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Adopted by Council on 21/07/2015
Amendment 1 adopted by Council on 20/10/2015 and effective from 18/11/2015
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- Technical specifications,
- Engineering specifications
- Waste guidelines
- Master plan - Gerringong Headland
- Council codes

DCP 2012 was adopted by Council at its meeting held on 31 July 2012.
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Background, Site Planning and Application Requirements

Section 1 - Citation

This plan may be cited as Kiama Development Control Plan (DCP) 2012.

The DCP comprises of a number of chapters dealing with:

- Forms of Development - such as low density residential, medium density development.
- Site specific controls - these are additional controls relating to specific sites.
- Associated development requirements – such as landscaping, car parking and waste management.

Land to Which this Plan Applies

This plan applies to the Kiama Local Government Area.

Relationship to Other Plans

This plan relates to and should be read in conjunction with:

- Kiama Local Environmental Plan 2011.
- Relevant State Government Planning Policies including Deemed SEPPs.

Council has produced a number of technical documents, standards, including Engineering Standards, and guides that are referenced in the DCP. These technical documents do not comprise part of Development Control Plan 2012. However reference should be made to these documents where required.


Aims and Objectives of this DCP

- To provide detailed development controls which support the Kiama Local Environmental Plan 2011.
- To ensure future development responds positively to the qualities of the site and the character of the surrounding locality.
- To ensure that development does not detract from the natural, cultural and agricultural values of the Kiama Local Government Area.
- To promote development that is sustainable, appropriately designed for the climate and adaptable.
- To promote development that is accessible and adaptable to meet the existing and future needs of all residents.
- To ensure appropriate information is submitted with Development Applications.
To ensure that development contributes to the quality of the natural and built environments.

To ensure development is of a high design standard and energy efficient.

To promote development that encourages liveable, safe and sustainable living and working environments.

To promote development that adds to the character of Kiama and assists in promoting a liveable, sustainable environment.

Section 2 - Site Planning and Application Requirements

The information contained in this chapter gives an overview of the types of information required for lodging applications. 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.

Section 3 - Requirements for all Development Applications (DAs)

Site Plan and Analysis

C1 Site Plan - Appropriately scaled plan and section drawings showing:

- Site dimensions, site area, north point.
- The position on the site of proposed and existing buildings in respect to boundaries and the street or road in which the property is situated.
- Location of the site in relation to natural features, open space, connectivity etc.
- Topography of the area.
- Form and character of adjacent and opposite buildings in the streetscape.
- Location and use of any existing buildings or built features on the site.
- Location and height of existing windows /balconies on adjacent properties that face the site.
- Location, height and characteristics of adjacent walls and fences.
- Location of significant trees on site and on adjacent sites.
- Prevailing winds.
- Orientation and overshadowing of the site and adjoining properties by neighbouring structures and trees.
- Geotechnical characteristics of the site.
- Pedestrian and vehicular access points.
- Location of utility services, including electricity poles and cables, stormwater and sewerage drainage lines/pipes, kerb crossings and easements.
- Location of any infrastructure easements, rights of way or restrictions on title.
- Any potential noise sources in the vicinity of the site.
• Views to and from the site. All Development Application for development including subdivisions must include a site plan that clearly identifies view lines, and view from neighbouring properties across the subject property. Any proposed changes to these that will occur as a result of the proposed development must be indicated in the site plan.

• Reduced levels sufficient to show the existing ground level and the finished ground levels across the site including the following points:
  - at all site boundaries.
  - at the building "perimeter" and other major structural features.
  - at the kerb level at the proposed point of vehicle access.
  - a contour plan may be required for steeply sloping sites.

• Location of all existing trees on the site.

C2 Site Analysis Statement – A written statement which must explain how the design has responded to the site analysis. Assessment of all site constraints including heritage items, instability, flooding, acid sulfate soils, bush fire or other environmental constraint is required in the Statement of Environmental Effects (SEE).

Building Plans

C3 Detailed building plans fully dimensioned and at a suitable scale indicating the following particulars:

(a) all building elevations.
(b) at least one cross-section.
(c) height of ceilings, maximum ridge height and floor levels.
(d) a plan of each floor.
(e) full details of footings.

levels across the site including the following points:

• at all site boundaries.
• at the building "perimeter" and other major structural features.
• at the kerb level at the proposed point of vehicle access.
• a contour plan may be required for steeply sloping sites.

Overshadowing

C4 Any part of a building greater than one storey may be required to provide a shadow diagram. The shadow diagram is to demonstrate the availability of sunlight to adjoining/nearby development including private open space areas and living rooms of the dwelling. In this regard, a minimum three (3) hours of sunlight is to be available between the hours of 9.00am and 3.00pm on June 22 to at least 50% of the private open space area and living room windows of adjoining development.

A Statement of Environmental Effects (SEE)

C5 All development applications must include a Statement of Environmental Effects (SEE). The report details the proposal’s impacts on the environment and its ability to meet all relevant Environmental Planning instruments objectives and controls. A Statement of
Environmental Effects will also need to incorporate any specialist consultant reports and any associated Plans as specified by Council or Planning Instruments such as:

- Waste Management Plans.
- Demolition Plans.
- Acid Sulfate Soils report.

(Note - this is not an exhaustive list)

Other Specialist Reports

C6 Depending on the type of development, Council may require other specialist consultant reports and to support the application such as:

- Land Contamination Report.
- Geotechnical Report.
- Acoustic Report.
- Flood Study.
- Arborist Report.
- Flora and Fauna Study.
- Cultural Heritage Impact Assessment.
- Traffic and transport Access.
- Car Parking.
- Bushfire Risk Assessment.

The reports may be required by Council if it is of the opinion that there is the potential for an environment to be adversely affected by proposed development.

Lodgement of the Development Application

C7 The development application must be accompanied by:

- Five (5) copies of the floor plan, site plan, elevations and sections.
- An A4 reduced copy of the above development application plans.
- Four (4) copies of a landscape plan.
- Four (4) copies of a drainage concept plan.
- Site Plan and Analysis information.
- A Statement of Environmental Effects.
- In addition to the hard copies of this information, all information must be provided in a digital format.
- The required development fee in accordance with Council's adopted Fees and Charges Policy.
- Colour schedule.

Additional Controls for Site Planning and Development Applications for Subdivision of Rural Lands
Subdivision of land for residential purposes must have regard to and be consistent with the aims and objectives and guidelines in the NSW Rural Fire Services’ publication “Planning for Bushfire Protection 2006” as amended for time to time.

The preparation of a development application for the subdivision of land for residential purposes must include:

- A detailed site analysis and comprehensive Statement of Environmental Effects.
- A bush fire assessment report - if the land contains bush fire prone land.
- An ecological assessment report if the proposed development will affect:
  - native vegetation.
  - an endangered ecological community.
  - riparian or wildlife corridors that are likely to be used by native fauna as habitat or for migratory purposes to other nearby habitat, any rare or threatened species likely to inhabit or use the land.
- A geotechnical report investigating the suitability of the land identified within a building envelope for the erection of dwellings and ancillary buildings and the construction of an access roads serving the proposed development.
- A flood study - if the land is low lying land or if access to the proposed building envelopes will involve the crossing of a waterway or flood prone land, and a visual impact assessment analysis and a property landscape plan (PLP) if the proposed development will be visible from a public place.
- A due diligence report prepared in accordance with the “Due Diligence Code of Practice of Aboriginal Objects in NSW” as amended from time to time.

Section 4 - Submission/Application Requirements

All applications for development, including subdivision, demolition, construction and the ongoing use of a site or premises, must be accompanied by a Statement of Environmental Effects (SEE).

The SEE is to include a Site Waste Minimisation and Management Plan (SWMMP) as the central document of compliance with this Chapter’s requirements.

Section 5 - Site Waste Minimisation and Management Plan (SWMMP)

A SWMMP is required to be submitted with all development applications. The SWMMP may need to include architectural plans/drawings and specifications showing compliance with the design requirements for different types of developments.

Design plans and information provided should take into consideration Kiama Council’s technical specification the “Waste & Recycling Services Code”. This provides specific information on requirements relating to bin types, dimensions and capacity, mandatory collection services and requirements for onsite collection services and other general requirements.

The SWMMP also needs to address all relevant objectives and controls.

A SWMMP should outline measures to minimise waste, maximise recycling and reuse, and the correct management of waste/recycling generated during:
- Demolition
- Subdivision
- Construction
- Ongoing use of the site/premises.

