intersections and must finished in a light colour
- have the ceiling constructed of solid impervious materials with a smooth even and light colour finish and capable of being easily cleaned
- have a close fitting and self-closing door and in addition a roller shutter door may be permitted under special circumstances as approved by Council and conditional that a sign being erected in a conspicuous position requiring the roller shutter to be kept closed at all times when not in use
- be provided with artificial light controlled by switches located both outside and inside the storage room.

Roadside Bin Collection Point (where applicable)

3.1.37 The access paths to and from the external bin enclosure or bin storage room and leading to the nominated roadside collection points must:

- be designed and constructed to comply with legislative requirements for access and mobility, gradients for ramps and pathways
- be free from steps and obstacles
- be constructed of a durable material.

3.1.38 Ensure the nominated roadside collection point/s for bins that are located on Councils road verge are not:

- located near intersections
- located near roundabouts or slow-points
- located along busy arterial roads unless approved
- located in narrow lanes
- located where bins restrict pedestrian access or near pedestrian crossings
- located where parking will be obstructed or restricted or create a traffic hazard
- located near obstructions, including trees, overhanging buildings and overhead power lines.

3.1.39 The roadside bin collection point/s shall be nominated on a site plan and:

- be easily accessible for the collection vehicle
- have appropriate overhead clearances
- free from obstacles and traffic hazards
- should ensure adequate traffic and pedestrian safety is maintained
- have sufficient width to accommodate all bins
- be located to enable the mechanical pick-up of bins
- enable collection operations to be carried out on a level surface, away from driveways, vehicle ramps and not on steep gradients
- be in a location as approved by Council.

On-site Bin Collection Point

Where developments require an on-site bin collection point the following applies:

3.1.40 The internal road and access driveways must be designed and constructed in accordance with the relevant standards including those specified in legislation, regulations, guidelines, and codes and specific Council requirements as outlined Kiama Council's Waste Services Code;

- 3.1.41 Design details, plans, specifications and swept path details of the proposed private access road are to be submitted with Development Application where onsite collection is proposed.

Factors to be addressed in the road design include:

- gradients for turning heads
- longitudinal road gradients
- horizontal alignments
- vertical curve
- cross-falls
- carriageway width
- verges
- pavement widths
- turning areas for the collection vehicles
- sight distance requirements
- entry and exit locations
- clearance heights manoeuvring clearance
- any other requirements as specified in Kiama Council's Waste Services Code
- road strength (industrial-type strength pavement is required, designed for a maximum wheel loading per axle to accommodate garbage and recycling collection vehicles)
- any other requirements as specified in Kiama Council's Waste Services Code.

- 3.1.42 Some applications may require documentation from a Waste and Recycling Services Contractor certifying that the design plans and development site has been inspected and that a Waste Services Agreement will be entered into for onsite access for provision and collection of garbage, recycling garden waste and or food waste bins that meet Council's specifications

- 3.1.43 Some applications may require a Waste Services Agreement to be entered into including any other specific requirements as specified by the waste contractor and Council that must be complied with by residents or site occupants and including location of collection point and presentation and removal of bins.

Ongoing Management

- 3.1.44 Where required, a caretaker or nominated representative must be provided and delegated the responsibility for the tasks involved in ongoing site waste management, including:
- moving bins to and from the storage room to the collection point (if required) on collection day
 - washing bins and maintaining storage areas
 - arranging for the prompt removal of dumped rubbish

Controls for Commercial and Retail Developments

Council or a private contractor can provide garbage and recycling services to these types of developments. However, in mixed use developments, urban residential ratepayers are

required to pay the Domestic Waste Management Charge even if the development is serviced by a private contractor.

Before submitting a development application you should consider who you want to provide garbage and recycling services to your development. Council can only service your development if it complies with all of the relevant requirements contained in this section.

In order for Council to provide garbage and recycling services to your development it is preferable for all waste and recycling material to be collected via a public roadside collection point.

Certain developments may require an onsite collection service there are special access and road design and storage criteria and liability and indemnity issues that need to be taken into consideration in the design process. You should speak to Council's Waste Service team for more information on Council's waste services, including the possibility of onsite commercial collection services. You can also request commercial garbage and recycling services by completing and submitting the relevant Application Form on Council's website: <https://www.kiama.nsw.gov.au/your-council/forms/forms>

Information Required for Council to determine if they can service your development

The bin or container capacity for commercial and retail developments will be dependent upon the type of development and the estimated quantity of waste to be generated and the frequency of service provided or required.

Frequency of service

The frequency of service will be dependent upon:

- the type development and size of development
- services provided (garbage, recycling, garden waste/food organics)
- scheduled collection days and collection zone
- bin or container capacity
- individual or shared bins or containers
- ability of service contractor to provide more frequent services

In general the frequency of service and bin capacity for the type of service (garbage, recycling, garden waste/food organics) will have to be determined for each development type. Reference should be made to the different types of development as outlined in this Chapter and Kiama Council's Waste & Recycling Services Code.

Onsite Collection Service Requirements

If a roadside bin collection point cannot be provided, then onsite collection via the private access road to the development may be considered.

Garbage and recycling service contractors will not enter private property with their vehicles unless indemnity against liabilities, losses, damages and other costs arising from the on-site collection service has been provided.

However before this can be considered a Deed of Agreement & Release including indemnity would have to be reached between Council or private service contractor and the developer owner of the site.

Also to allow the safe passage of a laden collection vehicles in all seasons, the internal road and access driveways must be designed and constructed in accordance with the relevant standards including those specified in legislation, regulations, guidelines, and codes and specific Council requirements as outlined Kiama Council's Waste Services Code.

Design details, plans, specifications and swept path details of the proposed private access road are to be submitted with Development Application where onsite collection is proposed.

Ongoing Management

Where onsite collection is required, a caretaker or nominated representative must be provided and delegated the responsibility for the tasks involved in ongoing site waste management, including:

- moving bins to and from the storage room to the collection point (if required) on collection day
- washing bins and maintaining storage areas
- arranging for the prompt removal of dumped rubbish

Controls for Commercial Developments involving the preparation and/or sale of food

As outlined above, garbage and recycling services to these types of developments may be either provided by Council's or a private waste contractor.

Council may be able to provide a food waste organics collection service. You should speak to Council's Waste Service team for more information on Council's waste services, including the possibility a food waste organics collection service.

The frequency and collection days will be dependent upon the quantity and type of waste generated and to prevent nuisances from odours, vermin and flies.

There are specific legislative requirements relating to construction, storage and disposal of waste generated from premises where food is prepared, stored and sold.

The following design control standards apply and must be incorporated into the development plans and specifications.

Internal Bins/Containers (Source Separation Recyclables)

- 3.1.45 A garbage and recycling cupboard must be provided for each and every kitchen area in a development, including kitchen areas in hotel rooms, motel rooms and staff food preparation areas.
- 3.1.46 Each garbage / recycling cupboard must be of sufficient size to hold a minimum of a single days garbage/recycling and is to hold separate containers/bins for general garbage and recyclable materials. The bins or containers are to be separately labelled "Recycling Only" or "Garbage Only".
- 3.1.47 There should be sufficient space provided and nominated within the kitchen (or an alternate location) for the interim storage in bins or containers as supplied of source separated garbage, recyclables and food organics.

Collection Bins

3.1.48 Each separate commercial development shall:

- be provided with its own separate garbage, recycling and garden waste/food organics collection bins that comply with Council's Waste Services Code and capacity requirements. Front lift waste containers are prohibited unless first approved by Council before this option is proposed.

Note: For larger types of developments shared garbage and recycling bins and more frequent services may be an alternative option to separate bins. However Council approval would be required before this option is submitted for consideration.

- be provided with bins and containers that conform to the Australian Standard 4123 as amended including, specific requirements for designated colour schemes for the different types of bins and lids (if the standard is applicable for the selected bin or container).

Waste, Recycling Bin Storage Room

3.1.49 A separate external storage room must be provided for the storage of garbage, recycling and/or garden/food waste bins for the commercial development including food premises.

3.1.50 Garbage and recycling bin storage rooms must:

- be integrated into the design of the overall development with the external construction materials and finishes being similar in style and quality to the external materials used in the rest of the development
- be constructed in accordance with the requirements of the National Construction Code, Building Code of Australia and all relevant Australian Standards mobility and applicable legislation as amended including design requirements for access and mobility and gradients for ramps and pathways
- be located wherever possible be in a basement location within the main building envelope (rather than a separate stand-alone structure) or other approved location by Council
- be located and designed in a manner that reduces adverse impacts upon the inhabitants of any dwellings on the site and upon neighbouring properties
- be of adequate size to accommodate all garbage, recycling and of garden waste and or food waste bins associated with the development and in accordance with service frequency and standards
- be designed to have segregated areas for the location of garbage, recycling and garden/food organics waste if applicable and be identified with signage
- be provided with natural ventilation or mechanical ventilation or air conditioning complying with the National Construction Code, Building Code of Australia and all relevant Australian Standards
- be designed to minimise noise generated from the bins being moved in and out of the room and any compaction or other equipment located therein
- have the floor constructed and finished to a smooth even surface, coved at the intersection with walls and plinths

- have the floor drained to a sump that is connected to Sydney Water Corporation sewage system and complies with any applicable plumbing codes and legislation and license requirements
- be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock for bin washing purposes
- have walls constructed of solid impervious materials, cement rendered internally to a smooth even surface coved at all intersections and must finished in a light colour
- have the ceiling constructed of solid impervious materials with a smooth even and light colour finish and capable of being easily cleaned
- have a close fitting and self-closing door and in addition a roller shutter door may be permitted under special circumstances as approved by Council and conditional that a sign being erected in a conspicuous position requiring the roller shutter to be kept closed at all times when not in use be provided with artificial light controlled by switches located both outside and inside the storage room.

Grease Traps

- 3.1.51 Food premises must be provided with a grease trap connected to the sewerage system of [Sydney Water Corporation](#) (where sewer is available) and in accordance with any approvals and conditions or license requirements.
- 3.1.52 Premises which generate at least 50 litres per day of meat, seafood or poultry waste must have that waste collected on a daily basis or must store that waste in a dedicated and refrigerated waste storage area until collection.
- 3.1.53 All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor for the regular collection and disposal of the waste and recyclables and grease trap wastes that are generated on the site.
- 3.1.54 Where required, a caretaker or nominated representative must be provided and delegated the responsibility for the tasks involved in ongoing site waste management, including:
- moving bins to and from the storage room to the collection point (if required) on collection day
 - washing bins and maintaining storage areas
 - arranging for the prompt removal of dumped rubbish

Controls for Industrial Developments

Industrial premises are likely to generate a variety of liquid, sludge, oils, chemical and hazardous wastes, bulky items, drums, general garbage and recyclable materials.

Specific legislation will apply to the usage, separation, storage of chemical and hazardous waste prior to collection. Some of these waste materials will also be collected by a licensed waste contractor and transporter and can only be disposed of at specific disposal facilities or onsite treatment or disposed to the sewerage system subject license and approval.

It is important to identify the different types and quantities of these types of materials that are likely to be generated from the development and its ongoing use and treatment and disposal requirements. Environmental Management Plans may also have to be prepared for the particular use and processes undertaken.

As with commercial and retail developments, garbage and recycling services to these types of developments may be either provided by Council's or a private waste contractor.

Before submitting a development application you should consider who you want to provide garbage and recycling services to your development. Council can only service your development if it complies with all of the relevant requirements contained in this section.

In order for Council to provide garbage and recycling services to your development it is preferable for all waste and recycling material to be collected via a public roadside collection point.

Certain developments may require an onsite collection service there are special access and road design and storage criteria and liability and indemnity issues that need to be taken into consideration in the design process. You should speak to Council's Waste Service team for more information on Council's waste services, including the possibility of onsite commercial collection services. You can also request commercial garbage and recycling services by completing and submitting the relevant Application Form on Council's website: <https://www.kiama.nsw.gov.au/your-council/forms/forms>

Information Required for Council to determine if they can service your development

The bin or container capacity for commercial and retail developments will be dependent upon the type of development and the estimated quantity of waste to be generated and the frequency of service provided or required.

Frequency of service

The frequency of service will be dependent upon:

- the type development and size of development
- services provided (garbage, recycling, garden waste/food organics)
- scheduled collection days and collection zone
- bin or container capacity
- individual or shared bins or containers
- ability of service contractor to provide more frequent services

In general the frequency of service and bin capacity for the type of service (garbage, recycling, garden waste/food organics) will have to be determined for each development type. Reference should be made to the different types of development as outlined in this Topic and Kiama Council's Waste & Recycling Services Code.

Onsite Collection Service Requirements

If a roadside bin collection point cannot be provided, then onsite collection via the private access road to the development may be considered.

Garbage and recycling service contractors will not enter private property with their vehicles unless indemnity against liabilities, losses, damages and other costs arising from the on-site collection service has been provided.

However before this can be considered a Deed of Agreement & Release including indemnity would have to be reached between Council or private service contractor and the developer owner of the site.

Also to allow the safe passage of a laden collection vehicles in all seasons, the internal road and access driveways must be designed and constructed in accordance with the relevant standards including those specified in legislation, regulations, guidelines, and codes and specific Council requirements as outlined Kiama Council's Waste Services Code.

Design details, plans, specifications and swept path details of the proposed private access road are to be submitted with Development Application where onsite collection is proposed.

Ongoing Management

Where onsite collection is required, a caretaker or nominated representative must be provided and delegated the responsibility for the tasks involved in ongoing site waste management, including:

- moving bins to and from the storage room to the collection point (if required) on collection day
- washing bins and maintaining storage areas
- arranging for the prompt removal of dumped rubbish

The following design Controls standards apply and must be incorporated into the development plans and specifications.

Internal Bins /Containers (Source Separation Recyclables)

- 3.1.55 A garbage and recycling cupboard or specified area must be provided for each and every staff kitchen, amenities and office areas in the development
- 3.1.56 Each garbage/recycling cupboard must be of a sufficient size to hold a minimum of a single days garbage/recycling and is to hold separate containers/bins for general garbage and recyclable materials. The bins or containers are to be separately labelled "Recycling Only" or "Garbage Only".

Collection Bins

- 3.1.57 The industrial development and any separate component shall:
- be provided with its own separate garbage, recycling and garden waste/food organics collection bins or containers that comply with Council's Waste Services Code and capacity requirements. Front lift or side lift waste and recycling containers may be used subject to compliance with design requirement for onsite collection;
 - be provided with bins and containers used should conform to the Australian Standard 4123 as amended for mobile waste containers including specific requirements for designated colour schemes for the different types of bins and lids, if the standard is applicable for the selected bin or container. Waste bins and containers greater than 1700L should be designed to appropriate safety and other requirements.

Industrial Garbage, Other Waste and Recycling Storage Areas

The following design Control standards apply and must be incorporated into the development plans and specifications for waste and recycling storage areas.

3.1.58 Garbage and other waste/recycling storage areas must:

- be constructed in accordance with the requirements of the National Construction Code, Building Code of Australia and all relevant Australian Standards mobility and applicable legislation as amended including design requirements for access and mobility and gradients for ramps and pathways
- must be integrated into the design of the overall development
- must be located and designed in a manner that reduces adverse visual and noise impacts upon neighbouring properties and the streetscape
- be constructed and located to minimise odours emanating from the storage area and prevent harbourage vermin
- be able to accommodate separate general garbage/containers and recycling bins/containers which are of sufficient volume to contain the quantity of waste generated between collections
- have the gradient of the floors and the gradient of any associated access ramps sufficiently level so that access for the purpose emptying containers can occur in accordance with relevant Occupational Health and Safety legislation
- have a smooth, durable floor and enclosed with walls / fences that extend to the height of any bins containers which are kept within
- have lockable doors or gates to provide screening and security to prevent illegal dumping of waste
- have all doors and gates being able to be opened from inside and outside and must be wide enough to allow for the easy passage of garbage and recycling bins/containers
- have a sign to indicate that the door/gate is to remain closed when not in use
- have signage that clearly describes the types of materials that can be deposited into recycling and garbage bins/containers
- where bin/container washing is required, due to the nature of the waste materials being disposed, then an adequate supply of cold water mixed with hose cock shall be provided
- have the floor of the bin/container area drained to a sump connected to Sydney Water Corporation sewerage system that complies with any applicable plumbing codes and legislation and license requirements

Roadside Bin Collection Point (where applicable)

3.1.59 The access paths to and from the external bin enclosure or bin storage room and leading to the nominated roadside collection points must:

- be designed and constructed to comply with legislative requirements for access and mobility, gradients for ramps and pathways
- be free from steps and obstacles
- be constructed of a durable material.

3.1.60 Ensure the nominated roadside collection point/s for bins that are located on Councils road verge are not:

- located near intersections
- located near roundabouts or slow-points
- located along busy arterial roads unless approved
- located in narrow lanes
- located where bins restrict pedestrian access or near pedestrian crossings
- located where parking will be obstructed or restricted or create a traffic hazard
- located near obstructions, including trees, overhanging buildings and overhead power lines.

3.1.61 The roadside bin collection point/s shall be nominated on a site plan and:

- be easily accessible for the collection vehicle
- have appropriate overhead clearances
- free from obstacles and traffic hazards
- should ensure adequate traffic and pedestrian safety is maintained
- have sufficient width to accommodate all bins
- be located to enable the mechanical pick-up of bins
- enable collection operations to be carried out on a level surface, away from driveways, vehicle ramps and not on steep gradients
- be in a location as approved by Council.

On-site Bin Collection Point

These Control standards apply if roadside collection is not proposed or not approved by Council.

3.1.62 The internal road and access driveways must be designed and constructed in accordance with the relevant standards including those specified in legislation, regulations, guidelines, and codes and specific Council requirements as outlined Kiama Council's Waste Services Code.

3.1.63 Design details, plans, specifications and swept path details of the proposed private access road are to be submitted with Development Application where onsite collection is proposed.

Factors to be addressed in the road design include:

- gradients for turning heads
- longitudinal road gradients
- horizontal alignments
- vertical curve
- cross-falls
- carriageway width
- verges
- pavement widths
- turning areas for the collection vehicles
- sight distance requirements
- entry and exit locations

- clearance heights manoeuvring clearance
 - any other requirements as specified in Kiama Council's Waste Services Code
 - road strength (industrial-type strength pavement is required, designed for a maximum wheel loading per axle to accommodate garbage and recycling collection vehicles)
 - any other requirements as specified in Kiama Council's Waste Services Code.
- 3.1.64 Some applications may require documentation from a Waste and Recycling Services Contractor certifying that the design plans and development site has been inspected and that a Waste Services Agreement will be entered into for onsite access for provision and collection of garbage, recycling garden waste and or food waste bins that meet Council's specifications.
- 3.1.65 Some applications may require a Waste Services Agreement to be entered into including any other specific requirements as specified by the waste contractor and Council that must be complied with by residents or site occupants and including location of collection point and presentation and removal of bins.

Ongoing Management

- 3.1.66 A caretaker or nominated representative must be provided and delegated the responsibility for the tasks involved in ongoing site waste management, including:
- moving bins/containers to and from the storage areas to the collection point (if required) on collection day or if required by collection contractor
 - washing bins/containers and maintaining storage areas to prevent a nuisance form litter, odour and flies and liquids
 - ensuring garbage and recycling bins/containers are only be washed in an area which drains to a sewer authority approved drainage connection
 - arranging for the prompt removal of dumped rubbish, waste or recyclable material placed around bins
 - displaying and maintaining consistent signs on all bins and in all communal storage areas
 - ensuring all tenants are informed of the garbage, recycling, food organics and bulky items and other waste arrangements.

Controls for Demolition

[Clause 2.7 of Kiama LEP 2011](#) relates to demolition work that requires Development Consent.

- 3.1.67 Where development consent is required by this or other environmental planning instruments then a development application must contain the following additional information:
- Asbestos and Hazardous Materials Assessment Audit in accordance with Guidelines as prepared by Council or other regulatory authority and prepared by an appropriately qualified person meeting suitable to Council, and the Model Asbestos Policy prepared by the Division of Local Government at www.lgnsw.org.au/key-initiatives/asbestos.

- Risk Assessment and Management Plan identifying applicable legislation, Council policies, level of risk associated, occupational health and safety requirements and procedures for removal and or treatment and nominated disposal facility.
- A Demolition Plan outlining the results of the Materials assessment. The name and licence number of all Demolition contractors including any specialist hazardous materials contractors.
- Waste Minimisation and Management Plan in accordance Guidelines as prepared by Council that identifies types and estimated quantities. Reference should be made to Waste Minimisation and Management Guidelines.

- 3.1.68 No demolition can occur prior to the issue of development consent.
- 3.1.69 A completed Site Waste Minimisation and Management Plan - Demolition (SWMMP) shall accompany any Development Application that proposes the demolition of buildings or other ancillary structures. This shall be accompanied with a statement and information on how the General and Specific Objectives (for Demolition) and the design Controls as listed below will be achieved and complied with.
- 3.1.70 Means are to be implemented to facilitate reuse/recycling by using the process of 'deconstruction', where various materials are carefully dismantled and sorted.
- 3.1.71 Identify all waste likely to result from the demolition and opportunities for reuse, recycling, mulching or composting of materials and estimated volumes, tonnages of materials and disposal locations. This includes soils, trees or vegetation to be removed and all structures to be demolished.
- 3.1.72 Identify and allocate an area on the site plan for the storage of materials for reuse, recycling and disposal (giving consideration to slope, drainage, location of waterways, stormwater outlets, vegetation, and access and handling requirements).
- 3.1.73 Provide details of the proposed separate collection bins or areas to be used for the storage of residual waste and recyclable material generated by onsite workers or contractors.
- 3.1.74 Provide details of signage as proposed for the purpose of identifying waste and recycling bins and storage areas.
- 3.1.75 A Statement providing details of who has been assigned the responsibility for the preparation of a Demolition Waste Compliance Certificate, including all documentation, is to be submitted to Council prior to the issuing of the Construction Certificate.

Topic 3.2 - Amenity

Solar Access

Objectives

O:3.2.1 All development must incorporate design to the internal layout and the siting of the development on the site to ensure a high level of solar access to both end users of the development and existing surrounding development

Controls

- 3.2.1 Where a proposed dwelling house/addition/dual occupancy/secondary dwelling is considered to adversely affect privacy or excessively overshadow an adjoining property, Council may request modification to the building design, requiring increased building setbacks, or failing this, refuse the application.
- 3.2.2 A proposed dwelling house/addition/dual occupancy/secondary dwelling should respect the reasonable desire of adjoining residents to direct sunshine and should not unreasonably reduce solar access to habitable rooms and recreation areas on adjacent residential properties.
- 3.2.3 Buildings must be designed to optimise solar access by positioning and orienting buildings to maximise north facing walls.
- 3.2.4 Where practicable; (and taking into account maximising views/amenity issues):
- habitable room windows should be placed within 30 degrees east and 20 degrees west of north.
 - dwellings should be designed to locate living areas to the north and service areas to the south and west of the development.
- 3.2.5 Where avoidable, buildings must be designed so that there is no unreasonable overshadowing of solar collectors located on adjacent development.

Privacy

Objectives

O:3.2.2 To provide a high level of visual and acoustic privacy for existing and new residents

Controls

- 3.2.6 Development in excess of one storey beyond this point will be more critically analysed in respect to the amenity impacts on adjoining properties, by the development, with particular reference to the following:
- Maintenance of privacy into the adjoining dwellings and private open space areas
 - Access to natural light and/or overshadowing
 - Visual bulk

- 3.2.7 Treatments to reduce the likely amenity impacts on adjoining properties might include, screens, opaque glazing, highlight windows, increased side setbacks, broken roof lines, split floor levels or a general height reduction.
- 3.2.8 All development should be designed to provide a high level of privacy for end users without compromising access to light and airflow. Where, due to site or design constraints, potential overlooking is unavoidable. Detailing could include:
- offset windows of in new development and adjacent development windows,
 - double glazing,
 - operable louvers or screen panels to windows and/or balconies,
 - screening through 1.5m high fencing or landscaping between dwellings.
- 3.2.9 Where a proposed dwelling house/addition/dual occupancy/secondary dwelling is considered to adversely affect privacy or excessively overshadow an adjoining property, Council may request modification to the building design, requiring increased building setbacks, or failing this, refuse the application.

Views & Visual Impacts

The Municipality has a range of significant ocean and escarpment views and vistas. Where significant views are available they can add greatly to the amenity and satisfaction of residents. Views can also contribute to a sense of place for both individuals and the public generally. A sense of place also contributes to the image of a development particularly in the minds of the residents. Similarly, adjoining residents who also enjoy views need to feel that their 'home' is not unreasonably affected by loss of views caused by new development. It is not possible in an urban environment to protect all views for all people.

Exceptions to compliance with view sharing principles may be granted in areas which have been targeted for higher density development however, sensitive design will still need to be undertaken to ensure that wherever possible view lines from existing development are maintained. In these instances a demonstrated sensitivity to view lines from public places will also need to be undertaken.

Objectives

- | | |
|----------|--|
| O:3.2.3 | To maintain view sharing principles though the development and redevelopment of areas. |
| O:3.2.4 | To ensure that where practical new development is designed and sited not to significantly alter views (including water and/or escarpment views). |
| O:3.2.5 | To ensure that primary private views are maintained through the addition of new development. |
| O:3.2.6 | To retain views to and from the water. |
| O:3.2.7 | To protect conserve and maintain the landform of the municipality. |
| O:3.2.8 | To limit potential for large bulky housing and development. |
| O:3.2.9 | To encourage sensitive siting of housing. |
| O:3.2.10 | To maintain or enhance significant public view corridors and other opportunistic views available from the public domain. |

View Sharing Principles

Views are essentially of two types - public views and private views.

Public views are those available to persons using public places such as roads and parks. They too add to the public amenity and sense of place. The siting and design of buildings should have regard to existing vistas from public places. These should be preserved where they are significant, for example - views of waterways, landmarks or well-known topographic or natural geological features that are visible at the ends of streets or between buildings from regularly used vantage points.

Private views are those enjoyed from dwellings by their occupants. They may be defined as primary and secondary views.

Primary views are those that feature significantly from frequently used living areas such as lounge rooms, living rooms and family rooms. These normally would be located when the dwelling is designed so that maximum advantage is taken of them.

Secondary views are those that represent a lesser or lower order of importance even though they may provide considerable enjoyment to the occupants. To the extent that the dwelling design did not see fit to feature them as primary views from frequently used living areas suggests they be considered of lower order priority than primary views.

The impact on views from living areas and kitchens is more significant than from bedrooms or service areas.

There will be instances where views will unavoidably be affected by new development. From a design viewpoint, the preservation of existing primary views from an adjoining dwelling would be of more importance than secondary views. These primary views should, to the maximum extent possible, be preserved.

New development should maximise views available to frequently used living areas within new dwellings without causing significant loss of views, and in particular primary views, enjoyed by existing residents, or significant loss of important vistas available from public places.

Controls

- 3.2.10 Any development in Kiama should incorporate view sharing principles into the design and siting of development to ensure that where possible with that existing view lines are not detrimentally impacted.
- 3.2.11 Development should maintain where possible of views from public places.
- 3.2.12 Development should ensure, where possible, that there is no unreasonable loss of existing view lines from existing development.
- 3.2.13 No one dwelling should be sited to maximise the views for its occupants to the exclusion of nearby resident or neighbours.
- 3.2.14 Building design should have regard to the topography of the site and avoid unnecessary bulk or alteration of natural ground levels.
- 3.2.15 Where there is a potential for view loss Council may require a maximum building height of less than the maximum allowable for part of the proposed building to ensure view sharing.
- 3.2.16 Council may consider varying setbacks and building lines where variance would result in a positive view sharing outcomes

3.2.17 Reference is to be made to principles handed down in the Land and Environment Court with regard to view sharing.

Landscaping

The purpose of this plan is to assist in the preparation of suitable landscape plans and documents for proposed commercial, industrial and residential developments within the Kiama Municipality. Basic information and design considerations are provided which will help applicants in meeting the requirements of the environmental legislation when preparing development applications.

Objectives

- O:3.2.11 To provide a high standard of landscape design which complements the design of the development and integrates within the streetscape or rural setting in size, scale, mass and bulk throughout the Kiama Municipality.
- O:3.2.12 To require landscaping to be considered in consultation with building and subdivision design as soon as possible in any development.
- O:3.2.13 To incorporate environmentally sustainable practices within the design.
- O:3.2.14 To reduce the impact of development activity on the landscape.
- O:3.2.15 To provide landscaping which requires low maintenance.
- O:3.2.16 To protect and enhance remnant native bushland areas by the retention and regeneration of indigenous flora.

Why Submit A Landscape Plan?

Most property development requires a landscape component which is assessed in order to improve the quality of the development by providing shade, privacy, streetscape, aesthetics, low maintenance and environmentally sustainable practices. To ensure a satisfactory standard of construction is achieved it is recommended that all landscape construction be carried out by a qualified landscape contractor. Membership to an accredited organisation encompassing both design and construction of landscapes is desirable.

Who Can Prepare Landscape Documentation?

To ensure that appropriate professional skills are being applied in the design as well as the presentation of landscape proposals, a suitably qualified Landscape Architect or Landscape Designer with relevant design experience is required to prepare landscape plans.

Information to be Submitted with Landscape Documents

This should be used as a checklist before submitting landscape plans.

- **Concept Landscape Plans**

A concept landscape plan is suitable when Development Approval only is required. The following details are required to be shown:

- Property owners name, postal address and contact details.
- Applicant's name, address and contact details.
- Landscape consultants contact details.

- North point.
- Scale of the plan (Generally 1:100 or 1:200 but for specific developments others may be required).
- Location of all existing and proposed buildings and adjoining buildings.
- Details of all existing trees 3.0 metres or more in height showing location, species, canopy spread and height.
- Location, height and finished floor levels of all existing/proposed buildings and structures.
- Location of roads, driveways, parking areas and footpaths with details of materials and finishes.
- Existing ground levels and proposed design levels e.g. contours, spot levels.
- Location and height of proposed retaining walls.
- Location of private open space clear of any garden beds, clothes lines and other encroachments.
- Schematic planting showing location and mature heights of planting.
- Further details which may be required
- Arborist report including the following details:
 - * Reduced levels at tree base
 - * Precise location
 - * Height
 - * Canopy spread and dripline
 - * Name of species (Botanic and common)
 - * Health and condition

- **Landscape Plans**

A fully detailed landscape plan is required prior to release of the Construction Certificate. Therefore it requires more detail than a concept plan. The following details are required to be shown:

- Property owners name, postal address and contact details.
- Applicant's name, address and contact details.
- Landscape consultants contact details.
- North point.
- Scale of the plan (Generally 1:100 or 1:200 but for specific developments others may be required).

- Location of all existing and proposed buildings and adjoining buildings.
- Details of all existing trees 3.0 metres or more in height showing location, species, canopy spread and height.
- Existing or proposed stormwater drains and drainage pits.
- Location, height and finished floor levels of all existing/proposed buildings and structures.
- Location of roads, driveways, parking areas and footpaths with details of materials and finishes.
- Existing ground levels and proposed design levels e.g. contours, spot levels.
- Location of utility services and stormwater drainage lines.
- Location and height of proposed retaining walls.
- Location of private open space wall over 600mm high will require Engineer's documentation clear of any garden beds, clothes lines and other encroachments
- Maintenance program.
- Planting schedule and plan to show:
 - Plant symbol
 - Botanic name and common name
 - Quantity
 - Mature height
 - Pot sizes
 - Plant spacings
 - Staking/tying
 - A specification describing the method of preparation of planting beds, turning, trees in grass, planting methods, fertilising, mulching, edging and staking.
 - Details of imported soils and plant growing medium.
 - Detail and location of all edge treatments
 - When necessary, standard construction and detail drawings e.g. sections through mass planting beds, tree planting details, retaining walls.
 - Location of service areas and screening details e.g. garbage receptacle area, drying area, letterboxes, play areas, common open space.

Further details which may be required:

- Construction details of permanent stock proof fencing.

- Location of all existing and proposed underground and overhead services and easements.
- Method used to protect individual trees or bushland areas during and after completion of the development.
- Irrigation layout/tap location if applicable.
- Details of special treatment e.g. erosion control, creek bank stabilisation, roof gardens etc.
- Arborist report of trees on the site and street trees including the following:
 - Reduced levels at tree base
 - Precise location
 - Height
 - Canopy spread and dripline.
 - Name of species (botanic and common name)
 - Health and condition
 - Tree protection Zones.

- **Site Analysis**

Specific developments nominated by Council may require more detailed analysis. Good site analysis will aid in the resolution of the landscape design. This has a flow on effect of creating a pleasant living environment for both the occupants of the 'development' in question and the neighbourhood. The following details are required to be shown:

- Consultant's name, address and contact details.
- Applicant's name, address and contact details.
- Site address, location map.
- Scale of plan 1:100. or 1:200
- Date of drawing.
- North point.
- Plan reference number.
- Site boundaries and dimensions.
- Location, use and height of existing buildings within the site.
- Relationship of existing buildings to adjoining properties and key developments.
- Topography, slope and aspect.

- Views from the site.
- Potential constraints relating to overshadowing and overlooking.
- Street character.
- Prevailing winds.
- Surface run-off and potential impact of altered groundwater flows.
- Existing buildings.
- Spot levels and contours related to AHD where practical location of utility services and stormwater drainage lines.
- Location of existing historical or archaeological features.
- Location of existing contaminated soils or fill.
 - Arborist report of trees on the site and or street trees including:
 - Levels at tree base (to AHD where possible).
 - Precise location.
 - Height.
 - Canopy spread and drip line.
 - Name of species (botanic and common name).
 - Health and condition.

- **Environmental Management Plans and Reports**

These documents shall be prepared by appropriately qualified consultants. Specific reports may be required for developments within environmentally sensitive areas. Council will set the scope of details required for the survey/report according to specific sites requirements. These may include the following:

- Heritage status and/or Conservation Report.
- Soil analysis.
- Survey of Endangered or Vulnerable Species or Endangered Ecological Communities Biodiversity Act 2016.
- Environmental Management Plan.
- Arborist Report.

- **Detailed Construction Plans**

Detailed construction plans of hard engineering works included in the landscaping such as retaining walls, raised gardens, roof gardens will be required to enable a comprehensive assessment of the landscape proposal.

- **Vegetation Surveys**

These will be required when there is remnant bushland vegetation on the site. The surveys must be carried out by a suitably qualified person approved by Council and in accordance with accepted standard scientific methodology. The minimum detail to be provided shall include the following:

- List of species present on site.
- Location of any Endangered or Vulnerable Species or Endangered Ecological Communities Biodiversity Act 2016.
- List of any weeds classified by Illawarra District Weeds Authority.
- Other detail which may be required include the following:
 - Condition of vegetation including degree of weed invasion.
 - Location and condition of significant trees.
 - Biodiversity assessment

General Landscape Controls

Street Tree Planting

It is the intention of street tree planting to establish a local identity.

3.2.18 When required, the tree selection must be in scale with the streetscape and offer sun and wind protection and improve the micro-climate of the area. Street tree planting is to be:

- Minimum 2.5m from either side of a driveway or vehicular crossing.
- Minimum 2.5m from either end of a car/bus parking bay.
- Minimum 20m from either side of an existing pedestrian crossing.
- Minimum 2.5m from electricity or telephone poles or pillars.
- Spaced so as not to block signage, access to services.
- Indigenous native species with preference over exotics where possible (See Appendix 2 for species list).
- Selected with consideration to overhead power lines and views.
- Minimum 1.0 metre tall when planted.

Protection of Existing Vegetation

- 3.2.19 Reference should be made to Council's Development Control Plan 2012 Chapter 3 Preservation of Trees and Vegetation regarding the removal or pruning of trees and the treatment of Trees of Special Significance.
- 3.2.20 Existing vegetation and the means of protecting that vegetation must be clearly shown on any landscape plans.
- 3.2.21 Consider the following points when landscaping work is adjacent to remnant bushland or existing vegetation:
- Do not alter the topsoil from within the dripline of existing trees on site.
 - Do not alter the topsoil from within the dripline of trees, which are outside of the site boundaries yet have a dripline and root mass, which extends into site.
 - Do not divert or alter overland water flows to existing vegetation.
 - Do not use the area below the dripline of vegetation for site storage or stockpiling of materials.
 - Do not run heavy machinery within the dripline of existing trees.
 - Provide protection during the construction phase to trees or vegetation to be retained.
 - Provide protection to natural elements such as native animal habitats and endangered plant communities.
 - If landscaping adjoining remnant bushland use indigenous native species to link the remnant bushland.

Bond/Bank Guarantee for Specific Vegetation

- 3.2.22 For development occurring on sites containing remnant vegetation or significant trees, Council may levee a bond or guarantee on the applicant to ensure the protection of the trees or vegetation. The bond will be held by Council for the duration of the maintenance period or any period specified by Council.
- 3.2.23 The sum of the bond will be determined by Council. The sum will be a reasonable estimate of the cost of rectifying any damage to trees or vegetation caused by the development works.

Use of Footpath for Landscaping - A Deed of Lease

- 3.2.24 In certain circumstances where a developer or owner wishes to extend landscaping beyond the site boundary onto the footpath, application can be made to lease this land from Council.

- 3.2.25 Under the provision of the Roads Act 1993, if an encroachment occurs within a road reserve, an application must be made to Council to obtain a Lease Agreement over the encroaching structures e.g. landscaping, planter boxes etc.
- 3.2.26 All costs associated with the agreement setting out the liability and maintenance details shall be borne by the developer/owner. An annual fee will apply for the lease of the area and maintenance of the area will be the responsibility of the property owner.
- 3.2.27 Any works are to be approved as part of a landscape plan.

Undesirable Plants

- 3.2.28 These are plants which are considered unsuitable for landscape purposes in the Kiama Municipality because of the potential of these plants to cause serious environmental problems in the landscape. Therefore they are to be discouraged from use in gardens throughout the Kiama Municipality (See Appendix 1).

Recommended Plants

- 3.2.29 The use of native plant species in landscaping is encouraged. The use of local indigenous stock is particularly important in rural areas to preserve existing vegetation. Projects involving regeneration or enhancement of remnant bushland must use local indigenous stock grown from seed collected in the area. In order to assist in the selection of local indigenous native species a list of species suitable for use in landscaping is included in Appendix 2. This list is intended as a guide only and is not exhaustive, particularly for native bushland regeneration sites. The ultimate selection of suitable species is always dependent on specific site requirements.

Treatment of Trees of Special Significance

- 3.2.30 Kiama Municipal Council is concerned about the conservation of an important part of the heritage of the area that is the trees of special significance in the Municipality. These may be single trees, stands or avenues of trees which may be significant for a number of reasons. Refer to Development Control Plan 2012 Chapter 3 Preservation of Trees and Vegetation for the criteria that should be used as a guide in determining if a tree or group of trees are of special significance and the treatments required for their protection.

The Preservation of Trees and Vegetation

- 3.2.31 Certain trees in the Municipality are protected and may not be removed or pruned without a permit or development consent. Some trees are considered environmental weeds and may be removed or pruned without a Permit or Development Consent. These trees species are exempt and listed in Topic 2.4 of this Development Control Plan 2012.

Control for Residential Developments

- 3.2.32 Landscape plans are required for all Dual Occupancy Developments, Villa Homes, Courtyard Houses, Residential Flat Building and multi Housing Developments. A single residential dwelling on one lot does not require a landscape plan.

- 3.2.33 The following design guidelines must be incorporated where practicable:

- Provide planting at a scale in relation to the verticality of the buildings.
- Enhance boundary and driveway access with planting beds which are a minimum width of 1.0 metre (internal width). Include trees which reach a minimum mature height of 3.0 meters for screening where necessary.
- If possible, provide curved and splayed driveways to reduce a 'gun barrel' effect, particularly when placed against a side boundary.
- Landscape the front property boundary to include a range of tree canopy heights and differing plant forms and habits to provide linkage and amenity to the streetscape.
- Screen waste receptacles from street view.
- Provide mulch to garden beds and planted areas.
- Provide a suitable edging material to separate mulch and landscape from turf and hard surfaces.
- Maintain visibility of vehicular traffic moving in and out of the driveway. Refer to relevant Australian Standards.
- Consider the impact of the landscape on adjoining properties e.g. overshadowing, structural issues and views, by the careful selection and location of trees. Minimise shadow effects on residential courtyards, balconies and living areas.
- Use recessive colours if manufactured metal fencing is to be used.
- Provide private open space (POS) minimum 25m² and clear of any garden beds, clothes lines and any other encroachments. For low density housing POS minimum 25m² and minimum 4m by 6m. See Chapter 4 for more information on POS in low density housing.
- For medium density housing POS minimum 25m² and minimum 5m in one direction. See Chapter 5 for more information on POS in medium density housing.
- Provide communal open space for developments of more than 8 dwellings at 5m² of open space per dwelling. For more information on communal open space see Chapter 5 Section 8.
- Retaining walls over 600mm high require Engineer's documentation.

- A minimum of 33% of the area forward of the building line must be landscaped.
- A minimum of 25% of the site area will be deep soil landscaped area. Landscape area means a part of the site used for growing plants, grasses and trees but does not include any buildings, structures or hard paved areas. Driveways and parking areas made of any surface material are excluded from the landscaped area.

3.2.34 All residential property owners must be aware that they will be responsible for the maintenance of the landscaping for the **26 week maintenance period** once the landscaping has been approved by a certifier as being complete and in accordance with the approved development consent.

The landscape maintenance period commences on the date of practical completion and extends for the duration of the specified maintenance period. A project is deemed to be at practical completion when all the hard and soft landscape features or any work depicted on the approved landscape plans have been installed and approved by a private certifying authority or Council.

These maintenance periods may be extended for specific developments.

- 3.2.35 A landscape maintenance program or specification is required with the landscape plan. This is to describe the means of maintaining the landscaping during the maintenance period and shall include but not be limited to plant establishment, watering, mowing, fertilising, weeding, staking, pruning, mulching, pest and disease control, and generally maintaining the site in a neat and tidy condition.
- 3.2.36 Missing, dead and unhealthy plants are to be replaced with plants of a similar size and quality and of identical species/variety, unless a substitution is approved by Council.
- 3.2.37 Garden mulch must be to the relevant Australian Standards.
- 3.2.38 Any pruning must be carried out to meet Australian Standards AS4373-2007 'Pruning of Amenity Trees' and shall comply with Council's Development Control Plan 2012 Chapter 3 Preservation of Trees and Vegetation.

Controls for Fencing

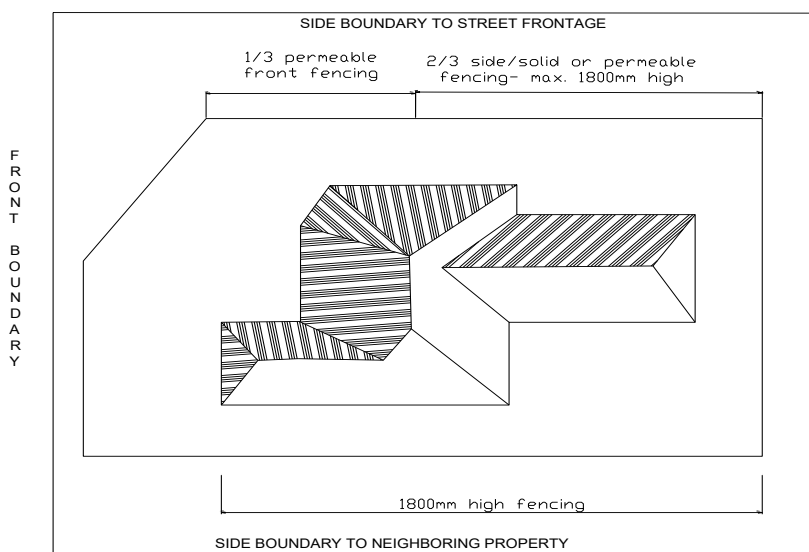
- 3.2.39 Fencing should be in character with the development and the surrounding streetscape.
- 3.2.40 Front Fencing Abutting a Road or Reserve (See Figure 2):
- Maximum 900mm high or 1500mm high but at least 70% visually permeable.
 - A colour which is in harmony with the proposed building and adjoining properties.
 - Maintain the integrity of existing frontages in "heritage precincts".
 - Solid metal fencing is not acceptable.
 - Vehicle site lines must be considered.

3.2.41 Side and Rear Fencing Abutting A Road:

- Maximum 1800mm high.
- Maximum 2/3 of the length of the boundary (the remaining 1/3 to be returned to the front fencing).
- Constructed of:
 - Faced/rendered brick or rendered block work columns with infill panels of landscaping (hedges), decorative steel, wrought iron, timber pickets.
- Brushwood.
- Timber palings.
- Wire mesh.
- Solid metal fencing.
- Vehicle site lines must be considered.

3.2.42 Side and Rear Fencing Abutting a Reserve:

- Maximum 1800mm high
- Maximum 2/3 of the length of the boundary (the remaining 1/3 to be returned front fencing)
- Constructed of:
 - Faced/rendered brick or rendered block work columns with infill panels of



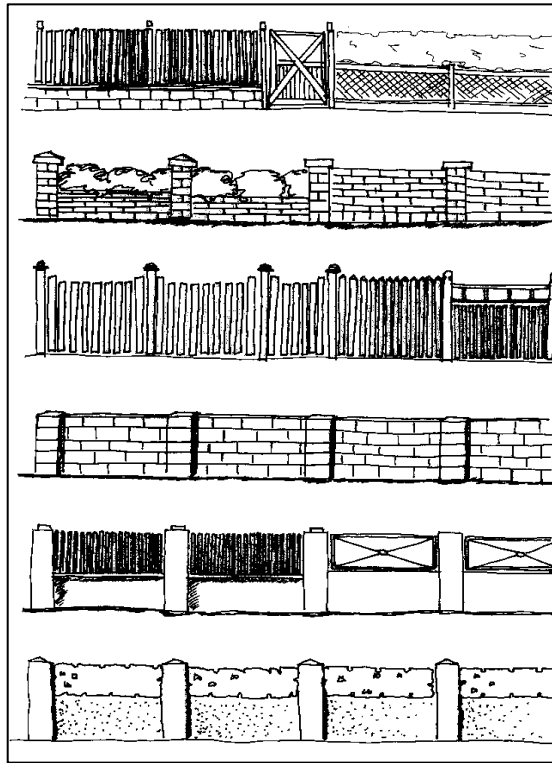


Figure 2: Example of fence types on street frontages

Controls for Rural Developments

3.2.43 Landscape Plans are required to be submitted to Council for approval for development on land identified as rural in the Kiama Local Environmental Plan 2011.

3.2.44 The following design guidelines must be incorporated where practicable:

- Buildings should not be located on the top of prominent ridge lines or knolls.
- Provide vegetative screening to dwellings, sheds, water tanks and outbuildings in such a way so as to break the form of the building and yet maintain desirable view corridors.
- Protect all areas of landscaping, adjacent to land used by stock by permanent stock proof fencing. This shall be maintained for 5 years in order for the planting to reach maturity.
- Provide details of stock fencing in landscape plan; (electrical tape is not considered permanent stock fencing).
- Minimise earthworks and soil erosion.
- Minimise the visual impact of driveways by the use of suitable materials and siting in relation to contours
- Incorporate indigenous species when linking the landscape design proposal into remnant vegetation.
- Consider fire risk in landscaping - refer to NSW Rural Fire Service publications regarding bushfire prone land.

- Avoid plant species that are known to be weed problem – See Appendix 1.
- The clearing of vegetation and trees to improve views, provide access and provide Asset Protection Zones is not permitted. Any building envelope shall be chosen to avoid the need to remove vegetation for the purpose of bush fire risk management.

See Bush Fire Prone Land controls contained in [Topic 2.5](#) for more information.

- 3.2.45 All rural property owners must be aware that they will be responsible for the maintenance of the landscaping for the **52 week maintenance period** once the landscaping has been approved by a certifier as being complete and in accordance with the approved development consent.

The landscape maintenance period commences on the date of practical completion and extends for the duration of the specified maintenance period. A project is deemed to be at practical completion when all the hard and soft landscape features or any work depicted on the approved landscape plans have been installed and approved by a private certifying authority or Council.

These maintenance periods may be extended for specific developments.

- 3.2.46 A landscape maintenance program or specification is required with the landscape plan. This is to describe the means of maintaining the landscaping during the maintenance period and shall include but not be limited to plant establishment, watering, mowing, fertilising, weeding, staking, pruning, mulching, pest and disease control, and generally maintaining the site in a neat and tidy condition.
- 3.2.47 Missing, dead and unhealthy plants are to be replaced with plants of a similar size and quality and of identical species/variety, unless a substitution is approved by Council.
- 3.2.48 Garden mulch must be to the relevant Australian Standards.
- 3.2.49 Any pruning must be carried out to meet Australian Standards AS4373-2007 'Pruning of Amenity Trees' and shall comply with [Topic 2.4 Tree Preservation Vegetation Management](#).

Controls for Commercial Developments

- 3.2.50 Landscape Plans are required to be submitted to Council for approval for commercial development applications.

3.2.51 The following design guidelines must be incorporated where practicable:

- Separate landscaped areas from car parking and driveway areas by devices that prevent vehicles from damaging the planting.
- Use raised planter areas to minimise the possibility of landscape areas being used for parking or storage areas.
- Integrate planting into existing streetscape themes to provide unity and pattern to commercial precincts.
- Provide mulch to garden beds and planted areas.
- Provide suitable edging materials to separate mulch and landscape from turf and hard surfaces.
- Screen waste and service areas with suitable plants and building materials.
- Provide a dedicated landscape treatment within or adjacent to the car parking area which includes shade and screening.
- Use recessive colours if manufactured metal fencing is to be used.
- Maintain visibility of vehicular traffic moving in and out of the driveway. Refer to relevant Australian Standard.
- Consider the impact of the landscape on adjoining properties e.g. overshadowing, structural issues and views by the careful selection and location of trees.
- Retaining walls over 600mm high require Engineer's documentation.

3.2.52 All commercial property owners must be aware that they will be responsible for the maintenance of the landscaping for the **26 week maintenance period** once the landscaping has been approved by a certifier as being complete and in accordance with the approved development consent.

The landscape maintenance period commences on the date of practical completion and extends for the duration of the specified maintenance period. A project is deemed to be at practical completion when all the hard and soft landscape features or any work depicted on the approved landscape plans have been installed and approved by a private certifying authority or Council.

These maintenance periods may be extended for specific developments.

3.2.53 A landscape maintenance program or specification is required with the landscape plan. This is to describe the means of maintaining the landscaping during the maintenance period and shall include but not be limited to plant establishment, watering, mowing, fertilising, weeding, staking, pruning, mulching, pest and disease control, and generally maintaining the site in a neat and tidy condition.

3.2.54 Missing, dead and unhealthy plants are to be replaced with plants of a similar size and quality and of identical species/variety, unless a substitution is approved by Council.

3.2.55 Garden mulch must be to the relevant Australian Standards.

- 3.2.56 Any pruning must be carried out to meet Australian Standards AS4373-2007 'Pruning of Amenity Trees' and shall comply with [Topic 2.4 Tree Preservation Vegetation Management](#).

Controls for Industrial Developments

- 3.2.57 Landscape Plans are required to be submitted for Industrial Development Applications. This includes development of land for car parks, retail, institutional uses, light and heavy industry.
- 3.2.58 The following design guidelines must be incorporated where practicable:
- Provide planting beds a minimum 3 metres wide across the front of the site and a minimum 3 metres wide across the rear and 1 metre wide side boundaries where it adjoins residential property or public spaces, to screen the development and reduce the bulk and scale of the building. Refer to Chapter 9 for car parking requirements for additional information.
 - Incorporate indigenous tree and shrub planting in the buffer zone areas if possible. A mix of planting forms and habits is desirable.
 - Provide security fencing on street frontages of low visual impact, open design and located within and screened by planting beds.
 - Provide landscape treatment within or adjacent to the car parking area which includes shade and screening.
 - Separate landscaped areas from car parking and driveway areas by devices that prevent vehicles from damaging the planting.
 - Use raised planter areas to minimise the possibility of landscape areas being used for parking or storage areas.
 - Provide mulch to garden beds and planted areas.
 - Provide suitable edging materials to separate mulch and landscape from turf and hard surfaces.
 - Screen waste and service areas with suitable plant and building materials.
 - Use recessive colours if manufactured metal fencing is to be used.
 - Maintain visibility of vehicular traffic moving in and out of the driveway. Refer to relevant Australian Standards.
 - Consider the impact of the landscape on adjoining properties e.g. overshadowing, structural issues, views, by the careful selection and location of trees.
 - Retaining walls over 600mm high require Engineer's documentation.
- 3.2.59 All industrial property owners must be aware that they will be responsible for the maintenance of the landscaping for the **52 week maintenance period** once the landscaping has been approved by a certifier as being complete and in accordance with the approved development consent.

The landscape maintenance period commences on the date of practical completion and extends for the duration of the specified maintenance period. A project is deemed to be at practical completion when all the hard and soft landscape features or any work

depicted on the approved landscape plans have been installed and approved by a private certifying authority or Council.

These maintenance periods may be extended for specific developments.

- 3.2.60 A landscape maintenance program or specification is required with the landscape plan. This is to describe the means of maintaining the landscaping during the maintenance period and shall include but not be limited to plant establishment, watering, mowing, fertilising, weeding, staking, pruning, mulching, pest and disease control, and generally maintaining the site in a neat and tidy condition.
- 3.2.61 Missing, dead and unhealthy plants are to be replaced with plants of a similar size and quality and of identical species/variety, unless a substitution is approved by Council.
- 3.2.62 Garden mulch must be to the relevant Australian Standards.
- 3.2.63 Any pruning must be carried out to meet Australian Standards AS4373-2007 'Pruning of Amenity Trees' and shall comply with [Topic 2.4 Tree Preservation Vegetation Management](#).

Universal Design

Adaptable Housing design (Australian Standard AS 4299) means designing Australian homes to meet the changing needs of home occupants across their lifetime:

This DCP adopts the Australian Standard for the housing needs of an ageing population in the Kiama local area and the need to provide housing more suitable to people with small children, people with disabilities or restricted mobility.

Liveable Housing

Liveable housing includes design features aimed at making homes easier and safer to use for all occupants. Applicants and their designers are encouraged to consider the information provided for universal housing before entering into contracts to buy or design new homes. In coming years, it can be anticipated that there may be more market desire and/or increased regulation requiring housing design to be more flexible and universal

Topic 3.3 - Earthworks and Retaining Walls

Objectives

- O:3.3.1 To ensure dwellings and other ancillary development on unstable land are located and designed to maximise the structural design of buildings and the safety of their occupants.
- O:3.3.2 To minimise the risk of land slip impacting on habitable buildings and access roads.

Controls

- 3.3.1 Cutting and filling on site is limited to 900mm.
- 3.3.2 Terracing on site may be permissible if earthworks are retained by engineer designed walls and stepped at minimum of 1 metre horizontal intervals.
- 3.3.3 A Soil Analysis Report in accordance with sampling and testing frequency as required under the [Excavated Natural Material Exemption - General Exemption 2008 Regulation](#) (as amended) and any other applicable legislation is required to be prepared and submitted to Council:
- if soil is to be taken off site, for reuse or disposal;
 - if soil is to be brought onto the subdivision site for the filling of land;

Note: A Soil Analysis Certificate shall be provided by a suitably qualified person and be submitted to Council certifying that the soil material is suitable for the intended reuse and or meets the required criteria for acceptance at a disposal facility or other site or is suitable fill material for the subdivision site.

- 3.3.4 Dwellings and ancillary development must not be carried out on slopes with gradients exceeding 20% unless this is in accordance with an approved existing building envelope that has been registered on the land title as a Section 88E restriction under the Conveyancing Act.
- 3.3.5 If there is no approved building envelope registered on the land title, and if development on steep land is unavoidable due to the site terrain and other constraints on the land, the reasons for locating a dwelling or ancillary development on land with a gradient exceeding 20% must be explained and justified in the Statement of Environmental Effects.
- 3.3.6 Council may require that a geotechnical report suitably qualified geotechnical consultant and submitted with development application for dwelling or ancillary development for habitable purposes. The geotechnical report must include:
- Investigation of the stability and suitability of land identified within the identified building envelope for a dwelling and any ancillary habitable buildings.
 - Engineering and design recommendations required to maintain the stability of the development site and the structural safety of any habitable building proposed to be erected within the building envelope.

- 3.3.7 The design of earthworks associated with dwellings and ancillary development must:
- minimise the extent of cut and fill to reduce the potential for land slip and visual impact on the landscape.
 - restrict excavation for a building to not more than 1 metre below ground level (existing).
 - restrict the height of any external retaining wall outside the walls of a building to not more than 1 metre above ground level (existing).
 - restrict the design of any batter to not more than a gradient of 1:4 (absolute) and preferably 1:6.
- 3.3.8 Dwellings should be designed to step down steep sites by split level design to avoid the need for significant earthworks.
- 3.3.9 Any approved construction of a dwelling or ancillary development on land with a gradient exceeding 20% must be designed to minimise cut and fill and the risk of land instability, erosion and visual impact.
- 3.3.10 Where an earth batter is proposed, details of the revegetation works proposed to stabilise the batter and to prevent erosion and pollution of any nearby waterway must be included in the property landscape plan that accompanies the Development Application. Details must cover both the construction and post construction phases.
- 3.3.11 The use of coal wash or other waste products from the coal mining process is prohibited for use as landfill in accordance with the NSW [Coal Washeries Exception Regulation 2009](#), specifically in relation to Clause 7.2, which requires that:
- “Coal washery rejects can only be applied to land in earthworks for civil engineering applications. This approval does not apply to any of the following applications:
- 7.2.1 Mine site rehabilitation or other mine site uses;
- 7.2.2 Quarry rehabilitation or backfilling of quarry voids;
- 7.2.3 Raising or reshaping of land used for agricultural purposes; and
- Construction of roads on private land unless:
- The relevant waste is applied to land to the minimum extent necessary for the construction of the road, and
- A development consent for the development has been granted under the relevant Environmental Planning Instrument (EPI), or
- It is to provide access (temporary or permanent) to a development approved by Council, or
- The works undertaken are either exempt or complying development.”
- That civil engineering is clarified as being ‘construction work not classified under building construction, that is, construction of railways, roads, bridges, highways, airports, water and sewage, dams and irrigation, etc’.
- Note: Rural producers are advised that coal wash can be utilised to upgrade private roads on their properties in accordance with the Protection of the Environment (Waste) Regulation.

Topic 3.4 - Utilities and Infrastructure

Utilities

Objectives

- O:3.4.1 To ensure all development is supplied with appropriate utility services.
- O:3.4.2 To ensure that required utility services do not detrimental detract from the visual amenity of the area.

Controls

- 3.4.1 Applicants must demonstrate how power supply will be provided to the proposed development. On isolated sites or sites that are difficult to service because of physical or environmental constraints, alternative sources of power such as solar energy must be adopted. Details of the proposed method of power supply must accompany a Development Application.
- 3.4.2 Where generators are proposed, controls may be placed on the hours of operation and levels of noise emission having regard to the proximity of neighbours. Council may impose conditions specifying noise emission standards to be met to protect neighbour's amenity.
- 3.4.3 Where wind turbines are proposed for power generation, they must be located and designed to minimise their visibility on the landscape setting in the locality if they will be visible from a public place.
- 3.4.4 Transmission lines and communications infrastructure must be located so that they do not require clearing of native vegetation. They must be located and designed to minimise their visibility on the landscape setting in the locality if they will be visible from a public place. Their location adjacent to an access road is generally preferred to minimise visual impact and loss of native vegetation and to facilitate maintenance.

Onsite Sewage Management

Council requires that waste water generated from all dwellings and ancillary development be properly treated and disposed of on-site in a manner that will not cause pollution or the transmission of unhealthy pathogens to a nearby waterway.

An On Site Sewage Management System (OSSM) is required for the disposal of effluent where a development involves effluent disposal and is not within the Sydney Water Corporation sewerage system catchment zone and an on-site sewage (wastewater) management system or a sewerage treatment system as defined by legislation is required to be provided.

Under Part C of the [Section 68](#) of the [Local Government Act 1993](#), the installation or alteration of an OSSM or the operation of a sewage management system requires Council approval. This approval may be submitted concurrently with a Development Application or may be subject to a separate approval following determination of the consent.

Under [Clauses 40 and 41](#) of the [Local Government \(General\) Regulation 2005](#), Council must not approve of the installation of certain sewage management facilities unless the facility has been accredited by the NSW Department of Health. This is the only statutory role of NSW Health has in the regulation of on-site single domestic wastewater management systems.

The types of on-site sewage management facilities to which accreditation applies includes septic tanks, holding tanks and collection wells, aerated wastewater treatment systems, grey-water treatment systems, wet or waterless composting toilets and incinerating toilets which are available for purchase by retail.

Where an OSSM system or sewerage system meets the threshold criteria detailed in [Schedule 3 of the EP&A Regulation 2000](#) for Designated Development, then a Development Application and supporting Environmental Impact Statement (EIS) must be lodged with the Council. The preparation of the EIS is required to be carried out in accordance with the requirements of the Director – General of the NSW Department of Planning.

There are also special design and operating requirements if the development site is located in the Sydney Water Catchment Area and reference with the requirements of the Sydney Catchment Authority

Further details are available from Council's Environmental Services Department.

Applications for rural development will require an appropriately designed and installed on site effluent disposal system.

Objectives

O:3.4.3 To ensure that waste water generated from dwellings and ancillary development is properly treated and the effluent disposed of or reused on the site is in an environmentally acceptable and safe manner.

Controls

3.4.5 A Water Cycle Management Study must be prepared by an appropriately qualified professional and submitted with the development application. This plan must take into account disposal of all waste water generated by dwellings and ancillary development, and be able to accommodate peak usage times.

3.4.6 The Water Cycle Management Study must include the following components:

- A clear outline of the proposed development, including a detailed site plan which includes site constraints,
- A summary of the water quality control measures proposed as part of the development and their location,
- A statement, based on the information in the Water Cycle Management Study, as to whether the development has a neutral or beneficial effect on water quality, consistent with the SCA's [Neutral or Beneficial Effect on Water Quality](#).

Topic 3.5 - Water Management (Quality and Quantity)

Council requires that development will require a level of water storage for potable levels of water to be available for the occupants and visitors.

Areas that are affected by Bushfire Hazard ratings that will require applications for rural development to have the concurrence of the Rural Fire Service. As a part of this concurrence the Rural Fire Service may require the installation of water tanks devoted only for firefighting purposes. These tanks will need to be fitted with appropriate attachments to ensure that they are compatible with firefighting equipment and dedicated only for firefighting purposes.

Controls for Domestic Water Supply

Objectives

O:3.5.1 To ensure that this is an adequate supply of potable water for domestic consumption.

Controls

- 3.5.1 A satisfactory level of water supply is required for the development for both domestic use and fire-fighting purposes and details including capacity, siting and types of tanks/storage devices must be provided in the development application.
- 3.5.2 Rural dwellings must each have domestic water storage facilities capable of storing at least 100,000 litres of potable water for a principal dwelling and 40,000 litres for a secondary dwelling or ancillary development used for tourist accommodation purposes.
- 3.5.3 Tank inlets shall be screened or filtered and the tank maintained to prevent mosquitoes breeding.
- 3.5.4 Any motorised or electric pump associated with the tank shall not cause a noise nuisance.
- 3.5.5 If the rainwater tank is to be used for human consumption, the tank is to be installed and maintained in accordance with current best practice guidelines.
- 3.5.6 All tanks to be used for human consumption will be required to be fitted with a first flush diversion device.
- 3.5.7 Tanks should be finished in recessive tones to blend in with the rural environment.

Controls for Water Supply for Rural Fire Service

Objectives

O:3.5.2 To ensure that this is an adequate supply of potable water for firefighting purposes.

Controls

- 3.5.8 Where required an additional water supply must be separately provided and dedicated for fire-fighting purposes in accordance with [the NSW Rural Fire Services Guidelines](#). As a minimum, at least one 10,000L water tank, designated for the exclusive use for firefighting purposes, is to be installed and fitted with a 65mm storz fitting and ball gate valve.

- 3.5.9 Provision must be made for the access of a heavy firefighting tanker to within 4m of this designated static water supply.
- 3.5.10 This water supply is to be clearly labelled for “firefighting purposes” only.

Topic 3.6 – Transport, Access and Parking

Parking

Objectives

- O:3.6.1 To ensure that appropriate off-street parking is provided for new development commensurate with the land use.
- O:3.6.2 To ensure adequate parking is provided for new development so that thoroughfares are not adversely impacted upon
- O:3.6.3 To ensure that the design of car parking areas meet relevant adopted standards.
- O:3.6.4 To ensure that adequate servicing of new developments can be undertaken with safety and efficiency.
- O:3.6.5 To ensure adequate provision is made for people with a disability.
- O:3.6.6 To ensure adequate provision is made for cyclists.
- O:3.6.7 To ensure that parking facilities cater for the safety of all users and minimize visual impacts.

Controls - Parking Demand and Servicing Requirements

How much parking is required?

- 3.6.1 All new developments within the Municipality of Kiama shall provide parking spaces, servicing areas and maneuvering areas in accordance with the requirements of this section of Kiama Development Control Plan 2012. All deliveries and servicing associated with new developments must be provided within the same site.
- 3.6.2 Traffic generating applications may be referred to the relevant Traffic Authorities. Council reserves the right to determine parking requirements for such developments with due regard to the representations made by these authorities.
- 3.6.3 Parking spaces specified in the [Schedule of Requirements](#) below, unless stipulated otherwise, are for cars. Depending on the development proposed, parking for delivery/service vehicles, courier vehicles, bicycles, buses, taxis, emergency vehicles and motorcycles may also be required by Council.
- 3.6.4 Calculations should be rounded up to the nearest whole number for each use on the site and then combined to give the total amount. For example, if the calculation determines for the residential component that 5.3 spaces are required and for a commercial component that 8.7 spaces are required then 15 spaces would be required in total.
- 3.6.5 Where on-site parking has been provided as a condition of development consent and in accordance with this Plan, all spaces must be available for use by patrons/clients of the development at all times during operating hours and be clearly signposted. If parking spaces are required for the exclusive use of an owner or operator, then such spaces must be provided over and above those required by any development consent.
- 3.6.6 For developments which include more than one use, the number of parking spaces should be calculated on the basis of each separate use. As an example, a development comprising retail at ground level and serviced apartments above will be assessed at one (1) space per 35m² for the retail component and one (1) space per apartment.

- 3.6.7 Parking requirements for uses not included in the Schedule of Requirements below, or which are disputed by the applicant as being unwarranted will be determined by Council following the completion and submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person.
- 3.6.8 All new developments shall comply with the land use parking requirements of the Roads and Maritime Services (RMS) [“Guide to Traffic Generating Developments”](#) (Guide), except where listed in the following Schedule of Requirements (Schedule). Where a State or Regional Classified road is affected by a development proposal, the RMS Guide shall take precedence.

Council also reserves the right to define a requirement for uses not referred to in the RMS Guide or Schedule according to the merits of the specific development.

Land Use Types in the Schedule are defined in [Kiama LEP 2011](#).

Land Use Type	Minimum Car Parking Standards
Residential	
Dwelling house	1 dedicated space behind the building line and 1 space behind the front boundary.
Dual occupancy/attached dwelling	For each occupancy, 1 dedicated space behind the building line and 1 space behind the front boundary.
Secondary dwelling	1 space behind the front boundary for the secondary dwelling.
Multi-dwelling housing/residential flat building/shop top housing	1 dedicated space behind the building line (per one or two bedroom dwelling) and 1 additional space per three bedroom dwelling (and above) behind the front boundary plus 1 space per 2 dwellings for visitor parking behind the front boundary. NOTE: Enclosed rooms, that is nominated as a study (or similar) and is capable of being used as a bedroom is considered to be a bedroom for the purposes of calculating car parking requirements.
Boarding/house/hostel/group home	1 space per 4 beds and 1 space per staff member on shift.
Seniors housing	1 dedicated space per unit plus 1 space per 4 units for visitor parking.
Seniors housing (residential care facility)	1 space per 10 units, plus 1 space per 4 units for visitor parking, plus 1 space per staff member on shift, plus 1 space for ambulance parking.
Rural worker's dwelling	1 space per bedroom.
Home based childcare	1 space per 7 children in care.
Home business	1 space per employee.
Exhibition village	4 spaces per exhibition home.
Tourist and Visitor	

Backpackers accommodation	1 space per 4 beds plus 1 space per staff member on shift.
Bed and breakfast accommodation	1 space per bedroom.
Camping ground and caravan park	1 space per camping/caravanning site plus 1 space per 10 long term sites and 1 space per 20 short term sites for visitor parking plus 1 space per staff member on shift.
Farm stay accommodation	1 space per bedroom.
Hotel or motel accommodation	1 space for each occupancy plus 1 space per staff member on shift.
Serviced apartment	1 space per apartment plus 1 space per staff member on shift.
Short term rental accommodation	The home owner shall be able to demonstrate how parking is provided without adversely affecting existing neighbourhood amenity.
Food and Drink	
Restaurant (or reception centre) or café	1 space per 35m ² of gross leasable floor area. NOTE: Where peak use in the CBD is after 6pm on-street parking may be taken into account. The submission of a Parking Impact Study prepared by a suitably qualified and experienced professional shall be provided to Council for its consideration in regard to this matter.
Pub/registered club	1 space per 5m ² of licensed floor area plus 1 space per staff.
Take away food and drink premises	A merit based assessment will be undertaken by Council, taking into account hours of operation, seating, staffing and location.
Restaurants, reception centres and conference facilities <u>used in conjunction</u> with tourist accommodation	Consideration will be given for off-setting parking spaces where it is likely that patrons of the tourist accommodation will use the facilities on the following basis: <ul style="list-style-type: none"> • Within urban areas – 25% reduction on parking required for the restaurant/conference/reception facility; • Outside urban areas – 50% reduction on parking for the restaurant/conference/reception facility; • Where a restaurant is used by patrons of the tourist development only and is not open to the public, the assessment for the restaurant requirement will be excluded from the general rate for the tourist establishment.

Commercial	
Business premises/office premises	1 space per 35m ² of gross leasable floor area.
Retail premises (if not otherwise defined below)	1 space per 35m ² of gross leasable floor area.
Neighbourhood shop/kiosk	1 space per 35m ² of gross leasable floor area.
Shopping centre (including supermarkets)	Refer to RMS Guide.
Market	On public lands – a merit based assessment will be undertaken by Council, taking in account available parking within walking distance of the market, hours of operation and staff numbers. On private lands – 2 spaces per stall.
Roadside stalls/cellar door premises	A merit based assessment will be undertaken by Council, taking into account proposed hours of operation, staffing, location and the type of goods for sale.
Garden centre/planning nursery	Whichever is the greater of: 15 spaces or 1 space per 50m ² of the site area.
Hardware and building supplies/landscape material supplies/rural supplies/timber yard	1 space per 50m ² of site area.
Service station (included with the convenience store)	1 space per 20m ² gross leasable floor area. If a vehicle body repair workshop/vehicle repair station is included, 5 spaces per work bay is required.
Vehicle body repair workshop/vehicle repair station	5 spaces per work bay.
Vehicle sales or hire premises	1 space per 75m ² of site area plus 5 space per work bay.
Animal boarding or training establishment	Whichever is the greater – 4 spaces or 1 space per 25 animal enclosures.
Industrial	
Light industry (if not otherwise defined below)	Whichever is the greater – 2 spaces per unit or 1.3 spaces per 100m ² gross floor area.
Warehouse or distribution centres	1 space per 300m ² gross floor area.
Depot/transport depot/truck depot	Parking requirements will be determined by Council following the completion and submission of a Parking Impact Study by a suitably qualified and experienced professional person.
Bulky goods premises	1 space per 50m ² gross floor area.

Self storage units	Whichever is the greater – 4 spaces or 1 space per 50 storage units.
Infrastructure	
Hospital	<p>1 space per 3 beds for general hospital or 1 space per 5 beds for convalescent hospital/respite day care centre; plus 1 space for ambulance, plus 1 space per doctor, plus 1 space per 3 staff.</p> <p>NOTE: Alternatively, parking requirements will be determined by Council following the completion and submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person.</p>
Medical centre	1 space per 25m ² gross leasable floor area.
Health consulting room	1 space per practitioner on shift and 2 client spaces per practitioner on shift.
Veterinary hospital	1 space per 25m ² gross leasable floor area.
Educational establishment/information and education facility/industrial training facility	<p>For primary and high schools 1 space per 100 students, plus 1 space per staff, plus 1 space per 10 students in year 12 (where applicable).</p> <p>For tertiary institutions and other educational facilities 1 space per 3 students plus 1 space per staff.</p> <p>NOTE: Alternatively parking requirements will be determined by Council following the completion and submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person.</p>
Place of public worship/community facility	<p>1 space per 5m² of gross leasable floor area.</p> <p>NOTE: Alternatively, parking requirements will be determined by Council following the completion and submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person.</p>
Child care centres	1 space per 7 children in care plus 1 space for each staff member on shift.
Cemetery/mortuary/crematorium/funeral home	Parking requirements will be determined by Council following the completion and submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person.
Recreation	
Amusement centre	1 space per 35m ² of gross leasable floor area.
Entertainment facility	1 space per 5m ² of theatre or hall area.

Recreation area/recreation facility (indoor)/recreation facility (outdoor)/recreation facility (major)	Where a use has not been addressed in the RMS Guide, parking requirements will be determined by Council following the completion and submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person.
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Additional Controls

- 3.6.9 For recreation, religious or educational land uses and where surplus on-street parking exists at the appropriate times, Council may consider a reduction in on-site parking requirements subject to a Parking Impact Study prepared by a suitably qualified and experienced professional person. Refer [Traffic Assessment, Studies and Plans section](#) of this Topic for the requirements of a Parking Impact Study.
- 3.6.10 An existing building altered, extended, remodelled with or without change of land use, may be required to comply wholly or partly with the provisions of this plan. In these cases the Council shall determine the extent of the parking provisions required in each case, having regard to the extent of the alteration, extensions and/or remodelling and the nature of the altered land use.
- 3.6.11 Where in the opinion of Council conditions are such as to render impracticable the compliance in full with the provisions of this plan, the Council may permit such departures as in Council's opinion, the circumstances warrant.
- 3.6.12 All assessment of parking requirements for clubs and related licensed premises will be open for a merit review by Council. A discount may apply where there is apparent pooling of uses within the club or licensed premises and where the premises proposes to provide a formal and regular bus service for patrons.
- 3.6.13 All development applications for commercial development, including 'Food and Drink Premises', shall contain calculations that indicate the area in square metres of each section of the gross leasable floor area or other required areas as defined in the [Schedule of Requirements](#).

Parking Credits

- 3.6.14 For development applications lodged for existing buildings which change their use to 'Food and Drink Premises' and involve no increase in the gross leasable floor area, then no additional parking spaces shall be required. Where there is an increase in the gross leasable floor area, the increase shall provide parking in accordance with the [Schedule of Requirements](#).
- 3.6.15 Where a development/redevelopment has frontage to a public street, Council will take into account the loss of any existing on-street parking spaces arising from the construction of access, bus bays and parking restrictions, where these are directly related to the development proposal. The loss of any on-street parking will be required to be replaced on-site, or other satisfactory arrangements are made with Council, or will be deducted from any overall parking credits accrued for the development. Any replacement public parking spaces proposed on site shall be accessible at all times and shall be covered by an easement for parking on the property title in favour of Council.
- 3.6.16 If a development proposal involves the conservation of a heritage item identified within [Kiama LEP 2011](#), Council may reduce the car parking requirements stipulated in this Topic, if it is felt that full compliance would be detrimental to the conservation works or heritage value of the building.

- 3.6.17 Where the development of a site is identified within Council's current [Section 94 Contributions Plan](#) as being capable of making a contribution towards off-street parking, a cash contribution paid to an appropriate trust account of Council may, in some circumstances, be accepted in lieu of provision of on-site parking.
- 3.6.18 Council may consider the construction of on road spaces in lieu of providing parking within the development site through a 'works in kind' planning agreement pursuant to [Part 7 of the Environmental Planning & Assessment Act 1979](#).
- 3.6.19 Where development consent(s) exists for the lawful use of the site and such consent(s) define parking requirements, a parking credit for such sites will be:
- i. any spaces provided and still in existence on-site in accordance with the consent(s); and
 - ii. any spaces paid for off-site by way of Section 94 contributions
- 3.6.20 Where defined in Council's strategic planning documents, a credit of one (1) parking space per thirty (30) square metres of area will be given for any land dedicated free of cost or encumbrances, for road widening or service lane purposes.

Controls – Parking Layout and Design Requirements

Access Requirements

- 3.6.21 For new developments which result in less than five occupancies being created, driveway access from a public road shall conform to the road widths stated in Council's current version of the ["Driveway and Footpath Works Procedure Manual"](#) (manual). Where a departure from the requirements of the manual is preferred by the applicant, reasons for the departure shall be provided with the development application for Council's assessment. New developments which propose five or more occupancies shall provide a driveway(s) of sufficient width to allow safe and efficient passing and manoeuvring of vehicles and also considers the safety of pedestrians and cyclists.
- 3.6.22 Access to parking areas shall be designed to minimise conflict between pedestrians, cyclists and traffic. Council may require road and traffic management works to ensure safe access to parking areas. Where developments front a busy road, access to rear lanes (if available) should be provided.
- 3.6.23 The location and width of all driveways shall conform with AS2890 and Council's ["Driveway and Footpath Works Procedure Manual"](#) and shall be located to the street with the lowest traffic volume. See Note A for access driveway locations.
- 3.6.24 The layout of parking areas shall be designed so that parking spaces remain available and accessible for the intended users. These parking spaces shall have unrestricted access to a road by way of a corridor provided within the lot boundaries, but not through a building or other structure that could lead to closure of such access.
- 3.6.25 Parking areas except for single residences and dual occupancy buildings shall be designed so that all vehicles enter and leave the subject land in a forward direction and that all manoeuvring of vehicles takes place within the subject site and not the road reserve.
- 3.6.26 Pedestrian flow in parking areas shall be an integral part of the design and pedestrians should be separated from vehicular traffic wherever possible. Use of lighting should be considered where night use is involved. Please refer to the lighting section in this chapter.

- 3.6.27 Each site shall minimise the number of ingress and egress points to any street frontage. Where there is proposed more than one access point to a site, the first driveway reached by the nearest traffic lane shall be the entrance.
- 3.6.28 Where parking exceeds fifty (50) spaces, provision shall be made for separate ingress and egress.
- 3.6.29 Driveway ingress and egress points shall be a minimum of 1 metre from the side boundary and a minimum of 1 metre apart.
- 3.6.30 To ensure the safety of pedestrians, traffic calming shall be provided in locations where vehicular access intersects with a designated pedestrian route.
- 3.6.31 To ensure an adequate parking provision is made for people with disability, the minimum requirements for Class 3, 5, 6 7, 8, 9 buildings as defined in the Building Code of Australia (BCA) shall be included within the proposed development.

Location and Manoeuvrability Requirements

- 3.6.32 Off-street parking shall be located on the site of the development, and in places where they are easily and safely accessible to staff and customer entrances.
- 3.6.33 Council may accept parking on adjoining or nearby land owned by the applicant provided that the adjoining or nearby land is appropriately zoned and consolidated with lands the subject of the development or a restriction to user is created on nearby land so as to effectively tie the parking to the development for perpetuity.
- 3.6.34 In [R3 Medium Density Residential zones](#), all parking shall be appropriately screened from the public domain and manoeuvring areas shall be located behind the front boundary.
- 3.6.35 To ensure that adequate space is provided for the manoeuvring of vehicles, turning paths and heights for vehicle access and parking shall be based upon the largest vehicles likely to utilise the premises, as defined in AS2890. At a minimum these are:
 - Low density residential/Medium density zoned development (< 6 dwellings) – The B85 Vehicle shall be used in all situations identified in Note B.
 - Medium density zoned development (7 dwellings or more) – The B99 Vehicle shall be used in the situations identified in Note B.
 - Mixed use (residential and commercial uses in a single development) – The B99 Vehicle shall be used in the situations identified in Note B.
 - Commercial Zoned Development (sites <600 m²) – Small Rigid Vehicle (SRV).
 - Commercial Zoned Development (sites 600+ m²) - Medium Rigid Vehicle (MRV).
 - Industrial Zoned Development – Heavy Rigid Vehicle (HRV).
 - All sites - size of garbage collection vehicle to service the site.
- 3.6.36 Council may in exceptional circumstances consider reducing the above minimum vehicle type to service a site. In these situations, conditions of Development Consent will be applied to strictly enforce this vehicle size for future usage of the site.

- 3.6.37 The minimum height in undercover parking areas shall be 2.3 metres. Council may require a larger vertical clearance for the provision of delivery vehicles, disabled entry and the like in accordance with Australian Standards.

Design Requirements

- 3.6.38 Parking areas shall be suitably paved with a permanent, all weather surface such as two coat bitumen seal, concrete, asphaltic concrete or interlocking paving. Consideration shall be given to the relief of large areas of pavement by alternative surface textures. Engineering plans of the parking area will be required to be submitted to Council for approval with the development application. The plans are required to detail dimensions of the parking area, spaces, manoeuvring areas, access, levels and drainage.
- 3.6.39 Depending on the development type, the parking area pavement shall be designed to cater for the projected future usage, with a minimum as follows:

Rural development	All weather gravel standard with a minimum compacted pavement thickness of 200mm with associated stormwater drainage. The minimum pipe size in the table drain, where required, is 375mm diameter. For grades >12%, sealing of the parking area is required.
Retail/commercial development	<ul style="list-style-type: none"> • Paving bricks for light vehicular loading; or • Light duty reinforced patterned or coloured concrete, or • Pavement to be designed for a traffic loading of 2×10^4 ESA, or • Standard asphaltic concrete (AC) for more than 6 spaces; or • 2 coat bitumen seal for 6 spaces or less.
Medium density residential development	<ul style="list-style-type: none"> • Exposed aggregate; or • Paving bricks for light vehicular loading; or • Coloured/patterned concrete.
Industrial	<ul style="list-style-type: none"> • Heavy duty concrete, or • Industrial asphaltic concrete AC10 with minimum pavement thickness of 200mm subject to pavement testing for a design load of 6×10^4 ESA.

3.6.40 The following are the minimum pavement requirements:

- Bitumen Surfacing
 - The pavement shall be constructed to generally conform to the Roads & Traffic Authority (MR Form No 743), "Specification for construction of natural Gravel or Crushed Rock road pavement".
 - The minimum compacted depth of pavement is to be 150mm over a pre-compacted sub-base of acceptable material.
- Bitumen and Aggregate Sealing
 - Two coats of bitumen and aggregate sealing shall be applied to the parking areas.
 - Bitumen shall conform to the Roads and Traffic Authority Standard Specification (MR Form No. 337) "Residual Bitumen". Class 160 bitumen fluxed binder is to be used, with a rate of application of 1.2 litres/square metre.
 - Aggregate shall conform to the Roads & Traffic Authority Specification (MR Form No351) for the supply and delivery of cover aggregate. Nominal size of aggregate shall be 10mm. The rate of application of the aggregate shall be 1 cubic metre/100 square metres.
- Concrete Paving
 - Minor parking areas 100mm, 20MPa concrete with SL872 bottom reinforcement over a pre-compacted sub-base of acceptable material.
 - For larger parking areas (ie supermarkets) 150mm, 20MPa concrete, with appropriate reinforcement over a pre-compacted sub-base of suitable material.

For other forms of pavement, the developer is to submit specifications and details for approval. In circumstances where Council considers the use of parking areas to be of a limited nature, Council may consider construction to a lesser standard.

3.6.41 Adequate drainage for surface waters in all parking areas shall be provided and disposed of to a legal drainage system in accordance with Council Stormwater Drainage Design policy and the principles of Council's ['Water Sensitive Urban Design' policy](#).

3.6.42 Appropriate levels of lighting shall be provided in carparking areas for all users to ensure their safety and security. Such lighting may either be wall or ceiling mounted, free standing poles or bollard lights. In some instances, all forms of lighting may be incorporated to provide effective illumination.

All new public parking spaces shall be lit and shall comply with the requirements of AS/NZS1158 (2005) and shall comply with AS/NZS1158.3.1 - Pedestrian Area Lighting.

Prior to installation, all proposed lighting of public parking spaces shall be approved by the relevant authorities.

Miscellaneous Requirements

3.6.43 For all medium density residential developments, provision must be made for a car washing area at the rate of one (1) wash bay per twelve (12) dwellings or part thereof. This area must be identified on the site plan, be clearly signposted as a designated car washing area and be equipped with a tap and appropriate waste water drainage. A visitor car parking space may be utilised for the dual purpose of a car washing bay, provided it is appropriately signposted, have satisfactory bunding and is designed to drain waste water to the sewer.

- 3.6.44 All Service docks shall be designed to cater for the largest vehicle anticipated to use the premises and shall be designed to operate independently of other parking areas and to avoid the need for service vehicles to reverse across the pedestrian desire lines.
- 3.6.45 Provision for bicycle parking shall be made in accordance with the '[Cycling Aspects of Austroads Guide](#)' (2011) as per the extract in Note C. Where it can be demonstrated that there is sufficient under-utilised bicycle parking in the vicinity of the proposal or that bicycle parking is not warranted in the circumstance, Council may totally or partially waive this requirement.
- 3.6.46 Stack parking occurs when one vehicle is parked adjacent to another in a way that prevents the other vehicle from exiting. In general, Council does not favour the use of stack parking. However, it is prepared to consider the provision of parking in a stacked arrangement when the applicant can demonstrate that such a proposal:
- will not adversely affect use of the site;
 - only requires the removal of one vehicle to enable another vehicle to exit and occurs wholly within the site;
 - allows for a change of use/occupancy of a building without impacting on parking needs of other tenants/users; and
 - No more than 10% of parking required in a commercial development will be stacked; will be for the use of employees of the same organisation or inhabitants of the same household.
- 3.6.47 An application to provide for carparking by the use of mechanical devices will be considered on its merit, where an applicant can demonstrate to the satisfaction of Council that conventional carparking cannot be provided. Mechanical parking systems may be considered appropriate in certain circumstances, subject to the following:
- Full details are provided on the system including, dimensions, noise & vibration levels, cycle times, traffic volumes using the system and hence predicted queue lengths at peak hour operation, general and emergency management procedures;
 - There is a demonstrated need for a mechanical parking system and that its provision will not adversely affect the use of the site or the immediate locality;
 - No visitor parking is included in the system;
 - The system can accommodate 100th percentile vehicles (ie small sports cars to large 4WD's); and
 - Adequate queuing space is provided within the site on the approach to the system, without the queue extending onto the public road network.
- 3.6.48 Signage and pavement markings shall be provided in accordance with the relevant Australian Standard to clearly identify:
- Vehicle entry and exit points,
 - Parking bays and loading facilities,
 - Direction of traffic movement,
 - Pedestrian paths and crossing points.

Traffic Assessments, Studies and Plans

- 3.6.49 The carparking component of the study must include:
- a) A detailed carparking survey of a similar development located in the same locality which demonstrate similar traffic and parking demand characteristics;
 - b) Assessment of the current traffic flow conditions in the local road network and performance of key intersections in the locality;
 - c) Assessment of existing on-street carparking and whether the locality is experiencing traffic and on-street parking congestion issues;
 - d) Anticipated traffic generation rate for the development;
 - e) Assessment as to likely impact of the development on traffic flows and traffic safety within the local road network and the demand for on-street parking in the future as a result of the proposed development; and
 - f) Assessment of the on-site carparking requirements based on the detailed carparking survey of other similar developments and localities.
- 3.6.50 In developments where there is more than one land use and the time of a peak demand for each use does not coincide, Council will consider a reduction from the requirements for the individual uses subject to the submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person.

Active Transport

Objectives

O:3.6.8	To ensure adequate pedestrian and cycleway linkages to facilities and services within the surrounding locality is provided.
O:3.6.9	To ensure the road network adequately caters for the safety of pedestrians, cyclists and motorists through the provision of adequate sight lines at critical locations such as intersections, driveway crossings, bus stops and crossing points.
O:3.6.10	To ensure all pedestrian footpaths and shared pathways/cycle ways are designed in accordance with relevant Australian Standards and AUSTROADS guidelines.
O:3.6.11	To ensure all pedestrian footpaths and cycle ways are designed to incorporate Crime Prevention through Environmental Design (CPTED) principles by minimising any potential hiding places.
O:3.6.12	To encourage bus services to link existing urban areas with new residential subdivisions.
O:3.6.13	To ensure residential subdivisions are designed to ensure safe, convenient and efficient bus routes within reasonable walking distance to the majority of residential lots in a subdivision.
O:3.6.14	To provide safe and convenient bus stops along the planned bus route.

Controls

- 3.6.51 Any residential subdivision should identify the overall layout of dedicated pedestrian footpaths and cycle ways within the subdivision. The constructed pedestrian footpath shall be a minimum width of 1.2 metres. For any shared pedestrian footpath/cycleway, a minimum 2.5 metre width is required and widened to 3 metres if the shared footpath/cycleway, is located adjacent to any structure or obstruction.

- 3.6.52 Pedestrian and cycle ways should be provided to link roads particularly cul-de-sacs and to directly access public transport routes such as bus stops as well as public reserves.
- 3.6.53 Pedestrian footpaths should have a maximum longitudinal grade of 15%, except in cases where the approved road carriageway will have a longitudinal grade greater than 15%. Path ramps connecting pedestrian footpaths with roads must be designed to meet the needs of people with a disability (eg wheelchairs or sight impairment) and people with a pram. The pathway should be constructed of concrete, except where varied by Council.
- 3.6.54 Safe pedestrian crossings are to be created with the use of pedestrian refuges, slow points, thresholds or other appropriate measures.
- 3.6.55 All cycle ways are to be provided in accordance with [AUSTROADS](#) guidelines and [Kiama Development Code](#).
- 3.6.56 All footpaths and cycle ways are to be provided with appropriate lighting and designed to incorporate Crime Prevention through Environmental Design (CPTED) principles by minimising any potential hiding places.
- 3.6.57 Large residential subdivisions should be designed to make provision for a bus service to link existing urban areas with the new residential subdivisions. The bus route should be designed to provide adequate servicing by bus companies. Therefore, consultation should take place with the local bus companies and the relevant NSW Government Transport Agency to determine whether a bus service can be provided in the new residential subdivision.
- 3.6.58 The bus route should be primarily designed along collector roads and linked up to sub-arterial or arterial roads, due to the requirement for wider road carriageways.
- 3.6.59 Indented bus parking bays should be provided at nominated bus stops.
- 3.6.60 Bus stops should be generally located within 400 metres walking distance for 90% of the lots in the immediate locality.
- 3.6.61 Any proposed roundabout on a bus route must be designed to satisfactorily accommodate bus manoeuvring through and around the roundabout.
- 3.6.62 Bus shelters are to be provided at key bus stops. In this regard, bus shelters are to be no more than 800 metres apart and are to be located in positions that will service the maximum number of dwellings. The approved bus shelters are to be installed during the subdivision construction stage by the property developer involved in the subdivision.
- 3.6.63 Bus stops should be easily accessible for all people (including people with a disability), well defined and within casual observation from nearby dwellings, whilst minimising any interference with the streetscape amenity of the locality.
- 3.6.64 Safe pedestrian crossing points should be provided at each bus stop by the introduction of non-raised pedestrian thresholds and refuges.

Road Hierarchy and Design

General Road Hierarchy

Objectives

- O:3.6.15 To provide a defined hierarchy of roads, in order to provide an acceptable level of access, safety and convenience for all road users.
- O:3.6.16 To ensure that the design features of each residential road within a subdivision reflects the role of the road within the overall road network.

- O:3.6.17 To provide an acceptable level of access, safety and convenience for all road users within existing urban areas and new release areas, whilst ensuring acceptable levels of amenity and minimising traffic management issues in the particular locality.
- O:3.6.18 To provide appropriate road access for larger and special purpose vehicles including garbage and recycling trucks, fire trucks, delivery trucks etc.

Controls

- 3.6.65 The road hierarchy generally relates to the division of the road network into identifiable road classifications or road types. A hierarchical road network is essential to maximise road safety, residential amenity and legibility. Each class of road in the road network service a distinct set of functions and is designed accordingly. The design of the road network is required to convey motorists the predominant function of the road.
- 3.6.66 The road classifications are:
- Access Place
Are relatively short in length (up to 100m), generally straight and cater for up to 10 dwellings. They are to be designed as shared zones with good passive surveillance. Access ways may either be dedicated as public road or alternatively may be private roads under a Community Title subdivision
 - Access Street
Generally cater for up to 30 dwellings, with low traffic volumes and low parking demand. The street would generally comprise two travel lanes or a travel lane and staggered parking.
 - Access Road
Are local roads to cater for low volume, localised short distance travel and access to properties and cater for traffic up to 100 dwellings. They are the predominant street type in a neighbourhood subdivision. The street would generally comprise two 3m wide travel lanes and a parking lane.
 - Minor Collector Roads
Are used to connect the local road network to the sub-arterial or arterial roads. They generally cater for up to 300 dwellings and usually carry local bus routes within as well as between neighbourhoods. Local centres are usually located along these routes. The street would generally comprise two 3.5m wide travel lanes and a parking lane.
 - Major Collector Roads
As per minor collectors, however they are wider to accommodate additional traffic flows from up to 600 dwellings. The street would generally comprise two 3.5m wide travel lanes and a parking lane either side.
 - Sub-Arterial Roads
Cater for high traffic volumes and/or longer distance travel for through traffic. They carry traffic from one sub-region to another sub-region and often include major public transport routes. These roads do not have direct property access and are designed in accordance with Austroads/RMS guidelines.

Road Types and Characteristics of Roads

Objectives

O:3.6.19	To ensure sufficient road carriageway and verge widths are provided for each road type, in order to enable all roads to perform their designated function within the road network.
O:3.6.20	To ensure that the road reserve adequately caters for all required functions including the safe and efficient vehicular and pedestrian movement throughout the road network, provision of on-street parking and the provision of street tree planting and other landscaping, where appropriate.
O:3.6.21	To ensure road verges are of sufficient width to physically accommodate all necessary infrastructure assets and utilities.
O:3.6.22	To provide road geometry that is consistent with the designated function of the specific road as well as the physical characteristics of the locality.
O:3.6.23	To ensure the road network is simple and safe for all road users, including motor vehicles, pedestrians and cyclists.
O:3.6.24	To ensure that appropriate vehicle speed limits are incorporated into the road design to enhance the safety of pedestrians and cyclists, the young and people with a disability.
O:3.6.25	To ensure new release areas are designed to provide for safe, convenient and efficient bus routes.

Controls – Road in Residential Road Networks

3.6.67 Characteristics of Roads In Residential Road Networks:

Street Type	Traffic Volume ⁽¹⁾	Target Speed ⁽²⁾	Carriage way width ⁽³⁾ (m)	Verge Width ⁽⁴⁾ (m)	Road Reserve	Pavement Type	Parking Provision in Road Reserve	Concrete Footpath	Shared Path ⁽⁶⁾
Access Place ⁽⁷⁾	<100	15	3.5	3.5 ⁽⁸⁾	10.5	Reinforced Concrete	1 hardstand verge space per 2 dwellings	No	No
Access Street	<300	40	6.5	3.5 ⁽⁸⁾	13.5	Asphalt	Carriage way ⁽⁹⁾	No	No
Access Road	301-1000	40	8	3.5 ⁽⁸⁾	15	Asphalt	Carriage way ⁽⁹⁾	1.2m wide one side ⁽¹⁰⁾	No
Minor Collector	1001 - 3000	50	9.5	3.5 ⁽⁸⁾	16.5	Asphalt	Carriage way	1.2m wide one side	Provide within street

								away from kerb ⁽¹⁰⁾	pave-ment ⁽¹¹⁾
Major Collector ⁽¹²⁾	3001 - 6000	50 ⁽¹³⁾	11.5	Min. 3.5	Min 18.5	Asphalt	Carriage way	1.2m wide along one side away from kerb	2.5m wide along one side
Sub-Arterial ⁽¹⁴⁾	>6000	60 ⁽¹³⁾	Design using road performance criteria & guides ie Austroads, RMS standards etc ⁽¹⁵⁾						

Notes:

1. For single dwelling allotments apply a traffic generation rate of 10 vehicles per day. For multi-unit dwellings apply a traffic generation rate of 6 vpd or a rate based on local data. Peak hour traffic volume is assumed at 10% of Annual Average Daily Traffic. Where lots have the potential for re-subdivision and/or dual occupancy, such potential shall be taken into account when estimating AADT.
2. Streets are to be designed to achieve the target speed and sight distances to accord with design speed.
3. The carriageway width must make provision for service vehicles to manoeuvre. Widening is required at bends to allow for wider vehicle paths (using [AUSTROADS](#) Turning Templates). The provisions of the NSW Rural Fire Service publication "Planning For Bushfire Protection" guidelines must also be met and will take precedence.
4. Each verge must be of sufficient width to accommodate relevant services, landscaping and to ensure a total setback to residential dwellings which satisfies prescribed traffic noise exposure levels at the facade.
5. The minimum street reserve widths apply after satisfying the other criteria within this table and other site-specific requirements.
6. A shared path is required if the street is part of a dedicated off road cycle route.
7. Maximum length is 100 m. A passing bay is required if the length is greater than 80m.
8. Where an Access Place or Access Street is adjacent to public open space on rural zoned land, the verge adjacent to the open space or rural land may be reduced to 1m.
9. Lot layouts shall be designed to ensure staggered on-street parking in order to present a clear travel lane with passing opportunities.
10. Footpaths are to be provided on both sides of streets serving as bus routes.
11. Refer to [AUSTROADS](#) guidelines.
12. Painted centreline and edge lines are required to define carriageway lanes.
13. Reduced speed environments is required at designated pedestrian and shared crossing points.
14. Direct vehicle access to lots not permitted.

An acoustic assessment is required to assess the need for wider verges and/or acoustic barriers.

Controls - Roads in Rural Road Networks

3.6.68 Characteristics of Roads In Rural Road Networks:

Road Type	Minimum Carriageway (m)	Road Width	Minimum Verge Width Each Side (m)	Minimum Total Road Reserve Width (m)
Public Road servicing less than 30 dwellings / lots	7.5		3.5 with upright kerbing	14.5
Cul-de-sac (Public Road)	7.5 with a minimum 12 wide cul-de-sac bulb		3.5 with upright kerbing	14.5
Minor Public Road / Access Way servicing a maximum of 10 dwellings / lots	6		3.5 with roll kerbing	13
Private Access Road/Right of Carriageway Battle – axe handle servicing a maximum of 3 dwellings/lots	4 (ie where the access handle is less than 200 metres in length) 4 metres but enlarged to 6 metres (ie with 20 metre long passing bays) at every 200 metre interval along the access road / ROW, to enable fire fighting trucks to access the lot(s). Whilst also allowing resident vehicles to exit the site during bush fire emergencies		N/A	6 (ie where the access road is less than 200 metres in length) or 8 (ie where the access road is greater than 200 metres in length and requires passing bays)

Controls- Road Naming

- 3.6.69 Council has a responsibility to clearly identify public roads in accordance with the [Roads Act 1993](#), and in the interests of public information and safety.
- 3.6.70 Developer's suggestions for the names of new road(s), together with the reasons for the names proposed, should be submitted to Council to be assessed by Council's Streets and Reserves Naming Committee.
- 3.6.71 Council's policy is to give first preference to names with historical, zoological, botanical or geographic associations with Kiama and the Illawarra Region, and if possible with the locality where the subdivision is proposed.
- 3.6.72 Where more than one street exists within a subdivision, consideration should be given to a street naming "theme" to help create a distinct identity for the area.
- 3.6.73 Where no suggestions are received for the naming of roads, Council will determine the street names.

- 3.6.74 New street name signs are to be paid for by developers.
- 3.6.75 As part of the road naming procedures under [section 162 of the Roads Act 1993](#), Council will forward the proposed road names in a subdivision to the [Geographical Names Board](#) for the Board's appropriate comment. In cases where the Geographic Names Board does not support the proposed road naming, Council will request alternative road names and in certain cases will liaise with the applicant.
- 3.6.76 For any classified roads, the [NSW Roads & Maritime Services](#) will determine the road name in consultation with the [Geographic Names Board](#).

Road Design Requirements

Objectives

O:3.6.26	To establish a legible and well connected road network that promotes safe pedestrian and bicycle movement as well as convenient vehicular access.
O:3.6.27	To provide improved road, pedestrian and cycleway connections linking residential areas with public reserves, business centres, public services and facilities.

Controls - Road Connectivity, Permeability and Legibility

- 3.6.77 New roads should be designed to be integrated and connected with the existing local road network of the surrounding neighbourhood, wherever possible. In new subdivisions, cul-de-sacs should be minimised, wherever possible, in order to ensure connectivity within an estate.
- 3.6.78 Road design taking into account the surrounding local road network in the locality, especially the existing road hierarchy.
- 3.6.79 The subdivision design must achieve enhanced vehicular permeability and legibility in the location and layout of the road pattern.
- 3.6.80 The integration of new subdivision roads with existing roads will help to:
- Improve interconnections and minimise travel distances to / from facilities and services.
 - Provide a choice of routes.
 - Spread traffic loads throughout the local road network, rather than intensifying traffic volumes to a restricted number of roads
- 3.6.81 Connected grid networks may also improve safety when dwellings are sited to address block edges, to enable passive surveillance.
- 3.6.82 The road network should provide internal connectivity to allow for a distributed traffic flow as well as encourage walking and cycling within the subdivision and wider area.
- 3.6.83 Pedestrian footways and cycleways should be safe and convenient to encourage alternative transport options to motor vehicles.
- 3.6.84 A larger subdivision should be designed to minimise any excessive "backtracking". Therefore, the creation of multiple cul-de-sacs and "no through" roads within a larger subdivision is discouraged.

Controls - New Road Works, Drainage Works and Infrastructure Construction

Objectives

O:3.6.28	To ensure all residential lots have suitable, safe and efficient access to and from public roads and that all road and stormwater drainage infrastructure works are properly constructed in compliance with Kiama Development Code .
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- 3.6.85 All allotments in a subdivision must gain direct access to / from a properly formed public road.
- 3.6.86 The full cost of the construction of new roads, (including the construction of the road carriageway, footpaths and/or bicycle shareways, full kerbing and guttering, street tree planting etc) stormwater drainage and the provision of infrastructure services to a subdivision will be borne by the subdivider / developer.
- 3.6.87 The required road, stormwater drainage and infrastructure works shall be constructed in accordance with [Kiama Development Code](#) and any necessary requirements by the infrastructure service authority. The roadworks, drainage works and infrastructure services shall be completed, prior to the issuing of a Subdivision Certificate. For approved staged subdivisions, all required road, drainage and infrastructure works must be completed for each stage prior to the issue of the Subdivision Certificate for each respective stage.

Controls - Upgrading of Poorly Constructed or Unformed Public Roads

Objectives

O:3.6.29	To ensure all residential lots have suitable, safe and efficient access to and from public roads and that all road and stormwater drainage infrastructure works are properly constructed in compliance with Kiama Development Code .
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- 3.6.88 All allotments in a subdivision must gain direct access to/from a properly formed public road.
- 3.6.89 In areas where the proposed subdivision fronts a poorly constructed or unformed public road, the subdivision will be subject to the construction of full kerbing and guttering, stormwater drainage, full or half road construction and sealing in addition to the provision of nature strips with a 3% cross fall to the roadway. The required work must include the transitioning or linkage to existing road infrastructure, where necessary, either side of the proposed development. All associated construction work will meet with the design and construction requirements of [Kiama Development Code](#).

Controls - Residential Cul-De-Sacs and Turning Heads

Objectives

O:3.6.30	To restrict the length of cul-de-sacs within a residential subdivision to improve accessibility to public transport facilities, such as bus stops, and to provide more direct vehicular access arrangements for emergency vehicles.
O:3.6.31	To ensure cul-de-sacs and turning heads are designed to provide safe and efficient vehicular access for cars, waste collection and recycling trucks, removalist trucks, emergency vehicles etc.
O:3.6.32	To ensure all new residential lots are capable of being either accessed or serviced by emergency vehicles and other non-passenger vehicles such as

waste and recycling collection trucks and removalist trucks, without adversely affecting the performance or safety of the surrounding road network.

O:3.6.33 To restrict “T” or “Y” turning heads to smaller cul-de-sacs which serve a limited number of residential lots within a subdivision.

- 3.6.90 The maximum length of any cul-de-sac should be 80 metres, in order to ensure adequate accessibility to public transport facilities such as bus stops as well as suitable access arrangements for emergency service vehicles and waste disposal vehicles.
- 3.6.91 The minimum road reserve radius for the turning head of any small residential cul-de-sac (ie serving a maximum 30 dwellings/allotments) shall be 12 metres with a minimum road carriageway radius of 8.5 metres.
- 3.6.92 “T” or “Y” turning heads will only be permitted within small cul-de-sacs/access roads which serve up to a maximum of 10 lots/dwellings. In most cases, a “Y” turning head configuration is preferred, in order to discourage potential parking in the turning space. Turning heads must provide sufficient space for larger vehicles such as waste and recycling collection trucks to make a three point turn.
- 3.6.93 Where a “T” or “Y” turning head is proposed, a suitable waste and recycling bin storage area(s) must be carefully positioned on the left hand (forward direction of the truck). The bin storage area(s) must not be located any closer than 5 metres from the forward end and 8 metres from the reverse end of the “T” or “Y” turning head. This is to ensure that waste and recycling collection trucks are able to satisfactorily service the bin storage areas.

Controls - Road Junction Spacing

Objectives

O:3.6.34 To ensure road junctions are properly designed to minimise any potential traffic management or traffic safety issues.

- 3.6.94 The minimum distance between an access road and a collector road shall be 60 metres where the junction is on the same side of the road or 40 metres where the junction is located on the opposite side of the road.
- 3.6.95 The minimum distance between collector roads shall be 120 metres if the junction is on the same side or 100 metres where the junction is staggered on the opposite side of the road.
- 3.6.96 All intersections are to be T-junctions or roundabouts.

Controls - Splay Corners

Objectives

O:3.6.35 To provide appropriate splay corners at intersections within residential subdivisions, to ensure adequate sight line distances.

- 3.6.97 All intersections in a subdivision shall be provided with a minimum 4.25 metre splay or as required by Council’s Director Engineering and Works.

Controls - Restricted access to Arterial or Sub-Arterial Roads

Objectives

O:3.6.34 To restrict access to any arterial or sub-arterial road to maintain satisfactory traffic flows and safety along such roads, where alternative public road access is available and practicable.

- 3.6.98 Direct access to any arterial or sub-arterial road will not be permitted where alternate public road access is available. However, direct property access to / from an arterial or sub-arterial road will not be restricted until such time as alternate public road access is available.
- 3.6.99 Council may require as a condition of consent as part of any subdivision or development that a suitable restriction on the use of land be created pursuant to the provisions of Section 88B of the Conveyancing Act 1919, in order to legally prohibit direct access to / from any adjoining Arterial or Sub-Arterial Road where alternative direct public road access is available to / from the subject site.
- 3.6.100 Temporary access may be granted to a designated road (arterial or sub-arterial road) where alternate public access has not yet been completed. However, this temporary access arrangement will be dependent upon the nature of the access arrangement in relation to the arterial or sub-arterial road.

Controls - Traffic Calming Devices

Objectives

O:3.6.35 To provide appropriate traffic calming devices, in order to improve traffic management flows within large residential subdivisions.

- 3.6.101 The location of traffic calming devices must be consistent with the streetscape requirements of the locality and must also be based upon the location of existing and / or proposed street lighting, drainage pits, driveway crossings, on-street car parking requirements and the location of utility services.
- 3.6.102 Any proposed traffic calming device must be designed to enable emergency vehicles to reach all properties from the road.
- 3.6.103 A reduction in vehicular speed can be achieved by creating a visual environment conducive to lower speeds through using landscaping treatments and other traffic calming devices to segment streets into relatively short road lengths (ie generally less than 300 metres long).
- 3.6.104 Speed reduction can also be achieved through using traffic calming devices which shift vehicle travel paths laterally (eg slow points, roundabouts, corner treatments) or vertically through humps, platform intersections etc).
- 3.6.105 The main streetscape issues to be taken into account in the design of traffic calming devices include the following:
- Improve the landscape character of the locality.
 - Reduce the linearity of roads by segmentation.
 - Avoid continuous long straight lines (kerb lines) for local roads.
 - Maximise the continuity between existing and new landscape areas.

Controls - Street Lighting

Objectives

- O:3.6.36 To provide effective street lighting along all roads within the subdivision, to maximise vehicular and pedestrian safety.
- O:3.6.37 To provide appropriate street lighting at key intersections and pedestrian crossings as well as traffic calming device locations to maximise vehicular and pedestrian safety.
- O:3.6.38 To provide appropriate lighting along all pedestrian pathways and/or shared pathways/cycle ways, in order to maximise pedestrian and cyclist safety.

- 3.6.106 Street lighting systems are to be provided for roads and intersections, cycle ways and pathways, as well as pedestrian crossing and traffic calming device locations in accordance with AS/NZS 1158.

Property Access

Objectives

- O:3.6.39 To provide clearly identifiable, legal and safe access linkages between public roads and private access roads.
- O:3.6.40 To make sure that that private access roads are suitable for use by conventional two- wheeled-drive vehicles and emergency services vehicles.
- O:3.6.41 To minimise the environmental impact caused private access roads and services infrastructure on the land suitable for agriculture, the natural environment, waterways and the scenic landscape, rural dwelling amenity.
- O:3.6.42 To ensure that private access roads meet bush fire protection standards.
- O:3.6.43 To minimise the length of access roads and their associated reduction in the amount of productive or potentially productive agricultural land.
- O:3.6.44 To enable rapid and safe evacuation of residents, and easy access to emergency services vehicles, in the case of a bush fire, flood or storm event or any other emergency requiring access to or evacuation of people from dwellings.

- 3.6.107 Except as required to meet bush fire safety requirements in the particular circumstances of the land, only one access road to a lot or land holding is permitted to be connected to a public road. This does not apply to access to paddocks.
- 3.6.108 Access to a lot or landholding must only be provided from a public road or a legal right of way that is connected to a public road.
- 3.6.109 The point of access to a public road must be located to provide safe sight distance and safe ingress and egress to and from the land.
- 3.6.110 The location and design of an access road and services infrastructure must minimise the amount of land suitable or potentially suitable for agriculture being permanently lost for agricultural production.

- 3.6.111 The location and design must also avoid, minimise or otherwise mitigate any adverse environmental impact on:
- land containing biodiversity/native vegetation as identified in [Kiama LEP 2011](#) or other Council vegetation maps.
 - land containing any endangered ecological communities.
 - a waterway.
 - water quality.
 - riparian lands identified in [Kiama LEP 2011](#).
 - an aquatic ecosystem.
 - the natural habitat of a threatened species.
 - the scenic landscape of the locality.
 - the amenity of other adjoining residents.
- 3.6.112 An access road must be designed in accordance with this Council's [Engineering technical specifications](#) to minimise visual impact and earthworks.
- 3.6.113 An access road or any fire trails to a dwelling on a lot or associated with a subdivision containing bush fire prone land must comply with all relevant NSW Rural Fire Services' requirements.
- 3.6.114 A soil, water and vegetation management plan must be provided with the development application. Such plan must demonstrate how access road, services infrastructure construction works and revegetation of disturbed land will be managed in the construction and post construction rehabilitation phases to minimise soil erosion, pollution of waterways and to ensure the survival of any required revegetation to maturity.
- 3.6.115 Revegetation associated with an access road must be addressed in a property landscape plan accompanying the DA.
- 3.6.116 Developments located on a main or arterial road or in the vicinity of traffic management controls on any classification of road must provide for vehicles to enter and exit the site in a forward direction.
- 3.6.117 Where a proposed subdivision of land requires road construction or road upgrading and the combined lots created will permit further development at a ratio of more than 33 dwellings per hectare, Council may require that the road widths be widened in the proposal to accommodate additional on-street parking and improved access and servicing arrangements.

Definitions

The following definitions are additional definitions or are a redefinition of the definitions in the Roads and Maritime Services' *"Guide to Traffic Generating Developments"*.

- **Amenities** - means staff and public toilets, as well as staff only facilities.
- **CBD** - means the same areas included in [Topic 12.1 of Chapter 12](#) and [Topic 12.7 of Chapter 12](#) of Kiama Development Control Plan 2020
- **Designated Stock Storage Area** - means an area within the internal faces of the walls of a building, which is purposely designed and constructed for storage only, physically separated from the retail floor area and not in the immediate sight of customers.
- **Gross Leasable Floor Area** – means the sum of the area within the internal faces of the walls of a building, excluding stairs, lifts, circulation areas and amenities, but includes the designated stock storage areas.
- **Licensed Floor Area** - means the floor area which is licensed for the purposes of serving liquor in accordance with current NSW legislative requirements.