In this respect, the SWMMP and design plans and specifications should address a range of matters, including but not limited to:

**Low density SWMMP requirements**

C9 A completed SWMMP in accordance with Council’s requirements shall accompany a Development Application for a dwelling-house, dual occupancy development, secondary dwelling.

The SWMMP also should address:

- any applicable matters as outlined in this Chapter
- and include a statement how the General Objectives and Specific Objectives (Design of Buildings and Developments) and Specific Objectives (Ongoing Management and Site Use) will be achieved and complied with where applicable
- any specific requirements outlined in Kiama Council’s Waste & Recycling Services Code, applicable legislation and standards
- any Controls applicable to the type of development as listed in this Section.

C10 A site plan and floor layout plans shall also be submitted with the SWMMP and must show:

- the location of an indoor waste/recycling cupboard (or other appropriate storage space) for each dwelling
- the location of any onsite garbage/recycling storage area for each dwelling, that is of sufficient size to accommodate Council’s waste, recycling and garden/food organics waste bins. (for bin specifications refer to Kiama Council’s Waste & Recycling Services Code)
- an identified on-site location for a compost container.
- the proposed location of the roadside bin collection point

**Medium density SWMMP requirements**

C11 A completed SWMMP in accordance with Council’s requirements shall accompany a Development Application for medium density housing. This includes 3 or more dwellings/units, residential flat buildings, multi unit dwelling housing, boarding houses, group homes, shop top housing and seniors housing.

The SWMMP also should address:

- any applicable matters as outlined in this Chapter.
- and include a statement how the General Objectives and Specific Objectives (Design of Buildings and Developments) and Specific Objectives (Ongoing Management and Site Use) will be achieved and complied with where applicable.
- any requirements outlined in Kiama Council’s Waste & Recycling Services Code, applicable legislation and standards.
- any Controls applicable to the type of development as listed in this Section.

C12 A site plan, floor layout plans and other details shall also be submitted with the SWMMP and must identify:

- the location of an indoor garbage/recycling cupboard (or other appropriate storage space) for each dwelling, unit, flat, shop top flat and seniors housing
- the location of individual garbage/recycling/garden/food organics storage areas or a garbage/recycling bin storage room(s) able to accommodate the required number of bins for garbage, recycling and garden/food organics waste roadside collection service
- the collection point for the placement and emptying of garbage, recycling and garden waste/food organics bins
- the path of travel for moving bins from the bin storage area or bin storage room(s) to the identified roadside collection point (if collection is to take place offsite)
- the on-site path of travel for collection vehicles (if collection is to occur on-site), taking into account accessibility, width, height and grade
- location and construction details of any individual or communal composting areas if applicable
- a caretaker or nominated representative must be provided and delegated the responsibility for the tasks involved in ongoing site waste management as outlined in Control C46
- any of the applicable Controls in this Section and any requirements outlined in Kiama Council’s Waste and Recycling Services Code, applicable legislation and standards.

Developments with 2 or more land uses SWMMP requirements

C13 A completed SWMMP in accordance with Council’s requirements shall accompany a Development Application for mixed use developments.

The SWMMP also should address:

- any applicable matters as outlined in this Chapter
- and include a statement how the General Objectives and Specific Objectives (Design of Buildings and Developments) and Specific Objectives (Ongoing Management and Site Use ) will be achieved and complied with where applicable
- any requirements outlined in Kiama Council’s Waste & Recycling Services Code and any applicable legislation and standards
- any Controls applicable to the type of development as listed in this Section.

C14 A site plan and floor layout plans shall also be submitted with the SWMMP and must identify:

- the location of an indoor garbage/recycling cupboard (or other appropriate storage space) for each multi unit dwelling and for each commercial section
- the location of individual garbage/recycling/garden/food organics garbage/recycling bin storage room(s) able to accommodate the required number of bins for garbage, recycling and garden/food organics waste collection service
the collection point for the placement and emptying of garbage, recycling and garden/food organics waste and or food organics bins (if service provided)
the path of travel for moving bins from the bin storage room to the identified collection point (if collection is to take place roadside)
the on-site path of travel for collection vehicles (if collection is to occur on-site), taking into account accessibility, width, height and grade requirements
location and construction details of any individual or communal composting areas or facilities to be provided if applicable
any of the applicable Controls in this Section or other relevant Sections and any requirements outlined in Kiama Council’s Waste & Recycling Services Code.

Clinical and medical hazardous waste SWMMP requirements

Under the provision of the Protection of the Environment Operations (Waste) Regulation 2005 and other legislation there are special requirements for the separation, safe storage and collection and disposal of clinical, medical and hazardous wastes, cytotoxic wastes, syringes and unwanted pharmaceutical, drugs or medicines.

These types of waste are likely to be generated from specific development types including residential, commercial premises and other developments such as senior developments, hospitals, nursing homes, aged care facilities, medical centres, dentists, pathologists, pharmacies and skin penetration establishments, vets and other selected commercial operations.

Where clinical and medical wastes are likely to be generated for the particular development design details, specifications and procedures to be implemented for the proposed method of onsite storage, collection and disposal are be submitted with the SWMMP and Development Application.

Reference should be made to standards as outlined in this Chapter and Kiama Council’s Waste & Recycling Services Code (Free Syringe and Sharps Disposal Service for Residents) and any other applicable legislative requirements and standards.

Commercial SWMMP requirements

C15 A completed SWMMP in accordance with Council’s requirements shall accompany a Development Application for mixed use developments.

The SWMMP also should address:

• any applicable matters as outlined in this Chapter
• and include a statement how the General Objectives and Specific Objectives (Design of Buildings and Developments) and Specific Objectives (Ongoing Management and Site Use) will be achieved and complied with where applicable
• any specific requirements outlined in Kiama Council’s Waste & Recycling Services Code and applicable legislation and standards
• any Controls applicable to the type of development as listed in this Section.

C16 A site plan and floor layout plans shall also be submitted with the SWMMP and must identify:
• the location of an indoor garbage/recycling cupboard (or other appropriate storage space) for each commercial section of the development and or food premises or preparation area or each motel and hotel rooms
• the location of the designated waste and recycling storage room(s) or areas, sized to meet the waste and recycling needs of all tenants and the particular development
• the location of temporary waste and recycling storage areas within each tenancy and particular development. These are to be of sufficient size to store a minimum of one day’s worth of waste.
• an identified collection point for the collection and emptying of waste, recycling and garden/food organics waste bins
• the path of travel for moving bins from the bin storage room to the identified collection point (if collection is to take place roadside)
• the on-site path of travel for collection vehicles (if collection is to occur on-site), taking into account accessibility, width, height and grade requirements
• location and construction details of any grease traps
• any of the applicable Controls in this Section or other relevant Sections and any requirements outlined in Kiama Council’s Waste & Recycling Services Code

Industrial SWMMP requirements

C17 A completed SWMMP in accordance with Council’s requirements shall accompany a Development Application for the specific developments.

The SWMMP also should address:

• any applicable matters as outlined in this Chapter
• and include a statement how the General Objectives and Specific Objectives (Design of Buildings and Developments) and Specific Objectives (Ongoing Management and Site Use ) will be achieved and complied with where applicable
• any specific requirements outlined in Kiama Council’s Waste & Recycling Services Code and applicable legislation and standards
• any Controls applicable to the type of development as listed in this Section.

C18 A site plan, floor layout plans, specifications and information shall also be submitted with the SWMMP and must identify:

• the volume and types of liquid, sludge, oils, chemical and hazardous wastes, bulky items, drums, general garbage and recyclable materials likely to be generated, and storage, collection and disposal arrangements
• the location, design and specifications of internal and external waste/recycling storage areas, onsite treatment facilities if applicable for any liquid, sludge, oils, chemical and hazardous wastes, bulky items, drums, general garbage and recyclable materials and other wastes generated from the proposed use
• the location and specification of the indoor garbage/recycling cupboard (or other appropriate storage space) for any offices and staff amenities that form part of the development
• the identified collection point for the emptying of garbage, recycling and garden, waste/food organics bins and the collection of any liquids, oils, drums or other wastes
• the path of travel for moving bins from the bin storage room area to the identified collection point (if collection is to take place at the roadside)
• the on-site path of travel for collection vehicles (if collection is to occur on-site), taking into account accessibility, width, height and grade requirements
• location and construction details of any grease traps or liquid waste treatment facilities
• any of the applicable Controls in this Section or other relevant Sections and any requirements outlined in Kiama Council’s Waste & Recycling Services Code.

Section 6 - Pre-lodgement Meeting

As sites have different site constraints it is recommended that a pre-lodgement meeting be arranged with Council officers to discuss the proposed waste management system and the preferred option.

Section 7 - Demolition

Where a separate Development Application or where demolition is proposed and forms part of another Development Application an Asbestos and Hazardous Materials Assessment Audit Report is required to be prepared and submitted to Council for all buildings and structures proposed to be demolished.

Reference should be made to Chapter 2 Demolition that outlines what should be included in the Asbestos and Hazardous Materials Assessment Audit Report. This report also is to be submitted as part of the Statement of Environmental Effects.

Selective and/or complete deconstruction of buildings rather than outright demolition is recommended.

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

The controls contained in this chapter apply throughout the Local Government Area. Applications should ensure that they meet the all applicable requirements set out in this chapter.

Section 1 - Demolition Requirements

Introduction

A wide range of materials have been used in the past as building materials or as a part of an industrial process that now are identified as hazardous to human health and the environment. The following list provides an example of such materials and their use:

- Asbestos (flooring, roofing or wall sheeting and cladding, insulation, or vinyl flooring, fences, drainage pipes etc.). Refer to the Model Asbestos Policy prepared by the Division of Local Government at www.lgnsw.org.au/key-initiatives/asbestos.
- Lead (paint, flashings).
- PCB’s (ballast of fluorescent lights).
- Synthetic Mineral Fibres (SMF) (insulation).
- Contaminated Soils (due to current or historic use of the site including above ground or underground fuel storage tanks).
- Onsite Sewerage Management Facilities.
- Smoke Detectors (radioactive active material).

Clause 2.7 of Kiama LEP 2011 relates to demolition work that requires Development Consent.

Controls

C1 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.

C2 No demolition can occur prior to the issue of development consent.

Section 2 - Controls During Construction

Introduction

C3 Where there is likelihood of annoyance due to noise from construction sites then construction and demolition work and delivery of materials and plant etc. shall only take place between the following hours.
Monday to Friday - 7.00 a.m. to 6.00 p.m.
Saturdays - 8.00 a.m. to 1.00 p.m.

No construction work to take place on Sundays or Public Holidays.

C4 Site works should be undertaken in an orderly and environmentally sensitive manner over a short period of time. The applicant’s attention is drawn to Council's Code for the "Control of Soil Erosion and Sedimentation on Building and Development Sites".

C5 Tree clearing will not be permitted without prior relevant approval from Council.

Section 3 - Designing for Changing Weather Events

The Policy recognises and anticipates that climate change will become an increasingly relevant issue for housing 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, this Policy 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 over time 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.

Applicants should have regard to the impacts of peak oil on habitability and housing costs and encouraging:

• Energy efficient/solar design;
• Avoiding over-reliance on road transport; and
• Conservation by avoiding materials that have high oil based (eg plastic) content.

Section 4 - Adaptable Housing

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.

Section 5 - Maintenance of Views and Vistas

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.
Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

Objectives

- To maintain view sharing principles though the development and redevelopment of areas.
- To ensure that where practical new development is designed and sited not to significantly alter views (including water and/or escarpment views).
- To ensure that primary private views are maintained through the addition of new development.
- To retain views to and from the water.
- To protect conserve and maintain the landform of the municipality
- To limit potential for large bulky housing and development
- To encourage sensitive siting of housing.
- 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

C6 Any development in Kiama should incorporate view sharing principles into the design and siting of development to ensure that where possible with that existing view lines are not detrimentally impacted.

C7 Development should maintain where possible of views from public places.

C8 Development should ensure, where possible, that there is no unreasonable loss of existing view lines from existing development.

C9 No one dwelling should be sited to maximise the views for its occupants to the exclusion of nearby resident or neighbours.

C10 Building design should have regard to the topography of the site and avoid unnecessary bulk or alteration of natural ground levels.

C11 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.

C12 Council may consider varying setbacks and building lines where variance would result in a positive view sharing outcomes

C13 Reference is to be made to principles handed down in the Land and Environment Court with regard to view sharing.

Section 6 - Building Height Plane - Low Density Development Only

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.

Section 7 – Building Lines

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.
Section 8 - Building Line Setbacks in Context

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

- To provide guidelines for the appropriate siting of dwellings and other buildings.
- To protect the amenity of the locality in which the development is situated.
- 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.
- 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.
- To prevent dwelling houses and structures being sited inappropriately in relation to neighbouring dwellings and the water front.
- To prevent unreasonable loss of views.
- To provide for compliant car accommodation with due reference to building lines.
- To require dwellings to be designed and sited in a way consistent with ecologically sustainable development objectives and urban design principles.
- To protect urban bushland, riparian corridors, watercourses (including streams, estuaries and wetlands) and significant landscapes.
- To maintain visual and acoustic privacy, and provide for reasonable solar access into the rear yards and living areas of adjoining residences.
- 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.

Section 9 – Definitions – 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.

Section 10 - Allowable Encroachments – 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.

Section 11 - Measurement of Building Lines

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.

Section 12 - Design Standards - Building Lines in Urban Areas

Front Building Lines

Front building lines shall be in accordance with the building line maps or other relevant Development Control Plans and will generally vary from 4.0 metres to 15.0 metres.

Secondary Building Lines on Corner Allotments

Secondary building lines shall be a minimum of 3.5 metres.

Rear Building Lines for Designated Properties

Rear building lines are 6 metres unless otherwise identified on the Building Line Maps.

Rear Building Lines for Properties with a 6.0 m Front Building Line

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.
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.

**Section 13 - Side Boundary Setbacks for Walls, Eaves and Gutters**

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.

**Section 14 - Car Accommodation – Building Lines for Garages or Carports**

Car parking shall be provided behind the building line.

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.

**Section 15 - Design Standards - Building Lines in Rural Areas**

Buildings in rural areas shall be setback at least 15.0 metres from the boundary of a property with a public road frontage.

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.

**Section 16 - 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

- 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.
- Control the bulk, scale and location of development at the water’s edge.
- Restrict development and redevelopment below the Foreshore Building Line.
- Reduce the number of structures below the Foreshore Building Line, particularly upon redevelopment of foreshore land.
- Restore the land below the Foreshore Building Line, as far as practicable, to a natural state, with a minimum intrusion of artificial structures.
- Preserve and enhance the natural features and vegetation at the interface of land and water.
- Avoid pollution of, and adverse ecological impacts on, waterways, riparian vegetation and aquatic life.
- Preserve the foreshore vista in a natural state where the foreshore is undeveloped.
- Provide for separation between private land uses and public access along the foreshore.
- Provide visual separation between land-based development and water-based activities.
- Minimise the disturbance of Acid Sulfate Soils.
- 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

C14 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.

C15 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.

C16 Some areas have specific Foreshore Building Lines such as Charles Avenue Minnamurra, and Werri Lagoon.

Section 17 - Site Specific Foreshore Building Lines

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:

**Controls**

**Properties to the north of Nos 128-132 Charles Avenue**

C17 New building work shall not reduce the existing setback to the Minnamurra River.

C18 Buildings located forward of the foreshore building line shall be limited to single storey in height.

C19 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.

C20 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.

C21 The existing side boundary setbacks shall not be reduced.

C22 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 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.

C23 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**

C24 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.
C25 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.

C26 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.

C27 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.

C28 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.

C29 All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.

C30 The existing side boundary setbacks shall not be reduced.

C31 Any extension of an existing building shall not reduce the existing building setback to the river.

C32 Buildings forward of the foreshore building line shall be limited to single storey in height.

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.

Controls

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:

C33 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%.

C34 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.

C35 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.
C36 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.

C37 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.

C38 All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.

C39 The existing side boundary setbacks shall not be reduced.

C40 Any extension of an existing building shall not reduce the existing building setback to the Lagoon.

C41 Buildings forward of the Foreshore Building Line shall be limited to single storey in height.

C42 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.

Section 18 - Reflectivity in Building Materials

Objectives

- To preserve the visual amenity and the urban, coastal and rural scenic character of the Municipality from potential visual detraction by reflective building materials.
- To encourage the use of building materials with suitable levels of reflectivity and colours to assist in minimising nuisance glare and reflectivity.
- 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.
- To acknowledge BASIX and the benefits of lighter coloured walls and roofs in regard to improved energy efficiency and thermal comfort.

Controls

C43 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.
C44  External finishes should not strongly contrast with the background whether by orientation, location, colour or choice of materials.

C45  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.

**Section 19 - 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**

C46  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.

C47  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.

**Section 20 - Heritage (General)**

This section is repealed by Chapter 30 – Kiama Development Control Plan 2012 – Heritage.
Section 21 - Heritage (Dry Stone Walls)

This section is repealed by Chapter 30 – Kiama Development Control Plan 2012 – Heritage.