Topic 3.7 - Character and Design

Character

Objectives

- O:3.7.1 To ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character

Controls

- 3.7.1 To maintain and improve the existing amenity and environmental character 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.
- 3.7.2 Unsympathetic development will disrupt the streetscape or the unity of a group of buildings and spoil the existing character. These buildings may not only cause a loss of built heritage and/or environmental amenity but may also interfere with adjoining owners privacy and sunlight.
- 3.7.3 New buildings do not have to imitate the architecture of those nearby. However they should respect the scale, form, orientation etc. of buildings in the street.
- 3.7.4 New urban development is consistent with best practice neighbourhood and environmental design principles including:
- accessibility to the town and its community facilities;
 - energy and water efficiency;
 - urban form and design in both the private and public domains;
 - livableness and neighbourhood character; and
 - appropriate housing choice.

Crime Prevention Through Environmental Design

Development can create an environment which enhances safety and security from property damage, theft and personal threat. Where possible, utilise 'Safer by Design' methodology recommended by NSW Police Service. This encourages crime prevention through environmental design by the application of design features, routine activities and space management which alter conditions that create opportunities for criminal behaviour. The following principles are central to this:

- *Surveillance* – includes natural, formal and technical surveillance. Natural focuses on the orientation of buildings, street layout, landscaping, fencing etc.
 - Formal or organised surveillance involves the tactical use of work areas, offices etc near high risk areas.
 - Technical surveillance is achieved through mechanical/electronic measures.
- *Access Control* – includes physical and psychological barriers to restrict, encourage and channel pedestrian and vehicle movement.
- *Territorial Reinforcement* relies upon design features, actual and symbolic boundary markers and other means to encourage a community's sense of responsibility for places and facilities.

- *Space management* involves the formal supervision, control and care of urban space.
- Generally the safety for pedestrians and vehicles should be provided for by the following:
- Illuminate pedestrian access and driveways in communal open space and integrated developments (using relevant Australian Standards).

Objectives

- O:3.7.2 To increase the likelihood crime may be prevented by detection.
- O:3.7.3 To increase and contribute to the safety and perception of safety in public and private spaces.
- O:3.7.4 To encourage the consideration and application of crime prevention principles when designing and siting buildings and spaces.
- O:3.7.5 To encourage dwelling layouts that facilitates safety and encourages interaction and recognition between residents.

Controls

- 3.7.5 Development is to be designed to incorporate and/or enhance opportunities for effective natural surveillance by providing clear sight-lines between public and private places, installation of effective lighting and the use of open landscaping of public areas.
- 3.7.6 Development is to incorporate design elements that contribute to a sense of community ownership of public spaces. Encouraging people to gather in public spaces through appropriate design techniques, helps to nurture a sense of responsibility for a place's use and condition.
- 3.7.7 Council will refer development applications that may provide the opportunity for an increase in crime to the NSW Police for comment. The types of development applications that may be referred to the NSW Police include major new development, childcare centres and development which will provide public entertainment and/or service of alcohol.
- 3.7.8 Security for the public domain including parks, swimming pools, public toilets and transport facilities should have the following attributes:
- appropriate lighting that illuminates pedestrian pathways
 - landscaping that does not obscure visibility
 - adequate signage describing pathways and facilities including taxi ranks, bus stops and community facilities
 - maximises surveillance from adjoining areas v minimises opportunities for graffiti
 - pavement treatment that defines uses and movement
 - pedestrian pathways and routes with clear sight-lines
- 3.7.9 The incorporation of crime prevention measures in the design of new buildings and spaces is not to detract from the quality of the streetscape.
- 3.7.10 Building facades which immediately adjoin a public area must not contain recesses, fin walls, etc at ground level
- 3.7.11 Where visitor spaces are required to be provided in a development, they should be located close to or within the front setback.

3.7.12

Private open space should be clearly defined for private use. This can be achieved by its siting in relation to the dwelling and enhanced by landscaping and screening.

Appendix 1 Plants Considered Unsuitable

PLANTS CONSIDERED UNSUITABLE FOR LANDSCAPE PURPOSES IN THE KIAMA MUNICIPALITY

The following plants listed should not be used in any gardens in the Municipality of Kiama. Some of these plants listed have been in common use for generations but are now acknowledged to be serious weeds of native bushland. Their replacement with non-invasive species is encouraged.

Botanical Name	Common Name
Trees	
Acacia baileyana	Cootamundra Wattle
Acacia saligna	Golden Wreath Wattle
Ailanthus altissima	Tree of Heaven
Cinnamomum camphora	Camphor Laurel
Erythrina x sykesii	Coral Tree
Ficus elastic	Rubber Tree
Grevillea robusta	Silky Oak Tree
Lagunaria patersonii	Norfolk Island Hibiscus
Ligustrum sinense	Small Leaf Privet
Ligustrum lucidum	Large Leaf Privet
Olea africana	Wild Olive
Olea europaea subsp africana	African Olive
Pinus radiata	Radiata Pine
Populus species	Poplar Tree
Pittosporum undulatum	Native Daphne
Robinia pseudoacacia	False Acacia
Salix species	Willow Tree
Schefflera actinophylla	Umbrella Tree
Toxicodendron succedaneum	Rhus Tree
XCupressocyparis leylandii	Leylandii Pines
Shrubs	
Ageratina adenophora	Crofton Weed

Botanical Name	Common Name
Agave americana	Yucca Plant
Baccharis halimifolia	Groundsel Bush
Canna indica	Canna Lily
Cestrum parqui	Green Cestrum
Chrysanthemoides monilifera	Bitou Bush
Cortaderia spp	Pampas Grass
Coreopsis lanceolata	Coreopsis
Cotoneaster spp	Cotoneaster
Coprosma repens	Mirror Plant
Cytisus scoparius	English Broom
Genista spp	Broom
Hypericum perforatum var angustifolium	St John's wort
Lantana all species	Lantana
Lilium formosanum	Formosa Lily
Nerium oleander	Oleander
Ochna serrulata	Mickey Mouse Plant
Phyllostachys spp	Bamboo
Polygala myrtifolia	Myrtle-leaf Milkwort
Polygala virgata	Purple Broom
Pyracantha angustifolia	Firethorn
Ricinus communis	Castor Oil Plant
Senna pendula var glabrata	Cassia
Senna pendula	Cassia
Ulex europaeus	Gorse
Opuntia spp	Prickly Pear
Zantedeschia aethiopica	Arum Lily

Botanical Name	Common Name
Groundcovers/Climbers	
<i>Acetosa sagittata</i>	Turkey Rhubarb
<i>Colocasia</i> spp.	Elephant Ears
<i>Anredera cordifolia</i>	Madiera Vine
<i>Araujia hortorum</i>	Moth Vine
<i>Bryophyllum delagoense</i>	Mother of Millions
<i>Cardiospermum grandiflorum</i>	Balloon Vine
<i>Crocasmia x crocosmiiflora</i>	Montbretia
<i>Delairea odorata</i>	Cape Ivy
<i>Gazania rigens</i>	Gazania
<i>Gloriosa superba</i>	Glory Lily
<i>Hedera helix</i>	English Ivy
<i>Hedychium gardnerianum</i>	Wild Ginger/Ginger Lily
<i>Hieracium</i> spp	Hawkweed
<i>Hydrocotyle ranunculoides</i>	Pennywort
<i>Ipomoea indica</i>	Morning Glory
<i>Jasminum polyanthum</i>	White Jasmin
<i>Lonicera japonica</i>	Honeysuckle
<i>Macfadyena unguis-cati</i>	Cat's Claw Creeper
<i>Myrsiphyllum asparagoides</i>	Bridal Veil Creeper
<i>Nephrolepis cordifolia</i>	Fishbone Fern
<i>Parietaria judaica</i>	Pellitory/Sticky or Asthma Weed
<i>Passiflora edulis</i>	Passionfruit
<i>Pennisetum alopecuroides</i>	Oxtail Grass
<i>Persicaria capitata</i>	Japanese Knotweed
<i>Protasparagus plumosus</i>	Climbing Asparagus
<i>Protasparagus aethiopicus</i>	Asparagus Fern

Botanical Name	Common Name
<i>Pyrostegia venusta</i>	Golden Shower
<i>Ranunculus repens</i>	Creeping Buttercup
<i>Tecomaria capensis</i>	Cape Honeysuckle
<i>Thunbergia alata</i>	Black-eyed Susan
<i>Tradescantia fluminensis</i>	Wandering Jew
<i>Tropaeolum majus</i>	Nasturtium
<i>Vinca major</i>	Blue Periwinkle
<i>Watsonia bulbifera</i>	Bugle Lily
Palms	
<i>Phoenix canariensis</i>	Canary Island Date Palm
<i>Syagrus romanzoffianum</i>	Cocos Palm
Aquatics	
<i>Alternanthera philoxeroides</i>	Alligator Weed
<i>Cabomba caroliniana</i>	Cabomba
<i>Elodea Canadensis</i>	Canadian Pondweed
<i>Eichornia crassipes</i>	Water Hyacinth
<i>Equisetum</i> spp	Horsetail
<i>Ludwigia peruviana</i>	Ludwigia
<i>Myriophyllum aquaticum</i>	Parrots Feather
<i>Pistia stratiodes</i>	Water Lettuce
<i>Salvinia molesta</i>	Salvinia

Planting of these species will have significant impacts on our environment. Avoid the use of these species in the landscape. Reference should also be made to Illawarra District Weed Association current weed list.

Appendix 2 Suitable Indigenous Plants

Kiama Indigenous Plants Suitable for use Particularly in Regeneration or Enhancement of Remnant Bushland

Species	Common Name	Form/Features/Suitable For:	Dry Rainforest	Moist Rainforest	Open Forest	Coastal	Riparian	Open Grassland	Aquatic
Smallish Trees - Suitable For Habitat									
<i>Acacia binervata</i>	Two-Veined Hickory	small, regen	•		•				
<i>Acacia maideni</i>	Maidens Wattle	small-medium, regen	•		•				
<i>Acacia melanoxylon</i>	Blackwood	small-medium, regen	•		•				
<i>Acmena smithii</i>	Lilly Pilly	stays small in harsh/ coastal sites	•				•		
<i>Alectryon subcinereus</i>	Native Quince	small, general use			•	•			
<i>Allocasuarina littoralis</i>	Black She-Oak	tall shrub-small tree, dry sandy				•			
<i>Allocasuarina verticillata</i>	Drooping She-Oak	small, hardy, coastal		•					
<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	slender palm to 15m	•						
<i>Austromyrtus acmenoides</i>	Scrub Ironwood	small, general landscaping				•			
<i>Backhousia myrtifolia</i>	Grey Myrtle	small, hardy, attractive				•		•	
<i>Banksia integrifolia</i>	Coast Banksia	tall shrub-small tree, coastal, dry sites				•		•	
<i>Banksia serrata</i>	Old Man Banksia	tall shrub-small tree, dry sites	•		•				
<i>Callistemon salignus</i>	Pink Tips	small paperbark, poorly drained sites	•			•			
<i>Canthium coprosmoides</i>	Coast Canthium	small, coastal	•			•			
<i>Cassine australis</i>	Red-Fruited Olive-Plum	small, most sites coastal	•			•			

Species	Common Name	Form/Features/Suitable For:	Dry Rainforest	Moist Rainforest	Open Forest	Coastal	Riparian	Open mallee	Aquatic
<i>Clerodendrum tomentosum</i>	Native Clerodendrum	small, hardy, all soils,	•						
<i>Croton verreauxii</i>	Green Carscarilla	shrub-small tree, coloured leaves	•	•					
<i>Diospyros australis</i>	Black Plum	small, sheltered sites	•			•			
<i>Duboisia myoporoides</i>	Corkwood	small-medium, coast on sand, littoral rainforest	•						
<i>Ehretia acuminata</i>	Koda	small-medium, deciduous	•			•			
<i>Eupomatia laurina</i>	Bolwarra	tall shrub-small tree, moist sites			•				
<i>Exocarpos cupressiformis</i>	Brush Cherry	small, drier, poorer sites					•		
<i>Ficus coronata</i>	Sandpaper Fig	small, riparian, edible fruit	•						
<i>Geijera salicifolia</i>	Brush Wilga	small, dry rainforest regeneration		•					
<i>Hedycarya angustifolia</i>	Native Mulberry	shrub-small tree, rainforest, trial general use	•	•	•				
<i>Livistona australis</i>	Cabbage Palm	palm, slow growing, widespread use						•	
<i>Melaleuca armillaris</i>	Bracelet Honey Myrtle	tall shrub-small tree, shallow latite, dry					•		
<i>Melaleuca styphelioides</i>	Prickly Melaleuca	tall shrub-small tree, widely used	•						
<i>Melicope micrococca</i>	White Euodia	tall shrub-small tree, rainforest regeneration	•			•			
<i>Myoporum acuminatum</i>	Boobialla	hardy, breaks in high wind	•	•	•	•			
<i>Notolaea venosa</i>	Native Olive	hardy, dry, coast, rainforest	•						
<i>Omalthus populifolius</i>	Bleeding Heart	small, common, coloured leaves	•			•			

Species	Common Name	Form/Features/Suitable For:	Dry Rainforest	Moist Rainforest	Open Forest	Coastal	Riparian	Open mallee	Aquatic
<i>Pararchicodendrum pruinosum</i>	Snow Wood	small-medium., foliage, flowers, pods	•						
<i>Planchonella australis</i>	Black Apple	small rainforest, edible 'apple'		•					
<i>Polyosma cunninghamii</i>	Featherwood	small, rainforest	•			•			
<i>Polyscias elegans</i>	Celery-Wood	palm-like, height in confined space	•		•				
<i>Polyscias murrayi</i>	Pencil Cedar	palm-like, height in confined space		•		•			
<i>Rapanea howittiana</i>	Muttonwood	small rainforest, fruit, gardens	•			•			
<i>Rapanea variabilis</i>	Muttonwood	small rainforest, gardens	•						
<i>Rhodamnia rubescens</i>	Brown Malletwood	small rainforest gardens	•						
<i>Stenocarpus salignus</i>	Scrub Beefwood	small, rainforest regeneration, farm forestry	•			•			
<i>Streblus brunonianus</i>	Whalebone	shapely, hardy, wind-prunes		•					
<i>Synoum glandulosum</i>	Bastard Rosewood	better soils, rainforest regeneration		•					
Medium Trees - Suitable for Habitat									
<i>Acmena smithii</i>	Lilly Pilly	medium-tall, edible berries	•	•	•	•			
<i>Acrornychia oblongifolia</i>	White Lilly Pilly	medium, edible fruit	•			•			
<i>Alphitonia excelsa</i>	Red Ash	medium, rainforest regeneration, street	•						
<i>Angophora floribunda</i>	Rough-Barked Angophora	tall, dry sites			•	•			
<i>Brachychiton acerifolius</i>	Illawarra Flame	medium, most sites, colour	•	•					

Species	Common Name	Form/Features/Suitable For:	Dry Rainforest	Moist Rainforest	Open Forest	Coastal	Riparian	Open mallee	Aquatic
<i>Casuarina cunninghamiana</i>	River Oak	tall, riparian					•		
<i>Casuarina glauca</i>	Swamp Oak	medium, regen,, coast, not near building				•			
<i>Ceratopetalum apetalum</i>	Coachwood	tall, sandy soils higher areas		•					
<i>Cinnamomum oliveri</i>	Camphorwood	tall, relative of Camphor Laurel		•					
<i>Cryptocarya glaucescens</i>	Native Laurel	tall, rainforest regeneration	•	•					
<i>Cryptocarya microneura</i>	Murrogun	tall, rainforest regeneration	•	•					
<i>Doryphora sassafras</i>	Sassafras	medium-tall, moist, shady sites	•	•					
<i>Elaeocarpus kirtonii</i>	Pigeonberry Ash	tall, rainforest regeneration, esp. riparian		•			•		
<i>Eucalyptus botryoides</i>	Bangalay	tall, coastal, sandy				•			
<i>Eucalyptus eugenioides</i>	Stringybark	tall, drier regen			•				
<i>Eucalyptus fastigata</i>	Brown Barrel	tall, upper scarp, farm forestry			•				
<i>Eucalyptus paniculata</i>	Grey Ironbark	tall, sandy, volcanic soils			•				
<i>Eucalyptus pilularis</i>	Blackbutt	tall, farm forestry			•	•			
<i>Eucalyptus quadrangulata</i>	Coast White Box	tall, lower escarpment			•				
<i>Eucalyptus smithii</i>	Gully Peppermint	tall, escarpment, farm forestry			•				
<i>Eucalyptus tereticornis</i>	Forest Red Gum	tall, drier latite, farm forestry			•				
<i>Euroschinus falcata</i>	Blush Cudgerie	medium-tall, coastal rainforest	•			•			

Species	Common Name	Form/Features/Suitable For:	Dry Rainforest	Moist Rainforest	Open Forest	Coastal	Riparian	Open mallee	Aquatic
<i>Ficus macrophylla</i>	Moreton Bay Fig	extra tall, for Flying Fox		•			•		
<i>Ficus obliqua</i>	Small-Leaved Fig	extra tall, for Flying Fox		•			•		
<i>Ficus superba</i> var. <i>henneana</i> “	Deciduous Fig	extra tall, for Flying Fox	•			•			
<i>Glochidion ferdinandi</i>	Cheese Tree	medium, streetscape, general	•		•	•			
<i>Guioa semiglauc</i>		medium rainforest regeneration, coast on sand	•			•			
<i>Litsea reticulata</i>	Bolly Gum	medium-tall, rainforest regeneration		•			•		
<i>Melia azedarach</i>	White Cedar	tall, grub prone, but attracts birds	•	•			•		
<i>Podocarpus elatus</i>	Plum Pine	tall, edible fruit		•		•	•		
<i>Sarcomelicope simplicifolia</i>	Yellow Wood	to 10m, lemon scented leaves	•	•		•			
<i>Scolopia braunii</i>	Flintwood	to medium tree, hardy, coastal extremes,	•			•			
<i>Schizomeria ovata</i>	Crab Apple	tall rainforest, edible fruit, shade		•					
<i>Syncarpia glomerulifera</i>	Turpentine Tree	tall, moist sites, farm forestry			•				
<i>Symplocos thwaitesii</i>	Buff Hazelwood	medium rainforest tree, floors, shade	•	•					
<i>Syzygium australe</i>	Brush Cherry	tall, edible fruit, riparian					•		
<i>Toona ciliata</i>	Red Cedar	tall, deciduous, heritage, rainforest moist		•			•		
Shrubs - Suitable for Habitat									
<i>Acacia sophorae</i>	Coast Wattle	semi-prostrate shrub, coastal				•			
<i>Alchornea ilicifolia</i>	Native Holly	tall shrub, general use, foliage	•			•			

Species	Common Name	Form/Features/Suitable For:	Dry Rainforest	Moist Rainforest	Open Forest	Coastal	Riparian	Open mallee	Aquatic
<i>Allocasuarina littoralis</i>	Black She-Oak	tall shrub-small tree, dry sandy			•	•			
<i>Allocasuarina verticillata</i>	Drooping She-Oak	tall shrub-small tree							
<i>Commersonia fraseri</i>	Brown Kurrajong	ugly shrub, regeneration only						•	
<i>Coprosma quadrifida</i>	Prickly Coprosma	prickly low bush, regen		•					
<i>Correa lawrenciana</i> ssp. <i>macrocalyx</i>		shrub, flowers			•				
<i>Dodonaea viscosa</i> Viscid	Hop Bush	shrub 1-3m, drier sites			•				
<i>Duboisia myoporoides</i>	Corkwood	coast on sand, littoral rainforest	•			•			
<i>Elaeocarpus reticulatus</i>	Blueberry Ash	shrub, sandy soils			•	•			
<i>Eucalyptus apiculata</i>	Mallee Gum	tall shrub, multi-stemmed, small gardens			•				
<i>Eupomatia laurina</i>	Bolwarra	tall shrub-small tree, moist sites	•			•			
<i>Exocarpos cupressiformis</i>	Brush Cherry	shrub-small tree, drier, poorer sites	•		•				
<i>Goodia lotifolia</i>		to 3m, flowers, regen, gardens	•		•				
<i>Hakea dactyloides</i>		tall shrub, general purpose, poor sites			•				
<i>Hedycarya angustifolia</i>	Native Mulberry	shrub-small tree, rainforest, trial general use		•					
<i>Hibiscus heterophyllus</i>	Native Hibiscus	short-lived, rainforest regen., flowers	•		•	•			
<i>Hymenanthera dentata</i>	Tree Violet	tall shrub, trial general use	•	•	•				

Species	Common Name	Form/Features/Suitable For:	Dry Rainforest	Moist Rainforest	Open Forest	Coastal	Riparian	Open Grassland	Aquatic
<i>Indigofera australis</i>	Indigo Peabush	<1m, pink flowers, gardens			•	•			
<i>Leptospermum laevigatum</i>	Coast Tea Tree	tall shrub, widely used, hedges well				•			
<i>Leptospermum morrisonii</i>	Common Tea Tree	tall shrub, trial as street tree, gardens			•				
<i>Melaleuca armillaris</i>	Bracelet Honey Myrtle	shrub-small tree, shallow latite, dry						•	
<i>Myoporum boninense</i>	Boobialla	low shrub, headlands, coastal				•			
<i>Olearia argophylla</i>	Silver Bush	tall, rainforest margins, trial in gardens		•	•				
<i>Olearia viscidula</i>	Wallaby Weed	shrub to 2m	•		•				
<i>Omalanthus stillingifolius</i>	Bleeding Heart	shrub, gardens public and private				•			
<i>Prostanthera incisa</i>	Cutleaf Mintbush	shrub, fragrance, flowers, shady gardens			•				
<i>Prostanthera lasianthos</i>	WhiteFlowered Mintbush	tall shrub, shade, flowers		•					
<i>Prostanthera linearis</i>	Linearleaf Mintbush	shrub, sunny latite							•
<i>Rubus rosifolius</i>	Native Raspberry	suckering shrub, edible fruit, regeneration	•	•	•	•	•	•	
<i>Solanum aviculare</i>	Kangaroo Apple	shrub, edible fruit, shade	•	•		•			
<i>Tasmannia insipida</i>	Pepper Bush	1-2m, peppery seeds, cooler, better soils		•					
<i>Telopea speciosissima</i>	Waratah	native Budderoo on good soils			•				
<i>Trema aspera</i>	Poison Peach Bush	Non-descript, regeneration only	•		•				
<i>Westringia fruticosa</i>	Coastal Rosemary	dense, salt hardy shrub 1-2m				•			

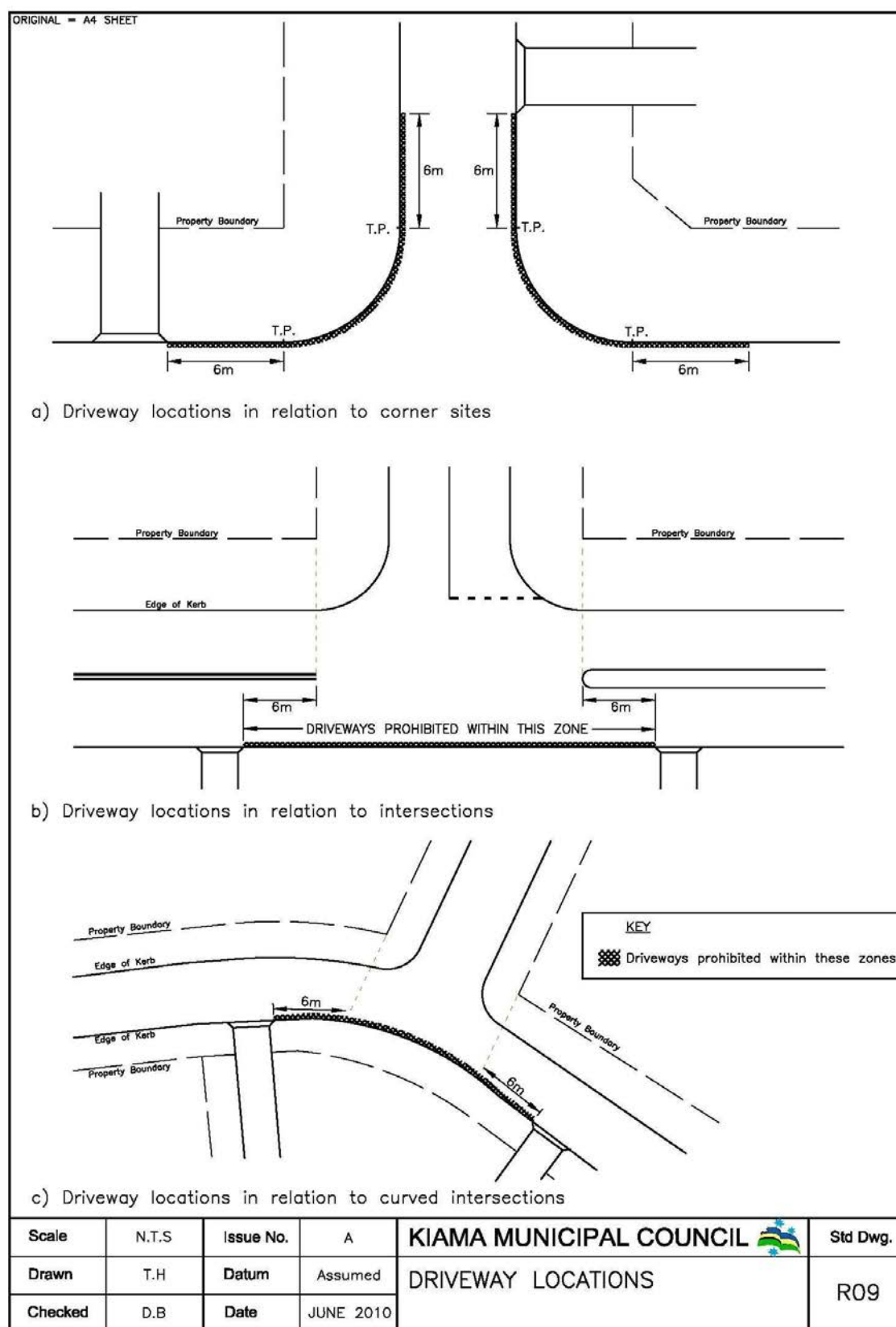
Species	Common Name	Form/Features/Suitable For:	Dry Rainforest	Moist Rainforest	Open Forest	Coastal	Riparian	Open mallee	Aquatic
<i>Wilkiea huegeliana</i>	Veiny Wilkiea	Prickly shrub, rainforest including Littoral, regeneration	•						
<i>Westringia fruticosa</i>	Coastal rosemary	dense, salt hardy shrub 1-2m				•			
<i>Zieria granulata</i>	Kiama Zieria	tall shrub, shallow latite, eg headlands						•	
<i>Zieria smithii</i>	Sandfly Zieria	shrub, flowers, stinky aromatic, gardens	•		•				
Groundcovers/Grassy Sward - Suitable for Habitat									
<i>Aneilema acuminatum</i>		herb, spreading, moist		•			•		
<i>Canavalia rosea</i>	Coastal Jack Bean	vine, hardy, coastal				•			
<i>Centella asiatica</i>	Arthritis Weed	grassy sward, grassed areas, coastal						•	
<i>Cissus antarctica</i>	Native Grape Vine	vine, groundcover	•		•	•			
<i>Dichondra repens</i>	Kidney Weed	grassy sward, shady grass areas						•	
<i>Doodia aspera</i>	Rasp Fern	fern, hardy groundcover	•	•			•		
<i>Hardenbergia violacea</i>	False Sarsparilla	vine, hardy groundcover eg headlands						•	
<i>Hibbertia dentata</i>		vine, groundcover						•	
<i>Hibbertia scandens</i>	Golden Guinea Flower	vine, groundcover						•	
<i>Hydrocotyle spp.</i>	Pennywort	grassy sward, shaded grass areas						•	
<i>Kennedia rubicunda</i>	Running Postman	hardy vine, groundcover, exposed sites						•	
<i>Opismenus aemulus</i>	Mat Grass	grassy sward						•	
<i>Opismenus imbecilis</i>	Mat Grass	grassy sward						•	

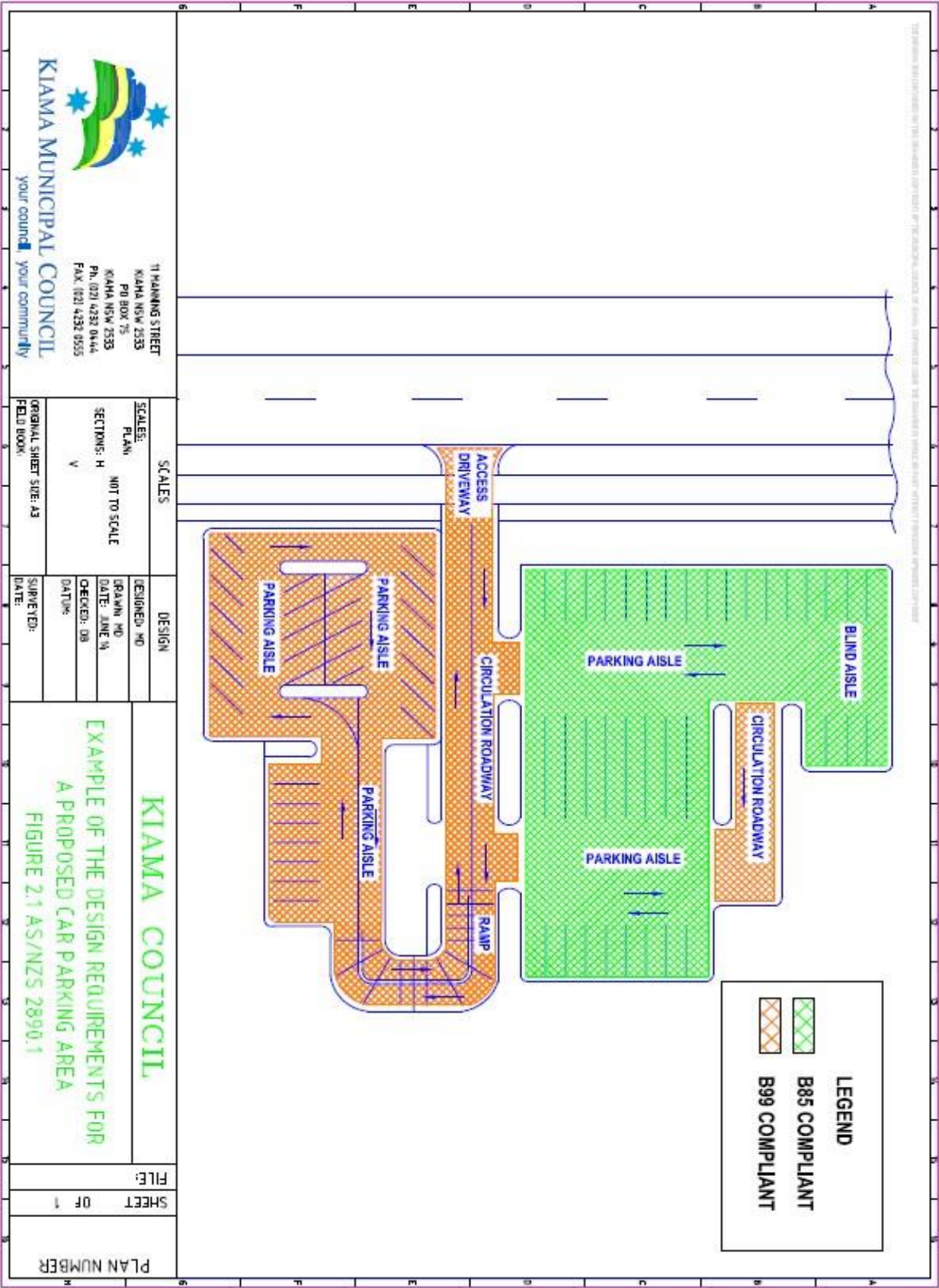
Species	Common Name	Form/Features/Suitable For:	Dry Rainforest	Moist Rainforest	Open Forest	Coastal	Riparian	Open mallee	Aquatic
<i>Pollia crispata</i>	Pollia	groundcover, moist sites					•		
<i>Scaevola calandulacea</i>	Dune Fan Flower	groundcover, blue flowers				•			
<i>Smilax glycyphylla</i>	Sarsparilla	vine, bush 'cure', dry exposed	•		•	•			
<i>Sporobolus virginicus</i> var. <i>minor</i>	Marine Couch	grass, ground cover, salty, coastal				•			
<i>Stellaria flaccida</i>	Swamp Starwort	groundcover, very moist only					•		
<i>Suaeda australis</i>	Seablite	groundcover, salt tolerant sandy				•			
<i>Tetragona tetragonoides</i>	New Zealand Spinach	groundcover, edible, coastal				•			
<i>Themeda australis</i>	Kangaroo Grass	groundcover grass, hardy, coastal, regen,						•	
<i>Viola hederacea</i>	Native Violet	groundcover, flowers, shaded sward					•		
Water Plants – Suitable for Habitat									
<i>Alisma plantago-aquatica</i>	Water Plantain	<1m perennial, rooted in mud dams							
<i>Cyperus exaltatus</i>		Perennial to 2m, rooted in mud, dams							
<i>Elatostema eticulatum</i>	Waterfall Spinach	Herb, on streambanks, water gardens							•
<i>Eleocharis sphacelata</i>	Tall Spikerush	Tall rush, spreads in still water							•
<i>Isachne globosa</i>	Swamp Millet	Groundcover grass, seed, boggy areas							•
<i>Juncus usitatus</i>		Sedge to 1m, water's edge, damp places							•
<i>Ludwigia peploides</i>	Water Primrose	Floating, flowers, still pools							•

Species	Common Name	Form/Features/Suitable For:	Dry Rainforest	Moist Rainforest	Open Forest	Coastal	Riparian	Open mallee	Aquatic
<i>Ottelia ovalifolia</i>	Swamp Lily	Floating, flowers, still pools							•
<i>Paspalum distichum</i>	Water Paspalum	low grass, spreads, edge of still water							•
<i>Persicaria decipiens</i>	Slender Knotweed	Herb, spreading, shallow water, dams							•
<i>Persicaria strigosa</i>	Spotted Knotweed	Herb, spreading, shallow water, dams							•
<i>Phragmites australis</i>	Common Reed	1-2m, spreading, waterbird habitat							•
Plants which form Clumps - Suitable for Habitat									
<i>Bracteantha bracteata</i>	Golden Everlasting	annual herb, gardens, 6						•	
<i>Alocasia brisbanensis</i>	Cunjevoi Lily	lily, riparian, shady					•		
<i>Crinum pedunculatum</i>	Native Crinum Lily	lily, form, flowers-used at Olympic site, 4a				•			
<i>Cymbopogon refractus</i>	Barbed Wire Grass	grass, coastal, shallow soils, 6						•	
<i>Dianella spp.</i>	Flax Lily	groundcover/coastal, general, 1,3,4	•		•	•			
<i>Eustrephus latifolius</i>	Wombat Berry	vine, bush tucker, decorative, 1,3,4	•		•	•			
<i>Gahnia aspera</i>	Small Saw Sedge	sedge, open forest regen, 3			•				
<i>Gymnostachys anceps</i>	Settlers' Flax	sedge, trial landscape use, shape, 1,2	•	•					
<i>Helichrysum elatum</i>	White Everlasting	perennial herb, flower gardens, 3			•				
<i>Lepidosperma laterale</i>		small sedge <1m, 3			•				
<i>Lepyrodia gracilis</i>		weeping sedge, trial water gardens, 3			•				

Species	Common Name	Form/Features/Suitable For:	Dry Rainforest	Moist Rainforest	Open Forest	Coastal	Riparian	Open mallee	Aquatic
<i>Lomandra longifolia</i>	Mat Rush	Sedge, widely used, very hardy, 3,4			•	•			
<i>Plectranthus graveolens</i>	Cockspur Flower	herb on latite, 6						•	
<i>Plectranthus parviflorus</i>	Cockspur Flower	widespread herb, 1,3	•		•				
<i>Poa labillardieri</i> a	Snowgrass	clumps to 1m height , 3			•				
<i>Pteris tremula</i>	Tender Brake	fern, clumps ,shady sites, 2,5		•			•		
Ferns – Suitable for Habitat									
<i>Adiantum aethiopicum</i>	Maidenhair Fern	groundcover, seepage areas					•		
<i>Adiantum formosum</i>	Giant Maidenhair	groundcover, moist shade					•		
<i>Adiantum hispidulum</i>	Rough Maidenhair	groundcover, moist shade					•		
<i>Asplenium australasicum</i>	Bird's Nest Fern	groundcover, grow from spore		•					
<i>Cyathea cooperi</i>	Tree Fern	slender upright to 3m, semi shade	•	•					
<i>Dicksonia antarctica</i>	Soft Tree Fern	stout trunk to 2m, full shade	•	•					
<i>Doodia aspera</i>	Rasp Fern	ground fern, groundcover	•	•			•		
<i>Pellaea falcata</i>	Sickle Fern	substitute for Fishbone Fern	•	•		•	•		
<i>Platyserum bifurcatum</i>	Elkhorn Fern	grow from spore		•					
<i>Pteris tremula</i>	Tender Brake	fern, clumps, shady sites		•			•		

Appendix 3 Driveway Location





Appendix 5 Bicycle Parking Requirements

Table F 2: Bicycle parking provision

Land use	Employee/resident parking spaces	Class	Visitor/shopper parking spaces	Class
Amusement parlour	1 or 2	1 or 2	2, plus 1 per 50 m ² gfa	3
Apartment house	1 per 4 habitable rooms	1	1 per 16 habitable rooms	3
Art gallery	1 per 1500 m ² gfa	2	2, plus 1 per 1500 m ² gfa	3
Bank	1 per 200 m ² gfa	2	2	3
Café	1 per 25 m ² gfa	2	2	3
Community centre	1 per 1500 m ² gfa	2	2, plus 1 per 1500 m ² gfa	3
Consulting rooms	1 per 8 practitioners	2	1 per 4 practitioners	3
Drive-in shopping centre	1 per 300 m ² sales floor	1	1 per 500 m ² sales floor	3
Flat	1 per 3 flats	1	1 per 12 flats	3
General hospital	1 per 15 beds	1	1 per 30 beds	3
General industry	1 per 150 m ² gfa	1 or 2	–	3
Health centre	1 per 400 m ² gfa	1 or 2	1 per 200 m ² gfa	3
Hotel	1 per 25 m ² bar floor area 1 per 100 m ² lounge, beer garden	1 1	1 per 25 m ² bar floor area 1 per 100 m ² lounge, beer garden	3
Indoor recreation facility	1 per 4 employees	1 or 2	1 per 200 m ² gfa	3
Library	1 per 500 m ² gfa	1 or 2	4, plus 2 per 200 m ² gfa	3
Light industry	1 per 1000 m ² gfa	1 or 2	–	3
Major sports ground	1 per 1500 spectator places	1	1 per 250 spectator places	3
Market	–	2	1 per 10 stalls	3
Motel	1 per 40 rooms	1	–	3
Museum	1 per 1500 m ² gfa	1	2, plus 1 per 1500 m ² gfa	3
Nursing home	1 per 7 beds	1	1 per 60 beds	3
Office	1 per 200 m ² gfa	1 or 2	1 per 750 m ² over 1000 m ²	3
Place of assembly	–	2	–	3
Public hall	–	1 or 2	–	3
Residential building	1 per 4 lodging rooms	2	1 per 16 lodging rooms	3
Restaurant	1 per 100 m ² public area	1 or 2	2	3
Retail show room	1 per 750 m ² sales floor	1	1 per 1000 m ² sales floor	3
School	1 per 5 pupils over year 4	2	–	3
Service industry	1 per 800 m ² gfa	1	–	3
Service premises	1 per 200 m ² gfa	1	–	3
Shop	1 per 300 m ² gfa	1	1 per 500 m ² over 1000 m ²	3
Swimming pool	–	1 or 2	2 per 20 m ² of pool area	3
Take-away	1 per 100 m ² gfa	1	1 per 50 m ² gfa	3
University/Inst. of Tech	1 per 100p/t students 2 per 100ft students	1 or 2 2	–	3

How to contact Council

Post

General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
Website: www.kiama.nsw.gov.au



Kiama Development Control Plan 2020

Chapter 4. Heritage and Cultural Conservation



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date approved/adopted	17 March 2020
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Chapter 4. Heritage and Cultural Conservation

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Introduction

This chapter of the DCP is focused on ensuring that there is sufficient understanding of the significance of Kiama Local Government Area's heritage, and that future development is undertaken in accordance with legislative requirements and in a way that is sensitive to the significance of heritage items.

Topic 4.1 - Heritage Items

Aboriginal Cultural Heritage Management

Aims

- | | |
|---------|--|
| A:4.1.1 | To ensure that Aboriginal cultural heritage values, both objects and tangible sites or features as well as intangible spiritual and cultural values, are fully and effectively addressed in the development assessment process and afforded appropriate protection or management consistent with legislative requirements. |
|---------|--|

Objectives

- | | |
|---------|--|
| O:4.1.1 | To provide detailed controls and guidelines intended to assist in the identification, protection and conservation of Aboriginal cultural heritage sites and values in the Kiama Municipal Council Area for the benefit of its citizens, the community generally and for future generations; |
| O:4.1.2 | To increase proponent's awareness of Aboriginal cultural heritage matters and promote the increased identification and recognition of Aboriginal cultural heritage sites and values in the planning and development process; |
| O:4.1.3 | To provide potential proponents and the wider community with clear and accessible: <ul style="list-style-type: none">• information on Council's requirements, and other legislative requirements, for the• conservation of Aboriginal cultural heritage sites and values; |
| O:4.1.4 | To promote and encourage appropriate and sympathetic site design and development solutions for areas having known, or potential, Aboriginal cultural heritage sites and values; |
| O:4.1.5 | To increase community awareness and appreciation of the Aboriginal cultural heritage sites and values of the Kiama Municipal Council area; and |
| O:4.1.6 | To protect and conserve known or potential places or items Aboriginal Cultural Heritage within the Kiama LGA. |

Controls - Aboriginal Cultural Heritage Management Development Assessment Toolkit

- 4.1.1 The [Aboriginal Cultural Heritage Management Development Assessment Toolkit](#), adopted by Council 21 May 2013, shall be used to determine if an Aboriginal Cultural Heritage Investigation or Assessment is required.
- 4.1.2 An [Aboriginal Cultural Heritage Investigation or Assessment](#) (see below) is not required:
- for sites that Council considers as being highly disturbed landscapes (and do not contain a declared Aboriginal Place or known Aboriginal site or object); or
 - where it can be demonstrated that the site has been substantially disturbed over an equal or greater area, and to an equal or greater depth and/or severity, than would result from the proposed development or activity; or
 - where a detailed Aboriginal Cultural Heritage Assessment or archaeological investigation, of an acceptable standard and including the required level of Aboriginal community consultation, has been undertaken over the entire site within the last 10 years.
- 4.1.3 The [Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales](#), prepared by the NSW Department of Environment, Climate Change & Water, shall be used when preparing to undertake development on land which may contain items or places of Aboriginal Cultural Heritage.

Controls - Preliminary Aboriginal Cultural Heritage Investigation

- 4.1.4 Council will require, in accordance with the [Aboriginal Cultural Heritage Management Development Assessment Toolkit](#), a Preliminary Aboriginal Cultural Heritage Investigation (level 1 assessment) to be undertaken for a development proposal that is:
- within an environmentally sensitive area, as defined by the [Kiama LEP 2011](#); or
 - for a site containing mature trees, that may be over 150 years old and so have the potential for Aboriginal scarring (including living trees, standing dead trees, stumps or stags, fallen trees and logs); or
 - for a site containing any of the following small scale landscape features that may potentially hold Aboriginal cultural heritage sites/objects:
 - the riparian corridor 200 metres wide on each side of permanent or ephemeral creeks;
 - watercourses (including waterways subsequently modified by post-settlement activity);
 - sandstone outcrops adjacent to waterways/watercourses;
 - exposed sandstone platforms or relatively level sandstone outcrops (including platforms and outcrops that may have been buried or covered due to post-contact land uses);
 - rock overhangs/shelters over 1 metre high (especially with relatively level and/or dry floors);
 - areas of undisturbed native vegetation in excess of 100m² or covering 10% or more of a site (whichever is the greater for the site in question);
 - spurs, ridgelines, ridge tops and high points or knolls; and
 - cliffs, including areas above or below cliff lines; or

- located within a “sensitive landscape setting” which includes land which is:
 - within 200 metres of waters (meaning any river, stream, lake, lagoon, swamp, wetlands, natural watercourse, or tidal waters including the sea); or
 - located within a sand dune system (including marine/coastal, estuarine, fluvial/riverine or Aeolian dunes); or
 - located on a ridge top, ridge line or headland; or
 - located within 200 metres below or above a cliff face; or
 - within 20 metres of or in a cave, rock shelter, or a cave mouth.
- 4.1.5 Aboriginal Cultural Heritage Investigation’s shall be undertaken by a suitably qualified or experienced person, with expertise in Aboriginal cultural heritage, and will include as a minimum:
- a search of the Aboriginal sites database and other information held by the Office of Environment and Heritage;
 - the involvement of, and consultation with, local Aboriginal people or organisations;
 - background research relevant to the site, its Aboriginal cultural heritage context, landscape setting, and land use history; and
 - an on-ground site inspection.

Controls - Aboriginal Cultural Heritage Assessment

- 4.1.6 Council will require, in accordance with the [Aboriginal Cultural Heritage Management Development Assessment Toolkit](#), an Aboriginal Cultural Heritage Assessment (level 2 assessment) to be undertaken for development proposal that is:
- within a site that is part of an Aboriginal Place as declared under the [National Parks and Wildlife Act 1974](#); or
 - for a site containing a known Aboriginal site or object, as recorded by the Office of Environment and Heritage or identified by previous Aboriginal cultural heritage studies. All known places or items of Aboriginal Cultural Heritage are listed on the NSW Government’s [Aboriginal Heritage Information Management System](#) (AHIMS) database.
- 4.1.7 Aboriginal Cultural Heritage Assessment’s shall be undertaken by a suitably qualified and experienced person, with expertise in Aboriginal cultural heritage, and will be consistent in terms of consultation with the Aboriginal community, process and content with the Office of Aboriginal Cultural Heritage Management Environment and Heritage publication [Aboriginal Cultural Heritage Consultation Requirements for Proponents \(2010\)](#) and other applicable guidelines as published by this agency. Adequate consultation with the Illawarra Aboriginal community will be a critical element in the preparation of an Aboriginal Cultural Heritage Assessment.

Controls - Unexpected Aboriginal Finds

- 4.1.8 All Aboriginal relics in NSW are protected under the [National Parks and Wildlife Act 1974](#), which makes it an offence to knowingly damage, disturb, deface or destroy an Aboriginal relic or site. The following requirements apply to any unexpected find containing Aboriginal cultural material during demolition, excavation or construction:
- All works must cease immediately and the Office of Environment and Heritage (OEH) must be informed of the find.
 - Should there be any human remains in the find, then the NSW Coroner's Office and the NSW Police must also be informed.
 - Following any finds, the OEH, the local Aboriginal Land Council, the Kiama Aboriginal Reference Group and a suitably qualified and experienced archaeologist shall be consulted in the preparation of a management strategy, with all costs to be borne by the developer, which may include the requirement to apply for an Aboriginal Heritage Impact Permit with OEH.
 - The find will be recorded in accordance with the requirements of the National Parks and Wildlife Act 1974 and OEH guidelines. This will result in the places or items of Aboriginal Cultural Heritage being listed on the AHIMS database.
 - Work shall not recommence on site until advised in writing by the OEH.

Controls - Known or Potential Aboriginal Cultural Heritage Places or Items

Where the development involving disturbance of a known or potential Aboriginal Cultural Heritage places or items, Council will notify the NSW Heritage Branch of the Office of Environment & Heritage in accordance with the [National Parks and Wildlife Act 1974](#).

- 4.1.9 As part of their due diligence all applicants shall refer to the AHIMS database to confirm if any known Aboriginal Cultural Heritage places or items are present on or near the subject site.
- 4.1.10 Council may require that an archaeological assessment of a site be carried out prior to the determination of a development application.
- 4.1.11 In accordance with the [Aboriginal Cultural Heritage Management Development Assessment Toolkit](#), Council will require an Aboriginal Cultural Heritage Assessment (level 2 assessment) to be undertaken for development on a site that is near or contains any known Aboriginal Cultural Heritage places or items.
- 4.1.12 Where development is proposed on sites containing or near known or potential Aboriginal Cultural Heritage places or items, the development is to be designed to avoid disturbing the places or items in the first instance. For residential subdivisions this may include retaining the archaeological sites within public recreational land.
- 4.1.13 Where disturbance of Aboriginal Cultural Heritage places or items cannot be avoided an [Aboriginal Heritage Impact Permit \(AHIP\)](#), issued by the Office of Environment and Heritage, will need to be supplied to Council as part of the Development Application.

European Cultural Heritage Management

Aims

A:4.1.2	To ensure that identified values of heritage listed sites are fully and effectively addressed in the development assessment process and afforded appropriate protection or management consistent with legislative requirements.
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Objectives

O:4.1.7	To provide detailed controls and guidelines intended to ensure that new development in the vicinity of a heritage item or on the site of a heritage item, maintains and enhances the heritage values of the item for the benefit of Kiama Local Government Areas' citizens, the community generally and for future generations
O:4.1.8	To provide detailed controls and guidelines intended to ensure that alterations and additions to heritage items are carried out in a manner which maintains and enhances the heritage values of the item for the benefit of Kiama Local Government Areas' citizens, the community generally and for future generations
O:4.1.9	To ensure that public domain heritage items which includes, but is not limited to trees, parks, monuments and cemeteries are adequately maintained and conserved for the benefit of Kiama Local Government Areas' citizens, the community generally and for future generations

The built European heritage of Kiama LGA is protected under the provision of State Government legislation which includes the [Environmental Planning and Assessment Act 1979](#) and the [Heritage Act 1977](#). To assist in the management of heritage items, levels of significance are assigned to an item. In NSW, a heritage item may be identified as having a State or Local level of significance. [Schedule 5](#) in Kiama LEP 2011 lists 163 heritage items comprising residential and commercial properties, municipal and industrial properties, places of Worship, State and Commonwealth government properties, dry stone walls, cemeteries and grave sites, parks, monuments and trees, movable objects, and archaeological sites. There are thirteen heritage items of State significance identified on the [State Heritage Register](#) which are located in the Kiama LGA and these items have value to the people of New South Wales and to the Nation as a whole.

When is Development Consent Required?

Certain types of development on land that contains a heritage item will require consent from Council i.e. the submission of a Development Application (DA). [Clause 5.10\(2\)](#) LEP 2011 lists a range of activities which require development consent.

Developers and their consultants are encouraged to discuss their proposals with Council's Development Assessment Officers prior to preparing concept plans and submitting a Development Application. Council may refer concept plans onto its Heritage Advisor where development impacts require an expert assessment. Such consultation may benefit the applicant in ensuring smooth processing of their application and earlier determination times.

The successful design of new development in the vicinity of a heritage item, on the site of a heritage item, and alterations and additions to a heritage item must have regard, and be appropriate under the following design criteria:

- a) *Character* - The character of the built environment is shaped by many contributing factors including: the natural landform; landscape elements; date and style of buildings; scale and form of buildings; street and subdivision patterns; building setbacks; materials and details; and views, vistas and skylines.
- b) *Scale* - Scale encompasses proportion, height and bulk, and relates to the size of buildings relative to surrounding buildings.
- c) *Form* - Form relates to the overall shape and volume of a building, and the arrangement of its parts including the roof and façade.
- d) *Siting* - Siting relates to the positioning of buildings on allotments, which includes houses, garages and carports.
- e) *Materials and Detailing* - Proposed alterations and additions to heritage items and new development in the vicinity of a heritage item or within the site of a heritage item should recognise and respond to the predominant materials, textures, and details which contribute to the character of a locality.

When is Development Consent Not Required?

Some works do not require development consent where Council considers that the proposed works are of a minor nature and will not have an adverse impact on the heritage significance of the heritage item. [Clause 5.10\(3\)](#) of Kiama LEP 2011 lists a range of activities which do not require development consent.

Developers and their consultants are advised to contact Council's Development Assessment Officers to confirm if consent is not required for their proposed works.

When is a Heritage Management Document Required?

Council must consider the effect the proposed development will have on heritage items located on the development site or on adjoining lands. To assist Council in assessing impacts, a heritage management document may be required to be submitted with the DA in the form of a Heritage Impact Statement and/or Conservation Management Plan. Developers and their consultants are advised to contact Council's Development Assessment Officers to confirm what heritage management documents are required to be submitted with a DA.

What is a Heritage Impact Statement?

A Heritage Impact Statement (HIS) is a succinct report prepared by a professional heritage consultant which includes the following:

- Why the item is of heritage significance; and
- What impact the proposed works will have on that significance; and
- What measures are proposed to mitigate negative impacts; and
- Justification for the option chosen.

A HIS should be prepared in accordance with NSW Heritage Branch of the NSW Office of Environment & Heritage (OEH) published guidelines.

What is a Conservation Management Plan?

A Conservation Management Plan (CMP) is generally required for items listed in the [State Heritage Register](#) and is a more detailed report than a HIS. A CMP consists of two parts:

- Part 1 assesses the significance of a place and its elements and provides a succinct statement of significance; and
- Part 2 provides policies and strategies to help guide future works, management, and maintenance of the place. The policies must address all of the issues required to retain the significance of the place and its elements.

CMP's shall be prepared by professional heritage consultants in consultation with Council. The structure of the CMP should follow the methodology and structure outlined in J.S. Kerr, *The Conservation Plan*, 6th edition, National Trust of Australia (NSW) 2004, and NSW Heritage Branch published guidelines.

What is the Burra Charter?

The [Burra Charter](#) is a statement of conservation principles developed in 1979 by the Australian Chapter of the International Council on Monuments and Sites (ICOMOS). The Charter provides a set of definitions, principles, processes and practices to guide the conservation of places. The Charter identifies the significance of a place from the following values: Historical, Aesthetic, Social and Scientific.

How is 'heritage significance' defined?

The NSW Heritage Branch of the Office of Environment and Heritage has established seven criteria for assessing heritage significance, which encompass the four values in the [Burra Charter](#):

- Criterion (a) - An item is important in the course, or pattern of NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (b) - An item has strong or special association with the life or works of a person, or group of persons of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (c) - An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).
- Criterion (d) - An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.
- Criterion (e) - An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).
- Criterion (f) - An item possesses uncommon, rare, or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

- Criterion (g) - An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places and Cultural or natural environments.

As a general rule to proposing a change to a heritage item, the Burra Charter advocates a cautious approach: *Do as much as necessary to care for the place and make it useable, but otherwise change it as little as possible and implement changes that do not compromise the cultural significance of the property or locality.*

What conservation incentives are there?

In order to assist owners and managers of heritage items, Council may grant consent to development for any purpose on the site of a heritage item where there is demonstrated benefit towards the conservation of the item, even though development for that purpose would otherwise not be allowed in the Kiama LEP 2011. [Clause 5.10\(10\)](#) of Kiama LEP 2011 sets out five criteria which must be satisfied before consent can be granted.

Council can also provide advice for owners and managers of heritage items. This type of advice includes information and guidance on infill development, alterations and additions, colour schemes, fencing, and repair and maintenance.

For properties listed on the [State Heritage Register](#) or [Register of the National Estate](#), there may be potential for State and/or Federal government funding. There may also be potential tax benefits for heritage listed properties which should be discussed with a qualified professional accountant.

Controls - New Developments

- 4.1.14 New development in the vicinity of a heritage item or on the site of a heritage item should harmonise with its surroundings. Through careful analysis and evaluation of the historic context of the heritage item, new development must be appropriate in its scale, form, siting, materials and colour and detailing.
- 4.1.15 New development in the vicinity of a heritage item or on the site of a heritage item need not replicate exactly that of the heritage item, but rather through careful analysis of significant design characteristics sympathetically interpret and design new works which are in harmony with the character of the heritage item.
- 4.1.16 New development in the vicinity of a heritage item or on the site of a heritage item should recognise the predominate scale (height, bulk, density, grain) of existing development and respond sympathetically in the design of new works.
- 4.1.17 The form of new development in the vicinity of a heritage item or on the site of a heritage item need not replicate exactly that of adjacent historic properties, but should however visually respect and relate to them in a positive way.
- 4.1.18 The form of new development in the vicinity of a heritage item or on the site of a heritage item should respond to adjacent historic properties with respect to treatment of facades and side elevations visible from the street or prominent locations.
- 4.1.19 The design of roof forms for new development in the vicinity of a heritage item or on the site of a heritage item should respect the scale, form, detail and pitch of adjacent historic properties.
- 4.1.20 New development in the vicinity of a heritage item should be sited to reflect the prevailing rhythm, spacing, orientation, and front and side setbacks of buildings within a streetscape or landscape which includes a heritage item.
- 4.1.21 New development within the site of a heritage item should be sited to minimise adverse impacts on the setting and significant views to and from the place.

- 4.1.22 The design of facades/walls in development located in the vicinity of a heritage item or on the site of a heritage item that are visible from the street or prominent location should use materials and colours which are characteristic of the area, such as brickwork, render or timber etc. Other materials may be used but must be harmonious and sympathetic with the character of the area and should be chosen for their complimentary qualities in relation to colour, texture and tonal contrast.
- 4.1.23 New buildings in the vicinity or within the site of a heritage item should use colours which harmonise with traditional colour schemes.
- 4.1.24 The principal elevation of new buildings located in the vicinity of a heritage item or on the site of a heritage item should provide a level of detail and design of openings that is in proportion with and similar to that of the adjacent heritage item.
- 4.1.25 New development in the vicinity of a heritage item should include landscape details such as fences, garden walls and planting treatments which respond to and are sympathetic with the character of the item.

Controls - Alterations & Additions

- 4.1.26 New infill within town centres which include heritage items should recognise and respond in a sympathetic way to key elements and features which define the historic character of the townscape such as rooflines, parapets, street awnings, shopfronts, and treatment of facades with respect to proportion, modulation and number of openings.
- 4.1.27 In designing new additions to single-storey heritage items, generally limit new works to single-storey and preferably locate to the rear of the existing building. The above requirement may be varied to suit specific site conditions. New roof and building mass should not project above or dominate the existing building scale.
- 4.1.28 New additions to two-storey heritage items should preferably be single-storey, or double storey with justification. Any new development should generally be located to the rear of the existing building, but may be varied to suit specific site conditions.
- 4.1.29 For heritage items, changes to original roofs should be minimal, particularly if seen from the street or prominent locations, and be determined by the building context. Roof elements such as skylights should not be located where visually prominent in the streetscape or prominent locations.
- 4.1.30 New work to the rear of an existing building can either extend the existing roof form, pitch and eaves, or, where the roofline is not maintained, be of a more subservient/differential style such as a skillion or flat/parapet style roof.
- 4.1.31 Where new roofing of a visually detached addition projects above the existing roofline in the case of a second storey addition, it should be of similar pitch and form to the original.
- 4.1.32 The re-roofing of the main body of a house is not generally desirable, except where justified due to deterioration, and only if new roofing matches original materials.
- 4.1.33 If visible in the streetscape or prominent locations, new roofing to development in the vicinity of a heritage item, on the site of a heritage item or as part of alterations and additions to a heritage item should be consistent with existing materials.

- 4.1.34 The materials, textures, and detailing of alterations and additions to a heritage item and new buildings on the site of a heritage item or in the vicinity of a heritage item need not mimic exactly existing original details, but rather re-interpret and be compatible with the materials, textures and details of a heritage item.
- 4.1.35 When proposing to repaint external fabric of a heritage item, re-instatement of traditional colour schemes is strongly encouraged. Evidence of original schemes may be determined by scraping back paint from areas that are not subject to intense weathering. Advice may be sought from Council's Heritage Advisor should you wish to investigate colour schemes for your building.
- 4.1.36 Where new doors, windows or verandahs are visible from the street or prominent location, they should be of similar proportion, size, location and detailing to original elements. If there is no indication of original treatment, the design of new doors and windows should be generally vertically emphasised and kept simple.
- 4.1.37 The retention and repair of original architectural details including doors, windows, verandah piers and columns, decorative timber work to verandas and gables, cast iron decoration, roughcast and tile work in principal elevations is encouraged. Original lead lights and coloured glass panes should be preserved.
- 4.1.38 Existing incompatible/intrusive elements (e.g. non original aluminium windows and doors, aluminium or vinyl cladding) in principal elevations and prominent locations should be replaced where alterations and additions are proposed.
- 4.1.39 Original verandas and external detailing in general should be preserved and restored, or reconstructed where necessary. Removal or infilling of verandahs visible from the street or prominent locations is generally not supported.
- 4.1.40 Heritage items with original facades/walls comprised of unpainted brickwork or stonework are not to be painted, rendered or bagged.
- 4.1.41 Paint should not be applied to original brickwork, stonework, exposed bricks on chimneys, terracotta chimneypots, tessellated or glazed tiling, slate verandah edging and steps, or any other unpainted surfaces of a heritage item.
- 4.1.42 New ancillary buildings including garages and carports proposed within the site of a heritage item should preferably be detached and located in traditional locations, that is, to the rear or side of the dwelling, and set back from the front façade.
- 4.1.43 Garages, carports and outbuildings etc. should be designed to be subservient in scale to the main building, with recessive or darker colours that reduce visual prominence.
- 4.1.44 Generally designs for garages, carports and out buildings etc. should be kept simple. Do not mimic elaborate design elements of the main dwelling if it over-emphasises the garage or carport appearance.
- 4.1.45 Brushed concrete, gravel, crushed sandstone, dark segmental pavers, or driveways designed as separated wheel strips are appropriate in preference to light coloured paving, "faux brick" or stencil finishes which are generally not supported.
- 4.1.46 Driveways and hardstands should be a maximum of 3.5 metres at the street frontage and should be kept simple.

- 4.1.47 Existing fencing that is original should be retained and conserved.
- 4.1.48 Alterations and additions or new buildings in urban areas should generally provide for a new fence of appropriate materials, colours and scale where no fencing exists. Fencing should be kept simple, with a level of detail compatible with the heritage item.
- 4.1.49 Original landscape details including fencing, garden walls, paving and paths, planting schemes and other garden features which contribute to the significance of a heritage item should be retained.

Dry Stone Walls

Objectives

- | | |
|---------|---|
| O4.1.10 | To conserve, protect and enhance Kiama LGA's unique historic dry stone walls for the benefit of its citizens, the community generally and for future generations. |
| O4.1.11 | To ensure new development in the vicinity of a dry stone and any alterations to a dry stone is carried out in a manner which minimises adverse impacts. |

There are over 360 dry stone walls located within the Kiama Municipal Council area which have been mapped and have had their heritage value assessed. Council has inventory reports for a majority of the dry stone walls noted above which are available to the public. Dry stone walls are identified as items of environmental heritage in [Kiama LEP 2011](#) and consequently any proposal to demolish, damage, alter (including making breaks), dismantle, or destroy these walls (in whole or in part) requires Council's consent. Development Applications (DA) must show the location of dry stone walls accurately plotted on a site analysis plans, engineering plans, layout plans and concept landscape plans, including any walls located on adjoining land, such as within the road reserve. The condition of the dry stone wall, and any proposed alterations to the wall (e.g. to provide access) should be addressed in a Statement of Environmental Effects submitted with the development application. Specialist advice may be necessary from an expert in dry stone walls.

In addition to the above, a [Heritage Impact Statement](#) may be required by Council if it is of the opinion that there is the potential for a dry stone wall to be adversely affected by proposed development. It is strongly advised that applicants discuss their proposals with Council before lodging a DA so as to confirm Council's submission requirements and minimise potential delays.

The rebuilding of deteriorated walls is encouraged and may be also required as a condition of the development consent. Competent, experienced dry stone wall builders are to be engaged for such a task to ensure that the integrity of the walls is retained. For the purposes of this DCP, rebuilding shall mean restoration or reconstruction as defined by the [Burra Charter](#).

It is common to see Tecomaria hedges or historic planting alongside dry stone walls in the Kiama LGA. These were planted to provide additional windbreaks or shelter for cattle. In some instances these hedges or trees have engulfed the original wall, often to the point where the latter is invisible, and/or has been damaged by a combination of sheltering cattle and invasive tree roots. Because these hedges and rows were cultural plantings by early farmers, they do have some heritage value, and careful consideration needs to be given to their management. Such plantings also provide valuable habitat for native fauna. As a consequence, in some cases it would be desirable to retain the hedge and allow it to contain

the old wall within it, rather than cutting or poisoning the hedge in order to display and/or repair the wall. In other cases, the vegetation may be present only sporadically, and represent fortuitous generation rather than deliberate planting by the farmers, and its removal may well be justified based on the significance and integrity of the wall.

Many walls have become habitat for the plant *Zieria granulata*. This plant is also known as Illawarra Zieria and is projected under the *Threatened Species Conservation Act 1995*. Before any work is undertaken near or on dry stone walls reasonable effort must be taken to identify any vegetation to be removed to ensure that no *Zieria granulata* is harmed. Further information is contained in Council's management plan for the conservation and regeneration of *Zieria granulata* and dry stone walls on Saddleback Mountain Road and Old Saddleback Road, Kiama regarding obligations and procedures.

Finally, the [Burra Charter](#) advocates a cautious approach to change: "all that is necessary, as little as possible". The above philosophy should underpin all proposed works to historic dry stone walls.

Controls

- 4.1.50 Dry Stone Walls shall not be altered, demolished or rebuilt without Council's consent. Non-compliance with this requirement constitutes an offence under the [Environmental Planning and Assessment Act 1979](#).
- 4.1.51 The replacement of dislodged or occasional missing stones and the removal of invasive vegetation by hand is regarded as routine maintenance. However, actions such as burning of vegetation alongside or protruding into walls, or blasting it off by water hoses or the like is not permitted, since it can crack the stones, destabilise the walls and destroy the surface lichen.
- 4.1.52 Development applications which require the alteration, demolition or rebuilding of dry stone walls will have regard to the heritage significance of the wall and general amenity benefits to the community in retaining walls intact especially where they form site boundaries or are located within roads.
- 4.1.53 Council may restrict openings in walls to locations where existing breaks or past damage provides a natural or opportunistic break in otherwise generally intact walls.
- 4.1.54 Council may place restrictions on the Section 88B Instrument at Subdivision Certificate approval stage to assist the conservation of dry stone walls.
- 4.1.55 Where a dry stone wall is located on the front or rear lot boundary that is adjacent to a road, all buildings and domestic structures (e.g. sheds, pergolas, clothes hoists and the like) must be located at least six (6) metres away from the wall. Screening must also be provided to obscure clothes drying areas from view from the adjacent road.
- 4.1.56 Where a dry stone wall is located on a side boundary that is adjacent to a road, all buildings and domestic structures (e.g. sheds, pergolas, clothes hoists and the like) must be located at least 3.5 metres away from the wall. Screening must also be provided to obscure clothes drying areas from view from the adjacent road.

- 4.1.57 Council may consider some breaks or the relocation of stone walls or parts of stone walls which are of relatively minor significance, and where this is considered justifiable in the circumstances of the case. As a general principle, if other means of access and egress can be achieved without having to make a new break in an existing wall, then that course should be adopted. A succession of breaks in walls of heritage significance to provide access to driveways for each dwelling in a proposed subdivision would substantially reduce heritage value and generally will not be permitted. Alternative means of achieving such access, e.g. by having an internal collector road within a subdivision should be considered, as has been implemented previously in the municipality.
- 4.1.58 The non-disclosure of the existence of a dry stone wall, or the non-detection and therefore non-recording and assessment by Council, does not constitute a legal reason for undertaking its alteration, demolition or rebuilding without Council consent.

Topic 4.2 - Heritage Conservation Areas

Pheasant Point Heritage Conservation Area

Objectives

- | | |
|---------|--|
| O:4.2.1 | To conserve the environmental heritage of the Pheasant Point HCA; |
| O:4.2.2 | To conserve and enhance the heritage significance, including the associated fabric, settings and views, of the Pheasant Point HCA; and |
| O:4.2.3 | To ensure development is to be sympathetic to the heritage context of the Pheasant Point HCA. |

Purpose of this section

The [Pheasant Point Heritage Conservation Area \(HCA\)](#) has a particular character which warrants preservation. The design of alterations and additions to existing buildings and new buildings located within the Pheasant Point HCA should maintain and enhance the distinctive historic character of the precinct. This does not mean that old homes cannot be brought up to modern standards of convenience and comfort. However, it is necessary to conserve those features of the building and its surrounding environment which give it heritage significance.

The overall guiding principle for the design of any new development in the Pheasant Point HCA is that it compliments the character, scale, form, siting, material and colours, detailing and general appearance of existing original buildings and landscape features in the streetscape, and, to preserve and be sympathetic with those special qualities which define the historic character of the precinct.

Historic Character of Pheasant Point

The significance of a Pheasant Point HCA is the special value that such a precinct, and the buildings and items of which it is comprised, should have for past, present and future generations. This value represents historic links, aesthetic or technical achievements, scientific potential or community esteem. That significance is embodied in the remaining original physical fabric of a building or place and in its relationship with its setting and with the historical documentation which tells its story. The importance of the Pheasant Point HCA is enhanced by its elevation on the higher slopes of Kiama, which means it can be appreciated from numerous public vantage points in the Kiama town centre.

The cultural significance of the Pheasant Point HCA is summed up in the Statement of Significance in the National Trust Register Listing Report for the precinct:

The Precinct and other historic properties on both the eastern and western side of Collins Street form a complex of 19th century houses which presents a "19th Century gateway" to Kiama for residents and tourists alike. The Precinct has social significance as this collection of houses in their unique streetscape are valued by the community at large and by residents of the precinct as representative of the period of Kiama's social history when the social and economic life of the community was based on bluestone quarrying.

The Precinct has the potential to provide historical and physical evidence of this period of Kiama's history through archaeological investigation of the well and the site of the Fig Tree Inn.

This collection of 19th century houses within their narrow streetscape has been identified as the only complete collection of 19th century quarry workers' houses in Kiama in which, to date, there has been no demolition or unsympathetic infill.

In summary, the Pheasant Point HCA is important because:

1. The group of cottages are associated with an important historic period in Kiama history from 1876-1891, referred to as the "Basalt Boom".
2. The majority of houses in the precinct are well maintained and are of a consistent scale with some demonstrating a high degree of intactness.
3. The precinct possesses streetscape significance in part due to the unique siting of cottages in Devonshire and Fitzroy Streets which sit within the narrow "lanes" of the original 1870s subdivision.
4. The precinct is increasingly rare as an excellent group of weatherboard cottages.
5. The precinct is highly visible and makes a significant contribution to the townscape of Kiama.

Key Historic Elements

The key elements which define the historic character of the Pheasant Point HCA are referred to in the Statement of Significance in the National Trust Register Listing Report for the precinct and are outlined below:

Historic Context

The area consists of a fairly homogenous collection of predominantly residential dwellings built in the latter half of the 19th Century. Late Victorian and early Federation Period Georgian style weatherboard cottages. The Statement of Significance in the National Trust Register Listing Report provides the following commentary in regards to the historic context of the Pheasant Point HCA:

Pheasant Point Heritage Precinct at Minnamurra, Devonshire and Fitzroy Streets, Kiama has historic significance as its houses and their streetscapes provide important physical evidence of Kiama's 19th century history. No 10 Fitzroy Street appears to be the original William Gard Cottage dating from the 1840s/50s. The buildings at No 12 Fitzroy Street were originally part of the Gard farm complex and the site of the original Figtree Inn and have further significance through their conversion into two cottages for foremen during Kiama's historic bluestone quarrying period from 1876 to 1890. The Precinct has additional historic significance as the twelve quarry workers' cottages in Minnamurra, Devonshire and Fitzroy Streets and the "Bellevue" guesthouse were built on the subdivision created by William Geoghegan in the 1870s and the layout and location of the houses has not changed since the subdivision was registered.

The historic subdivision and its association with the Crown Lease to William Gard and early subdivision, together with the quarry workers cottages, are representative of the nature and extent of housing development in Kiama in the mid to the late 19th century.

Landform and Subdivision Pattern

The sharply sloping topography and the resulting narrow nature of Fitzroy and Devonshire Streets, with minimal nature strips, have greatly influenced the historic character of the Pheasant Point HCA. Minnamurra Street's grassed sloping nature strip, with minimal street plantings, is a key historic element. The subdivision pattern is characterised by small-size allotments, most with multiple street frontages. The Statement of Significance in the National Trust Register Listing Report provides the following commentary in regards to the landform and subdivision pattern of the Pheasant Point HCA:

The narrow proportions of Devonshire and Fitzroy Streets, with the cottages stepping up the hill slope overlooking Kiama Harbour, gives the area a special and unique character.

Siting and Style of Buildings

The majority of buildings are single storey cottages. The obvious exceptions are the two-storey former boarding house, which has been reconstructed for serviced apartment accommodation, and *the "Bellevue" guesthouse*. The cottages are defined by their symmetrical facades, which have limited variety in the form of window openings, doors and veranda elements. The cottages have pitched roofs with hips.

The buildings in the Pheasant Point HCA have consistent front boundary setbacks. Cottages in Minnamurra and Devonshire Streets have more generous front boundary setbacks, while the cottages in Fitzroy Street are sited closer to the front boundary. Cottages in Minnamurra and Devonshire Streets are built close to the side (eastern) boundary with open space between the dwelling and western side boundary. The Statement of Significance in the National Trust Register Listing Report provides the following commentary in regards to the sitting and style of buildings in the Pheasant Point HCA:

The Precinct has aesthetic significance through the uniformity of form and fabric, set back and location of these 19th century cottages as unique features of Kiama's historic landscape.

Building materials and Techniques

The buildings in the Pheasant Point HCA are primarily timber-framed and originally clad with timber weatherboards. Most buildings are roofed with corrugated metal sheeting, with a consistency of roof pitch throughout the Pheasant Point HCA.

Windows are typically single units with vertically proportioned elements. The original window fenestration typically consist of timber double-hung sashes. Verandas are simply detailed with a timber beam and timber column supports. Door openings are generally recessed within the veranda and are single leaf openings.

Some dwellings have single-space garages located behind the front building line or to the rear of the property. Driveways are minor, single-width, and are generally set adjacent to a side boundary. Historically, garages and driveways were not present within the Pheasant Point HCA.

The Statement of Significance in the National Trust Register Listing Report provides the following commentary in regards to the building materials and techniques in the Pheasant Point HCA:

The exposed bluestone foundations underpinning all the cottages are an aesthetically significant feature in the locality. The high-pitched corrugated-iron rooflines and house profiles are a distinctive feature of the Precinct when viewed from the harbour. Houses within this precinct and their streetscape exhibit building techniques and materials used in the construction of low cost housing for quarry workers in the late 19th Century (e.g. roof construction using no internal bracing, mortice and tenon joints on internal frames and pine internal timber lining on floors, ceilings and walls).

Landscaping

Historically, properties in the Pheasant Point HCA were fenced with timber picket fences. The properties contained minimal landscaping which assisted in the buildings being appreciated from numerous public vantage points in the Kiama town centre.

In more recent times a variety of non-original fencing along the street boundaries in Minnamurra and Devonshire Streets has been constructed. This includes low bluestone fences, hedges, picket fence and a woven wire fence. Side boundary fencing is generally timber paling. A variety of landscape treatments ranging from predominantly turf to dense shrubbery has also been established. The more recent landscaping treatment detracts from the heritage significance of the Pheasant Point HCA.



Figure 1: Photograph of Pheasant Point Area - Circa 1920.

Types of Heritage Items

A number of the properties within the Pheasant Point HCA are listed as individual heritage items in Schedule 5 of the Kiama LEP 2011. A full list of these items is provided in Appendix to this Chapter. The Burra Charter is a set of best practice principles and procedures for heritage conservation. It was developed by Australia ICOMOS (International Council for Monuments and Sites), the Australian group of the international professional organisation for conservation. Inherent in the LEP 2011 and the Burra Charter are principles that are fundamental to planning the care of heritage items and places. The principles are that:

- there are places worth keeping because they enrich our lives by helping us to understand the past, by contributing to the richness of the present environment and because we expect them to be of value to future generations
- the cultural significance of a place is embodied in its fabric, its setting and its contents; in the associated documents; and in people's memory and association with the place
- the cultural significance of a place, and other issues affecting its future, are best understood by a methodical process of collecting and analysing information before making decisions
- keeping accurate records about decisions and changes to a place helps in its care, management and interpretation.

The principles should be followed by those responsible for the care, control and management of items or places of all levels of heritage significance.

Council recognises that buildings in conservation areas are not museum pieces and stresses that the important principle is to respect their essential character by conserving significant elements and adding new sympathetically designed elements. Buildings in the Pheasant Point HCA fall into one of 3 categories:

1. Contributory Items

Are buildings within the precinct which positively contribute to the heritage character of the Pheasant Point HCA, particularly when viewed from the public domain/streetscape. The original fabric of these buildings are typically highly intact or with minor alterations that are easily reversible. The level of heritage significance can also make a building a contributory item.

2. Neutral Items

Are buildings within the precinct which are neither contributory nor non-contributory. These buildings are often listed as heritage items but have undergone substantial alterations.

3. Non-contributory Items

Are buildings within the Pheasant Point HCA which detract from the heritage character of the area. These buildings are either intrusive, or consist of intrusive alterations, due to inappropriate character, scale, form, siting, materials and colour and detailing. The intrusive elements often require significant work in order to reverse their impact. These buildings are often not listed as heritage items.

Buildings in the Pheasant Point HCA and their associated categories are listed in [Appendix 1](#).

Application of this section

This section applies to land within Pheasant Point Heritage Conservation Area (HCA) as mapped by the [LEP 2011](#) and as illustrated below.



Figure 2: Pheasant Point HCA & Listed Items.

This will include any works undertaken within the public domain including road works, street planting, paving, fences, lighting and signage. Generally any works that will impact on the setting and external appearance of a building, including additions, fencing, soft and hard landscaping, driveway access and parking arrangements, and impact on the streetscape will require Council's consideration.

This section should be read in conjunction with the *LEP 2011*, specifically the provisions of [clause 5.10 Heritage Conservation](#), and other relevant sections of the [DCP 2020](#). Application of this section prevails in the event of any inconsistency between Chapter 4. Heritage and Cultural Conservation and any other Chapter of the [DCP 2020](#).

This plan expresses the controls as Acceptable Solutions and/or Performance Criteria. The Acceptable Solutions provide a clear and simple measure by which development may achieve the intent of a particular development control and the respects the Key Historic Elements of the Pheasant Point HCA. Where a development does not meet the Acceptable Solutions, outlined below, the applicant must prepare a statement justifying how the development meets the relevant Performance Criteria, overall objectives of the control and respects the Key Historic Elements of the Pheasant Point HCA. These applications will be assessed on individual merit. This allows for some flexibility and innovation in design and caters for exceptional circumstances where strict compliance with the Acceptable Solution is considered either impractical or unnecessary. The intent of the controls and the aims and objectives of the LEP and DCP must be met whichever path is chosen.

Controls

As the Pheasant Point area is listed as a HCA under the [LEP 2011](#), the majority of the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) does not apply. As a result, development consent is required for the vast majority of proposed developments on properties to which this section applies. The following development controls need to be complied with when designing alterations and additions, new buildings (including garages), changes to landscaping, including fencing and significant change to front gardens. Any proposed changes to properties to which this section applies may trigger a requirement for more extensive rectification works.

Council encourages the reconstruction of lost historical architectural features and fabric. This includes the removal of intrusive additions, particularly to the front façade of buildings in the Pheasant Point HCA.

Performance Criteria		Acceptable Solutions	
Siting of Development			
4.2.1	Buildings are setback from front boundaries (i.e. street frontage) to positively contribute to the heritage significance of the streetscape character and are generally consistent with the prevailing setbacks in the area.	4.2.1a	Maintenance of the building siting is mandatory for Contributory items.
		4.2.1b	When a DA is associated with a Neutral or Non-contributory item these items should be modified by removal of intrusive additions that do not positively contribute to the heritage significance of the streetscape character.
		4.2.1c	The setback of new buildings to the street must maintain the established historically significant pattern of setbacks in the streetscape.
4.2.2	Buildings are setback from side boundaries to positively contribute to the heritage significance of the streetscape	4.2.2a	Additions to the side of buildings should be designed so that they are setback as far as possible from the front building line.

Performance Criteria		Acceptable Solutions	
	character and are generally consistent with the prevailing setbacks in the area.	4.2.2b	New buildings must be sited to reinforce the rhythm and spacing of buildings in the conservation area.
4.2.3	Buildings are setback from rear boundaries to positively contribute to the heritage significance of the area and are generally consistent with the prevailing setbacks.	4.2.3a	Maintenance of the building siting is mandatory for Contributory items.
		4.2.3b	When a DA is associated with a Neutral or Non-contributory item these items should be modified by removal of intrusive additions that do not positively contribute to the heritage significance of the area.
Building Styles			
4.2.4	The bulk and scale of new development shall be consistent with the Key Historic Elements of the Pheasant Point HCA.	4.2.4a	The original articulation of the front elevation of existing buildings, which typically is a double-fronted façade with a front veranda must be maintained and not subject to change. In addition, the proportion, material and openings of the façade must be retained. Note: In this context double-fronted façades refers to cottages with a centralised door with windows symmetrical positioned either side of the door.
		4.2.4b	Existing buildings which have had the form of their facades altered may be subject to reconstruction to reinstate original details. This may include removal of infilled rooms and reconstruction of door and window openings subject to strong evidence for reinstating original details. When no surviving

Performance Criteria		Acceptable Solutions	
			<p>physical or documentary evidence of the original can be found, reconstruction similar to appropriate surrounding Contributory dwellings is encouraged.</p>
		4.2.4c	<p>Council will generally support the removal of recent inappropriate additions and alterations to dwellings and the restoration or reconstruction of damaged, missing, or inappropriate elements such as: removal of paint from bluestone walls or reversal of re-skinning, and replacement of non-original aluminium or vinyl wall cladding and aluminium windows.</p>
		4.2.4d	<p>The form of new buildings should complement the form of original adjacent Contributory buildings, particularly when viewed from the street and the overall character of the HCA. Generally this entails a double fronted façade with a veranda front, and pitched roofs to respect surrounding Contributory items.</p>
		4.2.4e	<p>The treatment of facades and side elevations visible from the street should be proportioned and articulated in a manner which responds positively to adjacent original buildings and the overall character of the street. Long, unbroken walls and roofs are to be avoided.</p>
		4.2.4f	<p>A long uninterrupted wall to the front façade with no articulation will not be supported by Council.</p>

Performance Criteria		Acceptable Solutions	
		4.2.4g	Generally single-fronted facades to the street will not be supported by Council.
4.2.5	Development is to maintain the general scale of buildings in the Pheasant Point HCA.	4.2.5a	Council will consider single-storey additions located to the rear of the existing building. New roof and building mass should not project above or dominate the existing building scale, and in addition, a single run of long wall (as an extension to the existing wall) is to be avoided.
		4.2.5b	Two-storey additions will generally not be supported by Council.
		4.2.5c	The overall length of any extension is to be less than, and secondary to, the original building.
		4.2.5d	Where feasible, additional floor space should preferably be within the existing roof space, with possible dormers and/or skylight additions as part of an attic style addition, but only where such elements do not dominate the roof qualities. Dormers and/or skylights should be visually unobtrusive and preferably be located on the rear roof plane.
		4.2.5e	Additions to existing two-storey dwellings should preferably be single-storey, or double storey with justification. Any new development should generally be located to the rear of the existing building, but may be varied to suit specific site conditions.
		4.2.5f	Additions should not dominate the existing house

Performance Criteria		Acceptable Solutions	
			in its scale, bulk, massing, roof form and materials.
		4.2.5g	The design of replacement buildings must sympathetically respond in scale, form, siting, materials and colours and detailing to surrounding Contributory items, particularly where there is a general consistency in the building scale along that stretch of street, and from around the local townscape.
		4.2.5h	If adjoining sites are single-storey, new buildings will generally be limited to single storey.
4.2.6	The design of roofs should respect the scale, form, detail, and pitch of the existing building and be consistent with the Key Historic Elements of the Pheasant Point HCA.	4.2.6a	Roof additions should generally be confined to the rear of an existing building and should be more subservient to the main existing roof.
		4.2.6b	Changes to original roofs, particularly if seen from the street, should be minimal and should be determined by the street and building context. Roof elements such as dormers and skylights should not be located where visually prominent. Skylights may be preferable to dormer windows depending on impact from angles of view.
		4.2.6c	New work to the rear of an existing house can either replicate the existing roof form, pitch and eaves, or be of a more subservient/differential style such as a skillion roof. In both instances the ridge of the new roof is to be lower than the existing roof, and the impact of the added roof is not

Performance Criteria		Acceptable Solutions	
			to dominate the existing house and views from the street.
		4.2.6d	Rear elements may adapt a different form or materials as long as the other sections of these guidelines are met.
		4.2.6e	Roof forms should be drawn from surrounding Contributory dwellings.
		4.2.6f	Dormers to the front or side of existing roofs, where acceptable, should be of traditional vertical proportions with either gable or hipped roof forms. Where not visible from the street, a wider dormer form may be considered.
		4.2.6g	Original chimneys should not be demolished, unless they are proven to be structurally unsound and only when followed by immediate reconstruction in the original detail.
		4.2.6h	Other elements such as solar hot water heaters, ventilators, antennae, solar tubes, air conditioning units and the like should, where possible, be placed in locations where visibility from the street is minimised.
Building Materials & Finishes			
4.2.7	Materials and finishes are to positively contribute to the heritage significance of the Pheasant Point HCA and be sympathetic to the Key Historic Elements.	4.2.7a	New roofing must be consistent with existing materials, or where new buildings are proposed, be generally corrugated metal roof sheeting.
		4.2.7b	The re-roofing of the main body of the house is not considered

Performance Criteria		Acceptable Solutions	
			desirable, except to match original materials.
		4.2.7c	Concrete or terracotta roof tiles are not characteristic of the PPHCA and will not be generally supported by Council where visible from the streetscape. Existing contributory items have corrugated metal sheet roofing, and use of that material for additions is encouraged.
		4.2.7d	New work in elevations that are visible from the street should use materials and colours which are characteristic of the precinct, such as weatherboards. Other materials may be used in lieu of weatherboards but such materials must be acceptable to Council as being harmonious and sympathetic with the character of the precinct and should be chosen for their complimentary qualities in relation to colour, texture and tonal contrast.
		4.2.7e	The front façade of new buildings should predominantly be weatherboard, but could be combined with other harmonious materials as previously noted.
		4.2.7f	Existing bluestone foundations are not to be painted, rendered or bagged.
		4.2.7g	Re-instatement of original timber weatherboards which commonly appear on front façades in the HCA is strongly encouraged.
		4.2.7h	Removal of or alteration to original facades of Contributory items will

Performance Criteria		Acceptable Solutions	
			generally not supported by Council.
		4.2.7i	Alterations to the principal elevations of Neutral items should aim to re-instate lost elements or use materials and colours more consistent with the character of the HCA to improve its contribution.
		4.2.7j	Paintwork should not be applied to any brickwork, stonework, exposed bricks on chimneys, terracotta chimneypots, tessellated or glazed tiling, slate veranda edging and steps, or any other unpainted surfaces.
		4.2.7k	New buildings should use colours which harmonise with the traditional colour schemes.
		4.2.7l	Re-instatement of traditional colour schemes is strongly encouraged. Evidence of original schemes may be determined by scraping back paint from areas that are not subject to intense weathering.
		4.2.7m	Where new doors, windows or verandas are proposed in street facing elevations or where visible from the street, they should be of similar proportion, size and detailing to existing elements. If there is no indication of original treatment, the design of new doors and windows should be vertically emphasised and kept simple.
		4.2.7n	The retention and repair of original architectural details such as

Performance Criteria		Acceptable Solutions	
			doors, windows, veranda piers/columns, decorative timber work to verandas in principal elevations is encouraged. Any original lead lights and coloured glass panes to doors should be kept.
		4.2.7o	Existing incompatible elements (e.g. aluminium windows or doors) in principal elevations should preferably be replaced where alterations or additions are proposed.
		4.2.7p	Original verandas and external detailing in general should be retained or repaired or reinstated. Removal of infilling to original front verandas is encouraged by Council. Infilling of verandas will generally be not supported by Council.
		4.2.7q	The principal elevation of new buildings should provide a level of detail and design of openings that is in proportion with and similar to that of surrounding Contributory buildings.
		4.2.7r	Doorways are generally recessed from the main façade, often with an accompanying veranda, and windows have vertical proportions.
Landscaping and Fencing			
4.2.8	Landscaping is to positively contribute to the heritage significance of the Pheasant Point HCA and be sympathetic to the Key Historic Elements.	4.2.8a	When associated with a DA, landscaping which obscure views to and appreciation of dwellings in the PPHCA is discouraged by Council.
		4.2.8b	When associated with a DA, there is opportunity to plant out front

Performance Criteria		Acceptable Solutions	
			gardens in low-height shrubs, with higher shrubs and trees planted in the spaces between the dwellings and to the rear.
4.2.9	Fencing is to positively contribute to the heritage significance of the Pheasant Point HCA and be sympathetic to the Key Historic Elements.	4.2.9a	New buildings must provide for a new fence of appropriate materials, colours and scale where no fencing exists at the moment or where an existing non-traditional fence exists. Fencing should be simple with a level of detail compatible with the house and with regard to other like Contributory items adjacent.
		4.2.9b	Reconstruction of timber picket fences to the front boundary is encouraged.
Garaging, Outbuildings and Driveways			
4.2.11	Garaging and Outbuildings are to positively contribute to the heritage significance of the Pheasant Point HCA and be sympathetic to the Key Historic Elements.	4.2.11a	Garages should generally be single-space buildings with weatherboards cladding and a pitched roof which compliments the dwelling.
		4.2.11b	Garages should generally be detached elements and located only in discreet positions, that is towards the rear of the dwelling and set back from the front façade.
		4.2.11c	Garages sited forward of the building will generally not be supported by Council.
		4.2.11d	Conversion of existing garaging to habitable floor space, which would then preclude alternative on-site car parking spaces behind the building, will not be supported by Council.

Performance Criteria		Acceptable Solutions	
		4.2.11e	All garaging should be restricted to a single garage door (single width) with tandem parking provided if two car spaces are necessary.
		4.2.11f	Garages attached to the existing dwelling will generally not be supported by Council.
		4.2.11g	Designs should be kept simple. Do not necessarily mimic elaborate design elements that may be used on the dwelling if it over-emphasises the garage appearance. The use of recessive or darker colours, which reduce the visual prominence of the garage is encouraged.
4.2.12	Driveways are to positively contribute to the heritage significance of the Pheasant Point HCA and be sympathetic to the Key Historic Elements.	4.2.12a	The paving or concreting of traditionally green space at the front of dwellings for the parking of cars will not be supported by Council.
		4.2.12b	All vehicle access to garages in Minnamurra Street and Devonshire Street is to be from the front boundary of the property (i.e. no access to Minnamurra Street properties from Devonshire Street and no access to Devonshire Street properties from Fitzroy Street).
		4.2.12c	Driveways should be simple and visually unobtrusive
		4.2.12d	Brushed concrete or dark segmental pavers are appropriate.

Performance Criteria		Acceptable Solutions	
		4.2.12e	Light coloured paving or “faux brick” or stencil finishes will not supported where visible from the streetscape.

Appendix 1 – Buildings in Pheasant Point HCA

Address	Heritage Item	Category	Commentary
13 Minnamurra Street	Yes	Contributory	A substantially intact late 19 th C. single-storey weatherboard cottage with a late 20 th C. two-storey rear addition. Non-original picket fence to front boundary. Dense planting in the front garden.
15 Minnamurra Street	Yes	Contributory	A late 19 th C. single-storey weatherboard cottage with late 20 th C. alterations including side veranda addition and widened front veranda. Non-original hedge planted along the front boundary. Dense planting in the front garden.
17 Minnamurra Street	Yes	Contributory	A late 19 th C. single-storey weatherboard cottage with alterations including painted bluestone wall to front veranda, vinyl cladding and new front door. There is a late 20 th C. side veranda addition and a hedge along the front boundary.
19 Minnamurra Street	Yes	Contributory	A late 19 th C. single-storey weatherboard cottage with an early 20 th C. addition. There is a non-original detached garage.
21 Minnamurra Street	Yes	Neutral	A substantially reconstructed building with non-original windows, cladding and roof sheeting. The building still retains some original internal features.
2 Devonshire Street	No	Neutral	A late 20 th C. single-storey weatherboard cottage with early 21 st C. alterations and additions. Non-original bluestone fence to front boundary. Altered veranda and roof form.
4 Devonshire Street	No	Contributory	A late 19 th C. single-storey weatherboard cottage with alterations including enclosed front veranda, side veranda addition, Colourbond roof sheeting and bluestone fence to front boundary.
6 Devonshire Street	No	Contributory	A late 19 th C. single-storey weatherboard cottage with late 20 th C. alterations including side veranda addition, partially enclosed front veranda and Colourbond roof sheeting.
8 Devonshire Street	No	Neutral	A late 20 th C. single-storey weatherboard cottage with alterations including replacement of original pitched roof with a skillion roof, enclosed veranda, non-

Address	Heritage Item	Category	Commentary
			original cladding, painted bluestone foundation and overly wide driveway.
10 Devonshire Street	No	Contributory	Substantially intact late 19 th C. single-storey weatherboard cottage with alterations including aluminium windows to side elevation and painted bluestone foundation to front veranda.
12 Devonshire Street	No	Contributory	Substantially intact late 19 th C. single-storey weatherboard cottage with alterations including concrete roof tiles, altered balustrade to front veranda, non-fibreboard cladding to side elevation, aluminium windows and wire fence to front boundary.
45 Pheasant Point Drive	No	Non-contributory	A late 19 th C. weatherboard cottage with substantial and irreversible alterations.
4 Fitzroy Street	No	Contributory	A late 19 th C. weatherboard cottage with alterations including enclosed veranda, Colourbond roof sheeting.
6 Fitzroy Street	No	Neutral	A late 19 th C. weatherboard cottage with extensive alterations including new veranda and pitched roof, and rendering of bluestone foundation.
10 Fitzroy Street	No	Contributory	A mid-19 th C. weatherboard cottage with alterations including enclosed veranda and two dormers to front elevation.
12 Fitzroy Street	No	Contributory	A mid-19 th C. two storey rendered dwellings with alterations including non-original doors and windows to front elevation at ground floor level, and a non-original veranda balustrade at first floor level.

How to contact Council

Post

General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
Website: www.kiama.nsw.gov.au

Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



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Kiama Development Control Plan 2020

Chapter 5. Subdivision, Consolidation and Boundary Adjustment



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date approved/adopted	17 March 2020
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Chapter 5. Subdivision, Consolidation and Boundary Adjustment

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Introduction

This chapter of the DCP outlines the objectives and detailed controls for residential subdivision in addition to the planning controls contained in [Kiama LEP 2011](#).

The purpose of this chapter of the DCP is to provide Council's detailed requirements for urban residential subdivision development and subdivision in rural areas.

Topic 5.1 – Residential Subdivisions

General Requirements

Objectives

- | | |
|----------|--|
| O:5.1.1 | To facilitate a range of lot size to permit a range of housing styles and housing mix, in order to meet the changing demographic profiles and housing requirements for residents in the Kiama Local Government Area |
| O:5.1.2 | To encourage residential design that promotes community interaction, active transport and recreational green space over the dominance of motor vehicles in residential areas |
| O:5.1.3 | To ensure the subdivision of land is responsive to inherent site conditions and constraints |
| O:5.1.4 | To ensure that all subdivisions are designed to take into account the principles of ecologically sustainable development and solar energy efficiency, to assist in ensuring that subsequent development is significantly more energy efficient |
| O:5.1.5 | To ensure subdivisions achieve high quality urban design outcomes through maximising the number of new lots with principal street frontage and to restrict the number of battle-axe lots |
| O:5.1.6 | To ensure that lot sizes, dimensions and layout are consistent with best practice in terms of urban design, solar access orientation and energy efficiency |
| O:5.1.7 | To establish a clear hierarchy of different road types which cater for different types of traffic movement through residential subdivisions |
| O:5.1.8 | To ensure that the majority of residential allotments are within a 400 metre walking distance from an existing or proposed new bus stop |
| O:5.1.9 | To facilitate accessibility within and beyond the subdivision especially by buses, bicycles and pedestrians |
| O:5.1.10 | To protect and enhance any riparian lands and its associated values for ecological systems and biodiversity |
| O:5.1.11 | To minimise site disturbance for soil erosion, land stability and urban visual impact reasons |
| O:5.1.12 | To design public places in a way that enhances resident's safety |
| O:5.1.13 | To protect the subdivision's perimeter housing from the threat of bushfire and conflict of land uses |
| O:5.1.14 | To incorporate the design guidelines for "creating healthy places" |

O:5.1.15 To ensure all finished residential lots are provided with a satisfactory fall towards the stormwater drainage system, in order to guarantee satisfactory stormwater run-off from each lot and to ameliorate against any potential water ponding impacts within the subdivision

Controls

- 5.1.1 All lots to be oriented in accordance with the recommended 5-star rated solar design standards unless it can be demonstrated that this not possible for topographical reasons to facilitate the design of energy efficient housing including the opportunity to exploit cooling summer nor-easterly breezes for house summer microclimate control.
- 5.1.2 All lots can provide for on-site stormwater detention and re-use of rain water for domestic use.
- 5.1.3 Internal roads should be based on a grid pattern to facilitate accessibility.
- 5.1.4 The subdivision must achieve a high level of accessibility within the subdivision by car, bus, cycle and pedestrian routes and design the streets (including a bus stop) for use of this route by buses. In cases where this is not possible Council may consider an alternative approach of showing the linkages from the new subdivision to existing bus routes.
- 5.1.5 The subdivision must connect the new streets with the existing street system including road and pedestrian/cycle ways.
- 5.1.6 Design must limit the need for site excavation for road and housing construction to minimize the potential for soil erosion, site sub floor drainage problems, land instability and the need for expensive and visually unattractive retaining walls within the streetscape.
- 5.1.7 The subdivision must protect and enhance all riparian lands on site.
- 5.1.8 The layout should permit rural views to be exploited within streets to enhance the public's use and enjoyment of the public domain area of the subdivision.
- 5.1.9 Crime Prevention Through Environmental Design Program (CPTEP) principles must be incorporated into the detailed design of public places to enhance the subdivision's security and safety and to deter crime.
- 5.1.10 Ensure that adequate bush fire protection measures (including access by fire fighting vehicles and asset protection zones) are considered in the design of subdivisions. It should be noted that perimeter streets must define the boundary of new subdivisions.

- 5.1.11 The subdivision's subdivision layout and associated engineering design must comply with the following standards:
- All compliant engineering and environmental sensitivity standards included in the Council documents, [Kiama Development Code](#) and the Kiama Municipal Council [Water Sensitive Urban Design Policy](#).
 - Streets shown in the subdivision layout must be designed in conformity with the subdivision street design layout in that plan. However, Council may vary the location and street cross section design where it considers this is appropriate in particular circumstances and is consistent with the plan's subdivision objectives and performance standards
 - It should be noted that street design and typology will have an impact on whether Council is able to service the subdivision for waste management.
 - Perimeter streets, embellished by planting within the street or in public reserve land adjacent to these streets, must define the edge of the subdivision.
 - Other streets must include street planting to enhance the street environment.
 - Any riparian reserves and children's playground reserves must be designed to achieve:
 - enhanced neighbourhood character and residential amenity.
 - casual surveillance of the public reserves for enhanced safety.
 - aesthetic design urban edge.
 - Residential lots must be designed so that resultant dwellings achieve high levels of solar orientation and that each dwelling achieves a minimum 4-star energy rating.
 - Council may require the establishment of building envelopes in order to achieve view sharing by new and existing residents.
 - Planting and revegetation of public reserves and streets must primarily use locally endemic and other appropriate native species to increase biodiversity.
 - All residential lots must be connected to the appropriate services.
 - Electricity and telecommunication service cables must be placed underground.
 - Council will require dwellings to provide on-site rainwater reuse and on-site stormwater detention systems at the dwelling construction stage.
- 5.1.12 All finished lots shall have a minimum 1% fall towards the proposed stormwater drainage system, in order to allow for suitable stormwater run-off from the site and to help minimise any potential water ponding.

Allotment Size & Dimension Requirements

Objectives

- | | |
|----------|---|
| O:5.1.16 | To ensure the subdivision of residentially zoned land is consistent with the objectives and minimum subdivision lot size requirements of Kiama LEP 2011 |
| O:5.1.17 | To ensure any subdivision of land is sympathetic to the surrounding subdivision pattern and the amenity of the residential neighbourhood in that particular locality is maintained. |
| O:5.1.18 | To ensure any subdivision of land provides sufficient site area to cater for the future intended housing. |

- O:5.1.19 To ensure the design of any proposed residential subdivision takes into account inherent site constraints and minimises any potential adverse environmental impacts.
- O:5.1.20 To ensure residential lots are designed to provide sufficient lot width and depth, to cater for a suitable range of dwelling styles having regard to any site constraints or environmental qualities of that land.
- O:5.1.21 To ensure residential lots in low density residential areas provide sufficient site area to cater for detached dwelling-houses with sufficient rear private open space which gains appropriate sunlight access during mid-winter.
- O:5.1.22 To encourage conventional residential subdivisions with direct public road access, rather than a series of battle axe allotments one behind each other, in order to maintain the residential amenity and character of the locality.
- O:5.1.23 To minimise the potential adverse streetscape and amenity impacts upon the locality arising from a number of battle axe lots sharing a common access corridor.
- O:5.1.24 To ensure each battle axe lot has a sufficient site area with a suitable building envelope to accommodate a range of different dwelling styles, in order to minimise any potential amenity or privacy impacts upon adjoining residential properties.
- O:5.1.25 To ensure each battle axe lot has a sufficient site area to provide satisfactory on-site parking with suitable vehicular access and manoeuvring areas.
- O:5.1.26 To ensure each residential lot has a suitable building envelope to accommodate a range of different dwelling styles, in order to minimise any potential amenity or privacy impacts upon adjoining residential properties.
- O:5.1.27 To ensure the building envelope for each residential lot takes into account all relevant constraints of the site and / or any easement or other restrictions pertaining to the land.
- O:5.1.28 To ensure the building envelope for each residential lot takes into account any area of the subject land which contains significant remnant trees or other significant vegetation (including riparian vegetation).
- O:5.1.29 To ensure building envelopes are appropriately positioned to maximise solar access opportunities and energy efficiency for future dwellings and rear private courtyards for each residential lot

Controls

- 5.1.13 For a battle axe allotment, the minimum subdivision allotment size required by the [Kiama LEP 2011](#), excludes that portion of the proposed lot which forms the battle axe access handle.
- 5.1.14 Larger allotments may be required in certain circumstances such as battle-axe lots (especially irregular shaped battle axe lots), lots containing steeply sloping land or land containing a watercourse or land fronting an arterial road.

- 5.1.15 A maximum of two (2) battle-axe allotments will be permitted behind an allotment which has direct frontage to a dedicated public road in the proposed subdivision. Under no circumstances will Council favourably consider any subdivision proposal involving a series of battle-axe lots, one behind each other.
- 5.1.16 All battle-axe allotments must have direct access to a dedicated public road, through the provision of an access handle attached to each battle-axe lot or via a shared access corridor (ie maximum of two (2) lots may share a common access corridor).
- 5.1.17 The minimum access corridor width for a battle axe allotment shall be 5 metres with a minimum carriageway width of 3 metres for the entire length of the access handle.
- 5.1.18 A 1 metre wide landscaping strip shall be provided along each side of the required 3 metre wide road pavement. The landscaping strip shall be planted with suitable small trees, shrubs and groundcovers.
- 5.1.19 A shared access corridor may be permitted for a maximum of two (2) battle axe allotments where, in the opinion of Council, the proposed access arrangement will satisfactorily cater for safe vehicular and pedestrian access to each of the lots and that satisfactory sight line distances are available between the subject lots and the public road.
- 5.1.20 Any access corridor shared between two (2) battle axe allotments must be created through reciprocal rights of carriageway under [Section 88B of the Conveyancing Act 1919](#). The minimum shared access handle width shall be 5 metres with a minimum road pavement width of 3 metres for the entire length of the access handle. However, the shared access handle must be designed wide enough to satisfactorily cater for the placement of garbage and recycling bins (ie associated with the dwellings on the two battle axe lots) adjacent to the access handle road pavement.
- 5.1.21 A minimum 1 metre wide landscaping strip must be provided along each side of the required 3 metre wide road pavement of any shared access handle. The landscaping strip shall be planted with suitable small trees, shrubs and groundcovers and shall also include a hard stand area on one side of the access handle for garbage and recycling bins (ie directly abutting the public road reserve). The opposite 1 metre wide landscaping strip in the shared access handle shall include letterboxes for the two lots (ie directly abutting the public road reserve).
- 5.1.22 All battle-axe lot access corridors must be provided with all-weather road pavement. All access handle driveway crossings must be of a full concrete or asphalt construction and must be designed having regard to current fire regulations for fire hydrants. Driveways must be sited to allow for visibility of vehicles entering and leaving the site.
- 5.1.23 Driveway construction must give consideration to driveway drainage, utility servicing and retaining structures.
- 5.1.24 Within bush fire hazard areas, access to allotments shall be in accordance with the requirements of the NSW Rural Fire Service document [Planning for Bush Fire Protection](#) guidelines. In the event of any inconsistency between the access requirements to lots between this part of the DCP and the *Planning for Bush Fire Protection* guidelines, the *Planning and Bush Fire Protection* guidelines will prevail.

- 5.1.25 Each battle axe access corridor must have capacity for compliant vehicular turning facilities, passing bays at no greater than 30 metre intervals and two (2) on-site parking spaces for each battle axe lot. A maximum 50 metre access corridor length should be considered.
- 5.1.26 Access corridors within bush fire prone areas must provide a suitable turning area, in order to enable the satisfactory manoeuvring of fire fighting vehicles in accordance with the requirements of the NSW Rural Fire Service [Planning for Bush Fire Protection](#) guidelines.
- 5.1.27 The maximum gradient for any access way required for a battle axe lot subdivision should be 25%.
- 5.1.28 The gradients for access handles for allotments within bush fire prone areas shall be in accordance with the requirements of the NSW Rural Fire Service [Planning for Bush Fire Protection](#) guidelines.
- 5.1.29 Stormwater drainage on driveways must be contained in kerbs or a central dish and conveyed to the Council stormwater drainage system via the public road.
- 5.1.30 Any allotment without direct frontage to a public road (including access handles to battle axe or hatchet-shape lots) must provide sufficient area, exclusive of required private open space, for on-site vehicle manoeuvring so that all vehicles can exit the site in a forward direction.
- 5.1.31 For sites zoned [R5 Large Lot Residential](#), each proposed allotment must be capable of containing a building platform having minimum dimensions 15 metres x 20 metres.
- 5.1.32 For sites zoned [R5 Large Lot Residential](#), allotments should ideally be orientated so that one main axis is within 30° east and 20° west of true solar north. Where allotments are unable to meet the correct orientation requirement, the designated building platform must have an orientation within 30° east and 20° west of true solar north.
- 5.1.33 For sites zoned [R5 Large Lot Residential](#) in the South Kiama Drive area, direct access to South Kiama Drive is denied to those properties in David Smith Place and Stewart Place.
- 5.1.34 For sites zoned [R5 Large Lot Residential](#) in the South Kiama Drive area, any proposed plan of subdivision must indicate a building envelope which maintains a rear building line setback of 5 metres, or 6 metres in the case of properties fronting both Stewart Place and South Kiama Drive.

Servicing & Utility Requirements

Objectives

- | | |
|----------|--|
| O:5.1.30 | To ensure the provision of infrastructure servicing / utilities is carried out in accordance with the requirements of Council and the relevant infrastructure servicing authority. |
| O:5.1.31 | To maximise the opportunities for shared (common) trenching and to reduce constraints on landscaping within road reserve verges |

Controls

- 5.1.35 Shared common trenches for service infrastructure are preferred in order to also enable the planting of trees and other landscaping within the road verges.

- 5.1.36 It is recommended applicants consult with servicing authorities at an early stage in the planning process to ensure that all allotments can be appropriately serviced by reticulated water and sewerage and, electricity and telecommunications supplies.
- 5.1.37 In the event that the urban residential subdivision cannot be adequately serviced by reticulated water and sewerage supplies, then Council is unlikely to support any such application.
- 5.1.38 Where a subdivision is approved, a condition of consent will be imposed requiring the submission of a Notice of Requirements from Sydney Water Corporation to Council prior to the release of the Construction Certificate for the proposed subdivision. Additionally, a separate condition of consent will be imposed requiring the submission of a [Section 73 certificate](#) from Sydney Water Corporation which confirms that satisfactory arrangements have been made for reticulated water and sewerage infrastructure to the subdivision and the original Section 73 Certificate lodged with the Subdivision Certificate application.
- 5.1.39 Electricity distribution must be underground in all new residential subdivisions. Accordingly, the subdivision plan should provide details of the location of any required electricity sub-stations.
- 5.1.40 Telecommunication services are to be provided to all proposed lots. The submission of documentary evidence from a telecommunications carrier will be required for any approved subdivision, prior to the release of the Subdivision Certificate.
- 5.1.41 All allotments must be designed to enable the suitable provision for waste facilities. In cul-de-sacs, the head of the cul-de-sac must be designed to provide sufficient road reserve width (footpath area), in order to enable the storage of garbage and recycling bins without hindering access to adjacent properties.
- 5.1.42 Battle axe allotments shall be designed to include sufficient area within the existing public road reserve verge to cater for the provision of garbage and recycling bins. Alternatively, a garbage and recycling bin storage area may be provided within close proximity to the adjoining public road, but will be subject to private waste servicing arrangements being made by the property owner in the event that Council's waste contractor is not able to service the bin storage area.
- 5.1.43 Applicants are encouraged to liaise with Council's Waste Services Section, in order to guarantee satisfactory waste service arrangements and to minimise potential future problems arising from poorly designed waste and recycling storage facilities.

Major Residential Subdivisions

Objectives

- O:5.1.32 To ensure the staging of a major residential subdivision is well planned and that all relevant roads, drainage and other infrastructure services are provided for each stage in the subdivision.

- O:5.1.33 To ensure the staging of the development minimises any potential adverse noise or amenity conflicts, arising from construction equipment and plant operating on later subdivision stages upon residents in early release stages
- O:5.1.34 To ensure large residue lots or super lots for future dual occupancy or medium density housing are well planned and are strategically placed to reflect future traffic management conditions and other environmental conditions.
- O:5.1.35 To encourage large residue lots to be earmarked for dual occupancy or medium density housing early in the residential subdivision process.
- O:5.1.36 To provide public open space (ie both active and passive) within reasonable proximity for all residential lots within existing urban areas and new release areas.
- O:5.1.37 To ensure the provision and embellishment of public open space is consistent with Council's planned requirements, to meet the recreational needs of the community.
- O:5.1.38 To preserve remnant native bushland including endangered ecological communities within public open space buffers, where possible.
- O:5.1.39 To minimise costs of on-going maintenance of public open space.
- O:5.1.40 To ensure appropriate acoustic fencing is provided for subdivisions which are subject to potential adverse noise impacts, in order to provide a pleasant acoustic environment for all residential lots within the subdivision.
- O:5.1.41 To provide suitable street trees within residential subdivisions, in order to improve the streetscape character of the locality.
- O:5.1.42 To improve the general residential amenity of the subdivision.
- O:5.1.43 To ensure the planting of street trees in new subdivision is appropriate and compatible with existing street tree planting within the locality.
- O:5.1.44 To provide effective street lighting along all roads within the subdivision, to maximise vehicular and pedestrian safety.
- O:5.1.45 To provide appropriate street lighting at key intersections and pedestrian crossings as well as traffic calming device locations to maximise vehicular and pedestrian safety.
- O:5.1.46 To provide appropriate lighting along all pedestrian pathways and/or shared pathways/cycle ways, in order to maximise pedestrian and cyclist safety.

Controls - Staging

- 5.1.44 In cases of a major residential subdivision, a staging plan will be required which shows the proposed staging program. Additionally, the Statement of Environmental Effects shall provide a detailed outline of the proposed staging program, including the proposed total number of lots within each relevant stage.
- 5.1.45 The subdivision staging should be designed to minimise conflicts arising from construction plant and equipment operating during the construction of later subdivision stages impacting upon the amenity of residents living in dwellings within the earlier subdivision stages. This may also require the provision of temporary access arrangements for heavy vehicles associated with the stages under construction separate from the first stage(s) of the subdivision. The provision of suitable landscaping treatment and / or acoustic walls may also be necessary to minimise potential privacy, amenity or noise impacts upon first stage residents.
- 5.1.46 In the event that the staging of the subdivision is approved, all necessary subdivision works (including road works, drainage works, water and sewerage infrastructure, telecommunications, electricity supplies etc) must be completed for each relevant stage, prior to the release of any Subdivision Certificate for that stage.

Controls – Super Lots for Integrated Housing or Medium Density

- 5.1.47 The configuration and lot size of residue or super lots shall be designed to meet the future planning requirements for either dual occupancy or multi dwelling development contained in this DCP. Accordingly, the subdivision plan accompanying the Development Application shall indicate the intended future residential use of the residue lot.
- 5.1.48 In the event that the residue lots are not designed to comply with the future planning requirements for the intended future residential development, then a reduced dwelling yield may occur when the Development Application for the development of the residue lot is assessed.
- 5.1.49 Large residue lots should be located in strategically placed locations in subdivisions and generally not at the end of cul-de-sacs. However, in certain circumstances, the positioning of a residue lot at the end of a cul-de-sac may be supported where individual site circumstances such as traffic management and other environmental conditions, support this arrangement.

Controls – Public Reserves

- 5.1.50 Council will not accept the dedication of land for the purposes of public reserve where in the opinion of Council, there is already sufficient public open space in the locality.
- 5.1.51 Any approved public reserve lot shall be fully embellished in accordance with Council's requirements, prior to the release of the Subdivision Certificate.
- 5.1.52 Wherever possible, riparian corridors should form the 'spine' for public open space within a subdivision.

Controls – Acoustic Fencing

- 5.1.53 Acoustic rear boundary fencing will be required in most circumstances for residential lots abutting an arterial or sub-arterial road.
- 5.1.54 The acoustic fencing shall be of a masonry construction with either decorative artwork emblazoned on the masonry and / or horizontal banding. The maximum height of acoustic fencing shall be restricted to 3 metres above natural ground level at the common property boundary.
- 5.1.55 The full details of the proposed acoustic fencing shall be submitted with the Development Application.
- 5.1.56 Acoustic barriers must be augmented with suitable buffer screen planting within the road verge between the proposed footway / cycleway and the barrier structure. The full details of the proposed buffer screen planting shall be shown on a detailed landscape concept plan which is to be submitted with the Development Application.

Controls - Tree Planting

- 5.1.57 The planting of street trees shall be integrated with driveway crossings, utility services and street lighting.
- 5.1.58 Council may require the planting of a specific tree species for certain roads in a subdivision, especially if there is already an existing street tree scheme in the locality.

Controls – Street Lighting

- 5.1.59 Street lighting systems are to be provided for roads and intersections, cycle ways and pathways, as well as pedestrian crossing and traffic calming device locations in accordance with AS/NZS 1158.

Controls - Stormwater Management (Including Water Sensitive Urban Design)

- 5.1.60 A detailed stormwater drainage concept plan together with calculations is required to be submitted with the Development Application.
- 5.1.61 The proposed stormwater drainage system for the subdivision shall be designed in accordance with the requirements of [Kiama Development Code](#) and Council's [Water Sensitive Urban Design Policy](#).
- 5.1.62 Where it is necessary to connect into Council's existing stormwater drainage system, the capacity of the existing stormwater drainage system is to be checked to ensure its capacity of accepting the additional developed run-off from this development. All costs associated with any necessary upgrading of the stormwater drainage infrastructure is to be borne by the developer.

Masterplans

In certain areas of the Kiama Municipality Masterplans have been prepared to provide greater clarity to the community about the intended use and design of the areas. Masterplans have been prepared for:

- Elambra Estate, Gerringong,
- Cedar Grove Stage 1, Kiama,
- [Gerringong Headland, Gerringong](#), and
- Spring Creek, Kiama

5.1.63 Subdivisions in these areas need to respond to the constraints identified in their respective Masterplans. These Masterplans are contained in the [Appendices](#) of this Chapter.

Topic 5.2 – Rural Subdivisions

In this chapter "Rural" refers to land zoned either rural or environmental protection/management under the [Kiama LEP 2011](#).

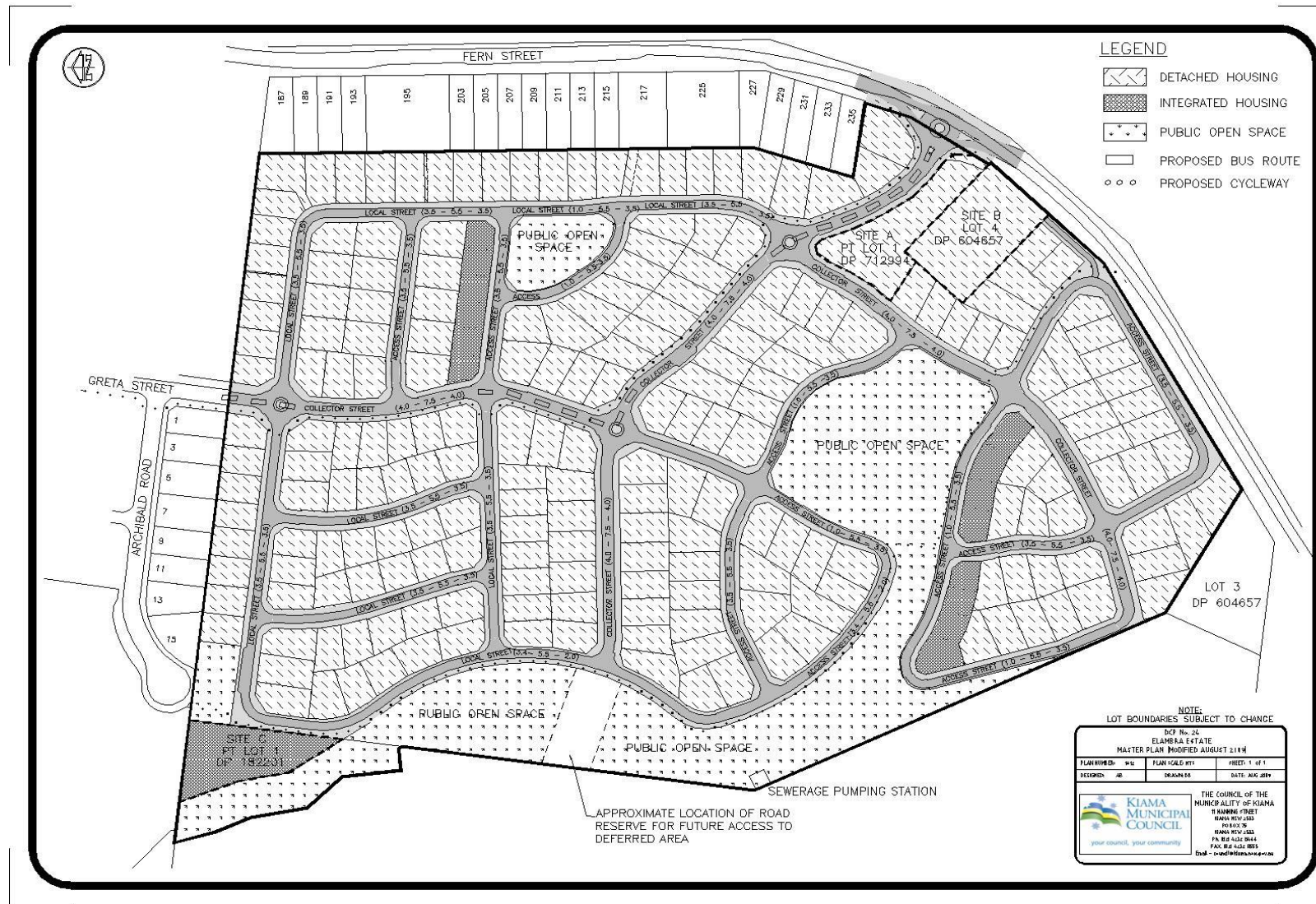
Objectives

- O:5.2.1 To control rural subdivision by taking into account the rural character and scenic environmental quality of the surrounding locality, inherent site constraints and available infrastructure.
- O:5.2.2 To ensure rural allotments are of sufficient size and shape to cater for a range of rural land uses and to minimise potential land use conflicts within the rural / non-urban zones or other adjoining zones.
- O:5.2.3 To prevent the fragmentation of rural land for rural residential purposes.
- O:5.2.4 To maintain the ability of agricultural land to be used for agriculture.
- O:5.2.5 To allow for the erection of dwellings on rural land that meets minimum lot size standards.
- O:5.2.6 To consider the potential impacts of bushfires in subdivision of land for rural residential purposes.
- O:5.2.7 To minimise the impacts of subdivision on native vegetation, endangered ecological communities, threatened species, waterways and riparian land and the scenic landscape.
- O:5.2.8 To minimise lots with frontages to riparian lands/waterways.

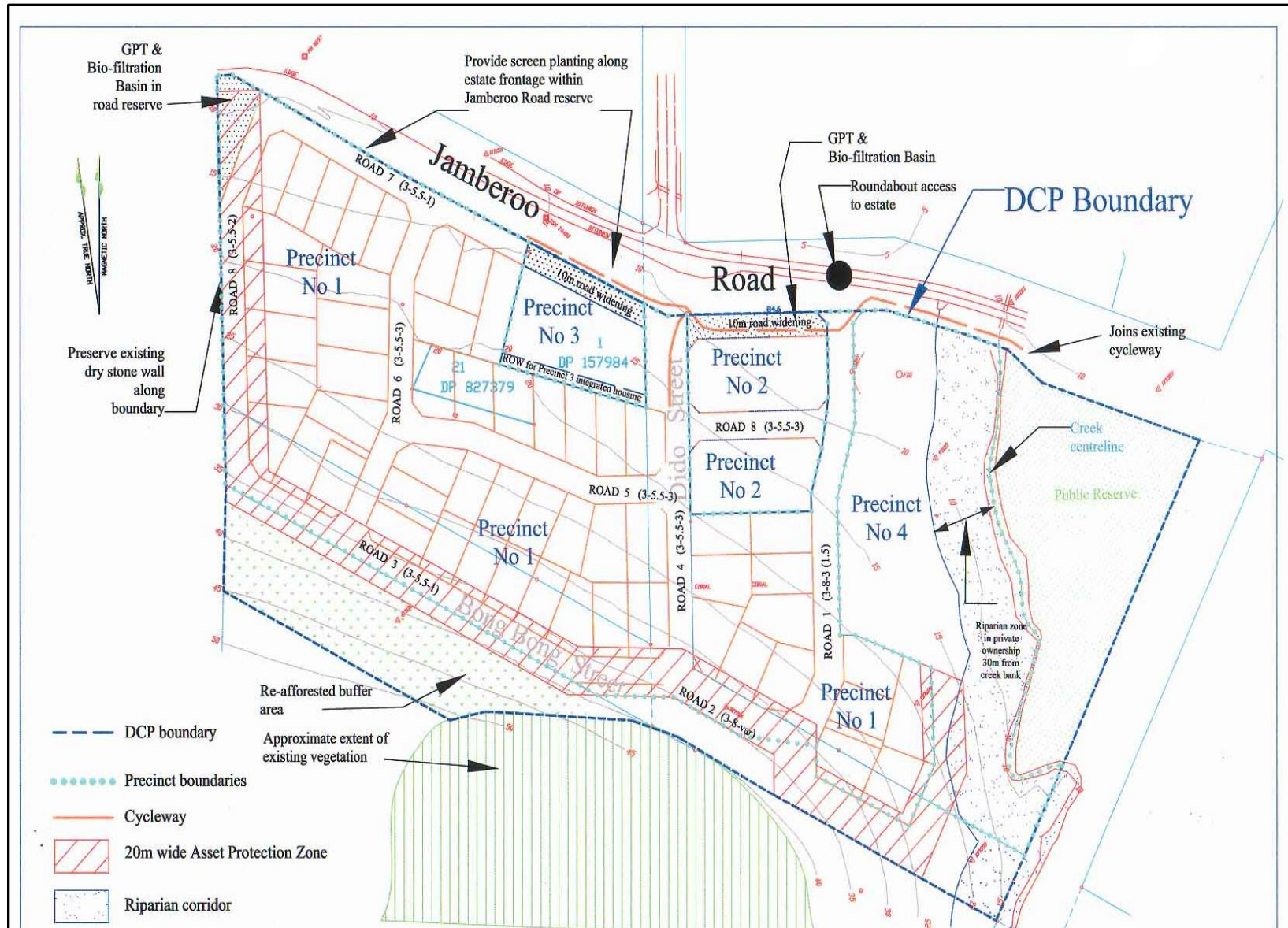
Controls

- 5.2.1 A rural lot containing two or more existing dwellings must not be subdivided to create each dwelling on a separate lot unless each lot will meet [the minimum area requirements](#) of Kiama LEP 2011.
- 5.2.2 Any subdivision must not create a greater number of lots with frontages to waterways/riparian lands.
- 5.2.3 Each lot in a subdivision of land for the purposes of erecting a dwelling house must identify a building envelope of sufficient size to accommodate a principal dwelling, a secondary dwelling and ancillary development on each lot on which a dwelling is proposed to be erected that:
- maximises the separation distance between a rural residential building envelope on the land and any existing or approved agricultural use on adjoining land,
 - enables compliance with the "[Planning for Bushfire Protection](#)" requirements,
 - avoids/minimises the need to clear native vegetation, and
 - avoids/minimises the environmental impact of development on waterways, biodiversity and the scenic landscape.

Appendix 1 Elambra Estate, Gerringong - Masterplan



Appendix 2 Cedar Grove Stage 1, Kiama - Masterplan



master plan

Prepared by Hill Thalis Architecture + Urban Projects Pty Ltd
for the Noble Family and Kiama Municipal Council - September, 2003

Gerringong Headland Master Plan - Option 1

4

4.3 Master Plan

The Gerringong Headland Master Plan presents an opportunity to interpret the specific qualities of one of the most significant headlands of the Kiama region and to reconsider the interface of the Town Centre with the Headland Foreshore Reserve.

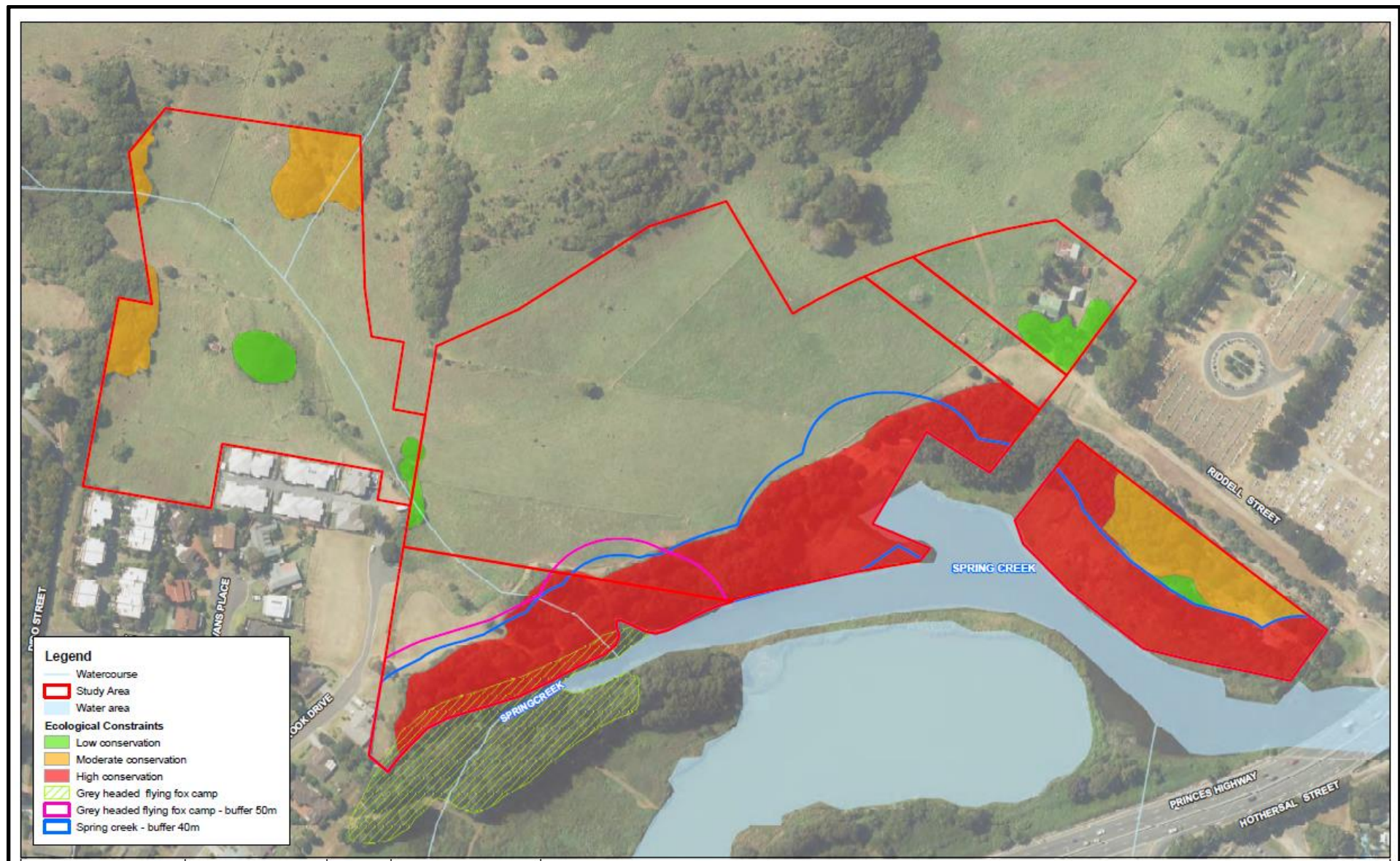
The Master Plan addresses the 'missing link' along the coastal foreshore, completing the town edge and providing continuous public foreshore access from Werri Beach to Boat Harbour.

1. **Edge Street - "Mitchell Street"**
 - Provides continuous access to Foreshore Reserve
 - Creates impressive civic street to complete town edge
 - Increases permeability and improves vehicular access
 - Provides on street parking for Foreshore Reserve
2. **Geering Street Intersection**
 - A shared use threshold to reduce traffic speeds and prioritise pedestrian movements.
3. **Public Accessway/Stairway**
 - Linking the Noble Lands and Geering Street to Pacific Avenue and Werri Beach
4. **Residential Lots**
 - Residential Lots with Geering Street frontages.
5. **Osborne Street link - "Osborne Way"**
 - Vehicular and pedestrian connection between Osborne Street, Mitchell Street and the Foreshore Reserve.
6. **Residential Lots**
 - Lots with Mitchell Street frontages.
7. **Armstrong Avenue link**
 - Pedestrian connection to Mitchell Street and Reserve
8. **Crossing Points**
 - Shared use thresholds slow traffic speeds and provide pedestrian crossing points along Mitchell Street.
9. **Residential Lots**
 - Lots with Belinda Street frontages.
10. **Pine Planting**
 - Extension of pine planting to end of Belinda Street.
 - Planting to mark original town plan alignment of Blackwood Street.

Figure 4.2(i)

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Appendix 4 Spring Creek, Kiama - Masterplan



How to contact Council

Post

General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au

Website: www.kiama.nsw.gov.au

Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



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Kiama Development Control Plan 2020

Chapter 6. Residential Accommodation



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date approved/adopted	17 March 2020
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Topic 6.1 – Dwelling Houses

Under the Kiama LEP 2011, [dwelling](#) means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

Dwellings are permissible with consent in all of our residential and rural zones and in our E3 Environmental Management zone. Dwellings in our rural zones and E3 Environmental Management zone need to comply with the relevant minimum lot size in order to have a 'dwelling entitlement'.

The following controls apply to development applications for both new dwellings and additions and alterations to existing dwellings.

General

Objectives

O:6.1.1	To encourage innovative housing design which incorporates high level architectural, environmental and amenity standards.
O:6.1.2	To promote residential development that achieves the principles of energy efficiency and ecologically sustainable development.
O:6.1.3	To protect the character of the areas and towns.
O:6.1.4	Ensure all development is designed and sited to respond to greater climatic extremes with energy efficient responses.
O:6.1.5	To provide high level of user amenity through the provision of well designed, liveable dwellings.
O:6.1.6	To provide high level of visual and acoustic privacy for existing and new residents.
O:6.1.7	To ensure that any residential development adjacent or in close proximity to rurally zoned land recognizes the 'right to farm' for rural land zonings.
O: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.

Controls

- 6.1.1 All applications for dwellings must meet the following controls:
- all Principal development standards as set by LEP 2011.
 - all development must be designed to minimise any environmental risks associated with its location.
- 6.1.2 Walls of buildings facing side boundaries and ≥ 15 metres in length must be appropriately articulated, such as through the use of different materials or design.
- 6.1.3 Developments located on a main or arterial road or in the vicinity of traffic management controls on any classification of road must provide for vehicles to enter and exit the site in a forward direction.
- 6.1.4 In any application consideration will be given to the effect of design that excessive height and/or bulk of dwelling house/addition/dual occupancy/secondary dwelling may have on adjoining properties, with respect to their privacy and overshadowing.

- 6.1.5 Dwelling houses/additions proposed on the site should be located so as to retain as many significant existing trees on the site as practicable. Where an application for the construction, extension, or alteration of the built upon area of a site involves removal of a tree which, in the opinion of Council is of significance in its own right to the site or to the general area, that application will not be favoured. Consideration should be given by applicants to the relocation or re-design of such proposals on the site, to ensure preservation of the significant tree(s).
- 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.
- 6.1.7 New buildings do not have to imitate the architecture of those nearby. However they should respect the scale, form, orientation etc. of buildings in the street.
- 6.1.8 New urban development is consistent with best practice neighbourhood and environmental design principles including:
- accessibility to the town and its community facilities;
 - energy and water efficiency;
 - urban form and design in both the private and public domains;
 - liveability and neighbourhood character; and
 - appropriate housing choice.
- 6.1.9 A maximum development density of one (1) dwelling per 1,000m² (exclusive of access handles) of site area (regardless of dwelling size) applies to land zoned R5 Large Lot Residential.
- 6.1.10 Dwellings and ancillary development in rural areas must be designed and sited to protect agricultural land; avoid/minimise their impact on the natural environment and the scenic landscape; and be clustered rather than dispersed over the property.
- 6.1.11 Dwellings and ancillary development in rural areas must be carefully and sensitively sited and designed to compliment landscape rather than become conspicuous built elements in the landscape. The siting of habitable buildings should also have regard to any existing or approved agricultural use of adjoining land and the amenity of neighbours.
- 6.1.12 Any existing dwelling that is replaced by a new dwelling must be demolished before the new dwelling is occupied unless consent is granted for that dwelling to be used for another purpose.
- 6.1.13 Ancillary development should also be where possible and practicable clustered around the principal dwelling, or able to utilise the same accessways.
- 6.1.14 Ancillary development will need to be landscaped to mitigate visual impact visible from a public place

Building Lines and Building Separation

Building Height Plane

- 6.1.15 No part of the structure (excluding the eaves, fascia and roof gutter to a maximum width of 600mm) within the built upon area of the site shall exceed a building height plane projected at an angle of 45° over the actual land to be built upon from a vertical distance of 5m above the existing ground level at any boundary of the site.

Building Lines

In established areas, the objective is to blend new development into the streetscape. Adopting similar setbacks to those already existing helps to integrate new development, and is an important design requirement in areas with significant streetscapes and a defined urban character. Where setbacks of adjacent buildings are approximately the same, it is better in terms of the streetscape to introduce a new building at the same setback as one of the adjacent buildings, rather than introducing a different setback distance. Where setbacks of adjacent buildings differ significantly, it is usually better to average the setbacks of the two adjacent buildings.

The setback of buildings relative to each other, public space and natural features affect issues of solar access, ventilation, safety, privacy, noise reduction, view corridors, view aspect, streetscape amenity, retention of vegetation and protection of sensitive areas such as wetlands, rivers, river foreshores and sensitive coastal locations.

Objectives

- | | |
|----------|--|
| O:6.1.9 | To provide guidelines for the appropriate siting of dwellings and other buildings. |
| O:6.1.10 | To protect the amenity of the locality in which the development is situated. |
| O:6.1.11 | To setback buildings and garages/carports from the street to provide adequate space for landscaping or open space, visual and acoustic privacy and vehicle parking, while assisting in establishing an attractive streetscape. |
| O:6.1.12 | To protect the established character of a neighbourhood with a consistent view along the street and water frontage to promote an open street and waterscape. |
| O:6.1.13 | To prevent dwelling houses and structures being sited inappropriately in relation to neighbouring dwellings and the water front. |
| O:6.1.14 | To prevent unreasonable loss of views. |
| O:6.1.15 | To provide for compliant car accommodation with due reference to building lines. |
| O:6.1.16 | To require dwellings to be designed and sited in a way consistent with ecologically sustainable development objectives and urban design principles. |
| O:6.1.17 | To protect urban bushland, riparian corridors, watercourses (including streams, estuaries and wetlands) and significant landscapes. |
| O:6.1.18 | To maintain visual and acoustic privacy, and provide for reasonable solar access into the rear yards and living areas of adjoining residences. |

O:6.1.19	To site dwellings having regard to possible risks to life and property resulting from storm surge, tidal inundation, flooding, erosion and sea level changes resulting from climatic change.
----------	--

What are the types of Building Lines?

In the context of this plan:

“Building Line” means the distance to a vertical member as measured from the front, rear or side property boundaries.

“Building Line Map” means the series of maps contained in Chapter 2 Section 7.

“Designated Property” means an allotment with a front, rear or foreshore building line defined in the building line maps.

“Foreshore Building Line” means the distance a structure must be set back from the boundary adjacent to the coast or a river, estuary, lake, lagoon or other water body.

“Front Building Line” means the distance a structure must be set back from the narrow street frontage of an allotment.

“Rural Areas” means both rural and rural environmental protection zoned land.

“Secondary Building Line” in relation to corner allotments, means the distance a structure must be set back from the longer street frontage of an allotment.

“Vertical Member” means the external wall or other vertical element of a building (eg post, column etc) nearest to the boundary from which the building line is being measured.

What can be built within the Building Lines?

Subject to compliance with the objectives of this chapter, the following structures **may** encroach forward of a building line, other than a foreshore building line and shall be a maximum area of 5.0m²:

- A cantilevered deck, balcony, patio, terrace or verandah for a maximum depth of 1.5 metres.
- An eaves or gutter to a maximum of 1.5 metres in depth.
- A step excluding landings to a maximum height of 1.0 metres and a depth of 1.5 metres.
- A fences and/or retaining wall to a maximum height of 1.2 metres.
- An entry feature or portico to a maximum depth of 1.5 metres.
- A window box treatment or bay window to a maximum depth of 1.5 metres.
- A sun shading feature to a maximum depth of 1.5 metres.

How do you measure a Building Line?

A building line is the distance from the boundary of a site to the wall or other vertical member of a building. In most cases this is a perpendicular measurement from the boundary with the building line running parallel to that boundary.

Street setbacks are perceived primarily as a means of protecting neighbour amenity and assisting in the establishment and maintenance of streetscape character.

Building Lines may provide:

- a landscape and visual setting for the building.
- a noise attenuation zone.
- privacy from the street and facing buildings.
- a buffer to street activity.
- an area that allows daylight and sunlight to reach the building.

- a territorial threshold between the public or communal street and private home.
- continuity with the existing streetscape.

Building Line Controls - Front Building Lines

- 6.1.16 Front building lines shall be in accordance with the [building line maps](#) or other relevant Chapters of this Development Control Plans.
- 6.1.17 Where a site is not mapped by the [building line maps](#) or covered by another chapter of this DCP the front building line shall be 4.5m or the average setback from the primary road of the 2 nearest dwelling houses on the same side of the primary road, whichever is the greater.

Building Line Controls - Secondary Building Lines on Corner Allotments

- 6.1.18 Secondary building lines shall be a minimum of 3.5 metres.

Building Line Controls - Secondary Building Lines on Parallel Road Allotments

- 6.1.19 Secondary building lines shall be a minimum of 3 metres.

Building Line Controls - Rear Building Lines

- 6.1.20 Rear building lines are 6 metres unless otherwise identified on the [Building Line Maps](#).
- 6.1.21 In the case of allotments affected by a 6.0 metre front building line, habitable structures shall be generally sited on the established rear building line of the adjoining development or six (6) metres whichever is the greater; subject to such development having a reasonable economic life. It must be demonstrated that the objectives of this plan are satisfied where a departure from an established building line is sought.
- 6.1.22 Single storey non-habitable structures, such as garages, pools, pergolas and barbecue areas, may be sited at a lesser distance from the rear property boundary, where such a structure satisfies the objectives of this plan and where, in the opinion of Council, no unreasonable impacts on neighbouring properties will result.

Building Line Controls - Side Boundary Setbacks for Walls, Eaves and Gutters

- 6.1.23 The minimum side boundary setback for a dwelling or an outbuilding attached to a dwelling shall be 900mm, as measured from the boundary to a vertical member. The minimum side boundary set back from the edge of the gutter, eaves or fascia is 675mm.

Building Line Controls - Building Lines for Garages or Carports

- 6.1.24 Car parking shall be provided behind the building line.

- 6.1.25 In the case of properties subject to front building lines of less than 6.0 metres, car accommodation in the form of either garages or carports shall be setback a minimum distance of 6.0 metres from the street boundary. This will enable sufficient space to allow additional visitor car parking within the driveway and wholly within the property boundaries. Applicants need to check specific controls in chapters 4 and 5 and site specific chapters.

Building Line Controls - Building Lines in Rural Areas

- 6.1.26 Buildings in rural areas shall be setback at least 15.0 metres from the boundary of a property with a public road frontage.
- 6.1.27 The minimum side boundary setback for a dwelling or an outbuilding attached to a dwelling shall be 900mm, as measured from the boundary to a vertical member. The minimum side boundary set back from the edge of the gutter, eaves or fascia is 675mm.
- 6.1.28 An agricultural buffer area at least 150 metres wide - or a greater distance if possible - must be provided between a rural dwelling house, secondary dwelling or ancillary development (used for habitable purposes) and any adjoining land in separate ownership that is used or capable of being used for agricultural purposes. (the purpose of the agricultural buffer area is to mitigate the impact of agricultural activities including noise, odour and spray drift on adjoining land affecting the amenity and health of residents of a new dwelling erected on adjacent land. Agricultural activities include agricultural processing plants, dairies, cattle yards, horticulture, feedlots or other like activities that could result in noise, odours or agricultural spray drift).
- 6.1.29 Where a separation distance of 150 metres or more cannot be achieved, and an agricultural activity or an approved agricultural activity is or is likely to be carried out on adjoining land, the planting of a 20 metre wide vegetation buffer strip - comprised of native vegetation must be provided between the proposed development building envelope and the adjacent agricultural land to help screen and mitigate agricultural activity impacts.
- 6.1.30 A dwelling and any ancillary development must be set back from a public road by a distance of at least 15 metres, and from a private road by a distance of at least 10 metres where it is practical to do so without clearing native vegetation.
- 6.1.31 A dwelling and ancillary development must be located at least 100 metres from another dwelling on an adjoining property to help achieve rural dwelling amenity.

Foreshore Building Lines

The quality and amenity of foreshore areas can be reduced through a variety of processes. Paramount among these are the private ownership and alienation of foreshore land; the preclusion of public access along, and public enjoyment of, the foreshore; the encroachment of development (including private boat jetties and retaining walls) on the foreshore; the disturbance and destruction of coastal and riparian vegetation for private gain; and, the visual and environmental impact of development within close proximity to the foreshore.

[Foreshore Building Lines](#) create buffers between the foreshore and development. These buffers assist in the protection of sensitive ecologies and riparian corridors; provision of public access along foreshores and to natural areas; provision and maintenance of visual amenity along the foreshore; and protection of properties from the effects of sea-level

changes, storm surge events, long term shoreline recession and erosion or other coastal and estuarine processes.

[Foreshore Building Lines](#) have been established within certain parts of the Kiama Council area having a frontage to a river, estuary, lake, lagoon or the coast. The Foreshore Building Lines are a development standard for the purposes of the [Environmental Planning and Assessment Act, 1979](#) as amended.

Objectives

O:6.1.20	To site dwellings having regard to possible risks to life and property resulting from storm surge, tidal inundation, flooding, erosion and sea level changes resulting from climatic changes/changing weather pattern.
O:6.1.21	Control the bulk, scale and location of development at the water's edge.
O:6.1.22	Restrict development and redevelopment below the Foreshore Building Line.
O:6.1.23	Reduce the number of structures below the Foreshore Building Line, particularly upon redevelopment of foreshore land.
O:6.1.24	Restore the land below the Foreshore Building Line, as far as practicable, to a natural state, with a minimum intrusion of artificial structures.
O:6.1.25	Preserve and enhance the natural features and vegetation at the interface of land and water.
O:6.1.26	Avoid pollution of, and adverse ecological impacts on, waterways, riparian vegetation and aquatic life.
O:6.1.27	Preserve the foreshore vista in a natural state where the foreshore is undeveloped.
O:6.1.28	Provide for separation between private land uses and public access along the foreshore.
O:6.1.29	Provide visual separation between land-based development and water-based activities.
O:6.1.30	Minimise the disturbance of Acid Sulfate Soils.
O:6.1.31	Mitigate the potential for property loss or damage by ensuring buildings are not subjected to structural damage as a result of erosion, flooding or other coastal or riverine processes and hazards.

Controls - General

- 6.1.32 Council cannot grant consent to any development of land affected by a Foreshore Building Line unless it is satisfied that the development will be consistent with the above objectives.
- 6.1.33 In granting development consent for development on land affected by a Foreshore Building Line, Council may require the removal of any building or works located below the Foreshore Building Line.

Some areas have specific Foreshore Building Lines such as Charles Avenue Minnamurra, and Werri Lagoon

Controls - Minnamurra River Foreshore Building Lines

A Foreshore Building Line applies to certain land in Charles Avenue, Minnamurra, fronting the Minnamurra River and situated between North Street and James Oates Reserve (as indicated on the building line maps). The Foreshore Building Line is measured as 30m landward from the high water mark as denoted on Deposited Plan 9760, and has applied to the land, in one form or another, since 1969.

A residential townhouse development (Nos 128-132 Charles Avenue), constructed during the early 1990's, effectively divides the area affected by the Minnamurra River Foreshore Building Line into two sections. The area north of Nos 128-132 Charles Avenue (Section 1) is clearly different to the area south of that property in terms of building setback to the Minnamurra River and compliance with the Foreshore Building Line. Buildings in Section 1 are generally older style smaller cottages (some with boat sheds and other outbuildings), which have been constructed close to the river. In the area south of Nos 128-132 Charles Avenue (Section 2), a number of allotments have been redeveloped since 1969 and the new buildings erected on those properties have been required to be set back behind the Foreshore Building Line.

In recognition of the existing development pattern along the river and the inherent differences in the development of Section 1 and Section 2, the following criteria are to be applied in the assessment of development applications which seek to vary the development standard which prohibits the construction of buildings in contravention of the Foreshore Building Line:

Properties to the north of Nos 128-132 Charles Avenue

- 6.1.34 New building work shall not reduce the existing setback to the Minnamurra River.
- 6.1.35 Buildings located forward of the foreshore building line shall be limited to single storey in height.
- 6.1.36 New building work, including roofs, shall be designed so as to not increase the bulk and scale of the development as it appears from the Minnamurra River and adjoining public areas.
- 6.1.37 The colours and materials chosen for buildings need to be considered in terms of their reflectivity and glare. While lighter roof colours are encouraged for heat deflection and global warming Albedo Effect benefits. Roof designs and location may need to be reconsidered so as to ensure that reflectivity and glare do not adversely affect neighbours' amenity. In some cases, where this amenity cannot be reasonably addressed by redesign, lower reflectivity material may need to be specified. All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- 6.1.38 The existing side boundary setbacks shall not be reduced.
- 6.1.39 Any alteration, extension or re-building of a building forward of the foreshore building line shall be restricted to an accumulative maximum increase in floor space of 10% as compared with the floor space of the building at the time of the first implementation of the foreshore building line on 7 March 1969. Council will consider a proposed variation to this criterion only on the following grounds:
 - The variation is required to enable a functional and reasonable (having regard to the objectives of the Foreshore Building Line) extension of an existing building.
 - The portion of the floor space in excess of the 10% consists of non-habitable development and the total increase is not more than 40m².
 - The other listed standards are complied with.
 - The variation is reasonable in terms of having minimal impact on adjoining residents and generally being consistent with the bulk and scale of adjoining developments.

- 6.1.40 There shall be no alteration, extension or re-building of a building within 6 metres of the high water mark.

Properties to the South of Nos 128-132 Charles Avenue

- 6.1.41 Any alteration, extension or re-building of the building forward of the foreshore building line shall be restricted to an accumulative maximum increase in floor space of 10% as compared with the floor space of the building at the time of first implementation of the foreshore building line on 7 March 1969.
- 6.1.42 A development application which proposes a significant increase in the gross floor area compared with that of the existing building will not be approved unless that portion of the existing building forward of the Foreshore Building Line is removed.
- 6.1.43 Any alteration or re-building of a building forward of the Foreshore Building Line, where more than 50% of the existing building is to be demolished in the process, is not permitted.
- 6.1.44 New building work, including roofs, shall be designed so as to not increase the bulk and scale of the development when viewed from Minnamurra River and adjoining public areas.
- 6.1.45 The colours and materials of buildings shall have low reflectivity. The colours and materials chosen for buildings need to be considered in terms of their reflectivity and glare. While lighter roof colours are encouraged for heat deflection and global warming Albedo Effect benefits. Roof designs and location may need to be reconsidered so as to ensure that reflectivity and glare do not adversely affect neighbours' amenity. In some cases, where this amenity cannot be reasonably addressed by redesign, lower reflectivity material may need to be specified. All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- 6.1.46 All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- 6.1.47 The existing side boundary setbacks shall not be reduced.
- 6.1.48 Any extension of an existing building shall not reduce the existing building setback to the river.
- 6.1.49 Buildings forward of the foreshore building line shall be limited to single storey in height.

Controls - Werri Lagoon Foreshore Building Line

A Foreshore Building Line applies to Nos.83 to 129 Renfrew Road and Nos 1 to 69 Werri Street, Werri Beach, fronting Werri Lagoon (as indicated on the building line maps). The Foreshore Building Line is measured as 15 metres landward of the high water mark as denoted on Deposited Plan 14188.

The following criteria are to be applied in the assessment of development applications which seek to vary the development standard which prohibits the construction of buildings in contravention of the Foreshore Building Line:

- 6.1.50 Any alteration, extension or re-building of a building forward of the Foreshore Building Line shall be restricted to an accumulative maximum increase in floor area of 10%.

- 6.1.51 A development application which proposes a significant increase in the gross floor area compared to that of the existing building will not be approved unless that portion of the existing building forward of the Foreshore Building Line is removed.
- 6.1.52 Any alteration or re-building of a building forward of the Foreshore Building Line, where more than 50% of the existing building is to be demolished in the process, is not permitted.
- 6.1.53 New building work, including roofs, shall be designed so as to not increase the bulk and scale of the development when viewed from Werri Lagoon.
- 6.1.54 The colours and materials of buildings shall have low reflectivity. The colours and materials chosen for buildings need to be considered in terms of their reflectivity and glare. While lighter roof colours are encouraged for heat deflection and global warming Albedo Effect benefits. Roof designs and location may need to be reconsidered so as to ensure that reflectivity and glare do not adversely affect neighbours' amenity. In some cases, where this amenity cannot be reasonably addressed by redesign, lower reflectivity material may need to be specified. All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- 6.1.55 All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- 6.1.56 The existing side boundary setbacks shall not be reduced.
- 6.1.57 Any extension of an existing building shall not reduce the existing building setback to the Lagoon.
- 6.1.58 Buildings forward of the Foreshore Building Line shall be limited to single storey in height.
- 6.1.59 Notwithstanding the above criteria, in the case of any existing structures located forward of the foreshore building line, there shall be no alteration, extension or re-building of such a building within 6.0 metres of the high water mark.

Building Footprint

Objectives

- O:6.1.32 To ensure that low density residential development provides sufficient space for private open space and landscaping on site.
- O:6.1.33 To ensure that the characteristics of coastal character of garden based residential development is maintained

Building Footprint means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,
- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

Controls

- 6.1.60 Buildings, that are applicable under this section, are not to have a cumulative building footprint greater than the areas specified below:

For a single dwelling house in a urban zones	60%
Elambra Estate	60%
West Kiama Urban release Area	60%
Gerringong Headland	Site specific controls in accordance with Gerringong Headland Masterplan
Cedar Grove	60%

Building Materials

Objectives

- O:6.1.34 To preserve the visual amenity and the urban, coastal and rural scenic character of the Municipality from potential visual detractor by reflective building materials.
- O:6.1.35 To encourage the use of building materials with suitable levels of reflectivity and colours to assist in minimising nuisance glare and reflectivity.
- O:6.1.36 To permit the use of metal roofing or cladding where the proposal satisfies the objectives of this chapter and will not set an undesirable precedent in the locality.
- O:6.1.37 To acknowledge [BASIX](#) and the benefits of lighter coloured walls and roofs in regard to improved energy efficiency and thermal comfort

Controls

- 6.1.61 All materials and colours used should be muted or earthy tones appropriate to the local street and landscape context. The colours and materials chosen for buildings need to be considered in terms of their reflectivity and glare. While lighter roof colours are encouraged for heat deflection and global warming Albedo Effect benefits. Roof designs and location may need to be reconsidered so as to ensure that reflectivity and glare do not adversely affect neighbours' amenity. In some cases, where this amenity cannot be reasonably addressed by redesign, lower reflectivity material may need to be specified. All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- 6.1.62 External finishes should not strongly contrast with the background whether by orientation, location, colour or choice of materials.
- 6.1.63 Metal roofing should have a solar absorbance classification in accordance with New South Wales [BASIX](#) of not less than 0.46 unless the applicant can satisfy Council that the proposal is consistent with the objectives of the Reflectivity in Building Materials Policy.

Storage

Objectives

- O:6.1.38 To provide adequate levels of storage.
- O:6.1.39 To Provide storage that is able to accommodate larger items, such as; sporting equipment (skiing, surfing, golfing etc),bicycles and seniors motorised scooters.

Controls

- 6.1.64 In addition to kitchen cupboards and bedroom wardrobes, provide enclosed accessible storage facilities at the following rates:
- two-bedroom dwellings - 8m³
 - three plus bedroom dwellings - 10m³.

Garaging/Car Parking

Objectives

- O:6.1.40 To ensure that garaging and car parking are designed and located to be useable and accessible.
- O:6.1.41 To ensure that any garaging does not detract from the streetscape of the development.

Controls

- 6.1.65 Garages/car parks can constitute a maximum of 50% of the front or street elevation of a development.
- 6.1.66 At least 1 space in any development must be located behind the building line.
- 6.1.67 A garage is preferable to a car port.
- 6.1.68 One double garage must not adjoin another double garage.
- 6.1.69 Any garaging must be set back a minimum of 6m to allow for stacked parking.

Private Open Space

Objectives

- O:6.1.42 To ensure that all dwellings achieve the minimum requirements for well designed private open space.

Controls

- 6.1.70 Each dwelling must be provided with a minimum of 24m² of private open space with minimum dimensions of 6m x 4m.
- 6.1.71 Private open space must be directly accessed from the main living area of the dwelling.
- 6.1.72 The maximum finished gradient of private open space is 1:4.
- 6.1.73 A minimum of 50% of the provided private open space areas are to receive a minimum of 3 hours of sunlight between 9.00am and 3.00pm on June 22. The sunlight must be able to cover the area measured at 1.0 metre above the finished level of the private open space area.
- 6.1.74 Private open space areas will require space available or need to be clearly designated on a plan. An area proposed forward of the building line will not be generally favoured but will be considered on merit in exceptional circumstances.
- 6.1.75 Balconies should not be located on the side of developments without appropriate measures to maintain reasonable amenity to adjoining properties.
- 6.1.76 A deck/balcony may count as part but not all of a dwellings private open space, subject to the following merit based assessment:
- A maximum of 1/3 of the total open space can be in the form of a balcony.
 - That the dimensions and location of the deck would provide for useful practical multipurpose open space;
 - The location of the deck will not compromise any amenity issues (such as noise or privacy) for surrounding dwellings/occupants.
 - Balconies located on the side of developments are not permitted.
 - A minimum dimension of 2 metres is required for any balcony.

External Fixtures

Controls – Drying Areas

- 6.1.77 Drying areas must be provided at a rate of 8 lineal meters of line per dwelling and:
- Should not be visible from any public place.
 - Must not be located in the main private open space area.
 - Cannot be located forward of the building line.
- 6.1.78 Drying areas should have a northerly aspect.

Controls – Letterboxes

- 6.1.79 Letterboxes must be provided in accordance with Australia Post requirements.

- 6.1.80 Consideration should be given to the siting of letterboxes in dual occupancy/secondary dwelling development for battle axe blocks.

Right to Farm

This plan acknowledges that there are many residential areas Kiama that adjoin rural land still actively used in agricultural production and that rural producers derive income from agricultural activities on this land.

New residents proposing to take up residence in the estate must anticipate that some agricultural activities on nearby rural land may periodically cause nuisance or offence by virtue of:

- The application of odorous fertilisers and other chemical substances from time to time.
- The operation of farm machinery and farm and stock transport vehicles (sometimes during night).
- The baying of livestock during the night.

This plan acknowledges primary producers right to farm.

The right to farm extends to rural landowners in close proximity to the residentially zoned lands but only to the extent of rural land uses permitted without development consent. Council will examine any development application for intensive horticulture or livestock production on the merits of the case and having regard to the potential for adverse impact on nearby residential areas.

New residents will also have responsibility for managing and controlling domestic dogs so that they do not interfere with or attack cattle and other livestock. Council will issue “dangerous” and “nuisance” dog orders and notices to the owners of domestic dogs found to be causing a nuisance or problems to rural landowners.

Controls

- 6.1.81 Any dwelling on residential zoned land that adjoins rural zoned land (capable of being used for agriculture) to be set back a distance of at least 9 metres for public health reasons.
- 6.1.82 Domestic pets in close proximity to agricultural lands must be managed and controlled so that they do not interfere with or attack cattle and other livestock.

Topic 6.2 – Secondary Dwellings

A secondary dwelling is the Kiama LEP's definition for a 'granny flat'. It means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the principal dwelling), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Secondary dwellings are permissible with consent in all of our residential and rural zones and in our E3 Environmental Management zone. [Clause 5.4\(9\)](#) limits the size of secondary dwellings to either 60m² or 100% of the total floor area of the principal dwelling, whichever is the greater.

The following controls apply to development applications for both new secondary dwellings and additions and alterations to existing secondary dwellings.

General

Objectives

- O:6.2.1 To encourage innovative housing design which incorporates high level architectural, environmental and amenity standards.
- O:6.2.2 To promote residential development that achieves the principles of energy efficiency and ecologically sustainable development.
- O:6.2.3 To protect the character of the areas and towns.
- O:6.2.4 Ensure all development is designed and sited to respond to greater climatic extremes with energy efficient responses.
- O:6.2.5 To provide high level of user amenity through the provision of well designed, liveable dwellings.
- O:6.2.6 To provide high level of visual and acoustic privacy for existing and new residents.
- O:6.2.7 To ensure that any residential development adjacent or in close proximity to rurally zoned land recognizes the 'right to farm' for rural land zonings.
- O:6.2.8 To ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character.

Controls

- 6.2.1 All applications for secondary dwellings must meet the following controls:
 - all Principal development standards as set by LEP 2011
 - all development must be designed to minimise any environmental risks associated with its location.
- 6.2.2 Walls of buildings facing side boundaries and ≥ 15 metres in length must be appropriately articulated, such as through the use of different materials or design.
- 6.2.3 Developments located on a main or arterial road or in the vicinity of traffic management controls on any classification of road must provide for vehicles to enter and exit the site in a forward direction.

- 6.2.4 In any application consideration will be given to the effect of design that excessive height and/or bulk of secondary dwelling may have on adjoining properties, with respect to their privacy and overshadowing.
- 6.2.5 Dwelling houses/additions proposed on the site should be located so as to retain as many significant existing trees on the site as practicable. Where an application for the construction, extension, or alteration of the built upon area of a site involves removal of a tree which, in the opinion of Council is of significance in its own right to the site or to the general area, that application will not be favoured. Consideration should be given by applicants to the relocation or re-design of such proposals on the site, to ensure preservation of the significant tree(s).
- 6.2.6 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.
- 6.2.7 New buildings do not have to imitate the architecture of those nearby. However they should respect the scale, form, orientation etc. of buildings in the street.
- 6.2.8 New urban development is consistent with best practice neighbourhood and environmental design principles including:
- accessibility to the town and its community facilities;
 - energy and water efficiency;
 - urban form and design in both the private and public domains;
 - liveability and neighbourhood character; and
 - appropriate housing choice.
- 6.2.9 Dual occupancy/secondary dwellings must have regard to the overall control for low density development.
- 6.2.10 Lots must have a minimum frontage of 15m for dual occupancy/secondary dwelling development. The minimum width will be measured at the building line for irregular shaped lots.
- 6.2.11 Development must meet development standards from Kiama LEP 2011, or site specific clauses (ie Silver Hill/Cedar Ridge, David Smith Place below).
- 6.2.12 Secondary dwelling development is not permissible in unsewered or unserviced areas.
- 6.2.13 Secondary dwelling developments may not be permissible on allotments exceeding an average fall of 20 degrees. This is due to problems with car parking access, conflicts with height controls, achievable private open spaces, drainage (where there is no inter-allotment easements) and safety.
- 6.2.14 Provision of Adaptable Housing (Australian Standard AS 4299) at a ratio of 1:2 dwellings for Secondary dwellings.
- 6.2.15 Battle axe block must have a minimum frontage and access handle width of 5m for consideration of secondary dwelling development. This frontage must include a 3 metre concrete driveway and a 1 metre landscaped strip adjoining the neighbouring property.
- 6.2.16 Each dwelling in a secondary dwelling development must have a clearly defined and identifiable street entrance.

- 6.2.17 Each dual secondary dwelling must have separate adequate storage for waste disposal bins clearly identified.
- 6.2.18 Secondary dwelling or development must not create an impost on either dwelling or adjoining properties in terms of stormwater management.
- 6.2.19 Consideration should be given in the design to help maintain privacy, access to natural light, orientation and a reduction in noise transmission not only between the proposed dwellings, but also between the proposed secondary dwelling and adjoining residences.
- 6.2.20 Consideration should be given to the suitable placement of rooms, positioning of windows, orientation to make available natural light and appropriate methods of construction and building materials.
- 6.2.21 Consideration will need to be given to the bulk of a building particularly in relation to adjoining development and the streetscape (bulky buildings have a greater potential to overshadow and reduce privacy to adjoining properties). To assist in the reduction of such impacts, intricate designs are necessary incorporating split level, broken roof lines and site specific floor layouts.
- 6.2.22 Buildings should be sited and designed to have regard, as far as practicable, to views enjoyed from adjacent properties. In relation to properties fronting public reserves or foreshore areas, general building lines set by existing development must be adhered to. Advice should also be sought from Council as to whether foreshore building lines apply to the site.
- 6.2.23 Windows in a habitable room should be designed and located so as not unreasonably interfere with the privacy of adjoining dwellings.
- 6.2.24 A shadow diagram must be submitted demonstrating the availability of sunlight to adjoining/nearby development including living room windows, private open spaces of the subject development as well as adjoining properties.
- 6.2.25 Buildings should be designed to optimise solar access by positioning and orienting the building to maximise north facing walls with habitable room windows (within 30 degrees east and 20 degrees west of north) where possible.
- 6.2.26 A minimum of 3 hours direct sunlight is to be available between the hours 9.00am and 3.00pm on June the 22nd to at least 50% of the private open space area and living room windows of the subject development including adjoining properties.
- 6.2.27 Developments shall be designed so that solar glare is minimised. This may be achieved by avoiding reflective films, or using glass reflectance below 20%.

- 6.2.28 Secondary dwelling development proposals involving land within a conservation area, or land or adjacent to land identified as a heritage item shall have regard to:
- The pitch and form of the roof;
 - The style, size, proportion and position of the openings for windows and doors;
 - whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the heritage conservation area;
 - the requirement to ensure that any proposed development is sympathetic to the heritage values, and
 - Any other relevant matter.
- 6.2.29 Secondary dwelling development shall make adequate arrangements for the provision of a water supply to each dwelling and for the disposal of sewage and stormwater from each dwelling. A stormwater drainage concept with calculations is required to be submitted with Development Applications. Council will not approve dual occupancy/secondary dwelling development or subdivision in unsewered or unserved residential areas.
- 6.2.30 A maximum development density of one (1) dwelling per 1,000m² (exclusive of access handles) of site area (regardless of dwelling size) applies to land zoned [R5 Large Lot Residential](#).
- 6.2.31 Dwellings and ancillary development in rural areas must be designed and sited to protect agricultural land; avoid/minimise their impact on the natural environment and the scenic landscape; and be clustered rather than dispersed over the property.
- 6.2.32 Dwellings and ancillary development in rural areas must be carefully and sensitively sited and designed to compliment landscape rather than become conspicuous built elements in the landscape. The siting of habitable buildings should also have regard to any existing or approved agricultural use of adjoining land and the amenity of neighbours.
- 6.2.33 Any existing dwelling that is replaced by a new dwelling must be demolished before the new dwelling is occupied unless consent is granted for that dwelling to be used for another purpose.
- 6.2.34 Ancillary development should also be where possible and practicable clustered around the principal dwelling, or able to utilise the same accessways.
- 6.3.35 Ancillary development will need to be landscaped to mitigate visual impact visible from a public place

Building Lines and Building Separation

- 6.2.36 Secondary dwellings are required to comply with the [building lines and building separations](#) outlined in Topic 6.1.
- 6.2.37 If detached from the principal dwelling, secondary dwellings are to be separated at least 1.8 metre from the principal dwelling on the site

Building Footprint

- 6.2.38 Secondary dwellings contribute to the cumulative building footprint on the site and are required to comply with the [building footprint](#) requirements outlined in Topic 6.1.

Building Materials

- 6.2.39 Secondary dwellings are required to comply with the [building materials](#) requirements outlined in Topic 6.1.

Storage

- 6.2.40 Secondary dwellings are required to have the minimum [storage](#) requirements outlined in Topic 6.1.

Garaging/Car Parking

- 6.2.41 Garaging/Car Parking for secondary dwellings is to comply with the [garaging/car parking](#) requirements outlined in Topic 6.1.

Private Open Space

Objectives

- | | |
|---------|---|
| O:6.2.9 | To ensure that all dwellings achieve the minimum requirements for well designed private open space. |
|---------|---|

Controls

6. 2.42 Secondary dwellings must be provided with private open space, in addition to the private open space required by the primary dwelling, at the following rates:
- One-bedroom dwelling – no additional private open space
 - two-bedroom dwelling - 12m²
 - three plus bedroom dwellings - 24m².
6. 2.43 Private open space must have a minimum width of 4 metres
6. 2.44 Private open scape areas for secondary dwellings are to comply with the [private open space](#) requirements outlined in Topic 6.1.

External Fixtures

6. 2.45 The external fixtures for secondary dwellings is to comply with the [external fixtures](#) requirements outlined in Topic 6.1.

Right to Farm

6. 2.45 Secondary dwellings are to comply with the [right to farm](#) requirements outlined in Topic 6.1.

Topic 6.3 – Home Business, Industries and Occupations

Introduction

These controls provide guidelines for small home based business enterprises in residential and ancillary premises. Any activity associated with a home business/enterprise must be capable of being readily identifiable as a small scale domestically operated enterprise and not a shop, commercial office or commercial premises, or industrial premises. Home Business and Home Industry are defined in [Kiama LEP 2011](#).

Objectives

- | | |
|---------|--|
| O:6.3.1 | to enable domestic scaled home businesses/industry to operate on or from dwellings and their curtilage. |
| O:6.3.2 | ensure LEP 2011 provisions are met. |
| O:6.3.3 | to ensure that home based businesses/industries retain the external characteristics and appearance of a dwelling in the street rather than a commercial enterprise |
| O:6.3.4 | to safeguard the amenity of residents in the neighbourhood and in particular the immediate neighbours. |
| O:6.3.5 | to ensure such enterprises do not pollute or degrade the environment in any way including visually. |
| O:6.3.6 | to provide for levels of performance to be met while the enterprise operates to ensure it remains a small scale operation as initially approved. |

Controls - General

- 6.3.1 Any home based activity must meet all relevant controls in [LEP 2011](#).
- 6.3.2 Any home based activity is carried out within a dwelling or the curtilage of a dwelling occupied by the person carrying on the activity or on adjoining land owned by that person.
- 6.3.3 Any home based activity must not:
- interfere with the amenity of the locality by reason of the emission of noise, traffic, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise; or
 - involve exposure to view from any public place of any unsightly matter; or
 - require the provision of any essential service main of a greater capacity than that available in the locality; or
 - involve the employment of more personnel than is permissible under Kiama LEP 2011 other than residents of the dwelling.
- 6.3.4 Any activity is in character with the scale and general amenity of other activities within the immediate area.
- 6.3.5 Adequate provision must be made for on-site collection and storage of waste products generated and in a way that does not adversely impact on neighbouring premises. A waste plan must be completed in accordance with [Topic 3.1](#) and submitted with any application.
- 6.3.6 Any goods offered for sale have been produced on the site of the activity.

- 6.3.7 Adequate provision has been made on site for the collection, storage and disposal of waste resulting from the activity.
- 6.3.8 Provisions have been made, on site, for the safe and convenient parking, turning and manoeuvring of vehicles associated with the activity.
- 6.3.9 Satisfactory provision has been made to ensure the safe and convenient ingress to and egress from the site, for all vehicles using the site.
- 6.3.10 The building to be used in conjunction with the activity does not cause adverse visual impact.
- 6.3.11 The building meets all relevant BCA conditions.
- 6.3.12 Only one sign is located on the premises that:
- is attached to either the front fence, front façade of the dwelling,
 - has dimensions no larger than 1 metre by 0.6 metre.
- 6.3.13 In the case of dwellings within a building under strata or community title, the approval of the Body Corporate will also be required for signs.
- 6.3.14 No other form of advertisement or promotional structure or object must be placed within view from a public place either on the premises, near the site or in a public place,
- 6.3.15 Car parking for the residents and their employees is provided in accordance with the requirements outlined in [Topic 3.6](#).
- 6.3.16 The storage of dangerous quantities of volatile or combustible compounds that might cause damage to adjoining properties is prohibited.

Controls – Amenity - Pollution

- 6.3.17 The activity must not contain features that are likely to create the emission of noise from equipment, plant or any other source between the hours:
- 8.00 am to 6.00 pm Monday to Saturday at a level any higher than the existing ambient noise level as measured at the boundaries of the premises except as may be approved by Council having regard to the nature of the cottage industry and surrounding development.
 - 6.00 pm to 8.00 am Monday to Saturday, or any hour Sunday or public holidays at a level higher than the existing ambient noise levels as measured at the boundaries of the premises.
- 6.3.18 The activity must not lead to customer, staff or service/delivery/distribution traffic movements to or from the premises between the hours of 6.00 pm and 8.00 am Monday to Saturday, or any time on Sundays, or such other operating hours as Council may impose by condition of consent, except where Council is satisfied movements outside these hours will not unreasonably interfere with the amenity of the neighbourhood and adjoining residents.
- 6.3.19 The activity must not involve the frequent use of trucks or other major mobile plant on or near the site.

- 6.3.20 The activity must not generate significant traffic generation to and from the site by vehicles belonging to the residents, employees, students, clients or delivery and distribution vehicles and the like - (traffic generation of more than four vehicle movements per hour, eg arrival and departure of two vehicles, will be deemed significant for the purpose of this land use).
- 6.3.21 The activity must not cause vibration being felt on neighbouring premises.
- 6.3.22 The activity must not cause perceptible odours (including cooking odours), fumes, smoke, gas, vapours, steam, soot, ash, dust or grit that will affect neighbouring premises.
- 6.3.23 The activity must not cause likely discharge of contaminants - solid or liquid - other than those commonly discharged from a domestic premises into the sewerage system.
- 6.3.24 The activity must not cause ground contamination of soils by the deposition of liquid or solid wastes - including oil products and chemicals or their compounds - on soil.
- 6.3.25 The activity must not cause the accumulation of waste materials on the site other than those properly stored and to be disposed of by a regular collection system.

Controls – Amenity - Visual Impact

- 6.3.26 The activity must not involve:
- the erection of buildings or structures that are clearly visible from the street, other public place or an adjoining residential private outdoor open space (utilised for regular outdoor recreation) that are unsightly or out of character with the general domestic nature of buildings and structures common within a residential neighbourhood; or
 - the erection of buildings or structures that adversely affect the amenity of a neighbour including privacy and solar access of habitable rooms and outdoor private open space recreation areas.

Additional information required for Development Applications

A Statement of Environmental Effects (SEE) is required with the Development Application and should address the following:

- The nature, operations and activities of the proposed home business/industry,
- The proposed hours of operation of the home business/industry,
- The projected number of clients attending the site.
- The nature and frequency of deliveries to the site.
- The areas which will be utilised for the business/industry.
- A Waste Management Plan
- Specialist consultant reports, eg acoustic engineer's report to be submitted.

The submission of an internal floor layout plan of the dwelling or ancillary building is required which shows the location and gross floor area of the proposed home business.

Topic 6.4 – Dual Occupancy

Under the Kiama LEP's a dual occupancy can be either attached or detached and means 2 dwellings on one lot of land, but does not include a secondary dwelling.

Dual occupancies are only permissible with consent in our residential zones.

The following controls apply to development applications for both new dual occupancies and additions and alterations to existing dual occupancies.

General

Objectives

O:6.4.1	To encourage innovative housing design which incorporates high level architectural, environmental and amenity standards.
O:6.4.2	To promote residential development that achieves the principles of energy efficiency and ecologically sustainable development.
O:6.4.3	To protect the character of the areas and towns.
O:6.4.4	Ensure all development is designed and sited to respond to greater climatic extremes with energy efficient responses.
O:6.4.5	To provide high level of user amenity through the provision of well designed, liveable dwellings.
O:6.4.6	To provide high level of visual and acoustic privacy for existing and new residents.
O:6.4.7	To ensure that any residential development adjacent or in close proximity to rurally zoned land recognizes the 'right to farm' for rural land zonings.
O:6.4.8	To ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character.

Controls

- 6.4.1 All applications for dual occupancies must meet the following controls:
- all Principal development standards as set by LEP 2011
 - all development must be designed to minimise any environmental risks associated with its location.
- 6.4.2 Walls of buildings facing side boundaries and ≥ 15 metres in length must be appropriately articulated, such as through the use of different materials or design.
- 6.4.3 Developments located on a main or arterial road or in the vicinity of traffic management controls on any classification of road must provide for vehicles to enter and exit the site in a forward direction.
- 6.4.4 In any application consideration will be given to the effect of design that excessive height and/or bulk of secondary dwelling may have on adjoining properties, with respect to their privacy and overshadowing.

- 6.4.5 Dwelling houses/additions proposed on the site should be located so as to retain as many significant existing trees on the site as practicable. Where an application for the construction, extension, or alteration of the built upon area of a site involves removal of a tree which, in the opinion of Council is of significance in its own right to the site or to the general area, that application will not be favoured. Consideration should be given by applicants to the relocation or re-design of such proposals on the site, to ensure preservation of the significant tree(s).
- 6.4.6 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.
- 6.4.7 New buildings do not have to imitate the architecture of those nearby. However they should respect the scale, form, orientation etc. of buildings in the street.
- 6.4.8 New urban development is consistent with best practice neighbourhood and environmental design principles including:
- accessibility to the town and its community facilities;
 - energy and water efficiency;
 - urban form and design in both the private and public domains;
 - liveability and neighbourhood character; and
 - appropriate housing choice.
- 6.4.9 Dual occupancy must have regard to the overall control for low density development.
- 6.4.10 Lots must have a minimum frontage of 15m for dual occupancy development. The minimum width will be measured at the building line for irregular shaped lots.
- 6.4.11 Development must meet development standards from Kiama LEP 2011, or site specific clauses (ie Silver Hill/Cedar Ridge, David Smith Place below).
- 6.4.12 Dual occupancy development is not permissible in unsewered or unserved areas.
- 6.4.13 Dual occupancy developments may not be permissible on allotments exceeding an average fall of 20 degrees. This is due to problems with car parking access, conflicts with height controls, achievable private open spaces, drainage (where there is no inter-allotment easements) and safety.
- 6.4.14 Provision of Adaptable Housing (Australian Standard AS 4299) at a ratio of 1:2 dwellings for dual occupancy.
- 6.4.15 Battle axe block must have a minimum frontage and access handle width of 5m for consideration of dual occupancy development. This frontage must include a 3 metre concrete driveway and a 1 metre landscaped strip adjoining the neighbouring property.
- 6.4.16 Each dwelling in a dual occupancy development must have a clearly defined and identifiable street entrance.
- 6.4.17 Each dual occupancy must have separate adequate storage for waste disposal bins clearly identified.

- 6.4.18 Dual occupancy development must not create an impost on either dwelling or adjoining properties in terms of stormwater management.
- 6.4.19 Consideration should be given in the design to help maintain privacy, access to natural light, orientation and a reduction in noise transmission not only between the proposed dwellings, but also between the proposed secondary dwelling and adjoining residences.
- 6.4.20 Consideration should be given to the suitable placement of rooms, positioning of windows, orientation to make available natural light and appropriate methods of construction and building materials.
- 6.4.21 Consideration will need to be given to the bulk of a building particularly in relation to adjoining development and the streetscape (bulky buildings have a greater potential to overshadow and reduce privacy to adjoining properties). To assist in the reduction of such impacts, intricate designs are necessary incorporating split level, broken roof lines and site specific floor layouts.
- 6.4.22 Buildings should be sited and designed to have regard, as far as practicable, to views enjoyed from adjacent properties. In relation to properties fronting public reserves or foreshore areas, general building lines set by existing development must be adhered to. Advice should also be sought from Council as to whether foreshore building lines apply to the site.
- 6.4.23 Windows in a habitable room should be designed and located so as not unreasonably interfere with the privacy of adjoining dwellings.
- 6.4.24 A shadow diagram must be submitted demonstrating the availability of sunlight to adjoining/nearby development including living room windows, private open spaces of the subject development as well as adjoining properties.
- 6.4.25 Buildings should be designed to optimise solar access by positioning and orienting the building to maximise north facing walls with habitable room windows (within 30 degrees east and 20 degrees west of north) where possible.
- 6.4.26 A minimum of 3 hours direct sunlight is to be available between the hours 9.00am and 3.00pm on June the 22nd to at least 50% of the private open space area and living room windows of the subject development including adjoining properties.
- 6.4.27 Developments shall be designed so that solar glare is minimised. This may be achieved by avoiding reflective films, or using glass reflectance below 20%.
- 6.4.28 Dual occupancy development proposals involving land within a conservation area, or land or adjacent to land identified as a heritage item shall have regard to:
- The pitch and form of the roof;
 - The style, size, proportion and position of the openings for windows and doors;
 - whether the colour, texture, style, size and type of finish of the materials to be used on the exterior of the building are compatible with the materials used in the existing buildings in the heritage conservation area;
 - the requirement to ensure that any proposed development is sympathetic to the heritage values, and
 - Any other relevant matter.

- 6.4.29 Dual occupancy development shall make adequate arrangements for the provision of a water supply to each dwelling and for the disposal of sewage and stormwater from each dwelling. A stormwater drainage concept with calculations is required to be submitted with Development Applications. Council will not approve dual occupancy/secondary dwelling development or subdivision in unsewered or unserved residential areas.
- 6.4.30 A maximum development density of one (1) dwelling per 1,000m² (exclusive of access handles) of site area (regardless of dwelling size) applies to land zoned R5 Large Lot Residential.
- 6.4.31 Dual occupancy development is not permitted on proposed Lots 101, 102 and 103 (in the subdivision of Lot 1 DP 728055, Lot 1 DP 733420 and Lot 206 DP 793208 as indicated in Development Application No.384/99 and approved by Council - shown hatched in [Appendix 2](#).

Building Lines and Building Separation

- 6.4.32 Dual occupancies are required to comply with the [building lines and building separations](#) outlined in Topic 6.1.
- 6.4.33 If detached from each other, dwellings associated with a dual occupancy are to be separated by at least 1.8 metre.

Building Footprint

- 6.4.34 Dual occupancy developments contribute to the cumulative building footprint on the site and are required to comply with the [building footprint](#) requirements outlined in Topic 6.1.

Building Materials

- 6.4.35 Dual occupancies are required to comply with the [building materials](#) requirements outlined in Topic 6.1.

Storage

- 6.4.36 Dual occupancies are required to have the minimum [storage](#) requirements outlined in Topic 6.1.

Garaging/Car Parking

- 6.4.37 Garaging/Car Parking for dual occupancies is to comply with the [garaging/car parking](#) requirements outlined in Topic 6.1.

Private Open Space

Objectives

- O:6.4.9 To ensure that all dwellings achieve the minimum requirements for well designed private open space.

Controls

- 6.4.38 Both dwellings associated with a dual occupancy must be provided with 24m² private open space each.
6. 4.39 Private open scape areas for secondary dwellings are to comply with the [private open space](#) requirements outlined in Topic 6.1.

External Fixtures

6. 4.40 The external fixtures for dual occupancies is to comply with the [external fixtures](#) requirements outlined in Topic 6.1.

Right to Farm

6. 4.41 Dual occupancies are to comply with the [right to farm](#) requirements outlined in Topic 6.1.

Topic 6.5 – Medium Density

For the purposes of this chapter development encompassing 3 or more dwellings/units is classed as medium density development.

Medium density development can occur only in certain zones in the Kiama Municipality. Areas that undergo redevelopment to medium density housing forms will change quite dramatically. Whilst Council is committed to the principles of view sharing it must be noted that in these areas a certain loss of views may be expected as development forms change. Where possible designers should attempt to preserve views through the development process. However, loss of views cannot be used as the significant determinant in assessing an application. These controls apply where medium density development is not subject to the controls contained in [State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development](#).

Controls - General

Developments of 3 units or more must attend a Council DAU meeting prior to the lodgement of any Development Application, which will include an independent architect, who will provide advice on design/character issues. A fee will be charged for this meeting in accordance with Council's Fees and Charges.

All applications will be assessed against all relevant criteria contained in:

- State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development
- Apartment Design Guide (ADG). Note; Where SEPP 65 is applicable, the requirements of the SEPP and ADG prevail and the DCP will only be referenced if no control exists in the SEPP or ADG.
- Applications incorporating universal housing and seniors housing will be assessed against State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- Building Code of Australia.
- Access to Premises -Buildings Standards 2010.
- Coastal design and Guidelines for NSW.
- Crime Prevention through Environmental Design.

Objectives

O:6.5.1	Provide sufficient separation and articulation to provide high level of visual and acoustic privacy for existing and new occupants.
O:6.5.2	To ensure that development is designed for climate change including possibility of higher winds, extreme rain events etc.
O:6.5.3	To ensure the high level architectural merit of buildings to ensure high levels of liveability and street amenity.
O:6.5.4	To encourage lot amalgamation and discourage leaving isolated lots surrounded by larger developments.
O:6.5.5	To ensure that all environmental risks such as coastal processes/sea level rises etc. are taken into consideration in the development process.
O:6.5.6	To ensure that all design is to incorporate a high level of daylight, sunlight, air flow and ventilation to all housing.
O:6.5.7	To select building types appropriate to the site's topography, local context, location, dimensions and landform.

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| O:6.5.8 | To ensure that any significant existing vegetation is retained and enhanced. |
| O:6.5.9 | To encourage a mix of housing forms to assist in achieving urban consolidation initiatives particularly in localities close to business. |

Controls

- 6.5.1 All Principal development standards as set by Kiama LEP 2011 including maximum height of buildings. Where roofs are pitched to address local character issues, consideration may be given to a variation request under Clause 4.6 of Council's LEP provided controls in the SEPP and/or DCP are met.
- 6.5.2 Lots must have a minimum frontage of 25m wide. The minimum width will be measured at the building line for irregular shaped lots. Variations to the above may be considered where it can be demonstrated that all DCP requirements have been met in regard to a proposal on an allotment of lesser width. Such variations to be referred to Council for determination.
- 6.5.3 Provision of lift access for Class 2, Class 3 and Class 4 buildings (as identified in the Building Code of Australia) where there are 3 or more storeys. Except for where the 3 or more storeys are contained within a single sole occupancy unit. The maximum number of apartments off a circulation core on a single level is eight.
- 6.5.4 Provision of Adaptable Housing (Australian Standard AS 4299) at a ratio of 1:4 dwellings or part thereof.
- 6.5.5 Development on land in close proximity to a foreshore must be designed with regard to sea level rise.
- 6.5.6 All development must minimise any environmental risks associated with its location.
- 6.5.7 Cutting and filling on site is limited to 900mm external to the perimeter of the building.
- 6.5.8 Terracing on site may be permissible if earthworks are retained by engineer designed walls and stepped at minimum of 1 metre horizontal intervals.

Controls - Setbacks and Building Separation

Objectives

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| O:6.5.10 | Provide sufficient separation and articulation of buildings to provide high level of amenity, daylight, privacy and noise attenuation. |
| O:6.5.11 | Development should be designed to minimise overshadowing of adjacent properties and private or shared open space. |

O:6.5.12 All built form including balconies must be located clear of the setbacks detailed below.

Controls

6.5.9 Development up to 2 storeys and 8.5m in height above existing ground must comply with the following setbacks:

Primary street frontage	4.5 metres
Secondary street frontage (corner sites)	3.5 metres
Side Setback (Ground Floor)	6m for habitable rooms and balconies/terraces - 0.9m for non-habitable rooms.
Side Setback (First Floor)	6m for habitable rooms and balconies - 3m for non-habitable rooms.
Rear setback	6 metres

6.5.10 If minimum daylight access, ventilation, visual privacy and acoustic privacy requirements can be demonstrated, encroachment of up to 3m into side setbacks for habitable rooms and balconies may be acceptable by utilising a combination of the following visual privacy strategies or equivalent:

- offset windows of apartments in new development and adjacent development windows;
- high level windows;
- translucent glazing;
- recessed balconies and/or vertical fins between adjacent balconies;
- solid or semi-solid balustrades to balconies;
- operable louvers or screen panels to windows and/or balconies;
- Screening through 1.5m high fencing, landscaping between areas, and;
- utilising pergolas or shading devices to limit overlooking of lower apartments or private open space.

6.5.11 Development up to 3 or more storeys and/or >8.5m – 11m in height above existing ground must comply with the following setbacks:

Primary street frontage	Minimum of 6 m
Secondary street frontage (corner sites)	Minimum of 3.5m.
Dual street frontages (front and rear)	The primary street set back above will apply to both streets unless circumstances exist that justify a lesser setback based on the existing pattern of development and or road hierarchy.
Side setbacks	6m for habitable rooms and balconies - 3m for non-habitable rooms.
Rear setbacks	Foreshore Building line, Common building line, or other Council endorsed building line if it applies otherwise: 6m.

- 6.5.12 If minimum daylight access, ventilation, visual privacy and acoustic privacy requirements can be demonstrated, encroachment of up to 3m into side setbacks for habitable rooms may be acceptable by utilising a combination of the following visual privacy strategies or equivalent:
- offset windows of apartments in new development and adjacent development windows;
 - high level windows;
 - translucent glazing;
 - recessed balconies and/or vertical fins between adjacent balconies;
 - solid or semi-solid balustrades to balconies;
 - operable louvers or screen panels to windows and/or balconies;
 - Screening through 1.5m high fencing, landscaping between areas, and;
 - utilising pergolas or shading devices to limit overlooking of lower apartments or private open space.
- 6.5.13 The following structures may encroach forward of the front setback, other than a foreshore building line, and shall be a maximum area of 5.0m²:
- A 1m maximum encroachment of underground parking ventilation structures that are integrated with other external building structures, such as pathways or terraces and effectively screened by appropriate landscaping.
 - A cantilevered deck, balcony, patio, terrace or verandah for a maximum depth of 1.5 metres.
 - An eaves or gutter to a maximum of 1.5 metres in depth.
 - A step excluding landings to a maximum height of 1.0 metres and a depth of 1.5 metres.
 - A fences and/or retaining wall to a maximum height of 1.2 metres.
 - An entry feature or portico to a maximum depth of 1.5 metres.
 - A window box treatment or bay window to a maximum depth of 1.5 metres.
 - A sun shading feature to a maximum depth of 1.5 metres.
 - Letter boxes.
- 6.5.14 Site specific controls for setbacks apply to some areas of the LGA. Applicants need to check the site specific chapters of this DCP.

Controls - End User Amenity

Objectives

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| O:6.5.13 | To provide high level of user amenity through the provision of well designed, liveable dwellings. |
| O:6.5.14 | To provide high level of visual and acoustic privacy for existing and new residents. |

Controls

- 6.5.15 75% of dwellings within a development must have a dual aspect (eg 2 sides of the dwelling/building).
- 6.5.16 In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from an openable window, such window to have an area not less than 10% of the floor area it serves.
- 6.5.17 Balconies providing private open space (with the exception of Juliet balconies) must be accessed directly from the main living area.
- 6.5.18 Developments must include building elements to modify environmental conditions such as the incorporation of sun screens, pergolas, shutters and operable walls to control sunlight and wind on balconies.
- 6.5.19 Development must be designed to promote flexibility of end use. Design criteria should include providing apartment layouts, which accommodate the changing use of rooms.
- 6.5.20 Developments should include some dwellings designed for groupings other than families ie adults dual master-bedroom apartments, which can support two independent adults living together or a live/work situation.
- 6.5.21 Apartments are required to have the following minimum internal areas to ensure flexibility of use:
- Studio - 35m²
 - 1 bedroom - 50m²
 - 2 bedroom - 70m²
 - 3 bedroom = 90m²
- 6.5.22 The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.
- 6.5.23 A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.
- 6.5.24 Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space). Bedrooms have a minimum dimension of 3m (excluding wardrobe space).
- 6.5.25 Living rooms or combined living/dining rooms have a minimum width of:
- 3.6m for studio and 1 bedroom apartments
 - 4m for 2 and 3 bedroom apartments.
- 6.5.26 The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.
- 6.5.27 Two storey apartments should be designed so that a habitable room (that may be used as a bedroom) and a bathroom is located on the ground floor.

Controls - Solar Access

Objectives

O:6.5.15 All development must incorporate design to the internal layout and the siting of the development on the site to ensure a high level of solar access to both end users of the development and existing surrounding development.

Controls

- 6.5.28 A minimum of 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm on 22 June to living rooms and private open spaces. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm on 22 June.
- 6.5.29 Dwellings should be designed to locate living areas to the north and service areas to the south and west of the development.
- 6.5.30 A minimum of 3 hours of direct sunlight is to be retained to north facing living room windows and/or doors and primary private open space of existing development adjoining proposed medium density development. Where this standard is not met by predevelopment conditions, any proposal should not decrease current levels of solar access.
- 6.5.31 Development should be designed to optimise the number of apartments receiving daylight access to habitable rooms and principal windows by:
- Using skylights, clerestory windows and fanlights to supplement daylight access,
 - Promoting two-storey and mezzanine, ground floor apartments or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces,
- 6.5.32 Development should ensure that solar glare for neighbouring properties is minimised. This may be achieved by avoiding reflective films, or using a glass reflectance below 20%.
- 6.5.33 A minimum of 4 hours of solar access should be retained to solar collectors on both neighbouring buildings and on-site.
- 6.5.34 Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.

Controls - Acoustic Requirements

Objectives

O:6.5.16 To ensure that all developments provide a high level of acoustic amenity.

Controls

- 6.5.35 Applications must demonstrate compliance with the Sound Transmission Class ratings in the Building Code of Australia (BCA). Applications must demonstrate compliance with these ratings including the following guidelines:
- All developments must be designed so that noise transmission from external sources into new dwellings and between dwellings meets all BCA requirements.
 - The number of party walls (walls shared with other apartments) is limited and is appropriately insulated.
 - All units located in close proximity to: commercial centres, arterial roads, sub arterial major collector roads, railway lines, and highways must meet the following threshold noise transmission standards as measured in the dwelling of 42 dB(A) for night and 55 dB(A) during the day time.
 - Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.
 - The design shall take into account the future aspects of sound transmission.
 - The design of all developments must ensure acoustic privacy from the beginning of the project to ensure that future services, such as air conditioning, do not cause acoustic problems later.
 - Window and door openings are generally orientated away from noise sources.
 - Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas.
 - Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.
 - Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions:
 - rooms with similar noise requirements are grouped together
 - doors separate different use zones
 - wardrobes in bedrooms are co-located to act as sound buffers
 - Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions:
 - double or acoustic glazing
 - acoustic seals
 - use of materials with low noise penetration properties
 - continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements
 - Should Council officers ascertain that there will be noise impacts; an acoustic report may be required to be submitted with the development application.

Controls – Storage

Objectives

O:6.5.17 To provide adequate levels of storage..
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- O:6.5.18 To provide storage that is able to accommodate larger items, such as; sporting equipment (skiing, surfing, golfing etc), bicycles and seniors motorised scooters.
- O:6.5.19 To ensure that storage separated from apartments is secure for individual use.

Controls

- 6.5.36 In addition to kitchen cupboards, bathrooms and bedroom wardrobes, provide accessible storage facilities at the following rates:
- studio apartments 4m³
 - one-bedroom apartments 6m³
 - two-bedroom apartments 8m³
 - three plus bedroom apartments 10m³.
- 6.5.37 At least 50% of the required storage is to be located within the apartment
- 6.5.38 Where basement storage is provided the design must ensure that it does not compromise natural ventilation in carparks or create potential conflicts with fire regulations.

Controls - Open Space

Objectives

- O:6.5.20 To ensure that as densities are increased that useable well designed open space is provided.
- O:6.5.21 To ensure that all dwellings have the minimum well designed private open space requirements

Controls

- 6.5.39 All apartments are required to have primary balconies as follows:
- Studio Apartments - 8m² - no min depth
 - 1 bedroom apartments - 16m² - 3m min depth
 - 2 bedroom apartments - 20m² - 3m min depth
 - 3+ bedroom apartments - 24m² - 3m min depth
- 6.5.40 The minimum balcony depth to be counted as contributing to the balcony area is 3m.
- 6.5.41 For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.
- 6.5.42 Private open spaces of at least 70% of apartments in a building must receive a minimum of 3 hours direct sunlight between 9 am and 3 pm on 22 June.

- 6.5.43 Private open space must:
- Not include drying facilities;
 - Not include garbage storage areas.
 - Be directly accessible from an indoor living area.
- 6.5.44 Communal Open Space must be provided if the development has more than 8 dwellings.
- 6.5.45 Communal open Space must be provided at a minimum rate of 5m² per dwelling.
- 6.5.46 Communal open space must be designed to be meet the landscaping criteria outlined in [Topic 3.2](#). Communal Open Space must be attractive, practical, useable and located to:
- achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 22 June;
 - provide appropriate shading in summer;
 - provide acoustic and visual privacy to nearby dwellings to apartments;
 - provide functionality for residents and communal activities, and
 - optimise its recreational value by avoiding siting near car access areas or ventilation duct outlets from basement car parks.
- 6.5.47 Communal open space cannot include drying facilities or garbage storage areas.

Controls - Ceiling Heights

Objectives

O:6.5.22	Ensure that developments are designed to facilitate excellent access to natural light.
----------	--

Controls

- 6.5.48 Developments should be designed to facilitate better access to natural light by:
- Incorporating ceiling heights which promote the use of taller windows, highlight windows and fan lights.
 - Ensuring that ground floor units and units with deep floor plans exceed this minimum criteria - Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
- 6.5.49 Development must comply with the following minimum finished floor level (FFL) to finished ceiling level (FCL):

Controls - Safety/Security Design Criteria

Objectives

O:6.5.23 Ensure that development contributes positively to the streetscape and community through safe and appropriate design.

Controls

- 6.5.50 All development must provide for a safe legible and appropriate access for pedestrians and vehicles. Design solutions may include:
- changes in surface materials.
 - level changes.
 - the use of landscaping for separation.
- 6.5.51 Development must be designed to create a clear transition between public and private space. Design solutions may include:
- terraces, balconies and courtyard apartments having direct street entry, where appropriate.
 - changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings.
 - front fences and walls along street frontages should use visually permeable materials and treatments.
 - the height of solid fences or walls should be limited to 1m.
 - length of solid walls should be limited along street frontages.
 - opportunities for people to be concealed should be minimised.
- 6.5.52 Development must ensure habitable rooms provide clear views over the street, the building entries public or communal open spaces and car parking. Design solutions may include:
- bay windows.
 - corner windows.
 - balconies.
- 6.5.53 Vehicle access points must not dominate the building facade. Car park access should be integrated with the building's overall facade. Design solutions may include:
- the materials and colour palette to minimise visibility from the street.
 - security doors or gates at entries that minimise voids in the façade.
 - where doors are not provided, the visible interior reflects the facade design and the
 - building services, pipes and ducts are concealed.
- 6.5.54 Development must ensure high level of privacy and safety for occupants of ground floor units. Design solutions may include:
- elevation of private gardens and terraces above the street level by 1-1.5m.
 - landscaping and private courtyards.
 - window sill heights that minimise sight lines into apartments.
 - integrating balustrades, safety bars or screens with the exterior design.

- 6.5.55 Development must optimise the visibility, functionality and safety of buildings by:
- orienting entrances towards the public street where possible/practical.
 - providing clear lines of sight between entrances, foyers and the street.
 - providing direct entry to ground level apartments from the street rather than through a common foyer
 - providing direct and well-lit entrances, access between carparks and other common areas of the development.
 - avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor carparks, along corridors and walkways.
 - providing well-lit BCA requirement common areas and routes throughout the development.
 - separating the residential component of a development's car parking from any other building use and controlling carpark access from public and common areas.
 - providing direct access from carparks to apartment lobbies for residents.
 - providing separate access for residents in buildings containing a neighbourhood shop.
 - providing an audio or video intercom system at the entry or in the lobby for visitors to communicate with residents.

Controls - Building Footprint

Objectives

- | | |
|----------|---|
| O:6.5.24 | To intensify development on site to ensure for appropriate landscaping is provided on site. |
| O:6.5.25 | To ensure that the building footprint (the area within the external walls of buildings but does not include external structures such as terraces, patios, balconies and the like) is sited to ensure all landscaping requirements set out in chapter are implemented on site. |

Controls

- 6.5.56 Site design must optimise the provision of consolidated deep soil zones within the site by:
- ensuring buildings and basement/sub-basement/surface car parking do not to fully cover the site allowing for 25% deep soil landscaping, in line with Chapter 8 Landscaping.
 - using the front and rear boundary setbacks for deep soil zones/soft landscaping.
 - locating deep soil zones/soft landscaping contiguous with the deep soil zones on adjacent properties.

Controls – Façade

Objectives

- | | |
|----------|--|
| O:6.5.26 | To ensure high architectural quality in medium density developments. |
|----------|--|

O:6.5.27	To ensure that all medium density developments create a positive relationship to their site and their environment.
O:6.5.28	To ensure that the facade of the development is designed to minimise the overall bulk of the building and adds positively to the architectural merit of the streetscape.

Controls

- 6.5.57 All new development must incorporate facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. Design solutions may include but are not limited to:
- defining a base, middle and top related to the overall proportion of the building, expressing key lines in the context using cornices.
 - utilising a change in materials or building setbacks.
 - articulating building entries with awnings, porticos, recesses, blade walls and projecting bays.
 - selecting balcony types which respond to the street context, building orientation and residential amenity.
 - using a variety of window types to create a rhythm or express the building uses.
 - a defined base, middle and top of buildings.
 - building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.
 - shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.
- 6.5.58 All development must incorporate architectural features which give human scale to the design of the building at street level. Design solutions may include:
- entrance porches, awnings, colonnades, pergolas and the like.
 - well composed horizontal and vertical elements
 - variation in floor heights to enhance the human scale
 - elements that are proportional and arranged in patterns
 - public artwork or treatments to exterior blank walls
 - grouping of floors or elements such as balconies and windows on taller buildings
 - apartment layout should be expressed externally through facade features such as party walls and floor slabs.
- 6.5.59 Corner sites should give visual prominence through design elements to define the corner.
- 6.5.60 Development must integrate building services, such as drainage pipes, vent shafts, air conditioning and any security devices within the overall facade.

Controls - Drying Areas

- 6.5.61 Drying areas must be provided at a rate of 5 lineal meters of line per unit.
- 6.5.62 Drying areas should have a northerly aspect.

- 6.5.63 Drying areas must not be visible from any public place.
- 6.5.64 Drying areas cannot be located foreword of the building line.

Controls - Letterboxes

- 6.5.65 Common letterboxes must be provided in accordance with Australia Posts requirements. Letterboxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.

Controls – Aerials/Satellite Dishes

- 6.5.66 An aerial/satellite dish must be located at least 900mm from each lot boundary and in the rear of the development, and
- 6.5.67 An aerials/satellite dish cannot be higher than 1.8m above the highest point of the roof if roof mounted.

Controls - Bin Storage Facilities

- 6.5.68 All requirements for the adequate and appropriate storage of bins outlined in [Topic 3.1](#) will need to be met.
- 6.5.69 The bin storage facility will be required to be shown on plans submitted as a part of the development application.

Topic 6.6 – Shop Top Housing

Under the Kiama LEP 2011, shop top housing means one or more dwellings located above ground floor retail premises or business premises. These types of developments incorporate residential and retail or business uses within the same building. In these instances the land uses are separated vertically.

Shop Top Housing is required to comply with the requirements of Topic 6.5 and the following development specific controls.

Objectives

- | | |
|---------|--|
| O:6.6.1 | To support the integration of appropriate permissible commercial and residential uses with housing. |
| O:6.6.2 | To create more active lively streets and urban areas, which encourage pedestrian movement, service the needs of the residents and increase the area's employment base. |
| O:6.6.3 | To ensure that the design of mixed use developments maintains residential amenities and preserves compatibility between uses. |

Controls

- | | |
|-------|---|
| 6.6.1 | The mix of uses must be compatible and must complement and reinforce the character, economics and function of the local area. |
| 6.6.2 | Design must ensure that the end result provides flexible building layouts, which promote variable tenancies or uses. A minimum ceiling height of 3.3m for ground floor is required to promote future flexibility of use. |
| 6.6.3 | All developments containing a mix of uses must incorporate legible circulation systems, which ensure the safety of users by: <ul style="list-style-type: none">• isolating commercial service requirements, such as loading docks, from residential access.• locating clearly demarcated residential entries directly from the public street.• clearly distinguishing between the commercial and residential areas, entries.• providing security entries to all entrances into private areas, including carparks and any internal courtyards.• concealment opportunities are avoided. |
| 6.6.4 | Developments must demonstrate that they meet all BCA requirements Sound Transmission Class ratings for acoustic levels especially between the different land uses. |
| 6.6.5 | All shop top housing dwellings must meet the following threshold noise transmission standards as measured in the dwelling of 42 dB(A) for night and 55 dB(A) during the day time. |

- 6.6.6 All development containing permissible commercial land uses must front active uses to the street and avoid the use of blank walls at the ground level. Design solutions may include:
- development addresses the street.
 - active frontages are provided.
 - diverse activities and uses.
 - live/work apartments on the ground floor level, rather than commercial.
- 6.6.7 All developments mixed use developments must recognise the ownership/lease patterns and separating requirements for purposes of BCA for considerations.

Topic 6.7 – Seniors Housing - Section 17 - Additional Controls for Seniors Housing

Under the Kiama LEP 2011, seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#), or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),

and that is, or is intended to be, used permanently for:

- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place

Seniors housing is required to comply with the requirements of Topic 6.5 and the following development specific controls.

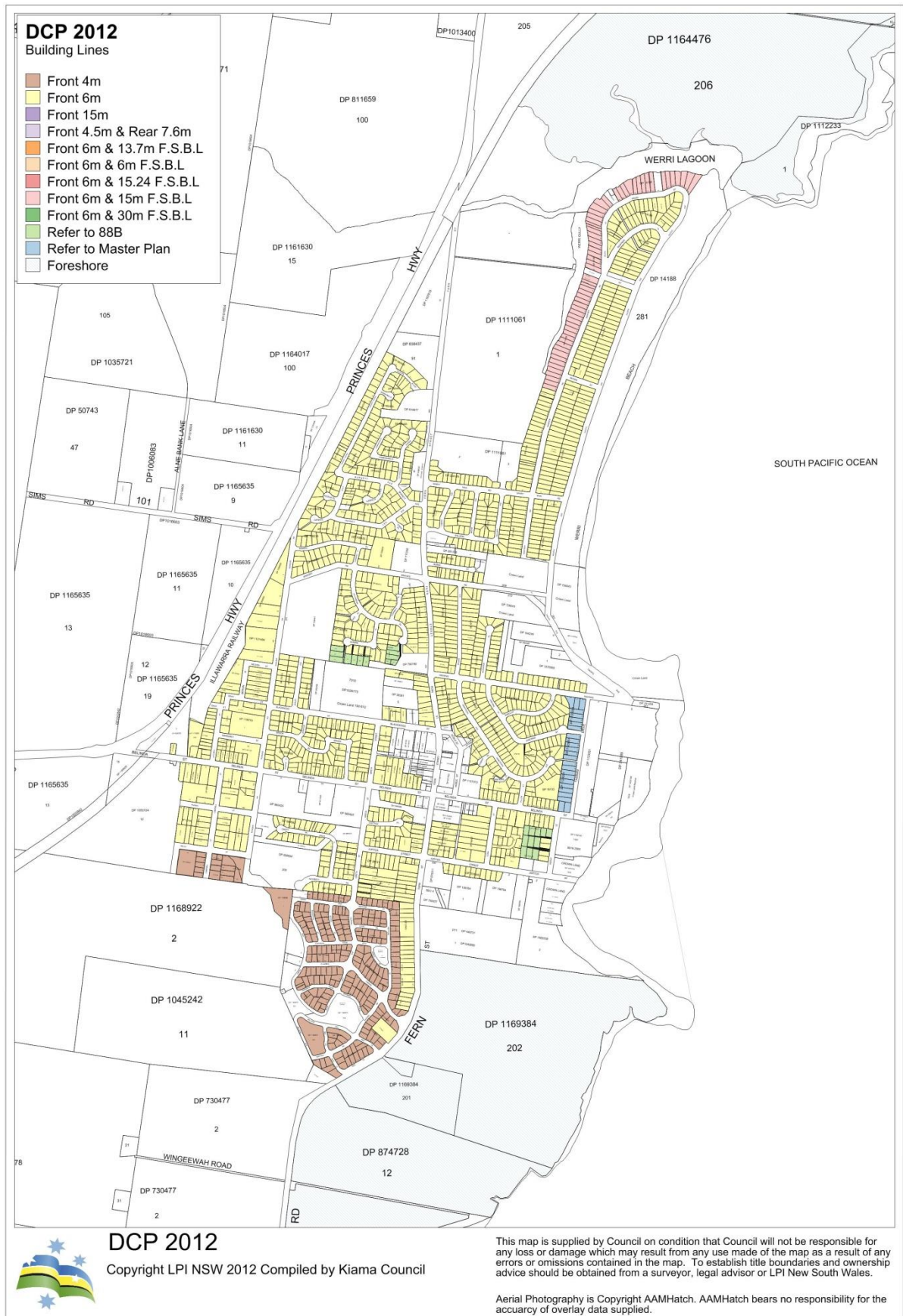
Objectives

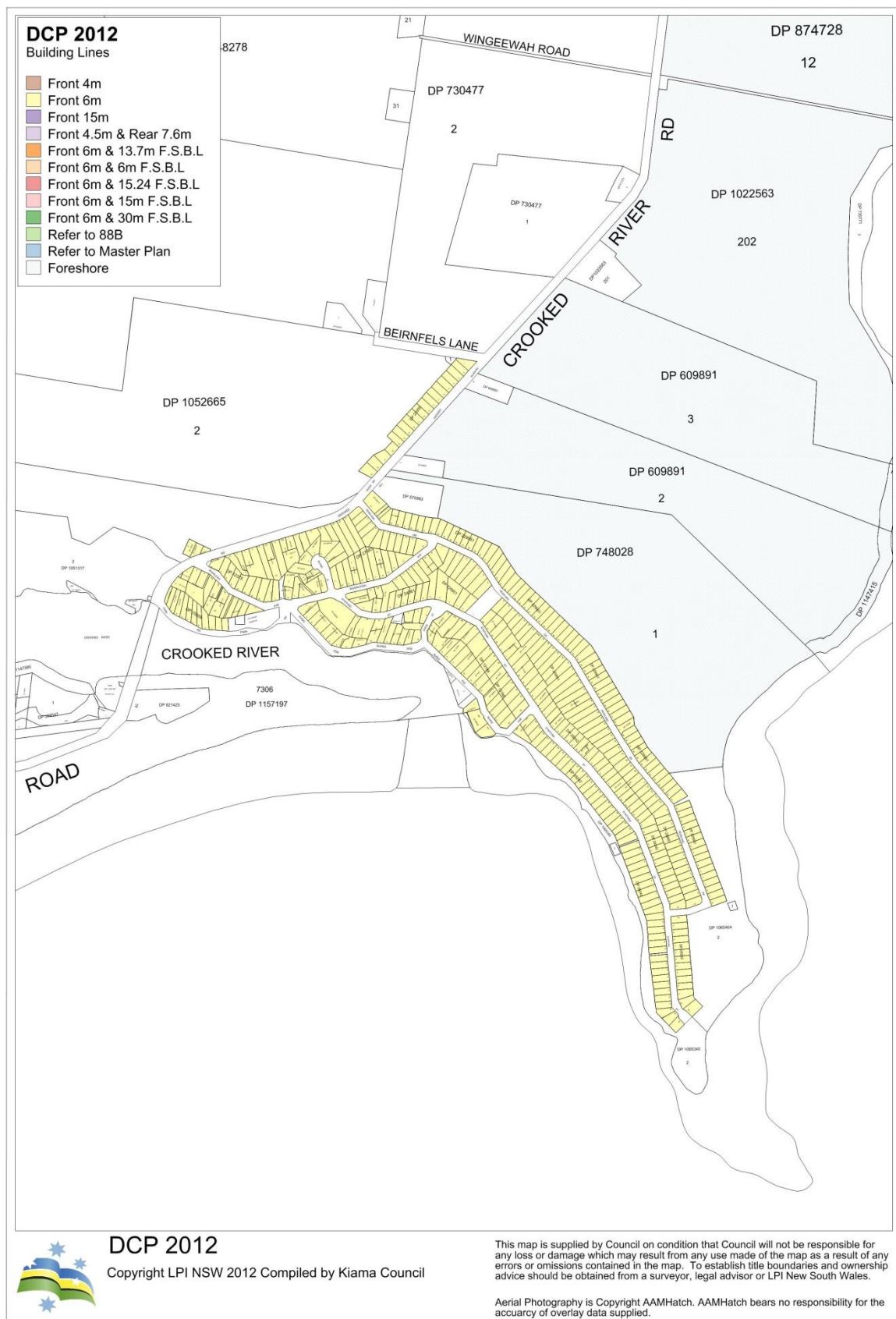
O:6.7.1 To ensure all developments catering for seniors meets the requirements of the [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#).

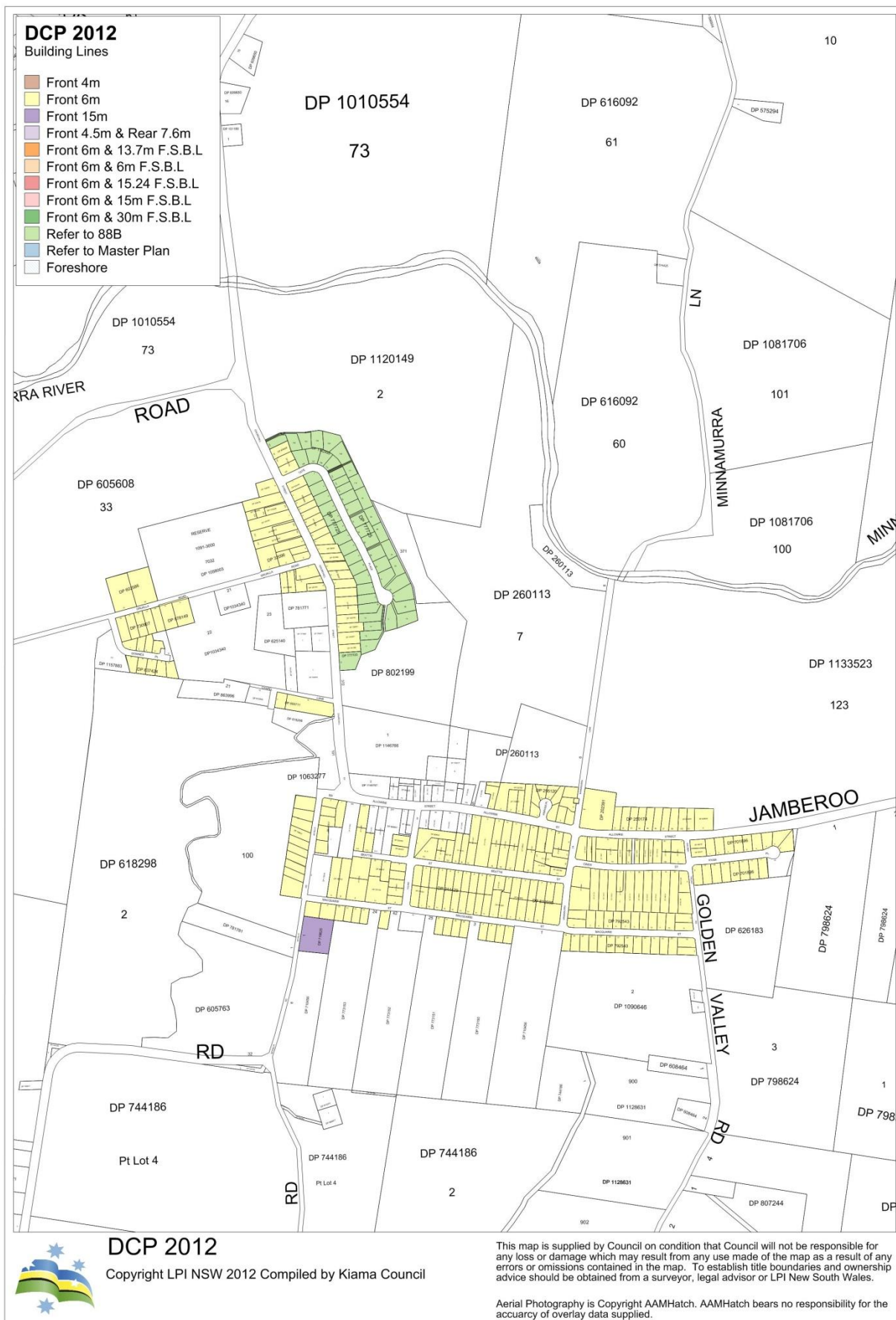
Controls

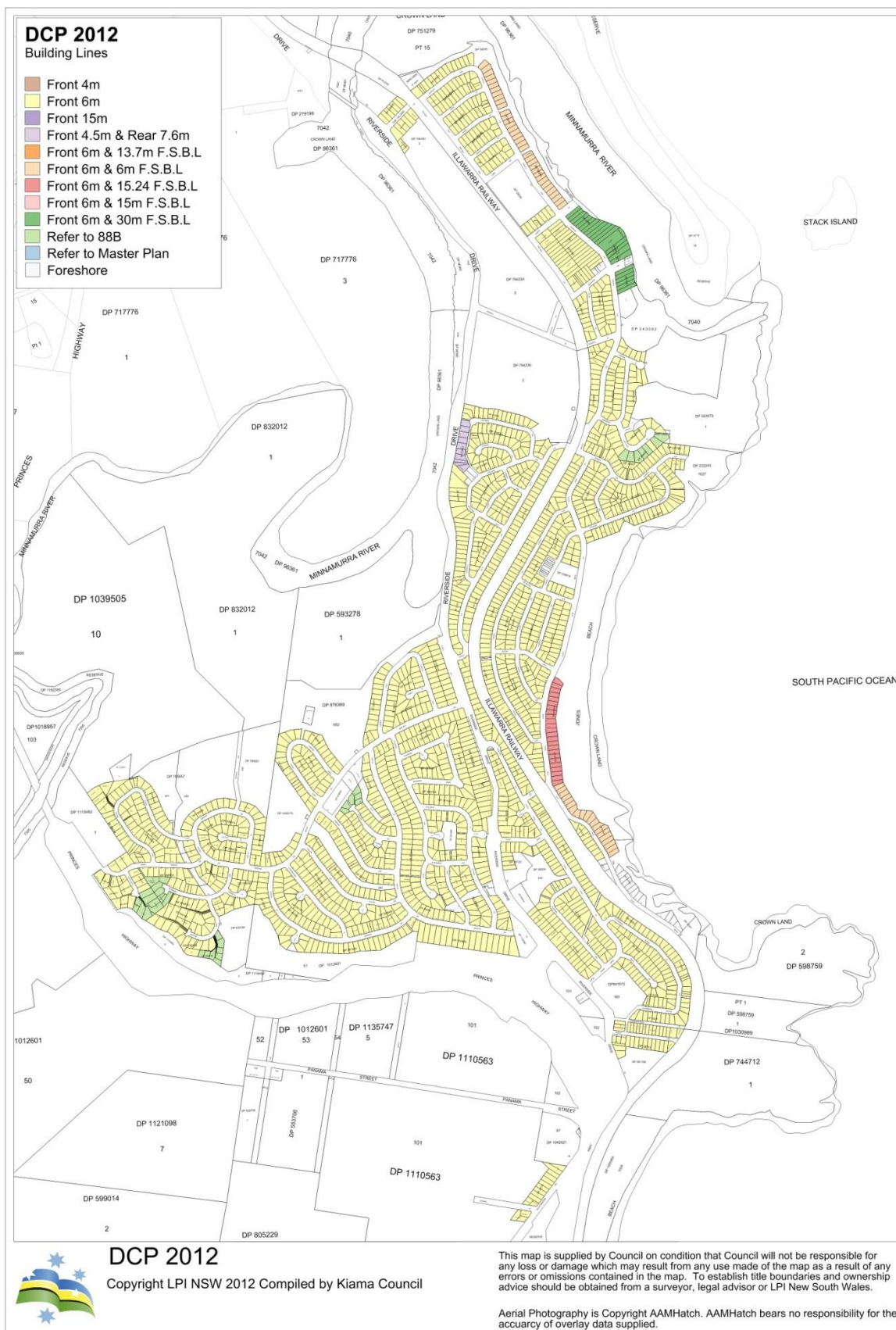
- 6.7.1 Development must be provided in accordance with the provisions under of the SEPP (Housing for seniors and people with a disability) 2004 as amended from time to time and where relevant, the [Seniors Living Policy – Urban Design Guidelines for Infill Development](#).

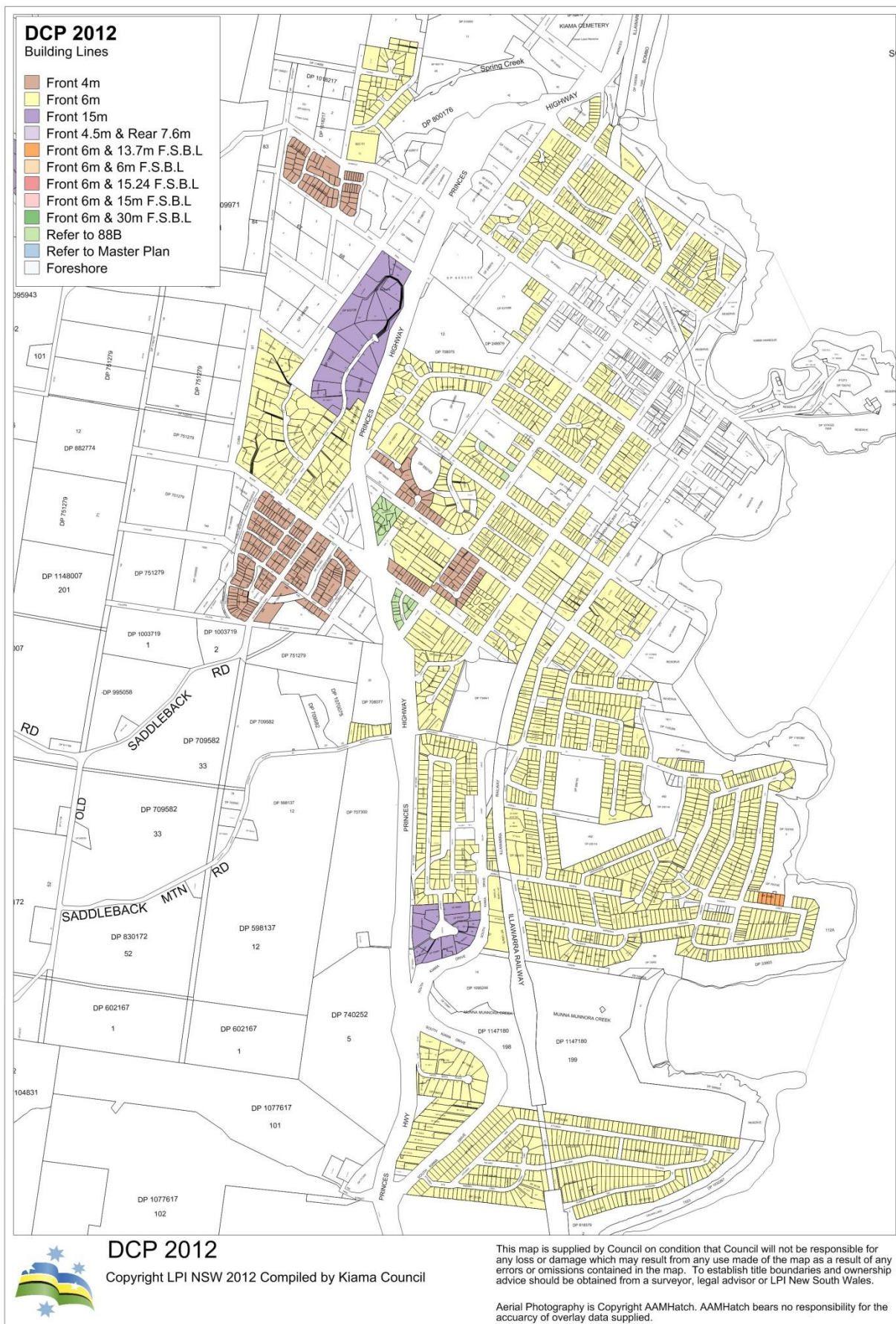
Appendix 1 - Building Line Maps













KIAMA MUNICIPAL COUNCIL
your council, your community

Kiama Development Control Plan 2020

Chapter 7. Commercial Premises



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date approved/adopted	17 March 2020
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Chapter 7. Commercial Premises

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Topic 7.1 – Business Premises

Hairdressers, Beauticians and Skin Penetration Premises

This chapter provides controls for the establishment and operation of hairdressing, beautician and skin penetration premises carried out either in home or in a commercial premises.

Unhygienic procedures can affect the health of the client, may jeopardise the health of the operator and increase the spread of infectious diseases.

Skin penetration procedures include the following:

- Acupuncture
- Tattooing
- Ear piercing
- Hair removal (waxing)
- Any other procedure that involves skin penetration such as body piercing, hair removal using wax or electrolysis, cosmetic enhancement and semi-permanent make-up
- Any beauty treatment that involves the deliberate penetration or removal of the skin including cutting of cuticles
- Any other procedure prescribed by the regulations, such as colonic lavage

Hairdressing premises are included in this chapter as skin infections, such as herpes, tinea and scabies, can be spread without breaking the skin. Therefore hygiene requirements must be in place to ensure such skin infections are not spread.

Those procedures conducted by registered medical practitioners, such as dentists, nurses, chiropractors are not covered by this chapter. These professionals are governed by specific legislation and infection control guidelines.

NOTE: A business premises change of use to a hairdressing salon, beauty salon or skin penetration business is not exempt development and requires a development application to be lodged with Council prior to such premises being open for business.