Section 22 - On Site Sewage Management

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.
Section 23 – Importation or Export Off-Site of Soil/Materials to be Used as Fill

C51 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.

C52 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
7.2.4 Construction of roads on private land unless:

(a) The relevant waste is applied to land to the minimum extent necessary for the construction of the road, and
(b) A development consent for the development has been granted under the relevant Environmental Planning Instrument (EPI), or
(c) It is to provide access (temporary or permanent) to a development approved by Council, or
(d) 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.

Section 24 - Neighbour Notification

The section outlines the Neighbour Notification Policy applies to applications for development consent (Development Applications) lodged under the Environmental Planning & Assessment Act, 1979, but does not apply to Complying Development.
Examples include:

(a) Development Applications for approval to erect a building;
(b) Amendments to an undetermined application to erect a building;
(c) Certain Development Applications involving the use of a building or another specified work; and
(d) modification to development approvals.

Purpose

This policy has been prepared to:

(a) provide for public participation in the development assessment processes where it is considered that the proposed activity may have detrimental effect upon the enjoyment of other property;
(b) set out the matters for which the Council will have regard when forming its opinion as to whether or not the enjoyment of adjoining land may be detrimentally affected by a proposed development;
(c) set out the criteria for notifying potentially affected persons;
(d) specify the circumstances when notification is not required; and
(e) detail the form that notification will take.

Definitions

For the purposes of Kiama’s DCP 2012, the following definitions apply:

**adjoining land** means land which abuts an application site or is separated from it only by a pathway, driveway or similar thoroughfare.

**affected person** means a person who owns or occupies adjoining land or neighbouring land in close proximity the enjoyment of which may be detrimentally affected by a proposed development; or application site means the parcel of land to which a Development Application relates.

**neighbouring land** refers to land in close proximity to the subject site

**building** includes any building, part of a building and any structure or part of a structure.

Section 25 - Persons to be Notified

Written notice of a Development Application will be sent to those persons who appear to the Council's assessing officer to own or occupy adjoining land and neighbouring land if, in the Council's assessing officer's opinion, the enjoyment of that land may be detrimentally affected by the development proposal. This could include land opposite or otherwise distanced from the application site.

Where adjoining or neighbouring land comprises a strata titled or community titled development Council will notify the relevant Owners’ Corporation or Association.

Such notification will include reference to the need to lodge a political donations form in conjunction with any submission the notified person may wish to make and will make reference to the Public Access Policy on Council’s website.
Section 26 - Additional Notification

Signs

In addition to the above notification/s a sign shall be erected on the proposed development site during the notification period in the event that any of the following circumstances arise:

- Designated Development
- The proposal involves works greater than (> $1,000,000.00

The sign shall be installed at the site boundary at the commencement of the notification period.

Council Website and Newspaper

All development applications received by Council will be listed once on the Council website and in the local newspaper within one (1) week of receipt where possible and will include details of the proposal in addition to general details of the opportunity to lodge a submission in respect to the development, including the closing date for submission, as well as the requirement to lodge a political donations form in conjunction with any submission. In addition, the newspaper listings will include reference to the Public Access Policy on Council’s website.

Other Referrals

Certain Development Applications will attract a need for notification of other government authorities and the seeking of their comments. This notification shall occur at the discretion of Council’s assessing officer or to legislative requirements.

Section 27 - Matters to be Considered in Forming an Opinion that Enjoyment of Land may be Detrimentally Affected

Council will give notice of an application to affected persons where, in its opinion, the enjoyment of land may be detrimentally affected by or in relation to:

a) the views to and the view from the land (where dominant nodes of view are affected).

b) overshadowing.

c) privacy.

d) noise, odour or any other potential polluting emission.

e) the visual quality of the development in relation to the streetscape.

f) the scale or bulk of the proposed development.

g) the siting of the proposed development in relation to site boundaries.

h) the proposed hours of use for the development.

i) light spillage or reflection.

j) means of access to or provision of parking on the proposed development site.

k) the amount of traffic likely to be generated by the proposed development.

l) drainage.

m) the social and economic impacts of the proposal.
Chapter 2 – Kiama Development Control Plan 2012 – Overall Controls

Section 28 - Content of the Notification

The notice will contain:

a) details of the applicant.
b) a brief description of the development, property location and identification.
c) the period during which a person may inspect the application and supporting documentation.
d) the period during which submissions may be made.
e) a statement to the effect that if a submission is made the reasons for objection or support must be given.
f) a statement to the effect that the submission will form part of a public document.
g) an A4 sized plan including a site plan and elevations showing the external configuration of the proposal.
h) A political donations declaration form.

Section 29 - Amended Plans

An applicant may amend an application at any time prior to the determination of the application. For amendments prior to determination of an application, the Council may renotify an application previously notified to:

a) those persons who made submissions on the original application.
b) any other persons who own adjoining land (including those persons who were previously notified of the application) who may be detrimentally affected by the proposal as amended.

If the revised plans are likely to have, in the opinion of Council, greater detrimental effect or a detrimental effect of a different type on the enjoyment of adjoining land than the original application.

If the revised plans are considered by Council to have a lesser or similar effect, then the submission on the original application will be included in Council’s assessment.

Additional fees may be required to be paid by the applicant to cover re-advertising.

Section 30 - Applications to Modify Consent

An applicant may lodge an application to modify a consent. Council will renotify those persons who made submissions on the original application and invite comment on the amendments.

No re-notification will occur if:

a) The modifications do not change the external configuration of the proposal or access or parking arrangements.
b) Council is satisfied that the proposal as modified is substantially the same as the original application.
c) Council is satisfied that no prejudice will be caused to any person who made a submission on the original application.

The Council will consider submissions on the modifications in determining the application.
Section 31 - Submissions

Submissions may be made to the General Manager within the time period nominated in the notification advice.

A submission could:

- Support an application;
- Object to an application; or
- Object to part of an application; or
- Suggest ways of overcoming concerns with an application; or
- Suggest alternatives to a proposal or element of a proposal.

Section 32 - Publication of Submissions

Information contained within the written submissions, together with the names and address of the person making the submission, may be included in reports in relation to the proposal and the applicant is able to gain access to copies of the submissions including the name and address of the author.

Section 33 - Political Donations Disclosure Statement

State Government legislation now requires that a person who makes a public submission to a Council in relation to a planning application made to a council is required to disclose the following political donations and gifts (if any) made by a person making the submission or any associate of that person within the period of two (2) years before the submission is made and ending when the application is determined:

a) All reportable political donations made to any Councillor of that Council, and/or
b) All gifts made to any Councillor or employee of that Council.

A reference in this subsection to a reportable political donation made to a local Councillor includes a reference to a donation made at the time the person was a candidate for election to the Council.

Council requires that a Political Donations and Gifts Disclosure Statement be completed and lodged with any submission made in respect to any development application.

Should the Political Donations and Gifts Disclosure Statement identify that political donations or gifts have been made under the above terms then full disclosure of those donations or gifts must be submitted with the submission on the disclosure form available from Council.

Section 34 - Neighbour Notification in Rural and Environmental Protection/Management Zones

In addition to the neighbour notification policy detailed in this chapter, the following guidelines apply:

Applicants are urged to discuss development proposals with their neighbours before preparing a development application. Such contact can assist in identifying particular aspects of an adjoining landowner’s current and proposed future use of cleared agricultural land that may affect the siting of a dwelling.
Sometimes, the agreement and co-operation of a neighbour may be necessary to enable development to proceed - eg where emergency bush fire access is required by the NSW Rural Fire Services over a neighbour’s property or for safe evacuation purposes.

Therefore, establishing good relationships with neighbours at the beginning may assist in achieving required design outcomes that may require the agreement and cooperation of a neighbour.

On receipt of a development application, Council may:

- inform adjoining and nearby landowners that the application may be inspected and that written submissions may be made, and
- assess the merits of any matters raised in submissions in determining the application.

This is to ensure that any potential detrimental impact on agricultural activities on adjoining properties, or on residential amenity or matters of public interest are taken into consideration in the consideration of the development application.

**Section 35 – Variations to Building Lines and Foreshore Building Lines**

**Applications for Building Line/Foreshore Building Line Variations**

Where it can be demonstrated that the objectives of this plan will be satisfied by a particular development, Council may consider a variation to the requirements of this plan.

In requesting a building line/foreshore building line variation, an applicant must address the following criteria:

- Streetscape.
- Amenity of the neighbourhood.
- Views from other properties.
- Location of existing neighbouring buildings.
- Slope and levels of the allotment.
- Size and bulk of the proposed building.
- Car parking requirements.
- Public safety.
- Whether any other reasonable option is available.
- Foreshore amenity.