Objectives

- | | |
|---------|---|
| O:7.1.1 | all hairdressers and businesses that provide services that involve skin penetration are fitted out in such a way that they can be effectively cleaned and maintained, and |
| O:7.1.2 | standards of hygiene, client and staff safety are maintained at the highest possible standard. |

How to Use this Section

- STEP 1 - Check to see if this chapter applies to your development proposal.
- STEP 2 - Read and understand the relevant requirements for your business under
 - section 2 which provide information relating to:
 - Development Approval
 - Construction, materials and finishes
 - Linen

- Disposal of sharps, infectious and non-infectious waste
- Record Keeping
- Businesses in Residential Premises
- Business Registration
- STEP 3 - Check the information you must submit with a development application
 - (Appendix 1).
- STEP 4 - Check the definitions of any words or terms you may be unsure of (Appendix 2).
- STEP 5 - If renovations or alterations are required, refer to Appendix 3 for an example of what information is required in your plans to be submitted to Council with your application.
- STEP 6 - Complete the Registration Form and include with your development application.
- STEP 7 - Read and understand the practice and operational guidelines contained in Appendix 4.

It should be noted that certain sections of this chapter cannot be varied, these include business registration requirements, and State Government requirements relating to public health and skin penetration practices.

Objectives

O:7.1.3	Ensure all hairdressers, beauticians and skin penetration businesses obtain development consent from Council.
O:7.1.4	Ensure all hairdressers, beauticians and skin penetration businesses are fitted out to enable easy and effective cleaning to prevent the transfer of bacteria and viruses.
O:7.1.5	Protection of the clients and operators health.
O:7.1.6	Ensure compliance with minimum construction requirements that enables operators to maintain personal hygiene, cleaning and sterilisation of equipment.
O:7.1.7	Ensure sharps and waste are safely stored and disposed.
O:7.1.8	Ensure premises and treatment areas are kept safe, clean and free from waste and dangerous equipment.
O:7.1.9	Ensure waste from procedures is disposed of safely from the treatment area and premises.
O:7.1.10	Ensure the cleanliness of treatment areas.
O:7.1.11	Ensure linens used in treatment areas are to be clean and appropriately stored.
O:7.1.12	Ensure the operation of businesses within residential premises is safe and clean for staff, clients and residents.
O:7.1.13	Procedures are undertaken in an appropriate and approved area of the residence.

O:7.1.14	Ensure that for skin penetration procedures ensure client details and procedures are recorded.
O:7.1.15	Ensure that for skin penetration procedures details of clients and procedures are kept for an appropriate length of time and stored in an appropriate location for referral at a later date if required.
O:7.1.16	Ensure all hairdressers, beauticians and skin penetration businesses are registered with Council.
O:7.1.17	Ensure that all hairdressing, beautician and skin penetration businesses must register with Council prior to opening for business.

Controls - General

- 7.1.1 All new hairdressers, beauticians and skin penetration businesses must submit a Development Application that complies with the controls in this chapter.

Note: It is strongly recommend by Council that prior to the change of ownership of an existing business, the vendor or the purchaser should apply to Council for a pre-purchase inspection report. If the purchaser is applying for a pre-purchase report the vendor must sign the pre-purchase application sighting that they agree to release the report to the purchaser.

Once an application for a pre-purchase inspection report has been submitted to Council, a site inspection will be carried out by Council's Environmental Health Officer. Any items in need of attention will be made known to both the vendor and the purchaser prior to the business being sold. These items then become a matter for negotiation between the two parties. If alterations or additions (renovations) to the premises are proposed by the new owners, a development application with a plan showing the proposed and/or required changes to the building must be submitted to Council.

[Appendix 1](#) and [Appendix 4](#) shows the information to include on your plan of the premises which is submitted with a development application, if alterations and additions are proposed.

- 7.1.2 Mobile skin penetration businesses or operators are not permitted within the Municipality of Kiama. Skin penetration businesses must maintain a high standard of hygiene at all times to prevent the transfer of infections and viruses. A mobile business will have difficulty in complying with this chapter and associated legislative requirements.

Note: A mobile skin penetration business or operator refers to those who treat clients in the client's home.

- 7.1.3 Businesses operating from residential properties must comply with the controls in this DCP, and operate from a room or rooms that are used solely for the treatment of clients, separate from the living areas of the dwelling.

Controls – Construction, Materials and Finishes

- 7.1.4 In areas where skin penetration procedures, hairdressing and cleaning are conducted, the floors must be constructed of a smooth, impervious material, such as tiles or vinyl.
- 7.1.5 Fittings such as benches, shelving and furniture are to be constructed of smooth, impervious and durable materials to enable easy and effective cleaning.
- 7.1.6 Fittings that are butted against walls or other equipment must be sealed to prevent accumulation of debris and harbourage of vermin.
- 7.1.7 The intersection of floors with walls and plinths are to be coved to avoid a 90° angle where hair, dirt and grime can accumulate, making cleaning difficult.
- 7.1.8 Walls and ceilings must be an approved finish capable of being maintained in a clean and sanitary condition at all times. Approved finishes include painted plaster board, painted smooth cement render and painted smooth brick.
- 7.1.9 Sufficient cupboards or similar fittings must be provided for the storage of equipment and supplies to protect from dust and other contaminants.
- 7.1.10 A clear space of 150mm or more must exist between the floor and the underside of all fixtures and fittings that are not easily moveable, such as fittings on caster wheels, having a weight greater than 16 kg, or can't be moved by one person.
- 7.1.11 Adequate lighting must be provided.
- 7.1.12 The work area must be maintained in a clean and hygienic state at all times.
- 7.1.13 Carpet is only permitted in office or waiting rooms.
- 7.1.14 An area separate from the treatment area, must be designated as the cleaning area. The area must be designed and laid out to prevent dirty instruments and equipment contaminating clean, sterile instruments and equipment.
- 7.1.15 Premises at which a colonic lavage procedure is carried out must have a toilet, being a toilet that is available for use by clients and not by the general public, that is:
 - (a) In the case of a procedure using a closed system – located in close proximity to the room in which the procedure is being carried out, or
 - (b) In the case of a procedure use an open system – located in the immediate vicinity of the room in which the procedure is being carried out.
- 7.1.16 Any premises where skin penetration procedures are carried out must:
 - (a) Be clean and hygienic, and
 - (b) Have a waste disposal bin, and
 - (c) Have a hand basin that has a supply of clean, warm, potable water, and
 - (d) Have a separate sink that has a supply of clean, warm water for cleaning equipment (if equipment used in skin penetration procedures at the premises is cleaned at the premises), and
 - (e) Have available for use by persons carrying out skin penetration procedures at the premises:
 - i. Liquid soap (or an alcohol-based hand cleaner), and
 - ii. Single-use towels or an automatic hand dryer, and
 - iii. Disposable gloves, clean linen and gowns or aprons that are appropriate for the skin procedures carried out at the premises.

Any equipment at premises where skin penetration procedures are carried out must be in good working order, be cleaned and dried after use and be kept in a clean and dry condition.

Controls – Hand Wash Basins and Sinks

- 7.1.17 Hand wash basins must be:
- provided with a supply of hot running water, at least 40 degrees, and cold running water through a single outlet
 - provided with liquid soap or detergent and single use towels
 - located within each treatment area and must be accessible at all times
 - used solely for the washing of hands and face
 - for skin penetration procedures a separate basin must be provided in each treatment
- 7.1.18 In addition to the hand wash basin, for skin penetration a double bowl sink, with hot and cold running water mixed to 40 degrees must be provided exclusively for washing equipment and instruments, and is to be located in the cleaning area.
- 7.1.19 If food preparation and washing of eating and drinking utensils is to occur, a separate sink must be provided separate from the cleaning sink. This sink must be provided with hot and cold running water through a single mixing spout.
- 7.1.20 All sinks and hand wash basins must be provided with a splash back of at least three hundred millimetres (300mm). The splash back must be constructed of a material that is durable, smooth, impervious to moisture and be easily cleaned, such as tiles or stainless steel.
- 7.1.21 Toilets are to have a hand wash basin provided with a supply of hot and cold water mixed through a common spout. A supply of soap and towel in a dispenser must be available at all times.

Controls – Disposal of Sharps, Infectious and Non-Infectious Waste

- 7.1.22 Solid waste generated on site shall be collected, transported and disposed of by a licensed waste contractor. Records of solid waste disposal must be kept for at least one (1) year on the premises. Inappropriate disposal of waste such as illegal dumping of rubbish in public litter bins or taking home is an offence under the [Local Government Act 1993](#).
- 7.1.23 If disposable sharps are used, an Australian Standards approved sharps bin is to be provided in each treatment area.
- 7.1.24 If skin penetration procedures that involve the use of needles are carried out at the premises, there must be an adequate supply and sterile disposal needles at the premises.
- 7.1.25 Once full, the sharps bin must be collected by a licensed waste transporter. Records of the hazardous waste disposal must be kept for three years on the premises, including the generation, storage, treatment or disposal of waste.
- 7.1.26 If sharps are disposed of at a hospital, pharmacy or medical centre, a letter from the hospital, pharmacy or medical centre, with the frequency of disposal and location of medical centre or hospital and their waste removal service provider, must be kept at the premises. This letter must be updated annually.

- 7.1.27 General waste must be placed in plastic lined receptacles with close fitting lids at the site of generation.
- 7.1.28 All sharps, including razor blades, must be disposed of immediately after use.
- 7.1.29 Do not force the sharps into the bin or overfill the bin, as this prevents closure and increases the risk of rupture.
- 7.1.30 Prior to disposal, the lid of the sharps bin must be secured.
- 7.1.31 Store the sharps containers out of reach of people, particularly children.
- 7.1.32 Do not remove sharps once placed in the container.

Controls – Reusable articles Must Be Sterilised

Use of Needles, Sharps and Other Articles

- 7.1.33 All reusable articles used to penetrate a person's skin for skin penetration procedures must be sterilised, whether at the premises or off-site.
- 7.1.34 If reusable articles are sterilised at the premises:
 - (a) a bench top autoclave, maintained in accordance with AS 2182-1998 Sterilizers –Steam - Benchtop, must be used, and
 - (b) there must be at least one person present at the time the autoclave is used who is adequately trained in the operation of the autoclave, and
 - (c) the sterilisation must be carried out in accordance with AS/NZS 4815:2006 Office-based health care facilities - Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment.
- 7.1.35 If reusable articles are sterilised at the premises, the occupier of the premises must make, and keep for at least 12 months, a record of:
 - (a) the time and date when each article was sterilised, and
 - (b) the length of time that the article was autoclaved and the temperature and pressure levels of the autoclave.
- 7.1.36 If reusable articles are sterilised off-site, the occupier of the premises must make, and keep for at least 12 months, a record of:
 - (a) the date on which each article was sent off-site for sterilisation.
 - (b) the name and address of the person who sterilised the article.
 - (c) faults with cycle (if any).
 - (d) number of items processed.
 - (e) method of sterilisation.
 - (f) the operator who performed the sterilisation.
 - (g) a copy of the printout from autoclave.
- 7.1.37 A person who carries out a skin penetration procedure must not use a needle that has previously been used in a skin penetration procedure.

- 7.1.38 A person who uses a needle in a skin penetration procedure must dispose of the needle in the appropriate sharps container immediately after completing the procedure.
- 7.1.39 A person who uses any article in a skin penetration procedure that is manufactured for a single use only must dispose of the article immediately after completing the procedure.
- 7.1.40 A person who uses a non-reusable sharp in a skin penetration procedure must dispose of the sharp in the appropriate sharps container immediately after completing the procedure.
- 7.1.41 A person must not use an article that may penetrate the skin of a person in a skin penetration procedure unless it is clean and has been sterilised and kept in a sterile environment.
- 7.1.42 A person must not use an article in a skin penetration procedure if the article has previously been used in a skin penetration procedure but did not penetrate the skin of the person undergoing the previous procedure unless the article has been cleaned and kept in a clean condition.
- 7.1.43 In this clause, appropriate sharps container means a sharps container that complies with AS 4031–1992 Non-reusable containers for the collection of sharp medical items used in health care areas.

Protective Equipment to be Worn

- 7.1.44 A person who carries out a skin penetration procedure must:
(a) wear gloves that have never been used before, and
(b) appropriately dispose of the gloves immediately after completing the procedure.
- 7.1.45 A person who carries out a skin penetration procedure (other than colonic lavage) must wear a clean gown or apron during the procedure.
- 7.1.46 A person who carries out colonic lavage must wear a clean gown made of impermeable material during the procedure.
- 7.1.47 This clause does not apply to a person carrying out a skin penetration procedure that involves the use of wax for the purposes of hair removal unless the person reasonably suspects that he or she will be exposed to human bodily substances during the procedure.

Use of Inks and Pigments

- 7.1.48 A person who carries out a skin penetration procedure that involves the use of ink, pigment or other liquid must decant the liquid into a single use container, and use a single use applicator, for each person undergoing the procedure.
- 7.1.49 This clause does not apply to skin penetration procedures involving the use of wax for the purposes of hair removal.

Use of Wax for Hair Removal

- 7.1.50 A person who carries out a skin penetration procedure using wax for the purposes of hair removal must dispose of that wax, and any instrument used to apply the wax (such as a spatula), immediately after completing the procedure.

Controls – Linen

- 7.1.51 A clean, single-use, disposable covering material or clean linen should be provided on treatment tables, chairs or beds and changed between clients.
- 7.1.52 Adequate receptacles for the storage of soiled linen, towels and clothing must be provided in the cleaning area. The receptacles must be constructed of smooth, durable and impervious material with close fitting lids.
- 7.1.53 All clean linen, towels and clothing are to be stored in an appropriate clean area (separate to cleaning area), such as a cupboard or drawer to prevent soiling and contamination.

Controls – Business in Residential Premises

- 7.1.54 Businesses operating from within residential premises must comply with all requirements detailed in this DCP.
- 7.1.55 The approved treatment area must be used solely for skin penetration procedures.

Controls – Business Registration

- 7.1.56 All hairdressing, beautician and skin penetration businesses must be registered with Council prior to carrying out any procedures.

Topic 7.2 – Retail Premises

Food & Drink Premises

This section of the DCP covers the design, construct and fit out of food premises.

It provides information for:

- food business operators (including domestic food businesses)
- architects
- designers
- builders
- equipment manufactures
- charities and not-for profit organisations.

This section of the DCP will help you by providing solutions for designing or constructing a food premises.

Objectives

- O:7.2.1 To ensure that all food shops are fitted out in such a way that they can be effectively cleaned and maintained, harbourage or vermin is minimised and standards of hygiene and food handling are maintained at the highest possible standard; and
- O:7.2.2 To ensure that food commercially prepared and sold is safe to consume.

Food laws

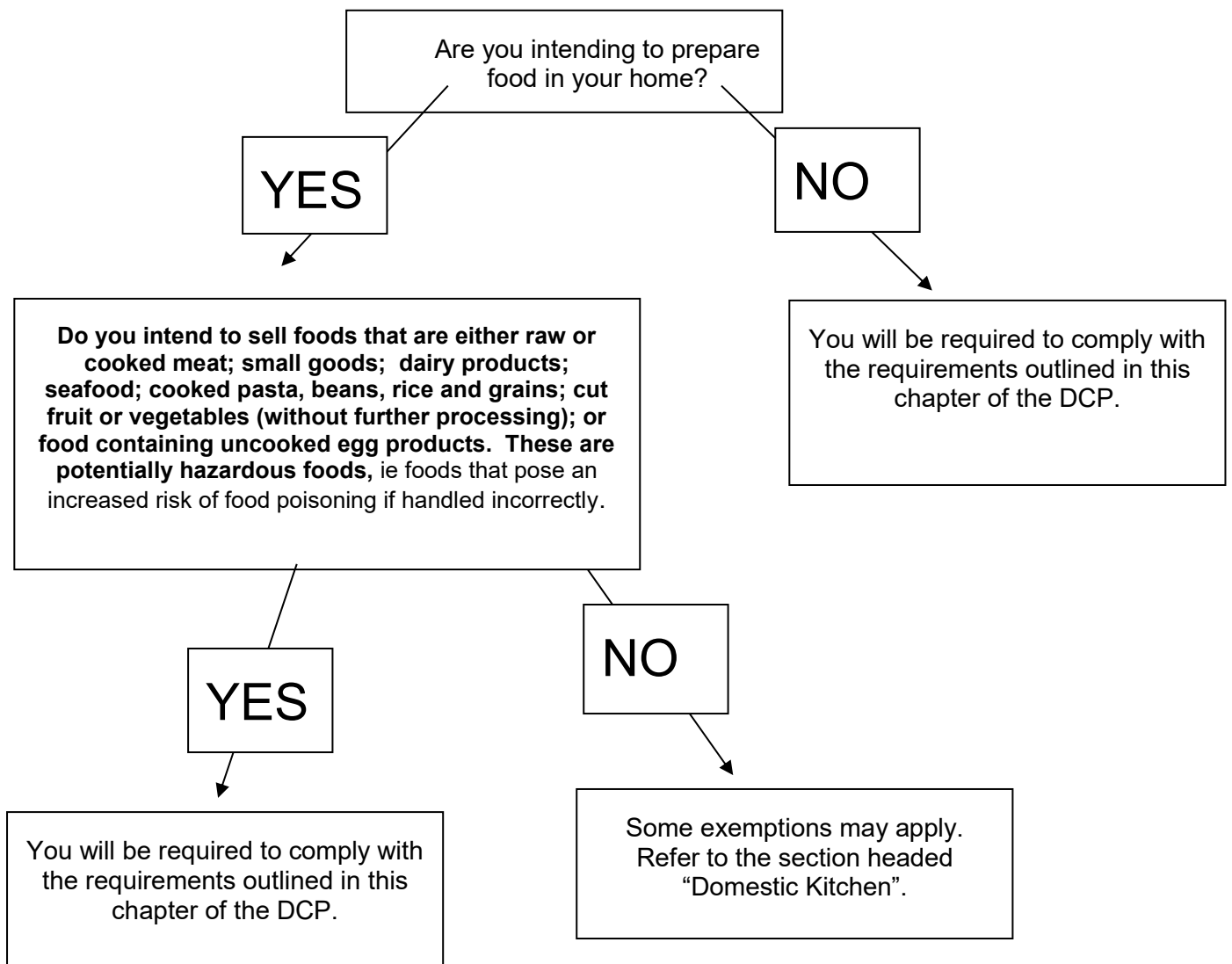
The set up and operation of food premises should comply with Food Safety Australia New Zealand (FSANZ) Food Safety Standards and relevant Australian Standards as amended from time to time.

Knowledge and understanding of the standards is necessary to design and build a food premises. These standards are as follows:

- Food Safety Practices and General Requirements
- Food Premises and Equipment.

This section of the DCP is based on these standards.

Section 1 - Do I Need to Comply with the Full Requirements of this Chapter of The DCP?



Controls - General

- 7.2.1 All premises that manufacture, prepare, store or handle food must have development approval from Council.

Change of use from food shop to food shop does not require a development application unless there are structural changes in which case a complying development application must be submitted. Although change of use from food shop to food shop does not require development consent the proposed operator should always contact Council's Environmental Health Officer (EHO) to discuss food shop requirements. If purchasing an existing food premises there are options for the proposed operator to request a pre-purchase inspection.

Prior to opening, the proprietor must notify the NSW Food Authority (NSWFA) this can be done by logging on to the food notify website www.foodnotify.nsw.gov.au and select "Notify a food business". The NSWFA will generate a notification number which is to be included on Council's "Food Premises Registration" form. In addition to notifying the NSWFA of the food business the proprietor must also appoint a Food Safety Supervisor (FSS) if the business deals with all three of the following criteria:

- ready to eat food;
- potentially hazardous food, and
- not sold and served in its package.

Examples of businesses include: restaurants, cafes, takeaway shops, caterers, bakeries, pubs, clubs, hotels and supermarket hot food sales. * Note that this is not a comprehensive list. Other businesses that serve food that meet the above criteria, and provide accommodation, service or entertainment where there is an inclusive charge which covers the food supplied would also fall under the FSS legislation. For example B&Bs, motels, hotels, entertainment venues. Some exemptions do apply to coffee vendors that only heat milk, charitable and non-for-profit organisations or schools. The notification of the FSS must be made to the NSWFA either via a paper based notification form or online at www.foodnotify.nsw.gov.au.

Prior to operating, the proprietor must also complete Kiama Council's "Food Premises Registration" form and submit it to Council with a copy of the Food Safety Supervisor Certificate issued by the NSWFA. A copy of the Food Safety Supervisor Certificate must be kept on the premises at all times. Council must be notified of the details of the Food Safety Supervisor and any changes that may occur to these details within seven (7) days.

Controls - Inspections

- 7.2.2 Food premises must be registered with Council prior to the opening of the business to enable regular inspections to be conducted by Council's Environmental Health Officer.
- 7.2.3 Each premises will be categorised as high, medium or low according to the health risk associated with food storage and preparation.
- 7.2.4 An annual fee will be charged for these inspections. Refer to Council's fee schedule for the current fee. It must be noted an additional fee for inspections resulting from non-compliance will be charged.

Controls - Provision for Adequate Space

- 7.2.5 The minimum area of a kitchen and preparation area for a medium risk premises is to be 20% of the dining room area or 7.5m², whichever is greater.
- 7.2.6 The minimum area for a dry goods store for all premises, including dry foods, packaging, etc is to be 5-10% of the dining room area.
- 7.2.7 The above requirements will ensure adequate space is provided for the correct storage of foodstuffs and equipment, preventing poor storage practices and layout of equipment.

Controls - Prevention of Contamination

- 7.2.8 No food is to be delivered when the premises is unattended. Deliveries must be left wholly within the premises and not on the footpath or back dock.
- 7.2.9 Food is not to be stored on the ground, this includes food stored in coolrooms, freezers and storerooms. A space of at least 15 cm between the food and the floor must be provided to discourage vermin and other contamination and enable effective cleaning.
- 7.2.10 No animals except assistance animals are permitted in the indoor dining area and no live animals are permitted in the food preparation area.
- 7.2.11 No bedding, lounges or the like are permitted in food preparation areas. Living and sleeping areas must be constructed to be physically separated from all food handling and storage areas.
- 7.2.12 For food display areas that are close to, adjoining or along Council's footpath area, food should be located a minimum of 750 mm above the footpath level.
- 7.2.13 Smoking is not permitted in the preparation area or in an enclosed public space, such as the dining area. Signs, as prescribed in the *Smoke-free Regulation 2000*, must be displayed in smoke-free zones. Council's Outdoor Eating Agreement conditions state that the "*Licensee must ensure that the footpath is maintained as a smoke-free area at all times.*"
- 7.2.14 Adequate storage facilities, such as lockers or cupboards, must be provided for the storage of opened chemicals and personal belongings of staff, such as clothes and bags. Such items must be stored separately to prevent contamination of food and food contact surfaces.
- 7.2.15 Self serve units:
- must have signage requesting that utensils are to be used to handle food;
 - must have protective barriers to prevent contamination, such as lids or sneeze guards;
 - must have separate serving utensils for each food, stored to prevent cross contamination, for example a utensil holder; and
 - must be supervised at all times.
- 7.2.16 Raw foods must be stored underneath ready-to-eat or cooked foods to prevent contamination.

- 7.2.17 Food display containers/units must be constructed of a material that can be cleaned and sanitised and is food-grade. The material must have no cracks or crevices in which matter can collect and be constructed of a material that is durable and easy to clean, such as plastic. Styrofoam and cardboard boxes are not acceptable.
- 7.2.18 Food utensils, storage containers and crockery must be clean, non-toxic, washable and in good repair.
- 7.2.19 Foods stored in containers must be covered with tight fitting lids, foil or plastic film.
- 7.2.20 Ready to eat food must be handled with tongs, gloves or other barriers. Note: Single use items such as disposable gloves must NOT be re-used. That is, once the glove is removed from the hand it must be disposed of.

Controls - Food for Disposal

- 7.2.21 Returned, recalled or unsaleable stock must be separated and clearly labelled to ensure it is not sold or used.
- 7.2.22 Products returned by consumers must be safe and suitable for resale. For example, opened packages or foods that must be kept under temperature control cannot be ascertained to be safe, as any foreign matter may have contaminated the food or the food may have been kept out of temperature specifications.

Controls - Temperature Control

- 7.2.23 A probe thermometer accurate to $\pm 1^{\circ}\text{C}$ must be provided at any premises where potentially hazardous food is handled.
- 7.2.24 Probes are to be cleaned and sanitised before and after use, and must be calibrated regularly for accuracy.
- 7.2.25 All potentially hazardous food must be kept under temperature control which means below 5°C or above 60°C .
- 7.2.26 Deliveries of perishable stock must be placed under temperature control immediately.
- 7.2.27 Frozen food which has been thawed cannot be refrozen, due to the increase in microbial activity.
- 7.2.28 Appliances used for the storage of potentially hazardous foods must be capable of maintaining them under temperature control requirements ie below 5°C or above 60°C .
- 7.2.29 Sufficient storage facilities must be provided on the premises to ensure all potentially hazardous foods are maintained under temperature control.

Controls - Hygiene

- 7.2.29 Sufficient storage facilities must be provided on the premises to ensure all potentially hazardous foods are maintained under temperature control.
- 7.2.30 Hand wash basins must be:
- of an adequate size (must comfortably fit both hands) and be free standing.
 - provided with a supply of liquid soap and disposable paper hand towel at all times.
 - accessible and used solely for the washing of hands, face and arms.
 - supplied with warm running water through a mixing spout to enable effective hand washing.
- 7.2.31 Hands must be washed whenever they are contaminated, for example:
- after going to the toilet;
 - after handling garbage;
 - between handling raw and ready-to-eat food;
 - after smoking, sneezing, touching the face; and
 - contact with another person.
- 7.2.32 Cuts and abrasions must be completely covered with a brightly coloured waterproof bandage. If the dressing is on the hand a glove must be worn.
- 7.2.33 A food handler who is suffering or suspected of suffering from a food-borne illness must cease handling food where there is a likelihood of contamination and inform the supervisor.
- 7.2.34 A food handler must take all practicable measures to ensure anything from their body does not contaminate food or surfaces that are likely to contact food. Such measures may include but are not limited to:
- tying hair back or wearing a hat or hairnet;
 - not wearing nail polish or false nails;
 - wearing minimal jewellery;
 - keeping clothing and protective clothing such as aprons clean;
 - washing hands; and
 - handling food with clean utensils or other barriers

Controls - Waste Disposal

- 7.2.35 Provision is to be made for adequate storage and pick up for the volume and type of garbage and recyclable material produced on the premises.
- 7.2.36 Provision is to be made for storage of garbage containers, containers for recyclable material and compactors in an external area of the premises or in a room specifically for that purpose (see [Topic 3.1](#) of Chapter 3 for construction requirements).
- 7.2.37 Garbage and recyclable material must not provide a breeding ground or attraction for pests. Facilities must be designed to be easily and effectively cleaned.

- 7.2.38 The bins and bin area are to be washed regularly with hot water and detergent. Wash water must not drain into street stormwater openings, but must be disposed of down a mop sink or sewer drain. All waste is to be bagged prior to disposal in the bin (see [Topic 3.1](#) of Chapter 3 for construction requirements).
- 7.2.39 All waste is to be stored within the bin. Lids must be kept closed and no waste is to overflow. Recyclable material must be contained in a suitable receptacle. For example, paper in a hessian sack or wire cages, and liquid or food waste must be placed in an impervious container.
- 7.2.40 Garbage/recycling bay areas should be fitted with a floor waste, containing litter baskets/filter traps approved by Sydney Water.
- 7.2.41 All crates are to be rinsed prior to storage in waste area to prevent attraction of pests.
- 7.2.42 An approved licensed trade waste company must collect liquid waste, such as oil. The area in which this is stored must be bunded to prevent spills escaping.
- 7.2.43 All crates and cardboard boxes are to be stored off the floor; boxes are to be broken up and stacked neatly.
- 7.2.44 When bins or lids are broken they must be replaced immediately. Lids must be tight fitting.
- 7.2.45 Bins in food preparation areas must be emptied regularly throughout the day and at the end of trade to prevent attracting and harbouring pests. Refer to [Topic 3.1](#) of Chapter 3 for further details on waste.

Controls - Pest control

- 7.2.46 A regular pest control program must be undertaken by a licensed pest controller and a record of the program maintained at the food premise.
- 7.2.47 Fly screens or other means must be provided to doors and openings and kept in good repair to prevent access by vermin.
- 7.2.48 All holes and gaps in walls, ceilings, walls and floors must be adequately sealed to prevent access by vermin.
- 7.2.49 Cavities, false bottoms and similar hollow spaces capable of providing access by and harbourage for vermin are not permitted to be formed in the construction of premises, nor in the installation of fittings and equipment, unless approved means of access are provided to such spaces or such spaces are completely sealed in an approved manner.
- 7.2.50 Insect control devices are to be installed so that the devices are not located directly over food preparation working areas, exposed food, clean equipment and unwrapped packaging material.

Controls - Domestic Kitchens

7.2.51 Domestic kitchens must also comply with the requirements listed below:

- A separate hand wash basin with an adequate supply of hot and cold water, soap and disposable towel must be provided within the kitchen.
- Adequate storage and refrigeration facilities must be provided.
- All surfaces must be smooth, impervious and easy to clean.
- Animals and children must be excluded from the kitchen where food intended for sale is being prepared or stored.
- Door and windows to the kitchen must be screened to prevent access of flies, cockroaches and rodents.
- The kitchen must be clean and in good repair.
- Food is only to be prepared and stored in an area approved by the Local Government Area Council.
- If preparing potentially hazardous foods the kitchen must comply with the requirements of a commercial kitchen. Potentially hazardous foods include either raw or cooked meat; small goods; dairy products; seafood; cooked pasta, beans, rice and grains; cut fruit or vegetables (without further processing); or food containing uncooked egg products. These foods can pose an increased risk of food poisoning if handled incorrectly.

Controls - Food Transport Vehicles

7.2.52 Certain food businesses are required to hold a licence with the NSW Food Authority to operate. Businesses that operate without the appropriate food transport licence from the NSWFA are committing an offence under the Food Act 2003. If you are unsure as to whether you require a food transport licence please contact the NSWFA for further details.

7.2.53 Some general requirements to be adhered to when transporting food are:

- the area in the vehicle where food is stored, transported or displayed must be clean;
- personal belongings in a food transport vehicle must not be in contact with areas where food is located;
- all potentially hazardous foods must be maintained at required temperatures, which is less than 5°C for chilled foods and greater than 60°C for hot food;
- food and utensils must be transported in clean, closed containers and stored correctly to prevent cross-contamination;
- frozen food must remain frozen until sold;
- no animals are permitted in the vehicle.

Controls – Food Hygiene Knowledge

7.2.54 A food business must ensure that all staff handling food or supervising have adequate skills and knowledge of food safety and hygiene requirements commensurate with their work activities. Anyone in charge of a food business should be able to identify all relevant food safety issues and control them. You may also be required to have a [Food Safety Supervisor](#) (FSS). If you are unsure as to whether you require a FSS contact the [NSW Food Authority](#).

- 7.2.55 Prior to opening the business, Sydney Water must be contacted to organise a Trade Waste Agreement and to discuss the requirements for the provision of grease traps. If no grease trap is required a letter from Sydney Water must be provided to Council detailing this. A copy of the Trade Waste Agreement must be provided to Council prior to opening.
- 7.2.56 Internal signage including menus and menu boards are to be in English but may include a translation in another language. Any translation must be accurate and complete.

Controls - Construction, Materials and Finish

Refer to [Appendix 3](#) for examples of a typical food preparation area.

Walls - Construction

- 7.2.58 All walls must be of solid construction, or any cavities fully sealed, to prevent access by and harbourage of vermin. All surfaces are to be smooth, impervious, durable and easy to clean.

Walls - Finish

- 7.2.59 In all food preparation areas, walls are to be finished to a height from the floor to at least 300mm above the food preparation benches or higher depending on the use and types of foods prepared. The suitable wall surfaces are to be in accordance with the following table (Table 1):

Finish	Wet Areas	Food Preparation	Vegetable Preparation	Servery	Store Room	Chillers/Freezers	Bin Store	Eating Areas	Comments
Stainless steel	✓	✓	✓	✓	✓	✓	✓	✓	Welded joints. Waterproof screw covers.
Ceramic tiles	✓	✓	✓	✓	✓	✓	✓	✓	Epoxy grout
Vinyl sheet	✓	✓	✓	✓	✓	✓	✓	✓	Heat welded joints
Painted plaster					✓		✓	✓	Smooth finish
Feature brick								✓	
Aluminium sheet	✓	✓	✓	✓	✓	✓	✓	✓	Welded or sealed joints
Steel sheet							✓		Welded or sealed joints
Trowelled cement		✓	✓	✓	✓	✓	✓	✓	Polished surface

Wood panelling								✓	Wood sealed
Painted brickwork					✓		✓	✓	Flush joints and solid surfaces
Concrete					✓		✓	✓	Smooth finish, sealed joints.
Pre-formed panels	✓	✓	✓	✓	✓	✓	✓	✓	H bar joints mastic sealed. In wet areas/food preparation must be integrated into a dwarf wall or set on plinth.

Note: The finishing materials outlined in the above table are to be fixed to provide a smooth even surface to ensure ease of cleaning; be free of buckles, fixing screws, open joint spaces, cracks or crevices which may permit access by vermin or the collection of liquids, food particles, grease or other refuse.

Walls - Intersections

- 7.2.60 The intersection of walls with floors and exposed plinths are to be coved. Use of skirting boards is not permitted.

Walls - Top Edge of Wall Finishes

- 7.2.62 The junction between adjacent wall finishes is not to form a ledge upon which dust or grease can accumulate.

Floors – General

- 7.2.63 The following requirements ensure the floors are constructed of materials that can easily and effectively be cleaned and do not provide surfaces where debris can build up and collect. Floors must be appropriate for the area, able to be effectively cleaned, are non-absorbent and laid according to the relevant standard.

Floors – Construction

- 7.2.64 Floors are to be finished with surfaces as specified in the following table (Table 2), together with the required slip factor.

Finish	Wet Areas	Food Preparation	Vegetable Preparation	Servery	Store Room	Chillers/Freezers	Bin Store	Eating Areas	Comments
Stainless steel non-slip profile	✓	✓	✓	✓	✓	✓	✓	✓	Welded joints.

Ceramic tiles	✓	✓	✓	✓	✓	✓	✓	✓	Epoxy grout laid in accordance with AS 3958.1-2007 <i>“Ceramic tiles – Guide to the installation of ceramic tiles”</i> .
Quarry tiles	✓	✓	✓	✓	✓	✓	✓	✓	Sealed
Steel trowel case hardened concrete			✓		✓	✓	✓	✓	Smooth sealed finish, no joints
Carpet/carpet tiles								✓	
Wooden flooring								✓	Sealed
Poly vinyl sheet	✓	✓	✓	✓	✓	✓	✓	✓	Heat welded joints (not suitable adjacent hot fat appliances)
Laminated thermosetting plastic sheet	✓	✓	✓	✓	✓	✓	✓	✓	Heat welded joints (not suitable adjacent hot fat appliances)
Cork tiles								✓	Sealed
Epoxy resins	✓	✓	✓	✓	✓	✓	✓	✓	Complying with AS 3554
Vinyl tiles					✓			✓	Laid over a solid impervious base or an approved underlay is acceptable providing it is laid strictly in accordance with the manufacturer's specifications
Plastic matting			✓					✓	For safety reasons. Must be cleaned and laid in sections that can be removed for cleaning.

Floors – Finish

- 7.2.65 The floor finish is to be smooth and even, free of surface protrusions that will prevent easy cleaning, graded and drained.

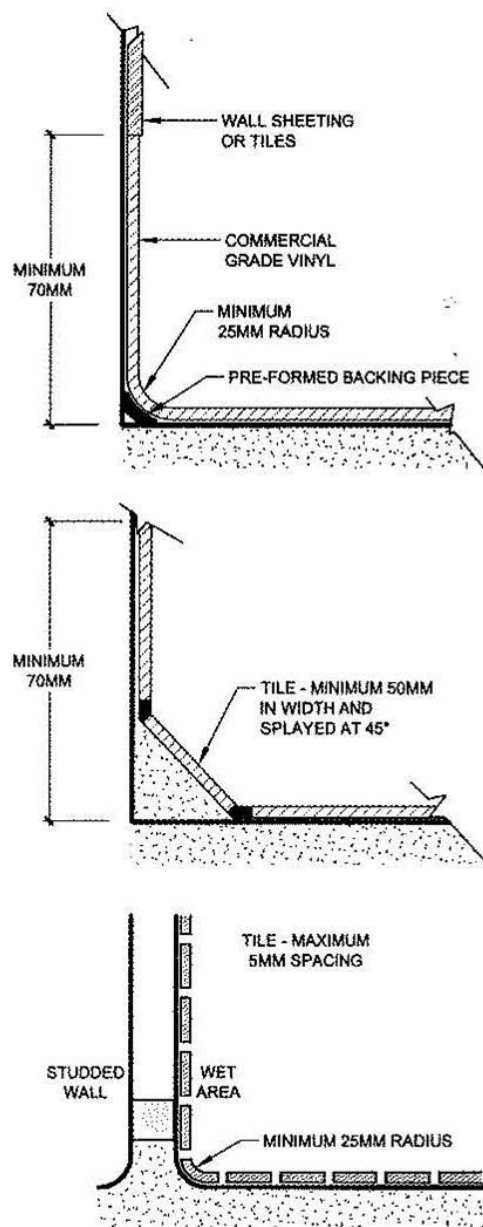
Floors – Tile Joints

- 7.2.66 Floor tiles are to be butt joined or alternatively the open joints are to be epoxy grouted. Tiles are to be spaced not greater than 5.0 mm apart.

Floors – Coving

- 7.2.67 The intersections of floors with walls and exposed plinths are to be coved to assist with cleaning and prevent accumulation of dirt, grease, etc. Refer to Figure 1 below.
- 7.2.68 Where commercial grade vinyl or similar sheeting is installed, and the sheeting is turned up to form a cove, a solid preformed coving fillet is to be used to support the sheeting.

Figure 1 – Coving Methods



Floors – Floor Wastes

7.2.69 Floor wastes are to be provided in food preparation areas and are to be sufficiently and evenly graded so the water falls to the floor waste.

7.2.70 Floor waste is to be fitted with removable litter baskets.

Ceilings - General

7.2.71 Ceilings are to be provided over food preparation, display and storage areas.

Ceilings - Construction

7.2.72 The ceiling height in a food premises must not be less than 2.4 metres. Ceilings are to be constructed of a rigid smooth surface, non-absorbent material which could include fibrous plaster, plasterboard, fibrous cement, cement render or other approved material that is washable, impervious and light in colour.

Ceilings - Drop-in Panels

7.2.73 Drop-in removable panel ceilings are not permitted over food preparation areas.

7.2.74 Panels in suspended ceilings over food preparation areas shall be firmly sealed to the framework to prevent the ingress of dust and vermin.

Ceilings - Finish

7.2.75 The surface finish is to be free of open joints, cracks, crevices or openings in which grease, vapours or vermin may collect. Refer to the following table (Table 3).

Finish	Wet Areas	Food Preparation	Vegetable Preparation	Servery	Store Room	Chillers/Freezers	Bin Store	Eating Areas	Comments
Painted plaster	✓	✓	✓	✓	✓		✓	✓	Smooth finish
Steel Sheet	✓	✓	✓	✓	✓		✓	✓	
Trowelled cement	✓	✓	✓	✓	✓		✓	✓	Polished surface
Wood panelling								✓	Sealed surface
Concrete	✓	✓	✓	✓	✓		✓	✓	Sealed to a smooth finish
Pre-formed panels	✓	✓	✓	✓	✓	✓	✓	✓	

Acoustic panels								✓	Suspended T-bars
Decorative panels								✓	

Ceilings - Intersections

- 7.2.76 The intersection of the walls and ceilings are to be tight jointed, sealed and dustproof. This requirement aims to prevent contamination from above any food preparation areas, provide a surface which is easy to clean and will not offer areas where vermin can hide and breed.

Ceilings - Light fittings

- 7.2.77 Light fittings are to be:
- designed and constructed to prevent contamination of food should the globe or tube shatter, such as covers;
 - flush mounted and free from any protrusions that would harbour dirt, dust or insects or make the fitting difficult to clean;
 - comply with the requirements of the Building Code of Australia in regards to fire rated ceilings; and
 - comply with the requirements of AS/NZS 1680.2.4:1997 "Interior lighting – industrial tasks and processes".

Window openings, door openings and serving hatches - Splayed Sills

- 7.2.78 All window sills are to be splayed inwards at an angle of 40° and finished with material matching the wall finish, with all vertical and horizontal edges rounded or bull nosed to a smooth even finish.
- 7.2.79 Ledges and sills are to be at least 300 mm above sinks, benches, etc.

Window openings, door openings and serving hatches - Architraves

- 7.2.80 Window and door architraves are not permitted.

Window openings, door openings and serving hatches - Finish

- 7.2.81 Door openings, serving hatches and the like are to be finished in the same material as the wall, returned to meet the door jam with the vertical and horizontal edges rounded or bull nosed to a smooth even finish. These requirements prevent points where dust and debris can collect and positioning them to prevent contamination of food contact surfaces.

Window openings, door openings and serving hatches - Corner Protection

- 7.2.82 Where door openings are likely to be damaged by trolleys or similar traffic, the vertical corners are to be protected in an approved manner in order to protect the walls and prevent cracking paint and other material from contaminating food preparation areas.

Window openings, door openings and serving hatches - Vermin proofing

- 7.2.83 All external door or window openings must have fly proofing.

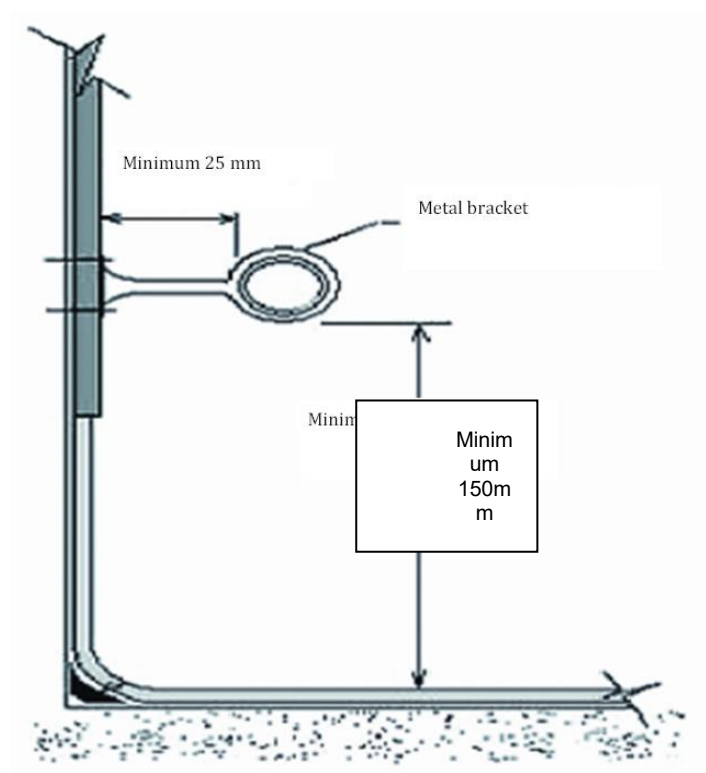
Service Pipes - Concealment of Pipes

- 7.2.84 Where possible, all service pipes are to be concealed in floors, plinths, walls or ceilings.

Service Pipes - Pipe Supports on Brackets

- 7.2.85 Where it is not possible to conceal pipes or where it is contrary to the regulations of other authorities, such pipes are to be fixed on brackets to provide at least a 25 mm clearance between the pipe and adjacent vertical surface and 150 mm between the pipe and adjacent horizontal surfaces. Refer Figure 2. This is to facilitate cleaning and to avoid providing harbourage areas for pests.

Figure 2 – Pipe Support on Brackets



Sewerage pipes

- 7.2.86 The location of sewerage pipes in food preparation, storage or serving areas is not desirable; however where circumstances will not permit an alternative position, cleaning eyes and access openings will not be permitted unless special precautions are taken to prevent likely contamination of the food in that area should any defect or chokage occur in the line.

Vermin proofing

- 7.2.87 All holes through which service pipes pass must be vermin proof.

Garbage Rooms and Areas - Construction

- 7.2.88 Rooms used for the storage of garbage and rooms used for the washing and storage of garbage receptacles, are to be constructed of solid material and cement rendered and steel trowelled to a smooth even surface.

- 7.2.89 The floor of the room is to be of impervious material covered at the intersection with the walls, and graded and drained to an approved floor waste within the room. This is to prevent build up of waste and wastewater that will lead to foul odours.
- 7.2.90 Walls are to be finished with a smooth, impervious surface.
- 7.2.91 The room is to be ventilated, proofed against pests and provided with a hose tap connected to the hot and cold water supply.
- 7.2.92 External areas where garbage containers are stored are to be:
- provided with a hose tap connected to the hot and cold water supply;
 - paved with an impervious material;
 - graded and drained to sewerage in accordance with Sydney Water and Council requirements; and
 - designed to prevent stormwater contamination – covered, screened, bunded and located away from stormwater drains.

Garbage Rooms and Areas - Garbage Containers

- 7.2.93 Bins, hoppers and other containers for storing garbage or recyclable material must:
- be constructed of impervious material such as metal or plastic for easy cleaning; and
 - have tight fitting lids or be kept inside pest proofed areas.

- 7.2.94 Bins that cannot be lifted for draining after cleaning are to have drainage bungs at the base.

Grease Traps - General

- 7.2.95 The installation of grease trap within kitchens and food preparation areas is not permitted.
- 7.2.96 Access to grease trap for emptying must not be through areas where open food is handled or stored or where food contact equipment and packaging materials are handled or stored.

Grease Traps - Internal Grease Trap Rooms

- 7.2.97 Where there is no alternative but to install the grease arrestor within the building, the following conditions must be met:
- the arrestor is to be installed in a separate room;
 - the floor, walls and ceiling of the room are to be constructed of solid material and sealed to prevent the escape of odours; and
 - the door is to be self closing and fitted with rubber or other approved gaskets to provide a seal when closed; independent access to the arrestor for cleaning purposes is to be provided where practicable from outside the building.

Note: Contact Sydney Water for further information and advice on grease traps.

Coolrooms and Freezers - Storage Rack Construction

- 7.2.98 Hanging bars and storage racks are to be constructed of galvanised pipe, angle iron, "T" iron, channel iron, flat metal or other approved materials, all of which should be treated to prevent corrosion. All shelving or storage racks shall be smooth, impervious, durable, corrosion resistant and easy to clean.

Coolrooms and Freezers - Temperature gauge

- 7.2.99 A easy readable temperature gauge is to be provided externally to each cool room, chiller, freezer room or low temperature room.

Coolrooms and Freezers - Noise and vibration

- 7.2.100 The refrigeration equipment and all associated fittings are to be installed in such a manner that the refrigeration system is capable of operation without causing a noise or vibration nuisance.

Coolrooms and Freezers - Construction

- 7.2.101 Intersections between floors and walls and the vertical wall to wall must be covered. Edges are to be tight fitting and water repellent.

- 7.2.102 A concrete floor at least 75 mm thick is to be provided in all low temperature rooms, graded to the doorway and finished to be impervious to liquids.

- 7.2.103 Floor drains connected directly to sewerage are not permitted within low temperature rooms. Where drainage is required a floor waste is to be located outside the low temperature room as close as possible to the door opening.

- 7.2.104 Where inaccessible cavities are formed between the ceiling or wall, or between the low temperature room and other fixtures, such cavities are to be made vermin proof.

- 7.2.105 Adequate provision for the disposal of condensate shall be provided. If disposing to the sewer, then this must comply with the requirements of Sydney Water.

- 7.2.106 Dimensions of a plinth shall be identical to the external face of the cool room.

Storerooms

- 7.2.107 All walls must be of solid construction, or any cavities fully sealed, to prevent access and harbourage of vermin. All surfaces are to be smooth, impervious, durable and easy to clean commensurate with use refer to Table 1.

- 7.2.108 Floors are to be impervious and coved at intersections with walls and plinths for suitable surfaces refer to Table 2.

Installation of Fixtures and Equipment - General

- 7.2.109 Fixtures, fittings and equipment are to be designed, constructed, located and installed so they are easily and effectively cleaned, and to enable surrounding surfaces to be easily and effectively cleaned.

- 7.2.110 Food contact materials are made of material that will not contaminate food.

- 7.2.111 Adequate fixtures, fittings and equipment must be provided for all operations of the business. For example, premises must be provided with the fixtures, fittings and equipment as given in the following table (Table 4) must comply with AS 4674-2004 "Construction and fit-out of food premises" as amended from time to time.

Food Operation	Minimum Fixtures, Fittings or Equipment Necessary
Chilled storage	Cool rooms and fridges of adequate capacity for the business.
Preparation	Benches or work tables.
Cooking and other processing	Exhaust ventilation, ovens/stoves and other processing equipment.
Hot storage	Hot boxes/ovens capable of holding food at 60°C or above.
Hot display	Display units that protect food from contamination and are capable of holding food at 60°C or above.
Chilling	Refrigerators, cool rooms capable of reducing the temperature of potentially hazardous food in accordance with the Food Standards.
Chilled display	Display units that protect the food from contamination and are capable of holding the food at 5°C or below.

- 7.2.112 Tanks used for the storage of live fish, lobsters or the like must be supported on framework or brackets. All tanks must be constructed and installed to ensure compliance with Installation of Fixtures and Equipment.

Installation of Fixtures and Equipment - Design, construction and installation of fixtures, fittings and equipment

- 7.2.113 Fixtures, fittings and equipment are constructed and installed to enable cleaning and sanitising to be carried out easily and effectively. Refer to the following table (Table 5) for details of specific requirements.

Type of Fixture, Fitting or Equipment	Requirements
Refrigerated counters	<p>A continuous top of stainless steel cast or welded in one piece, free of open or rough joints, cracks and crevices and rough surfaces preventing collection of food particles.</p> <p>Raised edge or lip is to be formed around each opening in the bar top to prevent material falling into the food wells.</p>
Counters and bars, food display units, bain maries, window displays and self cabinets	<p>All surfaces must be smooth, durable, impervious and free from cracks, crevices and cavities.</p> <p>The underside finish is to be of paint, clear lacquer or other smooth, durable impervious finish.</p>

Cupboards and cabinets	Plywood, hardboard and similar materials used for backing are not permitted unless the rear face is finished with a smooth, washable surface.
Doors for cupboards and cabinets	Sliding doors are to be hung from the top of the door. Bottom guides or runners are to terminate not less than 25 mm from each end of the door opening.
Counters for food preparation in front of the customer	Protective barrier must be provided as a physical barrier between the customer and the food.
Food conveyors (dumb waiters)	The compartment must be made of smooth impervious surfaces, free from crevices and open joints capable of holding food refuse and vermin. The walls of the shaft must be made of smooth material, free of crevices and cracks and coved at all edges to prevent harbourage of waste. Access must be provided for cleaning.
Shelving	Surface, including edges, must be smooth, durable, non-absorbent and free of cracks, crevices or cavities to enable easy cleaning. In wet areas, where direct contact with food may occur, shelving and supports are to be constructed only in stainless steel. All shelving must be at least 25 mm clear of walls and vertical surfaces unless the joint is adequately sealed to prevent refuse collecting. The use of particle board or other absorbent material is not permitted unless the shelving is laminated on all surfaces with an approved impervious material.
Benches and table tops	Constructed of a rigid, smooth, non-absorbent durable material, free of cracks, crevices and cavities. Wet areas where direct contact with food may occur must be constructed of stainless steel.

7.2.114 The refrigeration system is to be capable of maintaining the designed temperature at all times within the cabinet commensurate with its use.

7.2.115 False bottoms, cavities and similar hollow spaces under fittings are prohibited.

Installation of Fixtures and Equipment - Materials

7.2.116 Fixtures, fittings and equipment are to be designed and constructed of metal, plastic or sealed timer sheeting or other impervious material used in accordance with the following table (Table 6).

Materials	Application	Comments
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Stainless steel	To be used if surface is in direct contact with food in wet areas.	Durable. Withstands chemicals.
Iron and mild steel	To be used where the surface does not come into direct contact with food.	Very susceptible to corrosion, this can be partly controlled by painting. Galvanised iron is not recommended for equipment since zinc is toxic, soluble in fruit acids and in both acidic and alkali detergents. Zinc wears off and exposed iron corrodes.
Copper and alloys (brass, bronze)	Unsuitable for general use in contact with food unless coated with tin.	Fairly resistant to corrosion and good heat conductor.
Aluminium	Suitable for cooking equipment if not in contact with corrosive acids or alkalis.	
Food grade plastics and laminates	Suitable for wide variety uses. Laminated chipboard or other laminated absorbent materials are not to be used for shelving or surfaces where they may be affected by water.	
Sealed wood	Only to be used if sealed to be impervious to moisture and grease. Not to be used in contact with food or in areas cleaned frequently using water.	Must have no cracks or holes.

Installation of Equipment - General

- 7.2.117 Equipment is to be easily movable for cleaning; and built into walls with the enclosure completely vermin proof or butted against walls or other equipment and the joints sealed. Easily movable means that equipment can be moved by one person to enable cleaning. If the equipment cannot be moved easily then the clearance space must be provided, as detailed in the following table (Table 7), so that the surrounds and beneath the equipment can be cleaned without moving.

Equipment Length	Space from Walls or Other Equipment
1200 mm or less	150 mm

1200-2400 mm	300 mm
2400 mm or more	450 mm

- 7.2.118 Where fittings abut each other or walls, any crevice formed is to be sealed and finished flush with a cover flashing or sealed in such a manner as to eliminate any open joint, space, crevice or cavity which will allow liquids, food particles, grease or other refuse to collect therein.

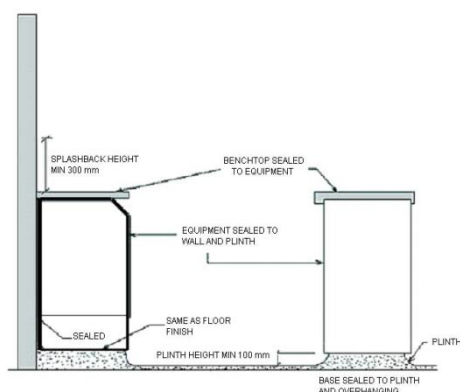
Installation of Fixtures and Equipment - Supports

- 7.2.119 Equipment and fixtures are to be supported on wheels, plinths, legs or brackets or framework as outlined in Table 8. This includes stoves, fridges, cupboards, deep fryers and shelves, etc.

Support	Requirements
Wheels or castors	<p>Wheels or castors must support the weight of the fully loaded equipment and enable it to be easily moved.</p> <p>There must be sufficient space to move the equipment to allow access to the floor beneath and the walls adjacent to the equipment for cleaning purposes.</p>
Plinths	<p>Plinths must be:</p> <ul style="list-style-type: none"> • At least 75 mm high. • Constructed of solid impervious material, same as the flooring. • Finished level to a smooth even surface. • Rounded at exposed edges. • Coved at the intersection of the wall and floor. <p>Service pipes can be concealed in plinths provided that the surface finish of the plinth is restored.</p> <p>Fittings and equipment are to be effectively sealed to the plinths preventing floor washings and refuse from gaining access.</p> <p>Refer to figure below.</p>
Legs	<p>Supporting legs must be metal or moulded plastic that will be corroded by water or cleaning chemicals. Legs must be:</p> <ul style="list-style-type: none"> • Finished smooth, and • Free of cavities, crevices, ledges, recesses, etc that will permit the lodgement of dust and grease or provide areas inaccessible for cleaning. <p>Legs must be designed and securely fixed so that there is a clear space between the floor and the underside of the fitting of not less than 150mm.</p> <p>Service pipes must not be located in the space beneath fittings unless they run vertically and a clear space of not less than 25mm is provided between the service pipe and any adjoining service.</p>

Brackets	<p>Brackets must be metal that will not be corroded by water or cleaning chemicals.</p> <p>Pressed metal brackets having hollow backs must not be used unless any gap is completely filled.</p> <p>Supporting brackets must be securely fixed so that:</p> <ul style="list-style-type: none"> • Cracks and crevices are not formed; • A clear space between the floor and the underside of the fitting of not less than 150 mm is provided <p>Brackets must be:</p> <ul style="list-style-type: none"> • Finished smooth, and • Free of cavities, crevices, ledges, recesses, etc that will permit the lodgement of dust and grease or provide areas inaccessible for cleaning.
Framework	<p>As above. In addition to the above:</p> <p>Framework must be:</p> <ul style="list-style-type: none"> • Designed and fixed in such a manner that easy access is available for cleaning the framework and adjacent surfaces; and • Designed to prevent access and harbourage of vermin.

Figure 3 – Plinth arrangements



7.2.120 Open ends of tubular steel used for legs and brackets must be permanently capped or sealed.

Installation of Fixtures and Equipment - Sealing of Equipment Bases

7.2.121 Equipment that is fitted directly to the floor or directly to the plinths must be:

- fitted with a base that will not corrode when in contact with water and cleaning chemicals;
- installed in such a manner that a complete seal is made between the floor and the base of the cabinets and grease, dirt or water cannot penetrate beneath;
- sealed between the floor and the metal base of a cabinet with an approved silicone sealant laid on the floor in a continuous seam;
- where the floor finish is of commercial grade vinyl sheeting or similar material the floor covering outside of the cabinet is to be sealed to the floor, turned up and sealed to the base of the cabinet with a cove; and
- where commercial grade vinyl sheeting is turned up to form a cove, a fillet or backing piece is to be fitted to provide support.

7.2.122 Equipment that is placed on bench tops or other work surfaces is to be:

- easily movable by one person; and
- sealed to the bench or counter top in such a manner as to eliminate any open joint, space, crevice or cavity.

Washing Facilities - Cleaning Facilities

7.2.123 Premises must be provided with equipment for cleaning and sanitising as specified in the following tables (Tables 9 &10)

7.2.124 All equipment in the following tables (Tables 9 &10) must be connected to a continuous supply of hot and cold potable water.

Table 1 – Minimum Requirements for Equipment in Premises	
Type of Premises	Minimum Facilities
Premises selling pre-packaged food and drink; and/or uncut fruit and vegetables	Single bowl sink.

All other premises	<p>Double bowl sink; or</p> <p>Dishwasher/glass washer and single bowl sink (where all food contact equipment will fit in the dishwasher); or</p> <p>A double bowl sink and a dishwasher/glass washer (where some equipment has to be washed/sanitised in the sink); or</p> <p>If preparing food by immersion in water a separate sink is required.</p>
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Table 2 – Facilities for Cleaning and Sanitising

Cleaning and Sanitising Operations	Minimum Facilities
<p>Premises using equipment that is:</p> <ul style="list-style-type: none"> • To be washed in sinks; • Will not fit into a standard double bowl sink; and • The equipment does not require sanitising. 	<p>Pot size sink adequate for largest equipment.</p> <p>Be constructed of stainless steel.</p>
<p>Premises using equipment that is:</p> <ul style="list-style-type: none"> • To be washed in sinks; • Will not fit into a standard double bowl sink; and • The equipment does not require sanitising. 	<p>Double bowl sink adequate for largest equipment.</p> <p>Be constructed of stainless steel.</p>
Premises where foods are prepared by immersion in water.	Designated food preparation sink(s).
Premises where floors, etc are wet washed.	Cleaner's sinks or similar facility.
Premises where floors and/or equipment are to be hosed.	Hose connections.

Washing Facilities - Double Bowl Sinks

- 7.2.12 Double bowl sinks must comply the following requirements:
6
- Be constructed of stainless steel.
 - Have a minimum bowl size of 450mm x 300mm x 300mm to enable cleaning of large pots and equipment.
 - Be fitted with a drainage area at each end.
 - Have a splashback as part of the unit, 300mm up the wall.
 - Where drainage racks are provided above sinks, they must be of stainless steel construction (preferable to have walls behind a drainage rack made of stainless steel sheeting or tiles to prevent damage to the wall).
 - One bowl of each double bowl sink(s) or one compartment of each two compartment tub is to be supplied with hot water at a temperature of not less than 45oC, together with sufficient soap or detergent for effectively washing the eating and drinking utensils and the other is to be supplied with hot water at a temperature of 80oC, for the final rinsing of the eating and drinking utensils. Temperatures of 80oC and above are necessary to ensure that equipment is sanitised. If temperatures of 80oC cannot be achieved or are an occupation health and safety concern, a food business can choose to use dishwashers or chemical sanitisers to sanitise.

Washing Facilities - Food Preparation Sinks

- 7.2.12 Where food preparation requires the washing of food and immersion in
7 water, a designated food preparation sink must be provided for this purpose. Designated food preparation sinks must be separate from all other sinks.

- 7.2.12 Separation distance between sinks is to be determined by authorised
8 persons having regard to the implicated risk of food or food contact surface contamination. This may be considered in conjunction with the factors such as the operation flow or food production, the size and depth of the sinks concerned, the feasibility of any acceptable alternative engineering solutions e.g. the provision of a physical barrier between the sinks.

Washing Facilities - Hand Washing Facilities

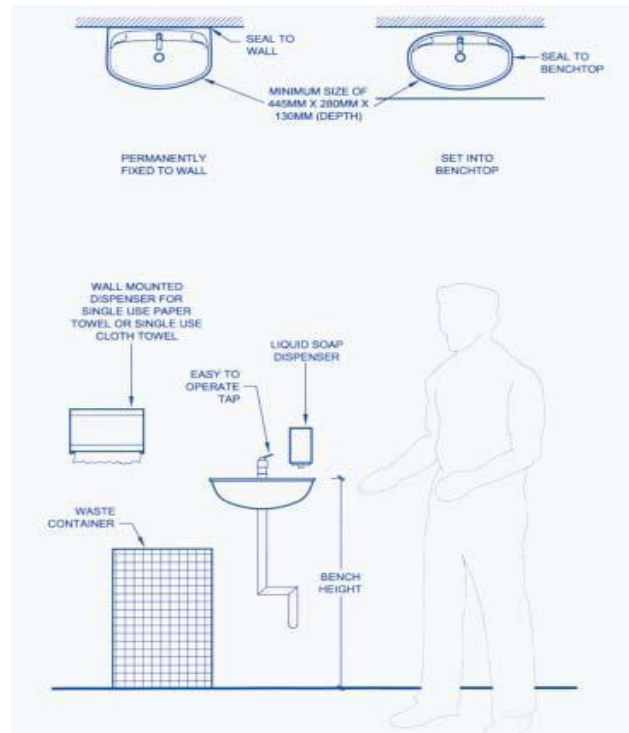
- 7.2.12 The food premises must provide hand washing facilities located where they
9 can be easily accessed by food handlers and:
- Within areas where food handlers work if their hands are likely to be a source of contamination.
 - Immediately adjacent to the toilets.

- 7.2.13 Hand washing facilities must be:
0
- Permanent fixtures.
 - Provided with a supply of warm potable running water.
 - A size that allows easy and effective hand washing.
 - Clearly designated for washing of hands, arms and face only.
 - Be provided with a supply of liquid soap and single use towels for hand drying.

- 7.2.13
1 Thorough washing and drying of hands is an essential activity in a food business to reduce the risk of food contamination and food-borne illness. Hand washing facilities must be:
- Located within an adequate distance, no more than 5m walking distance from all food handling areas.
 - Located in or immediately adjacent to toilets.
 - Provide with warm potable running water delivered through a single outlet (ie hot and cold water provided through a single outlet).
 - Provided with an adequate supply of liquid soap in a suitable dispenser in the immediate area.
 - Provide with single-use paper towels and suitable dispenser or other approved hand drying facility in the immediate area of the hand basin.
 - Of a suitable size to allow cleaning of hands and arms, with a minimum basin size of 11 litres capacity and/or dimensions of 500mm x 400mm and must be installed at bench height and appropriately fixed to the wall.
 - Provide with an impervious splashback no less than 300mm high.
 - Unobstructed by any other equipment and easily accessible.
 - Not located under benches, ie an appropriate hand basin height is usually 900mm off the floor.
- 7.2.13
2 Splashguards may be required to prevent contamination of nearby equipment, benches or other areas from the hand washing facility. Rubbish containers located in the immediate area for the disposal of paper towels must be located and designed to prevent contamination of adjacent food contact surfaces, food, utensils, cleaning equipment and storage areas.
- 7.2.13
3 Hot water systems must be capable of supplying adequate hot water at minimum temperatures as outlined at all times, especially at peak washing up periods.

A premise where equipment is washed in a sink	Sinks shall be provided with adjacent loading space and adjacent drainage and/or drying space.
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Figure 4 – Hand wash basin layout



Window displays - General

- 7.2.134 If potentially hazardous food is displayed it must be maintained under correct temperature control and display units installed in accordance with AS/NZ 3500.2:2003 *“Plumbing and drainage – sanitary plumbing and drainage”*.

Window displays - The display shelf

- 7.2.135 The window display shelf is to be of rigid smooth faced non-absorbent material, free of cracks or crevices – such as stainless steel or other approved material to enable effective cleaning.

Window displays - Coved intersections

- 7.2.136 Where wet foods such as meat, fish and the like are displayed, the display shelf is to be coved at all intersections and graded and drained in an approved manner to prevent build up of food matter and liquid.

Window displays - Waste discharge

- 7.2.137 An aerial disconnection is to be provided between the discharge waste pipe and the connection to the sewerage service.

Window displays - Supports

- 7.2.138 Display shelving is to be supported on approved wheels, legs, brackets, castors or framework or on solid construction.

Toilet accommodation - General

- 7.2.139 No food or equipment is to be stored in the toilets.

- 7.2.140 Toilets intended for public and/or customer use must not be accessed through areas where open food is handled, displayed or stored.

Toilet accommodation - Staff toilet facilities

- 7.2.141 Internal toilet accommodation must be provided for male and female staff during hours of operation in accordance with the Building Code of Australia.

Toilet accommodation - Air locks

- 7.2.142 Internal toilet compartments are to be entered through an air lock and be provided with self closing doors.

- 7.2.143 Internal toilets are to be provided with mechanical ventilation operable via the light switch should no natural ventilation be available.

Toilet accommodation - Hand washing facilities

- 7.2.144 Toilets are to have a hand wash basin provided with a supply of hot and cold water mixed through a common spout. A supply of soap and towel in a dispenser must be available at all times.

Ventilation - General Requirements

- 7.2.145 Ventilation is to be provided either by natural means or by an approved mechanical ventilating system in accordance with the Building Code of Australia.

- 7.2.146 Food premises must comply with AS/NZ 1668.1:1998/Amdt 1:2002 "*The use of ventilation and airconditioning in buildings – Fire and smoke control in multi-compartment buildings*" and have enough natural or mechanical ventilation to effectively remove fumes, smoke, steam and vapours from the food premises.

Ventilation - Natural Ventilation

- 7.2.147 Natural ventilation is only suitable where there is little or no cooking that produces steam or 'greasy' air. Where natural ventilation is allowed it must comply with AS/NZ 1668.1.

Ventilation - Mechanical Ventilation

- 7.2.148 All food preparation areas where odours, fumes, smoke and steam are produced need a mechanical ventilation system that complies with AS/NZ 1668.1 and AS 1668.2-2002 "*The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control*".

7.2.149 This means:

- any deep-fryer appliance or any cooking apparatus with a total maximum electrical power input exceeding 8kW or a total gas power input exceeding 29MJ/h requires a mechanical ventilation system.
- the total maximum power input to more than one apparatus exceeds:
 - 0.5kw electrical power for each 1m² of floor area of the room or enclosure; or
 - 1.8mj gas for each 1m² of floor area of the room or enclosure.
- dishwashers and other washing and sanitising equipment that vent steam and/or heat to the extent that there is, or is likely to be condensation collecting on walls and ceilings, a mechanical ventilation system is required.
- if new equipment is installed in the premises after the mechanical ventilation system has been designed and installed, it must not stop ventilation working adequately.

Ventilation - Exemptions

7.2.150 Microwave ovens and similar low-power cooking equipment used for commercial purposes, which are used infrequently or used solely for the purpose of reheating food, will be exempt from this requirement.

Ventilation - Exhaust Hoods

7.2.151 Exhaust hoods - Capture cooking vapours, exhaust cooking vapours, prevent condensation falling into the food, the cooking appliance or onto the floor, should be able to be easily cleaned and designed in accordance with AS/NZ 1668.1.

7.2.152 Construct of galvanised sheet steel or other approved rigid impervious hard-faced non-combustible material. Joints are to be smooth and free from obstructions and sealed with a suitable compound.

7.2.153 Hood overhang – the inside of the grease gutter should be 150 mm beyond the end of the appliance (refer to Figure 5), and 300 mm for type five cooking process such as woks, salamanders, and open flame charcoal equipment using solid fuel (except on sides adjoining a wall).

7.2.154 The face of the exhaust food filters should be vertical or sloped at an angle not more than 30° (refer to Figure 5).

7.2.155 Internal surfaces of hoods should be vertical or sloped at an angle not more than 40° (refer to Figure 5).

7.2.156 Internal lights sit flat without protrusions.

- 7.2.157 Filters – canopies are to be fitted with grease filters that are flush mounted and that can be removed by hand for easy cleaning (unless an existing washing system is provided). The filter should comply with AS/NZ 1668, and non-combustible requirements of AS 1530.1-1994 *“Methods for fire tests on building materials, components and structures – combustibility test for materials”*.
- 7.2.158 The lower edge of the exhaust hood should not be less than two metres above the floor at the operator side of the appliance being ventilated and no higher than 1.2 metres above the cooking appliance. The minimum height of the ceiling must be 2.4 metres in accordance with the Building Code of Australia to allow for this.
- 7.2.159 Heat source clearance – the distance between the lowest edge of a grease filter and cooking surface should not be less than:
- 1,350 mm where charcoal or a similar type of open fire is used
 - 1,050 mm where a naked flame is used
 - 600 mm where electrically operated equipment is used.

Ventilation - Hood types

- 7.2.160 Hood type one – low side wall where the canopy does not extend at least 150 mm beyond the edge of the cooking surface.
- 7.2.161 Hood type two – corner mounted.
- 7.2.162 Hood type three – side wall.
- 7.2.163 Hood type four – island.

Ventilation - Cooking process types

- 7.2.164 Process type one – non-grease producing equipment and void spaces under the hood, which serve to ventilate other cooking equipment.
- 7.2.165 Process type two – low-grease, medium-heat producing equipment such as griddles, ranges, conventional fryers, tilting skillets, steam kettles and gas ovens.
- 7.2.166 Process type three – high-grease, low-heat producing equipment such as electric deep-fat fryers, grooved griddles, hot tops and hot top ranges.
- 7.2.167 Process type four – high-grease, medium-heat producing equipment such as countertop barbecues and gas-fired deep-fat fryers.
- 7.2.168 Process type five – high-grease, high-heat producing equipment, such as woks, salamanders, and open flame charcoal equipment utilising solid fuel.

Ventilation - Kitchen Exhaust Hood Airflow

7.2.169 The kitchen exhaust hood airflow will depend on the hood type, the cooking process, the length of hood, the inside perimeter of the hood over all exposed sides, and height of hood above cooking appliance.

7.2.170 To determine the kitchen exhaust hood airflow, refer to sections 5.5 and 5.6 of the AS 1668.2.

Ventilation - Storage racks

7.2.171 Keep areas above cooking equipment free to maintain the flow of air and prevent condensation. For example, do not fit shelves and equipment above cooking equipment.

Ventilation - Duct work

7.2.172 Construct ducts using approved material such as stainless and galvanised steel, and have spots for cleaning that provide easy access to the whole duct system. Clean out access points in accordance with AS/NZ 1668.

7.2.173 Provide a drain at the lowest point of each section of ducting.

7.2.174 For any ducting consultation with a private building certifier should be sought, especially where ducts penetrate a fire rated wall, floor or ceiling, they must be contained and/or protected in accordance with the Building Code of Australia. They may require additional building approval.

Ventilation - Discharge point

7.2.175 Effluent discharge is to be vertical at a minimum velocity of five metres per second.

7.2.176 The point of discharge is to be at least:

- 1.0 m above the ridge of a pitched roof
- 3.0 metres above a flat roof
- 6.0 metres from a property boundary
- 6.0 metres from any air intake, natural ventilation or opening.

7.2.177 No exhaust can discharge over adjoining properties or where the discharge is less than 3.0 metres above any pedestrian thoroughfare including an accessible roof area.

7.2.178 Exhaust ventilation for wood fired and solid fuel cooking equipment needs to be separate to other ventilation systems and shall not be combined with a system serving grease or oil-generating or oil-heat appliances.

Ventilation - Dining areas

7.2.179 Ventilate dining areas by natural or mechanical methods in accordance with AS 1668.2.

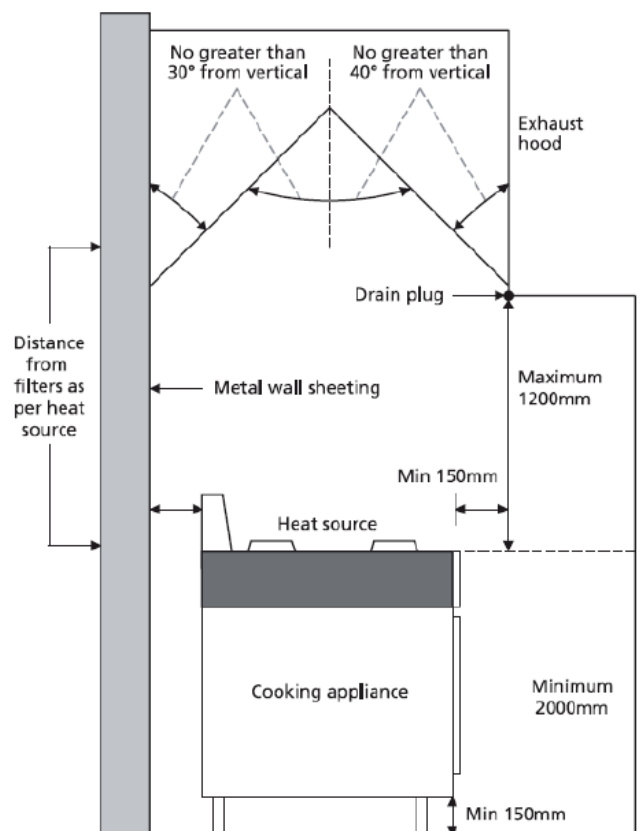
Ventilation - Domestic premises used for bed and breakfast and farm stay accommodation

- 7.2.180 In domestic premises, the type and size of cooking appliances is usually not within the scope of AS/NZ 1668. Domestic mechanical systems are usually sufficient to remove greasy fumes produced by cooking. Contact Council for advice on the right type of mechanical ventilation before you begin installation.
- 7.2.181 The ventilation system you need will depend on the type of food business you will operate and the amount of cooking being done.

Ventilation - Cleaning

- 7.2.182 All hoods must be fitted with approved grease filters which must be removed and cleaned regularly.
- 7.2.183 Regular cleaning of the entire exhaust ducting must also be conducted.
- 7.2.184 Cleaning receipts must be kept on site detailing what cleaning has been undertaken.
- 7.2.185 No shelves or equipment must be placed between the cooking equipment and the exhaust hood in order to maintain the flow of air and prevent condensation.

Figure 5 – Mechanical Exhaust Ventilation System



(for alternative arrangements refer to Appendix C of 1668.2-2002)

Storage Facilities - General

- 7.2.186 There must be adequate storage facilities for the storage of items that are likely to be the source of contamination of food, including chemicals, clothing and personal belongings. These storage facilities must be located where there is no likelihood of stored items contaminating food or food contact surfaces.

Storage Facilities - Clothing and personal effects

- 7.2.187 Facilities for storing clothing and personal effects belonging to staff must be:
- A change room; or
 - Lockers/cupboards in a change room; or
 - Enclosed cupboards solely used for the storage of clothing and personal belongings located outside the food preparation, food storage and washing areas.

Storage Facilities - Cleaning chemicals and equipment

- 7.2.188 Facilities for storing chemicals and cleaning equipment must be:
- A room designed for that use; or
 - Enclosed cupboards dedicated for that use located outside of food preparation, storage and display areas; or
 - In a place physically separated from food storage, preparation or display.

Storage Facilities - Storage of office materials

- 7.2.189 Facilities for materials associated with the administration of the business must be:
- A room designated for office use; or
 - Enclosed cupboards, drawers or similar sealed storage dedicated for that use.

Fire Safety Measures - Required fire safety measures

- 7.2.190 Every kitchen is to contain portable fire extinguishers and fire blankets as outlined in Part E1.6 of the Building Code of Australia and must be selected, located and distributed in accordance with Sections 1, 2, 3 and 4 of AS 2444-2001 "Portable fire extinguishers and fire blankets – Selection and location".
- 7.2.191 In addition, where a kitchen exhaust hood is required, it is to comply with paragraphs C3, C4 and C9 of Appendix C in AS 1668.2 and where grease vapour is present, it must also comply with paragraphs C5 or C6 and C7 of Appendix C in AS 1668.2 and with Section 11 of AS/NZ 1668.1.

Mobile Food Vans and Temporary Food Stalls

Kiama Municipal Council is committed to ensuring the activities (such as itinerant, mobile, and temporary food stalls) that are regulated by Council are safe and healthy and comply with all relevant and current legislation and guidelines. Kiama Municipal Council is also committed to providing an equitable and fair business environment.

The [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) outlines that in certain circumstances mobile food vans and temporary food stalls may be considered exempt from requiring development consent.

When operating on a public place mobile food vans and temporary food stalls are required to obtain approval under Section 68 of the [Local Government Act 1993](#) even if they are considered exempt from requiring development consent. Council is required to take ensure that any approvals issued under Section 68 of the *Local Government Act 1993* comply with the relevant Local Approvals Policy.

A Local Approvals Policy is prepared and adopted under [Chapter 7, Part 3 of the Local Government Act 1993](#). This section of the DCP is a Local Approvals Policy, under the *Local Government Act 1993*, for the use of a standing vehicle or any article for the purpose of selling any article in a public place (i.e. mobile food vans and temporary food stalls).

For the purposes of the *Local Government Act 1993* a public place includes:

- (a) a public reserve, public bathing reserve, public baths or public swimming pool, or
- (b) a public road, public bridge, public wharf or public road-ferry, or
- (c) a Crown reserve comprising land reserved for future public requirements.

This Section/Policy is divided into three parts:

Part 1 specifies activities for which a person is exempt from requiring an approval from the Council.

Part 2 lists the matters/controls that Council will consider when determining applications under the Policy. This section is intended to provide general information to applicants on the considerations that will be made by Council when assessing applications.

Part 3 contains information regarding the application process, including any information that is required to be submitted with applications.

Objectives

- | | |
|---------|---|
| O:7.2.3 | To ensure that, in public places, food sold to the public from non-conventional food premises, that is, mobile food vending vehicles and temporary food stalls, is safe for human consumption and that the construction, fitting out and facilities for cleaning utensils, articles, fittings and appliances in vehicles and stalls are of an appropriate standard. |
| O:7.2.4 | To ensure that mobile and food vans are inspected annually for compliance with the guidelines set out by the Food Authority. |
| O:7.2.5 | To ensure that, in public places, temporary food stalls are registered with the Food Authority and with Council and the stall holders are aware of and are able to gain access to the conditions they must comply with during operation of the stall. |
| O:7.2.6 | To ensure the creation of adverse traffic, pedestrian and general public safety conditions, is avoided, particularly on routes where the dominant function is the safe movement of vehicular traffic. |
| O:7.2.7 | To regulate the level and intensity of vendor activities on road reserves and other public places necessary to ensure that the site is retained primarily for its purpose (ie community/traffic use and not commercial). |

O:7.2.8	To accommodate appropriate vendor activities in order to provide services that enhance the visitor/resident experience.
O:7.2.9	To ensure that parking of vehicles (or erection of other equipment) will not adversely affect the public amenity and the characteristic streetscape of the area and the street.

Part 1 - Exemptions

A person is exempt from requiring an approval from the Council under the provisions of the *Local Government Act 1993* for a mobile food van/temporary food stall where the operation is in part of an approved market or event on a public place *and local sporting clubs directly servicing patrons in conjunction with scheduled weekend sporting activities*. Exempt mobile food vans/temporary food stalls will be required to be operated in accordance with any approval conditions, relevant legislation and any codes or guidelines as issued by Council the NSW Food Authority or other government department or agencies.

Part 2 - Controls

Controls - General

- 7.2.192 Mobile food vans/temporary food stalls will be required to be operated in accordance with any approval conditions, relevant legislation and any codes or guidelines as issued by Council the NSW Food Authority or other government department or agencies.
- 7.2.193 Charities may be exempt from certain provisions of the food safety legislation and food standards. Charities are those community based groups which do not derive funds for personal financial gain, but direct any profits back to the community (e.g. local sports clubs, Lions and Rotary clubs). These concessions granted relate to:
- Notification of food business is not required if food sold is not potentially hazardous (eg scones) or is to be consumed immediately after thorough cooking (eg sausage sizzle)
 - Food Safety Supervisor requirements do not apply.
 - Some labelling requirements do not apply.

Further information can be obtained from the NSW Food Authority or Council.

- 7.2.194 Council will only permit mobile food vans/temporary food stalls in locations that are safe for both operators and customers. This includes both public road reserves and public reserve that allow for easy and safe parking/manoeuvrability and that do not result in unsafe pedestrian and vehicle interactions.
- 7.2.195 Only one (1) mobile food van/temporary food stall is permitted to operate, at one time, per location identified in Appendix 7 and Appendix 8.

Controls - Public Roads

- 7.2.196 Mobile food vans/temporary food stalls are only permitted for mobile vending purposes on any road, or a part of any road prescribed in [Appendix 7](#) to this chapter.

- 7.2.197 A road not prescribed in [Appendix 7](#) may be traversed by a vehicle, but the operator must not stop the vehicle on any such road for the purpose of making a sale of goods carried in, or on, the vehicle.
- 7.2.198 In circumstances deemed appropriate by the General Manager in a particular case, a condition may be imposed at any time specifying a date or time during any day when a nominated road must not be used for the purpose of mobile food vending (e.g. road is closed for a special event).
- 7.2.199 The use of a road for mobile vending operations must be in compliance with the requirements of the Roads and Traffic Authority (RTA) and [“Guidelines for Control and Operation of Street Vending \(1996\)”](#).
- 7.2.200 When carried out on land within or immediately adjacent to a residential zone—only be carried out between 7.00 am and 7.00 pm on any day
- 7.2.201 When not carried out on land within or immediately adjacent to a residential zone—only be carried out between 6.00 am and 9.00 pm on any day

Controls – Public Reserve

- 7.2.202 Mobile food vans/temporary food stalls are not permitted on public reserves within the areas identified in [Appendix 8](#) to this chapter.
- 7.2.203 When carried out on land within or immediately adjacent to a residential zone—only be carried out between 7.00 am and 7.00 pm on any day
- 7.2.204 Mobile food vans/temporary food stalls can operation within the Seven Mile Holiday Park and only in the months of December and January (inclusive), between 6.00 pm and 9.00 pm on any day
- 7.2.205 Mobile food vans/temporary food stalls can operation within the Werri Beach Holiday Park, Surf Beach Holiday Park and Kendalls Beach Holiday Park between:
- 7.00 am and 7.00 pm February to November (inclusive), and
 - 7.00 am and 9.00 pm December to January (inclusive)

Part 3 – Approval Process

You need to use [Council’s Activity Application form](#) to apply for an approval under Section 68 of the *Local Government Act 1993*. This form outlines what information needs to be submitted to Council when applying to operate a mobile food van/temporary food stall on a public place.

Appendix 1 – Development Application Requirements for Hairdressers, Beauticians and Skin Penetration Premises

Council approval is required for all hairdressers, beauticians and skin penetration businesses. For all development application requirements please refer to Council's Development Application Advice Handbook and Fees Book. Before lodging an application, applicants are advised to seek advice from Council regarding specific requirements.

Checklist for Development

This checklist is provided as a tool to help ensure that the requirements of this DCP have been satisfied. A copy should be submitted with a development application. If the “_ no” response has been ticked in answer to any question, separate written justification for the departure from this DCP must be provided.

Development Approval

Question Regarding Development	Yes	No	N/A
If you are the new owner of an existing business, did the vendor provide you with a pre purchase inspection report from Council?			
Are you proposing a mobile business?			
If you are proposing to operate from within residential premises, will the business operate from treatment areas used solely for the business?			

Construction, Materials and Finishes

Questions Regarding Construction, Materials and Finishes	Yes	No	N/A
Are floors smooth and impervious?			
Are fittings smooth, impervious and durable?			
Are fittings against walls sealed?			
Are the intersections of floors with walls and plinths covered?			
Are walls and ceilings of an approved finish?			
Are there sufficient cupboards or fittings provided for storage?			
Does a clear space of at least 150mm exist between the floor and the underside of fixtures and fittings?			
Is adequate lighting provided?			
If you are conducting skin penetration procedures is there a designated cleaning area separate from the treatment area?			

Questions Regarding Construction, Materials and Finishes	Yes	No	N/A
Is carpet laid only in the office or waiting room?			
If colonic lavage is performed, is there a toilet solely for use of the client?			

Handwashing and Cleaning Basins

Questions Regarding Handwashing and Cleaning Basins	Yes	No	N/A
If you are conducting skin penetration procedures have you provided a separate hand wash basin solely for hand washing with a supply of hot and cold running water through a single outlet, and with liquid soap or detergent and single use towels?			
Is there a hand wash basin located in each treatment room or area?			
If there are separate treatment areas, are there hand wash basins in each area?			
For skin penetration procedures is a separate double bowl sink with hot and cold running water provided in the cleaning area?			
If food preparation and washing of eating and drinking utensils is to occur, is a separate sink provided?			
Do all sinks and hand wash basins have a splash back of at least 300mm, constructed of a durable, smooth and impervious material?			
Are hand wash basins provided adjacent to toilets, supplied with hot and cold water through a single mixing spout, liquid soap and disposable towels?			

Disposal of Sharps, Infectious and Non-Infectious Wastes

Questions Regarding Disposal Of Waste	Yes	No	N/A
If disposable sharps are to be used, is an Australian Standards approved sharps bin provided in each treatment room?			

Businesses in Residential Properties

Question Regarding Residential Properties	Yes	No	N/A
Will the treatment area be used solely for hairdressing, beauty or skin penetration procedures?			

Business Registration

Questions Regarding Registration	Yes	No	N/A
Have you completed and included the Registration Form in your development application?			

Plans

Check List of Items to be Submitted with development application	Yes	No
Floor plans, scale 1:50		
Site plan, scale 1:100- including car parking, adjacent land uses and garbage area.		
Sectional elevations, scale 1:50		
Hydraulic plans, detailing plumbing connection & floor waste locations, scale 1:50		
Plan details		
Schedule of finishes- tiles, stainless steel etc.		
Layout of all equipment		
Door and window openings		
Customer waiting area- square metres of floor space and number of seats		
Customer and staff toilet details		
Statement of environmental effects- must include disposal of contaminated waste (sharps).		

Appendix 2 – Definitions for Hairdressers, Beauticians and Skin Penetration Premises

AS (Australian Standard) is a published document which sets out technical specifications or other criteria necessary to ensure that a material or method will consistently do the job it is intended to do.

Acupuncture is the practice of inserting sterile needles into specific parts of the body to treat disease or relieve pain.

Autoclave is a device that uses temperature, pressure and moisture to sterilise equipment.

Bacteria is a single celled organism that is capable of causing disease, and has the potential to multiply on any surface including the skin with the right conditions. Body substance includes any human bodily secretion or substance other than blood.

Cleaning is the physical removal of dirt from equipment surfaces by washing in detergent and warm water with mechanical action such as scrubbing.

Disinfection means the killing of disease causing microorganisms except bacterial spores.

Hairdresser/barber or beautician means any person who shaves, cuts, trims, dresses, waves, curls, stains or dyes or who in any other way treats the hair of any person for a fee or reward, and also any person who for fee or reward performs scalp or facial massage, manicure, pedicure, or in any other way whatsoever treats or otherwise deals with the head, scalp, face, hands, skin, fingernails, toenails, or feet or manipulates any form of electrical treatment, but does not include a medical practitioner, physiotherapist or podiatrist whilst engaged in the conduct of his or her profession.

Impervious means impermeable to water, moisture or grease.

Mobile Operators are where the procedures are conducted at various locations not at a fixed premise, such as at a client's home. (Mobile operators are not permitted)

Operator is a person who carries out any skin penetration procedure.

Purchaser is a person, party or entity buying the business.

Sharps can be any object or device that is designed to cut or penetrate the skin, including needles and razors.

Single-use items are instruments, apparatus, utensils or other things intended by the manufacturer to be used only once, for example disposable gloves.

Skin antiseptic means a chemical applied to the skin to reduce the number of microorganisms.

Skin penetration means a practice where by the skin is cut, pierced, torn, removed or damaged for either beauty, natural therapy or health purposes.

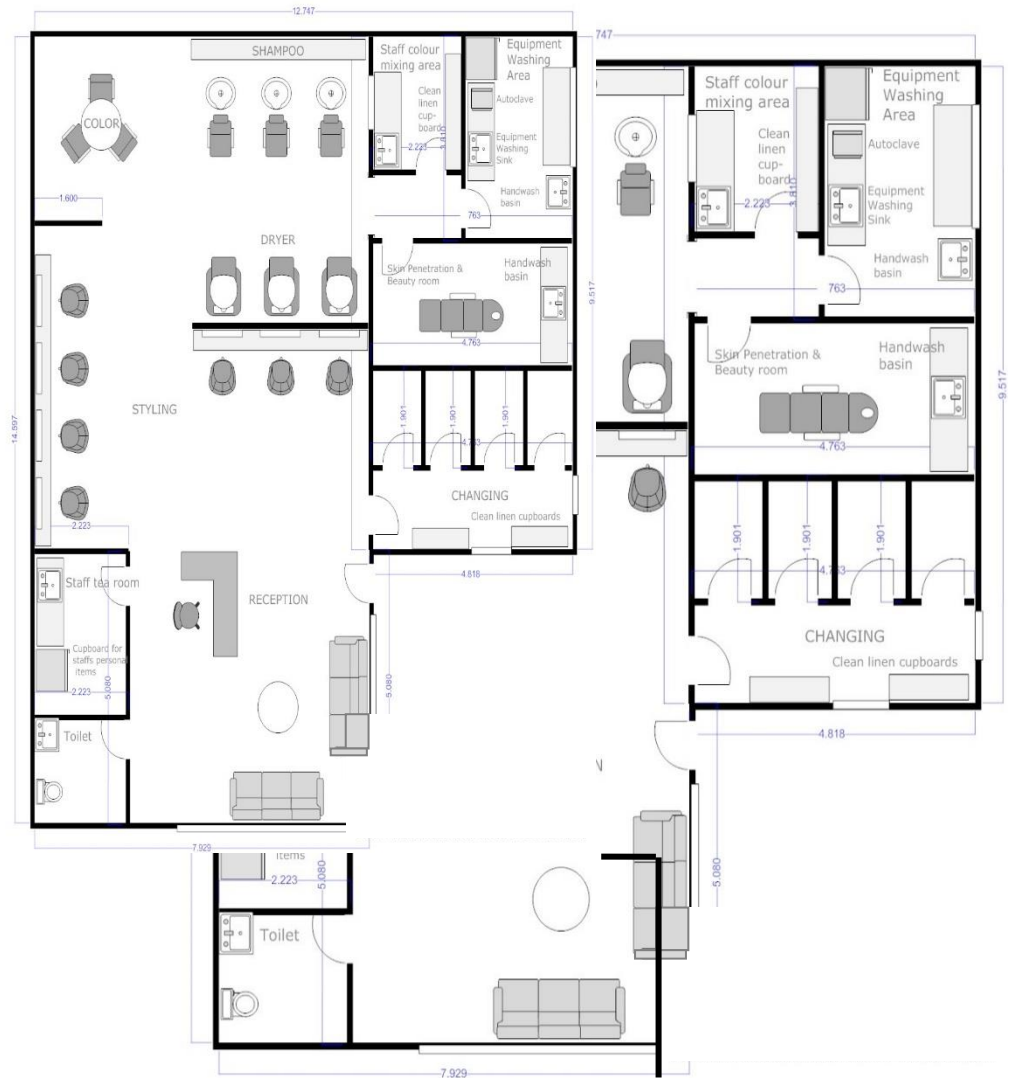
Sterilisation means the killing of all micro-organisms including spores.

Treatment area means the area or room in which the procedure (skin penetration, beauty or hairdressing) is conducted.

Vendor means a person, party or entity selling the business

Appendix 3 – Hygiene Requirements for Hairdressers, Beauticians and Skin Penetration Premises

Equipment
Washing
Sink



The following guidelines should be followed in day-to-day practice, where relevant, by hairdressing, beautician and skin penetration operators.

HYGIENE

It is important to ensure the safety and health of both the client and operator, when undertaking procedures involving skin penetration, and to ensure bacterial, fungal and viral infections, including HIV, Hepatitis B and C are not transmitted during the procedure.

General

- Eating, drinking or smoking is not permitted in the treatment area.
- Animals, except for assistance animals, are not permitted in the treatment area.
- Broken skin or infections on exposed parts of the body of the operator must be kept covered with a waterproof plaster.

Gloves

- (a) Single use gloves must be worn during a skin penetration procedure, and must be discarded between each client or when changing activities.
- (b) Gloves are not to be re-used, and must be disposed once contaminated.
- (c) Sterilised gloves are to be worn if direct contact with sterilised equipment will occur during the procedure, e.g. body piercing.

Liquids, Creams and Gels

- (a) Any liquids or gels used should be measured and decanted into single use containers for each client.
- (b) Excess or unused liquids or gels must be discarded and not returned to original containers.
- (c) If stock cannot be decanted then single use applicators or spatulas are to be used, ensuring they are not re-used.
- (d) If re-useable containers are used they must be cleaned and sterilised after each use.

Hand Washing

- (a) Hands must be washed whenever they become contaminated, including:
 - immediately before and after attending a client
 - if the procedure is interrupted
 - after contact with any blood or body substance
 - before and after smoking, eating and drinking
 - after going to the toilet
 - prior to and after wearing gloves
 - after touching the nose or mouth
 - before and after treating wounds or handling soiled wound dressings
- (b) Nailbrushes should not be used as they may damage the skin and may provide possible infection sites.
- (c) If alcohol based hand creams are used they must be applied in conjunction with hand washing and not instead of hand washing.

Skin Preparation

- (a) Prior to commencing the skin penetration procedure, the skin must be wiped with a suitable antiseptic and allowed to air dry. Acceptable antiseptic solutions include:
 - 70% W/W ethyl alcohol
 - 80% V/V ethyl alcohol
 - 70% V/V isopropyl alcohol
 - alcoholic (isopropyl and ethyl) formulations of 0.5 -4% W/V chlorhexidene
 - aqueous or alcoholic formulations of povidine iodine (1% W/V available iodine)
- (b) Antiseptic should not be used after the expiry date.
- (c) Single use wipes are to be used on one client area and then disposed.

Protective Clothing

- (a) Skin penetration operators must wear a clean washable garment, such as an apron or a uniform, when attending clients. This clothing protects the wearer's clothing and skin from contamination.
- (b) Skin penetration operators must change protective clothing when soiled.
- (c) Skin penetration operators must wear protective clothing only in the work area. It must be removed when leaving the premises or when not performing procedures.
- (d) When undertaking colonic lavage a clean water resistant apron must be worn. Once soiled this apron must be cleaned.
- (e) Soiled linen must be removed from the treatment area after the client has left.
- (f) All linen, including towels, protective clothing and other washable fabrics must be washed with laundry detergent and water, rinsed and dried.

Exposure to Blood and Body Fluids

- (a) All workplaces must have a procedure in place for the management of exposure to blood and body fluids. Refer to the NSW Health Skin Penetration Code for Best Practice (2001).
- (b) A stocked first aid kit must be available on site at all times.

Equipment

General

- (a) Any article used to penetrate the skin of a person must be sterilised after every use and maintained in a clean and sterile condition, or discarded if designed for single-use.
- (b) All equipment that does not penetrate the skin must be cleaned and disinfected between clients.
- (c) All equipment, including benches, tables, used to carry out the procedure is to be washed with a hospital grade disinfectant.
- (d) Wax used for the purpose of hair removal must be disposed of immediately after the completion of the hair removal procedure.
- (e) Roll on wax applicators are not permitted as they encourage bacterial harbourage.
- (f) Ear piercing guns are to be used only for ear piercing.
- (g) Body piercing equipment is to be used only for body piercing.

Cleaning

- (a) Equipment must be cleaned prior to disinfection or sterilisation to remove all visible organic matter and residue, as they may inhibit the disinfection or sterilisation process.
- (b) Equipment designed not to penetrate the skin must be thoroughly cleaned prior to re-using. Thermal disinfection is then recommended. If this is not possible it must be cleaned with a 70% alcohol wipe or swab.
- (c) Items such as cleaning gloves, brushes and other equipment must be maintained in a clean and satisfactory condition. Damaged items must be replaced.
- (d) Cleaning equipment must be cleaned regularly and stored clean and dry.

Disinfection

- (a) All equipment must be cleaned prior to disinfection.
- (b) Disinfection can be achieved by chemical or thermal methods. Refer to the NSW Health's Code of Best Practice for Skin Penetration.
- (c) Equipment that can be used after disinfection must be stored in a clean, dry and dust free environment.

- (d) Ensure the directions are followed for mixing and using disinfectants. If mixed incorrectly or stored for too long the disinfectant may become ineffective.

Sterilisation

- (a) All equipment used to penetrate the skin must be sterilised.
- (b) Equipment can be pre-sterilised and/or single use.
- (c) If contact occurs between a sterile and un-sterile item, both items are un-sterile.
- (d) The recommended method of sterilising is autoclaving. Refer to the Australian Standards for the requirements (AS 2182) and operating methods (AS 4815:2001) of the autoclave.
- (e) Ensure the autoclaves are loaded correctly to ensure that the trays allow a free passage of steam, minimise condensation and can be readily removed.
- (f) Correct packaging of equipment will allow aseptic removal from the steriliser and protection from contamination once removed.
- (g) Equipment and packing material must be dry and intact at the end of processing to ensure the equipment is sterile. If packaging is damaged, damp or moist the items must not be used but must be re-sterilised or disposed of.
- (h) The autoclave must be tested, serviced regularly and calibrated at least once a year by a qualified service technician. Ensure records of this are kept on site.
- (i) All sterile equipment must be used immediately on removal from its packaging or it must be re-sterilised prior to use.
- (j) Sterilised items should be stored separately to used items awaiting sterilisation.

Waste

- (a) Waste bags must be tied or sealed and left in a secure waste container for collection.
- (b) The waste containers must have a tight fitting lid and be able to contain all waste.
- (c) Waste must be removed daily from the work area.

Hairdressing and Other Procedures Where Skin is Not Penetrated

Hairdressing and other procedures where skin is not penetrated, including certain beauty treatments, are not defined as skin penetration under the legislation.

The objectives of these guidelines are to ensure hygienic practices and procedures to prevent the transfer of skin infections, including herpes, tinea and staphylococcal infections, and to ensure hairdressers and beauticians implement infection control procedures when skin is accidentally cut, punctured or penetrated.

Hygiene

- (a) All razor blades are considered contaminated with blood or blood products after use.
- (b) Single use disposable razors must be disposed of immediately after use. Safety razors must have the blade removed and the razor body thoroughly cleaned before it is used again.
- (c) No cut throat blades are permitted.
- (d) Equipment such as scissors, combs, hairbrushes, highlighting caps and rollers should be washed after use on each client using warm water and detergent and then rinsed and dried.

Cleaning and Disinfection

- (a) After cleaning, all equipment must be disinfected with hospital grade disinfectant mixed to the manufacturer's directions. Equipment must be cleaned prior to

disinfection or sterilisation to remove all visible organic matter and residues. These must be removed as they may inhibit the disinfection or sterilisation process.

- (b) Equipment that can be used after disinfection must be dried and stored in a clean, dry and dust free environment.
- (c) Equipment should not be soaked in disinfectant unless specified by manufacturer's instructions. Chemical disinfectants have limited contact times and may become ineffective if left for long periods.
- (d) Fresh disinfectant should be prepared each time items are to be disinfected.
- (e) Effectiveness of disinfectant is reduced as the number of items immersed increase.
- (f) Ensure the directions are followed for mixing and using disinfectants. If mixed incorrectly or stored for too long the disinfectant may become ineffective.
- (g) Disinfectant must be within the expiry date.
- (h) Cleaning equipment, such as brushes and brooms, must be maintained in a clean and satisfactory condition at all times. Damaged items must be replaced.
- (i) Hairdressers may use reusable capes and gowns. If disposable neck towels are not used, linen must be washed after use on each client and adequate supplies of towels must be maintained.

Appendix 4 – Development Application Requirements for Food & Drink Premise

Council approval is required for all food premises and the following information and documentation is required to accompany a development application:

1. A development application form correctly filled in.
2. Plans required:
 - ☐ Floor plans, scale 1:50.
 - ☐ Sectional elevations, scale 1:50 – through any building showing details of mechanical ventilation. NB: Inlets and outlets.
 - ☐ Site plan, scale 1:100 – including car parking, adjacent land uses and refuse area.
 - ☐ Mechanical exhaust ventilation plans.
 - ☐ Hydraulic plans – detailing plumbing connections, floor waste positions and trade waste details.
 - ☐ Schedule of finishes – details of floors, walls, ceilings, equipment, fixtures and fittings finishes.
 - ☐ Layout of all equipment, benches, fixtures, fittings and mechanical exhaust.
 - ☐ Door and window openings.
 - ☐ Customer seating area – square metres of floor space and number of seats.
 - ☐ Customer and staff toilet details (if detached provide the distance to the facilities and number available for use).
 - ☐ Statement of environmental effects.
3. Further information required at time of application:
 - ☐ If it is deemed from Sydney Water that a tradewaste system is not required a letter or other appropriate evidence from Sydney Water is required to be submitted.
4. Construction certificate plans must address all conditions specified on the development application.

Appendix 5 – Definitions for Food & Drink Premises

Cove means having a concave curve at the junction of two surfaces – the radius of the curve is to be not less than 25 mm.

Food handler means a person who directly engages in the handling of food, or who handles surfaces likely to come into contact with food.

Food premises means a business, enterprise or activity that involves the handling of food intended for sale or the sale of food.

Food preparation area means any room, compartment or place used for the purpose of preparing and serving food for sale for human consumption.

Handling of food includes the making, manufacturing, producing, collecting, extracting, processing, storing, transporting, delivering, preparing, treating, preserving, packing, cooking, thawing, serving or displaying of food.

Impervious means impermeable to water, moisture or grease.

Potentially hazardous foods. The Standard 3.2.2 – Food Safety Practices and General Requirements of the Food Standards Code defines a potentially hazardous food as:

- Food that has to be kept at certain temperatures to minimise multiplication of any food-poisoning bacteria that may be present in the food or to prevent the formation of toxins in the food.
- Potentially hazardous foods are foods that meet both of the criteria below:
 - a) They might contain the types of food-poisoning bacteria that need to multiply to large numbers to cause food poisoning, and
 - b) The food will allow the food-poisoning bacteria to multiply.
- The associated definition of temperature control is important. It means “maintaining food at a temperature of:
 - a) 5°C, or below if this is necessary to minimise the growth of infectious or toxic microorganisms in the food so that the microbial safety of the food will not be adversely affected for the time that the food is at that temperature, or
 - b) 60°C or above, or
 - c) Another temperature—if the food business demonstrates that maintenance of the food at this temperature for the period of time for which it will be so maintained, will not adversely affect the microbiological safety of the food”.

Clause 25 of the Standard sets out requirements for the use of other temperatures. Guidance on the Standard is provided in Safe Food Australia (ANZFA 2001). Appendix 1 of that document provides guidance on the use of time as a control for potentially hazardous food and summarises the “4-hour/2-hour rule” as follows:

- a) Any ready-to-eat potentially hazardous food, if it has been at temperatures between 5°C and 60°C:
 - a. For a total less than two hours, must be refrigerated or used immediately,
 - b. For a total of longer than two hours but less than four hours, must be used immediately, or
 - c. For a total of four hours or longer, must be thrown out.

Sell includes:

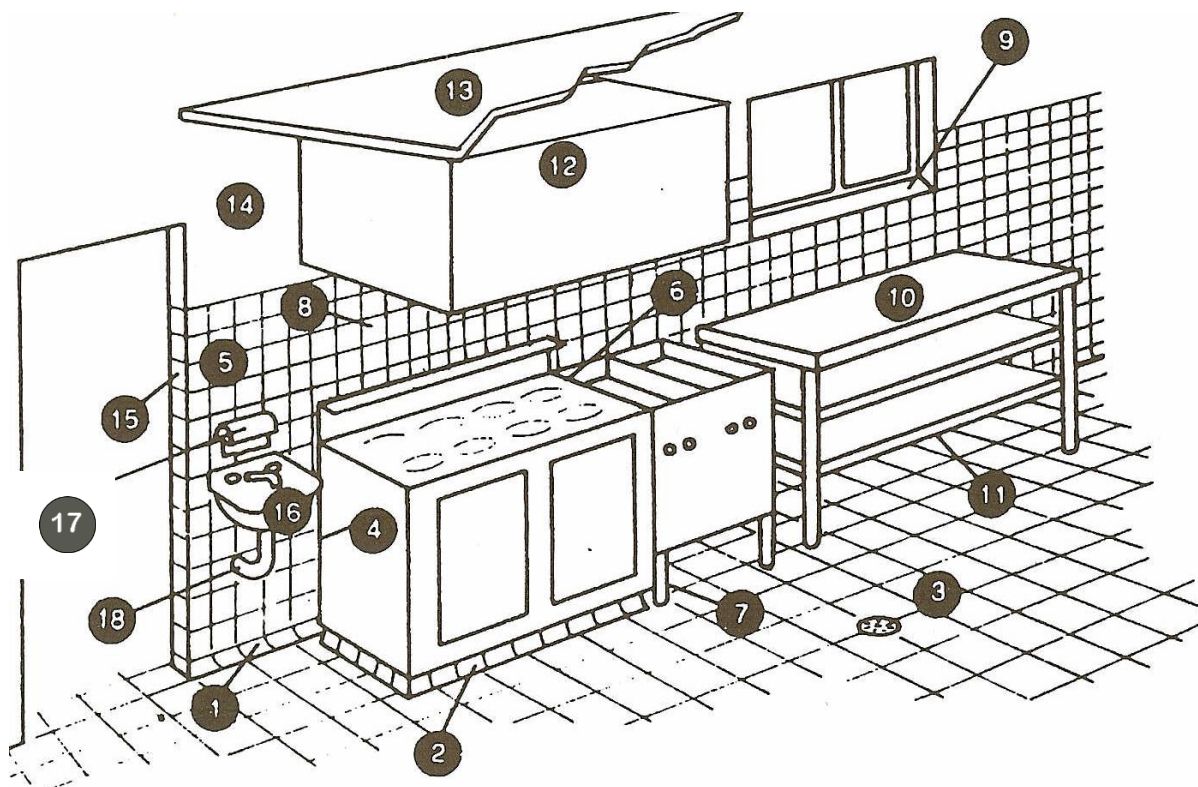
- (a) barter, offer or attempt to sell, or
- (b) receive for sale, or
- (c) have in possession for sale, or

- (d) display for sale, or
- (e) cause or permit to be sold or offered for sale, or
- (f) send, forward or deliver for sale, or
- (g) dispose of by any method for valuable consideration, or
- (h) dispose of to an agent for sale on consignment, or
- (i) provide under a contract of service, or
- (j) supply food as a meal or part of a meal to an employee, in accordance with a term of an award governing the employment of the employee or a term of the employee's contract of service, for consumption by the employee at the employee's place of work, or
- (k) dispose of by way of raffle, lottery or other game of chance, or
- (l) offer as a prize or reward, or
- (m) give away for the purpose of advertisement or in furtherance of trade or business, or
- (n) supply food under a contract (whether or not the contract is made with the consumer of the food), together with accommodation, service or entertainment, in consideration of an inclusive charge for the food supplied and the accommodation, service or entertainment, or
- (o) supply food (whether or not for consideration) in the course of providing services to patients in public hospitals (within the meaning of the Health Services Act 1997) or inmates in correctional centres (within the meaning of the Crimes (Administration of Sentences) Act 1999), or
- (p) sell for the purpose of resale.

Solid construction means brick, concrete blocks, structural fibrous cement or other similar fibrous material.

Appendix 6 – Food Preparation Areas

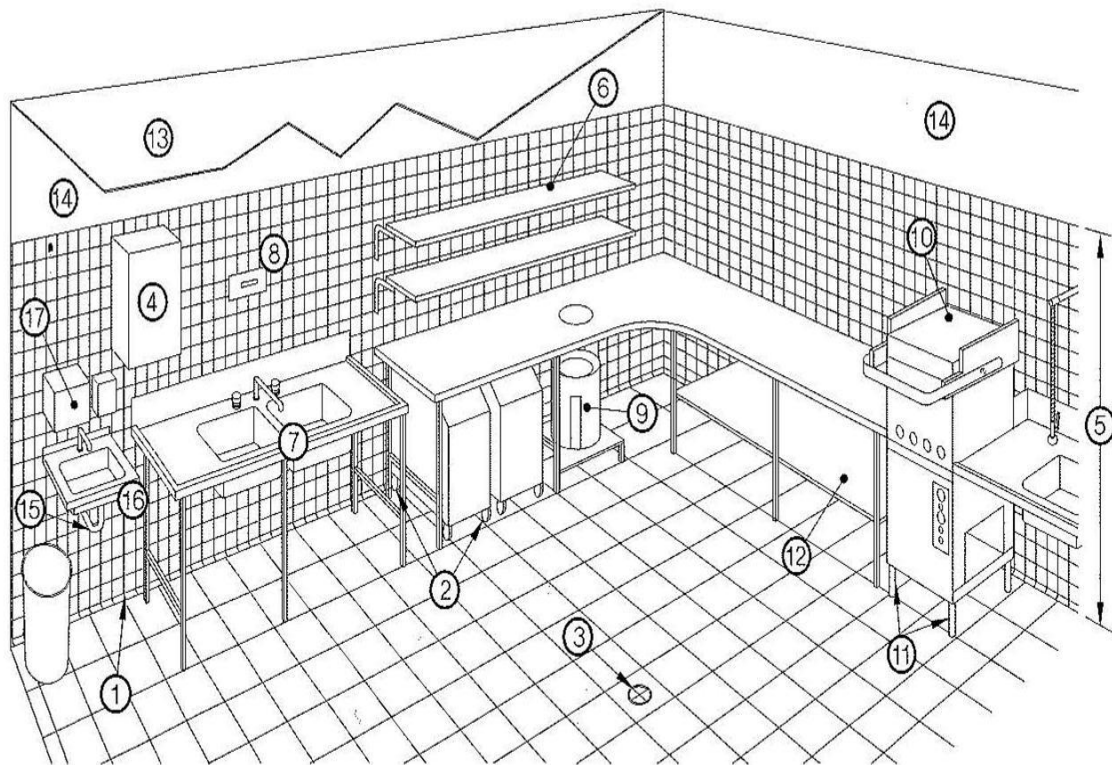
Figure A – Typical set up of a preparation area



Requirements – Typical Food Preparation Area

1. Floor/wall covering	10. Preparation bench – steel framed bench
2. Plinth not less than 100mm high	11. Bottom shelf – min 250mm above floor
3. Impervious floor graded and drained	12. Mechanical exhaust ventilation canopy
4. Fittings sealed to wall or 200mm clear of wall	13. Rigid smooth faced ceiling
5. Walls finished as per table 6.1	14. Smooth cement rendering
6. Sealing between fittings	15. No timber door frames
7. Legs 150 mm minimum	16. Hand basin, hot and cold water mixing set
8. No storage shelves below canopy	17. Soap and towel dispenser
9. Splayed windowsill 300mm above preparation	18. Water and drainage pipes concealed in wall

Figure B – Typical set up of a wash up area



LEGEND:

- | | |
|---|--|
| ① = Floor/wall coving | ⑩ = Dishwasher with temperature indicating device |
| ② = Castors to under bench storage | ⑪ = Legs 150 mm min. |
| ③ = Impervious floor graded and drained | ⑫ = Underside of support bracket 150mm to the finished floor surface |
| ④ = Hot water heater sealed to wall | ⑬ = Painted plasterboard ceiling |
| ⑤ = Walls tiled | ⑭ = Smooth cement rendering |
| ⑥ = Shelving 25 mm clear of wall | ⑮ = Water drainage pipes concealed into walls |
| ⑦ = Sink unit on metal frame | ⑯ = Hand basin, hot and cold water mixing set |
| ⑧ = Thermometer | ⑰ = Soap and towel dispenser |
| ⑨ = Garbage receptacle | |

Appendix 7 - Mobile Food Van/Temporary Food Stall Permitted Road Locations





**Mobile Food Van/Temporary Food Stall
Permitted Locations
Rose Valley Princes Highway Interchange**



Mobile Food Van/Temporary Food Stall Permitted Location







**Mobile Food Van/Temporary Food Stall
Permitted Locations
Surf Beach Holiday Park**



Mobile Food Van/Temporary Food Stall Permitted Location





**Mobile Food Van/Temporary Food Stall
Permitted Locations
Kendalls Beach Holiday Park**



Mobile Food Van/Temporary Food Stall Permitted Location





**Mobile Food Van/Temporary Food Stall
Permitted Locations
Werri Beach Holiday Park**



Mobile Food Van/Temporary Food Stall Permitted Location





**Mobile Food Van/Temporary Food Stall
Permitted Locations
Gerringong Boat Harbour**



Mobile Food Van/Temporary Food Stall Permitted Location





**Mobile Food Van/Temporary Food Stall
Permitted Locations
Gerroa Headland, Stafford Street, Gerroa**



Mobile Food Van/Temporary Food Stall Permitted Location





How to contact Council

Post

General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
Website: www.kiama.nsw.gov.au

Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



KIAMA MUNICIPAL COUNCIL
your council, your community

Kiama Development Control Plan 2020

Chapter 8. Rural Uses



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date approved/adopted	17 March 2020
Resolution No	20/091OC
Date effective	4 April 2020
Date last reviewed	17 March 2020
Next review date	17 March 2021
Department	Environmental Services
Author	Manager Strategic Planning
TRIM reference	SC3392
Supporting documents	Nil

Chapter 8: Rural Uses

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Topic 8.1 – Agriculture -----	8.2
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Introduction

Approximately 10,000ha of the Kiama Municipality is zoned for rural purposes – this represents 35.5% of the local government area. The net value of agriculture exports from the Kiama Municipality is \$26M per annum.