The applicant must demonstrate that special circumstances apply to the development site which justifies the building line variation. A previously set precedent which in streetscape or amenity terms could be an undesirable precedent cannot be used as the sole justification for the building line variation.

**Applications for Foreshore Building Line Variations**

For variations to Foreshore Building Lines, the objectives and matters raised in Chapter 2 Section 16 must be considered and addressed.

**Section 36 - Fencing**

C53 Fencing should be in character with the development and the surrounding streetscape.
C54  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.

C55  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.

C56  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 landscaping(hedges), decorative steel, wrought iron, timber pickets,
  - Brushwood.
  - Timber palings
  - Wire mesh
  - Solid metal fencing.

Figure 1 Front and side fencing abutting corner allotments
Section 37 - Applications for Variation to the Provisions of a Chapter

Objectives

- 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.

Controls

C57 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.
- The provisions of a Chapter in this plan do not have appropriate regard to the development proposal.
- 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.
- 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.
This Chapter was adopted by Council on 20 May 2014 and becomes effective from 11 June 2014
# Preservation & Management of Trees & Vegetation

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<td><strong>Appendix 4 – Definitions</strong></td>
<td>3.13</td>
</tr>
</tbody>
</table>
Section 1 - Introduction

This Chapter of the Development Control Plan (DCP) outlines Kiama Municipal Council’s requirements for the preservation and management of trees and other vegetation within urban areas. These controls support Clause 5.9 of the Local Environmental Plan (LEP), by defining a prescribed tree or vegetation. The chapter also outlines Council’s requirements for the submission, assessment and determination of applications for the pruning and removal of tree(s) and other vegetation on public and private land within the Kiama Local Government Area (LGA).

For clearing of native vegetation within rural or environmental zonings over 10ha applicants should refer to the Native Vegetation Act 2003 as administered by Local Land Services or responsible State Government Department/Agency. For rural landholdings under 10ha, specific application and permit through Local Land Services is required.

1.1 Objectives

The objectives of this Development Control Plan are:

- To maximise public safety within the Kiama Local Government Area;
- To identify and conserve trees of ecological, heritage, aesthetic and cultural significance;
- To establish the procedural framework and requirements governing the pruning, removal and subsequent replacement of trees within Kiama Local Government Area;
- To identify exempt trees and other vegetation that may be pruned or removed without the necessity for a Tree Management Application or Development Consent; and
- To ensure all new developments consider impacts of existing trees on, or adjacent to the development site. Provides opportunity for the healthy growth of large trees.

1.2 Legislative Framework

This Chapter of the DCP should be read in conjunction with Kiama Local Environmental Plan 2011, particularly:

- 5.9 Preservation of trees and vegetation,
- 5.10 Heritage conservation
- 5.11 Bush fire hazard reduction work

Several other Acts and State Environmental Planning Policies (SEPP’s) affect tree management within the LGA and may need to be considered. These include, but may not be limited to:

<table>
<thead>
<tr>
<th>Environmental Planning Instruments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illawarra Regional Environmental Plan (REP1 &amp; IREP2) (Deemed SEPP)</td>
</tr>
<tr>
<td>NSW Environmental Planning and Assessment Act 1979</td>
</tr>
<tr>
<td>NSW State Environment Planning Policy 14 Coastal Wetlands</td>
</tr>
<tr>
<td>NSW State Environment Planning Policy 26 Littoral Rainforests</td>
</tr>
<tr>
<td>Native Vegetation Act 2003</td>
</tr>
<tr>
<td>Threatened Species Conservation Act 1995</td>
</tr>
<tr>
<td>National Parks and Wildlife Act 1974</td>
</tr>
<tr>
<td>Fisheries Management Act 1994</td>
</tr>
<tr>
<td>Environmental Protection and Biodiversity Conservation Act 1999</td>
</tr>
<tr>
<td>Water Management Act 2000</td>
</tr>
<tr>
<td>Forestry Act 1916</td>
</tr>
</tbody>
</table>
1.3 Policy Approach

Tree management work, including the pruning or removal of a tree will generally be considered and determined either through a:

(a) Tree Management Application (generally for individual/small scale tree removal in urban areas);
(b) Development consent as part of a development application; or as
(c) Complying Development Certificate; or as
(d) Exempt work, as described in this document

To determine what type of application should be submitted, the following matters should be considered.

Section 2 – Application

2.1 What is a Prescribed Tree?

Clause 5.9(3) of the Kiama Local Environmental Plan 2011 identifies what is known as a ‘Prescribed’ tree or vegetation. For the purpose of Clause 5.9(3) of the Kiama Local Environmental Plan 2011 a prescribed tree/vegetation is identified as all trees/vegetation not listed as exempt which:

- are three (3) 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

2.2 When is Approval Required & what is Required?

<table>
<thead>
<tr>
<th>Approval Is Required When........</th>
<th>Application Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>A tree(s) is identified as a ‘Prescribed Tree’</td>
<td>Tree Management Application</td>
</tr>
<tr>
<td>A tree is:</td>
<td></td>
</tr>
<tr>
<td>• an item of environmental heritage; or</td>
<td>Development Application</td>
</tr>
<tr>
<td>• within the curtilage of a heritage item; or</td>
<td></td>
</tr>
<tr>
<td>• a cultural planting associated with a heritage item.</td>
<td></td>
</tr>
<tr>
<td>A tree/vegetation is:</td>
<td>A Development Application with responsible State Government Department/ Agency – ie Local Land Services or other exemption under provision of Native Vegetation Act 2003.</td>
</tr>
<tr>
<td>• native vegetation; and</td>
<td></td>
</tr>
<tr>
<td>• located on RU1, RU2, RE1, E1, E2 or E3 zoned land</td>
<td></td>
</tr>
</tbody>
</table>

2.3 When is Approval Not Required in Urban Areas

Approval for the pruning or removal of any tree listed in Appendix 1 - ‘Exempt Tree Species List’ is not required, provided that the tree is not:

- located within the curtilage of a property that is a listed heritage item; or
- located on a property that has an active development consent, which includes the removal of the subject tree; or
- located on a property that is subject to an area-specific planning instrument.
Section 3 - Exemptions from the Need for a Tree Management Application or Development Consent

Neither a Tree Management Application nor Development Consent is required for the cutting down, pruning, removal of any tree or other vegetation in the following situations:

E1 Where a ‘Prescribed Tree’ is included in Council’s Exempt Tree Species List in Appendix 1 to this Chapter (excluding trees within the curtilage of the heritage item or heritage conservation area).

E2 Where a Complying Development Certificate is issued under Division 1 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and such tree removal is in accordance with the associated provisions.

E3 Any works to make safe a prescribed tree where there is an immediate threat of injury to persons or damage to property, either during or within 48 hours following a severe weather event.

E4 Where a prescribed tree has been approved for removal or management under a previous development consent.

E5 Where the clearing of native vegetation is permitted under the Native Vegetation Act 2003, as administered by Local Land Services or the responsible State Government Department/Agency.

E6 Where a prescribed tree is identified as a noxious weed under the Noxious Weeds Act 1993 or any management plan published by the Illawarra District Noxious Weeds Authority or other Authority.

E7 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).

E8 Removal of dead trees and dead wood, as long as the trees are not a threatened species, fauna habitat or a habitat tree.

E9 Where clearing or pruning of a tree, including prescribed trees, is required or authorised to be undertaken under one of the following:

(a) Section 88 of the Roads Act 1993;
(b) Section 131 of the National Parks and Wildlife Act 1974;
(c) Section 48 of the Electricity Supply Act 1995;
(d) Plantations and Reafforestation Act 1999 - where a prescribed tree is located within an “approved plantation”, as per the definitions stated within this act.
(e) Forestry Act 1916 - 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.
Section 4 - Controls

4.1 General Controls

C1 Where tree pruning or removal is to be carried out as a result of a Development Consent or Tree Management Application, all works are to be carried out in accordance with the following:

i. Australian Standard 4373 2007- Pruning of Amenity Trees (AS4373)
ii. Australian Standard 4970 2009 - Protection of Trees on Development Sites (AS4970)

C2 Council must take into consideration:

i. whether the growth habit or mature size of a tree is undesirable in a given situation (i.e. power lines, root interference with services, infrastructure or building).
ii. whether the tree species is appropriate in terms of its proximity to dwellings, adjoining dwellings or other infrastructure.

C3 Where a Development Application or 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:

i. The condition of the tree, where a tree is dead or dying, or where it is assessed to pose a hazard.
ii. The ecological significance of the tree, including the trees habitat value.
iii. The local significance of the tree, threatened flora species, endangered population or endangered ecological community, will require, in addition to a Development Application, an Arborist report prepared by a Consulting Arborist, as well as a Section 132 permit in accordance with the National Parks and Wildlife Act 1974.
iv. Public infrastructure damage being caused by the tree, which is considered significant and which cannot be overcome by any other reasonable and practicable means.
v. Damage to significant structures on private land where mitigation of the damage cannot be overcome by any other reasonable and practicable means.
vi. Any other reason at the discretion of Council’s staff, which can be justified on either technical or legal grounds.

In all instances, public safety will be the highest priority.

Note: Council requires notification for the pruning, lopping or removal of any tree on the Exempt Tree Species List. Contact Council’s Customer Service on (02) 4232 0444 or email council@kiama.nsw.gov.au to provide the following details:

| Exempt tree works - type of works (prune/ remove) | Tree species |
| Property address where the tree is located       | Date of works |
| Photographs of tree(s)                            |              |

In all instances, public safety will be the highest priority.
C4 A Development Application or Tree Management Application submitted for tree removal or associated tree works because of shedding leaves, bark, sticks, flowers, fruit, exudates, view improvements or any other reason associated with a tree or trees normal life cycle, is not justification for removal/ pruning and not likely to be supported.

C5 Where a Development Application or Tree Management Application is submitted for tree removal or associated tree works, Council reserves the right to request additional reports. This may include, but is not limited to; a Consulting Arborist report (see details in Appendix 3), geotechnical report, plumbing report, or any other technical information required to undertake an assessment.

C6 Council reserves the right to implement or impose any tree protection measures that are necessary to ensure the ongoing amenity and safety of trees.

C7 Tree works carried out without the appropriate approval or not in accordance with an approval will be dealt with in accordance with the relevant legislation.

C8 Where clearing of native vegetation within a rural or environmental zone is required, the following applies:

i. For land more than 10 hectares applicants should refer to the Native Vegetation Act 2003 as administered by Local Land Services or the responsible State Government Department/Agency.

ii. For rural land holdings less than 10 hectares, specific application and a permit through Local Land Services is required.

4.2 Controls Applying to Public Land

C9 Where a land owner adjoins public land, they can submit a Customer Request for the removal of a tree located on that land, provided:

i. the tree on public land is an Exempt Tree Species listed in Appendix 1 of this Policy

ii. justification for tree removal is not because of shedding leaves, bark, sticks, flowers, fruit, exudates, view improvements or any other reason associated with a tree or trees normal life cycle

iii. it does not have streetscape, local amenity, historical, horticultural or environmental value.

C10 Where a Customer Request for pruning is submitted for work of a cosmetic nature, solar access issues, streetscape, ecological or to alleviate nuisance issues and that work will not compromise the health, safety, species, integrity of the tree, or compromise amenity for other members of the community, Council will carry out the works.

4.3 Tree Management Application Controls - Installation of Solar Photo Voltaic (PV) Panels, and/or Solar Hot Water Systems

C11 Where a Tree Management Application is submitted for the removal or pruning of tree(s) for the installation of solar PV panels or solar hot water systems, Council may require the following:

i. An assessment from the installer outlining the extent to which the tree(s) impact upon the PV panels, taking into account summer and winter sun elevations.

ii. Shadow diagrams prepared by an architect/draftsman, who is unrelated to the installation process.

C12 Where a Tree Management Application is submitted for the removal or pruning of a tree(s) which Council's Arborist deems to be a locally or regionally significant tree
species, an alternate location for the installation of the solar panels may need to be investigated.

C13 Where a Tree Management Application is submitted for the removal or pruning of a tree(s) which Council’s Arborist deems healthy and structurally sound, but of little significance to the local amenity and environment, Council may allow the removal of the tree(s) upon receipt of documentation that the solar panels have been installed. The significance of a tree should be determined by lodging a Tree Management Application prior to the installation of any solar PV panels or solar hot water system.

4.4 Development Application (DAs) Controls

C14 Where a development is likely to affect retained trees located on a development site and/ or adjoining site, a Tree Impact Assessment Report shall be submitted with the Development Application. The report shall be prepared in accordance with Australian Standard AS4970-2009 Protection of Trees on Development Sites (as amended) and shall include a Tree Protection Plan that specifies protection measures to be implemented during the pre-construction, construction and post-construction stages of the development.

Council may require the redesign of a development proposal in order to retain a significant tree or vegetation on the site or adjoining the site. The design of housing must retain sufficient curtilage around existing vegetation, to ensure their practical retention and health, by not damaging their root system or altering drainage.

C15 A landscape plan is required to be lodged with most Development Applications. The landscape plan should identify all tree(s) on the site and adjoining sites that are located within 10 metres of any proposed works, identifying those trees proposed for removal.

C16 Where Council has authorised removal of a tree or trees, it may require the planting of new trees, wherever planting opportunities are identified.

C17 Where a development application involves the removal of any tree or work close to a tree, an Arborist report prepared by a Consulting Arborist may be required to be submitted, substantiating the tree works or removal of the tree(s) and their ongoing management.

C18 Where action is required or authorised to be done by way of a development consent, a person must not wilfully or deliberately fail to plant, protect or care for a tree(s) which is/ are required to be planted, protected or cared for as a condition of consent under a Tree Management Application or development consent issued by Council.

C19 Failure to protect identified trees will result in Council taking enforcement action under section 126 of the Environmental Planning & Assessment Act 1979. This can incur both financial penalties, as well as the requirement to have the tree(s) replaced with a tree(s) of the same species and similar stage of growth.

C20 In accordance with the provisions of section 82A of the Environmental Planning and Assessment Act 1979, any applicant dissatisfied with a decision on a Development Application for tree works may request a review of the determination.
4.5 Heritage Controls

C21 A Development Application is required for the pruning or removal of a tree that is a listed heritage item, is a cultural planting associated with the heritage item or is located within the curtilage of a listed heritage item.

Section 5 – Rights of Appeal Against Council’s Decision

An Applicant who is dissatisfied with Council’s decision has a right to seek a review or appeal.

Tree Management Applications:

Applicants can seek review by referring to details on Council’s Tree Management Application form and Council’s Fact Sheet: Tree Management Review.

Development Applications:

Applicants seeking review of a Development Application or the review of conditions imposed on a Development Consent can make application for review or modification under either Section 82A or Section 96 of the Environmental Planning & Assessment Act 1979.
Chapter 3 – Kiama Development Control Plan 2012 – Preservation & Management of Trees & Vegetation

APPENDIX 1 – EXEMPT TREE SPECIES

The following table provides a list of tree species which are exempt in the urban area.

<table>
<thead>
<tr>
<th>Tree Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Acacia baileyana</em></td>
<td>Cootamundra Wattle</td>
</tr>
<tr>
<td><em>Acacia saligna</em></td>
<td>Golden Wreath Wattle</td>
</tr>
<tr>
<td><em>Alianthus altissima</em></td>
<td>Tree of Heaven</td>
</tr>
<tr>
<td><em>Acer negundo</em></td>
<td>Box Elder</td>
</tr>
<tr>
<td><em>Cinnamomum camphora</em></td>
<td>Camphor Laurel</td>
</tr>
<tr>
<td><em>Cotoneaster species</em></td>
<td>Cotoneaster</td>
</tr>
<tr>
<td><em>Cupressus macrocarpa “Brunniana”</em></td>
<td>Golden Pine</td>
</tr>
<tr>
<td><em>Erythrina x sykesii</em></td>
<td>Coral tree</td>
</tr>
<tr>
<td><em>Ficus elastica</em></td>
<td>Rubber trees</td>
</tr>
<tr>
<td><em>Fraxinus griffithii</em></td>
<td>Evergreen Ash</td>
</tr>
<tr>
<td><em>Grevillea robusta</em></td>
<td>Silky Oak</td>
</tr>
<tr>
<td><em>Lagunaria patersonii</em></td>
<td>Norfolk Island Hibiscus</td>
</tr>
<tr>
<td><em>Ligustrum lucidum</em></td>
<td>Privet</td>
</tr>
<tr>
<td><em>Ligustrum sinense</em></td>
<td>Privet</td>
</tr>
<tr>
<td><em>Liquidambar styraciflua</em></td>
<td>Sweet Gum</td>
</tr>
<tr>
<td><em>Nerium oleander</em></td>
<td>Oleander</td>
</tr>
<tr>
<td><em>Olea Africana</em></td>
<td>African Olive</td>
</tr>
<tr>
<td><em>Pinus radiata</em></td>
<td>Radiata Pine</td>
</tr>
<tr>
<td><em>Pittosporum undulatum</em></td>
<td>Sweet Daphne</td>
</tr>
<tr>
<td><em>Populus species</em></td>
<td>All poplar trees</td>
</tr>
<tr>
<td><em>Robinia pseudoacacia</em></td>
<td>Black locust</td>
</tr>
<tr>
<td><em>Salix species</em></td>
<td>All Willows</td>
</tr>
<tr>
<td><em>Schefflera sp.</em></td>
<td>Umbrella tree</td>
</tr>
<tr>
<td><em>Syagrus romanzoffianum</em></td>
<td>Cocos Palm</td>
</tr>
<tr>
<td><em>Toxicodendron succedaneum</em></td>
<td>Rhus Tree</td>
</tr>
<tr>
<td><em>xCupressocyparis leylandii</em></td>
<td>Leylandii Pines (all varieties)</td>
</tr>
</tbody>
</table>

Fruit trees are exempt except where they form part of cultural planting associated with a heritage item.