The Kiama Municipality has a strong history in agriculture, however recent industry adjustments have changed the viability of traditional farming businesses. New farm based enterprises have the potential to grow the local economy, however any reform in this sector needs to ensure the long term protection of agricultural land as a resource for food and fibre production.

In this chapter "Rural" refers to both rural and environmental protection/management zoned land. Kiama has regionally important environmental and agricultural lands. It is Council's intention to preserve and maintain these areas as significant natural resources. Accordingly, these additional controls are designed to ensure that any development in these areas is appropriate for future proofing these important natural assets.

Objectives

- | | |
|---------|---|
| O:8.1.1 | To protect agricultural land and restrict its fragmentation for purposes other than primary production. |
| O:8.1.2 | To ensure that development does not inhibit the use of agricultural land for agriculture. |
| O:8.1.3 | To minimise the risk to development posed by climate change and natural hazards such as acid sulfate soils, bush fires, flooding, sea level rise and associated rise in water tables, and land instability. |
| O:8.1.4 | To maintain, protect and improve the natural environment including native vegetation and riparian land. |
| O:8.1.5 | To ensure that all new development adopts best practice design criteria for climate change. |
| O:8.1.6 | To protect threatened species, endangered ecological communities, natural habitat and riparian corridors, waterways and wetlands. |
| O:8.1.7 | To protect and enhance the character of the Kiama area's coastal and rural scenic visual landscapes. |
| O:8.1.8 | To protect rural residential amenity. |

Topic 8.1 – Agriculture

Under the Kiama LEP agriculture includes:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture, and
- (d) intensive plant agriculture.

Extensive agriculture is permitted without consent in our [RU1 Primary Production](#) and [RU2 Rural Landscape](#) zones. Development consent is required for extensive agriculture in our [E3 Environmental Management](#) zone and is prohibited in our [E2 Environmental Conservation](#) zone. Under the [Kiama LEP 2011](#) extensive agriculture means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,
- (c) bee keeping,
- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

In certain circumstances, intensive agriculture requires development consent in our RU1 Primary Production and RU2 Rural Landscape zones and is prohibited in all other zones. Under the Kiama LEP 2011 intensive agriculture includes: intensive plant agriculture and intensive livestock agriculture.

Intensive plant agriculture

Under the Kiama LEP 2011 intensive plant agriculture means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

Controls - Siting and design

Objectives

O:8.1.9	To minimise the impacts of horticulture on adjoining properties,
O:8.1.10	To control the impacts of horticulture by appropriate site buffer or setback distances,
O:8.1.11	To minimise the impacts of development on the natural environment, and
O:8.1.12	To provide a consistent approach to planning for the development of new horticulture farms and facilitate additions to existing farms.

8.1.1 Intensive Plant Agriculture is required to comply with the minimum separation distances outlined below unless the impacts can be mitigated through a Council approved design:

Minimum setback/separation distances			
	Horticulture (field based)	Controlled environment structures (igloos)	Viticulture
Front building setback	Nil	20 metres	40 metres
Side or rear building setback	Nil	20 metres	40 metres
All residential zones	50 metres	50 metres	50 metres

Dwelling on same property	20 metres	20 metres	20 metres
Any other dwelling (whether on a neighbouring property)	50 metres	50 metres	50 metres

Note: Where rural land uses emit odour, the above separation distances are minimums only. Consideration will be given to OEH's policy on '[Assessment and management of odour from stationary sources in NSW](#)' (November 2006) taking into consideration the site characteristics and the merits of each application.

- 8.1.2 Development for the purposes of intensive plant agriculture must accommodate future expansion of the farm while maintaining recommended buffer distances.
- 8.1.3 Must not be located in visually prominent areas such as ridgelines and highly exposed areas.
- 8.1.4 Must, where possible, be sited in locations that maximise opportunities for cooperative packing and labour pooling.
- 8.1.5 Must, where practical, be sited in locations that minimise impact to the amenity of surrounding land uses.
- 8.1.6 Sites with a slope greater than 10% must not be used for intensive plant agriculture, other than for the purposes of viticulture, which may be located on slopes up to 20%.

Controls - Design and construction of controlled environment structures

Objectives

O:8.1.13	To minimise the visual impact of structures associated with controlled environment horticulture,
O:8.1.14	To encourage the minimal use of pesticides through improved design of structures, and
O:8.1.15	To encourage development within close proximity to major markets, adequate labour supply, major transport links and extension services.

- 8.1.6 Sites with a slope greater than 10% must not be used for intensive plant agriculture, other than for the purposes of viticulture, which may be located on slopes up to 20%.
- 8.1.7 All controlled environment structures, including covering materials, are to be kept well maintained and in good condition.
- 8.1.8 The orientation of controlled environment structures must be in a north-south orientation and must consider the direction of prevailing winds to take advantage of cooling summer breezes.
- 8.1.9 Where possible, controlled environment structures are to be a minimum of 6 metres in height to encourage adequate ventilation, provide optimal growing environment and increase the overall efficiency.

- 8.1.10 Development must include the planting and maintenance of vegetative screens and windbreaks.
- 8.1.11 Controlled environment horticulture structures are to be raised to facilitate the drainage of stormwater away from structures.

Controls - Noise and odour

Objectives

O:8.1.16 To minimise the noise and odour impacts of Intensive plant agriculture on the amenity of surrounding land uses.

- 8.1.11 Controlled environment horticulture structures are to be raised to facilitate the drainage of stormwater away from structures.
- 8.1.12 Where possible, buildings and facilities are to be located out of the line of sight of adjoining neighbours.
- 8.1.13 Prevent entry of drainage/seepage water into site sheds and storage facilities through the construction of earth contour banks and drainage.
- 8.1.14 Appropriately silenced forklifts should be utilised to reduce night noise generation.
- 8.1.15 Noise levels generated must not exceed the requirements of the [NSW Industrial Noise Policy](#) (NSW EPA, 2000).
- 8.1.16 Where practical, major truck deliveries and produce transport should be scheduled for reasonable hours of the day. Council acknowledges that farmers need to access markets early in the morning therefore requiring night time vehicle movements.
- 8.1.17 Locate all stationary noise generating machinery within sheds and where practical away from property boundaries.

Controls - Soil, waste and water management

Objectives

- O:8.1.17 To minimise the impact of development on soil erosion,
- O:8.1.18 To encourage the improvement of soil organic matter and reduce soil compaction,
- O:8.1.19 To minimise the impact of stormwater and surface run-off on receiving water courses or water bodies and on adjacent lands, and (
- O:8.1.20 To ensure drainage systems efficiently control water flows and minimise the impact on natural drainage patterns of the site.

- 8.1.18 Intensive plant or horticultural operations are to incorporate grassed inter-row areas or cover crops between production areas crop rows in order to:
- reduce erosion potential,
 - improve soil organic matter,
 - provide trafficable areas in wet weather,
 - act as biological filters for water run-off, and
 - reduce pest and disease levels.
- 8.1.19 The existing soil moisture content must be assessed prior to undertaking any cultivation practices to avoid damage to the soil structure from cultivating when too dry or moist.
- 8.1.20 Cultivation between crop rows must be minimised and only undertaken for moisture retention and ground preparation.
- 8.1.21 Viticulture farms are to incorporate cover crops in their overall farm management practices to reduce erosion potential, improve soil organic matter and reduce pest and disease levels.
- 8.1.22 Any cultivation of the site must follow the natural contour lines to increase soil water retention and to minimise erosion potential.
- 8.1.23 Applications are to demonstrate that an adequate water supply is available to support the proposed development. The use must not solely rely on reticulated water supply to service the needs of the development and must demonstrate an integrated approach to water management using alternate water sources in conjunction with reticulated water.
- 8.1.24 Water quality tests must be performed to demonstrate that levels of salts, minerals, and pH are suited for horticultural use where irrigation is proposed through the use of water extracted from an adjoining/nearby river.
- 8.1.25 Stormwater drains are to be wide, gently sloping open drains that are well vegetated to minimise erosion potential and facilitate filtering of solid particles contained in the runoff.
- 8.1.26 Local drainage patterns are to be maintained and stormwater flows effectively managed.
- 8.1.27 Development must incorporate the construction of stormwater diversion banks, sedimentation ponds and the installation of a wastewater treatment system to divert and treat wastewater and run-off.
- 8.1.28 Runoff from site buildings (sealed or compacted) is to be collected in sedimentation ponds prior to any irrigation on-site. Contaminated waters must be suitably treated before reuse on the farm.
- 8.1.29 Diversion banks may need to be constructed to intercept and divert runoff away from any composting areas.

- 8.1.30 Viticulture farms must consider soil types and their suitability for the production of grapes over the proposed development site.

Controls - Pest Management

Note: Intensive plant agriculture or horticultural land uses must not utilise pesticides for the control of insects, diseases and weeds that pose a risk to the production of crops. Under the NSW Pesticides Act 1999, it is an offence to use a pesticide in a way that 'causes injury or likely injury to another person, damage or likely damage to another person's property or harm to a non-target plant'. Users or persons intending to use pesticides are to undertake the necessary chemical application and certification training.

Objectives

- | | |
|----------|---|
| O:8.1.21 | To ensure pest management is undertaken in a responsible and sustainable manner |
|----------|---|

- 8.1.31 Pesticide use must meet the requirements of any relevant pesticide legislation (currently being the NSW Pesticides Act 1999 and associated regulations such as the Pesticides Regulation 2009, Pesticides Amendment (Records) Regulation 2001 and the Pesticides Amendment (User Training) Regulation, administered through the NSW Office of Environment and Heritage).
- 8.1.32 The storage, transport, and keeping of records for all pesticides used in intensive plant agriculture farms are to be in accordance with any relevant legislation.

Intensive livestock agriculture

Under the Kiama LEP 2011 [intensive livestock agriculture](#) means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (d) poultry farms,

[Clause 5.18](#) of the Kiama LEP 2011 outlines that development consent is not required for the types of intensive livestock agriculture listed in Table 1 if they will not be located:

- (i) in an environmentally sensitive area, or
- (ii) within 100 metres of a natural watercourse, or
- (iii) in a drinking water catchment, or
- (iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or
- (v) if the development is a poultry farm—within 500 metres of another poultry farm.

Table 1: Exempt types of Intensive Livestock Agriculture

Development Type	Livestock Capacity
Cattle Feedlot	<50 head of cattle

Development Type	Livestock Capacity
Goat Feedlot	<200 goats
Sheep Feedlot	<200 sheep
Pig Farm	<20 breeding sows, Or <200 pigs (of which <20 may be breeding sows)
Dairy Farm	50 dairy cows
Poultry Farm	1,000 birds for meat or egg production (or both)

Development consent is required for intensive livestock agriculture in all other circumstances.

Controls - Siting and design

Objectives

O:8.1.22	To minimise the impacts of intensive livestock agriculture on adjoining properties,
O:8.1.23	To control the impacts of intensive livestock agriculture by appropriate site buffer or setback distances,
O:8.1.24	To minimise the impacts of development on the natural environment, and
O:8.1.25	To provide a consistent approach to planning for the development of new intensive livestock agriculture farms and facilitate additions to existing farms.

Development for the purposes of Intensive Livestock Agriculture, are required to comply with the minimum buffer distances outlined below:

8.1.33

Minimum setback/separation distances		
	Intensive livestock agriculture (except Poultry farms)	Poultry farms
Front building setback	175 metres	50 metres
Side or rear building setback	100 metres	50 metres
All residential zones	500 metres	500 metres
Dwelling on same property	100 metres	50 metres

Minimum setback/separation distances		
	Intensive livestock agriculture (except Poultry farms)	Poultry farms
Any other dwelling (whether on a neighbouring property)	150 metres	150 metres

Note: Where rural land uses emit odour, the above separation distances are minimums only. Consideration will be given to OEH's policy on '[Assessment and management of odour from stationary sources in NSW](#)' (November 2006) taking into consideration the site characteristics and the merits of each application.

- 8.1.34 Development must be in accordance with the "[Blue Book](#)" Code of Practice for Animal Care produced by the Department of Primary Industries.
- 8.1.35 Sites with a slope greater than 3-4% must not be used for intensive livestock agriculture.
- 8.1.36 Sites that have residual chemicals in the soil such as organochlorides and arsenic must not be used for intensive livestock agriculture.
- 8.1.37 Development must be located having regard to the topography and microclimate of the area to ensure concentration of odours cannot occur. Design and construction of controlled environment structures

Controls - Noise, odour and dust

Objectives

O:8.1.26	To minimise the noise, odour and impacts of Intensive livestock keeping establishments on the amenity of surrounding land uses, and
O:8.1.27	To encourage healthy, sustainable practices to minimise the impact of development.

- 8.1.38 Where possible, buildings and facilities are to be located out of the line of sight of adjoining neighbours.
- 8.1.39 Ensure that feed grain is stored in a dry storage area to prevent fermentation.
- 8.1.40 Prevent entry of drainage/seepage water into site sheds and storage facilities through the construction of earth contour banks and drainage.
- 8.1.41 Feeding troughs and self-feeders must be designed to minimise any spillage that could potentially contribute to odour emissions.
- 8.1.42 Industry Best Practice Management measures developed to eliminate or reduce odour are to be undertaken.
- 8.1.43 Appropriately silenced forklifts should be utilised to reduce night noise generation.

- 8.1.44 Noise levels generated must not exceed the requirements of the NSW Industrial Noise Policy (NSW EPA, 2000).
- 8.1.45 Where practical, major truck deliveries and produce transport should be scheduled between the hours of 7am to 6pm weekdays, 7am to 1pm Saturdays. It is noted that exceptional circumstances may mean deliveries are conducted outside these hours on occasions.
- 8.1.46 Locate all stationary noise generating machinery within sheds and where practical away from property boundaries.

Additional Controls - poultry sheds

- 8.1.47 All poultry sheds are to be appropriately cleaned out after every batch.
- 8.1.48 Sheds or structures must be adequately ventilated.
- 8.1.49 Shed curtains or shutters must be utilised during shed clean outs (to minimise the impact of dust on adjoining land users). As far as practicable, dust generated must stay within property boundaries.
- 8.1.50 The type of litter material chosen for shed floors must have regard to its propensity to produce dust.

Controls - Soil, waste and water management

Note: Applicants are advised to consult with the requirements for Earth dams contained within Section 3.6 of this Volume, when designing sedimentation ponds.

Objectives

O:8.1.28	To minimise the impact of stormwater and surface run-off on receiving water courses or water bodies and on adjacent lands, and
O:8.1.29	To ensure drainage systems efficiently control water flows and minimise the impact on natural drainage patterns of the site

- 8.1.51 Local drainage patterns are to be maintained and stormwater flows effectively managed.
- 8.1.52 Development must incorporate the construction of stormwater diversion banks, sedimentation ponds and the installation of a wastewater treatment system to divert and treat wastewater and run-off.
- 8.1.53 Suitable impermeable sedimentation pond structures must be constructed that will not contaminate surface and ground waters.
- 8.1.54 Development must provide appropriate methods for the adequate management and handling of litter, manure, composting and removal of dead animals.
- 8.1.55 Runoff from feeding pens and site buildings (sealed or compacted) is to be collected in sedimentation ponds prior to any irrigation on-site. Contaminated waters must be suitably treated before reuse on the farm.

- 8.1.56 All sedimentation ponds are to be de-sludged to remove build-up of solid effluent when their storage capacity is reduced by more than 25%.
- 8.1.57 Loads of litter, manure and feed being transported to the property are to be adequately covered.
- 8.1.58 Prompt and safe disposal of feed by-products is to be arranged where recycling is not possible to avoid the harbouring of pests and vermin.
- 8.1.59 Diversion banks may need to be constructed to intercept and divert runoff away from manure stockpiles and carcass disposal areas.
- 8.1.60 Runoff from shed roofs, access tracks and hard stands (sealed or compacted) is to be collected and stored on site. Note: Any runoff existing on the site must be free of sediment.

Topic 8.2 - Rural Industry

Under the Kiama LEP [agriculture](#) includes:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Only agricultural produce industries and stock and sale yards are permissible in the Kiama Municipality.

Agricultural produce industry

Under the Kiama LEP 2011 [agricultural produce industry](#) means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes:

- (a) wineries,
- (b) flour mills,
- (c) cotton seed oil plants,
- (d) cotton gins,
- (e) feed mills,
- (f) cheese and butter factories, and
- (g) juicing or canning plants.

Agricultural produce industries are only permissible with consent in our [RU1 Primary Production](#) and [RU2 Rural Landscape](#) zones.

Objectives

- O:8.2.1 To ensure agricultural produce industries are designed and sited so as to not detract from the rural landscape, scenic quality and environmental significance of the rural areas.

Controls

- 8.2.1 Structures shall be setback a minimum 15 metres from the boundary of a property with a public road frontage.
- 8.2.2 Structures shall be a minimum 900mm, as measured from the boundary to a vertical member. The minimum side boundary setback from the edge of the gutter, eaves or fascia is 675mm.
- 8.2.3 Structures must be located at least 100 metres from another dwelling on an adjoining property to help achieve rural dwelling amenity.
- 8.2.4 Where possible and practicable, agricultural produce industries should occur within existing buildings or be clustered around other structures on the site, or able to utilise the same access ways.

- 8.2.5 All materials and colours used should be muted or earthy tones appropriate to the local street and landscape context. The colours and materials chosen for buildings need to be considered in terms of their reflectivity and glare. While lighter roof colours are encouraged for heat deflection and global warming Albedo Effect benefits. Roof designs and location may need to be reconsidered so as to ensure that reflectivity and glare do not adversely affect neighbours' amenity. In some cases, where this amenity cannot be reasonably addressed by redesign, lower reflectivity material may need to be specified. All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- 8.2.6 External finishes should not strongly contrast with the background whether by orientation, location, colour or choice of materials.
- 8.2.7 Development that is proposed to be carried out on land containing a heritage item, or on other land in the vicinity of a heritage item must be sited and designed in a way that minimises the impact on a heritage item.
- 8.2.8 Where the land contains a dry stone wall, no breaks, dismantling or alteration of such walls is permitted without development consent.
- 8.2.9 Development must be designed and sited to protect agricultural land; avoid/minimise their impact on the natural environment and the scenic landscape; and be clustered rather than dispersed over the property.
- 8.2.10 Development in rural areas must be carefully and sensitively sited and designed to complement landscape rather than become conspicuous built elements in the landscape. The siting of habitable buildings should also have regard to any existing or approved agricultural use of adjoining land and the amenity of neighbours.
- 8.2.11 Development will need to be landscaped to mitigate visual impact visible from a public place.

Stock and sale yards

Under the Kiama LEP 2011 [stock and sale yards](#) means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Stock and sale yards are only permissible with consent in our [RU1 Primary Production](#) zone.

The [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) outlines that in certain circumstances stock holding yards that are not used for the sale of stock may be considered exempt from requiring development consent.

Controls - Siting and design

Objectives

- O:8.2.2 To minimise the impacts of stock and sale yards on adjoining properties,
- O:8.2.3 To control the impacts of stock and sale yards by appropriate site buffer or setback distances,
- O:8.2.4 To minimise the impacts of development on the natural environment, and

O:8.2.5 To provide a consistent approach to planning for the development of new stock and sale yards and facilitate additions to existing farms.

8.2.12 Development for the purposes of stock and sale yards, are required to comply with the minimum buffer distances outlined below:

Minimum setback/separation distances	Stock and sale yards
Front building setback	175 metres
Side or rear building setback	100 metres
All residential zones	500 metres
Dwelling on same property	100 metres
Any other dwelling (whether on a neighbouring property)	150 metres

Note: Where rural land uses emit odour, the above separation distances are minimums only. Consideration will be given to OEH's policy on '[Assessment and management of odour from stationary sources in NSW](#)' (November 2006) taking into consideration the site characteristics and the merits of each application.

8.2.13 Development must be in accordance with the "[Blue Book](#)" Code of Practice for [Animal Care](#) produced by the Department of Primary Industries.

8.2.14 Sites with a slope greater than 3-4% must not be used for intensive livestock agriculture.

8.2.15 Sites that have residual chemicals in the soil such as organochlorides and arsenic must not be used for intensive livestock agriculture.

8.2.16 Development must be located having regard to the topography and microclimate of the area to ensure concentration of odours cannot occur. Design and construction of controlled environment structures.

Noise, odour and dust

Objectives

O:8.2.6	To minimise the noise, odour and impacts of stock and sale yards on the amenity of surrounding land uses, and
O:8.2.7	To encourage healthy, sustainable practices to minimise the impact of development.

8.2.17 Where possible, buildings and facilities are to be located out of the line of sight of adjoining neighbours.

8.2.18 Prevent entry of drainage/seepage water into site sheds and storage facilities through the construction of earth contour banks and drainage.

- 8.2.19 Industry Best Practice Management measures developed to eliminate or reduce odour are to be undertaken.
- 8.2.20 Noise levels generated must not exceed the requirements of the [NSW Industrial Noise Policy](#) (NSW EPA, 2000).
- 8.2.21 Where practical, major truck deliveries and produce transport should be scheduled between the hours of 7am to 6pm weekdays, 7am to 1pm Saturdays. It is noted that exceptional circumstances may mean deliveries are conducted outside these hours on occasions.
- 8.2.22 Locate all stationary noise generating machinery within sheds and where practical away from property boundaries.

Soil, waste and water management

Note: Applicants are advised to consult with the requirements for Earth dams contained within [Topic 8.3](#) of this Chapter, when designing sedimentation ponds.

Objectives

O:8.2.8	To minimise the impact of stormwater and surface run-off on receiving water courses or water bodies and on adjacent lands, and
O:8.2.9	To ensure drainage systems efficiently control water flows and minimise the impact on natural drainage patterns of the site.

- 8.2.23 Local drainage patterns are to be maintained and stormwater flows effectively managed.
- 8.2.24 Development must incorporate the construction of stormwater diversion banks, sedimentation ponds and the installation of a wastewater treatment system to divert and treat wastewater and run-off.
- 8.2.25 Suitable impermeable sedimentation pond structures must be constructed that will not contaminate surface and ground waters.
- 8.2.26 Development must provide appropriate methods for the adequate management and handling of litter, manure, composting and removal of dead animals.
- 8.2.27 Runoff from feeding pens and site buildings (sealed or compacted) is to be collected in sedimentation ponds prior to any irrigation on-site. Contaminated waters must be suitably treated before reuse on the farm.
- 8.2.28 All sedimentation ponds are to be de-sludged to remove build-up of solid effluent when their storage capacity is reduced by more than 25%.
- 8.2.29 Loads of litter, manure and feed being transported to the property are to be adequately covered.
- 8.2.30 Prompt and safe disposal of feed by-products is to be arranged where recycling is not possible to avoid the harbouring of pests and vermin.
- 8.2.31 Diversion banks may need to be constructed to intercept and divert runoff away from manure stockpiles and carcass disposal areas.

- 8.2.32 Runoff from shed roofs, access tracks and hard stands (sealed or compacted) is to be collected and stored on site. Note: Any runoff existing on the site must be free of sediment.

Topic 8.3 - Farm Dams

Under the Kiama LEP Farm Dams are a type of [water storage facility](#). Farm dams are only permissible with consent in our [RU1 Primary Production](#) and [RU2 Rural Landscape](#) zones.

The [State Environmental Planning Policy \(Primary Production and Rural Development\) 2019](#) outlines that in certain circumstances farm dams may be considered exempt from requiring development consent. Development that may be carried out without the need for development consent is not exempt from any approval, licence, permit or authority that is required under any other Act (in particular, the [Water Management Act 2000](#)), and adjoining owners' property rights and the common law still apply.

Rural landholders in the Kiama Municipality can build dams on minor streams and capture 10 per cent of the average regional rainfall run-off. The maximum harvestable right dam capacity (MHRDC) is the total dam capacity allowed under the harvestable right for your property and takes into account rainfall and variations in rainfall pattern. The Harvestable Rights Orders are published in the [NSW Government Gazette 40 dated 31 March 2006](#) (pages 1628 to 1631) (PDF, 259.84 KB).

If you want to construct a dam that is larger than the MHRDC, you will need to licence the volume of water that exceeds the MHRDC. You will also need to hold an approval for a dam which exceeds the MHRDC.

To calculate your MHRDC, use WaterNSW's [Maximum Harvestable Rights Calculator](#)

Objectives

- O:8.3.1 To ensure that earth dams are constructed to a safe standard, and
- O:8.3.2 To minimise the impact of dam construction on neighbouring properties and on the surrounding natural environmental features.

Controls

- 8.3.1 The width of a dam crest must be a minimum of 3 metres for a 3 metre high dam wall. The crest must increase in width 500mm from every metre above a 3 metre high dam wall.
- 8.3.2 A minimum of 1.0 metre is to be established for freeboard (the distance between the highest water level and the top of the dam wall). This must increase by 10% for every metre over a 3 metre high wall.
- 8.3.3 Soils predominantly consisting of gravels; organic soils or peat must not be used for dam construction or batters. The material used to construct an embankment should be sufficiently impervious to keep seepage low and ensure that dam walls remain stable. Soils with 25% clay content or greater are ideal to form an impervious barrier.
- 8.3.4 The dam embankment must contain at least 200mm of compacted top soil and be planted with a good soil holding grass. Trees and shrubs must not be planted on the embankment.

- 8.3.5 The slope of the embankment batters must conform to the ratio of 3.0 horizontal to 1.0 vertical for both upstream and downstream slopes.
- 8.3.6 An earth bywash is required on all dams in order to pass surplus runoff around the dam which would otherwise pass over the embankment. The bywash must be a minimum of 6 metres in width.
- 8.3.7 The width of the outlet from the bywash must not be less than the inlet width and must not direct flow onto the downstream toe. The bywash cut batter must have a maximum steepness of 1.5:1.
- 8.3.8 The bywash is to be excavated 75mm below the top water level and backfilled with compacted topsoil and planted with a suitable holding grass such as kikuyu. No trees or shrubs are to be planted in the bywash area.
- 8.3.9 In spring fed dams and dams that consistently receive a large amount of surface water, a piped spillway may be required to act as an outlet. The spillway is to have an inlet of at least 100mm below the level of the bywash. Generally a 150mm pipe is suitable for this purpose.
- 8.3.10 To avoid erosion and cracking of soil around spillway pipes and movement of water along the pipe line, gypsum should be applied below, above and around the pipe for a minimum distance of 2 metres. The trench for the pipe is to be cut into the natural ground under the earth bank or through a compacted section of bank. The base width of the pipe trench is generally about 300mm wider than the diameter of the pipe. The trench should be cut and the pipe installed as early as possible in the construction process to allow the excavation time to settle and compact as cutting through the completed embankment creates a point of weakness which may result in failure.
- 8.3.11 The bywash or spillway water from an earth dam should not have an adverse effect on neighbouring properties. Dams are to be sited so that excess water is contained on the property on which they are located before meeting with a watercourse downstream.
- 8.3.12 All farm dams are required to have a cut-off trench. The cut-off trench is to be constructed along the entire length of the embankment. It does not need to extend across the bywash. The trench must be taken down at least 300mm into the impervious soil and backfilled with impervious material ensuring it is less than 600mm below the natural surface.
- 8.3.13 The earth dam must not be located near or adjoining a natural wetland, floodplain or riparian area, and shall be designed and located to avoid any impact on remnant vegetation or threatened species.

Topic 8.4 – Ancillary Structures such as farm buildings and sheds

Farm building is defined by the Kiama LEP 2011 as a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling. Certain ancillary structures may be allowed as exempt development within rural zones. Refer to the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

Objectives

- O:8.4.1 To ensure farm buildings and the like are designed and sited so as to not detract from the rural landscape, scenic quality and environmental significance of the rural areas.

Controls

- 8.4.1 Ancillary structures such as farm buildings and sheds in rural areas shall be setback a minimum 15 metres from the boundary of a property with a public road frontage.
- 8.4.2 Side boundary setbacks for ancillary structures shall be a minimum 900mm, as measured from the boundary to a vertical member. The minimum side boundary setback from the edge of the gutter, eaves or fascia is 675mm.
- 8.4.3 Ancillary development must be located at least 100 metres from another dwelling on an adjoining property to help achieve rural dwelling amenity.
- 8.4.4 Where possible and practicable, ancillary structures should be clustered around the principal dwelling, or able to utilise the same access ways.
- 8.4.5 All materials and colours used should be muted or earthy tones appropriate to the local street and landscape context. The colours and materials chosen for buildings need to be considered in terms of their reflectivity and glare. While lighter roof colours are encouraged for heat deflection and global warming Albedo Effect benefits. Roof designs and location may need to be reconsidered so as to ensure that reflectivity and glare do not adversely affect neighbours' amenity. In some cases, where this amenity cannot be reasonably addressed by redesign, lower reflectivity material may need to be specified. All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.
- 8.4.6 External finishes should not strongly contrast with the background whether by orientation, location, colour or choice of materials.
- 8.4.7 Development that is proposed to be carried out on land containing a heritage item, or on other land in the vicinity of a heritage item must be sited and designed in a way that minimises the impact on a heritage item.
- 8.4.8 Where the land contains a dry stone wall, no breaks, dismantling or alteration of such walls is permitted without development consent.
- 8.4.9 Ancillary development must be designed and sited to protect agricultural land; avoid/minimise their impact on the natural environment and the scenic landscape; and be clustered rather than dispersed over the property.

- 8.4.10 Ancillary development in rural areas must be carefully and sensitively sited and designed to complement landscape rather than become conspicuous built elements in the landscape. The siting of habitable buildings should also have regard to any existing or approved agricultural use of adjoining land and the amenity of neighbours.
- 8.4.11 Ancillary development will need to be landscaped to mitigate visual impact visible from a public place.

Topic 8.5 – Animal Boarding and Training Establishments (including horse stables and horse arenas)

[Animal boarding or training establishments](#) are defined in the Kiama LEP 2011. Where a number of shelters are being developed for cats or dogs for non-commercial purposes a development application will be required. However, in some circumstances the [State Environmental Planning Policy \(Exempt and Complying Development Codes 2008\)](#), for animal shelters may apply.

Hobby Breeder means a person who keeps and/or trains two (2) and not more than four (4) dogs and is eligible to register with the Dogs NSW and complies with the [Animal Welfare Code of Conduct](#).

Professional Breeder means a person who keeps, breeds and/or trains 5 or more dogs and is eligible to register with Dogs NSW and complies with the relevant [Animal Welfare Code of Conduct](#) and/or is registered by the [NSW Greyhound Board](#) and complies with the relevant [Animal Welfare Code of Conduct](#).

Horse stables are considered a 'building' under the NSW [Environmental Planning and Assessment Act 1979](#). A development application is required for the erection of stables except in circumstances where the [State Environmental Planning Policy \(Exempt and Complying Development Codes 2008\)](#), for animal shelters applies.

The use of a horse arena must be ancillary to an existing use and does not require development consent. However, the earthworks associated with a horse arena may require development consent if the requirements of Section 2.30 Earthworks and retaining walls under the [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) cannot be met. If the horse arena is to have a roof a development application for a shed will be required.

Objectives

- O:8.5.1 To provide accommodation, environment and security of animals of a standard which ensures their safety and wellbeing; and
- O:8.5.2 Prevent the amenity of the surrounding areas from being adversely affected by the emission of noise and odour from the operations of the establishment.

Controls - Siting and Design

- 8.5.1 The kennels and exercise/training yards are to be a minimum separation distance as follows:

Minimum setback/separation distances	Kennels and exercise/training yards
Front building setback	20 metres
Side or rear building setback	20 metres
All residential zones	250 metres
Dwelling on same property	30 metres
Any other dwelling (whether on a neighbouring property)	150 metres

- 8.5.2 The maximum number of dogs and/or cats being kept (**boarding**) does not exceed 30 dogs and/or 15 cats.
- 8.5.3 The maximum number of dogs and/or cats being kept (breeding) does not exceed:
- Hobby breeders – up to four (4) dogs on premises and one litter on the premises at any time.
 - Professional breeders – Five (5) or more dogs on premises and can demonstrate compliance with the relevant animal welfare codes and the amenity of the neighbourhood is not adversely affected.
- 8.5.4 The maximum numbers of cats will be considered on merit and applicants must demonstrate compliance with the animal welfare codes applicable to cat breeding.
- 8.5.5 Cat housing must meet the minimum enclosure sizes shown in Tables 1 and 2 listed in the Animal Welfare Code of Practice – Breeding Dogs and Cats (http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0004/299803/Breeding-dogs-and-cats-code-of-practice.pdf.) These limits do not apply to cats under veterinary care for a disease or injury.
- 8.5.6 Dog housing must meet the minimum enclosure sizes shown in Tables 1 and 2 listed in the [Animal Welfare Code of Practice – Breeding Dogs and Cats](#) These limits do not apply to dogs under veterinary care for a disease or injury.

Additional Controls - Horse Stables

- 8.5.7 Day yards or holding yards should be at least 3 m wide and be an area of at least 20 square metres. For working horses, yard size should be increased to 35 square metres. Where a roof or canopy is provided it is to be a maximum height of 4 m from existing ground level.
- 8.5.8 The fitting of yards and the type of yard surface should allow drainage (by absorption or evaporation) without ponding.
- 8.5.9 Animal effluent is to be treated separately from human effluent. A specific wastewater report for the effluent produced by horses must be provided with the development application. Animal effluent in this instance includes urine, faeces, water used to wash an animal(s) and water used for washing out animal enclosures. Reference should be made to [Designing and Installing On-Site Wastewater Systems](#) (Sydney Catchment Authority, 2014).
- 8.5.10 The effluent management area must be protected from impacts by animals and vehicles by using fencing.
- 8.5.11 For proposals that include the staging of events, such as gymkhanas and dressage events, provision must be made for the management of the extra wastewater generated during the event. If the facility is purpose built for the regular staging of events, the wastewater treatment system must have sufficient capacity and the effluent management area must also be correctly sized, taking peak flows into consideration. A balance tank may be required for peak flows.

- 8.5.12 All manure collected from the stables, tack shed, exercise yard, dressage or indoor arena, or any other area used by the horses, as well as from the manure trap, must be stockpiled in a dedicated, covered area that has a sealed floor. The manure may be mixed with other vegetative material such as used hay, and composted for re-use on the property's paddocks, or sold or otherwise disposed of offsite.
- 8.5.13 The manure storage area must be located away from areas of concentrated stormwater flow, as well as a minimum of 40 metres from a dam or drainage depression, 100 metres from any perennial or intermittent watercourse and 150 metres from any named river. Any leachate from the manure stockpile is to be diverted away from stormwater structures such as swales, rock-filled trench, earth banks and wetlands using a bund.

Controls Sustainable noise management

Objectives

O:8.5.3 To minimise the impact of animal boarding and training establishments on the amenity of surrounding land.

- 8.5.14 The development must comply with the [Industrial Noise Policy](#) of the Environment Protection Authority and any relevant policy.
- 8.5.15 Sound-proofed holding sheds for all distressed animals must be provided.

Controls Hygiene and Waste Management:

- 8.5.16 All development application are to include the following:
- A detailed Management Plan for the operations of the breeding and/or boarding establishment, including the following;
 - A written statement demonstrating how the operation of the premises will comply with the relevant standards, including;
 - [Animal Welfare Code of Practice No 5 - Dogs and Cats in Animal Boarding Establishments](#)
 - [Animal Welfare Code of Practice – Breeding Dogs and Cats](#)
 - Where the dogs being kept are greyhounds, demonstrate that the person and premises are eligible to be registered by the [Greyhound Racing NSW](#) and will meet the animal welfare standards;
 - An acoustic report prepared by a person suitably qualified and experienced that includes an assessment of the design, construction details and materials to demonstrate that noise level output will be no more than 5dB(A) above established background noise levels;
 - Details of the intended operators' experience and competence in management of a similar operation, including qualifications and references;
 - Treatment and disposal of litter;
 - Odour Management;
 - Food storage and vermin control;
 - Water drainage and management; and
 - Complaints register.
- 8.5.17 The submitted Management Plan is to include details on hygiene levels and appropriate waste disposal methods for both solid wastes and liquid wastes.

How to contact Council

Post

General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au

Website: www.kiama.nsw.gov.au

Office hours

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Chapter 9. Industrial Uses



RESPECT



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TEAMWORK



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Author	Manager Strategic Planning
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Chapter 9. Industrial Uses

Topic 9.1 – Industry-----9.2

Barney Street Quarry-----9.2

Topic 9.1 – Industry

Barney Street Quarry

In addition to relevant controls contained in other chapters of this [DCP](#), these site specific controls apply to the land within the disused Barney Street Quarry, known as Lot 9 DP 850163 Barney Street, Kiama.

Objectives

O:9.1.1	To recognise the fact that the Barney Street Quarry is sited within a residential area;
O:9.1.2	To identify uses of the Barney Street Quarry which are considered inappropriate because of their likely impact upon the amenity of neighbouring residences;
O:9.1.3	To ensure activities undertaken in the Barney Street Quarry do not interfere with the amenity of adjoining and adjacent residences due to the hours the activity is conducted or the manner in which the activity is conducted;
O:9.1.4	To ensure activities undertaken in the Barney Street Quarry do not pollute or degrade the environment;
O:9.1.5	To identify geotechnical constraints which exist in the Barney Street Quarry and appropriate remedial measures which may be undertaken; and
O:9.1.6	To ensure that any activities undertaken on site will pose no amenity issues to surrounding residential development.

Section 1 - Potential Landuses

Only those land uses which generate low levels of noise, traffic and emissions are permitted within the Barney Street Quarry. Activities such as motor vehicle repairers, road transport terminals, timber yards etc are not acceptable land uses for the Barney Street Quarry as these activities are likely to have an adverse impact on the amenity of local residents by reason of noise, hours of operation, fumes and the like. Generally appropriate land uses for the Barney Street Quarry are those in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.

Activities which involve the storage or processing of hazardous or offensive materials or products are not appropriate for the Barney Street Quarry.

Section 2 - Pollution Issues

Controls - Noise

- 9.1.1 Due to the proximity of surrounding residential development, any activity which occurs within the Barney Street Quarry has the potential to create a noise nuisance. To minimise the impacts of noise and the potential disturbance to nearby residents the following guidelines will apply to any activity conducted within the quarry.

- 9.1.2 Generally, trading hours/hours of operation are restricted to:
- 7.00am to 6.00pm Monday to Friday;
 - 7.00am to 4.00pm Saturday.
 - No work Sundays or Public Holidays.
- 9.1.3 Generally, delivery vehicle movements to and from the quarry are restricted to:
- 7.00am to 6.00pm Monday to Friday;
 - 7.00am to 4.00pm Saturday.
 - No movements on Sundays or Public Holidays.
- 9.1.4 Delivery vehicle movements outside these hours should be limited in their frequency and should only involve access to and from the site for secure parking purposes and/or basic servicing not involving significant noise generation activities (eg body repairs or testing of engines). No vehicle movements at all should occur between 6.00pm and 7.00am, or before 9.00am on Sundays and Public Holidays.
- 9.1.5 All delivery vehicles or equipment should have their engines switched off while loading/unloading or queuing to load/unload and as soon as possible after arrival.
- 9.1.6 All delivery vehicles should leave the quarry immediately after starting of engines. Vehicles should not be allowed to idle for unnecessary lengths of time.
- 9.1.7 Where possible the loading/unloading vehicles and the moving of bulk materials should not be carried out before 8.00am. To avoid this, early daily loads should be loaded into vehicles prior to 6.00pm on the previous day.
- 9.1.8 Employees should be advised to take reasonable care to load/unload their vehicles without unreasonable impact, including the shutting and closing of tailgates etc.
- 9.1.9 All drivers of trucks should be instructed that when leaving the quarry they should turn right into Barney Street and observe “drive neighbourly” procedures.
- 9.1.10 Trucks and other equipment should be fitted with noise reduction equipment to achieve performance standards set down by the relevant state government authorities. Regular maintenance and checking of compliance should be undertaken.

Controls - Fumes and Other Emissions

- 9.1.11 Smoke, fumes, dust and other odours not only create an air pollution problem, but can also cause disturbance to persons through aggravating allergies, dirtying laundry or entering homes. To ensure activities in the Barney Street Quarry keep these potential impacts to a minimum, the following guidelines apply:
- 9.1.12 Access roads, driveways and carparking areas are to be sealed.
- 9.1.13 All vehicles and equipment shall be regularly checked to ensure that they meet maximum emission standards.

- 9.1.14 Activities must not cause perceptible odours, fumes, smoke, gas, vapours, steam, soot, ash, dust or grit that will affect neighbouring properties.
- 9.1.15 Large unsealed areas, although not encouraged, should be watered down regularly to reduce dust.

Controls - Other Pollution

- 9.1.16 Activities conducted in the Barney Street Quarry must not involve:
- Vibration being felt on neighbouring premises.
 - The erection of buildings or structures that are clearly visible from the street, other public place or an adjoining residential property that are unsightly or constructed of highly reflective, lightly coloured materials.
 - The likely discharge of contaminants – solid or liquid – into the sewerage system.
 - Ground contamination of soils by the deposition of liquid or solid wastes, including oil products and chemicals or their compounds, on the soil.
 - The accumulation of waste materials on the site other than those properly stored and to be disposed of by a regular collection system.
 - The washing down of vehicles or machinery, unless appropriate wash bay facilities have been installed to meet the requirements of the Environment Protection Authority and Sydney Water Corporation.

Controls - Waste Disposal

- 9.1.17 All waste disposal from site must be in accordance with chapter 10.

Section 3 – Geotechnical Constraints

Council has previously commissioned a geotechnical stability and risk assessment of the Barney Street Quarry to assess the stability of the rock slopes and walls of the abandoned quarry. The geotechnical investigations have found that instability of the quarry walls is influenced by a number of factors including:

- a) Vegetation growing out of the rock face reduces stability of blocks by increasing the rate of weathering and forcing open joints;
- b) Excessive water pressures, caused by heavy surcharges of rainfall, may be sufficient to loosen unstable blocks; and
- c) Failure of individual or small groups of blocks (eg topping, sliding blocks or rock falls).

The geotechnical assessment has reviewed a number of options for remedial measures. It has been recommended that a range of measures be judiciously applied – relative to the particular conditions present at different locations around the rock face. These remedial measures include:

- a) Barring-down the loose material – where loose blocks are identified and forced off the rock face under controlled conditions. This process needs to be repeated every few years, as the slope weathers and blocks loosen.

- b) Provision of drainage of excess water from behind the rock face and the area just beyond the crest of the rock face, to prevent the build up of excessive water pressures.
- c) Removal of vegetation from the slope and poisoning of roots to ensure regrowth does not occur. Ongoing control of vegetation is essential.
- d) Rock bolting and strapping of potentially unstable blocks of rock. Rock bolts need to penetrate through the loose block and anchor into a solid rock mass. Bolts and straps need to be protected from corrosion (eg galvanised) and inspected on a regular basis.
- e) Installation of a catch fence as a “passive” treatment to control the consequences of rock falls rather than prevent them. Catch fences are usually combined with a buffer zone at the base of the slope (an area where rocks can fall without risk of damage to property or persons). A trench is often incorporated within the buffer zone, and may be filled with energy absorbing material (eg gravel or vegetation) designed to control the impact of falls rocks.

Controls - Geotechnical Constraints

- 9.1.18 Any development application involving the erection of buildings or the use of land for open storage purposes will need to be accompanied by a geotechnical report, prepared by a qualified geotechnical engineer. The report should identify potential hazards and appropriate remedial measures and constraints. In granting development consent, Council may impose conditions requiring appropriate remedial measures to be taken to restrain or control the fall of rocks from the cliff wall at the quarry.

Controls - Signage

- 9.1.19 A single, directory-type communal advertising structure, identifying each of the businesses operating within the Barney Street Quarry may be established at the entrance to the quarry. The sign may be doubled sided and shall have dimensions of not more than 2.5m in height and 1.5m in width.
- 9.1.20 Any illumination of the sign (internal or external) is not permitted.
- 9.1.21 Development consent shall be obtained from Council prior to the erection of the sign. In granting consent for the advertising sign Council may, as a condition of consent, require the removal of existing signs.

Controls - Landscaping

- 9.1.22 Landscaping on site must meet all requirements in [Chapter 3 - Topic 3.2](#).

How to contact Council

Post

General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
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Chapter 10. Visitor Accommodation and Tourism



RESPECT



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Chapter 10. Visitor Accommodation and Tourism

Purpose of the Chapter -----	10.2
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Purpose of the Chapter

Tourism plays an important role within the Kiama Municipality. The Kiama Municipality has evolved into a tourist destination with several major attractions throughout the area. The Municipality's close proximity to Wollongong, Canberra and Sydney enables it to attract a diverse mix of domestic and international visitors. In recent years the Municipality has played host to a number of domestic and international events.

In June 2018 the estimated total value of the tourism sector for the Kiama Municipality was approximately \$146 million. Approximately 19% of the Municipality's total workforce is employed in the tourism sector. It is estimated that for each dollar spent by a tourist in the Municipality, typically \$0.76 is spent on accommodation & food services. Tourist Accommodation plays a vital role in the type of visitors that the Municipality is able to attract and in return the impact on the Municipality's economy. Table 1 below illustrates that a domestic visitor who stays in the area overnight spends, on average, approximately twice more per day than day-trippers.

Table 1: Visitor average expenditure profile

Visitor	Domestic Days	Domestic Overnight	International
Average Stay (nights)		3	6
Average Spend per trip (\$)	\$67	\$378	\$388
Average Spend per night (\$)		\$138	\$63

(Source Remplan 2018)

Tourist Accommodation range from small scale accommodation that occurs within existing dwellings to large scale commercial accommodation. The following forms of [Tourist Accommodation](#) are permissible within the Municipality, noting that permissibility varies across zones:

- Backpackers' Accommodation
- Bed & Breakfast Accommodation
- Camping Grounds
- Caravan Parks
- Eco-Tourist Facilities
- Farm Stay Accommodation
- Hotel & Motel Accommodation
- Serviced Apartments
- Short-Term Rental Accommodation

[Clause 6.10](#) of the *LEP 2011* enables existing residential accommodation (i.e. dwellings etc.) to be used as tourist and visitor accommodation for a short-term without the need to gain development consent.

Camping Grounds and Caravan Parks are regulated by the [Local Government Act 1993](#). The [Local Government Act 1993](#) and associated regulations contain specific development controls for Camping Grounds and Caravan Parks that need to be complied with. This chapter does not contain any additional development controls for Camping Grounds and Caravan Parks.

Backpackers' Accommodation, Hotel & Motel Accommodation and Serviced Apartments are only permissible within the [B1 Neighbourhood Centre](#) and [B2 Local Centre](#) zones of the Municipality. Development within these zones is controlled by other site specific [DCP chapters](#).

This chapter outlines the requirements for certain types of Tourist Accommodation within the Municipality, having regard to the following objectives:

Objectives

O:10.1.1	To be sympathetic to the existing and desired future character of the Kiama Municipality;
O:10.1.2	Conserve the agricultural potential of the Kiama Municipality;
O:10.1.3	Conserve and protect areas of native vegetation;
O:10.1.4	Protect items of environmental and cultural heritage and promote their restoration and enhancement;
O:10.1.5	Preserve the residential amenity of the Municipality and existing scenic qualities of the area;
O:10.1.6	Ensure future development is sited, designed and of a scale that is consistent with the desired future character of the area.

Application of this Chapter

This Chapter applies to the following types of development throughout the Municipality:

- Bed & Breakfast Accommodation
- Farm Stay Accommodation
- Short Term Holiday Rental Accommodation
- Eco-Tourist Facilities

This chapter should be read in conjunction with the [LEP 2011](#) and other relevant sections of this [DCP](#). Application of this Chapter prevails in the event of an inconsistency with any other Chapter of the [Kiama DCP 2012](#).

This plan expresses the controls as Acceptable Solutions and/or Performance Criteria (with the exception of the subdivision section). The Acceptable Solutions provide a clear and simple measure by which development may achieve the intent of a particular development control. Where a development does not meet the Acceptable Solutions, outlined below, the applicant must prepare a statement justifying how the development meets the relevant Performance Criteria, and overall objectives of the control. These applications will be assessed on individual merit. This allows for some flexibility and innovation in design and caters for exceptional circumstances where strict compliance with the Acceptable Solution is considered either impractical or unnecessary. The intent of the controls and the aims and objectives of the LEP and DCP must be met whichever path is chosen.

Topic 10.1 - Bed and Breakfast Accommodation

Objectives

O:10.1.7	Provide general standards for Bed & Breakfast Accommodation within the Kiama Municipality;
O:10.1.8	Protect the amenity of the locality in which the development is situated;

O:10.1.9	Ensure Bed & Breakfast Accommodation does not adversely impact upon the privacy of neighbouring residents;
O:10.1.10	Achieve well-designed accommodation facilities which attract and meet the needs of visitors to the Municipality;
O:10.1.11	Ensure that where additions to existing dwelling-houses are proposed, such additions are designed so that the appearance of the total building is that of a single dwelling, building materials are consistent with the existing dwelling and the total development is sympathetic to neighbouring properties;
O:10.1.12	Preserve and complement any natural and/or cultural heritage characteristics of the area; and
O:10.1.13	<p>Ensure development in the rural areas:</p> <ul style="list-style-type: none"> • maintains the agricultural potential of land; • prevent the fragmentation of agricultural land; • ensure that any development is located and designed to minimise bushfire risk; • ensure that satisfactory and environmentally acceptable vehicular access is provided without scarring of the landscape; • protect existing vegetation; • require the assessment of any threatened species which may be affected; and • prevent pollution of rivers and streams and sub-surface waters.

Controls

Performance Criteria		Acceptable Solutions	
Siting of Development			
10.1.1	Bed and Breakfast Accommodation facilities are to be sited in order to reduce the impact on adjoining properties in terms of visual and acoustic privacy.	10.1.1a	Bed and Breakfast Accommodation is only to occur within lawfully erected dwellings (including dwellings associated with dual occupancies, manor houses, terraces and residential flat buildings).
		10.1.1b	Where additions to existing dwelling-houses are proposed, such additions are satisfy the relevant building setbacks prescribed by other applicable Chapters of the DCP.
Services/Facilities			
10.1.2		10.1.2a	For Bed and Breakfast Accommodation a maximum

Performance Criteria		Acceptable Solutions	
	All necessary/appropriate facilities are provided for guests.		guest capacity of two (2) persons per bedroom provided for guests of the Bed and Breakfast Accommodation facility.
		10.1.2b	Full domestic laundry facilities must not be provided for guests of a Bed & Breakfast Accommodation facility, however cupboard facilities may be acceptable.
		10.1.2c	Any cooking/eating facilities are not be used to serve paying customers who are not staying on site. Separate development consent for a café or restaurant will be required if serving paying customers not staying on-site.
		10.1.2d	Electrically wired smoke detectors are required to be installed in the bedrooms used as guest accommodation and must be approved by Council.
		10.1.2e	Deadlocks which require internal key release are not to be provided on doors to guest rooms or external doors.
		10.1.2f	In addition to those available to permanent occupants of the dwelling, separate bathroom and toilet facilities are to be provided for guests of the Bed and Breakfast Accommodation facility.
		10.1.2g	The method of effluent disposal, where reticulated sewer is not available, shall be determined having regard to criteria such as the size of the allotment, volume of waste produced, number of people occupying the dwelling, slope, and soil classification.
10.1.3	Private water supplies shall not harm the health of guests of the Bed and Breakfast Accommodation facility.	10.1.3a	Bed and Breakfast Accommodation facilities that have private water supplies (ie

Performance Criteria		Acceptable Solutions	
			not on town water) shall comply with NSW Health's NSW Private Water Supply Guidelines
Parking & Access			
10.1.4	Car parking complies with the requirements of Topic 3.6 of Chapter 3 and is located so as to have minimal impact on the streetscape.	10.1.4a	One (1) car parking space is to be provided per bedroom provided for guests of the Bed and Breakfast Accommodation facility.
		10.1.4b	Car parking spaces for the Bed and Breakfast Accommodation are to be provided in addition to the parking required for the existing dwelling/s on site.
		10.1.4c	Car parking spaces are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.
Operation of Accommodation Facilities			
10.1.5	Bed and Breakfast Accommodation must be operated in such a way so as not to negatively interfere with the amenity of the surrounding neighbourhood.	10.1.5a	Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but especially between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day.
		10.1.5b	All outdoor entertaining areas are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.

Performance Criteria		Acceptable Solutions	
		10.1.5c	<p>Signage and/or an information package is to be located within the Bed and Breakfast Accommodation facility, informing guests of their responsibilities and must cover the following information:</p> <ul style="list-style-type: none"> • That guests need to be aware of noise impacts on residential neighbours. Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day. • That offensive noise may result in the local Police and/or Council being contacted. • Council may issue prevention notices and/or noise abatement orders, under the Protection of the Environment Operations Act 1997, for noise related offences from amplified and motorised sources. • That a 24 hour contact/management number may be called if adjoining areas have impacts on amenity. • A copy of the Council's Short-Term Rental Accommodation Policy is to be included as part of any information package
		10.1.5d	<p>One (1) Business Identification sign, which is legible from the street, should be installed, in accordance with Division 2 of</p>

Performance Criteria		Acceptable Solutions	
			Part of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 in the front of the property indicating the following: <ul style="list-style-type: none">▪ That the property is used for Bed and Breakfast Accommodation facility.▪ In the event of any issues with noise, amenity etc please call the 24 hour contact on – (insert 24 hour contact details). NOTE: this number should connect to a person who is able to respond on-site if necessary within 30 minutes of a call being logged.
10.1.6	Length of stay in Bed and Breakfast Accommodation is limited to avoid use as permanent residential accommodation.	10.1.6a	The maximum length of consecutive stay is 42 days and 200 days in any one calendar year.
		10.1.6b	Permanent residential occupancy of bedrooms, approved for Bed and Breakfast Accommodation, will require separate development consent.
Provision of Food			
10.1.7	Ensure appropriate food safety measures are implemented.	10.1.7a	Any application for Bed and Breakfast Accommodation needs to outline the type of food/meals to be provided to guests.
		10.1.7b	Serving certain types of food may require a Food Safety Supervisor to be nominated and the business to be registered with the NSW Food Authority.
		10.1.7c	Any food prepared for the consumption of guests must be prepared under the relevant

Performance Criteria		Acceptable Solutions	
			provisions Topic 7.2 of Chapter 7 of this DCP.
		10.1.7d	<p>Bed and Breakfast Accommodation must provide the following:</p> <ul style="list-style-type: none">• Kitchen premises which comply with Topic 7.2 of Chapter 7;• Kitchen facilities and utensils for the storage and/or preparation of food for guests, which are to be kept clean, in good condition, and free from odour, dust, flies, insects and vermin;• Garbage devices kept covered and maintained in a state of clean and good repair; and• All garbage and refuse is to be regularly removed from the premises, and deposited in appropriate pans, receptacles or other garbage devices.
		10.1.7e	An annual inspection of Bed and Breakfast or Farm Stay facilities will be undertaken by Council officers to ensure health and safety standards are being maintained
Bush Fire Requirements			
10.1.8	Adequate bush fire protection measures are to be implemented for Bed and Breakfast Accommodation facilities	10.1.8a	In certain circumstances Bed and Breakfast Accommodation requires approval under section 100B of the Rural Fires Act 1997

Topic 10.2 – Farm Stay Accommodation

Objectives

- O:10.2.1 Provide general standards for Farm Stay Accommodation facilities within the Kiama Municipality;
- O:10.2.2 Protect the amenity of the locality in which the development is situated;
- O:10.2.3 Ensure Farm Stay Accommodation facilities do not adversely impact upon the privacy of neighbouring residents;
- O:10.2.4 Achieve well-designed accommodation facilities which attract and meet the needs of visitors to the Municipality
- O:10.2.5 Ensure that where additions to existing dwelling-houses are proposed, such additions are designed so that the appearance of the total building is that of a single dwelling, building materials are consistent with the existing dwelling and the total development is sympathetic to neighbouring properties
- O:10.2.6 Preserve and complement any natural and/or cultural heritage characteristics of the area; and
- O:10.2.7 Ensure development in the rural areas:
- maintains the agricultural potential of land;
 - prevent the fragmentation of agricultural land;
 - ensure that any development is located and designed to minimise bushfire risk;
 - ensure that satisfactory and environmentally acceptable vehicular access is provided without scarring of the landscape;
 - protect existing vegetation;
 - require the assessment of any threatened species which may be affected; and
 - prevent pollution of rivers and streams and sub-surface waters.

Controls

Performance Criteria		Acceptable Solutions	
Siting of Development			
10.2.1	Farm Stay Accommodation facilities are to be sited in order to reduce the impact on adjoining properties in terms of visual and acoustic privacy.	10.2.1a	Farm Stay Accommodation facilities are to be set back a minimum 20m from a public road.
		10.2.1b	Farm Stay Accommodation facilities are to be set back a minimum 20m from a public road.

Performance Criteria		Acceptable Solutions	
		10.2.1c	Farm Stay Accommodation facilities are to be set back a minimum 15m from all other boundaries.
		10.2.1d	Farm Stay Accommodation facilities must be located a minimum of 100m from any dwelling located on an adjoining allotment.
		10.2.1e	The Farm Stay Accommodation building, containing a maximum of five (5) bedrooms, is to be clustered around any existing dwelling on site.
Services/Facilities			
10.2.2	All necessary/appropriate facilities are provided for guests.	10.2.2a	For Farm Stay Accommodation a maximum guest capacity of two (2) persons per bedroom provided for guests of the Farm Stay Accommodation facility.
		10.2.2b	Full domestic laundry facilities must not be provided for guests of a Farm Stay Accommodation facility, however cupboard facilities may be acceptable.
		10.2.2c	Electrically wired smoke detectors are required to be installed in the bedrooms used as guest accommodation and must be approved by Council.
		10.2.2d	The method of effluent disposal, where sewer is not available, shall be determined having regard to criteria such as the size of the allotment, volume of waste produced, number of people occupying the dwelling, slope, and soil classification.
Parking & Access			
10.2.3	Car parking complies with the requirements of Topic 3.6 of Chapter 3 and is located so as to have minimal impact on the streetscape.	10.2.3a	One (1) car parking space is to be provided per bedroom provided for guests of the Farm Stay Accommodation facility.
		10.2.2b	Car parking spaces for the Farm Stay Accommodation are to be provided in addition to the parking required for the existing dwelling/s on site.
		10.2.2c	Car parking spaces are to be located behind the building line of any road

Performance Criteria		Acceptable Solutions	
			frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.
10.2.4	Private water supplies shall not harm the health of guests of the Farm Stay Accommodation	10.2.4a	Farm Stay Accommodation that have private water supplies (ie not on town water) shall comply with NSW Health's NSW Private Water Supply Guidelines
Operation of Accommodation Facility			
10.2.5	Farm Stay Accommodation must be operated in such a way so as not to negatively interfere with the amenity of the surrounding neighbourhood.	10.2.5a	Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but especially between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day.
		10.2.5b	All outdoor entertaining areas are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.
		10.2.5c	<p>Signage and/or an information package is to be located within the Farm Stay Accommodation facility, informing guests of their responsibilities and must cover the following information:</p> <ul style="list-style-type: none"> • That guests need to be aware of noise impacts on residential neighbours. Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day. • That offensive noise may result in the local Police and/or Council being contacted. • Council may issue prevention notices and/or noise abatement orders, under the Protection of the Environment Operations Act 1997, for noise related offences

Performance Criteria		Acceptable Solutions	
			<p>from amplified and motorised sources.</p> <ul style="list-style-type: none"> That a 24 hour contact/management number may be called if adjoining areas have impacts on amenity. <p>NOTE: this number should connect to a person who is able to respond on-site if necessary within 30 minutes of a call being logged.</p> <ul style="list-style-type: none"> A copy of the Council's Short-Term Rental Accommodation Policy is to be included as part of any information package.
		10.2.5d	<p>One (1) Business Identification sign, which is legible from the street, should be installed, in accordance with Division 2 of Part of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 in the front of the property indicating the following:</p> <ul style="list-style-type: none"> That the property is used for Farm Stay Accommodation facility. In the event of any issues with noise, amenity etc please call the 24 hour contact on – (insert 24 hour contact details). <p>NOTE: this number should connect to a person who is able to respond on-site if necessary within 30 minutes of a call being logged.</p>
10.2.6	Length of stay in Farm Stay Accommodation is limited to avoid use as permanent residential accommodation.	10.2.6a	The maximum length of consecutive stay is 42 days and 200 days in any one calendar year.
		10.2.6b	Permanent residential occupancy of bedrooms, approved for Farm Stay Accommodation, will require separate development consent.
10.2.7	Farm Stay Accommodation must not adversely impact primary production on the site.	10.2.7a	Documentation outlining the farming activities that take place on the site sufficient to justify primary production as the main business on the land, with the farm stay accommodation as secondary. The primary production plan should include the following

Performance Criteria		Acceptable Solutions	
			information: farm income, stocking rates, types of agriculture and intended involvement of 'guests' in farm activities.
		10.2.7b	The adaptive re-use of existing rural buildings such as barns, silos, stables or dairies is encouraged.
Bush Fire Requirements			
10.2.8	Adequate bush fire protection measures are to be implemented for Farm Stay Accommodation facilities	10.2.8a	When located on bush fire prone land Farm Stay Accommodation requires approval under section 100B of the Rural Fires Act 1997

Topic 10.3 – Short Term Holiday Rental Accommodation

Introduction

STRA is one of a number of holiday accommodation options in the Kiama area. STRA offers accommodation for a limited time period in a privately owned dwelling. Some STRA are located in rural areas, however the majority are located in residential areas. This mix of 'holiday accommodation' within a residential setting requires a sensitive approach to ensure that the operation of the STRA does not negatively impact on the amenity for the surrounding residents.

Council acknowledges the operation of STRA under [Clause 6.10 of Kiama LEP 2011](#) without the need to gain specific development consent. Such operation is conditional on established amenity levels of an area being maintained. Failure to maintain the standard may result in a site specific prohibition being put in place to prevent the operation of the STRA.

Council have produced the STRA Policy to:

- outline the mechanism to enable property owners/managers to manage STRA letting (including setting the maximum number of adult guests and visitors);
- outlining indications of what will constitute breaches to 'amenity'; and
- set out the mechanisms that Council will use to regulate and respond to issues arising as a result of STRA.

It should be noted that breaches of amenity as outlined may result in non compliance with this policy and may result in Penalty Infringement Notices (PIN) being issued under the *Environmental Planning and Assessment Act 1979 as amended*.

All STRA operators must comply with the STRA Policy.

Objectives

O:10.3.1	To ensure that the current amenity of the locality is not adversely affected by Short Term Rental accommodation.
O:10.3.2	That dwellings utilised for STRA provide a high standard of amenity and safety for users.
O:10.3.3	To ensure that normal residential privacy standards are maintained.
O:10.3.4	To ensure that STRA will comply with established amenity levels.

Controls

Dwelling Suitability

- 10.3.1 STRA must only be conducted in dwellings that meet have been lawfully constructed and comply with Building Code of Australia requirements.
- 10.3.2 The property must be offered in a clean, safe and habitable state of repair.

Maximum Number of Guests and Visitors

- 10.3.3 The maximum number of guests permitted at a STRA must not exceed a maximum of 2 adults per bedroom.
- 10.3.4 Due to overall numbers and activities, guests and their visitors must not impact on amenity and must comply at all times with the terms of this STRA policy.
- 10.3.5 Visitors are the responsibility of the guest at all times.

Amenity

- 10.3.6 STRA must not compromise the amenity of surrounding neighbours. Amenity breaches include (but are not limited to):
- Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but especially between the hours 10 pm and 8 am.
 - Exceeding in the number of permissible guests in the STRA.
 - An unreasonable number of visitors to the STRA.
 - Any activities which may unduly impact on the health and/or safety of adjoining or nearby residences.
 - Inappropriate street parking so as to cause traffic hazards, significant or ongoing loss of parking for adjoining or nearby residences.
 - Unmanaged waste disposal or littering of the property surrounds.
 - The use of outdoor spas, pools and BBQs between the hours of 10 pm and 7am.
 - The use of decks/balconies/verandas between the hours of 10 pm and 8 am is subject to ensuring that no offensive noise and/or behaviour is carried out.
 - Instances of anti-social behaviour.
 - Any issues with the response of the nominated 24 hour contact such as:
 - Failure to be able to make contact with the 24 hour contact within a reasonable timeframe, (this also includes not returning calls),
 - Failure of the 24 hour contact person to act on complaints or refer to the appropriate regulatory authority where required.

Any breaches of amenity by residents or their guests in association with STRA is a noncompliance with this Policy and may result in Penalty Infringement Notices (PIN) being issued under the relevant legislation and a requirement by Council for mandatory signage of the premises. The requirement for mandatory signage will be imposed after two confirmed breaches. Council will also consider Land and Environment Court proceedings if the breaches are ongoing.

Car parking

- 10.3.7 Car parking must be provided on site at the rate outlined below:
- 1 space for STRA with 1-2 bedrooms, and
 - 2 spaces for STRA with 3+ bedrooms.
- Council may consider the variation of this clause where it can be demonstrated that there is no car parking associated with the dwelling/unit (ie older style strata units), and there is sufficient street parking.

24 Hour Contact/Management/Information

- 10.3.8 All STRA must provide 24 hour contact details for a local management agent who can respond on site if required to noise/parking/amenity issues. It should be noted that the appropriate regulatory authority should be contacted if required.
- 10.3.9 The management contact will need to have delegated authority to attend to issues arising. The contact must be appropriately qualified/experienced person to deal with possible amenity issues which may arise. This may include responding on site or following up on contacting regulatory authorities.
- 10.3.10 The management agents must be able to act at the time of the complaint to ensure that ameliorating actions are undertaken. This may include responding on site or following up on contacting regulatory authorities.
- 10.3.15 STRA operators can choose one (1) of the following two (2) methods to convey contact information:
- a. Provision of Contact Signage
STRA sites can provide one Business Identification sign no greater than 0.5 m2 in area located in the front garden as near as practicable to the letterbox, or for strata units a small size sign located as near as practical to the letter box and able to be read clearly from the street indicating the following:
 - That (insert address) is used for STRA.
 - In the event of any issues with noise, amenity etc please call the 24 hour contact on – (insert 24 hour contact details).
 - or
 - b. Information given to adjoining owners
Adjoining property owners or managing agents could be given information detailing:
 - That (insert address) is used for STRA and is under the management of (insert Real Estate/or other contact).
 - In the event of any issues with noise, amenity etc please call the 24 hour contact on – (insert 24 hour contact details).
 -
- All STRA websites must contain contact details.
- 10.3.16 Contact signage/ details must be kept updated with current information. Updated contact information must be redistributed to adjoining property owners / managing agents when changes to contact numbers etc occurs to ensure current information is available.
- 10.3.17 Council will be required to be notified in writing of all complaints within 24 hours by the 24 contact/management person. Council will require the following information: the date, time and type of complaint, and actions taken.

Information for Guests

- 10.3.18 Signage and information located within the STRA must cover the following information:
- That the STRA is located in close proximity to dwellings
 - That the STRA is located in a residential neighbourhood and guests will need to abide by the STRA Policy.
 - That guests need to be aware of noise impacts on residential neighbours.
 - That failure to comply with the STRA policy may result in fines and termination of permission to occupy the STRA.
 - That a 24 contact/management number will be called if adjoining areas have impacts on amenity.
- 10.3.19 The STRA Policy or summary thereof shall be given and explained to guests of the STRA with the key pickup.
- 10.3.20 A copy of the STRA Policy shall be posted on a notice board within the STRA.

Waste Management

- 10.3.21 General waste management requirements can be found in [Topic 3.1 of Chapter 3](#) of this DCP. All urban residential zoned properties must pay the appropriate annual Domestic Waste Management Charge outlined in Council's current Revenue Policy as mandated in [Section 496 of the Local Government Act, 1993](#).
- 10.3.22 Bins must be on the kerbside available for each collection day (refer to [Topic 3.1 of Chapter 3](#)).
- 10.3.23 As a minimum requirement, urban residential STRA must be in receipt of (and charged the applicable domestic waste management charge for) the equivalent of the largest size urban residential waste service. This consists of a 240 litre garbage bin, 240 litre recycling bin and 240 litre organics bin. In the case of multi-unit developments with limited storage space, shared garbage, recycling and organics bin may be made available by Council.
- If the waste generated by the STRA exceeds the capacity of this service, the following options are available:
- Order a second urban waste service for the STRA from Council, consisting of an additional garbage, recycling and organics bin and the applicable annual Domestic Waste Management Charge.
 - Engage a waste contractor to remove excess waste from the property as required.

Advertisement for the STRA

- 10.3.24 The STRA must not be offered, described or advertised:
- in a false or misleading manner.
 - for more than the maximum number of guests.

Breaches to this Policy

Breaches of this Policy may result in Penalty Infringement Notices being issued.

Breaches to the policy may result in the termination of permission to occupy the STRA.

Breaches of this policy may also result in the prohibition of the land use.

Best Practice Guidelines

The following provides an overview of best practice strategies that will assist in ensuring that STRA are carried out appropriately with consideration for the ongoing amenity of the existing residential area.

- Dwellings used for STRA should be designed so that potential noise sources do not impact on living or sleeping areas of neighbouring properties.
- STRA with common areas or decks which overlooking neighbouring living areas or bedrooms have the potential to cause noise impacts for adjoining owners. This is mainly a problem after 10pm and before 8am. Consideration of potential noise generation from these sources should be undertaken with a view to limiting disturbing noise from these areas after 10pm and before 8am. Signage in the STRA alerting guests to this potential issue.
- Dwellings used for STRA should comply with all relevant legislation in terms of Workplace Health and Safety. The Tourism Accommodation Industry has developed Best Practise Guidelines for the operation of STRA - *Holiday Code of Conduct*. Council supports the adoption and implementation of such guidelines by owners and managing agents of STRA's.
- Bins should not sit on the kerbside for longer than 1 day after collection.
- A clearly labelled dual bin system should be installed within the kitchen of the STRA for ease of separation of recyclable waste.
- The food organics kitchen caddy supplied by Council is installed in STRA receiving the OK Organics Kiama waste service.
- Compostable liners should be provided by the owner for guests of the STRA suitable for the kitchen organics caddy in OK Organics Kiama zones.

The terms and conditions for property bookings should include expectations on guests with regard to waste. This includes specifying that garbage, recyclables and food organics are to be separated and placed in the correct waste bins. For OK Organics Kiama zones, a requirement that no food is to be disposed of in the garbage bin could be included.

Topic 10.4 – Eco-tourism

Objectives

O:10.4.1	Provide general standards for Eco-Tourist Facilities within the Kiama Municipality;
O:10.4.2	Protect the amenity of the locality in which the development is situated;
O:10.4.3	Ensure Eco-Tourist Facilities do not adversely impact upon the privacy of neighbouring residents;
O:10.4.4	Achieve well-designed accommodation facilities which attract and meet the needs of visitors to the Municipality;
O:10.4.5	Preserve and complement any natural and/or cultural heritage characteristics of the area; and
O:10.4.6	Ensure development in the rural and environmental areas: <ul style="list-style-type: none"> • maintains the agricultural potential of land; • prevent the fragmentation of agricultural land; • ensure that any development is located and designed to minimise bushfire risk; • ensure that satisfactory and environmentally acceptable vehicular access is provided without scarring of the landscape; • protect existing vegetation; • require the assessment of any threatened species which may be affected; and • prevent pollution of rivers and streams and sub-surface waters.

Controls

Performance Criteria		Acceptable Solutions	
Density of Development			
10.4.1	Sufficient area is available for Eco-Tourist Facilities in order to mitigate impacts on adjoining properties. Eco-Tourist Facilities should reflect the rural density of the surrounding area.	10.4.1a	A minimum lot area of ten (10) hectares is required for Eco-Tourist Facilities. The minimum lot area must be calculated from land where Eco-Tourist Facilities are permissible. All other areas of the lot/s must be excluded from the density calculation.
		10.4.1b	The maximum number of guest bedrooms permitted shall be ten

Performance Criteria		Acceptable Solutions	
			(10) hectares for the first two (2) bedrooms and an additional five (5) hectares for each bedroom thereafter.
		10.4.1c	The maximum number of guest bedrooms permitted per lot is not to exceed 10.
Siting of Development			
10.4.2	Eco-Tourist Facilities are to be sited in order to reduce the impact on adjoining properties in terms of visual and acoustic privacy.	10.4.2a	Eco-Tourist Facilities are to be set back a minimum 20m from a public road.
		10.4.2b	Eco-Tourist Facilities are to be set back a minimum 15m from all other boundaries.
		10.4.2c	Eco-Tourist Facilities must be located a minimum of 100m from any dwelling located on an adjoining allotment.
		10.4.2d	When utilising multiple buildings/structures Eco-Tourist Facilities are to be clustered together.
Services/Facilities			
10.4.3	All necessary/appropriate facilities are provided for guests.	10.4.3a	For Eco-Tourist Facilities a maximum guest capacity of two (2) persons per bedroom provided for guests of the Eco-Tourist Facility.
		10.4.3b	Full domestic laundry facilities must not be provided for guests of an Eco-Tourist Facilities, however cupboard facilities may be acceptable.
		10.4.3c	Electrically wired smoke detectors are required to be installed in the bedrooms used as guest accommodation and must be approved by Council.
		10.4.3d	The method of effluent disposal, where sewer is not available, shall be determined having regard to criteria such as the size of the allotment, volume of waste produced, number of people

Performance Criteria		Acceptable Solutions	
			occupying the dwelling, slope, and soil classification.
10.4.4	Private water supplies shall not harm the health of guests of the Eco-Tourist Facility.	10.4.3a	Eco-Tourist Facilities that have private water supplies (ie not on town water) shall comply with NSW Health's NSW Private Water Supply Guidelines
Parking & Access			
10.4.5	Car parking complies with the requirements of Topic 3.6 and is located so as to have minimal impact on the streetscape.	10.4.5a	One (1) car parking space is to be provided per bedroom provided for guests of the Eco-Tourist Facilities.
		10.4.5b	Car parking spaces for the Eco-Tourist Facilities are to be provided in addition to the parking required for the existing dwelling/s and other approved uses on site.
		10.4.5c	Car parking spaces are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.
Operation of Accommodation Facility			
10.4.6	Eco-Tourist Facilities must be operated in such a way so as not to negatively interfere with the amenity of the surrounding neighbourhood.	10.4.6a	Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but especially between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day.
		10.4.6b	All outdoor entertaining areas are to be located behind the building line of any road frontage and are not to be located adjacent to sensitive areas in adjoining dwellings, such as bedroom windows and doors.

		10.4.6c	<p>Signage and/or an information package is to be located within the Eco-Tourist Facilities, informing guests of their responsibilities and must cover the following information:</p> <ul style="list-style-type: none"> • That guests need to be aware of noise impacts on residential neighbours. Guests and visitors must not create noise which is offensive to neighbours at any time during their occupancy, but between the hours midnight and 8 am on any Friday, Saturday or day immediately before a public holiday and 10 pm and 8 am on any other day. • That offensive noise may result in the local Police and/or Council being contacted. • Council may issue prevention notices and/or noise abatement orders, under the Protection of the Environment Operations Act 1997, for noise related offences from amplified and motorised sources. • That a 24 hour contact/management number may be called if adjoining areas have impacts on amenity. <p>NOTE: this number should connect to a person who is able to respond on-site if necessary within 30 minutes of a call being logged.</p> <ul style="list-style-type: none"> • A copy of the Council's Short-Term Rental Accommodation Policy is to be included as part of any information package.
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Performance Criteria		Acceptable Solutions	
		10.4.6d	<p>One (1) Business Identification sign, which is legible from the street, should be installed, in accordance with Division 2 of Part of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 in the front of the property indicating the following:</p> <ul style="list-style-type: none"> ▪ That the property is used for Eco-Tourist facility. ▪ In the event of any issues with noise, amenity etc please call the 24 hour contact on – (insert 24 hour contact details). <p>NOTE: this number should connect to a person who is able to respond on-site if necessary within 30 minutes of a call being logged.</p>
10.4.7	Length of stay in Eco-Tourist Facilities is limited to avoid use as permanent residential accommodation.	10.4.7a	The maximum length of consecutive stay is 42 days and 200 days in any one calendar year.
		10.4.7b	Permanent residential occupancy of bedrooms, approved for Eco-Tourist Facilities, will require separate development consent.
10.4.8	Eco-Tourist Facilities must maintain the environmental and cultural values of the land and must provide for sensitively designed and managed facilities that have minimal impact on the environment.	10.4.8a	<p>An environmental management strategy plan is to be provided with any application for an Eco-Tourist Facility.</p> <p>The environmental management strategy plan is to address the address the following matters:</p> <ul style="list-style-type: none"> • Measures to remove any threat of environmental damage; • The maintenance of habitats; • Efficient and minimal energy and water use and waste output; • Mechanisms for monitoring and reviewing the effect of the development on the natural environment;

Performance Criteria		Acceptable Solutions	
			<ul style="list-style-type: none">Maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.
		10.4.8b	When provided within a new building Eco-Tourist Facilities are to incorporate the principles of Ecological Sustainable Design through the use of passive heating and cooling, renewable energy sources and water efficient designs.
		10.4.8c	When provided within an existing building Eco-Tourist Facilities are to be retrofitted to incorporate energy and water saving devices.
		10.4.8d	When provided within an existing building Eco-Tourist Facilities are to be provided with a renewable energy source, such as solar or wind power, which is capable of producing a minimum of 19 kW/day.
Bush Fire Requirements			
10.4.9	Adequate bush fire protection measures are to be implemented for Farm Stay Accommodation facilities	10.4.9a	When located on bush fire prone land Eco-Tourist Facilities require approval under section 100B of the Rural Fires Act 1997 .

How to contact Council

Post

General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
Website: www.kiama.nsw.gov.au

Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



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Kiama Development Control Plan 2020

Chapter 11. Other



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date approved/adopted	17 March 2020
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Department	Environmental Services
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Supporting documents	Nil

Chapter 11. Other

Topic 11.1 - Early Education and Care Facilities ----- 11.2

 Introduction ----- 11.2

 Development Controls----- 11.3

Topic 11.1 - Early Education and Care Facilities

Introduction

Child care centres (preschools and the like) require licences from Government Departments/Agencies. Government agencies also set out criteria/best practice guidelines in terms of site suitability, building requirements, outdoor play areas, acceptable materials etc etc that will need to be addressed in any application. As this criteria is subject to updating by government agencies it has not been reproduced in this chapter.

Compliance with this design and best practice criteria will need to be demonstrated both in the application for a licensing and the development application for Council.

Applicants should fully investigate the viability of meeting these requirements prior to submission of any development application.

Following initial liaison with the relevant NSW government Department, a development application must be lodged with Council. Prior to submitting a formal development application, potential applicants are encouraged to discuss their proposal with Council's Development Assessment Unit.

An application for a child care centre will need to meet both:

- the licensing requirements set out by government agencies and
- the requirements for development consent issued by Council.

The following information details requirements for obtaining development consent from Council.

Objectives

O:11.1.1	Ensure all preschools are sited, designed and built to the highest safety and amenity standards for end users.
O:11.1.2	Ensure child care centres are located upon sites of high environmental quality only, in order to minimise any potential adverse health and safety risks to young children and staff.
O:11.1.3	Ensure any development has minimal adverse impact upon the amenity of residential areas
O:11.1.4	Preserve residential streetscapes.
O:11.1.5	Encourage the establishment of well designed and integrated development in suitable locations to meet the needs of the community.
O:11.1.6	Ensuring adequate vehicular access is provided to the development.
O:11.1.7	Establishing minimum on site carparking requirements.
O:11.1.8	Ensuring the provision of adequate and safe manoeuvring areas on site.
O:11.1.9	Ensure local streets in the immediate vicinity will be adequate for safe movement of the traffic generated.
O:11.1.10	Requiring adequate landscape buffers and screens to adjoining residential development.

- O:11.1.11 Encouraging designs which complement and enhance the residential character of streetscape.
- O:11.1.12 Encouraging designs which maximise solar access into internal and external play areas and which have minimal adverse impact on solar access into neighbouring properties.

Development Controls

Development applications for pre-schools and child care centres must adequately address the design criteria set out below. Failure to comply with one or more of the criterion may mean that the site is unsuitable for the development proposed and Council may refuse the application.

Controls - Site Suitability

- 11.1.1 A minimum frontage of 20 metres is required for a child care centre.
- 11.1.2 Child care centres will not be permitted on:
- A contaminated or previously contaminated site
 - Adjacent to a previously contaminated site
 - Within a 100 metre radius from any arterial or sub-arterial road.
 - Within a 500 metre radius from any service station.
 - Within 500m of a telecommunications tower/base.
 - Within 500m of High voltage telecommunications lines.
 - Within 500 m of Extractive industries
 - Within 500m of some agricultural industries such as intensive agricultural activities that are not wholly contained in a building, agricultural practices involving regular spraying of chemicals and the like.
 - Within 500m of any hazardous industry.

Controls - Access

- 11.1.3 Access to child care centres should be provided in the form of a separate entry and exit incorporating a one way traffic flow through the site.
- 11.1.4 Ingress and egress driveways must be constructed in line with Councils Engineering standards.

Controls - Parking

- 11.1.5 The application must meet all standards for parking outlined in [Chapter 3 - Topic 3.6](#).

Controls - Manoeuvring

- 11.1.6 Traffic shall be encouraged to move through the site via a one way drive through, sealed driveway and footpath crossings constructed to Councils engineering standards.
- 11.1.7 Due to the potential conflict between vehicles and younger pedestrians, the reversing of vehicles within the site is not encouraged and designs should minimise the need for vehicles to manoeuvre in reverse for any great distance.
- 11.1.8 Staff parking areas can be designed so as to allow for vehicles to reverse into and out of carparking spaces, as staff generally arrive before children and leave after children have gone thereby eliminating pedestrian/vehicular conflict.

Controls - Traffic Impact

- 11.1.9 A traffic impact study may be required to showing peak traffic generation times, expected traffic numbers and any ameliorating impacts that are proposed.
- 11.1.10 Child care centres should preferably be located on sites which can accept traffic from various directions as opposed to sites within small subdivisions which are serviced by only one access road. In addition, sites located within close proximity to (but not directly on) distributor and collector roads are preferred as this allows easy access, and quick and efficient traffic dispersal without impacting greatly upon low traffic volume residential streets.

Controls - Landscaping

- 11.1.11 Landscaping controls are contained in [Chapter 3 - Topic 3.2](#). In addition to these controls the follow apply:
- 11.1.12 Any landscaping associated with the front entrance and car parking area of the centre can not impact on visibility and site lines.
- 11.1.13 Shade trees should be provided within external play areas.
- 11.1.14 All proposed landscaping shall be indicated on plans submitted with the development application. A detailed landscaped design, including planting specifications must be submitted to Council with the building application.

Controls - Building Design

- 11.1.15 In addition to any specialist requirements set out by the BCA, government agencies, best practice guidelines etc the following controls apply:

- 11.1.16 Pre-schools and child care centres should be designed to achieve an external appearance complimentary to the residential streetscape. Buildings should be of domestic character and minimise their visual impact.
- 11.1.17 As the relatively large area of hard stand is required in front of the building line the use of materials other than plain concrete or bitumen is preferred. Exposed aggregate concrete, coloured concrete, paving bricks, turf or combinations of these are acceptable alternatives.
- 11.1.18 Where an attached residence is proposed an adequate private outdoor recreation area, separate to the pre-school or child care centre outdoor play area, should be provided for the residents' own enjoyment. An area of at least 20 m² with a 4.0 metre minimum width should be provided.
- 11.1.19 Child care centres should be designed such that internal and external play areas maximise solar access.
- 11.1.20 Outdoor play areas should be orientated to the north or north east so as to maximise solar access throughout the major portion of the day.
- 11.1.21 Indoor play areas designed to take advantage of a sunny aspect are encouraged.
- 11.1.22 Development proposals should also be designed with regard to solar access into adjoining properties.
- 11.1.23 Developments which overly reduce the amount of sunlight received by neighbouring properties are discouraged. Similarly, the impact of overshadowing from adjoining properties should be considered at design stage.
- 11.1.24 To reduce the potential noise impact of pre-schools and child care centres, external play areas directly adjoining nearby dwellings should be avoided. Masonry construction of the facility, and reduction or elimination of windows within close proximity to boundaries, can assist in reducing noise transmission

How to contact Council

Post

General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
Website: www.kiama.nsw.gov.au

Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



KIAMA MUNICIPAL COUNCIL
your council, your community

Kiama Development Control Plan 2020

Chapter 12. Location Specific Controls



RESPECT



INNOVATION



INTEGRITY



TEAMWORK



EXCELLENCE

Date approved/adopted	17 March 2020
Resolution No	20/071OC
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Topic 12.1 – Gerringong Town Centre

These additional controls apply to land within the Gerringong central business district as shown on the following map.

As this is an important centre for Kiama the following additional controls will guide development in this area. In order to achieve this, in some circumstances, it is important to note that these controls may:

- place restrictions on certain types of land use (eg. limiting the type of businesses permitted in some shops)and/or
- require development to be built to standards lower than the [Kiama LEP 2011](#) permits (eg., building height).

Objectives

O:12.1.1	to aid the implementation of the planning concepts and strategy for the future growth of the Gerringong Town Centre in accordance with the Gerringong Charrette Town Centre Option A Plan;
O:12.1.2	to concentrate general retail services that cater for the day to day needs of the community in shops that front Fern Street or are located on land west of Fern Street;
O:12.1.3	to provide opportunities for mixed residential and commercial development in the Gerringong Town Centre and in particular in premises that enable people to live in and conduct businesses from these premises;
O:12.1.4	to require buildings proposed to be erected on sites specifically identified for mixed-use or live-work purposes to be designed in a way that allows for the use of floor space to be easily adapted for residential or commercial purposes having regard to the Building Code of Australia and Council's carparking standards;
O:12.1.5	to require new buildings or alterations and additions to existing buildings to be designed in accordance with precinct objectives, performance criteria and design principles advocated in this Topic;
O:12.1.6	to maintain the integrity of the Town Centre Option A Concept Plan without significant departures that would otherwise prevent construction of proposed new roads and accessways or which would not be in keeping with desired streetscapes;
O:12.1.7	to attain a high quality visual streetscape with sensitive architectural treatment of building facades and advertising signs;
O:12.1.8	to preserve and protect view corridors available from identified public vantage points providing vistas of Werri Beach and Heritage buildings;
O:12.1.9	to require buildings to be designed in keeping with accepted solar design principles;
O:12.1.10	to protect the amenity of residents in and adjacent to the town centre;
O:12.1.11	to achieve building to building relationship which is in scale with existing development and building height permitted by this chapter on identified sites.

Land Use

Objectives

- O:12.1.12 To provide a centralised primary retail core within the existing main street shopping precinct (with further expansion located west of Fern Street). Supplemented by supporting commercial activity concentrated to the east of Fern Street.
- O:12.1.13 To encourage and promote mixed residential and commercial development throughout the Town Centre and in particular in Precinct 1.
- O:12.1.14 To achieve compatibility between retail, commercial and residential land use.

Controls

- 12.1.1 Buildings in Noble Street - and such other new streets that may be opened to provide access to buildings on the "old school site" - shall not be used for the following purposes:
- Shops for the primary purpose of food and grocery retailing (including butcher shops, bakeries, delicatessens, fruit and vegetable shops, general stores, take away food shops and other like purposes).
 - Large scale retail shops such as a supermarket.
 - Car repairs/ servicing, motor showrooms, panel beaters work shops or for a purpose including cottage industries and light industries of a nature that are likely to significantly and unreasonably impact adversely for any reason on the amenity of existing or future residents within in or near this precinct.
- 12.1.2 Buildings fronting Noble Street, Belinda Street (east of Fern Street) or other streets created on the former school site should generally cater for commercial or residential use at the first floor level except where this chapter restricts the form of buildings to protect important public vistas or the amenity of neighbouring residents.

Some limited retail use may be considered in the building to be located on the corner of Belinda and Fern Street.

Environmental Design Elements

Objectives

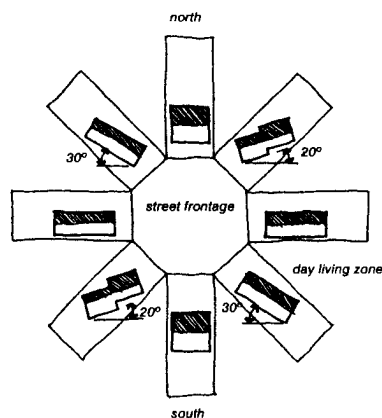
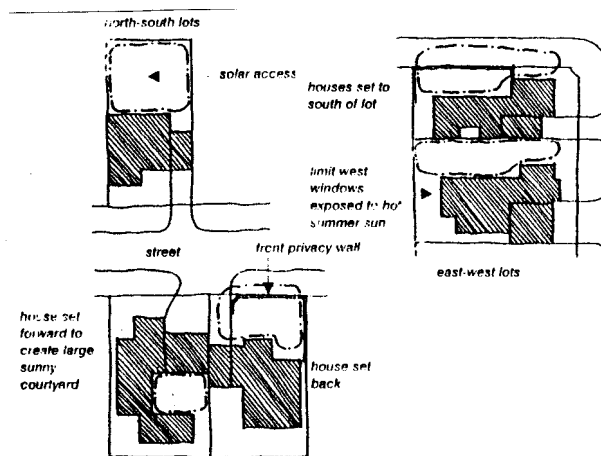
- O:12.1.15 To facilitate energy and water conservation measures in and around housing that will assist in establishing ecologically sustainable residential environments through the reduction in household use of fossil fuels and greenhouse gas emissions, and the use of renewable energy sources.

Controls

- 12.1.3 Building envelopes and internal layouts are to be designed to minimise energy consumed for heating and cooling.

- 12.1.4 Windows are to be located, sized and shaded to facilitate good thermal performance. The location of such elements is to be not visible to the streetscape
- 12.1.5 Buildings are to have an area of roof, with appropriate orientation and pitch that is suitable for the installation of solar collectors and photovoltaic cells
- 12.1.6 Building materials and insulation which assist in providing acceptable thermal conditions.
- 12.1.7 Air movement within dwellings is to be designed to provide acceptable thermal conditions

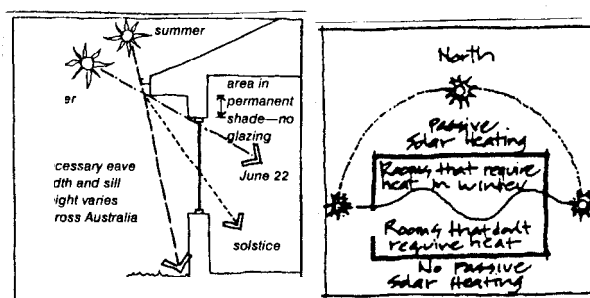
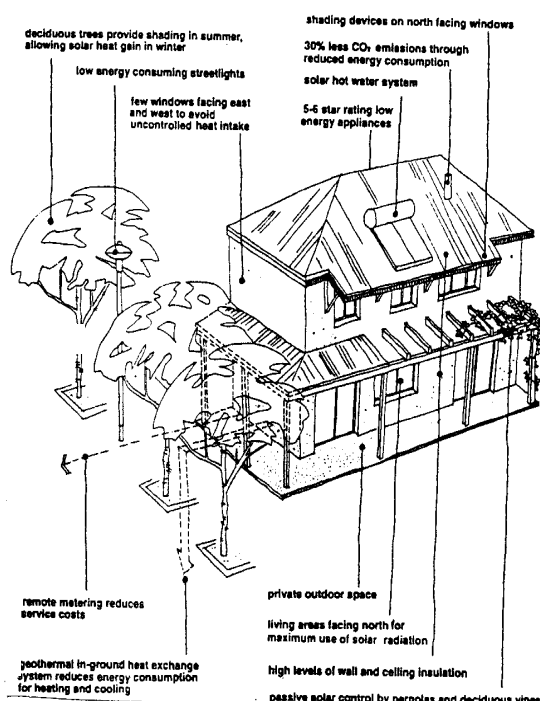
Design Principles



Small, low opening on the windward side and large high openings on the down-wind side for good cross-ventilation.

- 12.1.8 Building materials, appliances and fuel sources are to be selected to minimise energy requirements and greenhouse gas emissions.
- 12.1.9 Landscape design is to assist microclimate management to conserve energy and water.
- 12.1.10 Building and landscape design is to incorporate techniques for conserving mains water.
- 12.1.11 Buildings are to be sited and designed to maximise solar access to north-facing windows of living areas and principal areas of open space, having regard to slope, views, existing vegetation and overshadowing.
- 12.1.12 The stormwater system design should optimise the interception, retention and removal of water-borne pollutants.
- 12.1.13 To develop the resource potential of stormwater to supply a range of second quality water uses presently met from town supply systems

Design Principals



General Design Elements

Objectives

- | | |
|-----------|--|
| O:12.1.16 | To ensure that site attributes and constraints are carefully considered and reflected in the design including views from public spaces. |
| O:12.1.17 | To achieve a development that provides a pleasant, attractive, manageable, resource efficient and ecologically sustainable living environment. |
| O:12.1.18 | To promote energy efficiency in building design and siting. |
| O:12.1.19 | To provide where appropriate public open space that meets users requirements for outdoor recreational and social activities and for landscaping that contributes to the identity and environmental health of the community. |
| O:12.1.20 | To provide an attractive streetscape that reinforce the functions of a street, enhances the amenity of buildings, and is sensitive to the built form landscape and environmental conditions of the locality. |
| O:12.1.21 | To ensure that building appearance from public streets and adjoining sites is attractive and visually compatible with other attractive surrounding development or the identified landmark buildings. |
| O:12.1.22 | To ensure that front fences and walls where used improve amenity for residents and contribute positively to the streetscape and adjacent buildings. |
| O:12.1.23 | To enable flexibility in building siting while protecting reasonable neighbour amenity expectations, maintaining appropriate residential character and visual bulk, and providing adequate daylight to dwellings and sunlight to private open space. |
| O:12.1.24 | To site and design buildings to meet projected user requirements for visual privacy and to protect the visual privacy of nearby residents in their dwellings and private open space. |
| O:12.1.25 | To achieve flexibility in the design and use of buildings' floor space to meet community needs over time. |
| O:12.1.26 | To ensure that the private open space provided for dwellings is clearly defined, useable and meets user requirements for privacy, access, outdoor activities and landscaping. |
| O:12.1.27 | To ensure that site facilities such as garbage bin areas, mail boxes etc provide easy access from dwellings, are visually attractive, blend in with the development and street character, and require minimal maintenance. |
| O:12.1.28 | To enhance the public streetscape by functional and aesthetic signage that is integrated with the design of buildings. |

Controls

- 12.1.17 The street, building and landscape design achieves the creation of attractive residential and commercial environments with clear character and identity.

- 12.1.18 The design of the landscape in public streets and communal areas is to define a theme for new streets, or complements existing streetscape and integrates with new development.
- 12.1.19 Buildings are to be designed to reflect relevant features of the prevailing character of surrounding attractive streetscape features and built form character that have been identified as part of the desired future character of the area.
- 12.1.20 The building design, detailing and finish provide an appropriate scale to the street, add visual interest and enable differentiation between dwellings when viewed from public streets.
- 12.1.21 Buildings are to be designed and sited to acknowledge the private open space of surrounding development by:
- keeping upper storey parts of buildings away from neighbouring private open space so as to avoid an unreasonable sense of visual enclosure.
 - using articulation, colour and detailing to reduce visual bulk.
- 12.1.22 Garages and parking structures are to be sited and designed so as not to dominate the street frontage by:
- obtaining access via rear accessways
 - minimising the frontage width
 - ensuring that roof form, materials and detailing complement that of the associated dwelling.
- 12.1.23 Existing dwellings in sound condition that contribute to the streetscape character and items of heritage or conservation significance are retained, incorporated and sympathetically treated, where possible.
- 12.1.24 Setbacks are progressively increased as wall height increases to reduce bulk and overshadowing while maintaining adequate daylight and sunlight to adjoining residents.
- 12.1.25 Building heights are similar to those in the public streetscape, with higher buildings sited so as to minimise adverse impacts on neighbours and on the streetscape.
- 12.1.26 Signs located above awning level integrate with and are to be fitted flush with walls or fascias to which they are attached. Above awning advertising structures are not permitted, unless incorporated into a wall element.
- 12.1.27 Multiple below awning signs attached to a building are to be of consistent standardised design and dimensions.
- 12.1.28 Signs within advertising structures attached to buildings are to be limited to identification of businesses operating within the premises and not products sold from the premises.
- 12.1.29 Direct overlooking of main internal living areas and private open spaces of other dwellings is minimised by building layout, location and design of windows and balconies, screening devices and landscaping, or remoteness. Effective location of windows and balconies to avoid overlooking is preferred to the use of screening devices, high sills or obscure glass. Where these are used, they should be integrated with the building design and have minimal negative effect on residents or neighbours amenity.

- 12.1.30 Part of the private open space is capable of serving as an extension of the dwelling for relaxation, dining, entertainment, recreation and children's play, and is accessible from a main living area of the dwelling.
- 12.1.31 Garbage bin areas, mail boxes and external storage facilities are sited and designed for attractive visual appearance and function and complement the architecture and environs.
- 12.1.32 Buildings to be designed for mixed residential and commercial use, or for easy adaptation for commercial purposes, particularly at the ground level, where they are initially used for residential purposes.
- 12.1.33 Where buildings are designed to take advantage of views available from a site, an appropriate balance is to be achieved through building design techniques to ensure acceptable levels of solar access and energy efficiency are still maintained to dwellings if their living areas do not align with desirable solar access alignment.

Design Elements – Precinct 1

Precinct 1A - Town Hall Site/Noble Street South East

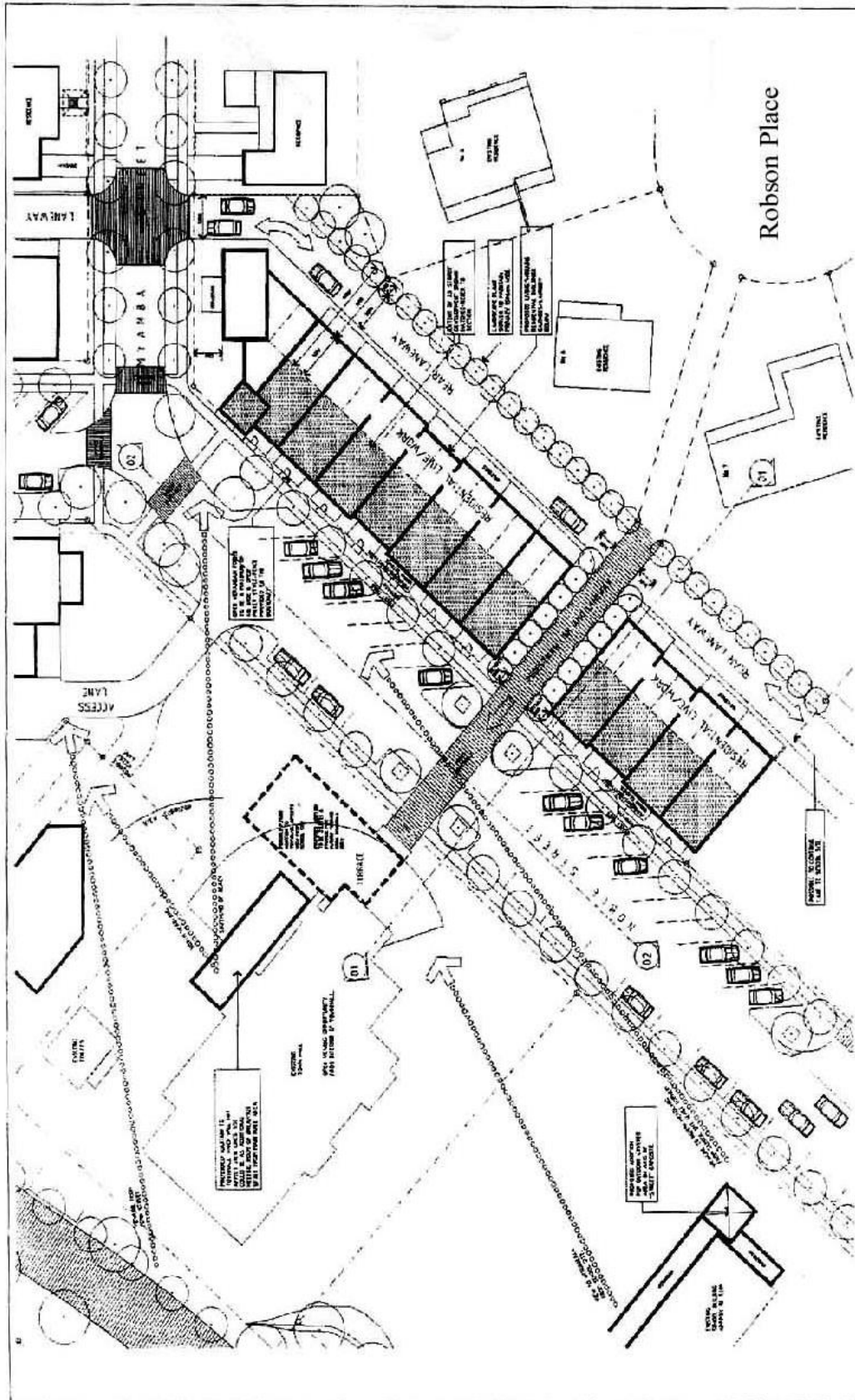
Objectives

- O:12.1.29 Protection of primary view lines to coastal features as identified in the [Charrette Report 1995](#).
- O:12.1.30 To establish architectural and landscaping principles for new development.
- O:12.1.31 The building design is to allow for adaptive use of ground floor residential areas for commercial purposes.
- O:12.1.32 To protect residential amenity of adjoining properties including privacy, overshadowing, solar access, views.
- O:12.1.33 Development is to be architecturally consistent with landmark buildings, heritage items, streetscape design.

Controls

- 12.1.34 Site development to be consistent with the Design Principles incorporated in this Topic.
- 12.1.35 The design is to take into account other relevant planning controls and building codes.
- 12.1.36 View line to be protected from primary vantage point from north east corner of Town Hall. The primary view from this location is regarded as the whole of Warri Beach extending to the northern headland.
- 12.1.37 Development to Town Hall to be restricted to maximise the view opportunity from the “school site” to the northern headland.
- 12.1.38 The roof line of two and a half storey development is to be visually diverse in appearance and not to be connected continuously between units.

- 12.1.39 A consistent streetscape design is to be applied for elements such as street, furniture, paving, lighting and landscape similar to Fern Street.
- 12.1.40 Businesses are to be compatible with residential amenity in terms of the nature of the activity conducted, their location and the hours of operation and existing amenity enjoyed by nearby residential areas.
- 12.1.41 Buildings to be erected on General Business zoned land, if not initially intended to be used partly for commercial purposes, must be designed to be capable of being easily converted for commercial use at the ground level. In such circumstances, Council will have regard to the following:
- i. the fire classification for later commercial/residential use
 - ii. car parking required to cater for commercial/ residential use
 - iii. internal/external access to the buildings
- 12.1.42 Consideration is to be given in the design of the development to maintain privacy to the existing adjoining residential area.
- 12.1.43 Setback to Noble Street boundaries is to be 1.5 metres to allow for verandah or courtyard elements and provide space for street landscaping.
- 12.1.44 Roofed verandah forms to be no more than 4 metres wide and open picket style fence provided to the boundary.



NOTE:
See corresponding
Scale
A3 map at rear

PRECINCT 1A



Kiama Municipal Council
DCP No 14 - Gerrigong Town Centre



Precinct 1B – Noble Street North East/Blueberry Hill

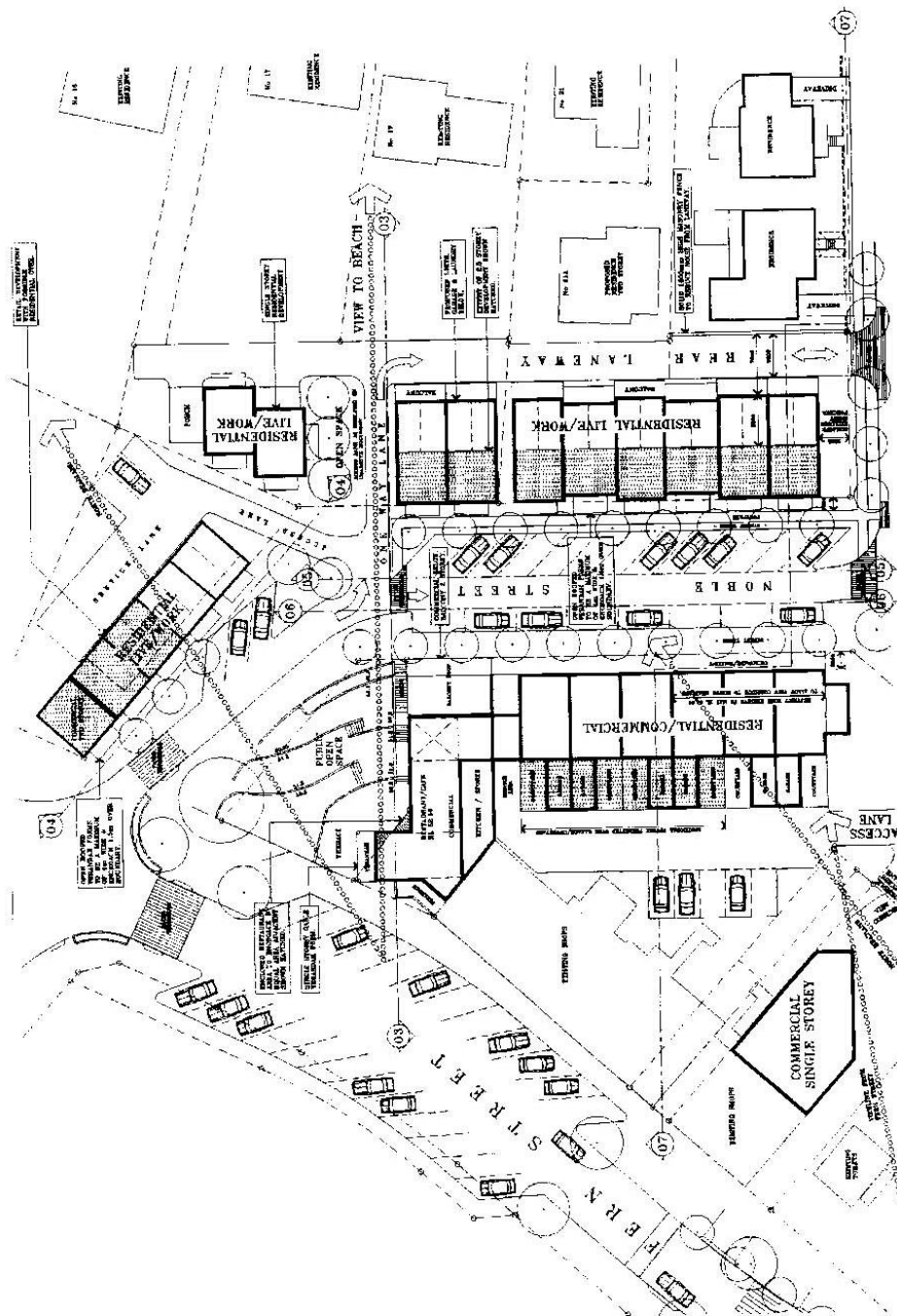
Objectives

- O:12.1.34 Protection of primary view lines to coastal features as identified in the [Charrette Report](#).
- O:12.1.35 To establish architectural and landscaping principles for new development.
- O:12.1.36 Building design is to allow for adaptive use of ground floor residential areas for commercial purposes.
- O:12.1.37 To protect residential amenity of adjoining properties in terms of privacy, overshadowing, solar access and views.
- O:12.1.38 Development is to be architecturally consistent with landmark buildings, heritage items, streetscape design.

Controls

- 12.1.45 Site development to be consistent with the requirements of the Design Principles incorporated in this Topic.
- 12.1.46 The design is to take into account other relevant planning controls and building codes.
- 12.1.47 View lines to be protected from primary vantage points from the public area of the Blueberry Hill site and north east corner of the Town Hall. The primary view from this location is the whole of Warri Beach extending to the northern headland.
- 12.1.48 Single storey development only is permitted adjoining the northern side of the "Blueberry Hill Cafe" (now the "Delphi Cafe") to maintain the scale and character of this important historical, entry landmark building.
- 12.1.49 Development fronting Fern Street is to be a compatible in design to the existing 'Blueberry Hill Cafe'. Other development in Noble Street not affected by view lines is permitted to be height as permitted by [LEP 2011](#) however to have the appearance from the street of two storeys.
- 12.1.50 A pedestrian link is required from development fronting Noble Street to Fern Street.
- 12.1.51 The public reserve to the north of "Blueberry Hill Cafe" is to be developed in an open terrace formation maximising a level viewing area adjacent to Fern Street with minimum visual obstruction from landscape elements.
- 12.1.52 Setbacks to Noble Street boundaries is permitted to be as zero lot line development. Development to the east side of Noble Street may allow individual verandah or porch elements to be constructed up to 1.5m into road reserve area for a maximum width of 4m for each dwelling, subject to acceptable design.
- 12.1.53 Consideration is to be given in the design to maintain reasonable privacy to the existing adjoining residential area.

- 12.1.54 Businesses are to be compatible with residential amenity in terms of the nature of the activity conducted their location and the hours of operation and existing amenity enjoyed by nearby residential areas.
- 12.1.55 Single storey development only is permitted to the rear of the old Post Office building and is to be sited as to maintain views from Fern Street. The addition is to align with the building line to the north of Myamba Street.
- 12.1.56 Buildings to be erected on General Business zoned land, if not initially intended to be used partly for commercial purposes, must be designed to be capable of being easily converted for commercial use at the ground level. In such circumstances, Council will have regard to the following:
- i. the fire classification for later commercial / residential use
 - ii. car parking required to cater for commercial / residential use
 - iii. internal / external access to the building
- 12.1.57 The roof line of two and a half storey development is to be visually diverse in appearance and not be connected continuously between units.
- 12.1.58 A consistent streetscape design is to be applied for elements such as street furniture, paving, lighting and landscape, similar to Fern Street.