**NOTE:** This exemption does not apply to native species of fruit trees.
APPENDIX 2 – PROCESS FLOWCHART:
Please note, refer to Tree Management Application for further details.

I wish to remove a tree or vegetation?

<table>
<thead>
<tr>
<th>NO</th>
<th>Have you obtained land owners consent for the proposed works?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>YES</td>
</tr>
<tr>
<td></td>
<td>Obtain Owners Consent</td>
</tr>
</tbody>
</table>

- Is the tree a Prescribed Tree?

<table>
<thead>
<tr>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NO</td>
</tr>
<tr>
<td></td>
<td>Is the tree within the curtilage of a heritage item or a cultural planting associated with a heritage item?</td>
</tr>
</tbody>
</table>

- Is the tree/vegetation proposed to be removed listed on the Exempt Tree Species List? See Appendix 1.

<table>
<thead>
<tr>
<th>YES</th>
<th>Approval NOT Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval Is Required by way of: 1. Tree Management Application 2. Development Application</td>
<td></td>
</tr>
<tr>
<td>Approval Is Required by way of: 1. Approval from relevant State Legislation</td>
<td></td>
</tr>
<tr>
<td>Contact Rural Fire Services</td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX 3 – GENERAL 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/sittings. 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 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.

Catchment management authority means a catchment management authority established under the Catchment Management Authorities Act 2003.

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
- underscrubbing, unless carried out by hand tools such as brushcutters and the like.
native vegetation has the same meaning as in Part 6 of the Native Vegetation Act 2003.


Other Vegetation means:

Remnant Native Vegetation including:
(i) trees,
(ii) understorey plants,
(iii) ground cover,
(iv) plants occurring in a wetland.

Note: Native Vegetation has the same meaning as in the Native Vegetation Act 2003.

prescribed tree - any tree/vegetation that is not listed as exempt which:
- are three (3) 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

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the Native Vegetation Act 2003.

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.


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.
Low Density Development

For the purposes of this chapter low density development refers to: single dwelling houses, dual occupancy development, secondary dwellings and any associated additions.

Relationship to Other Sections of this DCP

This section needs to be read in conjunction with other relevant sections including (but not limited to): Site Assessment, Carparking Requirements, Landscaping Requirements, Engineering Specifications and Standards, Waste Management and Overall Controls listed in Chapter 2.

Overall Controls

<table>
<thead>
<tr>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>• To encourage innovative housing design which incorporates high level architectural, environmental and amenity standards.</td>
</tr>
<tr>
<td>• To promote residential development that achieves the principles of energy efficiency and ecologically sustainable development.</td>
</tr>
<tr>
<td>• To protect the character of the areas and towns.</td>
</tr>
<tr>
<td>• Ensure all development is designed and sited to respond to greater climatic extremes with energy efficient responses.</td>
</tr>
<tr>
<td>• To provide high level of user amenity though the provision of well designed, liveable dwellings.</td>
</tr>
<tr>
<td>• To provide high level of visual and acoustic privacy for existing and new residents.</td>
</tr>
<tr>
<td>• To ensure that any residential development adjacent or in close proximity to rurally zoned land recognizes the 'right to farm' for rural land zonings.</td>
</tr>
<tr>
<td>• To ensure that development will not disrupt the streetscape or the unity of a group of buildings and spoil the existing character.</td>
</tr>
</tbody>
</table>

Controls

C1 All applications for low density development 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.

C2 Generally, where development greater than single storey is proposed, that component greater than one storey shall be located within 12.0 metres of the applicable front building line:

- 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
• 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.
• New development shall comply with the Building Height Plane.

C3 Cutting and filling on site is limited to 900mm external to the perimeter of the building.

C4 Terracing on site may be permissible if earthworks are retained by engineer designed walls and stepped at minimum of 1 metre horizontal intervals.

C5 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 in new development and adjacent development windows,
  • double glazing,
  • operable louvres or screen panels to windows and/or balconies,
  • screening through 1.5m high fencing or landscaping between dwellings.

C6 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.

C7 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.

C8 New development should be designed and sited considering the view sharing principles outlined in chapter 2.

C9 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.

C10 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.

C11 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.

C12 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).
C13 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.

C14 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.

C15 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.

Section 1 - Maximum Site Coverage for Residually Zoned Lots

<table>
<thead>
<tr>
<th>Objectives</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure that low density residential development provides sufficient space for private open space and landscaping on site.</td>
<td></td>
</tr>
<tr>
<td>To ensure that the characteristics of coastal character of garden based residential development is maintained.</td>
<td></td>
</tr>
</tbody>
</table>

**Site coverage** 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**

C16 Controls for Maximum Site Coverage

<table>
<thead>
<tr>
<th>For a single dwelling house in a urban zones</th>
<th>60%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elambra Estate</td>
<td>60%</td>
</tr>
<tr>
<td>West Kiama Urban release Area</td>
<td>60%</td>
</tr>
<tr>
<td>Gerringong Headland</td>
<td>Site specific controls in accordance with Gerringong Headland Masterplan</td>
</tr>
<tr>
<td>Cedar Grove</td>
<td>60%</td>
</tr>
</tbody>
</table>

Section 2 - Setbacks

<table>
<thead>
<tr>
<th>Objectives</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide sufficient separation and articulation of buildings to provide high level of amenity, daylight, privacy and noise attenuation.</td>
<td></td>
</tr>
<tr>
<td>Development should be designed to minimise overshadowing of adjacent properties and private open space.</td>
<td></td>
</tr>
</tbody>
</table>
Controls

C17 Building lines in accordance with Building Line Maps (refer to Chapter 2)

C18 Site Specific Controls for Elambra/West Kiama/Cedar Ridge/Silver Hill/Cedar Grove/Gerringong Headland Estates

Please refer to site specific chapters in this DCP for controls.

C19 Specific Controls for Setbacks in the Rural Areas

For the purpose of this DCP "Rural" refers to both rural and environmental protection/management zoned land. Please refer to Chapter 6 for details of specific controls for the siting and setbacks for residential development in the rural areas.

Section 3 - Solar Access

Objectives

- 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

C20 Buildings should be designed to optimise solar access by positioning and orienting buildings to maximise north facing design.

C21 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.

C22 Where avoidable, buildings should be designed so that there is no unreasonable overshadowing of solar collectors located on adjacent development.

Section 4 - Private Open Space

Objectives

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

Controls

C23 Each dwelling must be provided with a minimum of 24m² of private open space with minimum dimensions of 6m x 4m.
C24 Private open space must be directly accessed from the main living area of the dwelling.

C25 The maximum finished gradient of private open space is 1:4.

C26 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.

C27 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.

C28 Balconies should not be located on the side of developments without appropriate measures to maintain reasonable amenity to adjoining properties.

C29 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.

Section 5 - Garaging/Car Parking

<table>
<thead>
<tr>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>- To ensure that garaging and car parking are designed and located to be useable and accessible.</td>
</tr>
<tr>
<td>- To ensure that any garaging does not detract from the streetscape of the development.</td>
</tr>
</tbody>
</table>

Controls

C30 Garaging/car parking must be provided in line with the requirements outlined in Chapter 9.

C31 Garages/car parks can constitute a maximum of 50% of the front or street elevation of a development.

C32 At least 1 space in any development must be located behind the building line.

C33 A garage is preferable to a car port.

C34 One double garage must not adjoin another double garage.