NOTE:
 See corresponding Scale
 A3 map at rear

Map
 Sheet No 3

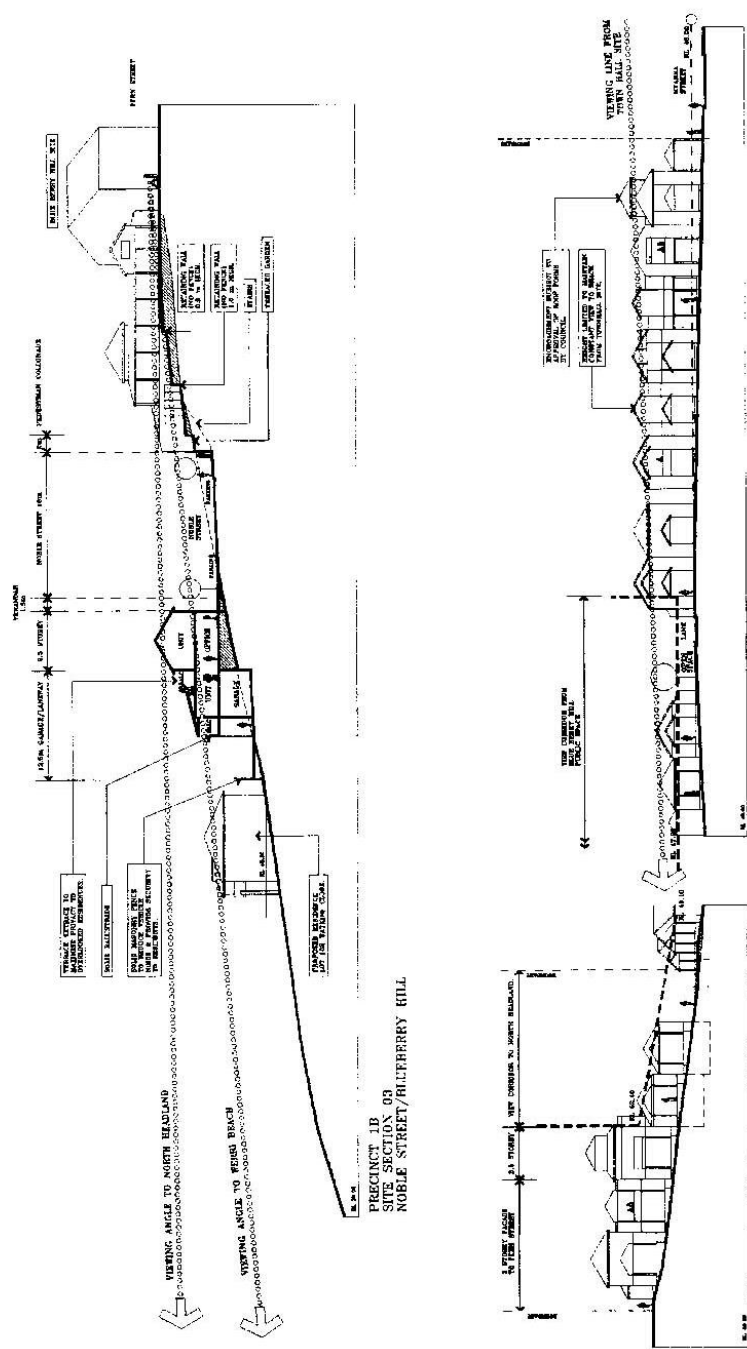
PRECINCT 1B

Not to Scale



Kiama Municipal Council
 DCP No 14 - Gerrigong Town Centre





PRECINCT 1B
SITE SECTION 03
ELEVATION - NOBLE STREET NORTH EAST

PRECINCT 1B
SITE SECTION 04
SOUTH ELEVATION - NOBLE STREET NORTH

NOTE: See corresponding A3 map at rear

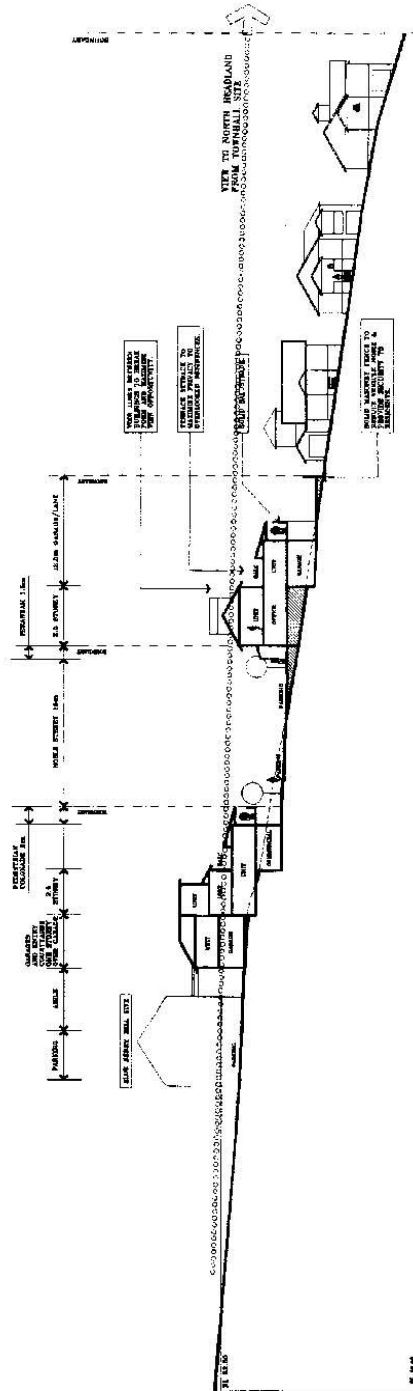
Map
Sheet No 4



Kiama Municipal Council
DCP No 14 - Gerrigong Town Centre



PRECINCT 1B
SITE SECTION 06
ELEVATION - NOBLE STREET WEST



PRECINCT 1B
SITE SECTION 07
NOBLE STREET/MYAMRA STREET

NOTE:
See corresponding
A3 map at rear

PRECINCT 1B



Kiama Municipal Council
DCP No 14 - Gerringong Town Centre



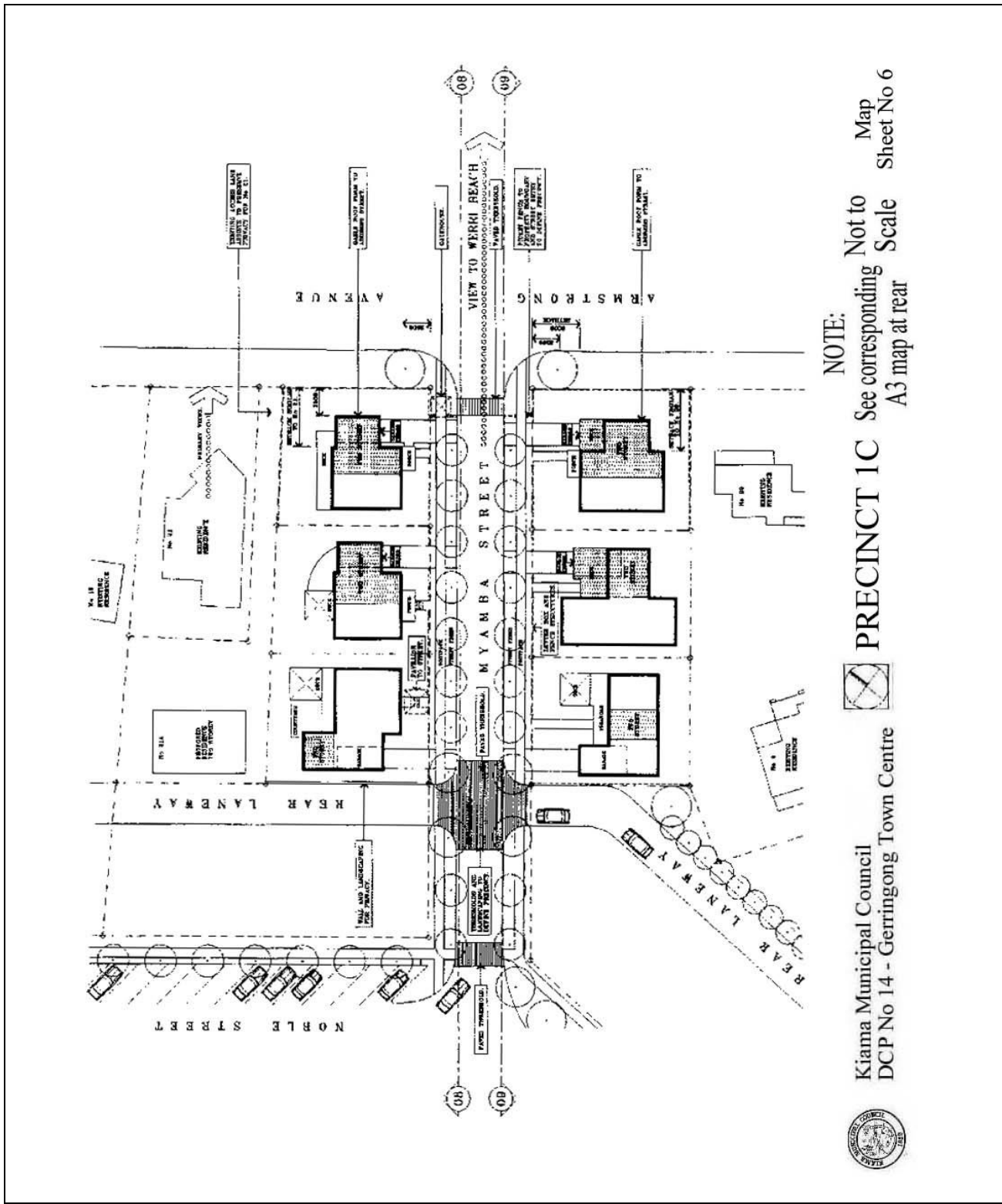
Precinct 1C – Myamba Street

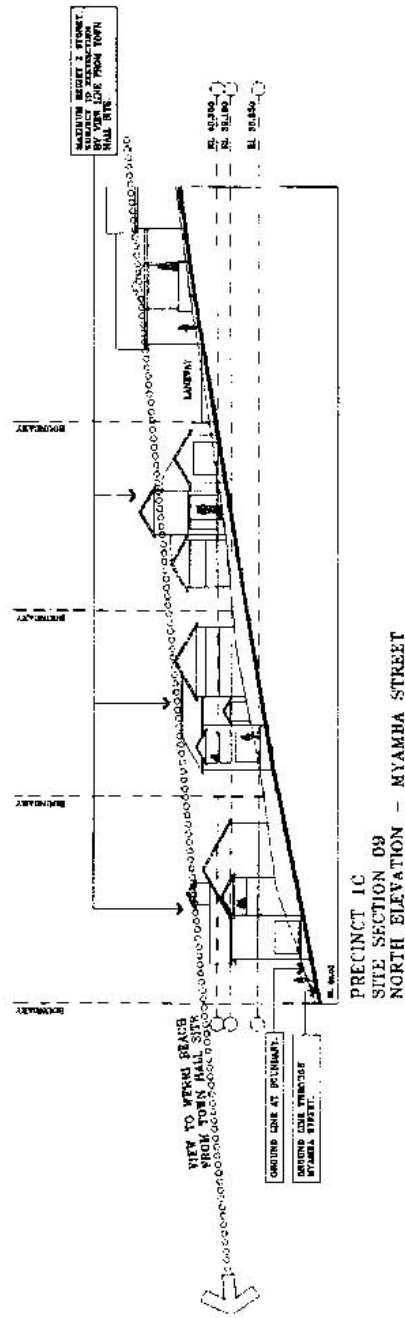
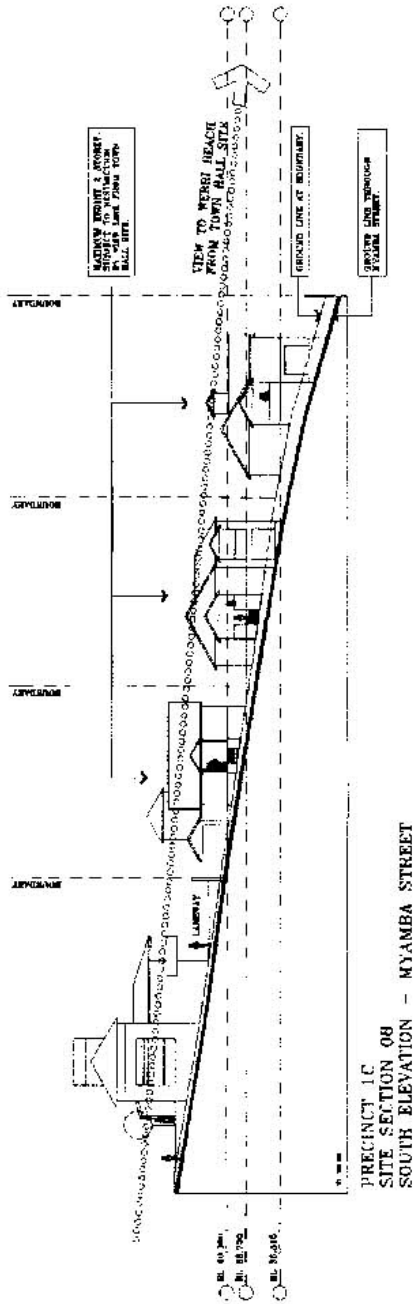
Objectives

O:12.1.39	Protection of primary view lines to coastal features as identified in the Charrette Report .
O:12.1.40	To establish architectural and landscaping principles for new development.
O:12.1.41	To provide dwellings compatible with adjoining development.
O:12.1.42	To protect residential amenity of adjoining properties in terms of privacy, overshadowing, solar access and views.

Controls

- 12.1.59 Site development to be consistent with the Design Principles incorporated in this Topic.
- 12.1.60 The design is to take into account other relevant planning controls and building codes.
- 12.1.61 Development to be in the form of detached cottages having a maximum of permitted to be height as permitted by LEP 2011 however a primary consideration is the retention and protection of view lines of primary vantage points from the public area of the Blueberry Hill plaza site and north east corner of the Town Hall. The primary view from this location is Werri Beach.
- 12.1.62 Setbacks to Noble and Myamba Streets and Armstrong Avenue may be a minimum of 3.5m. However, a portion of the building where adjoining existing housing in Armstrong Avenue is required to step back to match the existing building alignment.
- 12.1.63 Consideration is to be given in the design of dwellings to maintain privacy to the existing and proposed dwellings at No. 21, 21A and 29 Armstrong Avenue and No. 4 Robson Place.
- 12.1.64 Consideration is to be given in the design of dwellings to avoid overshadowing of the living area and private open space to No. 29 Armstrong Avenue and No. 4 Robson Place.
- 12.1.65 Garages are to be single car width with space provided in the building setback from the front boundary for 'stack' parking within the site.
- 12.1.66 The streetscape design is to reflect the identity of this grouping of cottages as a clearly defined precinct being a transition from the existing residential area to the proposed mixed residential/commercial development in Noble Street.





NOTE:
PRECINCT 1C See corresponding
A3 map at rear



Kiama Municipal Council
DCP No 14 - Gerringong Town Centre



Map
Sheet 7

Precinct 1D – School Site – East

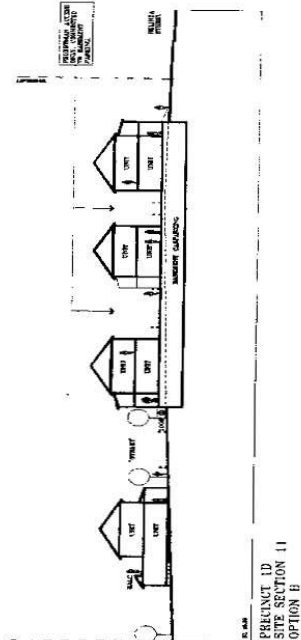
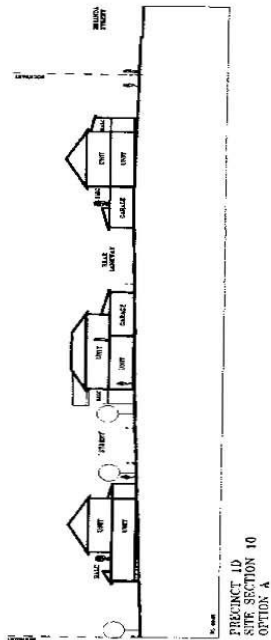
Objectives

- O:12.1.43 Protection of primary view lines to coastal features as identified in the [Charrette Report](#).
- O:12.1.44 To establish architectural and landscaping principles for new development.
- O:12.1.45 The building design for development fronting Noble Street is to allow for adaptive use of ground floor residential areas for commercial purposes.
- O:12.1.46 To protect residential amenity of adjoining properties in terms of privacy, overshadowing, solar access and views.
- O:12.1.47 Development is to be architecturally consistent with landmark buildings, heritage items and streetscape design.

Controls

- 12.1.67 Site development to be consistent with the Design Principles incorporated in this Topic.
- 12.1.68 The design is to take into account other relevant planning controls and building codes.
- 12.1.69 Development can be considered to heights as permitted by [LEP 2011](#) however must not impact on nominated views and have the appearance from the street of two storeys on sites which front Belinda Street and adjoin existing residential development. This is to be stepped down to single storey in height where adjoining existing rear yards.
- 12.1.70 Two and half storey development with basement parking is permitted to areas fronting Noble Street and in the central portion of the site.
- 12.1.71 Development is to maximise potential for pedestrian linkages to the public recreation area of the western side of Noble Street.
- 12.1.72 Vehicular access is to be restricted to 'rear lane' or basement parking wherever possible. This is to provide an emphasis to pedestrian access to dwelling frontages, which reinforces the streetscape quality on new streets.
- 12.1.73 The roof line of two and a half storey development is to be visually diverse in appearance and not be connected continuously between units.
- 12.1.74 A consistent streetscape design is to be applied from Fern Street for elements such as street furniture, paving, lighting and landscape.
- 12.1.75 Businesses are to be compatible with residential amenity in terms of the nature of the activity conducted their location and the hours of operation and existing amenity enjoyed by nearby residential areas.

- 12.1.76 Buildings to be erected on General Business zoned land, if not initially intended to be used partly for commercial purposes, must be designed to be capable of being easily converted for commercial use at the ground level. In such circumstances, Council will have regard to the following:
- i. the fire classification for later commercial/residential use
 - ii. car parking required to cater for commercial / residential use
 - iii. internal / external access to the building
- 12.1.77 Consideration is to be given in the design of the development to protect privacy to the existing adjoining residences.
- 12.1.78 Setback to Noble Street boundaries is to be 1.5 metres to allow for verandah or courtyard elements and provide space for street landscaping.
- 12.1.79 Setback to new residential development in Belinda Street to match the existing dwelling at No. 140 Belinda Street. The building on Lot 3 (Police Station site) is to be set back 1.5 metres to allow for verandahs fronting Belinda and Noble Streets.
- 12.1.80 The development of Lot 3 (Police Station site) is to provide for a 2 storey form on the corner of Belinda and Noble Streets to reinforce the corner and provide a balanced 'entry' to Noble Street.
- 12.1.81 Development fronting Noble Street is to address the former School site public space and provide a visual containment to this area.



Kiama Municipal Council
DCP No 14 - Gerrigong Town Centre



PRECINCT 1D
OPTIONS A & B

NOTE:
See corresponding
A3 map at rear
Not to Scale
Sheet No 10



Precinct 1E – School Site – West

Objectives

- O:12.1.48 Protection of primary view lines to coastal features as identified in the [Charrette Report](#).
- O:12.1.49 To establish architectural and landscaping principles for new development.
- O:12.1.50 To provide dwellings compatible with adjoining development.
- O:12.1.51 To protect residential amenity of adjoining properties in terms of privacy, overshadowing, solar access and views.

Controls

- 12.1.82 Site development to be consistent with the Design Principles incorporated in this Topic.
- 12.1.83 The design is to take into account other relevant planning controls and building codes.
- 12.1.84 Development is to be a maximum of 2.5 storey with basement parking.
- 12.1.85 The existing School building if retained be developed for community and/or refreshment room purposes. View lines are to be protected from this site to the Catholic Church to the south and the RSL Memorial Hall and rural views to the south west.
- 12.1.86 Open form verandahs additions are desirable to the existing School Building to enhance its proposed use and to reinforce its placement in the streetscape.
- 12.1.87 Development is to maximise potential for pedestrian linkages to Fern Street and the Town Hall through public open space to the north.
- 12.1.88 Vehicular access is to be restricted to basement parking and service areas with entry/exit obtained from Noble Street.
- 12.1.89 The roof line of two and a half storey development is to be visually diverse in appearance and not be connected continuously between units.
- 12.1.90 A consistent streetscape design is to be applied from Fern Street to other street frontages for elements such as street furniture, paving, lighting and landscaping.
- 12.1.91 Setback to Belinda and Fern Streets to be 2 metres to allow for verandahs to these areas.
- 12.1.92 Development enfronting Belinda and Fern Street is to recognise the important significance of landmark sites, ie the RSL Memorial Hall and the Catholic Church. This is to be addressed in the roof form and compatibility of building design to existing buildings opposite to the west in Fern street. A gap must be retained to allow the church to be viewed from the open space area within the "school site" reserve.

-
- Architectural site plan for Precinct 1E, Site Section 12, showing the School Site/Belinda Street. The plan includes a building with a "TERRACE" and "LIFE" areas, a "PARKING" area, and a "BELINDA STREET" entrance. A "VIEW CORRIDOR" is marked with a "MAXIMUM 30' ALAR" and a "6000" distance. The plan also shows "Noble Street" and "Fern Street" with various building footprints and landscaping. A "PLANTING" area is indicated near the "Noble Street" entrance. A "PLANTING" area is also indicated near the "Fern Street" entrance. A "PLANTING" area is also indicated near the "Noble Street" entrance. A "PLANTING" area is also indicated near the "Fern Street" entrance.

NOTE:
See corresponding
A3 map at rear

PRECINCT 1E



Kiama Municipal Council
DCP No 14 - Gerringong Town Centre



Design Elements – Precincts 1 and 2 – Fern Street Facades

Objectives

- O:12.1.52 To establish a building form which reinforces the existing streetscape patterns and rhythm, whilst acknowledging its particular siting requirements and functional brief.
- O:12.1.53 To provide a framework for future development of building forms that front the Fern Street business area.
- O:12.1.54 To identify and enhance important contributory elements existing in the streetscape.
- O:12.1.55 To provide guidelines to signage and facade treatments.

Controls

- 12.1.94 The facades of new buildings should be designed to maintain the dominant parapet line of adjacent buildings. New buildings adjacent to landmark or heritage buildings should enhance and be compatible with the scale and character of those buildings.
- 12.1.95 Entrances should identify themselves from the street and where possible these should be at the same level as the street. Entrances should include access for persons of limited mobility. Separate entrances are to be provided from Fern Street for residences in mixed developments.
- 12.1.96 Buildings located on corners of a major street intersections should have higher corner elements to emphasise the street corner. Architectural elements should be used for corner emphasis rather than commercial signage.
- 12.1.97 Buildings and landscape materials used in any future development should reflect and maintain the quality and character for the more significant existing buildings.
- 12.1.98 The selection of colour for existing and new developments should be appropriate for the overall streetscape context and compatible with the Gerringong Town Centre Colour Pallet.
- 12.1.99 Buildings should extend to the property boundaries to reinforce the street patterns and the continuity of existing street facades.
- 12.1.100 Parking and streetscape design is to be carried out in accordance with the Gerringong Town Centre streetscape design prepared by Kiama Council.
- 12.1.101 The character and size of signs should be in keeping with the scale and character of the building to which they are attached. They should integrate with the overall building design and not be seen as appendages to it.
- 12.1.102 Visual clutter should be avoided. Some or all existing signs may be required to be removed as a condition of a new permit. Adequate space for identification of future occupancies should be reserved.
- 12.1.103 It is desirable that overhead power lines be relocated underground.

- 12.1.104 Street furniture including seats, lightpoles, bollards and the like shall be of compatible design with the Kiama Town Centre street furniture but of an appearance and colour to suit the Gerringong Context.
- 12.1.105 Privately owned street furniture must be of a design and colour compatible with public street furniture.

Design Elements – Precinct 1 – Fern Street Facades

Lot 101 DP 597583 No 96 Fern Street, Gerringong - Classification Significant

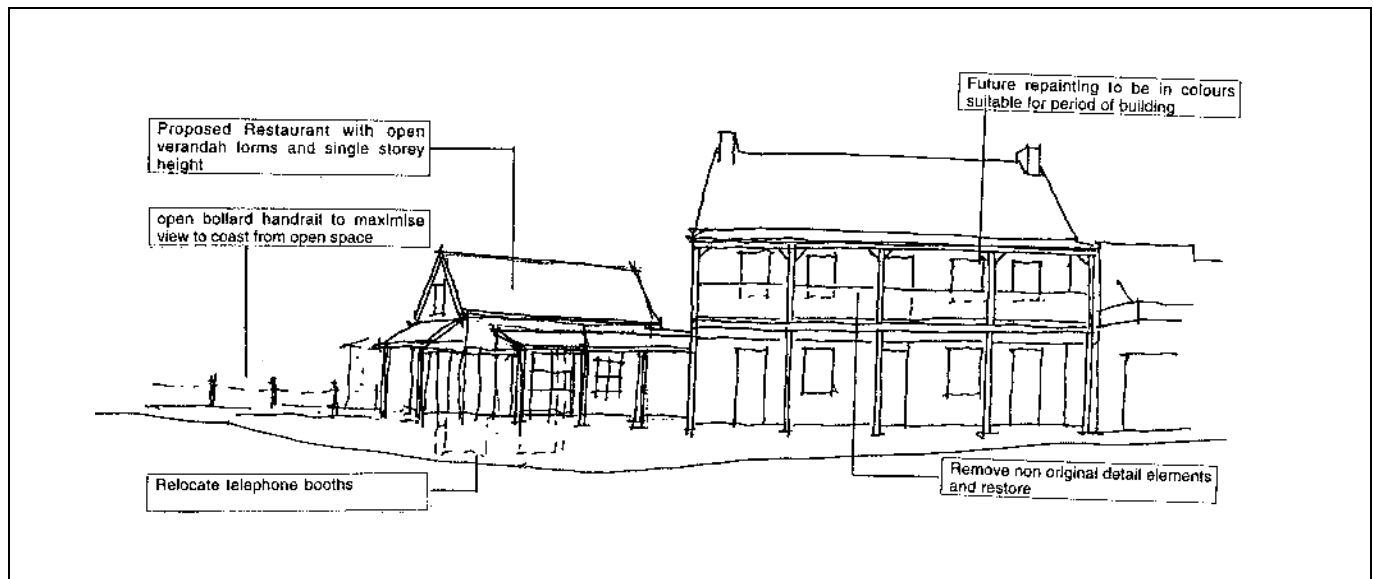
Comments

This is a landmark building for Gerringong Town Centre and is significant for heritage reasons. Its dominance in this streetscape should be retained. It is recommended that the verandah be restored to its original design by reference to older photographs and evidence provided on site.

Development is planned to the north of this building and such work should be single storey and be sympathetic in design. It is recommended that the telephone booths be relocated as part of the new development. The design of open the space area to the north to be used for public viewing should have as few landscape elements as possible so as not to restrict the view of Werri Beach and the headland.



Existing Situation



Recommended Facade Treatment

Design Elements – Precinct 1 – Fern Street

Lot 101 DP 597583 No 96 – 102 Fern Street, Gerringong – Gerringong Cafe

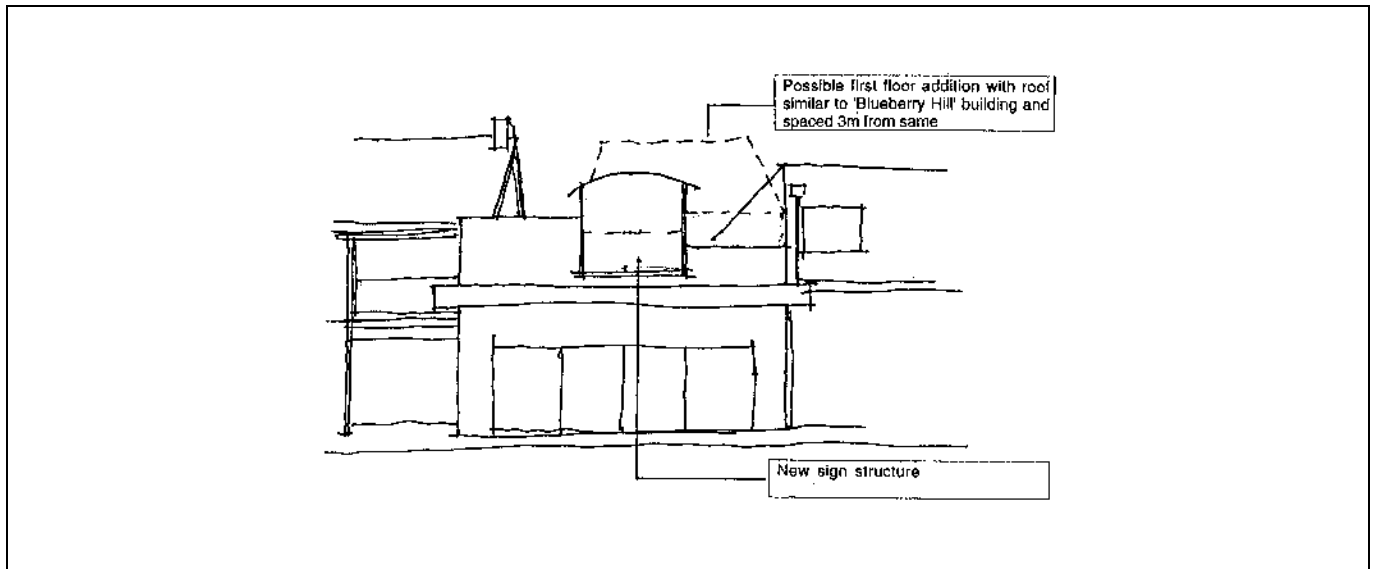
Classification – Non-Contributory

Comments

The facade of this building should be modified to better integrate with the Blueberry Hill building. Any addition to this building is to be limited to single storey height to retain the significance of Blueberry Hill building. Signage should be limited and better integrated with the building so as not to detract from the Blueberry Hill building.



Existing Structure



Recommended Facade Treatment

Design Elements – Precinct 1 – Fern Street Arcades

Lot 101 DP 597583, 2 and 3 DP 839967 No 96 -102 Fern Street, Gerringong – Mayflower Shop/Adam's Butchery/Deli

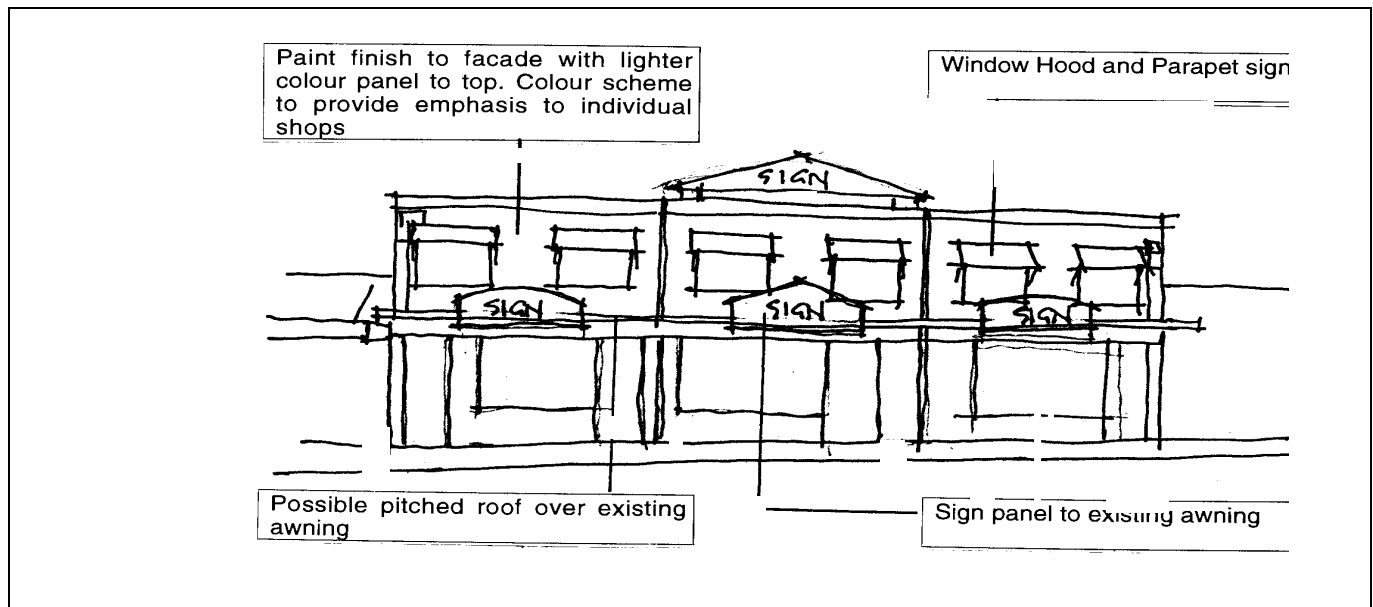
Classification – Non-Contributory

Comments

The existing face brick building is out of character with the streetscape and modifications are recommended to divide the mass of brickwork by painting to provide individual expression to each shop. The addition of window hoods will further reduce the bulk. Signage should be coordinated and of uniform design to the awning fascia. The inclusion of a skillion roof over the existing awning would provide a stronger visual link to other streetscape elements.



Existing Situation



Recommended Facade Treatment

Design Elements - Precinct 1 - Fern Street Facades

Lot 1 DP 774193 No 104 Fern Street, Gerringong – Old Post Office

Classification – Non-Contributory

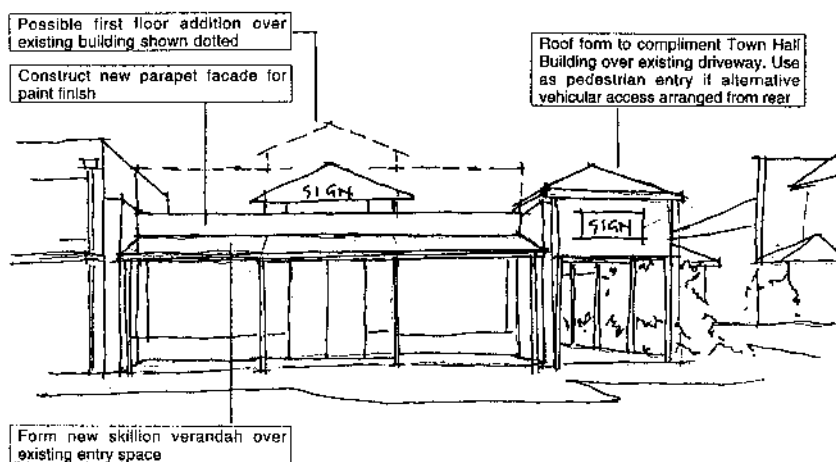
Comments

This building and its strong horizontal metal fascia is out of character with the adjoining Town Hall Precinct. It is recommended that the existing awning roof be replaced by a more sympathetic skillion form and a new parapet be designed to incorporate signage.

Development of the rear of the site is possible in single storey and the existing driveway should be used as a visually strong pedestrian link to this area. This new element in the streetscape would frame the Town Hall Precinct. A first floor addition would be permitted up to the existing parapet height of the adjoining building to the north.



Existing Situation



Recommended Facade Treatment

Design Elements - Precinct 1 - Fern Street Facades

Lot 1 DP 156081 No 106 Fern Street, Gerringong – Town Hall Site (North)

Classification – Significant

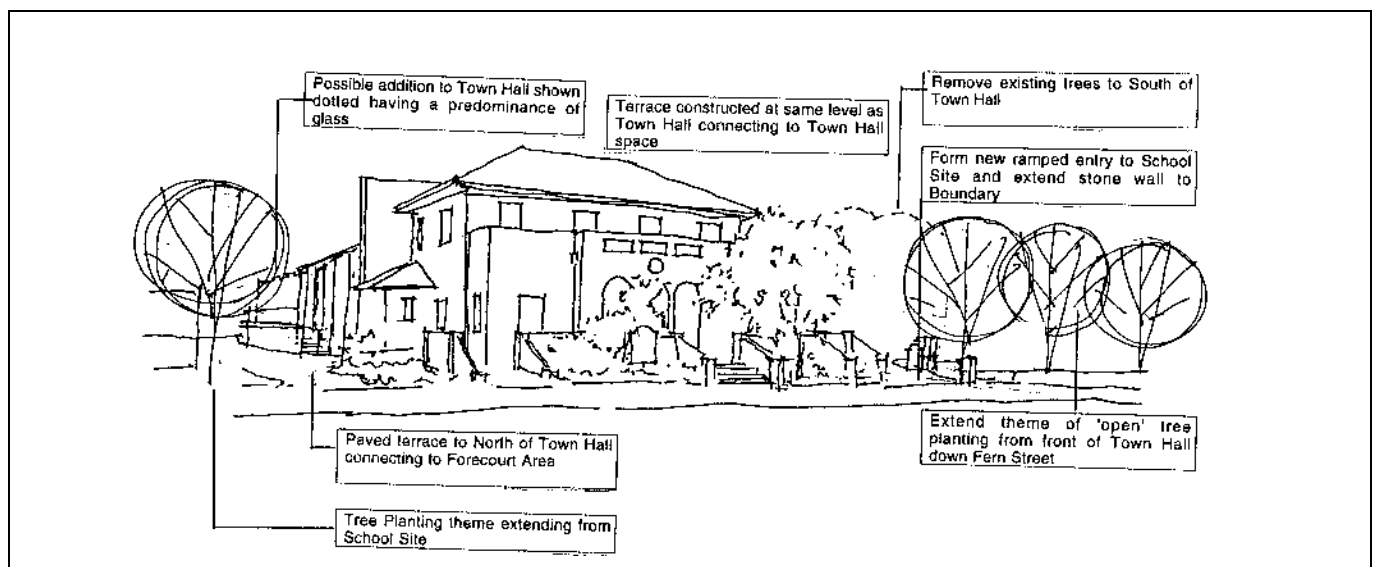
Comments

This building and surrounding area is the focal point of the Town Centre and this should be reflected in the new landscape treatment around it. A paved terrace should be provided to take advantage of coastal views available towards the rear part of the Town Hall.

A small scale addition to the northern side of the Town Hall would be possible and should have design elements sympathetic to the Town Hall and have a predominance of glass. This could function as an additional smaller meeting space or as a break out room and transition to the new Terrace area.



Existing Situation



Recommended Facade Treatment

Design Elements - Precinct 1 - Fern Street Facades

Lot 1 DP 858777 No 110 Fern Street, Gerringong – Town Hall Site (South)

Classification – Significant

Comments

This area to the south of the Town Hall is to form part of the Town Square linking through to the public space of the old school site and bounded by the old school building on the site.

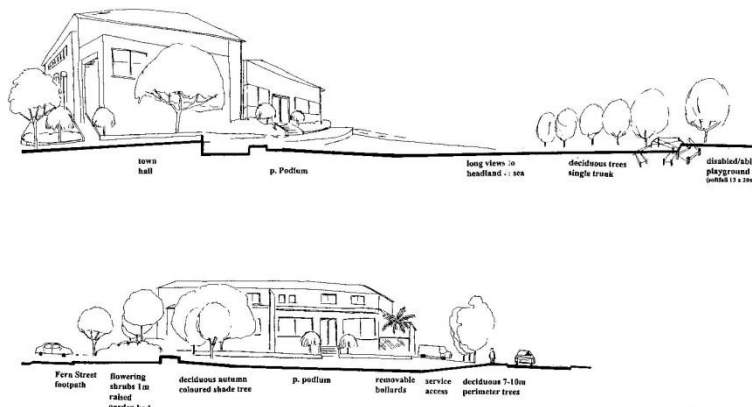
Significant landscape design is required including the removal of trees which currently divide the space.

The temporary Police Station is to be relocated to its new site in Belinda Street.

Landscaping and paving should be an extension of the new Fern Street streetscape improvements to effectively link the square with the upgraded Fern Street pedestrian space.



Existing Situation



Envisaged Perspectives

Design Elements - Precinct 1 - Fern Street Facades

Lot 4 DP 858777 Fern Street, Gerringong – School Site – West Commercial Development

Classification - ?????

Comments

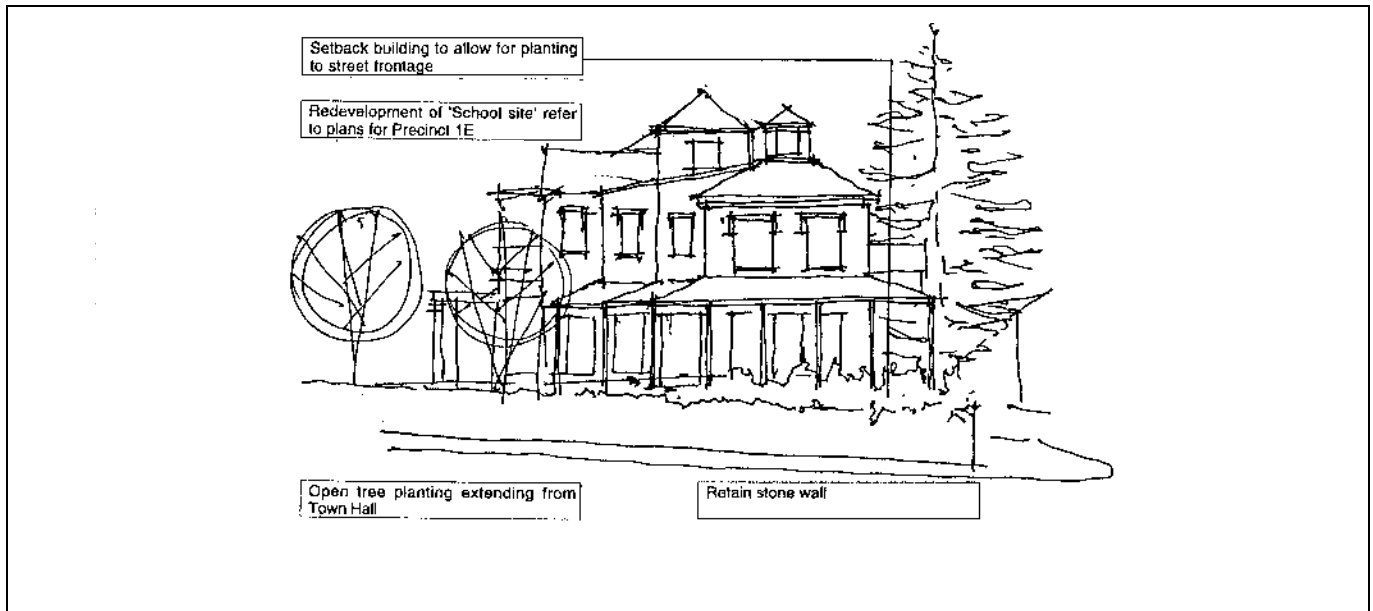
Development of this site should be in accordance with this CHAPTER referred to elsewhere.

The stone wall is to be retained as a "base" for the site and the building stepped back to allow for landscaping to the perimeter. The building fronting Fern Street should be treated as a corner element which frames the entry to the Town Centre. The building at this corner should be restricted at 2 storeys so as to be compatible with streetscape.

Open form tree planting should be extended from the Town Hall to define the streetscape but allow a strong visual link between this site and the existing commercial area.



Existing Situation



Recommended Facade Treatment

Design Elements – Precinct 2 – Fern Street Facades

Lot 2 DP 582706 No 137 Fern Street, Gerringong – Cronin's Liquor Store

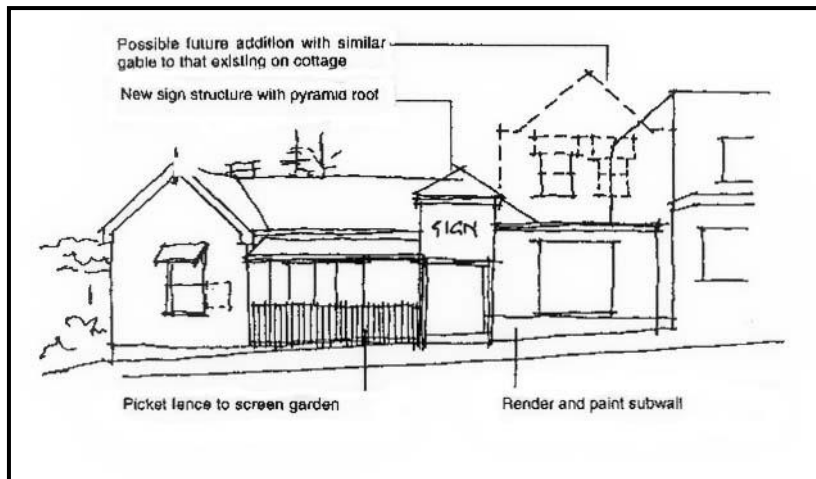
Classification - Significant

Comments

The existing cottage structure is considered significant to the streetscape and the actual Liquor Store section, recommended for modification and possible addition to in the future. The unique situation of the cottage in the street is important and any addition should be sympathetic to its scale and character.



Existing Situation



Recommended Facade Treatment

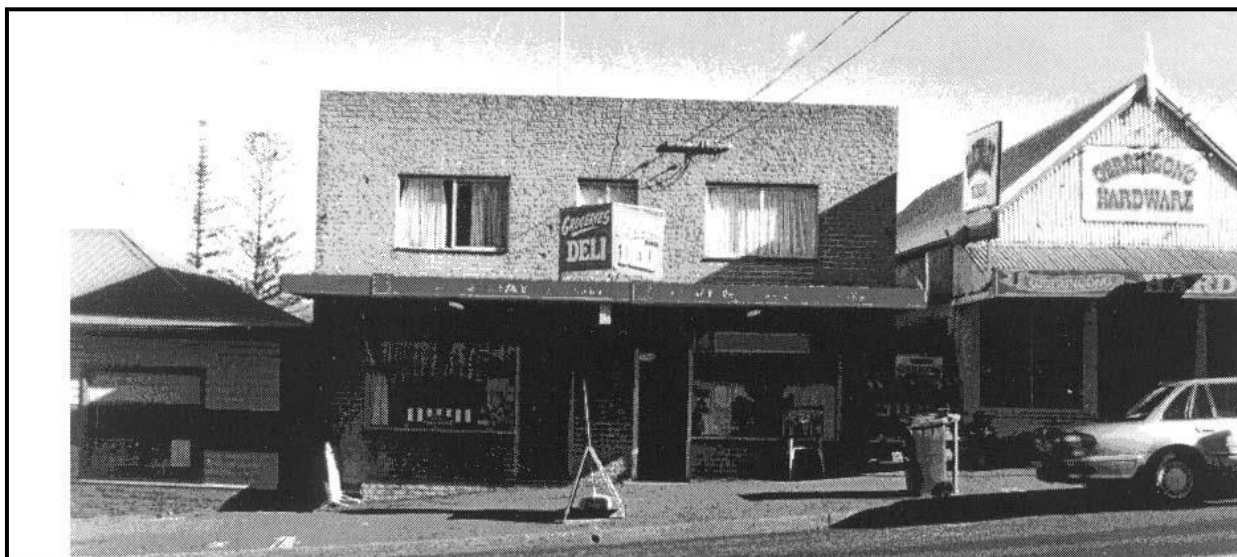
Design Elements – Precinct 2 – Fern Street Facades

Lot 1 DP 582706 No 135 Fern Street, Gerringong – General Store

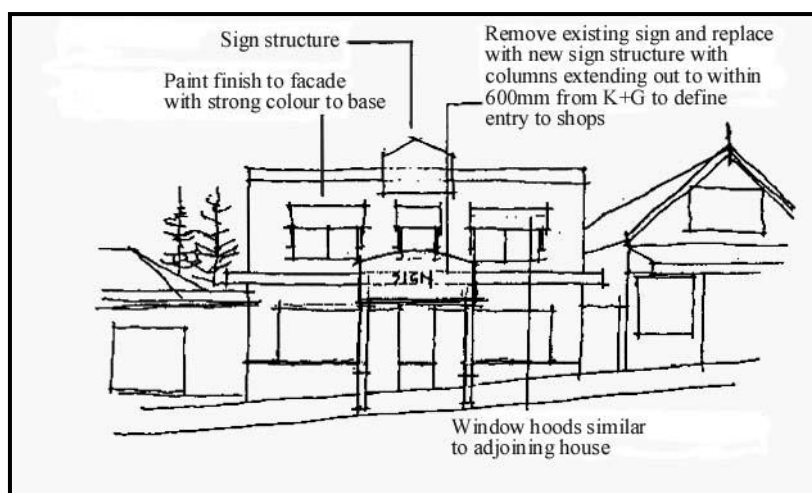
Classification – Non-Contributory

Comments

The existing face brick building is out of character with adjoining buildings and modifications are recommended to divide the mass of brickwork by the inclusion of window hoods and paint finish. The entry should be given greater emphasis by a gable sign element which replaces the existing over-awning sign and breaks the length of the awning.



Existing Situation



Recommended Facade Treatment

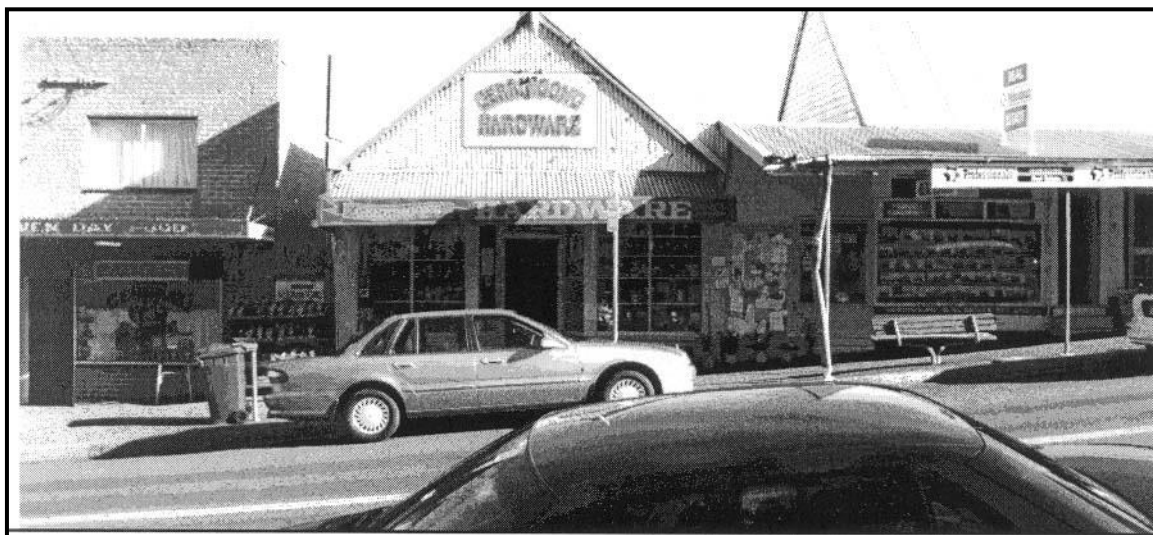
Design Elements – Precinct 2 – Fern Street Facades

Lot 52 DP 560537 No 133 Fern Street, Gerringong - Gerringong Hardware

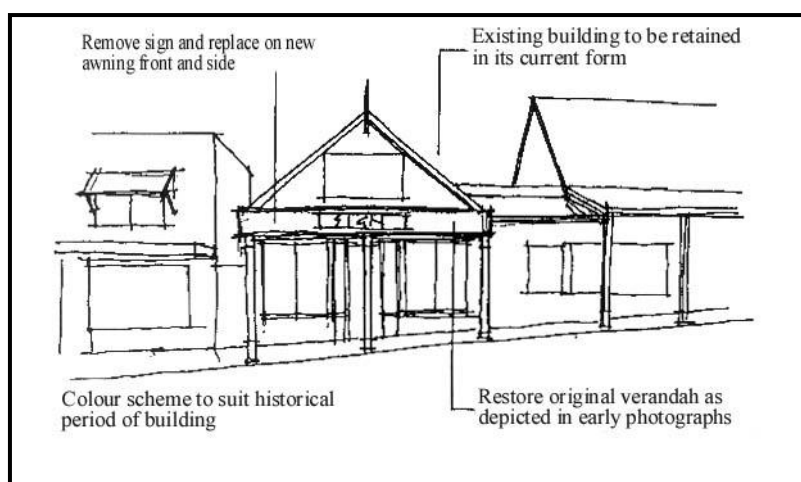
Classification - Significant

Comments

The building is one of the few remaining original buildings existing in the Town Centre. Unsympathetic signage structures should be removed, and it is recommended that the original verandah structure should be replaced, including posts to the footpath area. No further additional work should be permitted except to the rear of the site where it should be strictly controlled. Any extension to the rear of the existing building should be in scale with the existing building and its roof should be of similar pitch and form to match the existing roof design.



Existing Situation



Recommended Façade Treatment

Design Elements – Precinct 2 – Fern Street Facades

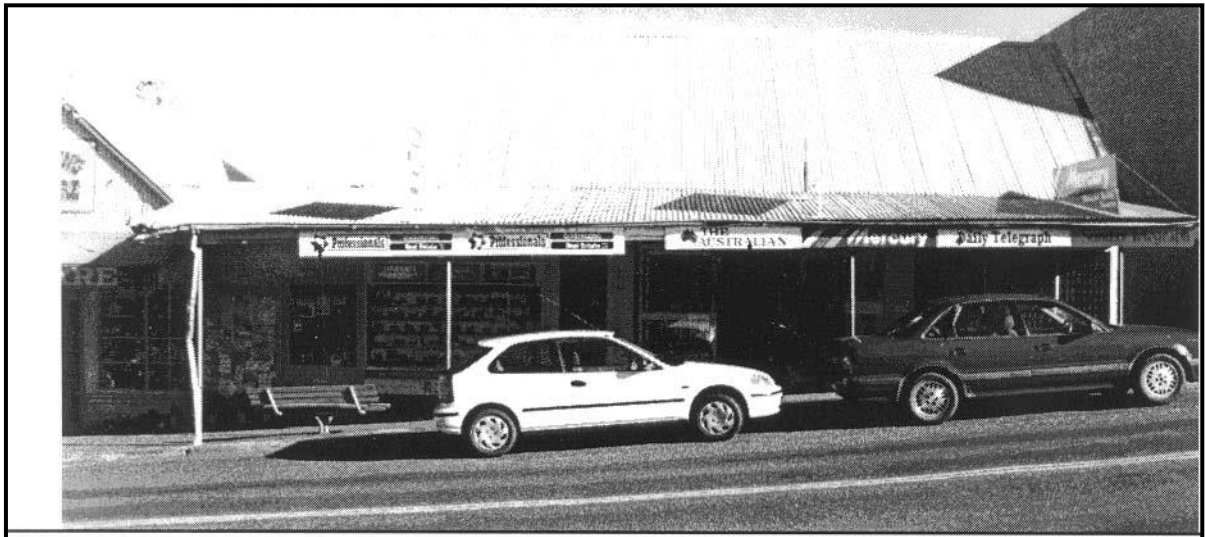
Lot 51 Dp 560537 No 131 Fern Street, Gerringong - Real Estate Agency/Newsagency

Classification - Significant

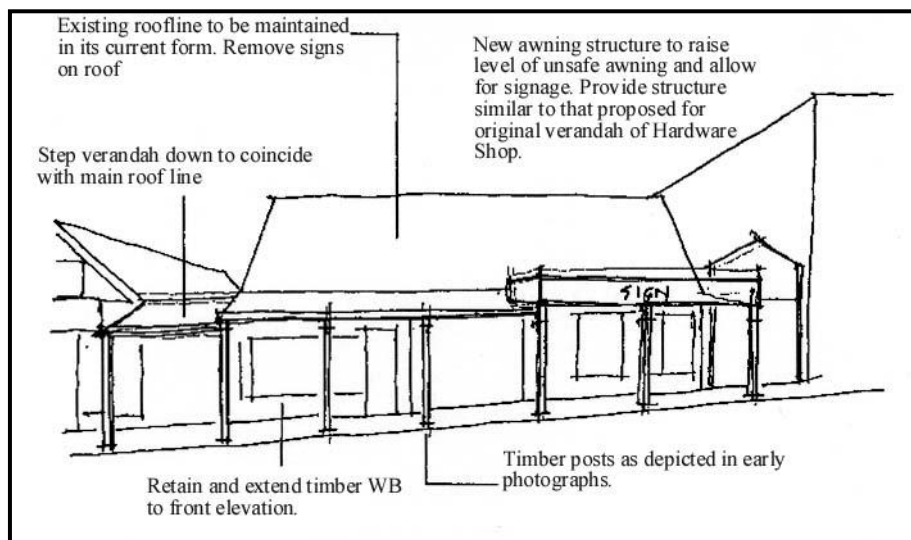
Comments

This building is significant in both its relationship to the streetscape and to the adjoining Hardware Store. It is understood to have been the cottage component of this pair of structures. This is a rare example in the district of this type of building. Unsympathetic signage structures should be removed, and the façade restored. Recent compatible alterations include the addition of post boxes to the façade.

The existing verandah structure which is very low and unsafe is in a similar location to the original. It is recommended that this be restored. However, given the low clearance on the northern end it is recommended that this be altered to provide additional headroom as well as an opportunity for compatible signage. A new verandah structure to this end should be similar to that proposed to the Gerringong Hardware and not affect the existing main roof line.



Existing Situation



Recommended Façade Treatment

Design Elements – Precinct 2 – Fern Street Facades

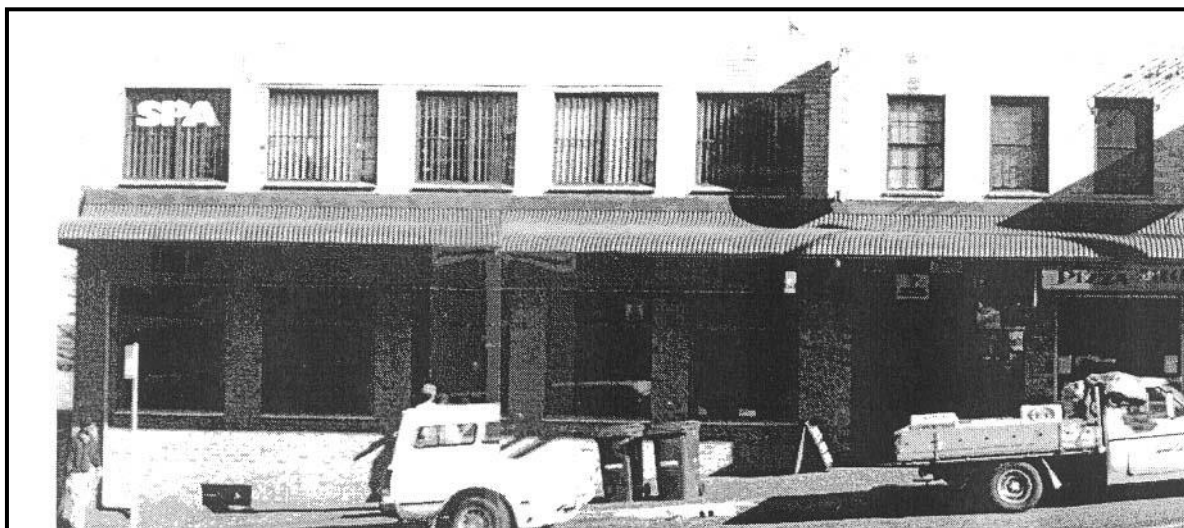
SP 32524 No 123 - 129 Fern Street, Gerringong - Carter And Ferguson/Arcade Building

Classification – Non-Contributory

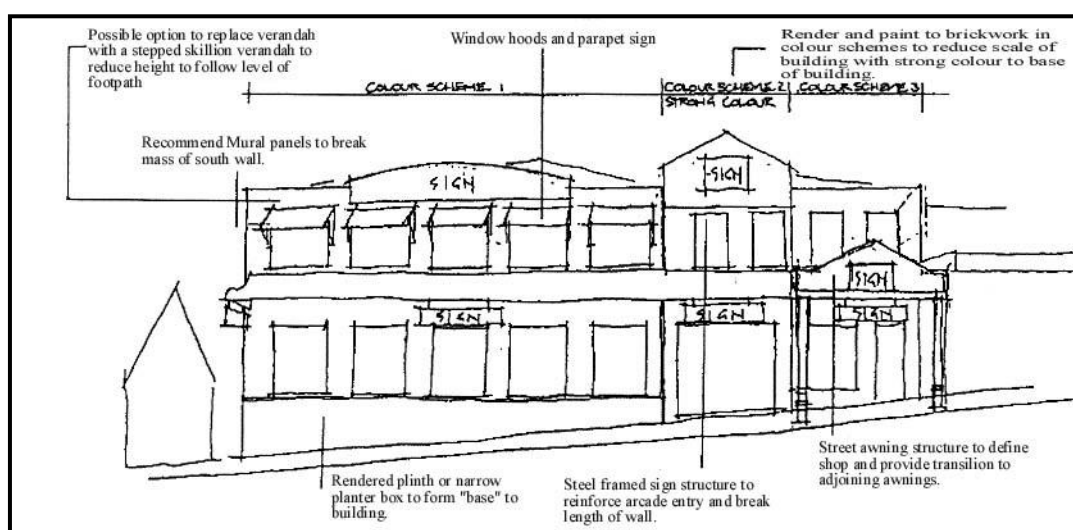
Comments

This building is completely out of scale and character with Gerringong and work should be undertaken to make the building more sympathetic to the streetscape. This includes measures to reduce the scale by dividing the façade into smaller more identifiable elements relating to shop fronts and arcade entry by means of rendered panels and paint.

The large brick element should be further articulated by the addition of window hoods. A new gable verandah is recommended to the Pizza Shop to give emphasis to this portion, to provide a more compatible transition to the adjacent awning and to break the strong horizontal line of the existing awning.



Existing Situation



Recommended Façade Treatment

Design Elements – Precinct 2 – Fern Street Facades

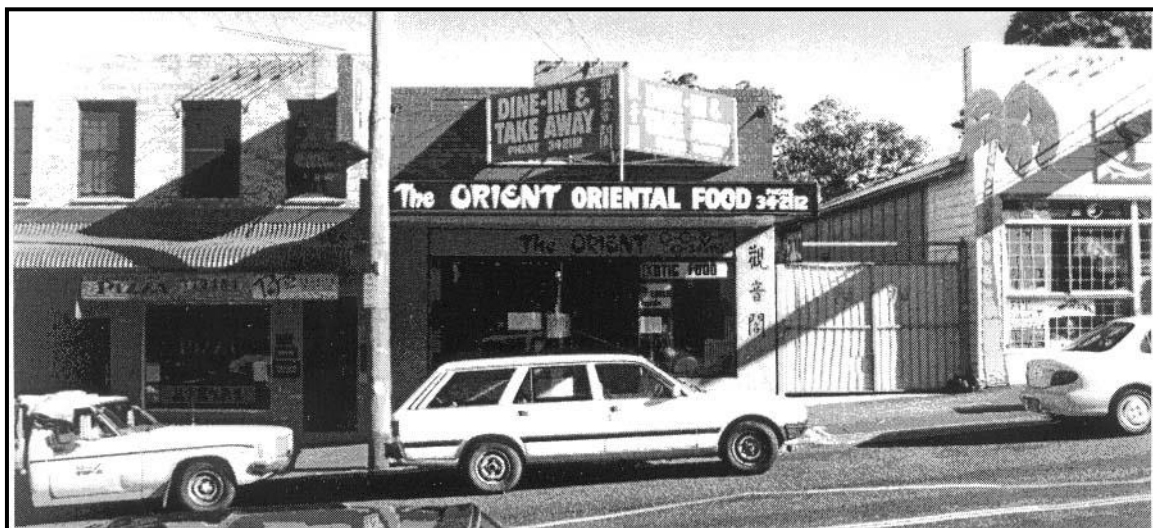
Lot 1 DP 744501 No 119 Fern Street, Gerringong - The Orient Restaurant

Classification - Non Contributory

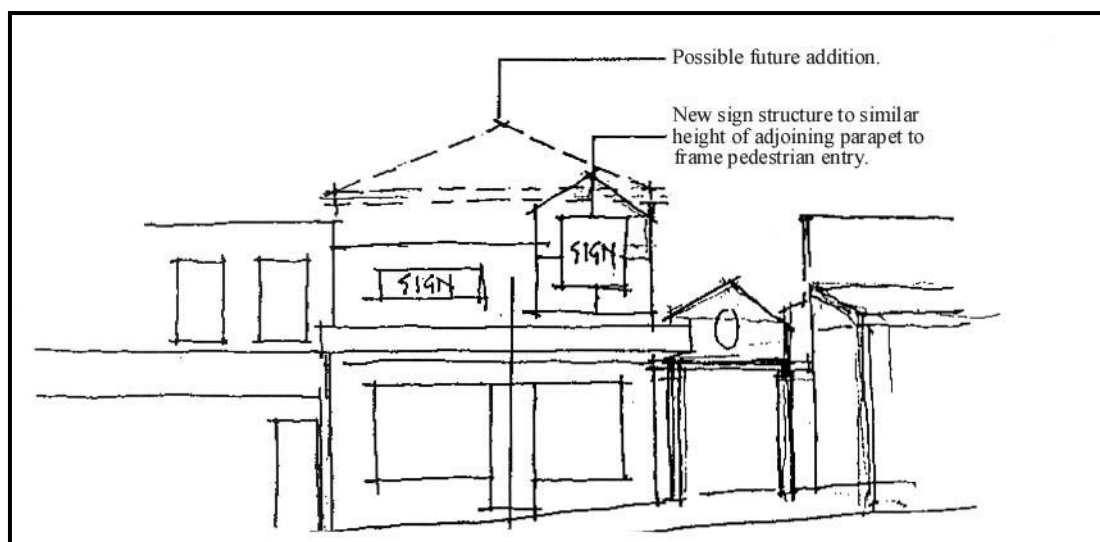
Comments

The small scale of the shop front contributes in a small way to the streetscape. However, it is recommended that a paint finish be applied to unify the shop front and conceal the incompatible red brick parapet. The large angled over-awning sign should be removed and replaced with a parapet style sign.

Development in the future could consist of a second floor over the existing shop.



Existing Situation



Recommended Façade Treatment

Design Elements – Precinct 2 – Fern Street Facades

Lot 1 DP 196029 No 117 Fern Street, Gerringong - Natural Necessity Surf Shop

Classification - Contributory

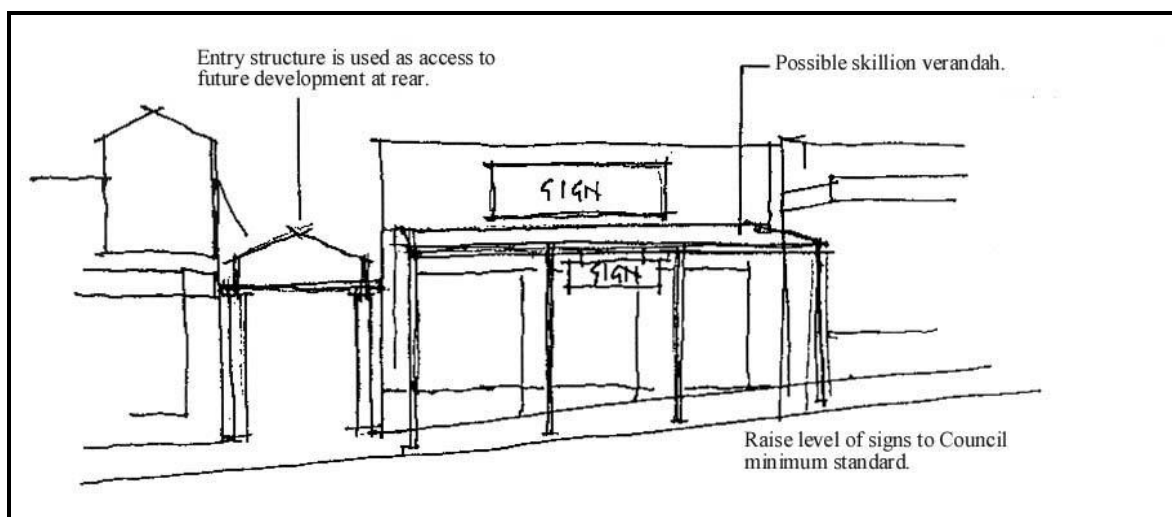
Comments

The scale and character of the building contributes to the streetscape and this could be further enhanced by the addition of a skillion verandah, maintaining parapet signage and including some under awning signs.

If the existing driveway were to become pedestrian access to future development at the rear of the carpark it should be given greater emphasis in the streetscape.



Existing Situation



Recommended Façade Treatment

Design Elements – Precinct 2 – Fern Street Facades

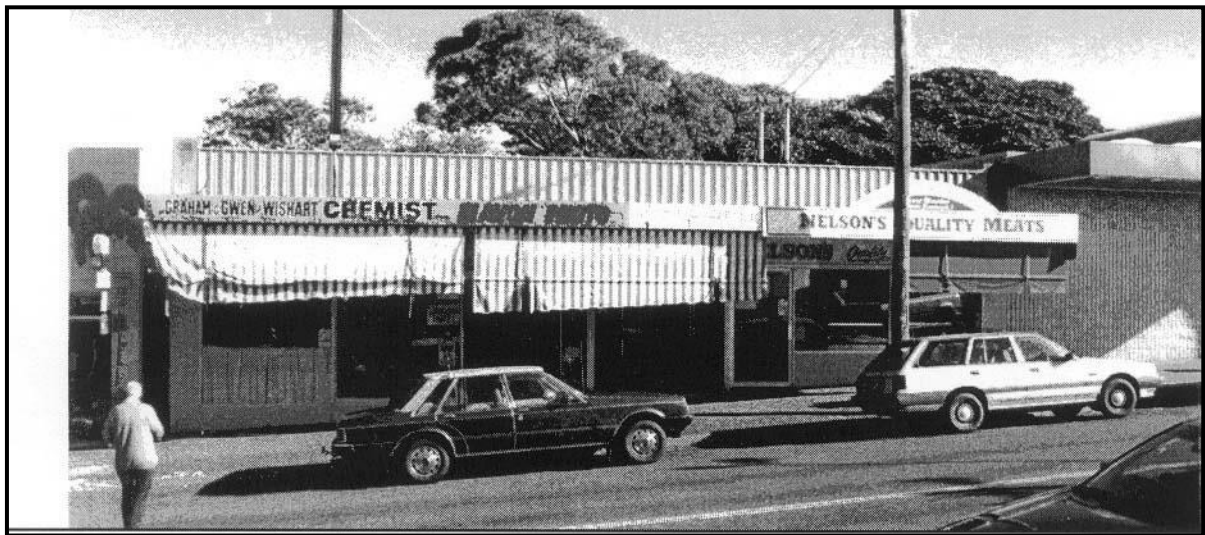
Lot 10 DP 623468 No 109 - 115 Fern Street, Gerringong - Wisharts Chemist/Arcade/Nelsons Meats

Classification – Non-Contributory

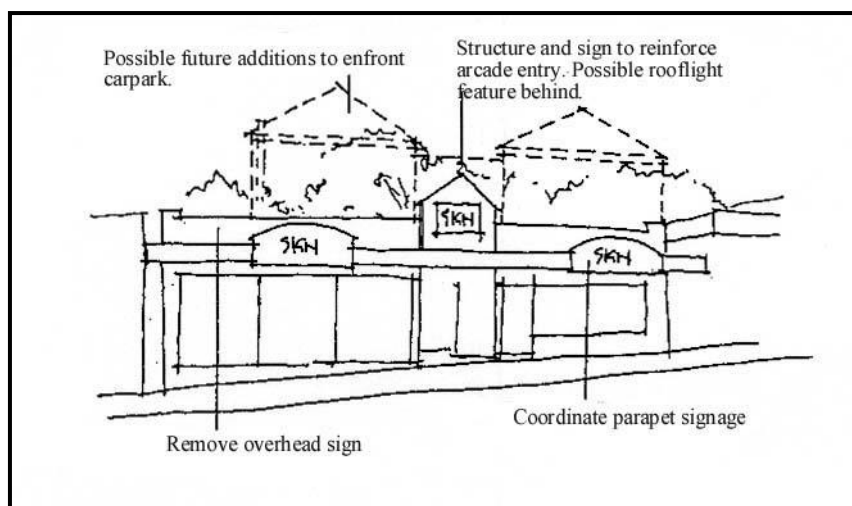
Comments

Work should be undertaken to make this building more sympathetic to the streetscape. The strong horizontal line of this development should be broken by a gable structure to reinforce the arcade entry. Signage could be introduced to the awning and parapet.

First floor additions would be possible as part of the redevelopment of the site fronting the carpark.



Existing Situation



Recommended Façade Treatment

Design Elements – Precinct 2 – Fern Street Facades

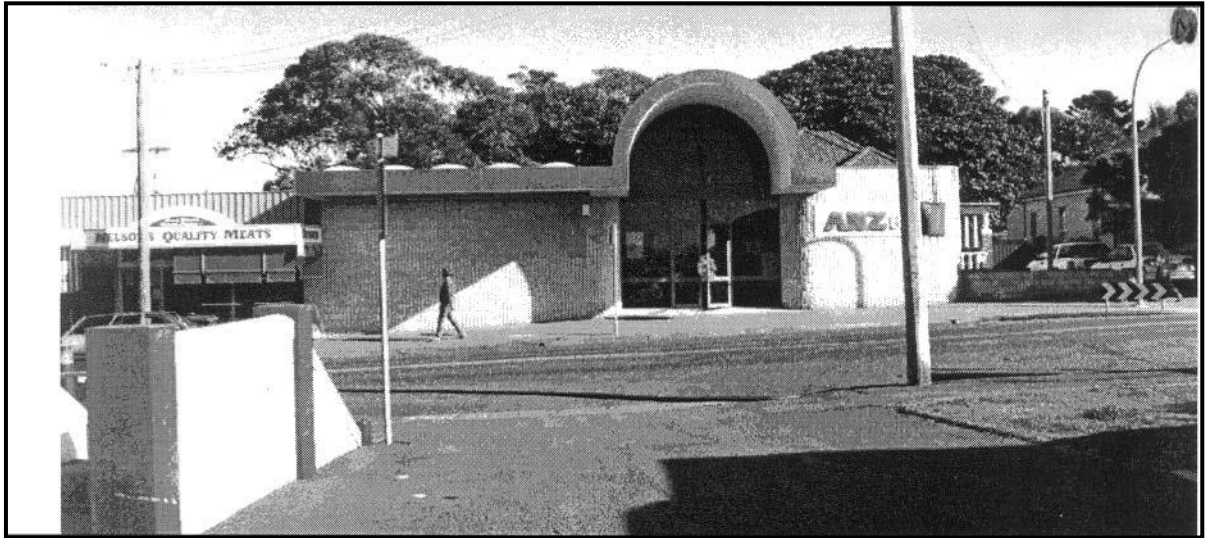
Lot 12 DP 619144 No 107 Fern Street, Gerringong - ANZ Bank

Classification – Non-Contributory

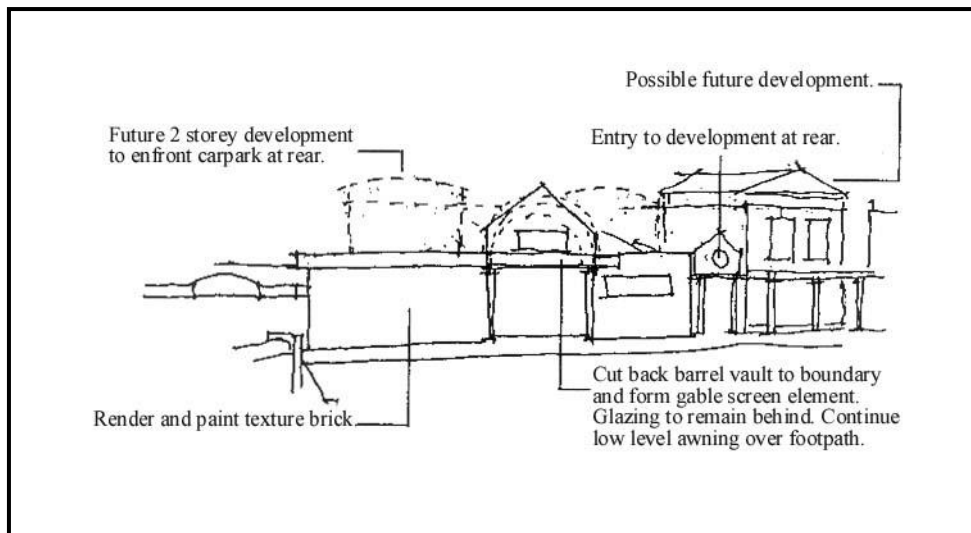
Comments

The scale and dominance of the barrel vault entry is out of character with the streetscape. It is recommended that this element be cut back to the building line and the lower verandah structure continued across or replaced with a skillion verandah.

Future first floor additions are recommended with an entry structure to provide access to development at the rear linking through to the carpark.



Existing Situation



Recommended Façade Treatment

Design Elements – Precinct 2 – Fern Street Facades

Lot 40 TCC 36/96 No 103 Fern Street, Gerringong - Church Cottage

Classification – Non-Contributory

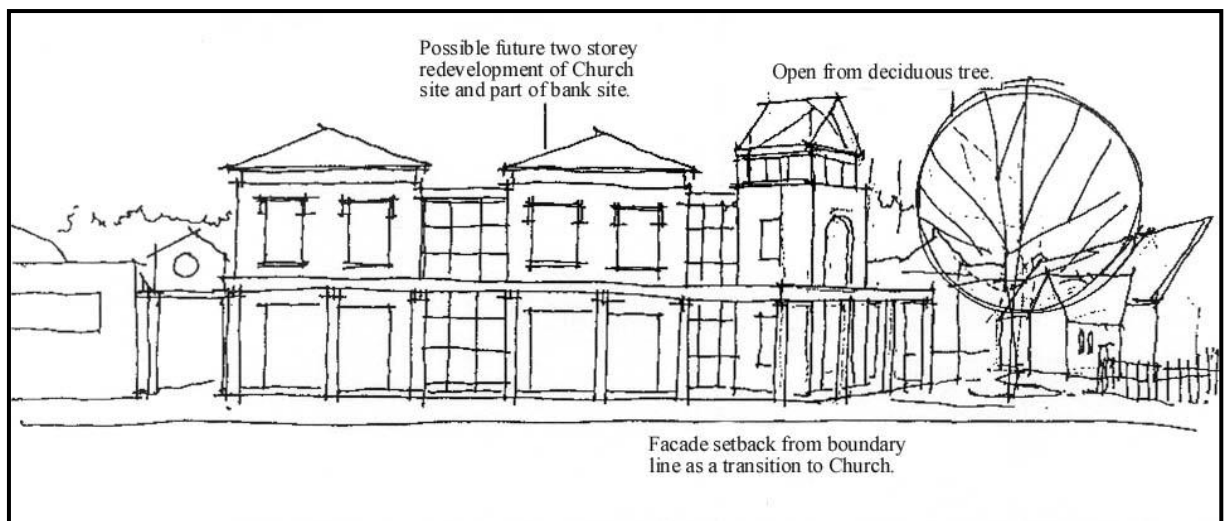
Comments

This site currently provides a soft element in the streetscape being primarily landscaped to the street frontage.

However, the Charrette Report suggests this site as future redevelopment site providing a link to the carpark. Development on this site should address Fern Street and the Anglican Church building by forming a courtyard between the church and the building.



Existing Situation



Recommended Façade Treatment

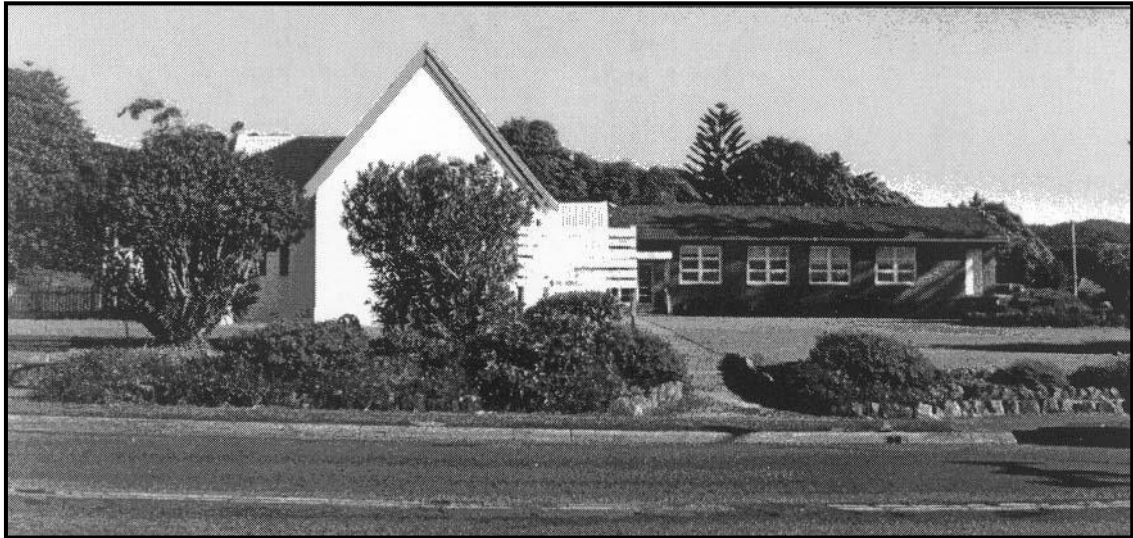
Design Elements – Precinct 2 – Fern Street Facades

Lot 40 TCC 36/96 No 103 Fern Street, Gerringong - St. George Anglican Church

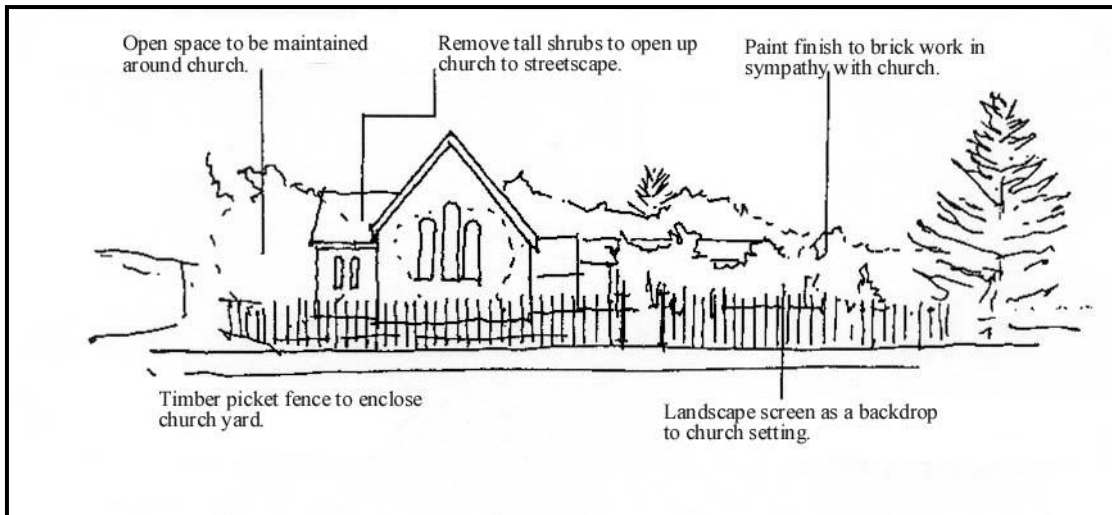
Classification - Significant

Comments

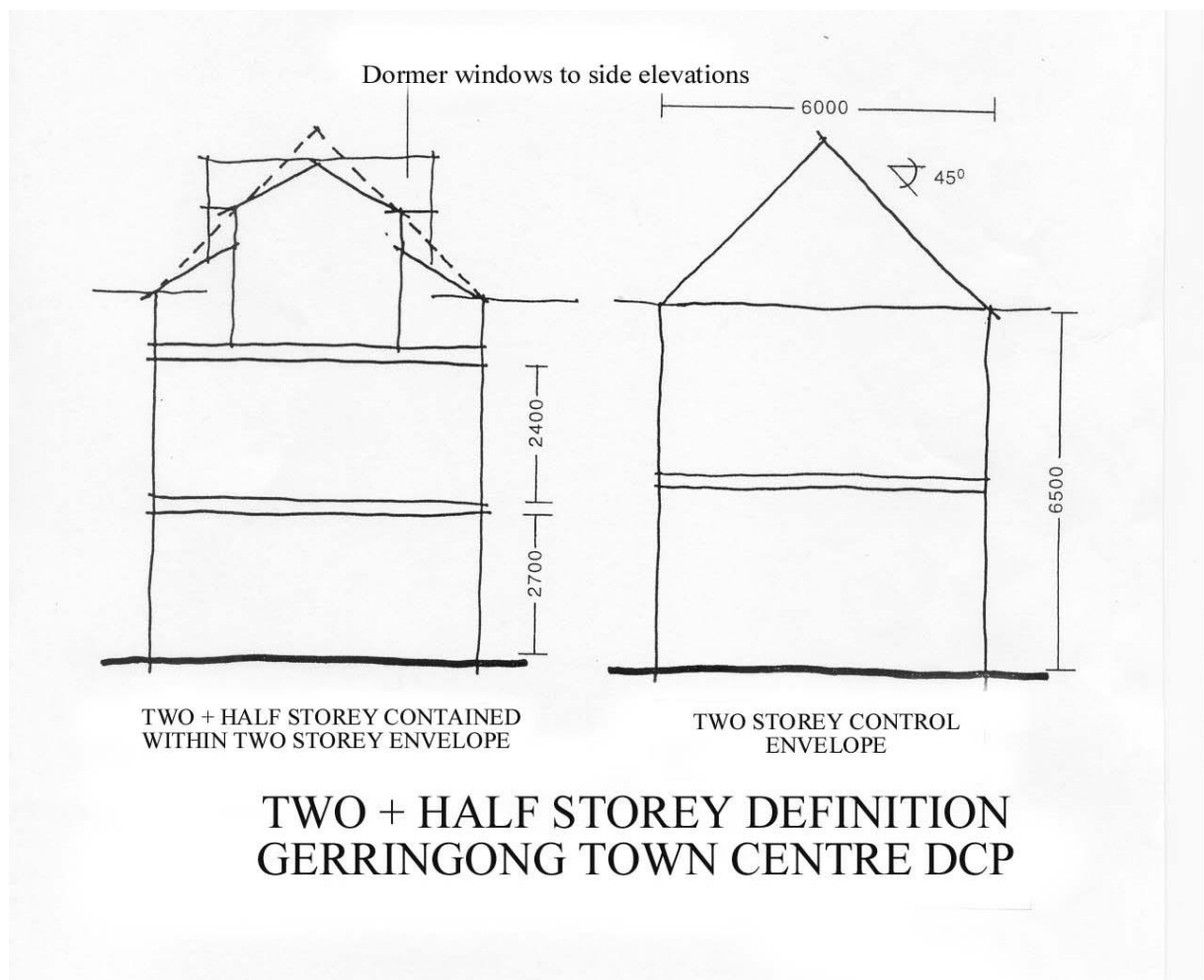
The older Church building set in its open space provides an important component and finishes the Town Centre streetscape. This park like setting should be retained and reinforced by removal of taller shrubs to front boundary and landscape screening of the face brick building behind the Church. A picket fence could be provided to the boundary to contain this space and define the street.



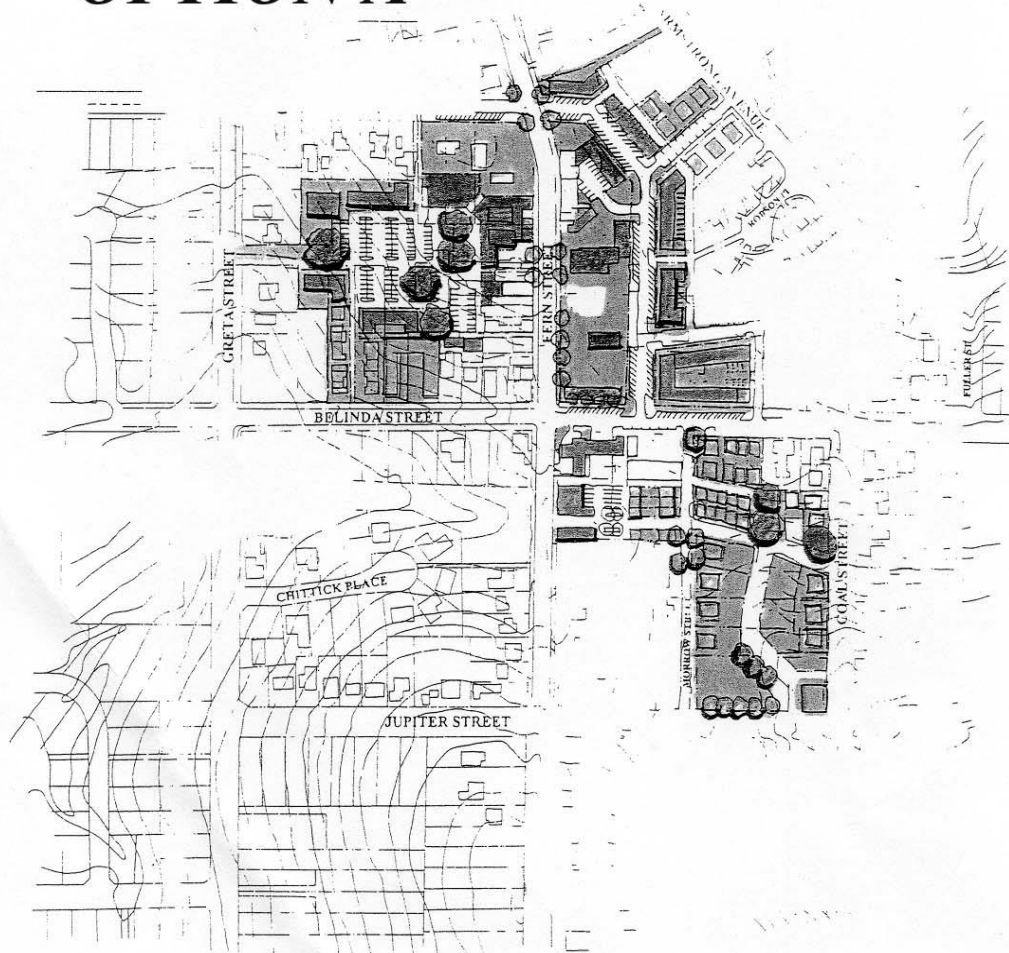
Existing Situation



Recommended Façade Treatment



TOWN CENTRE OPTION A



GERRINGONG EXISTING STREET PLAN

Contours at 2.0m intervals

Topic 12.2 – Gerringong Headland

Introduction

The headlands of the South Coast are a highly valued natural and cultural resource. The coastal landscape of gently undulating hills terminating in vertical cliffs and dark rock formations contribute to the strong character of the towns and settlements of the South Coast.

Gerringong Headland, Werri Beach and Boat Harbour form a memorable natural edge to the town of Gerringong. The “Noble Lands” lie at the junction of these areas, positioned at the interface of Gerringong town and the foreshore. Currently, this land is not publicly accessible and impedes access from Boat Harbour to Werri Beach and from the town centre to the Foreshore Reserve.

This Topic and associated [Gerringong Headland Master Plan](#) sets out the vision for the development of the “Noble Lands” and is implemented using specific controls and guidelines. Proponents seeking to subdivide or construct dwellings on the Noble Lands will be expected to carefully consider the context of their proposal and identify with the Public Domain, and Private Domain controls within this Plan.

Objectives

- O:12.2.1 Preserves the character and primacy of Gerringong Headland;
- O:12.2.2 Implements the objectives of the [NSW Coastal Policy](#) and [State Environmental Planning Policy \(Coastal Management\) 2018](#);
- O:12.2.3 Establishes a definitive limit to urban development and provides continuous access to the Foreshore Reserve;
- O:12.2.4 Increases the amount of public open space on the Gerringong Headland;
- O:12.2.5 Improves connectivity and access between the existing urban area and the Headland Foreshore Reserve;
- O:12.2.6 Interprets the cultural heritage of the site;
- O:12.2.7 Provides a high quality residential environment, of a scale and character worthy of such a remarkable site.

Controls

- 12.2.1 All development must meet the controls relating to Option 1 contained in the technical document [Gerringong Headland Master plan](#).

- 12.2.2 A summary of some major controls for development that is prohibited:
- Residential subdivision or the erection of dwellings otherwise than in accordance with the Adopted Master Plan or an amended master plan adopted under the provisions of this plan.
 - The consolidation or use of individual lots approved in a residential subdivision into larger lots (“super lots”) to enable development for the purposes of “units for aged persons”, any form of multi-dwelling housing development defined under this plan or otherwise permissible under various SEPPs.
 - The creation of additional lots by the re-subdivision of residential lots created in accordance with the Adopted Master Plan.
 - The erection of a dwelling-house on two or more lots or the consolidation of two or more lots into a single lot.
 - The carrying out of dual occupancy development.

Topic 12.3 – Elambra Estate

In addition to controls outlined in other chapters of this document the following controls apply to the land referred to as Elambra Estate as depicted in [Appendix 2](#).

This estate was developed with a Master Plan the major associated controls.

Site Specific Land Subdivision Design Standards

12.3.1 The estate's subdivision layout and associated engineering design must comply with the following standards:

- Streets shown in the Master plan must be designed in conformity with the subdivision street design layout in that Plan. However, Council may vary the location and street cross section design where it considers this is appropriate in particular circumstances and is consistent with the plan's subdivision objectives and performance standards.
- Lots for conventional detached houses must have a minimum area of 450m².
- Lots distinctively identified in the Master Plan for detached dwelling-houses must only be used for their intended purpose and not other forms of multi-dwelling housing.
- Lots distinctively identified in the Master Plan for multi-dwelling housing must be used for their intended purpose. Such land shall not be re-subdivided for sale as conventional vacant detached dwelling house lots. However, Council may vary the requirement where it is satisfied that the desired residential density can be maintained under a new proposal involving that land.
- Lots distinctively identified in the Master Plan multi dwelling housing cannot be used for dual occupancy development.
- Lots distinctively identified for dual occupancy development in the Master Plan may be developed for dual occupancy purposes or alternatively for a detached dwelling house.
- Notwithstanding the above restrictions, land identified as Sites A, B and C in the Master Plan may, with Council's consent, be developed for residential purposes other than those indicated on the map. However, this will be subject to a site master plan being prepared for development of those sites that Council considers will achieve acceptable subdivision and housing design outcomes in keeping with the plan's land subdivision and housing design objectives and performance standards.
- Council may establish building envelopes on lots adjoining existing lots on the perimeter of the estate in order to achieve view sharing by new and existing residents.
- Planting and revegetation of public reserves and streets must primarily use locally endemic and other appropriate native species to increase biodiversity.
- All residential lots must be connected to the Gerringong-Gerroa sewerage system.
- Electricity service cables must be placed underground.

Site Specific Housing Design Controls

12.3.2 Buildings, that are applicable under this section, are to standards specified below:

Site coverage– except for dual occupancy/secondary	All development forms and ancillary development Maximum of 60% of the site.
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dwelling and medium density development	
Primary street frontage	4 metres in addition any garaging must be set back a minimum of 6m to allow for stack parking.
Secondary street frontage (corner sites)	The front building line is measured from the narrowest street frontage. A secondary building line is 3.5 metres.
Side Setback	Refer to relevant building line controls in Chapter 6 .
Rear setback	<p>A minimum rear building line of 6 metres (or such a greater building line setback as may be imposed in some circumstances at the subdivision stage) to maintain solar access to adjoining house sites.</p> <p>Single storey structures including garages, pools, pergolas and barbecue areas may be sited at a lesser distance from the rear property boundary, where such a structure satisfies the objectives of this plan and where, in the opinion of Council, no unreasonable impacts on neighbouring properties will result.</p>

- 12.3.3 Council may, in the case of lots with shallow depth (ie generally less than 25 metres), consider varying the minimum rear building line where an applicant can demonstrate that it is impractical to design a dwelling meeting the building lines in this plan due to site constraints or other design based reasons.
- 12.3.4 Where Council agrees to vary the rear building line, it may require by condition of consent that:
- the part of the building extending beyond the rear building line be single storey
 - the building extending beyond the rear building line not significantly impacting upon the solar access or privacy of an adjoining dwelling or its outdoor recreation space or a development envelope on an adjoining vacant lot
 - no door or window openings (other than high level windows) be located on that part of the rear elevation of the building extending beyond the rear building line
 - the proportion of the building extending beyond the building line be only partial such that at least half of the site area located between the rear boundary and the 6 metre rear building line is retained as a functional rear yard space for the outdoor recreational needs of the occupants of the dwelling.
- 12.3.5 To establish a neighbourhood character that is predominantly comprised of low rise 1 to 2 storey dwellings.
- 12.3.6 To restrict the size of detached dwelling houses in order to maintain residential buildings in scale with others in the neighbourhood.
- 12.3.7 To create a visually attractive street system and a well defined urban edge to the town of Gerringong.
- 12.3.8 To provide for a range of housing types on a variety of lot sizes catering for various age groups and their housing needs.

- 12.3.9 To require houses to be designed, sited and constructed in a way consistent with ecologically sustainable development objectives and urban design principles to enhance the public domain.
- 12.3.10 To utilise split level housing design and height controls to ensure buildings follow the slope of the land thereby minimising site excavation and preventing excessively bulky buildings that detract from the streetscape and increase overshadowing of adjacent houses.
- 12.3.11 To foster an environmentally responsible and caring community through consultation between neighbours on the design of housing.

Controls for Multi-dwelling housing and Dual Occupancy Development Sites.

- 12.3.12 The DCP Master Plan distinctively identifies sites that are to be developed for dual occupancy development and multi-dwelling housing.
- 12.3.13 Sites designated as multi-dwelling housing development sites must not be subdivided for the purposes of conventional detached dwelling-house lot purposes or for the purposes of achieving dual occupancy development.
- 12.3.14 These sites must be developed as an integrated designed land and house development package and must be constructed as a total development and not in stages.
- 12.3.15 Sites designated for dual occupancy development may be developed for that purpose or alternatively as a site for a single detached dwelling house or a single detached dwelling house and an attached granny flat.
- 12.3.16 Sites identified and developed for dual occupancy development on corner sites must be designed in a manner that one dwelling fronts each street from which entry to each dwelling must be obtained.

Building Design On The Edge Of The Estate

- 12.3.17 Housing of any type constructed on the estate's edge, including those lots fronting any perimeter road, must be designed and constructed in a manner that will not create buildings that are conspicuous in the landscape setting either by reason of their:
- bulk or scale
 - roof design and pitch
 - colour or reflectivity of external cladding and roofs.

- 12.3.18 Houses located on the edge of the estate (including those that front a perimeter road) will be the most visible buildings when the urban fringe is viewed from outside the estate. Design and external finishing techniques must be used to assist making perimeter housing less conspicuous in the landscape by:-
- articulating external front elevation walls to avoid long expanses of straight walls
 - varying building mass to avoid excessively bulky (eg, box shaped) two storey front elevations facing the perimeter road
 - reducing building bulk and scale by avoiding the use of roofs of excessive pitch, bulk or design such as “mansard” or “A shaped” roofs
 - choosing materials and colour finishes on roofs and external walls that are of low reflectivity and subdued rather than vivid colour tones.
- 12.3.19 Development Applications for all types of houses located on the edge of the estate must be accompanied by details of proposed materials and colour schemes for wall finishes and roofs.
- 12.3.20 Dwellings on the edge of the estate that are exposed to a bush fire risk may be required to meet bush fire protection measures as required under [Clause 4.14 of the Environmental Planning and Assessment Act 1979](#) (as amended).

Site Specific Building Lines

- 12.3.21 Residential lots will be subject to the following building lines [setbacks]:
- A front building line of 4 metres for detached dwelling-houses and dual occupancy development.
 - In the case of corner sites, the front building line is measured from the narrowest street frontage.
 - A front building line of 3.5 metres for multi dwelling housing development sites.
 - A secondary building line in the case of a corner site of 3.5 metres.
 - A minimum rear building line of 6 metres (or such a greater building line setback as may be imposed in some circumstances at the subdivision stage) to maintain solar access to adjoining house sites.
- 12.3.22 A garage or car port building line of 6 metres, irrespective of the housing type or which street car access is obtained, to ensure that:
- habitable rooms and not garages gain prominence in the streetscape to improve the aesthetics of the streets and to improve the scope for casual surveillance of the street
 - a vehicle parked in a residence driveway can be wholly parked within the residential property boundaries.
- 12.3.23 Garages and car ports must be setback at least 1 metre behind the street elevation of the house it serves to enhance the appearance of the house in the streetscape.
- 12.3.24 Boats, trailers and caravans must be parked behind the front building line or secondary building line in the case of a corner lot and screened by a gate.

- 12.3.25 Council may exercise discretion in varying building lines set by this clause to take into account unusual site conditions or circumstances especially in the case of Sites A, B and C identified in this [master plan](#).

Retaining Walls and Fences

To help achieve an attractive neighbourhood streetscape, retaining walls and fences located within the front building must meet the following standards:

- 12.3.26 Front fences must not exceed 1.2 metres in height except in the case of side boundary fences on corner lots which may be constructed up to 1.8 metres behind the front building line to enable motorist visibility at intersections.
- 12.3.27 Council may set more restrictive fence height standards forward of the front building line on corner sites for traffic safety reasons.
- 12.3.28 Front fences for dwellings in dual occupancy development and integrated housing development sites that are located on the southern side of east-west oriented streets may, subject to appropriate aesthetic design, be built to 1.8 metres where they enclose a private north facing courtyard contiguous to an indoor living area to provide privacy.
- 12.3.29 Such fences must:
- not exceed an overall length of 50% of the lot width
 - enable the house entry to be visible from the street and a habitable room window to provide casual surveillance of the street
 - must be articulated at no less than 3 metre intervals by 500 millimetre indents (extending for at least 1 metre) and landscaped with external planting on the street side of the fence.
- 12.3.30 Front fences in other cases must be constructed from decorative fencing materials comprised of masonry walls (using face brick, rendered brick or other materials and finishes acceptable to Council), timber picket or a combination of same. The following are indicative of unsuitable front fencing materials:
- chain wire
 - steel mesh
 - sheet metal
 - open post and rail or wire.
- 12.3.31 Security side boundary fences facing the street in the case of a secondary street frontage on a corner lot must not detract from the street and must be constructed of common timber paling, lapped and capped paling or masonry or a combination of these materials. The following are indicative of unsuitable materials on security fences facing the street:
- chain wire
 - steel mesh
 - sheet metal
 - post and rail.
- 12.3.32 Retaining walls, where required within the front or secondary building line areas, must be designed and constructed to achieve an aesthetic landscaped finish and be supplemented with screening vegetation where extensive lengths of walls will face and be visible from the street.

- 12.3.33 Retaining walls in front of a front or secondary street building line must be limited to a height of no more than 200 millimetres.
- 12.3.34 Retaining walls higher than 1 metre require consent and must be designed by a civil engineer or a suitably qualified design practitioner.
- 12.3.35 The use of retaining walls within the front or secondary building line areas to achieve levelling of yards must be achieved through terracing by a series of low walls supplemented by screening vegetation rather than by excessively high walls that dominate the site and impact adversely on the streetscape.

Development of Significant Privately Owned Sites

- 12.3.36 The [Master Plan](#) identifies the following three private sites that each have significant development potential and therefore should be linked in with the development of the Council's land. Council will negotiate acceptable site master plans for these sites with their owners to achieve residential development outcomes in keeping with the objectives.

Site A - Part Lot 1 DP 712994 Fern Street - Baptist Church Site

This site has been acquired by the Baptist Church for a church, car parking and a Church residence. Council has negotiated arrangements with the Church to provide a street access linking to Fern Street through the Church land. Vehicular access to the Church car park must be provided in a location approved by Council to ensure traffic safety. If the land is not used for a Church, it may be subdivided and developed for residential purposes in accordance with a master plan prepared for the site approved by Council.

Site B - Lot 4 DP 604657 Fern Street

This large site is occupied by a single dwelling. In any future subdivision of the lot, vehicular access to the new lots must be obtained from the new street adjacent to Fern Street that provides for safer access to this site. This site may be subdivided and developed for residential purposes in accordance with a master plan prepared for the site and approved by Council.

Site C - Part Lot 1 DP 182201 Campbell Street

This site currently forms part of a large rural lot. It is irregular in shape and poses some challenges in designing a residential subdivision and development that would be consistent with the objectives, performance and design standards of this plan. Some of the land may be subject to flooding and the land lies below the level of the site proposed for the northern stormwater pollution control facility that will treat stormwater generated on the northern part of the estate. The land may also lie below the level that sewage can be gravity fed to the proposed sewage pumping station to service the northern part of the estate.

This site may only be developed if:

- residential lots are wholly located above the 1% flood level
- residential subdivision and housing design can meet the land subdivision and housing objectives contained in this plan and will not detract visually from the estate's urban edge
- the site can be connected to sewer

- the site can be connected to an appropriately designed stormwater pollution control facility or an on-site water pollution control system approved by Council and the Department of Land & Water Conservation
- riparian land on the eastern side of Union Creek - located between the Creek and that part of the site to be developed for residential purposes - is rehabilitated and dedicated to Council as public reserve
- an acceptable site master plan is prepared for residential subdivision and development and approved by Council that will enable development to be carried out in a way consistent with this plan's land subdivision and housing design objectives and performance standards.

On-site Rainwater and Reuse

- 12.3.37 An approved rainwater re-use tank must be installed at the time of construction of each new dwelling to enable on-site water retention and partial re-use of rain water. Rainwater tanks must be 3.5KL per dwelling for dual occupancy and medium density and 10KL for single dwellings.
- 12.3.38 Specifications for the design, installation and operation of on-site water retention and re-use systems are included in Technical document "[Technical Specifications for the Design and Installation of Rainwater Tanks at Elambra Estate, Gerringong.](#)"
- 12.3.39 Compliance with this section is essential as the Elambra Estate's stormwater quality system are dependent on the implementation of on-site rainwater re-use systems installed on each residential lot.
- 12.3.40 Conditions must be applied by Council to development consents for all dwellings:
- requiring installation and on-going maintenance of rainwater re-use systems by only licensed trades qualified person, and
 - enabling periodic inspection of rainwater re-use systems by Council's staff (or its agents) to monitor the on-going compliance of the systems installed.

Excavation

- 12.3.41 To minimise the scope for land slip, poor sub-floor drainage, erosion (during construction) and poor site aesthetics often associated with exposed large retaining walls, site excavation will be limited to a depth of not more than 600 millimetres.
- 12.3.42 Excavations must be quickly and effectively stabilised by earth batters or retaining walls.
- 12.3.43 Retaining walls and earth batters must be located wholly within the lot boundaries and not be located on the side boundaries such as could cause future disputes over maintenance.
- 12.3.44 Earth batters must be quickly stabilised, mulched and re-vegetated to reduce the opportunity for erosion of exposed soil during rainfall events.
- 12.3.45 Council may issue technical specifications for excavation and structures for retaining cut and fill associated with excavation.

- 12.3.46 All construction sites must comply with soil erosion management measures applied in conditions of development consent to prevent disturbed and exposed soil gaining entry to the road drains and placing an unacceptable load on the estate's water quality facilities.

NOTE:

RESTRICTIONS ON SITE EXCAVATION MAY INFLUENCE THE TYPE OF CONSTRUCTION OF FLOORING ON SLOPING SITES AND MAY PRECLUDE THE CONSTRUCTION OF SLAB ON GROUND BUILDING TECHNIQUES ON SUCH SITES.

LAND BUYERS SHOULD SATISFY THEMSELVES THAT PREFERRED HOUSING SITES WILL SUIT THE TYPE OF CONSTRUCTION BEFORE THEY SIGN BINDING CONTRACTS FOR THEIR CHOSEN SITE.

THIS ASPECT SHOULD BE DISCUSSED WITH A BUILDING CONTRACTOR OR PROJECT HOME BUILDER AND MAY REQUIRE AN ACCURATE SITE SURVEY BEFORE PURCHASE SO THAT LIKELY CONSTRUCTION COSTS (INCLUDING THE COST OF RETAINING

Topic 12.4 – Jamberoo Village

Purpose of the Topic

Future development in the Jamberoo Village needs to reflect the existing development within the Village as well as satisfying the expectations of the community. Future development needs to provide opportunities for passive surveillance of streets and public open spaces, as well as visually connecting the Village to the adjoining agricultural land. Future development within Jamberoo needs to pay close attention to the importance of providing direct vehicular and pedestrian connections to the commercial centre of Jamberoo Village.

This chapter outlines the requirements for development within the residential and business zoned land of Jamberoo, having regard to the following objectives:

- To be sympathetic to the existing and desired future low density character of the Jamberoo Village;
- Conserve the agricultural potential of the Jamberoo Valley;
- Conserve areas of native vegetation;
- Protect items of environmental and cultural heritage and promote their restoration and enhancement;
- Preserve the scenic amenity of Jamberoo Village and views of the surrounding agricultural Valley;
- Ensure future development is sited, designed and of a scale that is consistent with the desired future character of the area.

Character of Jamberoo

The Village of Jamberoo is nestled within the historical agricultural Jamberoo Valley, through which the Minnamurra River flows. Jamberoo is located at the top of the valley which is edged to the south by Saddleback Mountain and the west by the Illawarra escarpment. Jamberoo district forms part of the Illawarra coastal plain between Albion Park and the Shoalhaven River. The plain in this location is about 12 km wide and is bounded on the West by the Illawarra escarpment forming the cliffed edge of the plateau behind. The Jamberoo basin is roughly semi-circular, bounded on the north and south by spurs extending toward the coast, the Southern spur ending at Saddleback Mountain, to the South west of Kiama.

The upper reaches of the Jamberoo basin have steep benched slopes and numerous smaller spurs from which creeks drain down to join the Minnamurra River, the principal stream draining through the rich pasture lands on the floor of the basin towards the sea. The sharp escarpment of the enclosing range is tempered by rather softer foothills and spurs. Minnamurra Falls is situated at the head of the Jamberoo basin in a pocket of rainforest sheltered from wind and where humidity is high and the fertile soil is of volcanic origin. Spectacular views over the basin and the nearby coastline may be obtained from vantage points on the edge of the escarpment, and from Saddleback Mountain.

There is a historic and rather English feel to the Jamberoo area which is characterised by the town's charming churches and accentuated by the dry stone walls which separate the farms in the area. The prominent buildings in the Jamberoo Village include the Jamberoo Pub, which is distinguished by its faux-Elizabethan half-timbered façade, St Stephen's Presbyterian Church, with its square tower and rounded arches, the cement rendered Anglican Church of the Resurrection, St Matthews Catholic Church, and the rebuilt Frederick's General Store.

The style of residential development within the Village is characterised by an eclectic mixture of single and double storey dwellings. The predominant building materials utilised within the Village include brick and timber facades with older dwellings having tiled roofs compared to the corrugated iron being utilised in more recent developments. The older dwellings along Allowrie Street are setback a relatively smaller distance from their respective front boundaries compared to more recent developments within the Village. Dwellings generally incorporate pitched roof forms. Due to its siting within an agricultural valley residential

development within Jamberoo directly neighbours and overlooks active farming land. This forms part of the Village character and it is important that this is maintained and preserved.

This small historic Village is set within the Jamberoo Valley and comprises many old cottages and other larger buildings, with some newer detached housing clustered around the western extent of the Village. The historic character of the Jamberoo Valley should be retained and the significant historic buildings located within the area preserved. Large sections of undeveloped rural and steep land surround the recently developed areas.

The Key Defining Elements of the Jamberoo Village are:

- Main street interspersed with historic buildings;
- The Village core area including large public open spaces and sporting facilities;
- Dry-stone walls adjoining agricultural land;
- Dry-stone walls positioned as entry features;
- Traditional European building styles;
- Small scale commercial development that addresses the street;
- Relatively large lots within a low density settlement pattern and good building separation;
- Generous front setbacks for residential development;
- Views between buildings of surrounding agricultural land; and
- Moderately pitched roofs;
- Traditional building elements (i.e. gables, eaves, vertical proportioned windows, front verandas, timber veranda posts, timber shading devices over west facing windows etc.);
- Half-timbered façades;
- Horizontal cladding; and
- Recessive garages located towards rear of properties.

Desired Future Character

The Desired Future Character of the Jamberoo Village is to maintain and enhance the rural village atmosphere surrounded by active farming land.

Development within the Village shall incorporate the Key Defining Elements of the Jamberoo Village in their design to maintain and enhance the charm of the established rural village context and character.

The design of new commercial development should:

- Be small scale which directly fronts the street;
- Contribute to the passing tourism economy; and
- Enhance the traditional rural village character

The design of new residential development should incorporate:

- Simple pitched and hipped roof designs;
- Generous separation from neighbours;
- Traditional European architectural elements;
- Light weight construction (i.e. timber cladding) in the upper half of the development;
- Heavy weight construction (i.e. masonry, face brick) in the lower half of the development;
- Horizontal cladding;
- Subservient garaging; and
- Design features which enhance and reflect the charm and character of the traditional rural village.

It is envisaged that over time existing undesirable development within the Village will be altered to conform with the Key Defining Elements of the Jamberoo Village.

Application of this Topic

This Topic applies to all categories of development carried out within the residential and business zones of the Jamberoo Village, with the exception of the area identified in [Figure 1](#) of Topic 12.5 - Wyalla Road Residential Release Area of the DCP 2020.

This Topic should be read in conjunction with the [LEP 2011](#) and other relevant sections of this DCP. Application of this Chapter prevails in the event of an inconsistency between Topic 12.4 – Jamberoo Village and any other Chapter of the Kiama DCP 2020.

This plan expresses the controls as Acceptable Solutions and/or Performance Criteria (with the exception of the subdivision section). The Acceptable Solutions provide a clear and simple measure by which development may achieve the intent of a particular development control and the Desired Future Character of the Jamberoo Village. Where a development does not meet the Acceptable Solutions, outlined below, the applicant must prepare a statement justifying how the development meets the relevant Performance Criteria, overall objectives of the control and Desired Future Character of the Jamberoo Village. These applications will be assessed on individual merit. This allows for some flexibility and innovation in design and caters for exceptional circumstances where strict compliance with the Acceptable Solution is considered either impractical or unnecessary. The intent of the controls and the aims and objectives of the LEP and DCP must be met whichever path is chosen.

Development Controls - RESIDENTIAL DEVELOPMENT – Single Dwellings, alterations and additions and ancillary development (R2 LOW DENSITY RESIDENTIAL ZONE)

Objectives

O:12.4.1	To provide guidelines for the appropriate siting of dwellings and outbuildings.
O:12.4.2	To protect the amenity of the Jamberoo Village.
O:12.4.3	To protect the established character of the Jamberoo Village.
O:12.4.4	To ensure new development is compatible with the Desired Future Character of the Jamberoo Village.
O:12.4.5	To ensure views of the surrounding rural landscape are preserved.
O:12.4.6	To ensure the occupants of future dwellings are provided with suitable areas of private open space and solar access.
O:12.4.7	To ensure that outbuildings and garages are not dominant features in the Jamberoo Village streetscape.

Performance Criteria		Acceptable Solutions	
Siting of Development			
12.4.1	New development should be designed and located to preserve view corridors between adjoining buildings and reinforce the Desired Future Character.	12.4.1a	Refer to acceptable setback solutions below.
12.4.2	Buildings are setback from front boundaries (i.e. street frontage) to contribute to the existing or proposed streetscape character and are generally consistent with the prevailing setbacks in the area.	12.4.2a	In the absence of an established setback, dwellings are to be set back a minimum 6m from the front boundary. Refer to Figure 1.1 .

Performance Criteria		Acceptable Solutions	
12.4.3	Buildings are setback from side boundaries to reduce the impact on adjoining properties in terms of bulk and scale, privacy and overshadowing and view corridors to rural land and the escarpment.	12.4.2b	Where an established setback exists, dwellings are to be set back from the front boundary the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected. Refer to Figures 1.2 & 1.3.
		12.4.3a	Side boundary setbacks for dwellings on land directly adjoining rural (RU1 or RU2) zoned land (whether or not separated by a road or Council reserve) shall be a minimum 1.5m to one side boundary and 3m to the other, or as prescribed by the building envelope or easement applying to the land. Refer to Figure 2.
		12.4.3b	In all circumstances the side boundary setbacks for dwellings shall be a minimum of 1.5m and within a 45 degrees projected plane from a vertical distance of 3.6m above the existing ground level at the side boundaries.
12.4.4	Buildings are setback from rear boundaries so as not to reduce the visual amenity and privacy of adjoining properties and to reduce the impacts from overshadowing.	12.4.4a	In the absence of an established setback, buildings, with the exception of outbuildings (see below), are to be setback a minimum of 6m from the rear boundary. Refer to Figure 1.1
		12.4.4b	Where an established setback exists, buildings, with the exception of outbuildings (see below), are to be set back from the rear boundary an average distance of the setbacks of the nearest 2 dwelling houses located within 40m of the lot on which the dwelling house is erected. Rear setbacks are not to inhibit the establishment of Private Open Space. Refer to Figures 1.2 & 1.3.

Performance Criteria		Acceptable Solutions	
12.4.5	Buildings should step down with slope to minimise their impact on the natural landscape and to preserve view corridors between adjoining buildings.	12.4.5a	Cut and fill on the site external to the perimeter of the building is limited to 900mm.
		12.4.5b	Retaining walls and earth batters must be located a maximum of 600mm from property boundaries.
		12.4.5c	Retaining walls shall be constructed of dry stone.
Built Form (Materials & Finishes)			
12.4.6	New development should be designed and located to preserve view corridors between adjoining buildings and reinforce the Desired Future Character.	12.4.6a	Refer to acceptable setback solutions below.
12.4.7	Buildings are setback from front boundaries (i.e. street frontage) to contribute to the existing or proposed streetscape character and are generally consistent with the prevailing setbacks in the area.	12.4.7a	In the absence of an established setback, dwellings are to be set back a minimum 6m from the front boundary. Refer to Figure 1.1 .
		12.4.7b	Where an established setback exists, dwellings are to be set back from the front boundary the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected. Refer to Figures 1.2 & 1.3 .
		12.4.7c	When located adjacent to a heritage item, the set back of the dwelling from the front boundary is to consider and respond to the visual curtilage of the item.
12.4.8	Buildings are setback from side boundaries to reduce the impact on adjoining properties in terms of bulk and scale, privacy and overshadowing and view	12.4.8a	Side boundary setbacks for dwellings on land directly adjoining rural (RU1 or RU2) zoned land (whether or not separated by a road or Council reserve) shall be a minimum 1.5m to one side boundary and 3m to the other, or as prescribed by the

Performance Criteria		Acceptable Solutions	
	corridors to rural land and the escarpment.	12.4.8b	<p>building envelope or easement applying to the land.</p> <p>Refer to Figure 2.</p> <p>In all circumstances the side boundary setbacks for dwellings shall be a minimum of 1.5m and within a 45 degrees projected plane from a vertical distance of 3.6m above the existing ground level at the side boundaries.</p> <p>Refer to Figure 3.</p>
12.4.9	Buildings are setback from rear boundaries so as not to reduce the visual amenity and privacy of adjoining properties and to reduce the impacts from overshadowing.	12.4.9a	<p>In the absence of an established setback, buildings, with the exception of outbuildings (see below), are to be setback a minimum of 6m from the rear boundary.</p> <p>Refer to Figure 1.1.</p>
		12.4.9b	<p>Where an established setback exists, buildings, with the exception of outbuildings (see below), are to be set back from the rear boundary an average distance of the setbacks of the nearest 2 dwelling houses located within 40m of the lot on which the dwelling house is erected. Rear setbacks are not to inhibit the establishment of Private Open Space.</p> <p>Refer to Figures 1.2 & 1.3.</p>
12.4.10	Buildings should step down with slope to minimise their impact on the natural landscape and to preserve view corridors between adjoining buildings.	12.4.10a	Cut and fill on the site external to the perimeter of the building is limited to 900mm.
		12.4.10b	Retaining walls and earth batters must be located a maximum of 600mm from property boundaries.
		12.4.10c	Retaining walls shall be constructed of dry stone.
Built Form (Materials & Finishes)			
12.4.11	The bulk and scale of new development shall be consistent with the Desired Future Character of the Jamberoo Village.	12.4.11a	Maximum building height and Gross Floor Area is to be in accordance with the Kiama LEP 2011 .
		12.4.11b	The primary roof structure shall be a pitched roof with a minimum pitch of

Performance Criteria		Acceptable Solutions	
		12.4.11c	<p>25°. Lower pitch skillion roofs are permitted on verandahs and other minor elements of the building.</p> <p>Refer to Figure 4.</p> <p>Front entrances to dwellings are to be through covered front verandas/patios of a minimum depth of 1.5m</p> <p>Refer to Figure 4.</p>
12.4.12	Materials and finishes are to be sympathetic to the surrounding rural and natural settings.	12.4.12a	Materials and finishes comply with relevant BASIX requirements.
		12.4.12b	<p>Dwellings are to incorporate building materials that are sympathetic to the established streetscape character into the facades. These may include stone, brick or timber elements with tile or corrugated metal roofs.</p> <p>Refer to Figure 5.</p>
		12.4.12c	<p>50% of each façade of a dwelling is to be clad in horizontal timber or similar light-weight cladding with a traditional profile.</p> <p>Refer to Figure 5.</p>
12.4.13	Development shall not result in large, expansive walls facing side boundaries.	12.4.13a	<p>The maximum unbroken length of walls facing side boundaries must not exceed 10m.</p> <p>Refer to Figures 6.1 & 6.2.</p>
		12.4.13b	<p>A minimum of 1m indentation is required where a building exceeds the maximum length as identified above.</p> <p>Refer to Figures 6.1 & 6.2.</p>
Landscaping & Private Open Space (POS)			
12.4.14	Dwellings are to be provided with sufficient POS, with the principal POS area preferably facing north and having direct access to the main living area	12.4.14a	<p>Each dwelling must be provided with a minimum principal POS of 40m² with a minimum dimension of 5m and have direct access to the main living area.</p> <p>Refer to Figure 7.</p>
		12.4.14b	The gradient of the principal POS shall not exceed 1:4.

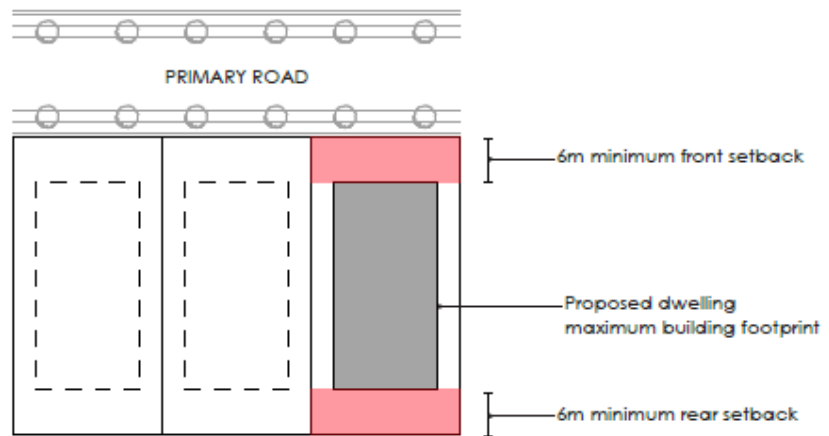
Performance Criteria		Acceptable Solutions	
		12.4.14c	<p>Refer to Figure 7.</p> <p>POS shall receive a minimum of 3 hours of solar access between 9am and 3pm on 21st June.</p> <p>Refer to Figure 8.</p>
		12.4.14d	<p>Privacy screens are to be installed along the entire edges of balconies, patios, decks or verandas facing side and rear boundaries that are:</p> <ul style="list-style-type: none"> - within 3m of the side or rear boundary and have a finished floor level of more than 1m above existing ground level; or - within 6m of the side or rear boundary and have a finished floor level of more than 2m above existing ground level. <p>Privacy screens are to have a height of at least 1.7m, but not more than 2.2m, above the finished floor level of the balcony, patio, deck or veranda.</p> <p>Refer to Figure 7.</p>
		12.4.14e	<p>POS shall not be located forward of the front building line.</p> <p>Refer to Figures 7 & 8.</p>
12.4.15	Adequate landscaping is to be provided to ensure the Desired Future Character of the Jamberoo Village is achieved.	12.4.15a	A minimum of 30% of the total site areas is to be provided as landscape area and 50% of the landscaped area is to be provided to enable deep soil planting.
Outbuildings			
12.4.16	Outbuildings are to have minimal visual impact on adjoining properties and should be of a suitable bulk and scale for the site.	12.4.16a	Detached garages and outbuildings are to be located behind the front building line of the principal dwelling and located a minimum 1.5m from the side and 900mm rear boundaries of the property.

Performance Criteria		Acceptable Solutions	
		12.4.16b	Detached garages and outbuildings shall match the style of the dwelling and employ traditional building techniques and features.
		12.4.16c	The height of outbuildings is not to exceed the height of the primary dwelling located on the site.
		12.4.16d	Outbuildings are to be predominantly screened from the street by dwellings located on the site. Metal outbuildings visible from public areas will not be supported.
12.4.17	The dimensions and built form of outbuildings including sheds, detached garages and the like shall not have any adverse impact on adjoining residences with regards to visual amenity, overshadowing or stormwater.	12.4.17a	<p>Total floor area of outbuildings shall be:</p> <p>For lots 1000m² or larger: 100m²</p> <p>For lots below 1000m²: 70m²</p>
12.4.18	Stormwater systems should be designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property.	12.4.18a	Stormwater is discharged to the street, watercourse or approved inter-allotment drainage system.
12.4.19	Materials and finishes are to be sympathetic to the surrounding rural and natural settings.	12.4.19a	<p>Outbuildings are to incorporate building materials that are sympathetic to the main dwelling facades.</p> <p>Refer to Figure 5.</p>
Garaging/Parking			
12.4.20	Car parking complies with the requirements of Topic 3.6 of Chapter 3 .	12.4.20a	A total of two car parking spaces are to be provided for each dwelling with one dedicated space behind the building line and one space behind the front boundary.
		12.4.20b	Garages are to be set back a minimum of 6m from the front property boundary to allow for stacked parking without overhanging the nature strip.

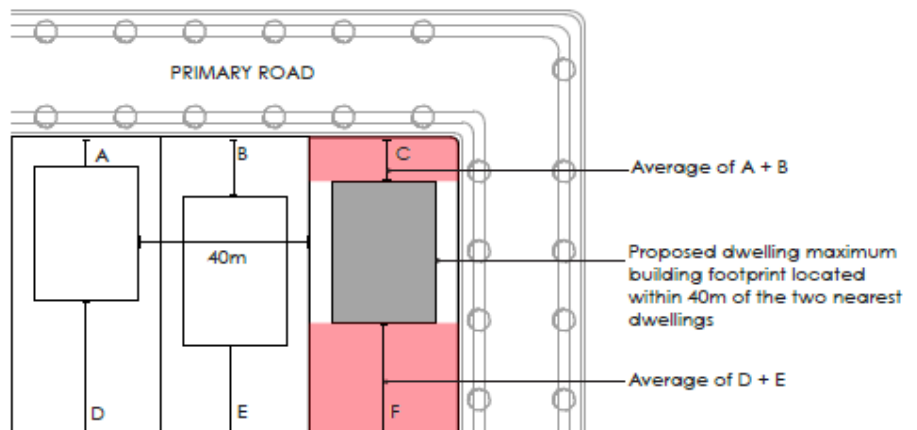
Performance Criteria		Acceptable Solutions	
			Refer to Figures 6.1 & 6.2
12.4.21	Garages are to be located/designed so as not to be a dominant feature of the property when viewed from the street.	12.4.21a	Double bay garage doors shall face either the side or rear boundary of the site.
		12.4.21b	<p>The visual dominance of garage openings can be reduced by any of the following design options:</p> <ul style="list-style-type: none">• Garage and carports are located a minimum 1m behind the front building line; or• Avoid utilising standard roller doors; or• Avoid finishing garage door in different colour to front façade of dwelling; or• Continue the front verandas of dwellings across the front of the garage opening. <p>Refer to Figures 6.1 & 6.2</p>
Safer By Design			
12.4.22	Developments are designed to enhance the community perception of safety and security.	12.4.22a	<p>The main entrance of the dwelling is to be clearly visible from the street;</p> <p>Refer to Figure 9.</p>
		12.4.22b	<p>Windows are to be provided to the front elevation to provide passive surveillance of the street.</p> <p>Refer to Figure 9.</p>
		12.4.22c	<p>Landscaping within the front setback is to be limited to low growing species or tree species with an elevated canopy which allows a clear view to the primary entry point of the building.</p>
		12.4.22d	<p>Sensor lights are to be installed to ensure that the front entrances to dwellings are illuminated, while not causing a nuisance to traffic.</p> <p>Refer to Figure 9.</p>

Performance Criteria		Acceptable Solutions	
Fences			
12.4.23	The design and construction of fences positively contributes to the streetscape, minimises the disruption of floodwaters and have has no adverse impact on the safe ingress and egress of properties.	12.4.23a	Fences constructed forward of the front building line shall be a maximum height of 1.2m above existing ground level.
		12.4.23b	Front fences are either picket fence style or masonry fence style with a minimum transparency of 25% Post or piers may extend above the maximum height by 0.2m. Hedges located behind the fence shall be to a maximum height of 1.5m. Refer to Figures 9 and 10
		12.4.23c	Fences constructed behind the building line shall be a maximum 1.8m above existing ground level.
		12.4.23d	Shall not incorporate barbed wire in its construction or be electrified.
		12.4.23e	Fences shall not obstruct overland flow.
		12.4.23f	Fences forward of the front building line shall not incorporate sheet metal.
		12.4.23g	The colours and materials used for fences behind the front building line shall be compatible with neighbouring fences.
		Views	
12.4.24	New development should be designed and located considering the view-sharing principles in Topic 3.2 of Chapter 3 and building separation to preserve existing character and ensure views to farmland from the streetscape are maintained or introduced	12.4.24a	New development is located within registered development envelopes or outside of view sharing easements (where registered).
		12.4.24b	Development is to comply with acceptable setbacks outlined above.

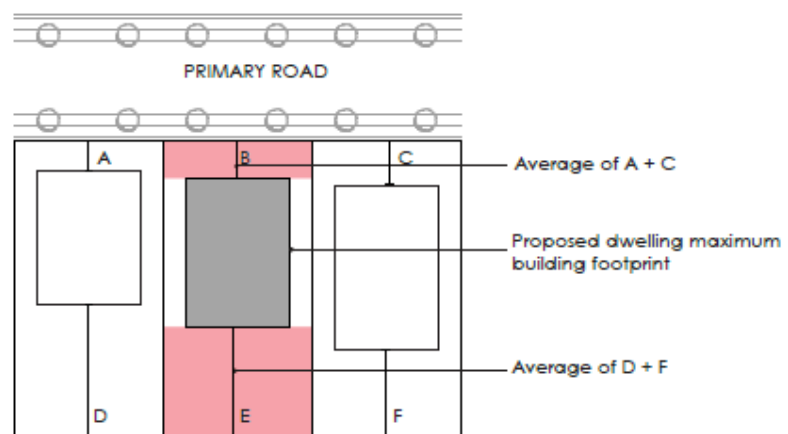
**FRONT AND REAR SETBACK REQUIREMENTS
IN THE ABSENCE OF AN ESTABLISHED SETBACK**
FIGURE 1.1



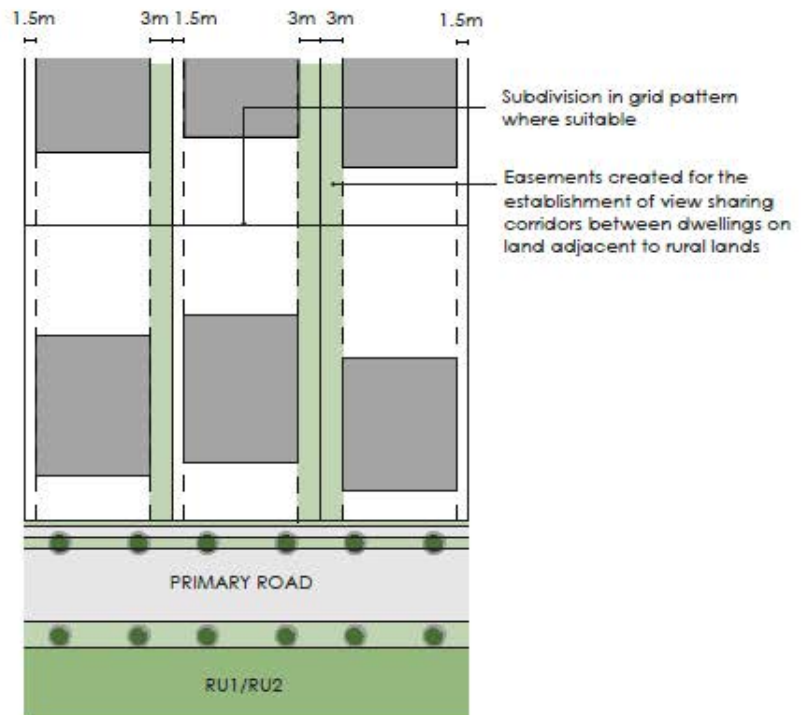
**FRONT AND REAR SETBACK REQUIREMENTS
WHERE AN ESTABLISHED SETBACK EXISTS (CORNER LOT)**
FIGURE 1.2



**FRONT AND REAR SETBACK REQUIREMENTS
WHERE AN ESTABLISHED SETBACK EXISTS (STANDARD LOT)**
FIGURE 1.3

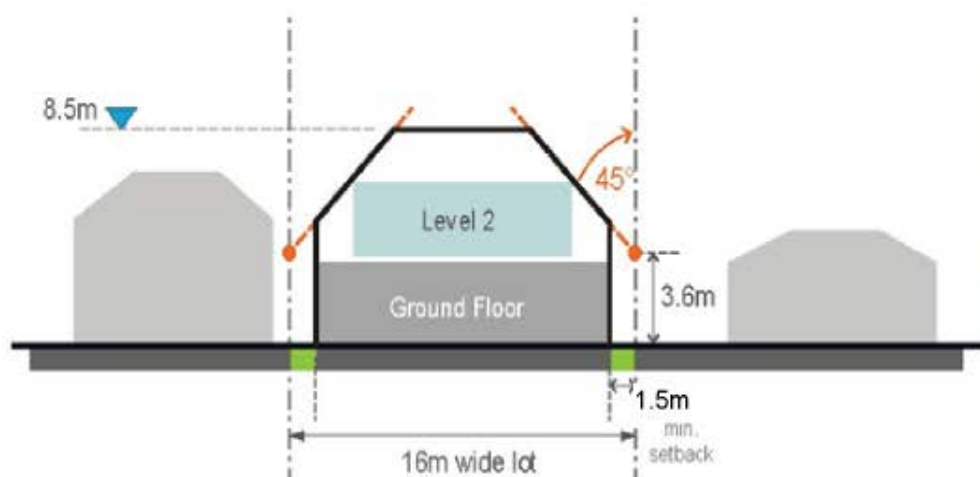


**SIDE BOUNDARY SETBACKS FOR NEW DWELLINGS or
ADDITIONS TO DWELLINGS ON LAND DIRECTLY
ADJOINING RU1/RU2**
FIGURE 2

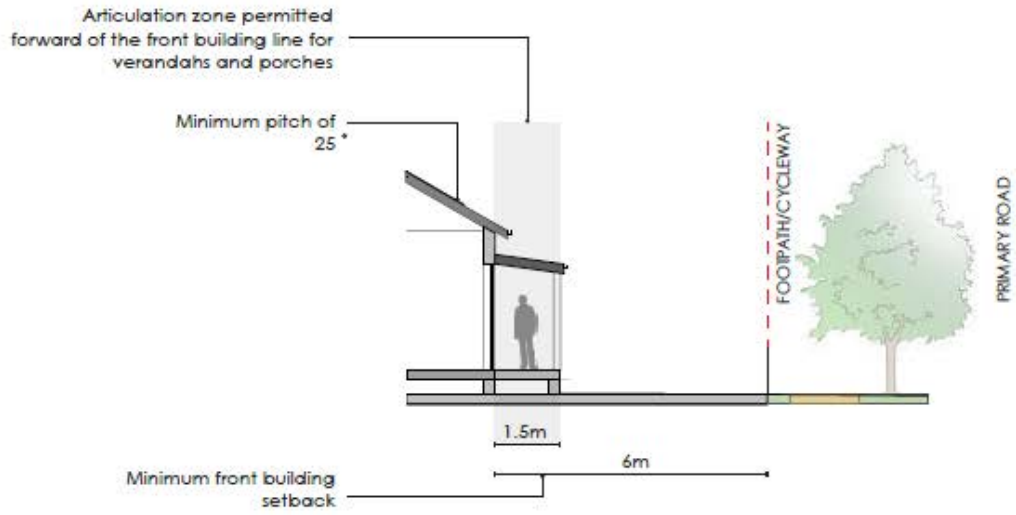


**SIDE BOUNDARY SETBACKS FOR DWELLINGS or
ADDITIONS TO DWELLINGS**

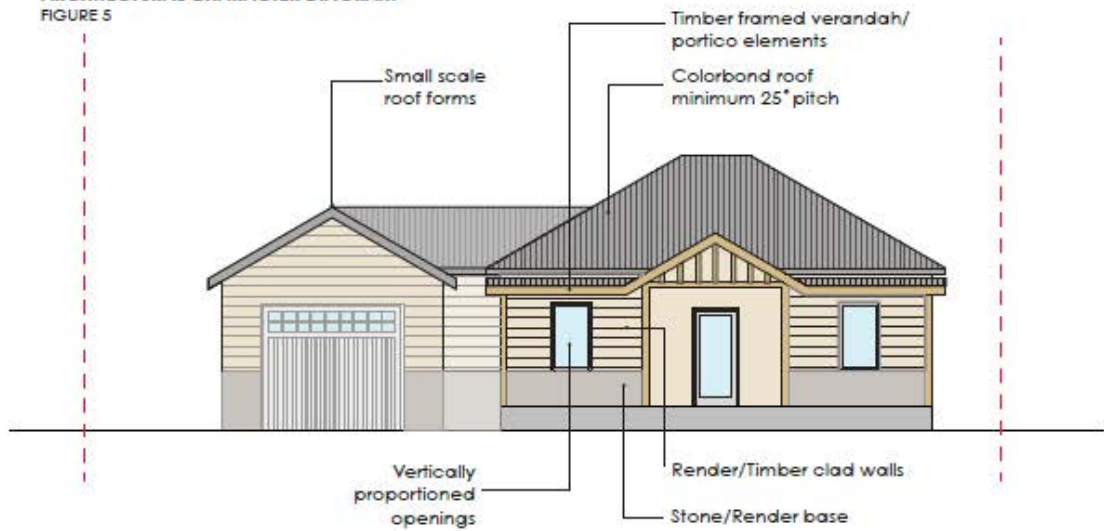
FIGURE 3



FRONT ARTICULATION ZONE REQUIREMENTS FIGURE 4

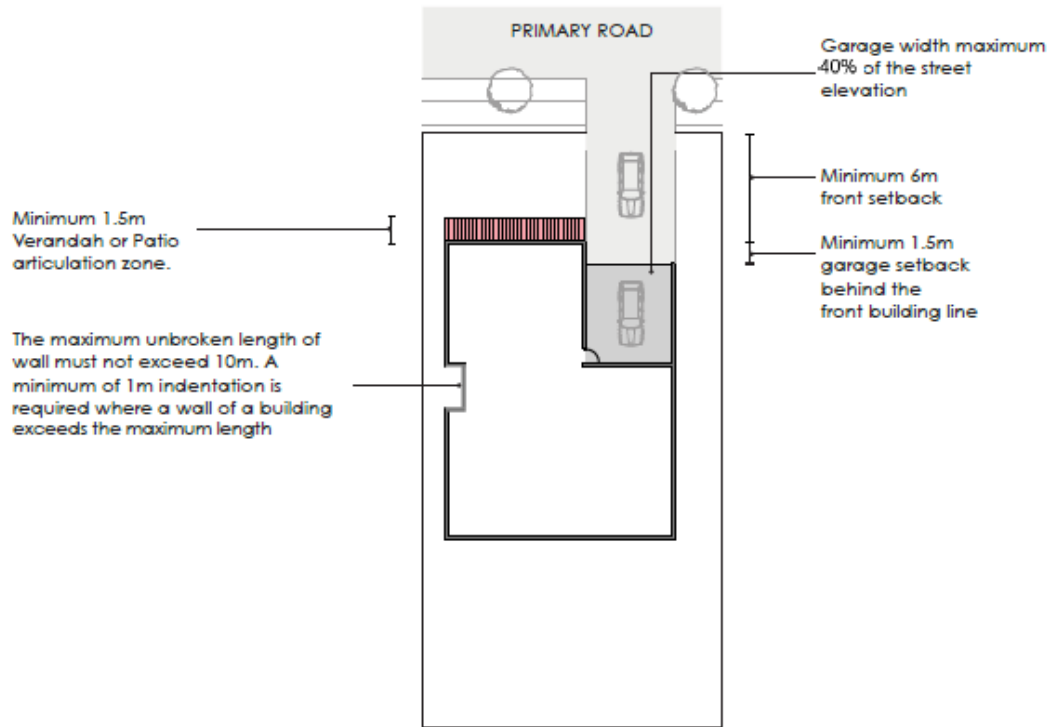


ARCHITECTURAL CHARACTER DIAGRAM FIGURE 5



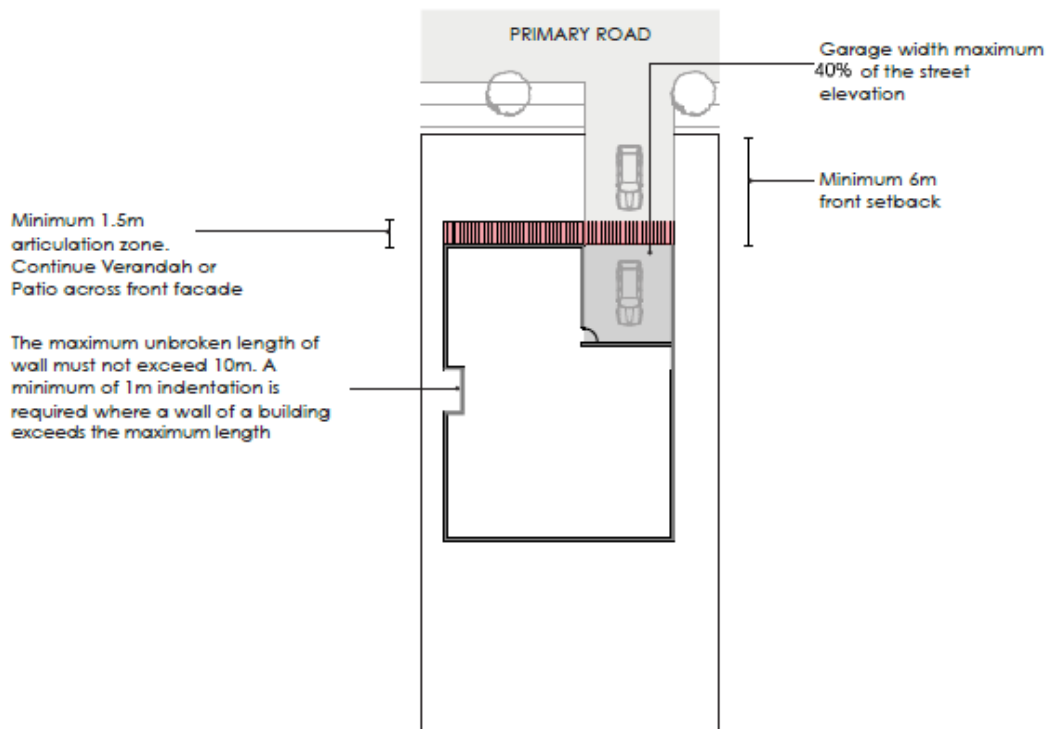
GARAGE AND VERANDAH SETBACKS: OPTION 1

FIGURE 6.1

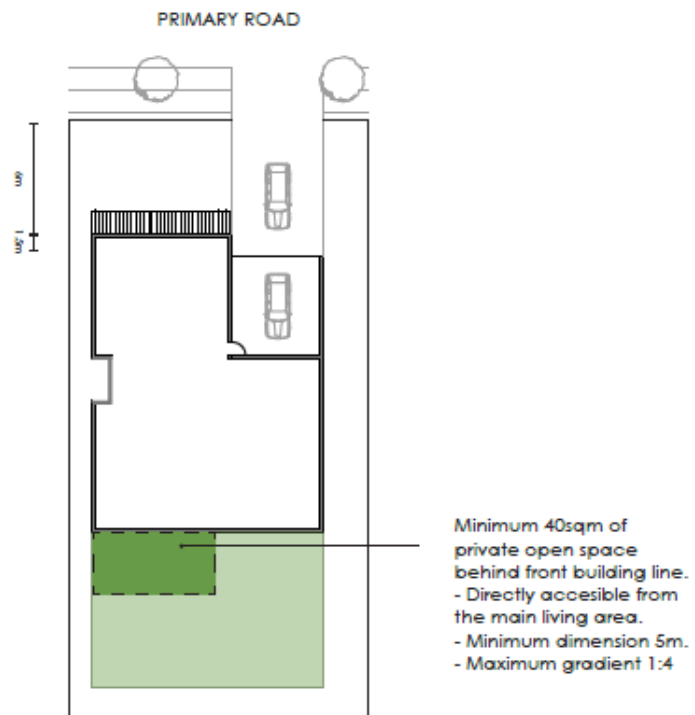


GARAGE AND VERANDAH SETBACKS: OPTION 2

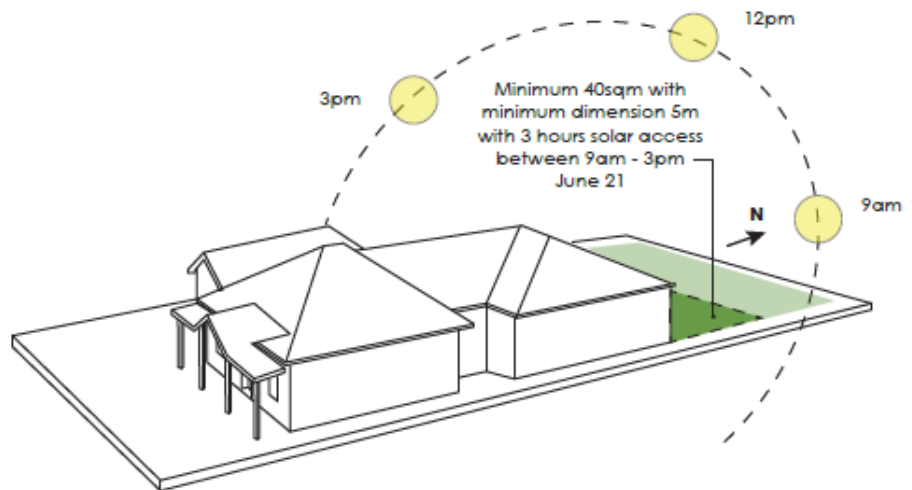
FIGURE 6.2



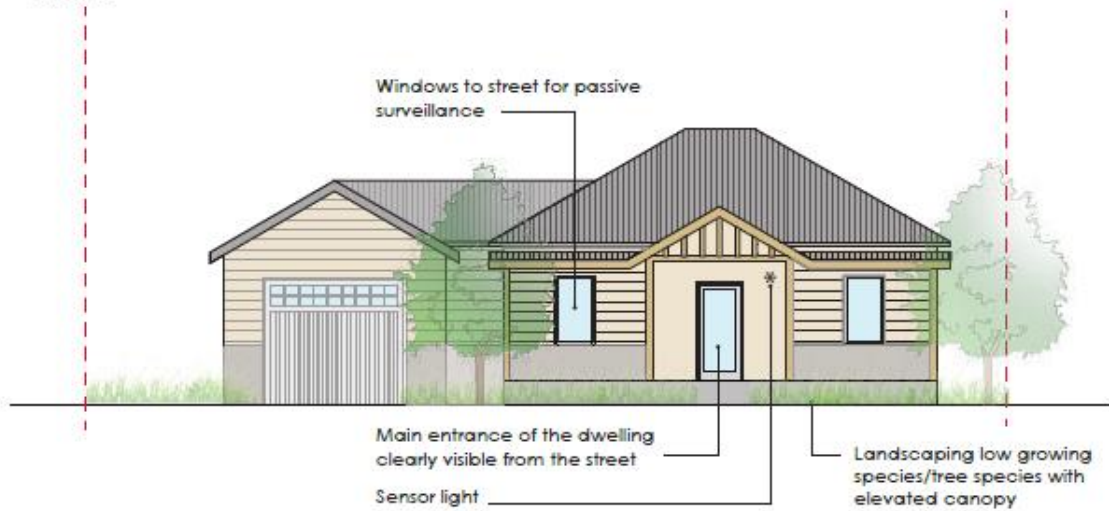
PRIVATE OPEN SPACE
FIGURE 7



PRIVATE OPEN SPACE - SOLAR ACCESS
FIGURE 8



SAFETY DIAGRAM
FIGURE 9



FENCING DIAGRAM
FIGURE 10



Development Controls - RESIDENTIAL DEVELOPMENT – Dual Occupancy and Secondary Dwelling development (R2 LOW DENSITY RESIDENTIAL ZONE)

Objectives

- O:12.4.8 To provide guidelines for the appropriate siting of dual occupancies and associated outbuildings.
- O:12.4.9 To protect the amenity of the Jamberoo Village.
- O:12.4.10 To protect the established character of the Jamberoo Village.
- O:12.4.11 To ensure that dual occupancy and secondary dwelling development remains as low density development compatible with the [Desired Future Character of the Jamberoo Village](#).
- O:12.4.12 To ensure views of the surrounding rural landscape are preserved.
- O:12.4.13 To ensure the occupants of future dwellings are provided with suitable areas of private open space and solar access.
- O:12.4.14 To ensure that outbuildings and garages are not dominant features in the Jamberoo Village streetscape.
- O:12.4.15 To ensure that dual occupancy and secondary dwelling development does not become a dominant feature of the Jamberoo Village.

Performance Criteria		Acceptable Solutions	
Siting of Development			
12.4.25	New development should be designed and located to preserve view corridors between adjoining buildings and reinforce the existing character.	12.4.25a 12.4.25b	Refer to acceptable setback solutions below. Dual-occupancy development will only be considered in the following circumstances: <ul style="list-style-type: none">• where the allotment has a minimum width of 25m measured at the front building line; or• where the allotment has dual street frontage (i.e. corner allotment) and each dwelling will address a different street; or• where the development will result in one dwelling being located behind the other.

Performance Criteria		Acceptable Solutions	
			<p>Mirror reversed or side by side dual occupancies will not be supported.</p> <p>Refer to Figures 11 & 12.</p>
12.4.26	Buildings are setback from front boundaries (i.e. street frontage) to contribute to the existing or proposed streetscape character and are generally consistent with the prevailing setbacks in the area.	<p>12.4.26a</p> <p>12.4.26b</p> <p>12.4.26c</p> <p>12.4.26d</p> <p>12.4.26e</p>	<p>In the absence of an established setback, dwellings are to be set back a minimum 6m from the front boundary.</p> <p>Refer to Figure 1.1.</p> <p>Where an established setback exists, dwellings are to be set back from the front boundary the average distance of the setbacks of the nearest 2 dwelling houses having the same primary road boundary and located within 40m of the lot on which the dwelling house is erected.</p> <p>Refer to Figures 1.2 & 1.3.</p> <p>When located adjacent to a heritage item, the set back of the dwelling from the front boundary is to consider and respond to the visual curtilage of the item.</p> <p>When both dwellings associated with a dual occupancy front the street each dwelling shall comply with the applicable front setbacks outlined above.</p> <p>When one dwelling is located behind the other the dwelling fronting the street is to comply with the applicable front setbacks outlined above while the rear dwelling is to be setback a minimum of 3m from the boundary separating the 2 dwellings.</p>
12.4.27	Buildings are setback from side boundaries to reduce the impact on adjoining properties in terms of bulk and scale, privacy and overshadowing	12.4.27a	Side boundary setbacks for new dwellings on land directly adjoining rural (RU1 or RU2) zoned land (whether or not separated by a road or Council reserve) shall be a minimum 1.5m to one side boundary and 3m to

Performance Criteria		Acceptable Solutions	
	and view corridors to rural land and the escarpment.	12.4.27b	<p>the other, or as prescribed by the building envelope or easement applying to the land.</p> <p>Refer to Figure 2.</p> <p>In all circumstances the side boundary setbacks for dwellings shall be a minimum of 1.5m and within a 45 degrees projected plane from a vertical distance of 3.6m above the existing ground level at the side boundaries.</p> <p>Refer to Figure 3.</p>
		12.4.27c	<p>When detached, individual dwellings associated with dual occupancy development are to be separated from one another by 1.8m.</p>
12.4.28	Buildings are setback from rear boundaries so as not to reduce the visual amenity and privacy of adjoining properties and to reduce the impacts from overshadowing.	12.4.28a	<p>In the absence of an established setback, buildings, with the exception of outbuildings (see below), are to be setback a minimum of 6m from the rear boundary.</p> <p>Refer to Figure 1.1.</p>
		12.4.28b	<p>Where an established setback exists, buildings, with the exception of outbuildings (see below), are to be set back from the rear boundary an average distance of the setbacks of the nearest 2 dwelling houses located within 40m of the lot on which the dwelling house is erected. Rear setbacks are not to inhibit the establishment of Private Open Space.</p> <p>Refer to Figures 1.2 & 1.3.</p>
		12.4.28c	<p>Both dwellings associated with a dual occupancy shall comply with the rear setbacks outlined above.</p>
12.4.29	Buildings should step down with slope to minimise their impact on the natural	12.4.29a	<p>Cut and fill on the site external to the perimeter of the building is limited to 900mm.</p>

Performance Criteria		Acceptable Solutions	
	landscape and to preserve view corridors between adjoining buildings.	12.4.29b	Retaining walls and earth batters must be located a maximum of 600mm from property boundaries.
		12.4.29c	Retaining walls shall be constructed of dry stone.
Built Form (Materials & Finishes)			
12.4.30	The bulk and scale of new development shall be consistent with the Desired Future Character of the Jamberoo Village..	12.4.30a	Maximum building height and Gross Floor Area is to be in accordance with the Kiama LEP 2011 .
		12.4.30b	The primary roof structure shall be a pitched roof with a minimum pitch of 25°. Lower pitch skillion roofs are permitted on verandahs and other minor elements of the building. Refer to Figure 4 .
		12.4.30c	Front entrances to dwellings are to be through front verandas/patios of a minimum depth of 1.5m Refer to Figure 4 .
12.4.31	Materials and finishes are to be sympathetic to the surrounding rural and natural settings	12.4.31a	Materials and finishes comply with relevant BASIX requirements.
		12.4.31b	Dwellings are to incorporate building materials that are sympathetic to the established streetscape character into the facades. These may include stone, brick or timber elements with tile or corrugated metal roofs. Refer to Figure 5 .
		12.4.31c	50% of each façade of a dwelling is to be clad in horizontal timber or similar light-weight cladding with a traditional profile. Refer to Figure 5 .
12.4.32	Development shall not result in large, expansive walls facing side boundaries	12.4.32a	The maximum unbroken length of walls facing side boundaries must not exceed 10m.

Performance Criteria		Acceptable Solutions	
		12.4.32b	<p>Refer to Figures 6.1 & 6.2.</p> <p>A minimum of 1m indentation is required where a building exceeds the maximum length.</p> <p>Refer to Figures 6.1 & 6.2.</p>
Landscaping & Private Open Space (POS)			
12.4.33	Dwellings are to be provided with sufficient POS, with the principal POS area facing north and having direct access to the main living area	12.4.33a	<p>Each dwelling must be provided with a minimum principal POS of 40m² with a minimum dimension of 5m and have direct access to the main living area.</p> <p>Refer to Figure 7.</p>
		12.4.33b	<p>The gradient of the principal POS shall not exceed 1:4.</p> <p>Refer to Figure 7.</p>
		12.4.33c	<p>POS shall receive a minimum of 3 hours of solar access between 9am and 3pm on 21st June.</p> <p>Refer to Figure 8.</p>
		12.4.33d	<p>Privacy screens are to be installed along the entire edges of balconies, patios, decks or verandas facing side and rear boundaries that are:</p> <ul style="list-style-type: none"> - within 3m of the side or rear boundary and have a finished floor level of more than 1m above existing ground level; or - within 6m of the side or rear boundary and have a finished floor level of more than 2m above existing ground level. <p>Privacy screens are to have a height of at least 1.7m, but not more than 2.2m, above the finished floor level the balcony, patio, deck or veranda.</p>
		12.4.33e	<p>POS shall not be located forward of the front building line.</p>

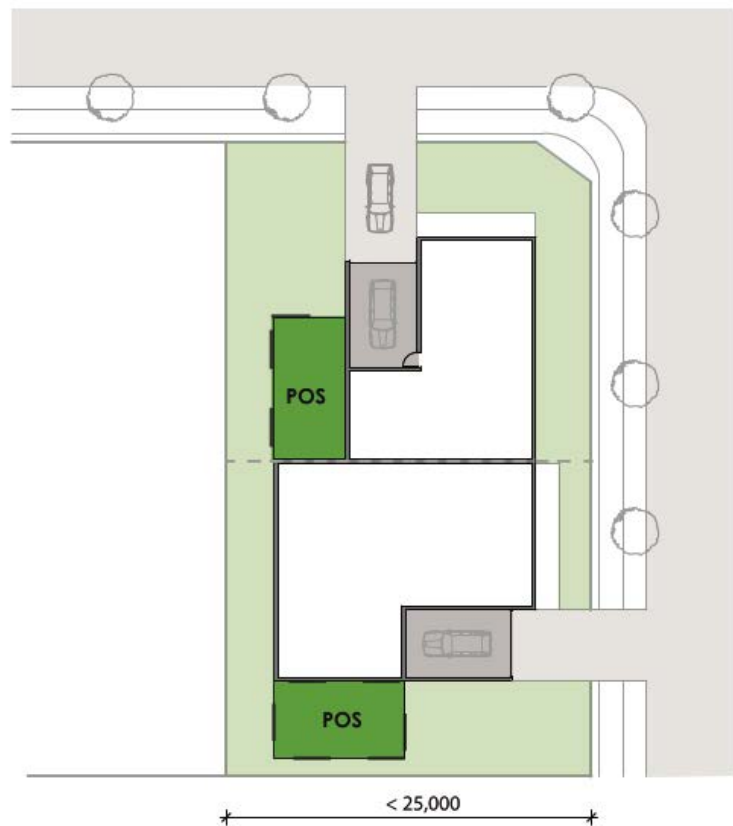
Performance Criteria		Acceptable Solutions	
		12.4.33f	Refer to Figures 7 & 8. Adjoining POS's are to be suitably screened from one and other.
12.4.34	Adequate landscaping is to be provided to ensure the Desired Future Character of the Jamberoo Village is achieved.	12.4.34	A minimum of 30% of the total site areas is to be provided as landscape area for each dwelling and 50% of the landscaped area is to be provided to enable deep soil planting.
Outbuildings			
12.4.35	Outbuildings are to have minimal visual impact on adjoining properties and should be of a suitable bulk and scale for the site.	12.4.35a	Detached garages and outbuildings are to be located behind the front building line of the principal dwelling and located a minimum 900mm from the property boundary.
		12.4.35b	Detached garages and outbuildings shall match the dwellings and employ traditional building techniques and features.
		12.4.35c	The height of outbuildings is not to exceed the height of the primary dwelling located on the site.
		12.4.35d	Outbuildings are to be predominantly screened from the street by dwellings located on the site. Metal outbuildings visible from public areas will not be supported.
12.4.36	The dimensions and built form of outbuildings including sheds, detached garages and the like shall not have any adverse impact on adjoining residences with regards to visual amenity, overshadowing or stormwater.	12.4.36a	Total floor area of outbuildings shall be: For lots 1000m ² or larger: 100m ² For lots below 1000m ² : 70m ²

Performance Criteria		Acceptable Solutions	
12.4.37	Stormwater systems should be designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property.	12.4.37a	Stormwater is discharged to the street, watercourse or approved inter-allotment drainage system.
12.4.38	Materials and finishes are to be sympathetic to the surrounding rural and natural settings.	12.4.38a	Outbuildings are to incorporate building materials that are sympathetic to the main dwelling facades. Refer to Figure 5 .
Garaging/Parking			
12.4.39	Car parking complies with the requirements of Topic 3.6 and is located so as to have minimal impact on the streetscape.	12.4.39a	Two car parking spaces are to be provided for each dwelling, with at least one space located within a garage or carport behind the front building line.
		12.4.39b	Garages are to be set back a minimum of 6m from the front property boundary to allow for stacked parking without overhanging the nature strip.
12.4.40	Garages are to be located/designed so as not to be a dominant feature of the property when viewed from the street.	12.4.40a	Double bay garage doors shall face either the side or rear boundary of the site.
		12.4.40b	The visual dominance of garage openings can be reduced by any of the following design options: <ul style="list-style-type: none"> • Garage and carports are located a minimum 1m behind the front building line; or • Avoid utilising standard roller doors; or • Avoid finishing garage door in different colour to front façade of dwelling; or • Continue the front verandas of dwellings across the front the garage opening. Refer to Figures 6.1 & 6.2 .

Performance Criteria		Acceptable Solutions	
		12.4.40c	Single garages associated with a dual occupancy fronting the same street are not to be located immediately adjacent to one another.
Safer By Design			
12.4.41	Developments are designed to enhance the community perception of safety and security.	12.4.41a	The main entrance of the dwelling is to be clearly visible from the street. Refer to Figure 8 .
		12.4.41b	Windows are to be provided to the front elevation to provide passive surveillance of the street. Refer to Figure 8 .
		12.4.41c	Landscaping within the front setback is to be limited to low growing species or tree species with an elevated canopy which allows a clear view to the primary entry point of the building.
		12.4.41d	Sensor lights are to be installed to ensure that the front entrances to dwellings are illuminated, while not causing a nuisance to traffic. Refer to Figure 8 .
		12.4.41e	The main entrance for the front or each occupancy for corner sites are to be clearly identifiable as separate entrance points from the street.
Fences			
12.4.42	The design and construction of fences positively contributes to the streetscape, minimises the disruption of floodwaters and have has no adverse impact on the safe ingress and egress of properties.	12.4.42a	Fences constructed forward of the front building line shall be a maximum height of 1.2m above existing ground level.
		12.4.42b	Front fences are either picket fence style or masonry fence style with a minimum transparency of 25% Post or piers may extend above the maximum height by 0.2m. Hedges located

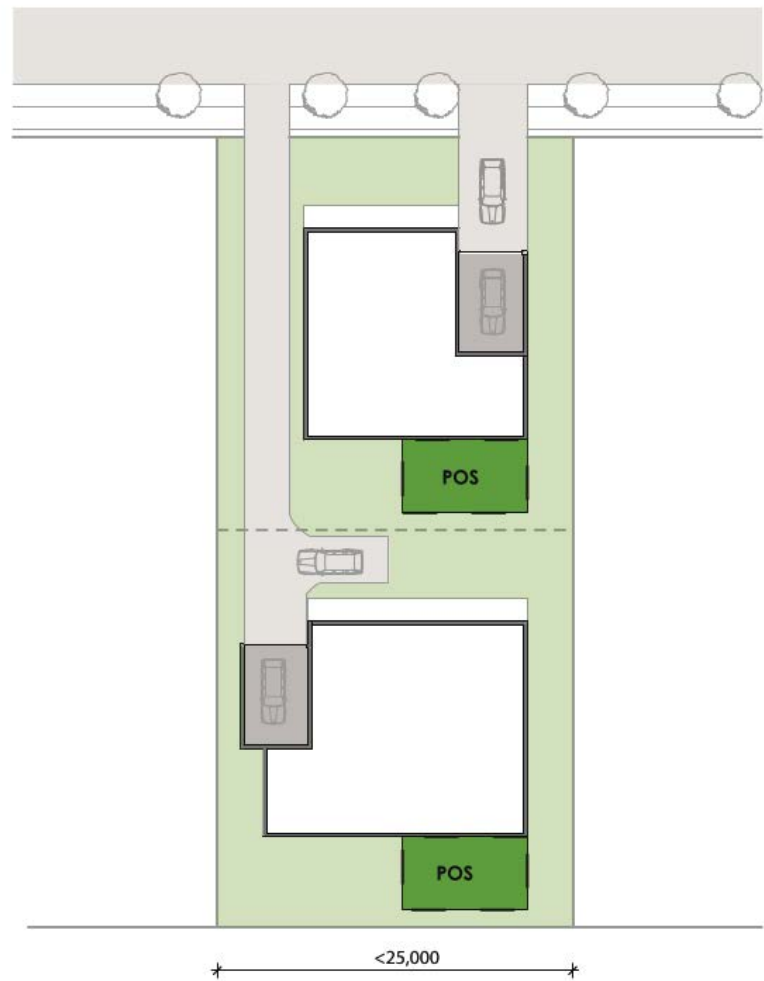
Performance Criteria		Acceptable Solutions	
			<p>behind the fence shall be to a maximum height of 1.5m.</p> <p>Refer to Figures 9 and 10.</p>
		12.4.42c	Fences constructed behind the building line shall be a maximum 1.8m above existing ground level.
		12.4.42d	Shall not incorporate barbed wire in its construction or be electrified.
		12.4.42e	Shall not obstruct overland flow.
		12.4.42f	Fences forward of the front building line shall not incorporate sheet metal.
		12.4.42g	The colours and materials used for fences behind the front building line shall be compatible with neighbouring fences.
Views			
12.4.43	New development should be designed and located considering the view-sharing principles in Topic 3.2 of Chapter 3 and building separation to preserve existing character and ensure views to farmland from the streetscape are maintained or introduced	12.4.43a	New development is located within registered development envelopes or outside of view sharing easements (where registered).
		12.4.43b	Development is to comply with acceptable setbacks outlined above.

DUAL-OCCUPANCY DEVELOPMENT
Where the allotment has dual street frontage
Figure 11



DUAL-OCCUPANCY DEVELOPMENT

Where the development will result in one dwelling being located behind the other
Figure 12



Development Controls - COMMERCIAL DEVELOPMENT (B2 LOCAL CENTRE ZONE)

Objectives

- O:12.4.16 To provide guidelines for the appropriate siting of commercial development.
- O:12.4.17 To protect the amenity of the Jamberoo Village.
- O:12.4.18 To protect the established character of the Jamberoo Village.
- O:12.4.19 To ensure commercial development is compatible with the [Desired Future Character of the Jamberoo Village](#).
- O:12.4.20 To ensure commercial development respects the surrounding residential development.
- O:12.4.21 To ensure adequate and safe off-street commercial car parking is provided.
- O:12.4.22 To ensure commercial development encourages and supports the tourism industry.

Performance Criteria		Acceptable Solutions	
Street Frontage			
12.4.44	Buildings are designed to attract pedestrian traffic along ground floor street frontages.	12.4.44a	Development must have an active street frontage i.e. all premises on the ground floor of the building facing the street must be used for either business premises or retail premises.
		12.4.44b	New buildings are to maintain or enhance covered pedestrian access within Allowrie St.
		12.4.44c	New development is to include a continuous flat awning, with posts, which covers the public footpath at a minimum height of 3.2m.
		12.4.44d	The road reserve from the site boundary to the kerb is to be paved with Claypave Regal Tan pavers in a herringbone pattern, 90°, with soldier course along the kerb.
		12.4.44e	Commercial development is to incorporate Safer by Design

Performance Criteria		Acceptable Solutions	
			Principles through lighting and passive surveillance.
Setbacks			
12.4.45	New buildings are setback an appropriate distance to the front boundary to ensure interaction with the streets.	12.4.45a	Buildings can be setback zero metres from the front boundary.
12.4.46	Side boundary setbacks of new buildings are to be consistent with the existing streetscape and shall not adversely impact on the amenity of adjoining land uses.	12.4.46a	Side boundary setbacks can be zero metres subject to compliance with the National Construction Code (as amended).
Design and colour			
12.4.47	Materials and colours are to be compatible with the surrounding streetscape as identified on page 2 of this Chapter.	12.4.47a	New development utilises building materials in its design that are sympathetic to the established streetscape character into the facades. These may include stone, brick or timber elements with tiled or corrugated roofs as detailed in figures below.
		12.4.47b	Development on corner allotments must include architectural features to address both frontages.
		12.4.47c	Transparent glazing is to allow unobstructed views from the adjacent footpath to at least a depth of 4m within the building.
Waste Management			
12.4.48	All waste associated with commercial development is to be managed to minimise impacts to adjoining private and public land.	12.4.48a	Refer to Topic 3.5 of Chapter 3 for waste requirements.
Car Parking			
12.4.49	Adequate and suitably positioned commercial car parking is to be provided with new development.	12.4.49a	Refer to Topic 3.6 of Chapter 3 for car parking requirements.
		12.4.49b	Off-street car parking is not to be located forward of the front building line.

Examples of commercial development which is compatible with Desired Future Character of the Jamberoo Village



Development Controls – Signage (all zones)

Objectives

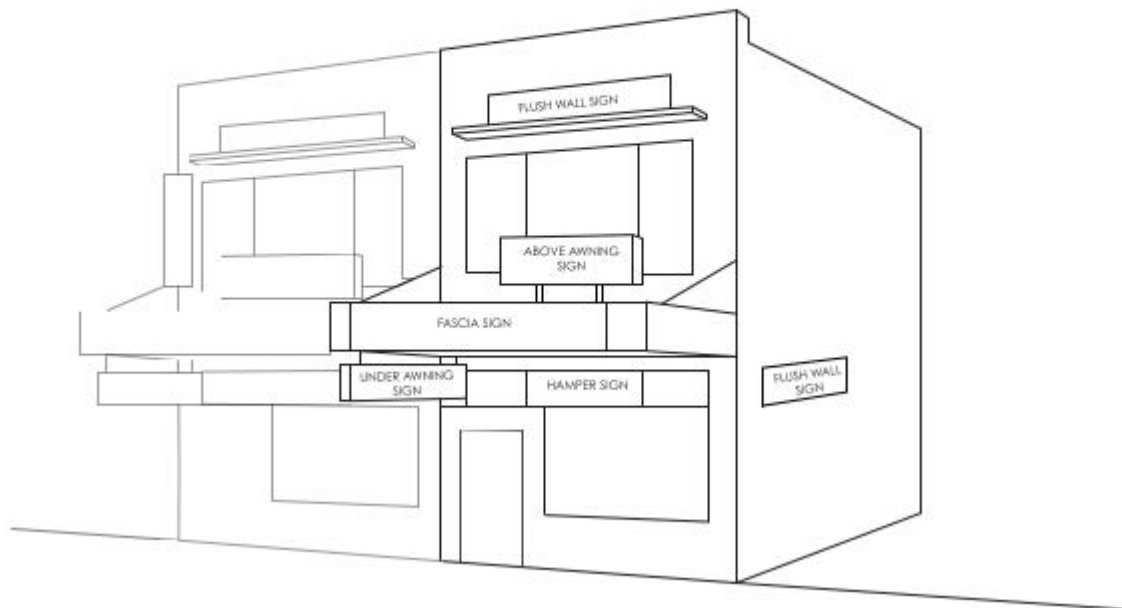
O:12.4.23	To permit signage of high design quality that positively contributes to the amenity of the Jamberoo Village streetscape.
O:12.4.24	To ensure signage compliments the character of the Jamberoo Village.
O:12.4.25	To avoid signage clutter negatively impacting the Jamberoo Village streetscape.
O:12.4.26	To ensure signs are positioned so as not to cause hazard or distraction to motorists or pedestrians.
O:12.4.27	To ensure signage is compatible with the Desired Future Character of the Jamberoo Village .

Performance Criteria		Acceptable Solutions	
General Signage Controls			
12.4.50	All signage it to be compatible and sympathetic with the Desired Future Character of the Jamberoo Village .	12.4.50a	Details of all signage, including free standing, fascia and wall signs must accompany Development Applications.
	Refer to Figure 13 for different signage types.	12.4.50b	All signage must be attached to the building in which the business identified in the sign is located.
		12.4.50c	Signage must be compatible with the streetscape and the architectural character of the building or site upon which it is erected.
		12.4.50d	The signage is not to have a detrimental impact on the visual character of the building or surrounding area.
		12.4.50e	Materials used must be durable and fade proof and of a high aesthetic quality.
		12.4.50f	Signage is not to obscure other signage, or result in signage clutter

Performance Criteria		Acceptable Solutions	
		12.4.50g	Signage must not cause excessive glare or reflection.
		12.4.50h	Flashing or movable signage is not permitted.
		12.4.50i	Where signage relates to multiple tenancy/occupancy, a director board must be used, rather than individual signage for each tenancy.
		12.4.50j	<p>Illuminated signage must:</p> <ul style="list-style-type: none"> i. Have its means of illumination, including any associated cables, concealed or integrated within the frame of the sign, and ii. Not be animated, flashing or moving, and iii. Comply with AS 4283-1997, <i>Control of the obtrusive effects of outdoor lighting</i>.
Specific Types of Signage Controls (refer to diagram below)			
12.4.51	Certain types of signage is not permitted within the Jamberoo Village.	12.4.51a	Bunting or inflatable advertising signs, free standing pole signs, projecting wall signs, above awning signs and roof mounted signs are not permitted within the Jamberoo Village.
		12.4.51b	A-frame signage is not permissible on public footpaths.
Fascia Signs			
12.4.52	Fascia signs are to be compatible and sympathetic with the Desired Future Character of the Jamberoo.	12.4.52	Fascia signs must be located on the awning and must not project out from the edge of the fascia.
Hamper Signs			
12.4.53	Hamper signs are to be compatible and sympathetic with the Desired Future Character of the Jamberoo Village.	12.4.53	Hamper signs (located above the front door/window) must be located a minimum 2.1m above

Performance Criteria		Acceptable Solutions	
			the existing ground level and have a maximum area of 2.5m ²
Under Awning Signs			
12.4.54	Under awning signs are to be compatible and sympathetic with the Desired Future Character of the Jamberoo Village.	12.4.54	Under awning signs must maintain a 2.6m clearance above ground level and must not project beyond the edge of the awning. One under awning sign is permitted per street frontage and the area of each sign is not to exceed 2.5m ²
Flush Wall Signs			
12.4.55	Flush wall signs are to be compatible and sympathetic with the Desired Future Character of the Jamberoo Village.	12.4.55	Flush wall signs must not extend laterally from the wall or beyond the edges of the wall. Signs should be located 2.6m above ground level and must not occupy more than 25% of the wall area for each street frontage.

EXAMPLES OF SIGNAGE TYPES
FIGURE 13



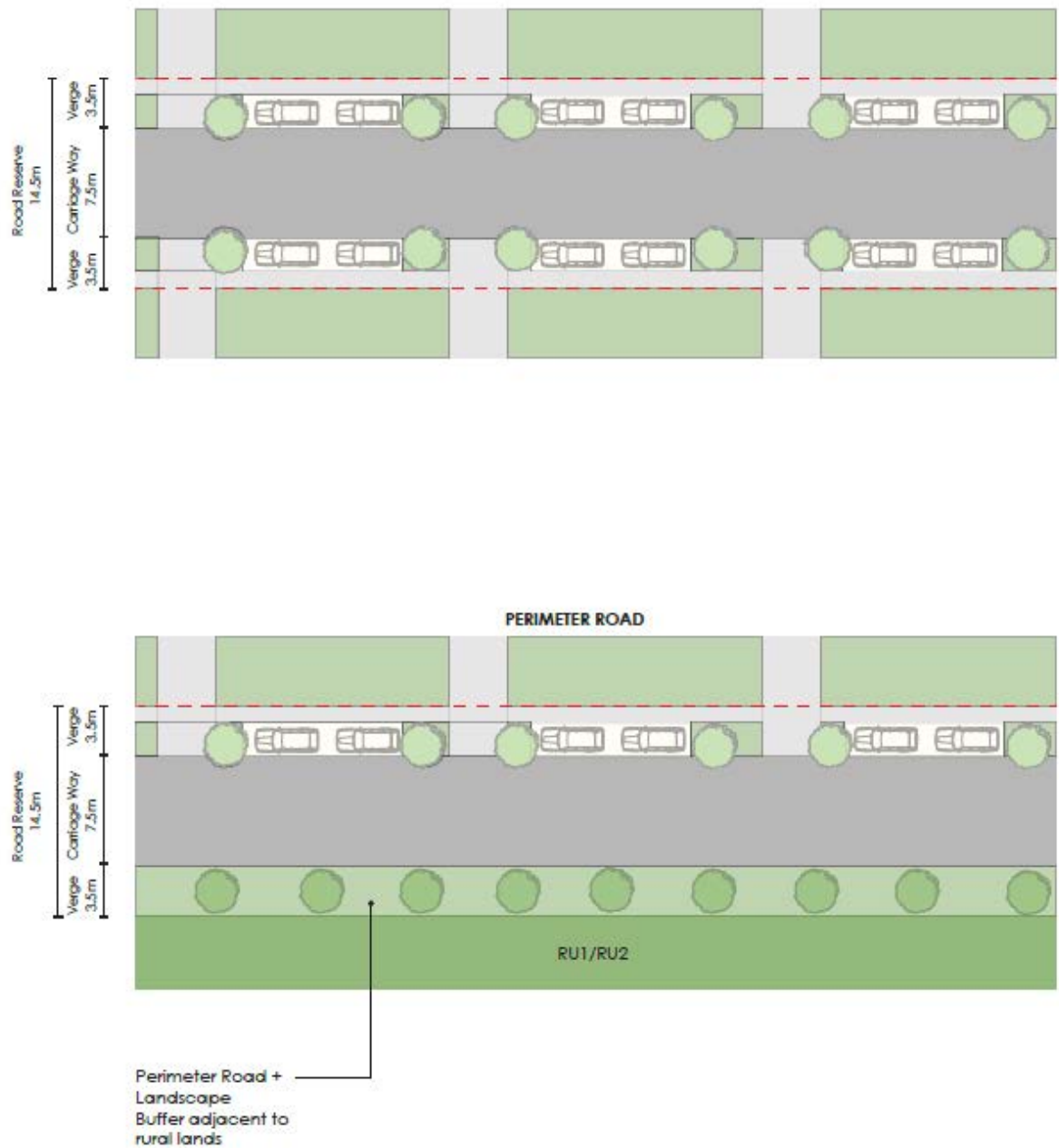
Development Controls - RESIDENTIAL SUBDIVISION

Note: Subdivision controls are contained within [Chapter 5](#) of the Kiama DCP with the exception of the Jamberoo specific controls contained below. Where there is an inconsistency between the Jamberoo specific controls and the controls contained within [Chapter 5](#), the Jamberoo specific controls prevail.

- 12.3.56 Future urban expansion will only be considered upon appropriately zoned residential land or land that has been identified for residential purposes in the Kiama Urban Strategy.
- 12.3.57 New lots shall have easements created adjacent to each side boundary measuring 3m wide, adjacent to one side boundary, and 1.5m wide, adjacent to the other side boundary, for the purpose of establishing landscape buffers/view corridors and increasing the separation between new dwellings to improve solar access and maintain general amenity.
- 12.3.58 Lots backing onto rural land shall also have a 3m wide easement, along the interface between the Rural and Residential zoned land, created for the purpose of establishing a landscape buffer to soften the visual impact of residential development when view from public areas and roads approaching the village and also reducing the risk of land-use conflict between the residential and rural areas.
- 12.3.59 When new road networks are proposed, street trees and on street car parking spaces are to be provided, in addition to the minimum road widths, stipulated in [Topic 3.6 of Chapter 3](#) of the DCP, for perimeter roads.
- 12.3.60 When new road networks are proposed, street planting must be provided within new streets at a rate of two (2) trees per allotment, species of which must comply with Council's Landscaping requirements in [Topic 3.2 of Chapter 3](#) of the DCP.
- 12.3.61 When new road networks are proposed, on road car parking spaces are to be provided parallel to the road, in between the street trees to allow two (2) cars to pass when cars are parked on both sides of the road.
Refer to [Figure 14](#).
- 12.3.62 Subdivision where more than 20 lots are proposed shall ensure that all lots are within 400m of a local park, playground or passive open space. Where on-site detention basins area proposed to double as public open space the basin must include a sizeable raised level area which incorporates playground or fitness equipment or the like and shading landscaping to ensure that it can be activated for active and passive recreation by the public.
- 12.3.63 For infill developments in established residential areas, lots should be oriented to optimise solar access while taking account of the existing pattern and solar orientation of development.
- 12.3.64 For subdivisions in new release areas and at the edge of established residential areas, orientation should maximise solar access by providing a north-south orientation within the range of 30° east of north or 20° west of north as the preferred option. Lots orientated east-west should have increased width at the midpoint of each lot with access to a minimum of 3 hours sunlight between 9.00am and 3.00pm on 21 June (Winter solstice).

- 12.3.65 Lots should be generally rectangular in shape. Lots on the southern side of the road should provide a greater frontage to allow better solar orientation of the future dwelling.
- 12.3.66 Corner lots should be created of a sufficient area to allow development for the purposes of dual occupancies with the supply of appropriately located independent utility connection points.

**PUBLIC ROAD SERVICING LESS
THAN 30 DWELLINGS/LOTS**
FIGURE 14



Topic 12.5 - Wyalla Road Residential Release Area

Character Statement

The Wyalla Road Residential Release Area is to comprise of high quality mixed residential and housing for Seniors and People with a Disability development that incorporates and utilises the high quality natural scenic character of the Jamberoo area.

The residential release area which forms the south western edge of the Jamberoo village is to integrate into the highly legible structure of the rural village and protect the natural environment along the Hyams Creek corridor.

The residential release area is to comprise a mix of low density residential allotments, housing for seniors and people with a disability, a community facility and an environmental management area. The development is to attain visual amenity through linkages to Hyams Creek corridor and scenic hills beyond.

Relationship with other planning instruments and policies

In addition to controls outlined in other chapters of this document the following controls apply to the land referred to as the Wyalla Road Residential Release Area as shown in Figure 1. Provisions within the [Kiama LEP 2011](#) prevail over any provisions within this chapter.

In the event of an inconsistency with another applicable chapter, the controls in this chapter prevail.

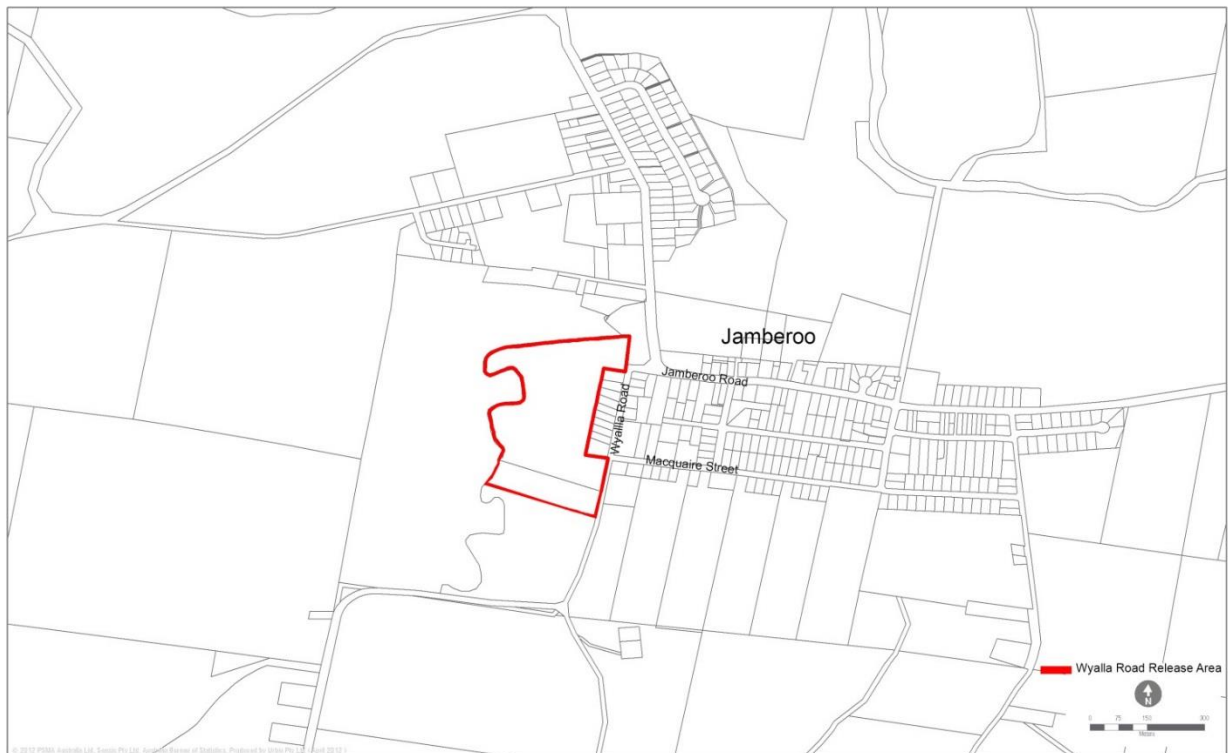


Figure 1: Site Plan

Development precincts

The Wyalla Road Residential Release Area comprises of three development precincts, as identified in the following Development Precincts Plan (Figure 2).



Figure 2: Precincts

Table 1: Desired Future Character

Desired Future Character for Development Precincts	
Development Precinct	Desired Future Character
Residential Allotments	<p>The residential precinct is to comprise low density development that responds to topography and streetscape. The development is to maximise the amenity provided through views to the Hyams Creek corridor and distant hills beyond.</p> <p>Development is to provide opportunities for casual surveillance of streets and Hyams Creek corridor.</p> <p>The precinct is to be well connected including providing a direct vehicular and pedestrian connection to Jamberoo village via Wyalla Road.</p> <p>The precinct is to be designed to encourage energy and water efficient subdivision and housing.</p>
Environmental Management	<p>The environmental management precinct includes the Hyams Creek riparian corridor and adjoining flood affected land. The precinct will provide visual interest for residents as well as the protection of ecological value of the corridor.</p> <p>Flood affected land without significant ecological value is to be managed to provide bushfire protection.</p>
Seniors Living	<p>The seniors living precinct is to provide a safe, well-connected group of highly accessible independent living units and associated community facility. The seniors living precinct is to provide vehicular and pedestrian access to the Jamberoo Village via Wyalla Road.</p>

Residential Allotment precinct

In addition to controls outlined in other chapters of this document the following controls apply:

Objectives

- O:12.5.1 To minimise visual impact and overshadowing on adjoining development.
- O:12.5.2 To minimise the amount of cut and fill required.
- O:12.5.3 To ensure development is consistent with the desired future character for the precinct.
- O:12.5.4 To ensure a legible built form that responds to the street with fenestrations.
- O:12.5.5 To ensure well defined entrances are provided.
- O:12.5.6 To minimise visual impact and overshadowing on adjoining development.

- O:12.5.7 To ensure buildings are of an appropriate bulk and scale.
- O:12.5.8 To provide a consistent built form character that is sympathetic to the scenic surrounds.
- O:12.5.9 To ensure adequate provision of bin storage.
- O:12.5.10 To ensure waste management procedures for construction and demolition are consistent with controls outlined in various chapters this DCP.
- O:12.5.11 To ensure adequate off street car parking is provided for use.
- O:12.5.12 Provide standards for fencing consistency to ensure privacy while encouraging passive surveillance of public domain areas.
- O:12.5.13 To ensure that the impact of fences on the streetscape and public places is minimised.
- O:12.5.14 To ensure that fencing does not affect the amenity of adjoining properties by adversely affecting views, vehicular access or significantly restrict solar access.

Controls

Building siting and setbacks

- 12.5.1 Development must be consistent with the desired future character for the precinct (refer to [Table 1](#)). One way of achieving this is to establish visual corridors between neighbouring built elements by way of a 1.5 metre side boundary setback.
- 12.5.2 Buildings must not require more than 2m cut or fill. Instead the building must step down with the slope as demonstrated in the following diagram:

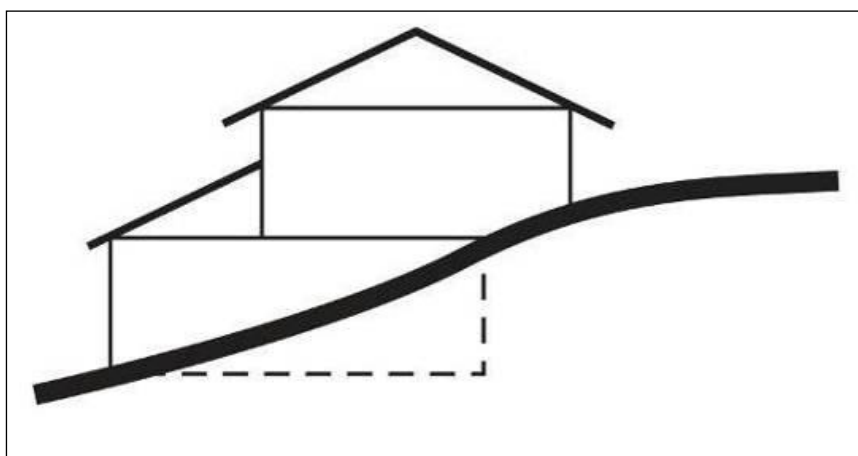


Figure 3: Sloping sites building configuration

- 12.5.3 Dwelling houses and ancillary development must have a minimum front building line setback of 4 metres. Garages and carports must have a minimum front building line setback of 6 metres.
- 12.5.4 Dwelling houses and all ancillary development (including garages/carports) must a rear building line setback of 6 metres.
- 12.5.5 Development is to comply with all other relevant building line setback requirements contained within [Chapter 6](#).

Building form

- 12.5.6 The facades of buildings are to be articulated to contain fenestrations the provide opportunity for casual surveillance of the public domain.
- 12.5.7 Entrances are to be well defined through use of materials, finishes and building articulation.
- 12.5.8 Built form is to be consistent with the low density residential streetscape character that occurs in the Jamberoo village area.
- 12.5.9 Garage doors are to be less than 50% of the width of the building when facing the street.
- 12.5.10 Pitched roof forms are encouraged in order to be consistent with the desired future character for the precinct (refer to [Table 1](#)).

Materials and finishes

- 12.5.11 Buildings are to use materials and finishes that are sympathetic to the surrounding rural and natural settings.
- 12.5.12 Rainwater tanks must be screened from street-view.
- 12.5.13 The use of stone and wooden building materials is encouraged in order to be consistent with the desired future character for the precinct (refer to Table 1). The reflectivity controls contained in [Chapter 6](#) will also need to be complied with

Waste management

- 12.5.14 A waste management plan is to be prepared in accordance with [Topic 3.1 of Chapter 3](#) of DCP 2020.
- 12.5.15 Provision of adequate bin storage areas/enclosures are to be provided behind the building line in accordance with the waste management plan provided with the development application.
- 12.5.16 Bin storage areas/enclosures are to be provided so that bins cannot be seen from the street.

Parking and access

- 12.5.17 Development must demonstrate compliance with the relevant requirements of [Topic 3.6 of Chapter 3](#).

Fencing

- 12.5.18 All fencing located behind the front building setback must be no higher than 1.8m at any point along the fence measured from the lowest point on the highest side.
- 12.5.19 The overall design of front fences must complement existing structures, landscaping and the general streetscape.
- 12.5.20 Front fences must contain open form sections to increase visibility for security purposes.
- 12.5.21 Gates for vehicular entry shall only open inwards onto the property and shall enable the gates to open with vehicles fully off the road.

Seniors Living Precinct

This section contains provisions for all development within the Seniors Living precinct identified in [Figure 2](#).

Objectives

- | | |
|-----------|--|
| O:12.5.15 | To ensure that the housing in the Senior Living Precinct will be utilised by seniors or people with a disability. |
| O:12.5.16 | To ensure that all dwellings are designed and constructed to meet standards identified in the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 . |
| O:12.5.17 | To minimise visual impact and overshadowing on adjoining development. |
| O:12.5.18 | To ensure development is consistent with the desired future character for the precinct. |
| O:12.5.19 | To ensure a legible built form that responds to the street with fenestrations. |
| O:12.5.20 | To ensure well defined entrances are provided. |
| O:12.5.21 | To minimise visual impact and overshadowing on adjoining development. |
| O:12.5.22 | To ensure buildings are of an appropriate bulk and scale. |
| O:12.5.23 | To provide a consistent of built form and character that is sympathetic to the scenic surrounds. |
| O:12.5.24 | Provide private open space for each allotment that has access to direct sunlight. |
| O:12.5.25 | Provide a minimum open space area to assist in managing storm water. |
| O:12.5.26 | Provide privacy control through landscaping, planting selection, and design. |
| O:12.5.27 | To ensure adequate provision of bin storage behind the building line. |

- O:12.5.28 To ensure waste management procedures for construction and demolition are consistent with controls outlined elsewhere in this document.
- O:12.5.29 To ensure buildings can be accessed are in accordance with relevant standards for accessibility.
- O:12.5.30 Ensure senior living dwellings provide adequate off street car parking.
- O:12.5.31 To ensure provision of an allotment that accommodates a community facility to cater for the need of the future residents of [Seniors Living Precinct](#) of the Wyalla Road Residential Release area.
- O:12.5.32 To ensure a common building (community facility) is provided (designed and constructed by the applicant) for the residents of the [Seniors Living Precinct](#).
- O:12.5.33 To ensure that the common building (community facility) is in the "joint" ownership of the allotments of the [Seniors living Precinct](#).
- O:12.5.34 To ensure that the "joint" ownership of the common building (community facility) is reflected in the title of these lots and the owners are made aware of this on purchase.
- O:12.5.35 Ensure parking is provided so that visitors do not compromise the movement of vehicles along local streets.

Controls

Restriction on the use of lots/dwellings in this precinct

- 12.5.22 The use of the dwellings/lots in the [Senior Living Precinct](#) is to be limited to Seniors or People with a disability, being:
- people aged 55 or more years;
 - people who are resident at a facility at which residential care (within the meaning of the "Aged Care Act 1997" of the Commonwealth of Australia) is provided;
 - people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider;
 - people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life;
 - people who live within the same household with senior aged people or people who have a disability; or
 - staff employed to assist in the administration of and provision of services to housing provided and this policy.

Building design

- 12.5.23 All dwellings in this precinct must be designed and constructed to meet [State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004](#) or any subsequent policy which replaces this policy. Standards identified include but are not limited to AS 1428.1 and AS 4299 as amended.

- 12.5.24 All dwellings in this precinct must be designed and constructed in keeping with the 'indicative' layouts provided in Appendix 1 of this chapter. (Note these designs may have minor amendments to those shown herein to ensure, compliance with appropriate standards, solar access, site variations etc.).

Building siting and setbacks

- 12.5.25 Development must be consistent with the desired future character for the precinct.
- 12.5.26 A minimum front building line setback for senior living dwellings is to be 2.5 metres.
- 12.5.27 No side setback is required when any of the following conditions are met otherwise a 0.9m side setback applies:
- It is demonstrated that the amenity of the adjoining allotment(s) are not compromised by reduction of solar access or privacy;
 - Where an easement for access and maintenance is provided on title of the adjoining allotment, a zero side setback may be applied to that one side only for the single storey component of the dwelling;
 - Where the adjoining allotment has a masonry wall, without openings, built to the boundary, a zero side setback may be applied to that one side only for the single storey component of the dwelling so long as drainage and fire rating is satisfactorily addressed."
- 12.5.28 A rear building line setback of 1.5 metres for a building up to 4.5 metres in height is prescribed.

Built form

- 12.5.29 Garages are to be setback 3 metres from the front façade to reduce visual dominance on the streetscape.
- 12.5.30 Building facades facing streets are to be well articulated through the use of materials, finishes and fenestrations.
- 12.5.31 The facade of a building on a corner lot is to address both streets and be articulated to contain fenestrations that provide opportunity for casual surveillance

Materials and finishes

- 12.5.32 Buildings are to use materials and finishes that are sympathetic to the rural and natural setting to land west of the release area.

Open space and landscape

- 12.5.33 Minimum 15% of site must be landscape area, of which at least half must receive direct sunlight.
- 12.5.34 Provide screening of buildings, ancillary structures and/or rainwater tanks through landscaping to minimise impact on neighbours.

- 12.5.35 Landscaping is to assist in stormwater management where possible.
- 12.5.36 The site must contain a minimum private outdoor space area of 20sqm with direct sunlight.
- 12.5.37 Utilise planting of species of local provenance for where possible.
- 12.5.38 The streetscape design is to provide appropriate landscaping that is easily maintained through selection of tree species and does not impact upon utilities or services.

Waste management

- 12.5.39 Bin storage areas/enclosures are to be provided in accordance with controls defined elsewhere in [DCP 2020](#) and any associated guidelines.
- 12.5.40 A waste management plan is to be prepared for the community centre and adequate space for waste storage provided.
- 12.5.41 Bin storage areas/enclosures are to be provided so that bins are not visible from the street.

Parking and access

- 12.5.42 Dwellings must be accessed in accordance with Australian Standard AS1428.
- 12.5.43 Each dwelling must provide car parking for at least one vehicle behind the building line.

Onsite community facility

- 12.5.44 A building is to be provided (designed and constructed to agreed specifications) that accommodates seating for up to 60 people, a kitchen, toilet and storage room.
- 12.5.45 That the ownership/care/control and maintenance of this building is attached through a legal mechanism to the allotments in the Seniors Living Precinct. Information reflecting these arrangements is clearly articulated to all purchasers of these lots.
- 12.5.46 A minimum of one car parking space is to be provided on site.

Environmental Management precinct

This section contains provisions for the environmental management precinct identified in [Figure 2](#).

Objectives

- O:12.5.36 To provide the intended use of the [environmental management precinct](#) as identified in the [desired future character](#).
- O:12.5.37 To accommodate the provision of stormwater management.

O:12.5.38 To ensure landscaping does not compromise bushfire protection.
--

Controls

- 12.5.47 The landscape is to be designed to accommodate ease of management and so that a fire hazard is not created.
- 12.5.48 Provide bushfire protection for the [Residential Allotment Precinct and Seniors Living Precinct](#).
- 12.5.49 Provide for a pathway/cycleway through this area which follows the permitter access road to exit onto the southern access point to Wyalla Rd, seats/tables etc.
- 12.5.50 Provide some seating/picnic tables in this area.
- 12.5.51 Provide stormwater detention and runoff from roads, if required.

In addition to controls outlined in other chapters of this document the following controls apply to the land referred to as Byrnes Run and detailed below.



- | | |
|----------|---|
| O:12.6.1 | To ensure that rural residential development is undertaken in an appropriate and environmentally sensitive manner; |
| O:12.6.2 | To identify areas suitable for rural residential development; |
| O:12.6.3 | To provide development guidelines for such development to minimise environmental impacts; |
| O:12.6.4 | To reduce the risk to life and property which may be affected by natural environmental hazards; |
| O:12.6.5 | To protect and where necessary improve the scenic and environmental quality of the area; |
| O:12.6.6 | To preserve areas of significant vegetation stands and to promote the regeneration of forests and eradication of vegetation which competes with native flora; |

Controls

In addition to other controls in this document the following controls apply:

- 12.6.1 All dwelling-houses and ancillary structures must be located within the specified building envelope.
- 12.6.2 The design of all residential development and outbuildings should be:
 - single storey in height, although a design incorporating a loft area may be considered;
 - designed to blend with the landscape and topography, not to dominate it;
 - designed with a horizontal rather than a vertical emphasis;
 - located in order to minimise its visual impact on the skyline or landscape;
 - sympathetically sited within the landscape; and
 - designed to gain maximum solar access.
- 12.6.3 Above ground water tanks should be coloured in earthy tones or enclosed (eg: trellis and vine) and incorporated into a landscaped area.
- 12.6.4 Certain land has been identified as unsuitable for dwelling-house construction due to excessive slopes or flooding.
- 12.6.5 Effluent disposal on site must be undertaken in accordance with the recommendations contained within the "Byrne's Run Effluent Management Report" prepared by Martens and Associates Pty Ltd.

Requirements for Fencing

- 12.6.6 The community land shall be fenced with stock-proof fencing which will exclude livestock from this area but not inhibit the passage of wildlife. Fencing constructed should consist of star pickets or wooden posts with plain wire at the top and bottom (the bottom wire to be a minimum of 300 mm above ground level) and any wire in between may be barbed or plain. Any barbed wire shall be a minimum of 390 mm above ground level.
- 12.6.7 Any fencing on or around a rural residential allotment should consist of 'post and wire' or 'post and rail' type fencing. Solid fencing such as Colorbond, paling or 'lapped and capped' fencing is not appropriate and should not be erected. Similarly, painting fences in light colours is also not appropriate.
- 12.6.8 The erection of fencing through vegetated areas is not encouraged. Where fencing is required within vegetated areas clearing should be kept to a minimum and the type of fence constructed should allow for the safe movement of wildlife (as described above). Existing trees shall not be used as support posts or straining posts.

Requirements for Keeping Domestic Animals

- 12.6.9 The keeping of cats and goats on any rural residential allotment or the community land is prohibited.

- 12.6.10 Dogs may be kept on the rural residential allotments, but only under the following circumstances:
- the dog(s) are restrained within the building envelope of the allotment between the hours of sunset and sunrise each day;
 - the dog(s) are accompanied by a responsible person during daylight hours;
 - the dog(s) are leashed or otherwise suitably restrained while outside a rural residential allotment or when the occupiers of the allotment are not at home;
 - the dog(s) have compulsory microchip identification from 12 weeks of age; and registered.
- 12.6.11 Dogs are not permitted to enter the environmental conservation zone.
- 12.6.12 Horses may be kept on the rural residential allotments provided they are restricted to a stable and yard and/or grazed paddock. Any stable should have a minimum height of 2.5m with a floor area of at least 12m² (for horses) and 9m² (for ponies). Yards must have a minimum area of 20m² per horse and must be located such that any runoff is controlled within the allotment and not directed to watercourses. Yards and stables must be maintained in a clean and healthy state.

Vegetation

- 12.6.13 The subject land supports stands of vegetation which are considered significant. Consequently it is important that the existing vegetation on site be conserved and any previously cleared areas be rehabilitated.
- 12.6.14 Any future development of the property must have regard to the Landscape Strategy, the aims of which are as follows:
- to vegetate the existing cleared areas with native species indigenous to the site;
 - to screen any proposed buildings so that the visual impact of the buildings within the proposed development is minimised;
 - to establish links with the existing planting and proposed planting;
 - to provide riparian buffer zones, a minimum 50m wide either side of the Minnamurra River and the Central and North Creek in accordance with Department of Land and Water Conservation guidelines;
 - to provide wildlife corridors within the site which would be in accordance with recommendations of the Jamberoo Valley Regional Environmental Study and as outlined in the Byrne's Run Local Environmental Study; and
 - to preserve existing native vegetation.

Site Specific Landscape Strategy

12.6.15 Any development application to subdivide the subject land shall be accompanied by a rehabilitation and revegetation plan based on the Landscape strategy. The plan shall be prepared by a suitably qualified person, and needs to include the following details:

- planting schedules detailing quantity and species. All plants shall be native species indigenous to the particular part of the site;
- methods of revegetation including direct seeding and direct planting of seedlings;
- methods of weed control in particular prevention of any further spread of weeds into existing cleared areas and progressive control of weeds within the existing forest areas. A statement of means and performance measures shall be included which shall be adopted in consultation and with the approval of the Illawarra Noxious Weeds Authority. The statement must take into account the need to preserve existing native vegetation and especially the rare plants which may occur on the site;
- staging of works with priority being given to vegetation screening, establishment of the riparian buffer zones and weed control in the existing cleared areas;
- location of all proposed buildings and associated infrastructure so that no existing trees are removed;
- location of proposed access tracks, power lines or other services which minimise the removal of any existing vegetation. In this regard these services must follow existing tracks or make use of existing clearings rather than follow the direct route to sites. They must not affect rare or endangered plant species;
- location of fences or other means of preventing access by stock, trail bikes or similar off road vehicles to existing or proposed vegetation areas; and
- a detailed vegetation survey of proposed building or construction sites including access road locations and service routes.

Conservation Agreement

12.6.16 Subject to the agreement of the National Parks and Wildlife Service, a Conservation Agreement shall be entered into in respect of the Community Land.

Community Land

12.6.17 Livestock shall be restricted from entering the Community Land, other than the Community grazing land. To ensure the exclusion of livestock from this area, the environmental conservation area shall be fenced with stock-proof fencing as described in 5.4.

12.6.18 Horses may be ridden along the public roads, public road reserves and fire trails in and around the Byrne's Run Estate. Horses are not permitted to enter the environmental conservation zone.

12.6.19 The riding of trail bikes and other off road vehicles shall be prohibited within the community land.

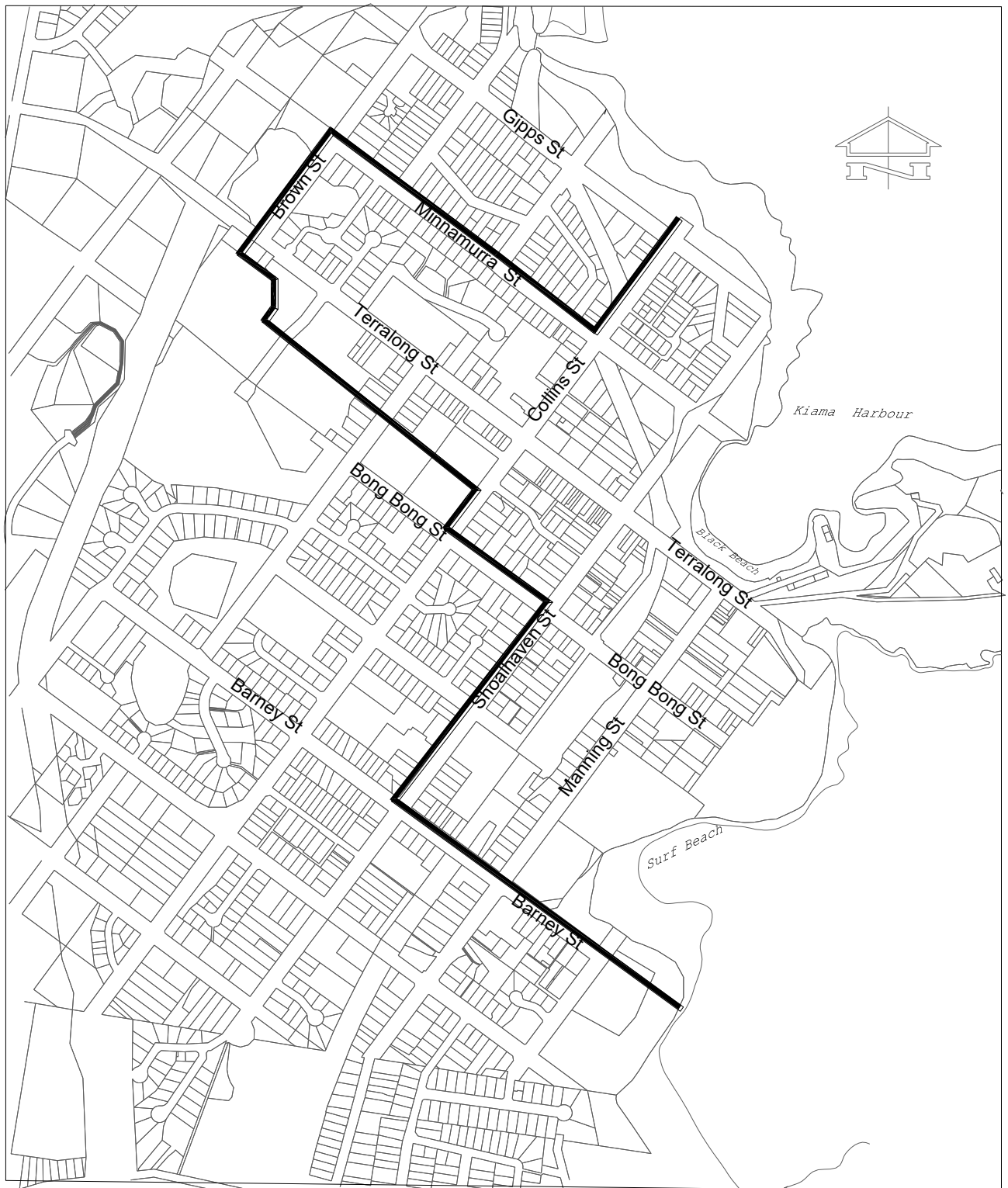
- 12.6.20 A detailed Neighbourhood Management Statement shall be prepared in accordance with the Community Land Development Act, 1989 and the Community Land Management Act, 1989. The statement shall set out the obligations of proprietors and occupiers in terms of rehabilitation and on-going maintenance of the Community Land.

Public Access

- 12.6.21 A public walking trail shall be provided from Minnamurra Falls Road across the Minnamurra River and follow the unopened roads to the western end of Rutledges Road.

Topic 12.7 – Kiama Town Centre

These additional controls apply to the Kiama Town Centre shown on the map below. As this is an important centre for Kiama the following additional controls will guide development in this area.



Map of Kiama Town Centre

Objectives

O:12.7.1	To expand the role of Kiama as a regional focus of cultural and historic significance;
O:12.7.2	To encourage and increase opportunities for mixed use development (ie integrated residential/commercial) within the Kiama Town Centre;
O:12.7.3	To maximise the physical advantages and the opportunities that the Kiama Town Centre and individual sites present, including views to the Harbour, escarpment and coastal scenery;
O:12.7.4	To encourage the retention and refurbishment of buildings of heritage and/or architectural significance and their use for civic purposes;
O:12.7.5	To ensure that all buildings are developed and located so that they do not unduly prejudice the daylight or privacy available to any adjoining land which is used or could be used for residential purposes;
O:12.7.6	To create a central civic space/square for the Town Centre;
O:12.7.7	To define more focussed entries to the town via landscaping and appropriate built form at: <ul style="list-style-type: none">• the northern entry along Collins Street;• the southern entry along Manning Street;
O:12.7.8	To improve pedestrian access within the Town Centre for all people including those with disabilities;
O:12.7.9	To further develop an integrated landscape theme and network within the Kiama Town Centre;
O:12.7.10	To encourage that all development proposals in the Kiama Town Centre be prepared by qualified designers including Architects, Landscape Architects and Urban Design Consultants;
O:12.7.11	To promote consolidation of the Kiama Town Centre;
O:12.7.12	To discourage the lineal extension of retail shop fronts along Terralong and Manning Streets; and
O:12.7.13	To encourage site planning and building design which maximises solar access to the building and private open space areas.

Character of The Town Centre

Street Pattern

Recognising the original grid layout and street pattern of Kiama is an important consideration when planning any future development in the Town Centre. The grid layout has the advantage of flexibility while at the same time acting as a structure for containment of public space, and the siting of significant monuments and buildings within the Town Centre (eg the siting of Kiama Post Office on the corner of Manning and Terralong Streets).

The grid highlights Kiama's dramatic topographical form, leading down towards the Harbour. It creates picturesque views from any of the streets perpendicular to Terralong Street

(Collins, Shoalhaven and Manning Streets). Entering Kiama by train crossing the grid is another significant view of how one images Kiama.

Corner buildings and the siting of civic institutions and vertical tower forms also become important edges to any grid planned town such as Kiama. The setback of these buildings off the street further enhances their civic preserve while delineating an important boundary between the built Town Centre and the natural harbour shore line.

Major corner sites (such as the intersection of Terralong and Collins Streets) should be redeveloped with stronger "edge" buildings, section gives greater detail. A strong street frontage along Terralong and Manning Streets should be maintained to all new commercial development (ie minimum front boundary setbacks).

The view at the major grid intersection of Terralong and Manning Streets should be opened up with the removal of the cluttered signage and low planting which are currently blocking an important view towards Kiama Harbour and Black Beach.

Streetscape improvements should be extended along Manning Street, the western end of Terralong Street and Collins Street to create a more continuous streetscape within the grid.

Views and Vistas

Within the Kiama Town Centre significant views and vistas are presently blocked by visual barriers. Views across Hindmarsh Park are blocked by the Shoalhaven Street Railway Bridge. The Blowhole Point caravan park provides a visual barrier to views from the Lighthouse towards Pheasant Point and Black Beach. Similarly, the vista to Black Beach from Manning Street is blocked by low planting and signage.

Pheasant Point Drive could be better signposted and landscaped for sheltered picnic and parking areas, as it offers a magnificent view of the Town Centre and surrounding coastline.

The northern entry into the Kiama Town Centre, along the Princes Highway at Bombo, could be improved by maintaining and landscaping the corridor between the roadway and the railway line. More appropriate signage, other than commercial hoardings, should be developed along the railway line to identify particular tourist attractions in the Town Centre and events and functions, as well as affiliated community and service associations.

Low planting and inappropriate signage, currently blocking views from Manning Street towards Black Beach, should be removed.

Town Centre Landscaping

Kiama is characterised by a rich and diverse heritage of trees and landscape species including remnants of original rainforest species such as palms and fig trees and later exotic planting such as the Norfolk Island Pines and coral trees. The Norfolk Island Pines (planted at the turn of the century) are the most identifiable landscape element within the Kiama Town Centre as they establish a formal character to both the coastal entrance to the town as well as the passage right along Terralong Street up to Blowhole Point. The trees provide shelter, shade and formal definition to the Kiama Town Centre. They also compliment, and provide a setting for, the heritage buildings along Terralong Street.

The development of a coordinated landscape strategy plan for the Kiama Town Centre is encouraged. Such a plan should have regard to the following principles:

- Retaining the formal entrance quality in the Kiama Town Centre that the Norfolk Island Pines currently provide. Avenue planting of the pines should be encouraged where the buildings are setback sufficiently from the street frontage.
- Providing supplementary street tree planting in the Kiama Town Centre with deciduous flowering trees (eg Chinese Tallow Trees, Magnolias and Jacarandas).

- Encouraging selected planting of coastal rainforest species such as fig trees in appropriate locations (eg Hindmarsh Park).
- Continuing involvement of Kiama residents in tree planting programs through consultation and exhibition of a landscape strategy for Kiama.
- Developing a maintenance and replacement program for saving the existing Norfolk Island Pines in the Kiama Town Centre, which may involve seeking specialist horticulturist advice.

Public Open Space and Pedestrian Network

A fine network of coastal open space currently exists in Kiama including Blowhole Point, Bombo Beach, Pheasant Point, Black Beach, Church Point, Storm Bay, Hindmarsh Park, Coronation Park and Kiama Showground. To date much of this open space has been seen not as a cohesive network but as a series of separate locations with a lack of structure and proper pedestrian connections between the different open space areas. Little attention has been paid to sheltered landscaped areas or designated areas of civic open space within the open space network in the Kiama Town Centre.

The existing pedestrian network is based on the footpath links down the main streets of Kiama. These paths provide pleasant routes in some cases. However excessive vehicular traffic generally creates low pedestrian amenity and major problems for elderly and disabled access. Pedestrian networks should be accessible to all people.

Public access (including disabled persons access where practical) should be maintained to all of the coastline area surrounding the Kiama Town Centre and existing open space areas.

The life and interest of Kiama for pedestrians should rely on active uses relating to the footpaths and open space. This is particularly important along Terralong, Collins and Manning Streets and existing open air areas such as Hindmarsh Park. Restaurants, cafes and markets should be encouraged to extend those uses onto the footpath wherever possible and practicable.

Formal landscaping and pedestrian pathway links should be provided to encourage pedestrian passage between the Kiama Town Centre, Hindmarsh Park and Blowhole Point.

The designation of Heritage Trails with clear and appropriate signage should be marked at appropriate points within Kiama.

Laneways

Traditionally laneways in Kiama have had a private service access role. Their civic quality is currently compromised by the need for access to commercial premises which represents a loss of activity and uses at the ground floor as well as denying potential residential uses above existing shopfronts.

With appropriate planting, painting and street furniture, these laneways could become a more integral part of town life in the Kiama Town Centre by encouraging pedestrian movement through the town, and greater density by increasing residential uses above shop fronts, thus forming a larger part of the public pedestrian and open space network.

In considering any development along laneways the following criteria will be taken into account:

- the existing architectural/urban design character of the laneway;
- alternative roles for private laneways such as providing pedestrian routes, residential and tourist uses and activities; and
- lanes should be treated with consistent design detail such as paving, lighting, street furniture and signage as adopted by Council.

Land Use

Civic Precinct

The Civic Precinct in Kiama focuses on the corner intersection of Manning and Terralong Street. The Post Office is the centre of this precinct and acts as a critical landmark point in the Kiama Town Centre. Fortunately, many of the fine public buildings and monuments have been retained and are consolidated into one main civic area which helps to identify the physical and social character of the original town layout.

The Civic Precinct should be maintained and proper maintenance and landscaping in and around existing civic buildings encouraged.

Any infill development within or adjacent to the Civic Precinct should be designed within its appropriate heritage context, to compliment but not replicate existing historic buildings. The Telstra site requires special attention with any new development of the site being sensitively designed to enhance the existing streetscape.

Greater public visual access to civic buildings is encouraged (for example removal of cyclone fences at front and side boundaries of the Court House, Police Station and Police Residence).

On corner sites the built form and design detail should reinforce the corners of major road intersections. This can be achieved by additional height to the corner of the building, and architectural features such as tower elements, stepped corners etc.

Commercial Precinct

The Kiama Town Centre is currently dominated by commercial land uses. Two (2) major problems are apparent in the Town Centre:-

- most commercial premises in the Town Centre totally disregard their "harbourside" context with little or no visual recognition of Kiama's coastal setting and natural landscape features; and
- the Commercial Precinct in Kiama is currently disconnected with little continuous built streetscape or landscaping linking the Terralong and Manning Street shops.

Local traders with the assistance of Council should develop a comprehensive retail strategy for the Kiama Town Centre which should identify:

- desired retail mix;
- business presentation and marketing suited to particular needs of Kiama;
- needs of tourist trade and local Kiama residents.

A larger range and quality of eating establishments (eg outdoor cafes with views facing Hindmarsh Park and the Harbour) is encouraged. The area around Robertson Basin has great potential for a low-scale seafood market/cafe complex.

Residential Form in the Town Centre

Although the main focus of the built form of the Kiama Town Centre is its civic, commercial and religious buildings, Kiama's array of domestic buildings from Quarryman's Cottages to elaborate "Boom style" terrace houses, represent a number of different styles of character from which future development in the town can draw. It is the interpretation of heritage styles and elements that is important in designing within an heritage context, rather than the exact replication of heritage form, materials and colour.

Residential buildings should be designed having regard to the principles outlined in the section Future Building Design. Where appropriate, buildings should be aligned with the existing streetscape. Imitation "heritage style" development is to be avoided within the Kiama Town Centre.

Medium density and mixed-use residential/commercial developments are encouraged within the Kiama Town Centre. Prominent and gateway sites should be recognised for their significance. Particular attention should be paid to siting any new development so as to avoid blocking views, access and vehicular and pedestrian access. Where appropriate, proper pedestrian links between residential and commercial precincts (eg laneways and thoroughfare connections) should be provided.

Future Building Design

The future form of any physical development within Kiama will strongly influence the quality of the public spaces, pedestrian network and the general identity of the town. Building designs should reinforce the street space of the original grid layout of Kiama and maximise the many advantages of the town's coastal setting. In general, new buildings should align with the street frontage with specific corner emphasis at gateway and civic areas. A general building height of no more than three (3) storeys currently applies within the Kiama Town Centre. Council may consider the provision of one (1) additional storey but only where such a storey will cater only for basement level carparking and will not measure more than one (1) metre above natural ground level at any point.

In determining building form and development appropriate to the Kiama Town Centre the following design details should be considered:

Heritage

There have been several recent developments in Kiama that demonstrate the sensitive re-use of heritage forms in a new physical context. Whilst it is critical to consider the strong heritage context of the Kiama Town Centre, the value of well-designed development cannot be stressed strongly enough whether the buildings are designed in a heritage context or not. For this reason it is imperative that qualified design professionals be consulted at all stages of the development process.

The diversity of the architectural character and form existing within Kiama provides a large base from which future building designs may draw. Prominent themes readily observed in the Town Centre include:

Colonial Simplicity (Terraces, Quarryman's Cottages)

- verandah with square timber posts
- corrugated iron roof
- gabled roof form
- picket fence
- horizontal weatherboards
- vertical window proportion

Victorian ("Dalmeny" Shoalhaven Street)

- corrugated iron roof
- gabled roof form
- verandah with timber posts
- vertical window proportion
- picket fence

Italianate Style (Post Office)

- pitched roof form
- colonnade

- vertical proportion of windows
- richness of detail
- vertical timber balustrade

Gothic Style (Christ Church Anglican Church)

Monuments (lighthouse, obelisk, Memorial Arch)

Robust engineering structures (Terralong Street railway bridge)

Building Alignment

Buildings should extend to the property boundaries where appropriate to reinforce the street patterns and the continuity of existing street facades. Continuous building frontages are required along key activity routes and preferred on all other routes.

Facade Design

The existing building fabric of the Town Centre will be altered over time and partially rebuilt due to inevitable changes in land-use patterns and development pressures, for this reason it is important to establish a building form which reinforces the existing streetscape pattern and rhythm, whilst acknowledging its particular siting requirements and function. The key elements of facade design are discussed below:

(a) Scale, Building Height and Bulk

On major public corners and prominent entrance sites, a three (3) storey height limit should be imposed. This would reflect the vertical scale of the Town Centre which is emphasised by the Norfolk Island Pines, the tower of the Post Office and the steeple of St. Stephens Presbyterian Church and give a sense of scale to the shops in the retail precincts of Terralong and Manning Streets.

(b) Street Wall Facade Heights

The facades of new buildings should be designed to maintain the dominant parapet line of adjacent buildings. Buildings adjacent to heritage buildings should enhance and be compatible with the scale and character of those buildings.

Buildings located on corners of major street intersections should have higher corner elements which can be used to emphasise the street corner. Architectural elements and not commercial signage would best serve the purpose. The corner element should not be lower than the lowest adjoining facade, unless there are heritage implications on that specific site.

(c) Ground Level Building Detail

Facades should be interesting to passersby. Plain blank walls are not appropriate. Windows and doors which open onto activities, displays or art can be used to create interest. Appropriate architectural detailing can be used to further enhance ground level facades.

(d) Entrances to Buildings

Entry points to buildings should identify themselves and should be at the same level as the street where possible. Major entry points should include access for people with limited mobility. In the case of mixed developments, the residential component should have a separate entrance.

(e) Facade Detail

Particular attention should be paid to parapets, mouldings and windows. Windows with a reasonable depth of reveal and modulation (ie: minimum 150 to 200 mm) are preferred in order to enhance the solid wall facade appearance of buildings in the Kiama streetscape and maintain an interest and scale at pedestrian level. This is particularly important in streets with a number of historic buildings.

Building Materials

A variety of building materials have been utilised throughout the Kiama Town Centre including basalt stone blocks, timber (weatherboard), masonry/brick (usually rendered), and sandstone.

Any new building work within the Kiama Town Centre should maintain the scale, texture and proportion of the existing Terralong, Manning and Collins Streetscapes.

Building materials should include:

- (a) walls of masonry construction, rendered to a flat surface for painting;
- (b) roof slate, corrugated sheet metal or concrete tiles; and
- (c) architectural detail and trim in timber and moulded cement.

Colours

The selection of colours for new development in the Kiama Town Centre should be appropriate to the overall streetscape context while maintaining the integrity of the original design concept. "Heritage" colour schemes may not be the only choice when selecting a colour scheme for a new development.

Colours appropriate for use in the Kiama Town Centre include white, light grey, light brown and deep brown ochre. Lighter colours can be used as highlights to emphasise particular parts of the building. Deeper colours may be used as trim.

Roof colours such as deep grey, charcoal, deep green-grey, and olive are appropriate for use in the Kiama Town Centre.

As an alternative to a painted finish the use of natural stone (ie: sandstone or basalt blocks) and other textured surfaces onto brickwork, such as a bagged finish using coloured cement, provide an interesting and appropriate surface for buildings in the Town Centre.

Landscape

All development applications for buildings within the Kiama Town Centre should be accompanied by a conceptual landscape plan demonstrating the relationship between the

built form and its site and surrounding landscape. Details submitted should include fencing, paving, garden quality and design and suggested plant species.

Apart from "soft" landscape materials (ie trees, shrubs and turf) other materials which can be used successfully include timber picket fences on civic and residential properties and dry stone walls, where appropriate.

Any new development within Manning, Terralong, Shoalhaven and Collins Streets will need to contribute to the existing brick footpath paving using Bulli Blue pavers.

Advertising and Signage

Well-designed signs add visual interest to an area and also contribute to a lively atmosphere. Signs are also necessary to identify buildings and to communicate messages and should be seen as integrated with the streetscape.

All advertising signs within the Kiama Town Centre should:-

- a) protect significant characteristics of buildings, streetscapes and vistas and protect views of the harbour;
- b) preferably be located on building surfaces with little or no projection from the building;
- c) be located on wall spaces designed for this purpose, and should not obscure architectural features such as windows, parapets, string course decoration, balconies, or the articulation of different storeys;
- d) complement the scale and character of the street; and
- e) be incorporated into the design of new building facades at design stage.

The character and size of signs should be in keeping with the scale and character of the building to which they are attached. Signs should integrate with the overall building design and not be seen as appendages to it.

Where a sign extends beyond the building facade, the shape and size of the sign and its supporting structure should respect the bulk and style of the building, and any adjoining buildings.

Visual clutter is discouraged. In assessing any new proposal Council will take into account the existing signs on the building or site. Some or all existing signs may be required to be removed as a condition of consent. Adequate space for identification of future occupancies should be reserved.

All signs to be located on a particular building should relate to existing signs on the building in one or more of the following ways:-

- (a) common shape;
- (b) common colours;
- (c) consistent scale and proportional relationship; and
- (d) regular placement.

The use of numerous uncoordinated signs on a single building will not be supported.

Signs on heritage buildings, including painted lettering, should be carefully located and should be sympathetic to the historic nature of the building. Adjacent signs should be designed and applied sympathetically.

Illumination of signs should be concealed or integral with the sign by using neon, an internally illuminated panel or sensitively designed external spot lighting. Illumination should not be hazardous or a nuisance to pedestrians, distract motorists or any residents in the area.

Lighting

The night lighting of buildings and public open areas in the Kiama Town Centre could provide an additional dimension to its built form. The creative lighting of buildings can also assist in promoting a strong civic image.

Full facade flood-lighting should be restricted to the main activity routes and gateway buildings.

Illuminated features are encouraged at gateway, local nodal and key corner locations. The lighting of buildings at pedestrian level is encouraged in all locations.

The sensitively designed lighting of heritage buildings is encouraged. The colours and design of lighting should complement the design and detail of the building.

Environmental Factors

A number of environmental factors should be considered in the preparation of designs for development projects, including energy efficiency, wind effects, noise and air pollution.

With regard to mixed use residential/commercial development it is important to design the residential component to ensure that optimum solar access is available to internal living areas and external private open space areas.

Public Art

New buildings and civic landscaped spaces often incorporate major art works in their design such as sculptures, mosaics, murals, water features, and lighting displays. Art is increasingly finding a significant place and function in civic and private development. This is complementary to its place and function in public spaces and could be used to great advantage within the Kiama Town Centre.

Disabled Persons Access

To ensure that the Kiama Town Centre is accessible to all persons, including those with disabilities and the age. All proposals for new buildings and the refurbishment of existing buildings must give consideration to the provision of access for these persons. Access should not only be available from the street into the building, but also throughout the building and may require the provision of disabled persons toilet facilities.

Carparking

Existing carparking areas in Kiama generally detract from the streetscape and landscape in which they have been placed. There is an over-emphasis generally on vehicular passage through the Kiama Town Centre which detracts from what could be a much more pleasant pedestrian environment. Many existing parking access points conflict with pedestrian movement along footpaths.

Within new larger commercial developments parking should be provided below ground where possible. Where parking buildings are above ground they should avoid main activity frontages.

Access to parking and loading areas should avoid main pedestrian activity frontages, particularly where access from alternative streets is possible. Access should be provided in areas of low pedestrian activity, and should have regard to traffic conflict and streetscape significance.

Ingress and egress points to parking facilities should be legible, including well-lit signage, and the surrounding area appropriately landscaped.

Pedestrian access should be physically separated from vehicular access. Similarly, short term and long term parking areas should be physically separated.

Permanent open lot car parks should be located behind buildings, especially along main activity frontages. Where this is not possible on local streets the perimeter of the car park should be screened with a solid fence having a minimum height of 2.0 m, or planted with dense foliage having a minimum mature height of 4.0 m. Any fence should compliment the overall architectural design of the development and must have regard to the streetscape.

Town Centre Site Specific Guidelines

Site specific guidelines have been prepared for a range of special sites. These sites have been selected on the basis of:

- the visual importance of the site as a gateway or landmark site; and
- the level of development activity or interest in the area.

For each special site the following considerations have been taken into account:

- (a) pedestrian access;
- (b) vehicular access;
- (c) building envelope; and
- (d) land use requirements.

Kiama Railway Station

This site, because of its proximity to the commercial, civic and residential areas in Kiama and also because it is a transit point for visitors and residents of Kiama offers a large opportunity for redesign including:

- a) An alternative traffic route through to Manning Street, alleviating traffic congestion from the intersection of Terralong and Manning Streets; and
- b) A paved pedestrian link between the commercial zone of Terralong Street and the civic precinct in Manning Street.

"Kiama View" Shopping Centre

Currently this site offers little amenity or connection to the rest of the Kiama Town Centre. The large area of car-parking surrounding the retail complex totally negates the original streetscape quality existing along Terralong Street. Little attention has been paid to any screening or planting in the vehicle area.

As this site is at the western entry to the town, any further development on the site should define a street 'wall' (ie maintaining the existing street frontage line along Terralong Street and also continuing the avenue planting of the Norfolk Island Pines to that end of Terralong Street).

The site presents enormous opportunity for some cultural facility carpark site attached to the town centre in the possible form of a perimeter block development which may also incorporate housing and limited commercial facilities.

Blowhole Point

Council's current upgrading plans for the Blowhole Point area are strongly recommended given the run-down appearance of the surrounding pedestrian area. Incorporated in the new plans could be a new platform viewing area and pathway for visitors to the site. Carparking provisions on Blowhole Point currently encroach upon the Point because they are not adequately screened or sheltered in any way by planting covered walkways or low retaining walls.

A Plan of Management should be prepared and adopted for the upgrading of the area including providing better pedestrian access and links to the site via landscaping and planting that provides shelter.

The rehabilitation of the Robertson Basin area should be encouraged with appropriate food outlets and community facilities (eg outdoor cafes, fish market/cafe complex). Paving and appropriate street furniture should be provided to create a pedestrian harbour zone.

The Lighthouse and Pilot Station should be recognised as the important built elements of Blowhole Point. Caravan sites are inappropriate in this setting and should be relocated to a less visually exposed location.

Shoalhaven Street (north of Terralong Street)

This area could provide an extension of the Open Space in Hindmarsh Park and create views and better pedestrian connections through to Black Beach. Shoalhaven Street also acts as an important forecourt to the Scots Presbyterian Church, one of Kiama's most identifiable heritage structures.

Appropriate masonry paving should be extended from Terralong Street down to the end of Shoalhaven Street to create a more visible link to the Harbour and Pheasant Point. Suitable street furniture such as lighting and seating could also be provided along this route.

At appropriate times this outdoor space could be a venue for outdoor markets and festivals.

Hindmarsh Park

A detailed landscape design has already been prepared for Hindmarsh Park by Kiama Council. Although this design concept gives great priority to pedestrian and wider community access, than what currently exists, there are still other important considerations. Any landscaping proposals to Hindmarsh Park should be reinforcing the Park as it currently exists as a pedestrian and community focus within the Kiama Town Centre.

Any new planting and/or temporary structures in Hindmarsh Park should give full visual and pedestrian access through to Kiama Harbour and Black Beach.

The existing war memorial should be given pre-eminence as a significant symbolic entry path into the park.

Hindmarsh Park should be retained foremost as a "green" park rather than defining the park with hard landscaped surfaces.

Black Beach

Black Beach is a very important element in Kiama's network of public open space. It has been greatly undervalued to date as such a focus on the harbour perimeter of the Town Centre.

The Kiama Civic Design Strategy recommends the upgrading of Black Beach via:

- (a) Paving;
- (b) Seating and picnic facilities;
- (c) Screen planting of the railway embankments; and
- (d) Night time flood lighting.

The promenade around Black Beach should be linked to civic and commercial precincts via the creation of a "town square"/central focus point at the intersection of Terralong and Manning Streets.

Preparing a Development Application within The Kiama Town Centre

Applicants are advised to consult at an early stage in the development process with Kiama Council. Major projects will require regular discussions at significant stages of the project between the developer and relevant Council officers.

As a general guide, applicants are encouraged to consider the following points:-

(a) Analysis

Analyse the proposed development initially within the context of adjoining developments, the streetscape and the precinct. This step is fundamentally important.

Refer to the principle Local Environmental Plan and this document to identify the statutory controls and design guidelines which apply to the site.

(b) Documentation

Prepare preliminary diagrams for the site and adjacent sites showing the:

- (i) pedestrian network;
- (ii) open space network;
- (iii) vehicle loading areas;
- (iv) carparking areas; and
- (v) adjacent land uses.

Streetscape elevations showing the site in relation to the surrounding development to the extent that it clearly demonstrates the impact of the proposal on the streetscape must accompany the application. Contextual streetscape photographs and models may also be of assistance.

Plans, elevations, conceptual landscape plans, colour schemes and a statement of environmental effects must accompany any application for development within the Kiama Town Centre.

(c) Generally

The development should not unreasonably block any views of any adjacent building structure.

The building should not increase any further overshadowing of public spaces that are used by pedestrians, or residential areas, at any time.

The development should not unreasonably reduce the privacy enjoyed by residents of any adjoining or adjacent residential development.

The following checklist will assist applicants in ensuring that their proposal meets the planning and design requirements of this document.

Checklist for Development Proposals in the Town Centre

The following is a checklist for development proposals in the Kiama Town Centre. Does the development proposal:

Context

- ☐ Compliment and contribute to the context of the site in which it is proposed in terms of its land use mix and built form?

Pedestrian Network

- ☐ Improve pedestrian convenience and amenity by providing, where appropriate, ground level through-block public pedestrian access, public access to open spaces, and limiting disruption of footpaths by vehicular crossings.

Building Form

- ☐ Incorporate a building form which defines the frontages to streets and other public spaces?
- ☐ Provide appropriate detail and architectural interest at all levels of the building, from roof lines which contribute interest to the skyline as seen from the distance, to treatments of the ground floor and lower levels of the facade with finer scale articulation, richness of detail and complexity appropriate for viewing by pedestrians in the street?
- ☐ Respect adjacent buildings and structures through sympathetic building form, scale, detail and materials?
- ☐ A street elevation showing the proposal and at least the two adjoining buildings is required to illustrate how the proposal fits into the streetscape.
- ☐ Identify future opportunities for advertising structures on the building facade which do not detract from the significant characteristics of the building or the streetscape?
- ☐ Provide landmark features at gateway or key corner sites?
- ☐ Meet requirements for access?

Land Use and Activity

- ☐ Provide the greatest possible extent of 'active frontages' (ie building frontages that encourage visual and pedestrian activity to all streets, lanes and open spaces abutting the development).

Vehicular Movement

- ☐ Provide access for delivery vehicles via a service lane, where appropriate.
- ☐ Make provision for on site carparking to meet the needs of residents, employees and other users of the building.

Activity and Land Use for larger Commercial Developments

- ☐ Encourage an integrated mixture and density of land-uses including tourist, commercial, industrial, cultural and residential uses in appropriate areas.

Environmental Factors

- ☐ Provide means of protecting pedestrians from rain, sun and wind and does not accentuate undesirable wind effects.
- ☐ Avoid overshadowing of public spaces and provide for natural lighting to indoor part of buildings.
- ☐ Promote high-quality buildings which provide variety, interest, safety and convenience and which are sensitive to their surrounding and the image of Kiama.
- ☐ Provide facilities on site for the storage of domestic and commercial waste including facilities for the collection of recyclable materials.
- ☐ Encourage prime vistas to the Harbour, Black Beach and Blowhole Point.
- ☐ Enhance visual entrances to Kiama and create a strong visual image of its Harbour.

Topic 12.8 – West Kiama

In addition to the controls outlined in other chapters of this document the following controls also apply to the land shown on the plan attached to this Chapter.

The aims for this nominated area are to provide a defined urban edge to the southern and western boundaries of the Kiama town west of the Kiama Bypass that:

- i. separates urban land from rural land to the south and west;
- ii. provides a visually attractive interface with rural land as viewed from rural and urban locations;
- iii. respects natural landscape features within the area.

Objectives

O:12.8.1	To protect and enhance the riparian corridor along the upper reaches of Willow Gully Creek.
O:12.8.2	To ensure new urban development is designed to complement the character of the subject land having regard to existing natural landform, riparian features, remnant native vegetation and cultural heritage.
O:12.8.3	To prevent residential development on flood prone land and protect existing development downstream of the estate from exposure to changes in flood behaviour.
O:12.8.4	To protect water quality in the Willow Gully Creek and Spring Creek catchments and natural ecosystems and biodiversity supported by these streams and associated water bodies.

Site Specific Controls

- 12.8.1 Buildings fronting perimeter roads are to be setback from perimeter roads by a distance of 4 metres.
- 12.8.2 Subdivision for residential purposes and associated roads must be designed in accordance with proposed new perimeter roads and fire trails shown on the plan attached to this chapter.
- 12.8.3 Subdivision design should provide, to the maximum extent possible, opportunity for the design of houses with good solar access to internal and external living areas.
- 12.8.4 Council may consider the application of zero lot lines in appropriate circumstances to assist achievement of solar efficiency objectives. Lots with zero lot lines must be identified in approved subdivision plans and their Section 88B Instruments.
- 12.8.5 Perimeter roads will be designed in accordance with Councils engineering standards and dedicated to Council and will include perimeter public reserves for screening vegetation to assist reduction of the visual impact of new development in the estate as viewed from distant locations.

- 12.8.6 No urban development including dwellings, sheds or other domestic structures associated with or owned by residents within the estate will be permitted outside the boundaries of the perimeter roads and fire trails.
- 12.8.7 Garage entrances are to be setback a distance of 6 metres from street property boundaries to enable vehicles parked in private driveways external to garages to be contained wholly within lot boundaries.
- 12.8.8 New housing adjoining the rural edge of the estate will be of single storey, architecturally articulated houses of subdued colour tones that address perimeter roads. Such housing will be designed to minimise visual impact when the urban edge is viewed from distant public viewing points both in the urban and rural districts remote from the site.
- 12.8.9 Housing on lots fronting perimeter roads will be limited to single storey and have a height not exceeding that shown on the building height map as measured from natural ground level to roof ridge height. Attic rooms are permitted in the roof space area.
- 12.8.10 Housing on sloping terrain within the central and near fringe areas of the estate will be of single storey or carefully designed two storey houses that maximise opportunities for solar access and views.
- 12.8.11 Housing adjacent to public reserve land will be expected to address the reserve except in isolated cases where development may also front a road.
- 12.8.12 Accessibility within the estate will be a feature. Blind roads and cul-de-sacs will only be permitted where constraints, including cultural heritage, preclude open ended roads. Subdivision roads will be designed to allow opportunity for the most direct travel route to destinations within and outside the estate.
- 12.8.13 Housing within the estate will be restricted to flood free land. It will also be restricted to land that is not contaminated by chemical substances associated with past land use unless properly remediated beforehand.
- 12.8.14 Garages cannot dominate the streetscape.
- 12.8.15 Large lots identified on the map for higher density housing forms must be retained in subdivision for their nominated purpose rather than broken up for detached housing lots as in conventional subdivision.

West Kiama Dedications

Plan (to be added in) identifies land required to be dedicated for public reserves. This includes:

- The riparian corridor.
- The children's playground.
- The fig tree reserve (a passive reserve near the dry stone wall labelled G adjacent to the western perimeter road).
- The dam reserve (a passive reserve near the existing farm dam).
- The Thomson Street reserve (a passive reserve on the eastern fringe of the estate)
- The screen planting reserves (passive reserves on the western fringe of the estate).

These sites will be required to be dedicated and embellished under the terms of the [Section 94 Contributions Plan for the West Kiama Urban Release Area](#).

West Kiama Vegetation

Objective

O:12.8.5	This section is aimed at protecting, preserving and increasing locally endemic species of trees and other vegetation in the estate.
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Controls

- 12.8.16 Existing mature trees including locally endemic species (cabbage palms and figs) and exotics (Norfolk Island pines) must not be removed or damaged except in accordance with an approval issued by Council.
- 12.8.17 The existing Tacoma hedge in the vicinity of the dry stone wall labelled G near the western perimeter road and other associated vegetation in this location must be retained (except for weed species, e.g. lantana and blackberry) for site screening purposes.
- 12.8.18 The existing mature trees must be retained to the maximum extent possible. Subdivision design will be expected to cater for their retention by:
- Locating them within public reserves or on the perimeter of road reserves where feasible.
 - Creating building envelopes on lots that will enable the trees to be retained.
 - New vegetation to be provided in public reserves or in vegetation easements to provide screening of the estate must, to the extent feasible and practical for the purposes they are planted, be of locally endemic or other native species approved by Council.
- 12.8.19 Where a development site includes or is adjacent to a stone wall, Council may require (by condition of consent) that only certain approved species of plants be located in close proximity to the walls to provide protection to the walls.

Noise Control Associated with the Kiama Bypass

Objective

O:12.8.6	To ensure that housing sites in close proximity to the Kiama Bypass incorporate acoustic design measures to ensure that residential amenity is not impacted by associated road noise.
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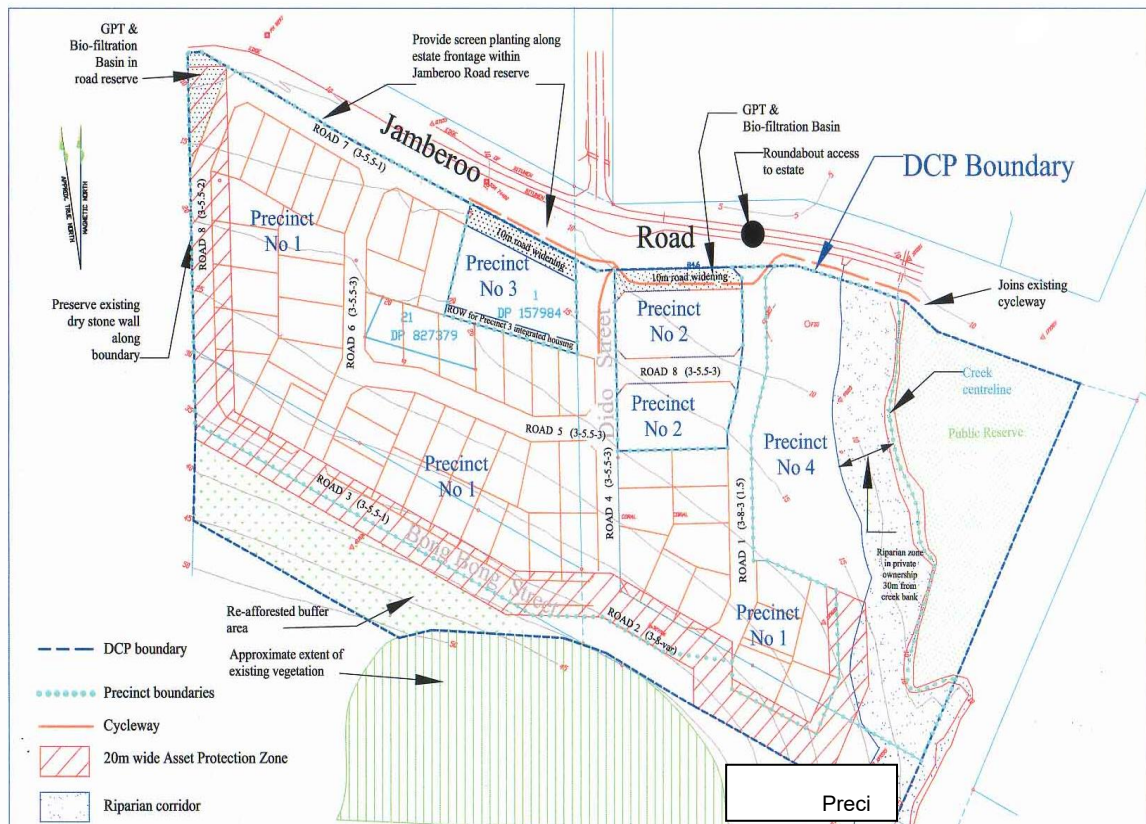
Controls

- 12.8.20 The design of houses (regardless of type) must be designed to limit the exposure of habitable rooms to excessive noise levels.
- 12.8.21 Acoustic measures such as double glazing etc may be required to satisfy amenity issues.

- 12.8.22 Council may require applications for housing adjacent to the Bypass to be accompanied by an acoustic report recommending design measures to be incorporated in the construction of that housing to minimise noise exposure to acceptable levels.

Topic 12.9 – Cedar Grove Stage 1

In addition to controls outlined in other chapters of this document the following site specific controls apply to land referred to as Cedar Grove as shown in the following plan:



Objectives

- O:12.9.1.1 To ensure that development in this area creates a defined urban edge.
- O:12.9.1.2 To ensure that development provides a visually attractive interface between rural and urban land.
- O:12.9.1.3 To ensure that development respects natural landscape features and other environmental attributes of the site.
- O:12.9.1.4 To ensure that pedestrian ways and cycleways are provided that link the estate with public land within and outside the estate, and other existing pedestrian/cycleways.
- O:12.9.1.5 To ensure that the “riparian corridor” land is not used for residential purposes but instead revegetated, preserved and managed as riparian land.
- O:12.9.1.6 To ensure the preservation and restoration of the existing dry stone wall located on the western boundary of the estate.

Site Specific Controls

- 12.9.1 Development applications for subdivision are to be accompanied by a geotechnical report and in some instances applications for housing may also

need to be accompanied by geotechnical reports. Development design must incorporate any recommendations included in geotechnical reports.

- 12.9.2 That following character statements must guide development in the following Cedar Grove precincts:

Precinct 1 is set aside for conventional detached dwelling-house lots. Dual occupancy development is not permitted by this plan on new lots created in Precinct 1.

If retained as a lot in the estate, existing Lot 21 DP827379 may be developed alternatively as:

- a dual occupancy development provided both dwellings have full street frontage
- re-subdivision into two separate lots each limited to a single dwelling-house provided both dwellings have full street frontage.

Precinct 2 must to be developed for multi dwelling housing.

Precinct 3 can be developed alternatively as conventional detached dwelling-house lots or alternatively as a multi dwelling housing.

Precinct 4 allows the continued occupation of an existing homestead on its own rural residential lot. This lot includes the riparian corridor land on the western side of Willow Gully Creek which under must be rehabilitated and managed in future as riparian land. This lot cannot be re-subdivided or developed for other residential purposes unless this is supported by Council as an amendment to the DCP.

Cedar Grove Land Subdivision Performance Standards

In addition to other subdivision stands in this DCP the following site specific controls apply:

- 12.9.3 The land subdivision design layout for the estate must:
- achieve a high level of accessibility within the estate by car, cycle and pedestrian routes.
 - connect the new streets with the existing street system in a way that allows people to move easily and freely within and beyond the estate.
 - within Precinct 1, at least 80% of lots achieving a 5 star rated solar design standard to facilitate the design of energy efficient housing including the opportunity to exploit cooling summer nor-easterly breezes for house summer microclimate control.
 - within Precincts 1, 2 and 3, orientate and design dwelling floor plans to maximise solar access.
 - limit the need for site excavation for road and housing construction to minimize the potential for soil erosion, site sub floor drainage problems, land instability and the need for expensive and visually unattractive retaining walls within the streetscape.

12.9.4 The estate's subdivision layout and associated engineering design must comply with the following standards:

- Streets must be designed in conformity with the subdivision street design layout. However, Council may vary the location and street profile design where it considers this is appropriate in particular circumstances and is consistent with the plan's subdivision objectives and performance standards.
- An alternate plan of Lot 21 DP 827379 is consolidated with other land instead of being retained as an existing lot.
- All new lots created within the estate will be required to gain access to Jamberoo Road via the roundabout.
- The existing Lot 21 DP 827379 and Lot 1 DP 157984 must be effectively incorporated into the design of the estate, and allow for future subdivision of these lots if desired by their owners.
- Continued temporary legal access must be provided to Lot 21 DP827379 from the land to the immediate north while Lot 21 and the existing house remains on the land. However, the existing right-of-way (row) providing access to Lot 21 shall be connected with Road 7 identified in the MASTERPLAN in [Topic 5.1 of Chapter 5](#) at no cost to the owner of Lot 21 when Road 7 is constructed and the remaining part of the r-o-w connecting with the intersection at Jamberoo Road must be extinguished. Such temporary r-o-w connecting with Road 7 shall be extinguished over land to the north of Lot 21 at such time that Lot 21 is either consolidated with other land or if Lot 21 is redeveloped in which case access to Lot 21 shall be obtained from Road 5 or Road 6 (if this is mutually agreed by the adjoining land owner). This clause does not prevent other mutually agreeable access options being implemented by landowners concerned.

12.9.5 Perimeter streets must define the southern and western edge of the estate.

Site Specific Developer agreements

Council and the estate's landowners are parties to a developer agreement prepared as an alternative to a Section 94 Plan covering community facilities required by the estate. The developer agreement and its obligations are binding on subsequent land owners. The agreement's obligations are incorporated in the DCP Master Plan in [Topic 5.1 of Chapter 5](#) and include:

- The dedication and rehabilitation of part of the estate as passive riparian reserve.
- The rehabilitation and management of riparian land to be retained in private ownership.
- The provision of cycleway/pedestrian links to existing facilities outside the estate.
- Landscaping and planting of the verge on the southern side of Jamberoo Road.
- Natural re-forestation of a buffer area between the estate and adjoining farming land to the south.

Topic 12.10 – Cedar Grove Stage 2

Cedar Grove Stage 2 refers to a residential release area located on the western edge of Kiama (refer to location plan). The release area contains a range of lot sizes aimed at giving greater choice and diversity for housing options.

In addition to controls outlined in other sections of this document the following controls apply to the land referred to as Cedar Grove Stage 2 shown in [Appendix 7](#). Provisions within the Kiama LEP 2011 prevail over any provisions within this Topic. In the event of any inconsistency with another applicable chapter, the controls in this chapter will prevail.

Controls

The objectives of this Section should to be taken into consideration when preparing an application for residential development within [Cedar Grove - Stage 2](#). Small lot (i.e. lots smaller than 450m²) housing development designed within Building Envelope Plans are to provide attractive living environments and shall ensure neighbour interface issues are addressed from the outset.

Objectives

O:12.10.1	To ensure that amenity impacts to other dwelling houses are minimised, in terms of overshadowing, privacy and access to sunlight and daylight.
O:12.10.2	To ensure that the size and bulk of dwelling houses are not overbearing on, or incompatible with, surrounding development.
O:12.10.3	To ensure that the height of dwelling houses allows reasonable access to daylight and sunlight for dwelling houses and their open space on adjoining properties.
O:12.10.4	To encourage small lot dwelling houses to provide a pleasant living environment for their occupants.

The following performance criteria, acceptable solutions and controls will apply in assessing applications for residential development within the [Cedar Grove Estate – Stage 2](#).

Performance Criteria		Acceptable Solutions	
12.10.1	Dwelling houses on small lots must minimise amenity impacts on other dwelling houses and their open space in terms of access to sunlight and daylight.	10.12.1a	Side boundary setbacks are as specified in Table 1 Building Envelope Requirements . Rear boundary setbacks are as specified in Table 1 Building Envelope Requirements.
12.10.2	Building size and bulk is consistent with surrounding development in the wider area and must not create overbearing development for neighbouring dwelling houses and their open space.	12.10.2a	Length of building requirements are as specified in Table 1 Building Envelope Requirements .

Performance Criteria		Acceptable Solutions	
12.10.3	Small lots must include an appropriate balance of built form and open space.	12.10.3a	The building footprint does not exceed 60% of the site area.
12.10.4	Building height is consistent with those buildings prevailing in the locality. Building height must minimise amenity impacts on other dwellings and their open space in terms of access to sunlight and daylight.	12.10.4a	Building heights are specified in Table 1 Building Envelope Requirements . Non-load bearing aerials, antennas, flues, roof ventilators and chimneys are not considered part of the dwelling house for the purpose of determining building height. Building height must not create overbearing development for neighbouring dwellings and their open space.
12.10.5	The setback from any road alignment must complement the setbacks prevailing in the street. The setback from any road alignment must be sufficient to enable screening and noise attenuation from the street.	12.10.5a	Front boundary setbacks are as specified in Table 1 Building Envelope Requirements .
12.10.6	Privacy must be maintained between neighbouring dwellings.	12.10.6a	Rear and Side Setback are specified in Table 1 – Building Envelope Requirements . Screening of windows of habitable rooms, decks, verandahs or balconies can also be screened from side boundaries.

Table 1 – Building Envelope Requirements

	Lots	Requirements
Side boundary setback	Lots between 400m ² and 450m ²	Zero setback on the southern boundary to garage. 1 metre setback on the northern boundary and any building on southern boundary excluding the garage (see Appendix 8).
	Lots smaller than 400m ²	Zero setback on the western boundary. 1 metre setback on the eastern boundary (see Appendix 9 & Appendix 10).
	All other lots	Refer to Chapter 6 .

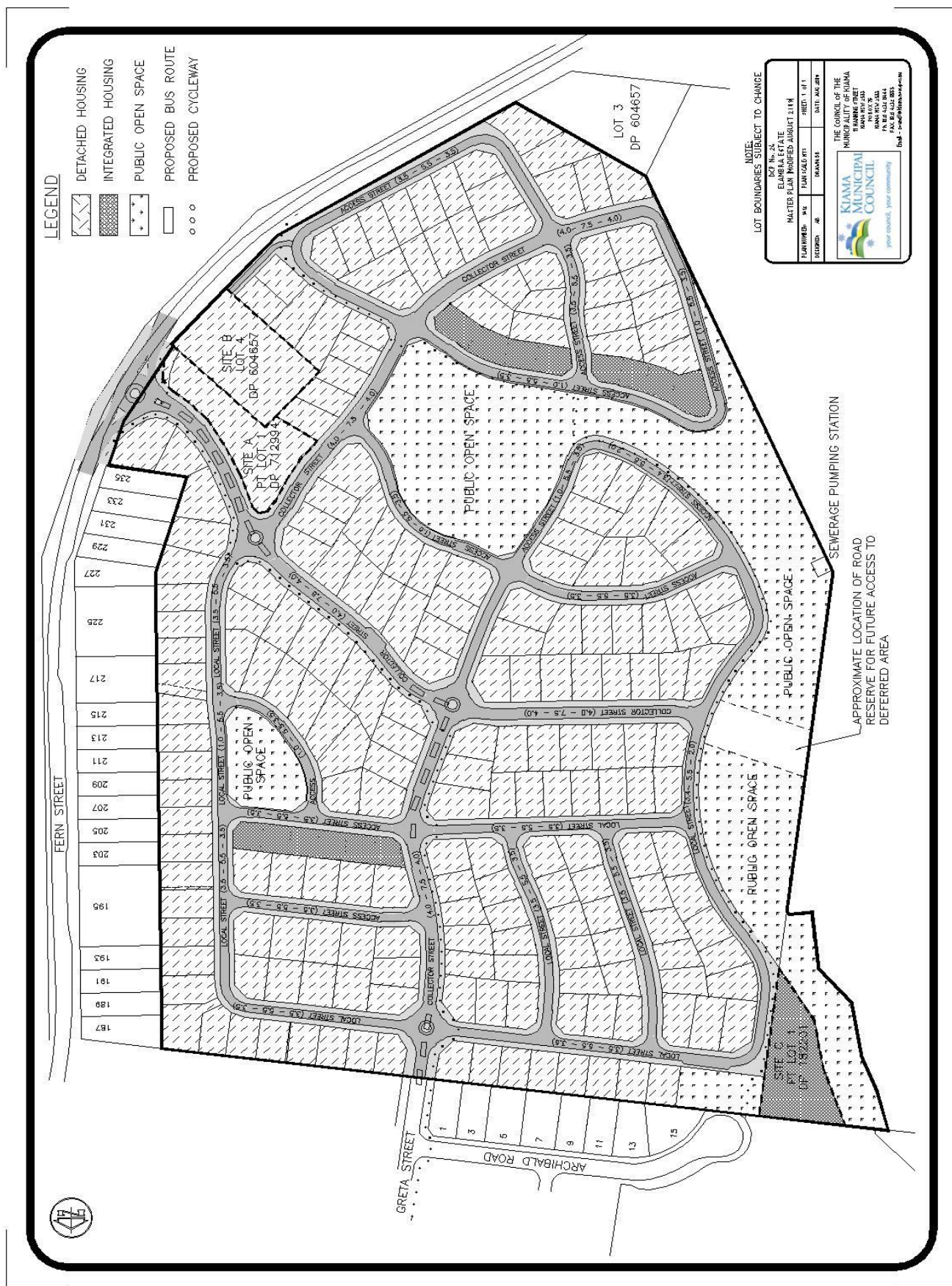
	Lots	Requirements
Front boundary setback	Lots smaller than 450m ²	4 metre setback with garages a minimum of 5.5 metres (see Appendix 8 , Appendix 9 & Appendix 10).
	All other lots	4 metre setback with garages a minimum of 6m (refer to Chapter 6 and Topic 3.6).
Rear boundary setback	Lots between 400m ² and 450m ²	4 metre setback. Alternatively a 2 metre setback with a 6 metre x 6 metre private open space adjacent to the northern boundary.
	Lots smaller than 400m ²	6 metre setback for allotments with a southerly frontage (see Appendix 10). 6 metre setback for single storey and 12 metres to double storey for allotments with a northerly frontage (see Appendix 10).
	All other lots	6 metre setback (see Chapter 6).
Building Height Plane	Lots between 400m ² and 450m ²	No part of the structure (except the eaves, fascia and roof gutter to a maximum width of 600mm) shall exceed a building height plane projected at: <ul style="list-style-type: none"> • 32° over the actual land from a vertical distance of 3 metres above the existing ground level on the southern boundary of the lot; and • 45° over the actual land to be built upon from a vertical distance of 5 metres above the existing ground level on the northern boundary of the site (see Appendix 11).
	Lots smaller than 400m ² with a northerly frontage	No part of the structure (excluding the eaves, fascia and roof gutter to a width of 600mm): <ul style="list-style-type: none"> • Between the front building line and 12 metres from the rear boundary shall exceed a building height plane projected at an angle of 45° over the actual land to be built upon from a vertical distance of 5 metres above the existing ground level along the eastern and western boundaries of the site.; and • Between 6 metres and 12 metres from the rear boundary shall exceed a building height plane projected at an angle of 45° over the actual land to be built upon from a vertical distance of 2.5 metres above the existing ground level along the eastern and western boundaries of the site (see Appendix 12).

	Lots	Requirements
Building height	Lots smaller than 400m ² with a southerly frontage	No part of the structure (excluding the eaves, fascia and roof gutter to a maximum width of 600mm) shall exceed a building height plane projected at an angle of 45° over the actual land to be built upon from a vertical distance of 5 metres above the existing ground level along the eastern and western boundaries of the site. The maximum height above ground level is 8.5 metres (see Appendix 13).
	All other lots	Refer to Chapter 6

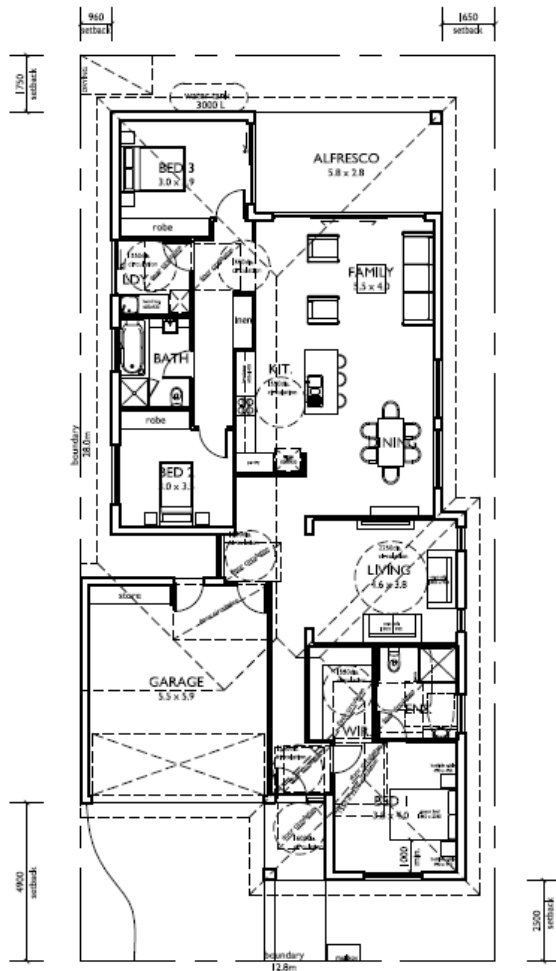
Appendix 1 – Gerringong Town Centre



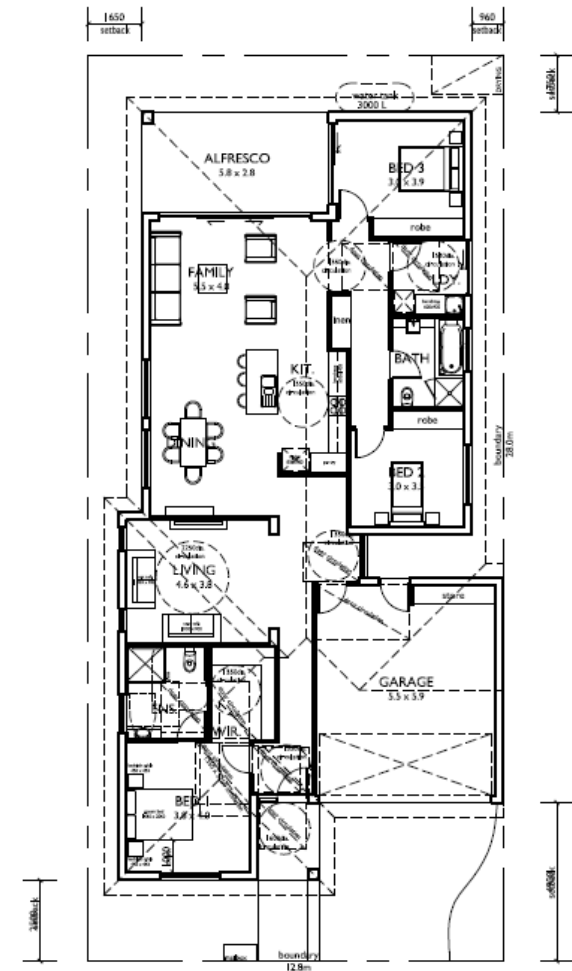
Appendix 2 – Elambra Estate



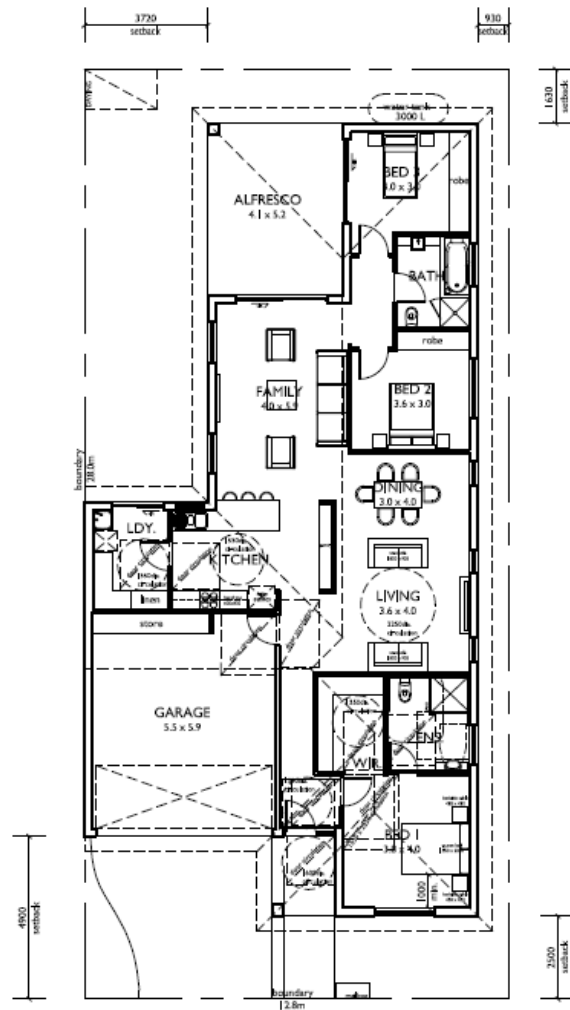
Appendix 3 – Indicative Concept designs for Seniors Living Precinct – Wyalla Road Residential Release Area



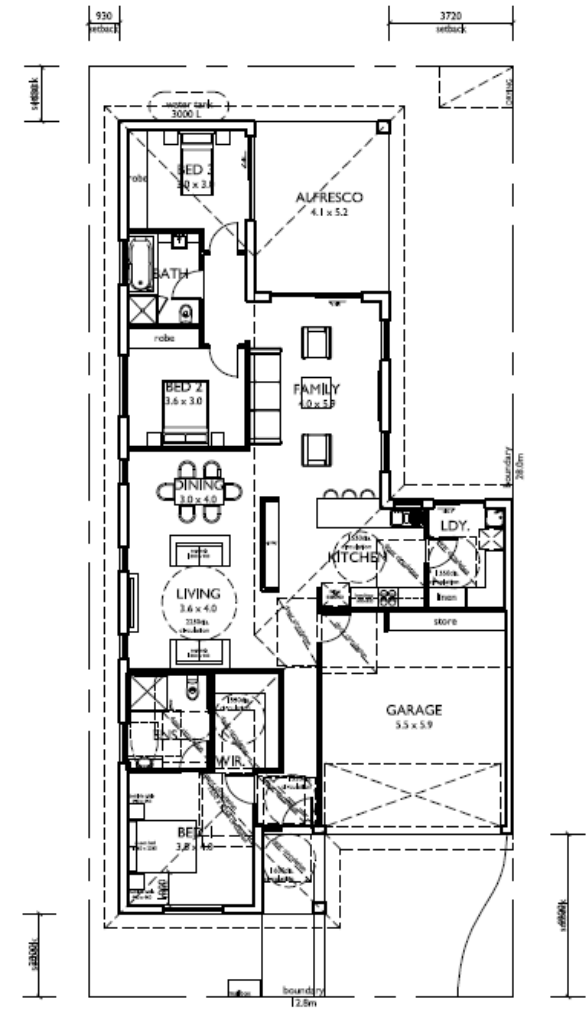
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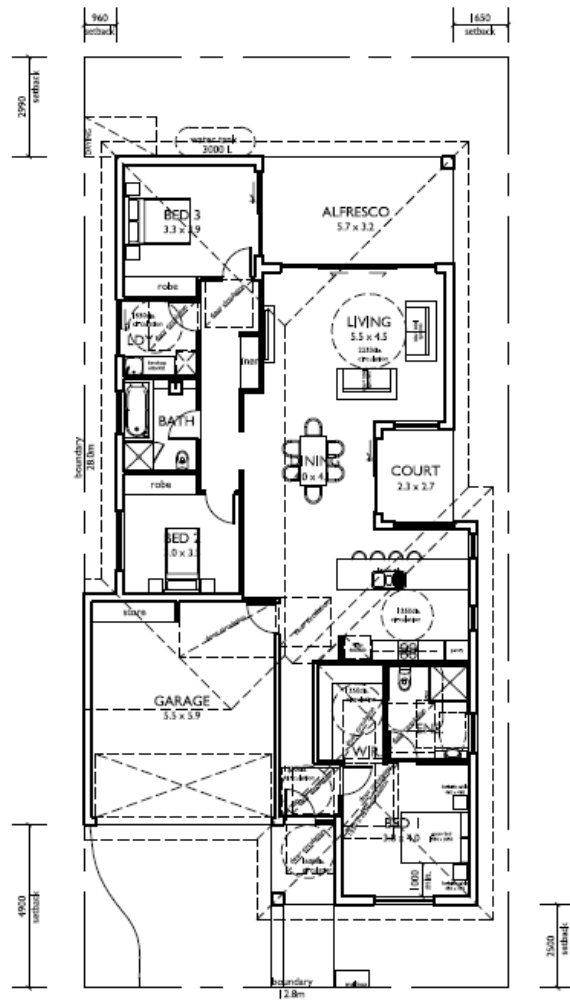
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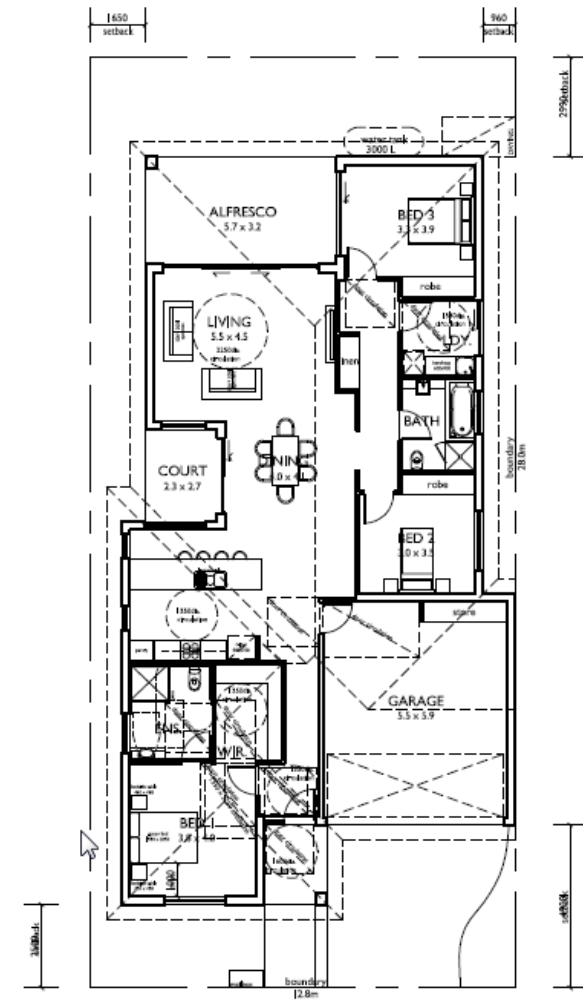
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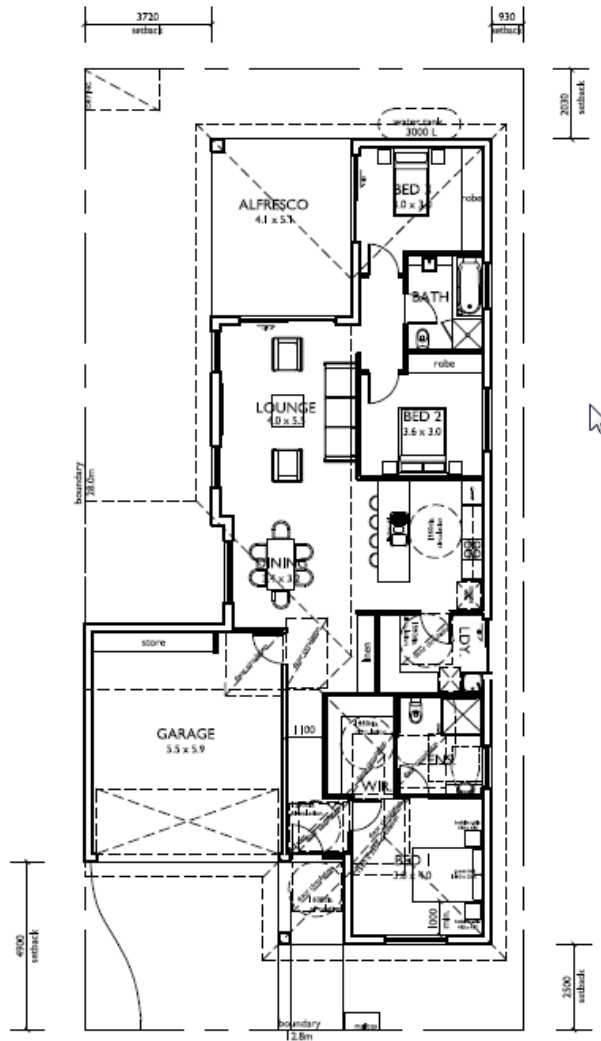
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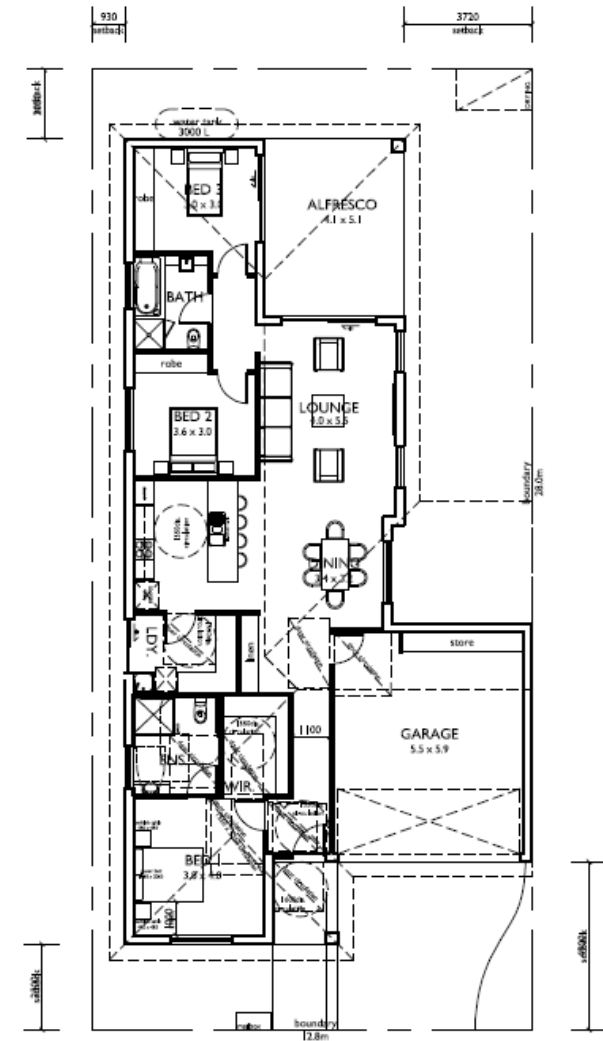
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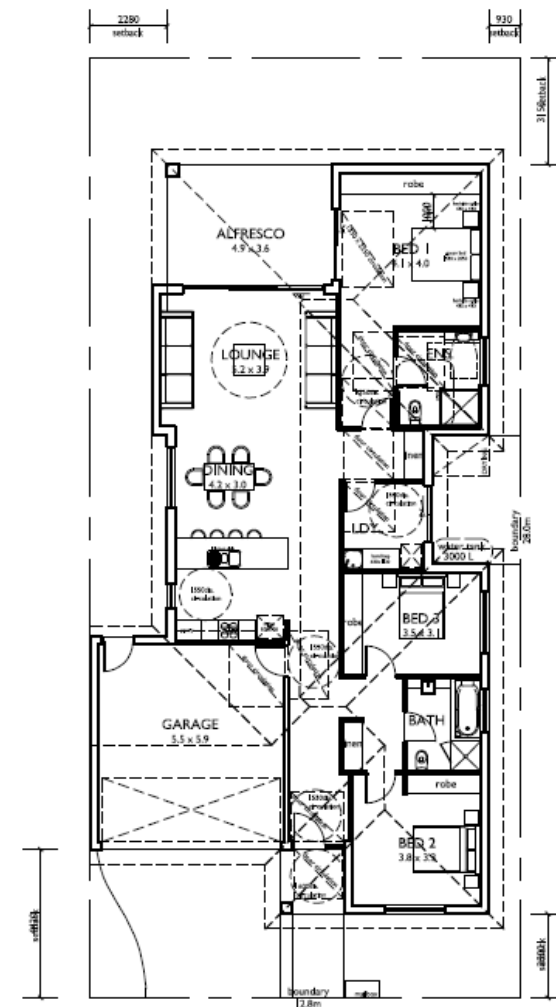
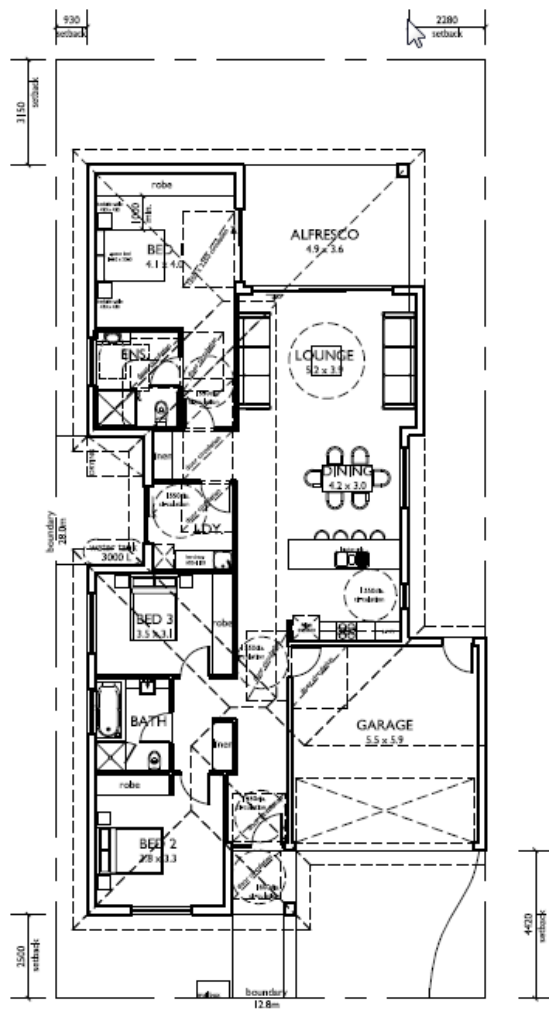
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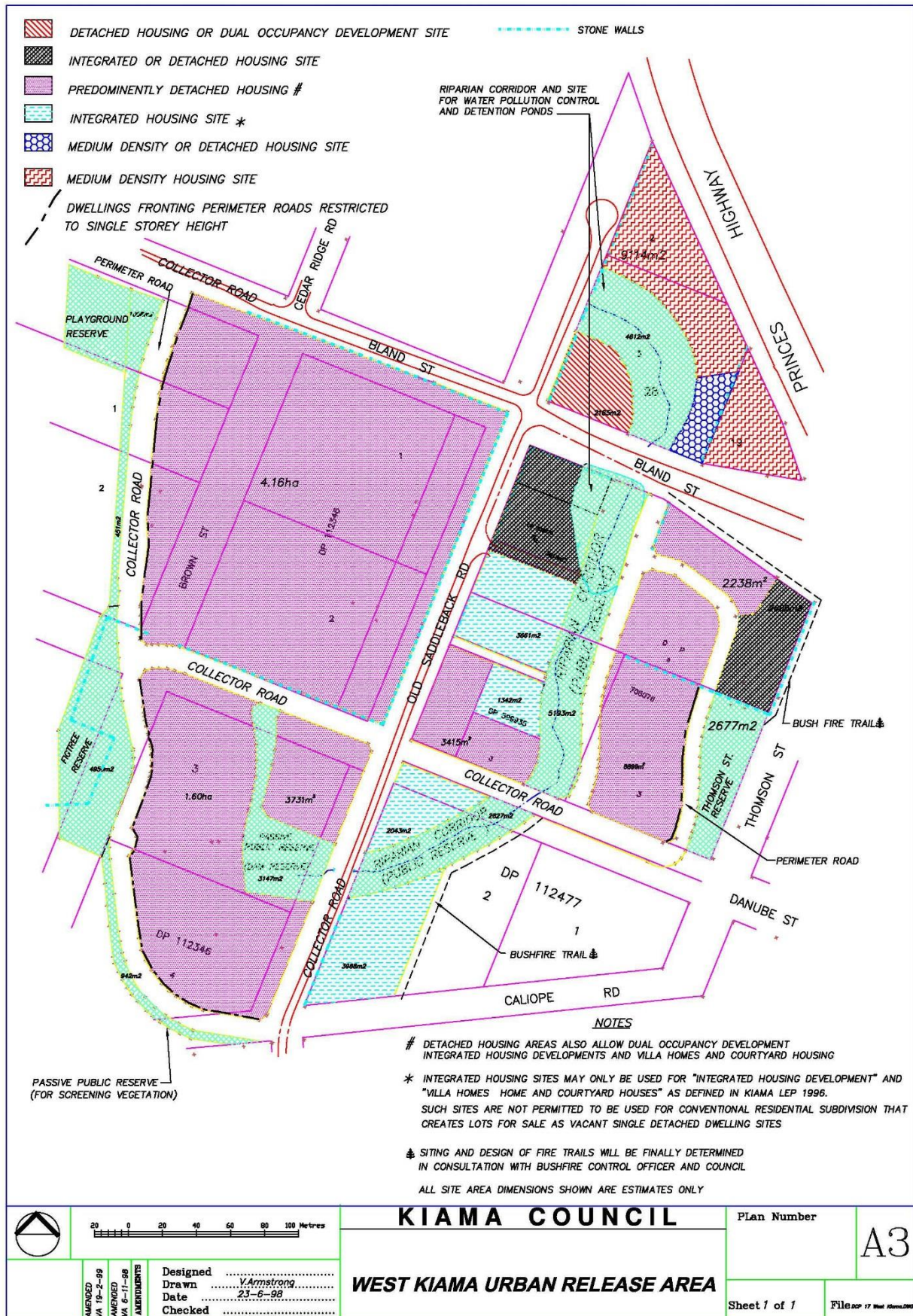
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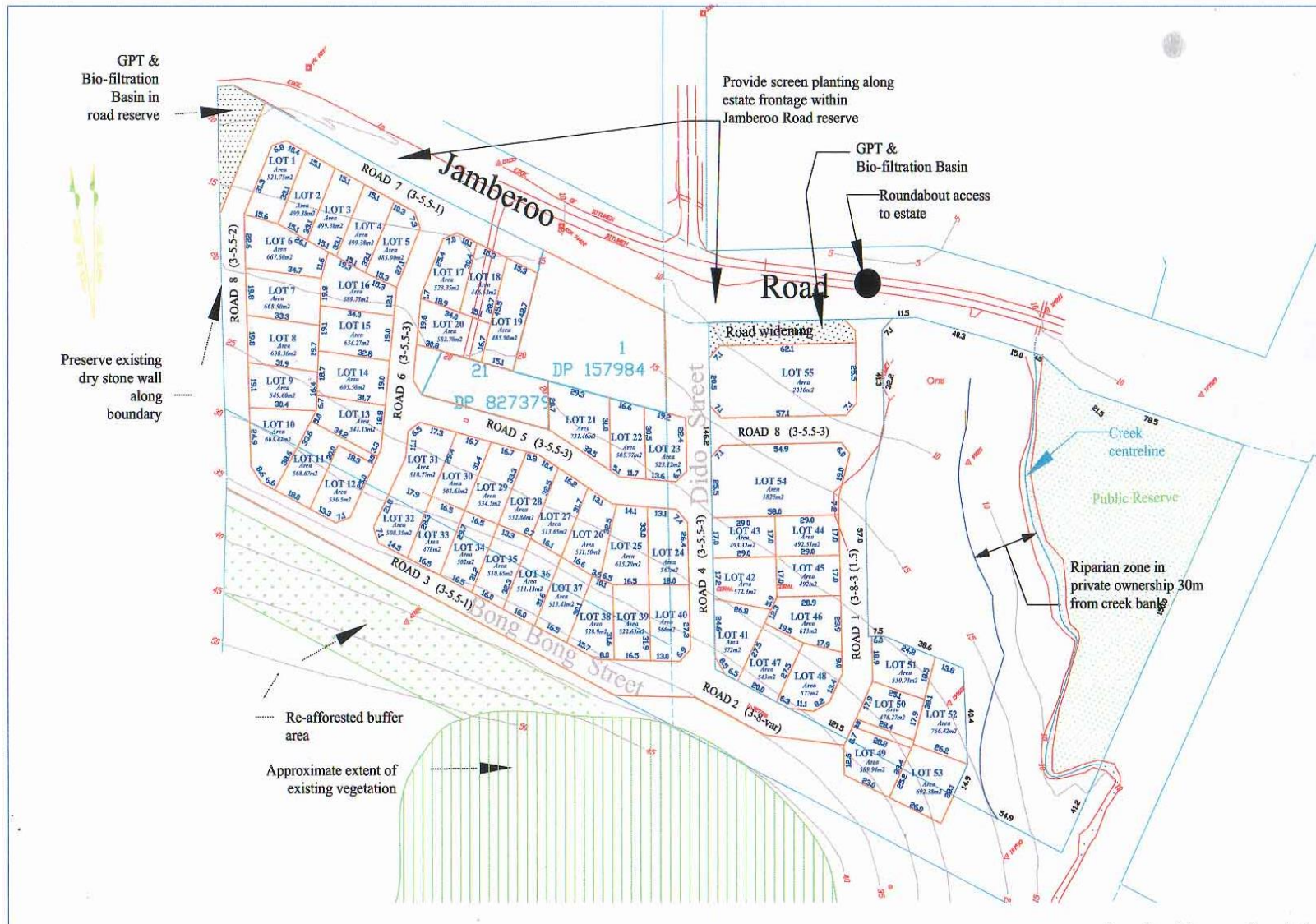
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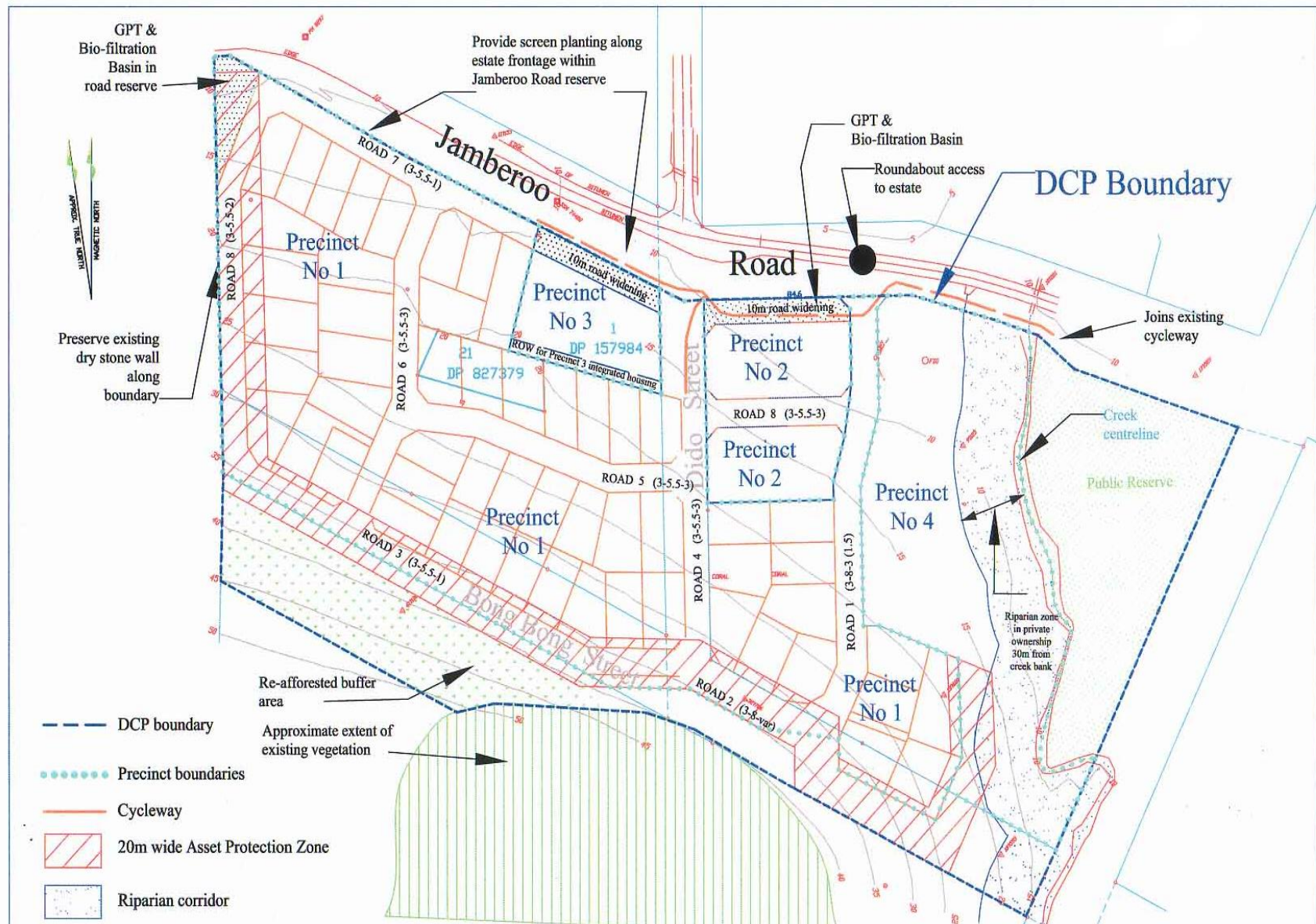


Appendix 4 – West Kiama



Appendix 5 – Cedar Grove Stage 1 - Precinct Maps







KIAMA MUNICIPAL COUNCIL
your council, your community

TECHNICAL SPECIFICATIONS FOR

RAINWATER TANKS ON RESIDENTIAL PROPERTIES

&

ASSOCIATED PLUMBING CONFIGURATIONS

CEDAR GROVE ESTATE, KIAMA

SHEET 1 - TYPICAL RAINWATER TANK DETAILS (CEDAR GROVE ESTATE)
SHEET 2 - PLANNING & INSTALLATION NOTES
SHEET 3 - COMMISSIONING & MAINTENANCE NOTES & PRESSURISED ROOF
DRAINAGE SYSTEM DETAIL
SHEET 4 - SCHEMATIC PLAN FOR PROPERTY OWNERS
SHEET 5 - PLUMBER'S CERTIFICATION CHECKLIST

THESE SPECIFICATIONS WERE PREPARED IN CONJUNCTION WITH:

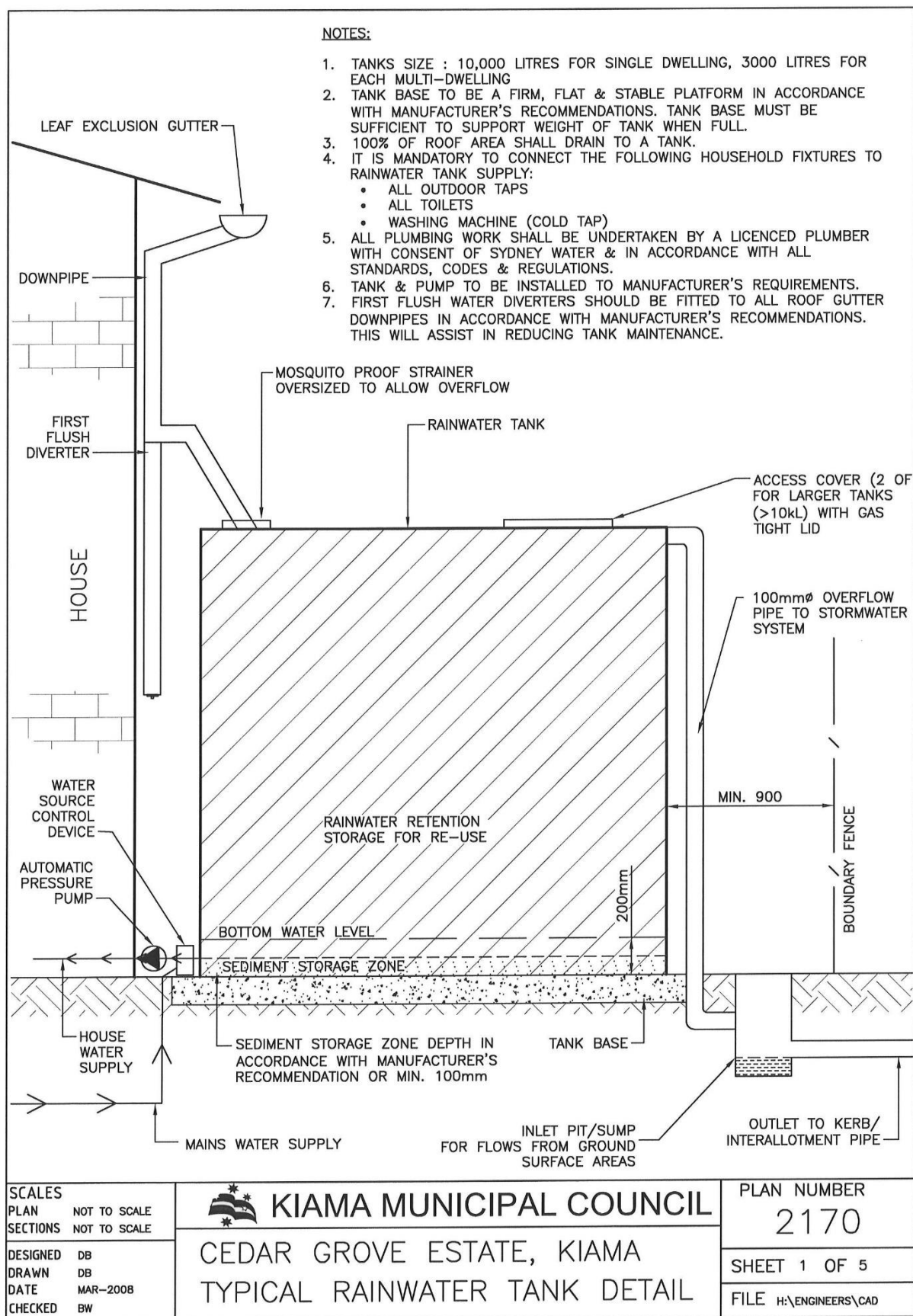
STORM CONSULTING PTY LTD
SUITE 3, 6 WEST STREET PYMBLE
PH: 02 9499 4333
FX: 02 9499 4311
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PLANNING CONTROLS

1. THE RAINWATER TANK SHALL BE LOCATED WHOLLY BEHIND THE BUILDING LINE AND PREFERABLY BEHIND THE DWELLING, WITH THE EXCEPTION OF UNDERGROUND TANKS
2. THE RAINWATER TANK AND ASSOCIATED PLUMBING SHOULD BE THE SAME COLOUR AS THE DWELLING OR A COLOUR THAT COMPLIMENTS THE DWELLING OR BE SUITABLY SCREENED FROM NEIGHBOURING PROPERTIES.
3. THE TOP OF THE TANK SHALL NOT EXCEED 2.4m ABOVE THE GROUND FLOOR LEVEL ADJACENT TO THE TANK.
4. THE RAINWATER TANK SHOULD BE LOCATED AT LEAST 900mm FROM ANY PROPERTY BOUNDARY AND SHOULD NOT IMPACT ON DRAINAGE EASEMENTS OR SEWER MAINS.
5. THE RAINWATER TANK SHALL BE POSITIONED TO COLLECT ALL RAINWATER WHICH FALLS ON THE ROOF OF THE DWELLING ONLY.
6. TANK INSTALLATION MUST BE IN ACCORDANCE WITH THE CURRENT 'NSW CODE OF PRACTICE: PLUMBING AND DRAINAGE' AND ALL PIPEWORK MUST BE INSTALLED BY A LICENSED PLUMBER.
7. THE PUMP ASSOCIATED WITH THE RAINWATER TANK IS TO BE NO LOUDER THAN 5dBA ABOVE BACKGROUND NOISE LEVELS.
8. DESIGN DRAWINGS AND NOTES ARE TO BE READ IN CONJUNCTION WITH RELEVANT COUNCIL D.C.P DOCUMENTS.

INSTALLATION NOTES

1. ALL TANKS & PUMPS MUST BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATION.
2. PUMP SELECTION IS TO SUIT HOUSE REQUIREMENTS. THE MINIMUM PRESSURE AT FURTHERMOST OR MOST DISADVANTAGED FIXTURE OR OUTLET IN THE HOUSE IS TO BE NOT LESS THAN 50kPa (5m HEAD) AND NO MORE THAN 500kPa (50m HEAD).
3. ROOF DRAINAGE SYSTEM, INCLUDING DOWNPIPES, SHALL BE CONSTRUCTED IN ACCORDANCE WITH AS3500.3 (2003). ROOF GUTTER SYSTEM IS TO SLOPE TOWARDS RAINWATER TANK, PREFERABLY WITH DOWNPIPES INSTALLED NEAR TANK SO DIRECT CONNECTION TO RAINWATER TANK INLET CAN BE MADE. IF NOT POSSIBLE, INSTALL PRESSURISED ROOF DRAINAGE SYSTEM AS SHOWN.
4. THE ROOF WATER DRAINAGE SYSTEM SHALL BE A MINIMUM 100mm NB LEAD FREE uPVC POTABLE RAINWATER PIPE AND FITTINGS. UNDER GROUND PIPE SHALL COMPLY WITH AS1260 (SEWER PIPE), WITH SOLVENT WELDED JOINTS. ABOVE GROUND PIPE MAY COMPLY WITH AS1254 (STORMWATER PIPE). ALL ABOVE GROUND uPVC PIPE AND FITTINGS SHALL BE APPROPRIATELY PAINTED IN ORDER TO PROVIDE ADEQUATE ULTRA-VIOLET PROTECTION.
5. RAINWATER TANKS CAN BE MADE OF ANY OF THE FOLLOWING MATERIALS; POLYETHYLENE, CONCRETE AND CORRUGATED GALVANISED STEEL. APPROPRIATE INTERNAL LINING IS REQUIRED FOR CORROSION PROTECTION FOR METALLIC SURFACES IN ACCORDANCE WITH AS2070-PLASTIC MATERIALS FOR FOOD CONTACT. POLYETHYLENE TANKS ARE TO BE MANUFACTURED FROM UV STABILISED FOOD GRADE POLYETHYLENE. TANK MATERIAL SHALL BE SUITABLE FOR STORING POTABLE WATER AND COMPLY WITH AS3855 - SUITABILITY OF PLUMBING & WATER DISTRIBUTION SYSTEMS PRODUCTS FOR CONTACT WITH POTABLE WATER.
6. RAINWATER TANK DETAILS SHOWN ARE FOR ABOVE GROUND INSTALLATION. TANKS CONSTRUCTED BELOW GROUND MUST BE IN ACCORDANCE WITH RELEVANT CODES AND INDUSTRY GUIDELINES. ALL BELOW GROUND TANKS MUST BE 100% WATER TIGHT AND FULLY SEALED TO PREVENT ANY INGRESS OF GROUND WATER. DESIGN AND CONSTRUCTION OF TANK FOUNDATIONS MUST TAKE INTO ACCOUNT BOUYANCY FORCES. ALL TANK OPENINGS MUST BE LOCATED SO THAT DEBRIS AND GROUNDWATER DOES NOT ENTER THE TANK.
7. IN THE CASE OF STEEL TANKS. COPPER PIPE AND ITS ALLOYS MUST NOT BE CONNECTED DIRECTLY TO THE TANK. IF COPPER IS USED FOR WATER RETICULATION AT LEAST TWO METRES OF PLASTIC PIPE MUST BE INSTALLED BETWEEN THE COPPER PIPE AND TANK. THIS IS REQUIRED TO LIMIT THE OCCURRENCE OF "CUPROSOLVENCY" WHERE BY ACIDIC WATER IN NATURE COMES INTO CONTACT WITH COPPER METAL.
8. IN ACCORDANCE WITH THE NSW CODE OF PRACTICE - PLUMBING & DRAINAGE. (REFER TO C.U.P.D.R CIRCULAR No.18 SEPT 2003). THE RAINWATER SUPPLY IS TO BE IDENTIFIED AS RAINWATER & THERE MUST NOT BE ANY INTERCONNECTION BETWEEN POTABLE & RAINWATER SUPPLY WITHOUT THE APPROPRIATE LEVEL OF BACKFLOW PREVENTION. ALL RAINWATER TAPS SHALL BE LABELED AND CLEARLY MARKED WITH SAFETY SIGNS IN ACCORDANCE WITH AS1319, STATING "RAINWATER".
9. THE USE OF RAINWATER TANKS IS CONSIDERED LOW HAZARD IN ACCORDANCE WITH AS3500.1.2. AS SUCH THE BACKFLOW PREVENTION DEVICE REQUIRED IS TO IN ACCORDANCE WITH SYDNEY WATER'S REQUIREMENTS.

SCALES PLAN NOT TO SCALE SECTIONS NOT TO SCALE		 KIAMA MUNICIPAL COUNCIL	PLAN NUMBER 2170
DESIGNED DB DRAWN DB DATE MAR-2008 CHECKED BW	RAINWATER TANK PLANNING & INSTALLATION NOTES		SHEET 2 OF 5 FILE H:\ENGINEERS\CAD

COMMISSIONING & MAINTENANCE NOTES

THE FOLLOWING NOTES DETAIL THE NECESSARY STEPS REQUIRED TO COMMISSION THE RAINWATER TANK SYSTEM TO ENSURE A SAFE AND RELIABLE WATER SUPPLY. ALSO DETAILED ARE SOME SIMPLE MAINTENANCE OPERATIONS THAT SHOULD BE PERFORMED REGULARLY BY THE OWNER. THESE NOTES SHOULD BE CONSIDERED AS A MINIMUM REQUIREMENT IN ORDER TO ENSURE THE BEST POSSIBLE QUALITY RAINWATER.

COMMISSIONING

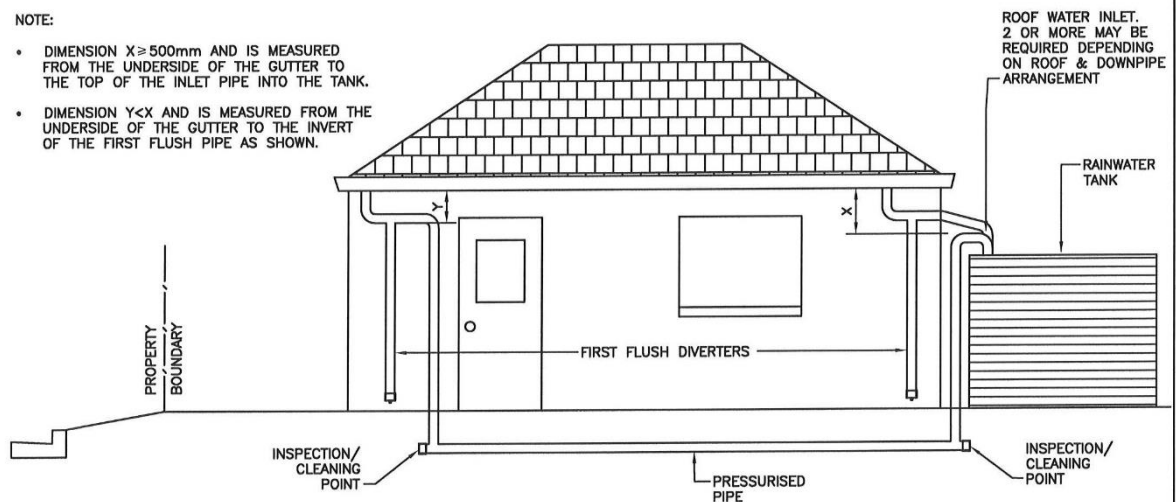
1. FILL STORAGE TANK AND OBSERVE FOR ANY LEAKS, CONTINUE FILLING UNTIL LOW OVERFLOW OPERATES FOR A PERIOD OF ONE MINUTE.
2. CHECK INSTALLATION OF RAINWATER TANK AND FIXTURES AND ENSURE THE FOLLOWING:
 - ALL OPENINGS ARE COVERED BY STRAINERS / MOSQUITO PROOF COVERS.
 - FLOAT VALVE OR SWITCH ASSEMBLY OPERATES CORRECTLY AT BOTTOM WATER LEVEL AS SPECIFIED
 - SOLENOID VALVE RESETS AFTER POWER SUPPLY IS INTERRUPTED
 - COMMISSION THE PUMP IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

MAINTENANCE

- 1) FIRST FLUSH WATER DIVERTERS ARE TO BE MAINTAINED REGULARLY BY REMOVING THE FILTER SCREEN IN THE BOTTOM OF THE DIVERTER AND CLEANING ANNUALLY. MONITOR THE DRIP OUTLET FOR THE FIRST 3 RAINFALL EVENTS AND ADJUST TO ENSURE THE DIVERTER IS COMPLETELY DRAINED OVER A 24HR PERIOD.
- 2) ANNUALLY CHECK PERFORMANCE OF THE FLOAT VALVE OR SWITCH ASSEMBLY TO ENSURE CORRECT OPERATION AT BOTTOM WATER LEVEL AS SPECIFIED.
- 3) CHECK THE TANK OVERFLOW OUTLET REGULARLY TO ENSURE THAT IT IS CLEAR OF WEEDS AND ACCUMULATION OF OTHER RUBBISH.
- 4) REGULARLY CLEAN ROOF GUTTERS TO REMOVE LEAVES, SEDIMENT AND OTHER DEBRIS.
- 5) THE ACCUMULATION OF SLUDGE AT THE BOTTOM OF THE RAINWATER TANK SHOULD BE CHECKED EVERY TWO YEARS. THE REMOVAL OF WHICH MAY BE REQUIRED ABOUT ONCE EVERY TEN YEARS DEPENDING ON THE AMOUNT OF SEDIMENT ENTERING THE TANK. THIS CAN BE UNDERTAKEN BY EITHER PUMPING OR SIPHONING THE SLUDGE OR THE TANK CAN BE DRAINED.
- 6) CLEANING OF THE INSIDE OF THE TANK SHOULD BE UNDERTAKEN BY PERSONNEL WITH APPROPRIATE TRAINING AND EQUIPMENT. THE REQUIRED FREQUENCY OF CLEANING WILL DEPEND UPON SEVERAL FACTORS SUCH AS LOCAL ENVIRONMENTAL CONDITIONS, THE CONDITION OF THE TANK INLET AND REGULAR PERFORMING OF OTHER MAINTENANCE DUTIES BY THE OWNER. IT IS RECOMMENDED THAT CLEANING BE UNDERTAKEN WHEN SLUDGE IS REMOVED OR WHEN THE TANK IS EMPTIED.

NOTE:

- DIMENSION $X \geq 500\text{mm}$ AND IS MEASURED FROM THE UNDERSIDE OF THE GUTTER TO THE TOP OF THE INLET PIPE INTO THE TANK.
- DIMENSION $Y < X$ AND IS MEASURED FROM THE UNDERSIDE OF THE GUTTER TO THE INVERT OF THE FIRST FLUSH PIPE AS SHOWN.



EXAMPLE OF PRESSURISED ROOF DRAINAGE SYSTEM

SCALES PLAN NOT TO SCALE SECTIONS NOT TO SCALE	 KIAMA MUNICIPAL COUNCIL RAINWATER TANK COMMISSIONING NOTES & PRESSURE SYSTEM	PLAN NUMBER 2170
DESIGNED DB DRAWN DB DATE FEB-2008 CHECKED BW		SHEET 3 OF 5 FILE H:\ENGINEERS\CAD

HOW DOES THE SYSTEM WORK ?

Q. WHEN DOES MY TANK SUPPLY RAINWATER ?

A. WHEN THE WATER LEVEL IN THE TANK IS ABOVE THE BOTTOM WATER LEVEL (AS SET BY THE FLOAT SWITCH / WATER SENSOR) RAINWATER WILL BE SUPPLIED TO THOSE FIXTURES CONNECTED TO THE TANK VIA A PRESSURE PUMP.

Q. WHAT HAPPENS WHEN MY TANK IS BELOW THE BOTTOM WATER LEVEL ?

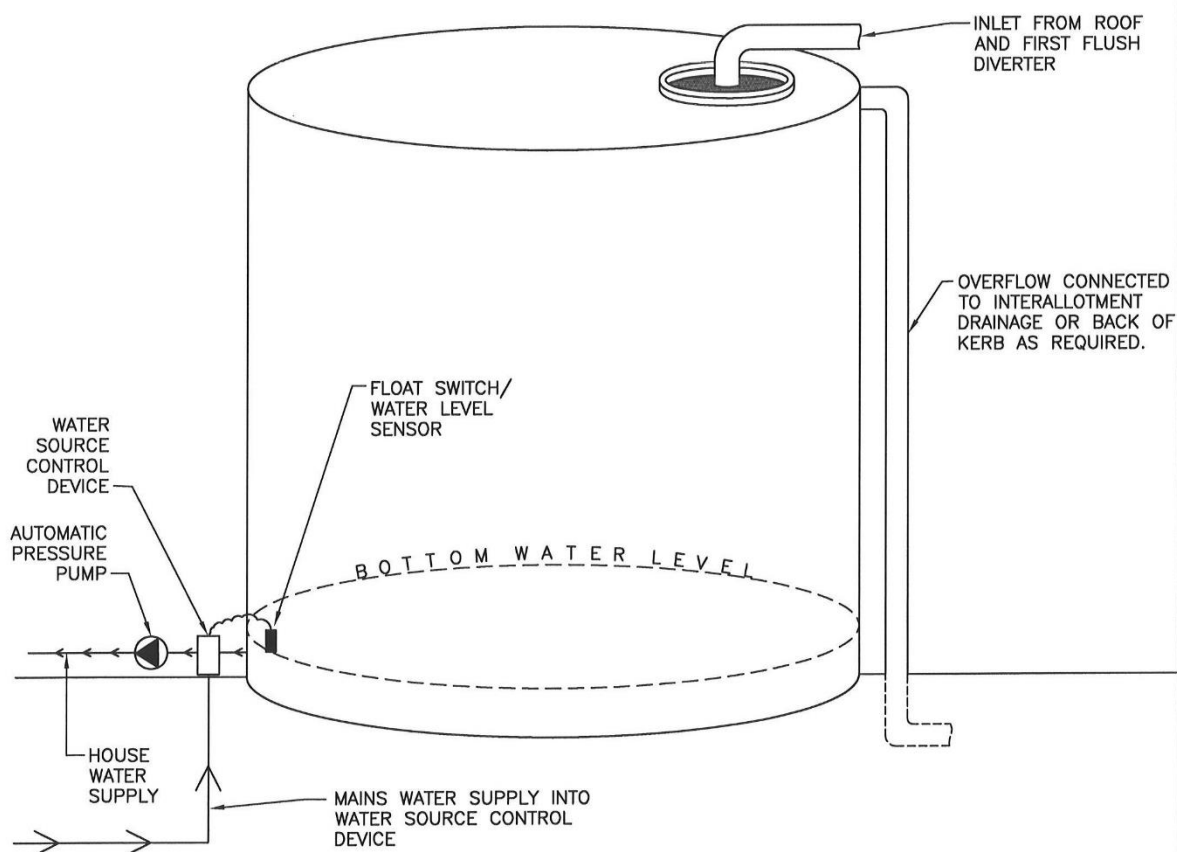
A. WHEN THE WATER LEVEL IN THE TANK REACHES THE BOTTOM WATER LEVEL, THE FLOAT SWITCH/ WATER SENSOR ACTIVATES A VALVE IN THE WATER SOURCE CONTROL DEVICE AND MAINS WATER WILL BE SUPPLIED TO THOSE FIXTURES CONNECTED TO THE TANK.

Q. WHAT HAPPENS WHEN THE POWER IS OUT AND MY PUMP DOES NOT WORK ?

A. DURING AN INTERRUPTION TO POWER SUPPLY THE VALVE IN THE WATER SOURCE CONTROL DEVICE IS ACTIVATED AND MAINS WATER IS SUPPLIED TO THOSE FIXTURES CONNECTED TO THE TANK. WHEN THE POWER SUPPLY RESUMES, RAINWATER (IF AVAILABLE) IS AGAIN SUPPLIED TO THE HOUSE.

Q. HOW WILL I KNOW WHEN RAINWATER OR MAINS WATER IS BEING USED ?

A. SOME SYSTEMS MAY BE FITTED WITH A WATER SOURCE INDICATOR THAT WILL INDICATE WHERE YOUR WATER IS CURRENTLY BEING SOURCED FROM. CHECK YOUR SYSTEM'S DOCUMENTATION FOR DETAILS.



SCALES PLAN NOT TO SCALE SECTIONS NOT TO SCALE		 KIAMA MUNICIPAL COUNCIL RAINWATER TANK SCHEMATIC FOR PROPERTY OWNERS	PLAN NUMBER 2170
DESIGNED DB DRAWN DB DATE MAR-2008 CHECKED BW			SHEET 4 OF 5 FILE H:\ENGINEERS\CAD

PLUMBER'S CERTIFICATION CHECKLIST

OVERVIEW

THIS COMPLIANCE CHECKLIST HAS BEEN DEVELOPED TO AID PLUMBERS WITH RAINWATER TANK INSTALLATIONS. THE CHECKLIST IS REQUIRED BY THE PRINCIPAL CERTIFYING AUTHORITY (PCA) IN ADDITION TO THE PLUMBER'S CERTIFICATION AS REQUIRED BY SYDNEY WATER. THE COMPLIANCE CHECKLIST SHOULD BE COMPLETED BY THE PLUMBER RESPONSIBLE FOR THE INSTALLATION AND SUBMITTED TO THE PCA WITH THE APPLICATION FOR OCCUPATION CERTIFICATE.

COMPLIANCE
✓ OR ✗

RAINWATER TANK INSTALLATION AND LOCATION

- 1) THE TANK HAS BEEN INSTALLED ON A FIRM, FLAT AND STABLE PLATFORM IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. ☐
- 2) THE TANK IS LOCATED BEHIND THE FRONT BUILDING ALIGNMENT (ABOVE GROUND TANKS ONLY) AND IS NO CLOSER THAN 900mm FROM ANY PROPERTY BOUNDARY. ☐
- 3) THE TANK LOCATION DOES NOT IMPACT ON ANY DRAINAGE EASEMENTS OR SEWER MAINS. ☐
- 4) THE ENTIRE ROOF AREA FOR THE DWELLING IS DRAINING TO THE TANK. ☐

PLUMBING

- 5) THE TANK SUPPLY HAS BEEN CONNECTED TO ALL OUTDOOR TAPS, TOILETS AND WASHING MACHINE COLD TAP FIXTURES. ☐
- 6) ALL FIXTURES SUPPLYING RAINWATER HAVE BEEN SUITABLY LABELLED IN ACCORDANCE WITH THE NSW CODE OF PRACTICE - PLUMBING AND DRAINAGE. ☐
- 7) THE FLOAT SWITCH / WATER LEVEL SENSOR ASSEMBLY HAS BEEN SET AT A MINIMUM OF 200mm ABOVE THE TANK BASE BASE. ☐
- 8) ALL BACKFLOW PREVENTION DEVICES HAVE BEEN INSTALLED IN ACCORDANCE WITH SYDNEY WATER'S REQUIREMENTS. ☐

COMMISSIONING

- 9) ALL OPENINGS ARE COVERED BY STRAINERS OR MOSQUITO PROOF COVERS ☐
- 10) THE FLOAT SWITCH ASSEMBLY IS OPERATING CORRECTLY AT THE BOTTOM WATER LEVEL. ☐
- 11) THE SOLENOID VALVE IN THE FLOW SOURCE CONTROL DEVICE IS OPERATING CORRECTLY AND RESETS AFTER POWER SUPPLY IS INTERRUPTED. ☐

PLUMBERS CERTIFICATION

PLUMBER'S FULL NAME:

PLUMBER'S SIGNATURE:

PLUMBER'S COMPANY NAME & ADDRESS:

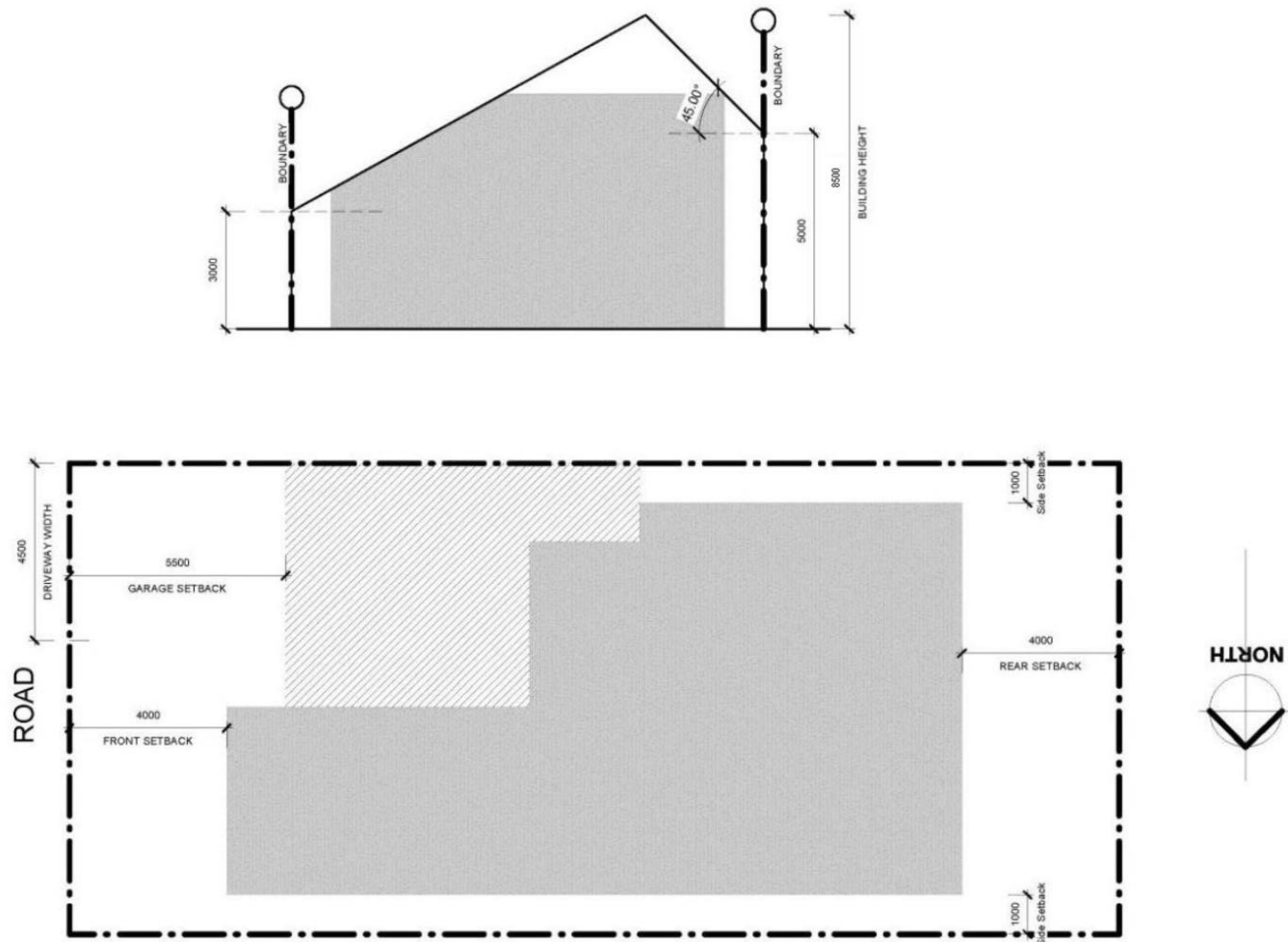
PLUMBER'S LICENCE NUMBER:

SCALES PLAN NOT TO SCALE SECTIONS NOT TO SCALE	 KIAMA MUNICIPAL COUNCIL	PLAN NUMBER 2170
DESIGNED DB DRAWN DB DATE MAR-2008 CHECKED BW		RAINWATER TANK PLUMBER'S COMPLIANCE CHECKLIST

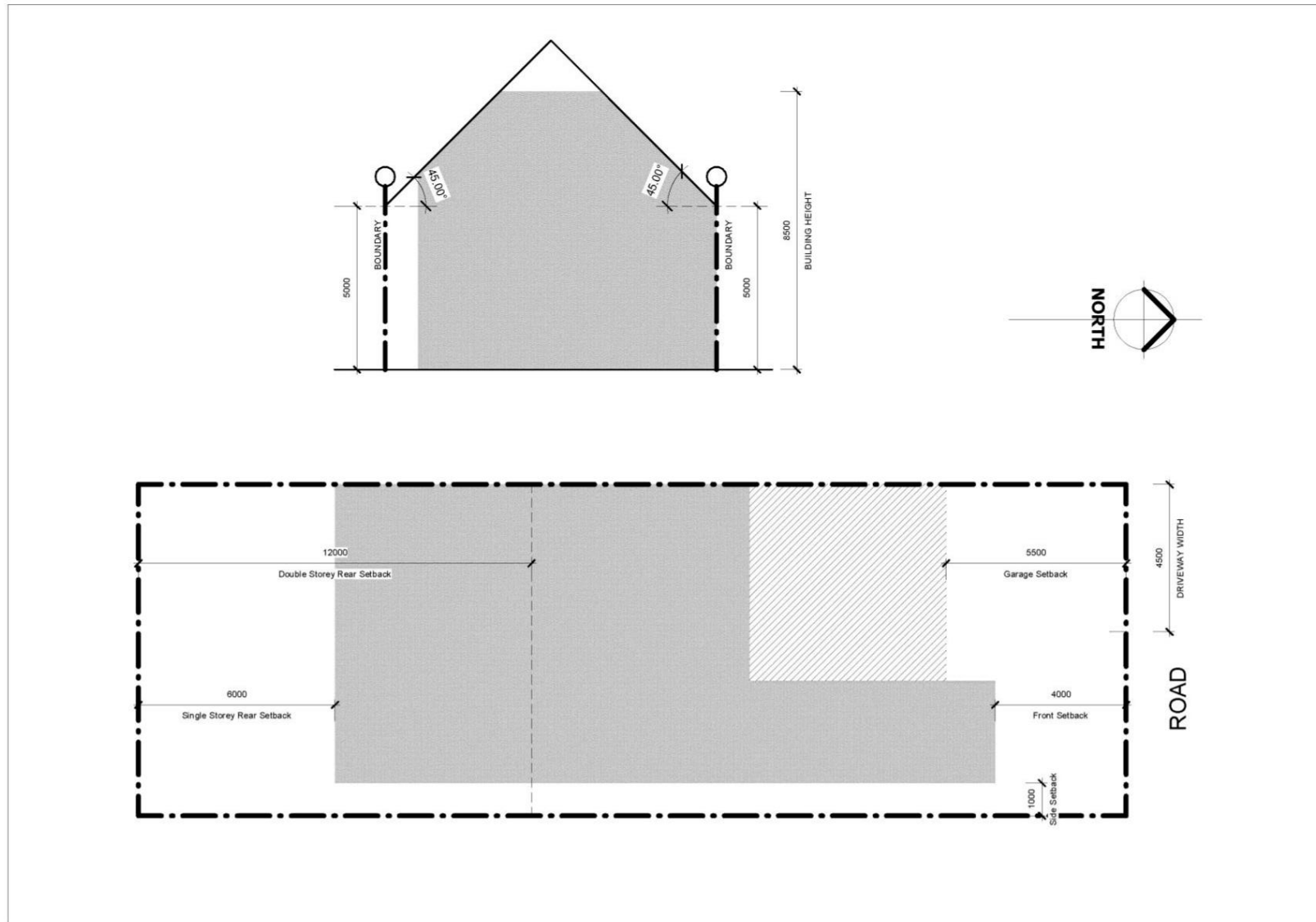
Appendix 7 – Cedar Grove Stage 2



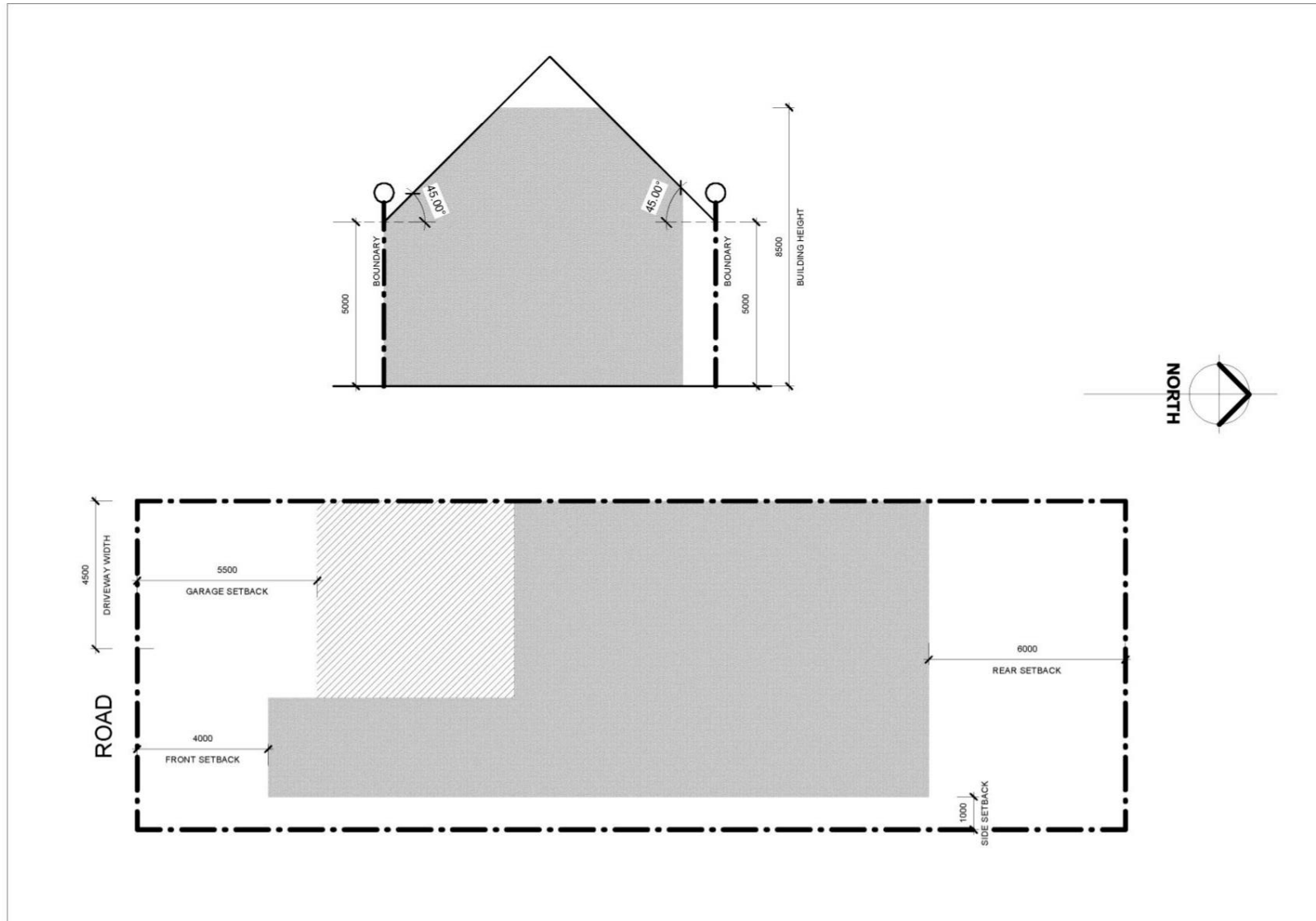
Appendix 8 – Cedar Grove Stage 2 - Example of Compliance for Lots between 400m² and 450m²



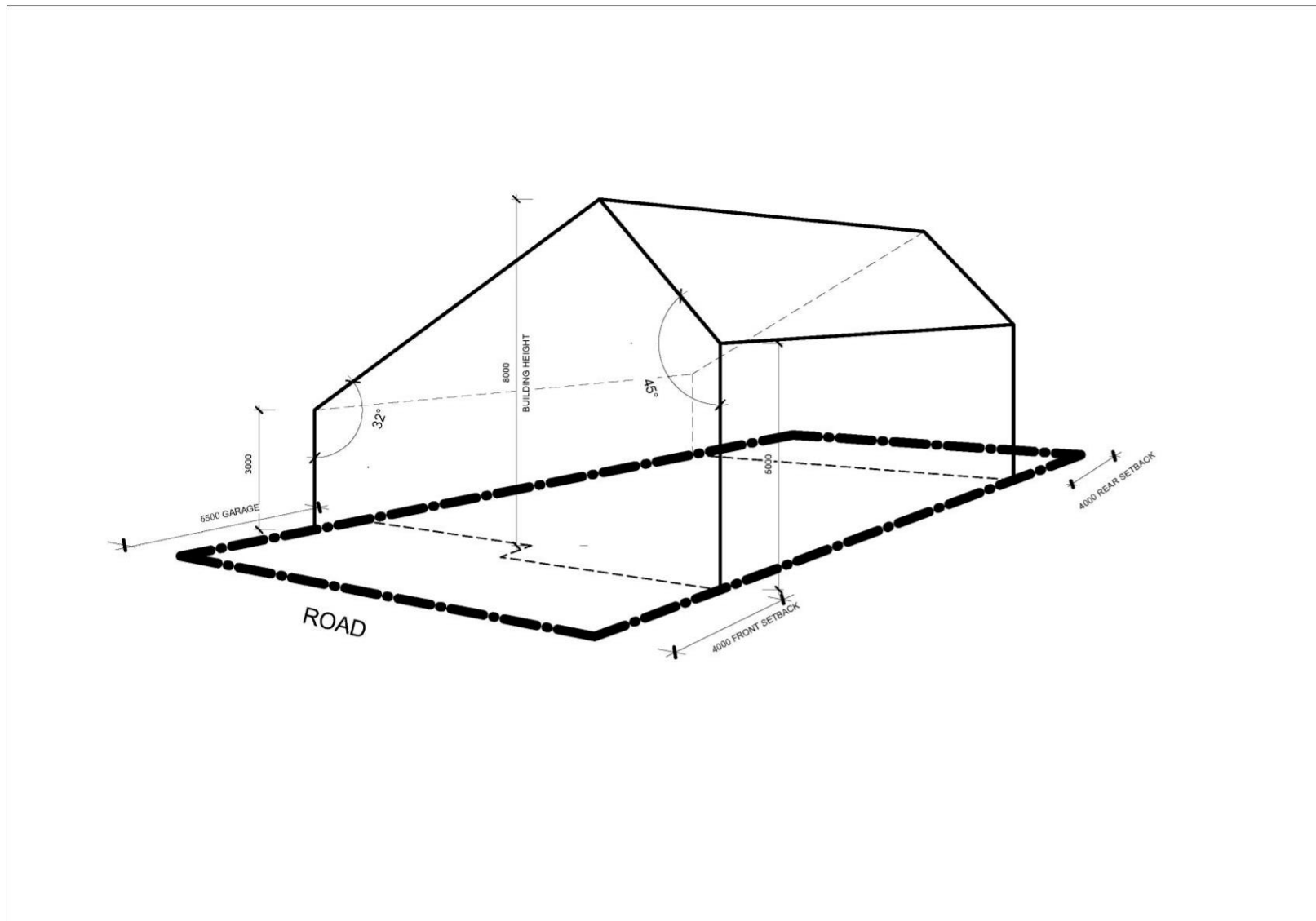
Appendix 9 – Cedar Grove Stage 2 - Example of Compliance for Lots smaller than 400m²



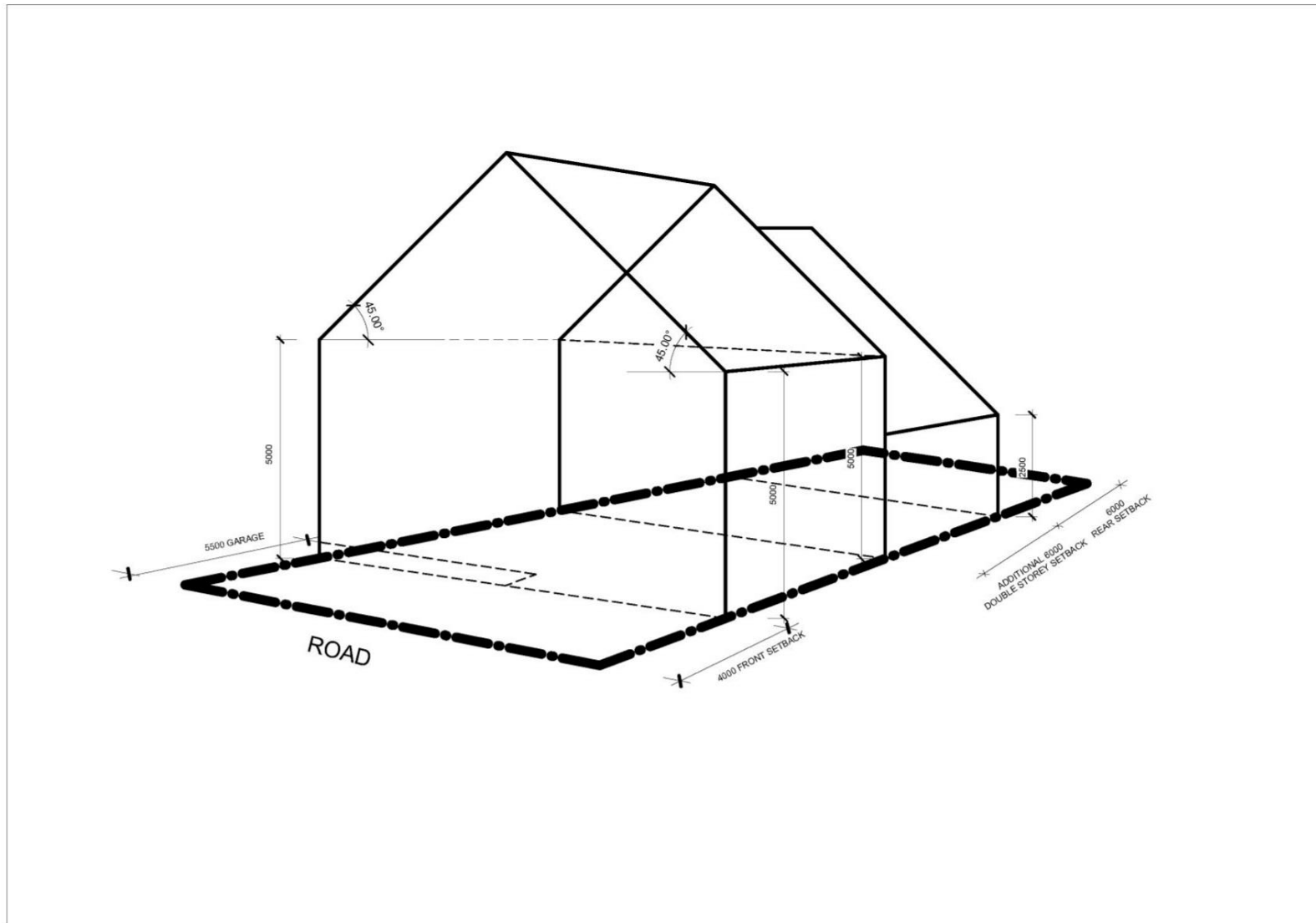
Appendix 10 – Cedar Grove Stage 2 - Example of Compliance for Lots smaller than 400m²



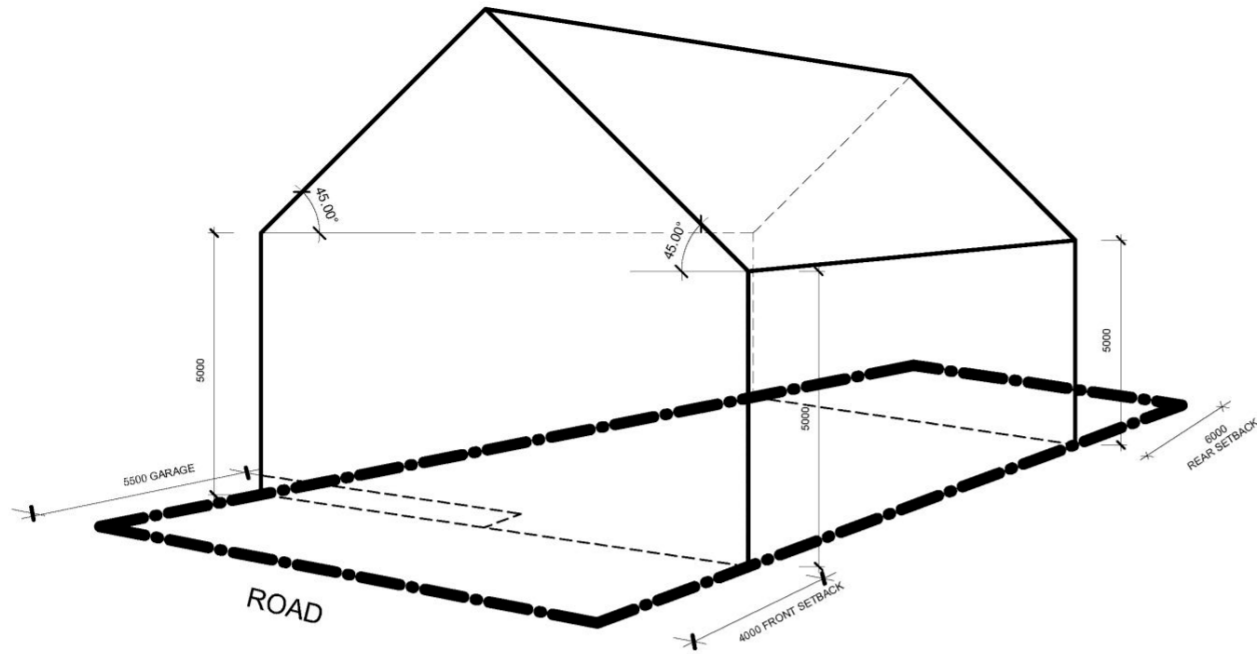
Appendix 11 – Cedar Grove Stage 2 - Example of Compliance for Lots between 400m² and 450m²



Appendix 12 – Cedar Grove Stage 2 – Example of Compliance for Lots smaller than 400m²



Appendix 13 – Cedar Grove Stage 2 – Example of Compliance for Lots smaller than 400m²



How to contact Council

Post

General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Telephone

+61 (02) 4232 0444

Facsimile

+61 (02) 4232 0555

Online

Email: council@kiama.nsw.gov.au
Website: www.kiama.nsw.gov.au

Office hours

Our Administration Building located at
11 Manning Street Kiama is open 8.45 am to 4.15 pm
Monday to Friday (excluding public holidays)



KIAMA MUNICIPAL COUNCIL
your council, your community