C35 Any garaging must be set back a minimum of 6m to allow for stacked parking.
Section 6 - Storage

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

**Controls**

C36 In addition to kitchen cupboards and bedroom wardrobes, provide enclosed accessible storage facilities at the following rates:

- two-bedroom dwellings - 8m$^3$
- three plus bedroom dwellings - 10m$^3$.

Section 7 - Drying Areas

**Controls**

C37 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.

C38 Drying areas should have a northerly aspect.

Section 8 - Letterboxes

**Controls**

C39 Letterboxes must be provided in accordance with Australia Post requirements.

C40 Consideration should be given to the siting of letterboxes in dual occupancy/secondary dwelling development for battle axe blocks.

Section 9 - Additional Controls for Dual Occupancy Development and Secondary Dwellings

In addition to the controls already outlined in this chapter, dual occupancy or secondary dwelling development must meet the following criteria:

**Controls**

C41 Dual occupancy/secondary dwellings must have regard to the overall control for low density development.
C42 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.

C43 Development must meet development standards from Kiama LEP 2011, or site specific clauses (ie Silver Hill/Cedar Ridge, David Smith Place below).

C44 Dual occupancy/secondary dwelling development is not permissible in unsewered or unserviced areas.

C45 Dual occupancy/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.

C46 Provision of Adaptable Housing (Australian Standard AS 4299) at a ratio of 1:2 dwellings for dual occupancy development/secondary dwellings.

C47 Battle axe block must have a minimum frontage and access handle width of 5m for consideration of dual occupancy or secondary dwelling development. This frontage must include a 3 metre concrete driveway and a 1 metre landscaped strip adjoining the neighbouring property.

C48 Each dwelling in a dual occupancy development/secondary dwelling development must have a clearly defined and identifiable street entrance.

C49 Each dual occupancy dwelling or secondary dwelling must have separate adequate storage for waste disposal bins clearly identified.

C50 Secondary dwelling or dual occupancy development must not create an impost on either dwelling or adjoining properties in terms of stormwater management.

C51 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 dual occupancy / secondary dwelling and adjoining residences.

C51 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.

C52 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.

C53 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.

C54 Windows in a habitable room should be designed and located so as not unreasonably interfere with the privacy of adjoining dwellings.
C55 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.

C56 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.

C56 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.

C57 Developments shall be designed so that solar glare is minimised. This may be achieved by avoiding reflective films, or using glass reflectance below 20%.

C58 Dual occupancy/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.

C59 Dual occupancy/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 unserviced residential areas.

Section 10 - Additional Controls for Dual Occupancy in the Silver Hill/Cedar Ridge Estates

These controls have been reproduced from Chapter 19.

In addition to controls outlined in this chapter the following control applies:

C60 A minimum pre-development allotment size of 2,000m² is required for dual occupancy development in the Silver Hill and Cedar Ridge Estates.

C61 Dual occupancy/secondary dwelling 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 Figure 1.

Section 11 - Additional Controls for Dual Occupancy Development in South Kiama Drive David Smith Place and Stewart Place

These controls have been reproduced from Chapter 23.

In addition to controls outlined in this chapter the following control applies:

C62 A minimum pre-development allotment size of 2,000m$^2$ is required for dual occupancy development.

C63 Minimum allotment size of 1,000m$^2$ (exclusive of the area of access handles in the case of battle-axe allotments or access driveways in the case of allotments serviced by a right of carriageway).
Medium Density Development

For the purposes of this chapter 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.

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.

Relationship to other Sections of this DCP

This section needs to be read in conjunction with other relevant sections including (but not limited to): Site Assessment, Car parking Requirements, Landscaping Requirements, Engineering Specifications and Standards, Waste Management and Subdivision.

Section 1 - Assessment Benchmarks

All applications will be assessed against all relevant criteria contained in:

- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development
- Residential Flat Design Code.
- 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

- Provide sufficient separation and articulation to provide high level of visual and acoustic privacy for existing and new occupants.
- To ensure that development is designed for climate change including possibility of higher winds, extreme rain events etc.
- To ensure the high level architectural merit of buildings to ensure high levels of liveability and street amenity.
- To encourage lot amalgamation and discourage leaving isolated lots surrounded by larger developments.
- To ensure that all environmental risks such as coastal processes/sea level rises etc are taken into consideration in the development process.
- To ensure that all design is to incorporate a high level of daylight, sunlight, air flow and ventilation to all housing.
- To select building types appropriate to the site’s topography, local context, location, dimensions and landform.
- To ensure that any significant existing vegetation is retained and enhanced.
• To encourage a mix of housing forms to assist in achieving urban consolidation initiatives particularly in localities close to business.

Controls

All applications for medium density development must meet the following controls:

C1 All Principal development standards as set by Kiama LEP 2011.

C2 Lots must have a minimum frontage of 15m wide. The minimum width will be measured at the building line for irregular shaped lots.

C3 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.

C4 Provision of Adaptable Housing (Australian Standard AS 4299) at a ratio of 1:4 dwellings or part thereof.

C5 Development on land in close proximity to a foreshore must be designed with regard to sea level rise.

C6 All development must minimise any environmental risks associated with its location.

C7 Cutting and filling on site is limited to 900mm external to the perimeter of the building.

C8 Terracing on site may be permissible if earthworks are retained by engineer designed walls and stepped at minimum of 1 metre horizontal intervals.

Section 2 - Setbacks

Objectives

• Provide sufficient separation and articulation of buildings to provide high level of amenity, daylight, privacy and noise attenuation.

• Development should be designed to minimise overshadowing of adjacent properties and private or shared open space.

• All built form including balconies must be located clear of the setbacks detailed below.

Controls

C9 Setback controls for development up to 8.5m in height above natural ground

<table>
<thead>
<tr>
<th>Primary street frontage</th>
<th>4.5 metres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary street frontage (corner sites)</td>
<td>3.5 metres</td>
</tr>
<tr>
<td>Side Setback</td>
<td>Refer to Chapter 2</td>
</tr>
<tr>
<td>Rear setback</td>
<td>6 metres</td>
</tr>
</tbody>
</table>
C10 No part of a building or above ground structure (front fences and letterboxes excepted) may encroach into the primary street frontage other than:

- 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 1m maximum encroachment of awnings, and
- A 1m maximum encroachment of balconies and bay windows.

C11 Setbacks for development >8.5m – 11m in height above ground

<table>
<thead>
<tr>
<th>Primary street frontage</th>
<th>Minimum of 6 m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary street frontage (corner sites)</td>
<td>Minimum of 3.5m.</td>
</tr>
<tr>
<td>Dual street frontages (front and rear)</td>
<td>The primary street set back above will apply to both streets unless circumstances exist that justify a lessor setback based on the existing pattern of development and or road hierarchy.</td>
</tr>
<tr>
<td>Side setbacks</td>
<td>Minimum of 3 m measured from side boundary</td>
</tr>
<tr>
<td>Rear setbacks</td>
<td>Foreshore Building line, Common building line, or other Council endorsed building line if it applies otherwise: 6m.</td>
</tr>
</tbody>
</table>

C12 Site specific controls for setbacks apply to some areas of the LGA. Applicants need to check the site specific chapters of this DCP.

Section 3 - Building Separation

Objectives

- To ensure that high levels of privacy and amenity for building occupants are achieved.
- To ensure that high levels of sunlight are able to permeate existing and future adjacent development.

Controls

C13 All development must be designed to provide a high level of privacy for end users without compromising access to light and airflow. Design detailing should include:

- offset windows of apartments in new development and adjacent development windows,
- double glazing
- recessed balconies and/or vertical fins between adjacent balconies,
- solid or semi-solid balustrades to balconies,
- openable louvers or screen panels to windows and/or balconies,
- Screening through 1.5m high fencing, landscaping between areas, and
- utilising pergolas or shading devises to limit overlooking of lower apartments or private open space.
C14 Design should not unreasonably reduce the sunlight permeation to adjacent development by greater than 30% of existing levels.

Section 4 - End User Amenity

**Objectives**
- To provide high level of user amenity though the provision of well designed, liveable dwellings.
- To provide high level of visual and acoustic privacy for existing and new residents.

**Controls**

C15 75% of dwellings within a development must have a dual aspect (eg 2 sides of the dwelling/building).

C16 The maximum depth for single orientation units is 8m from back of the kitchen.

C17 Balconies (with the exception of Juliet balconies) must be accessed directly from the main living area.

C18 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.

C19 Development must be designed to promote flexibility of end use. Design criteria should include providing apartment layouts, which accommodate the changing use of rooms.

C20 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.

C21 Dwellings must provide adequate room sizes or open-plan apartments, to ensure flexibility of use.

C22 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.

Section 5 - Solar Access

**Objectives**
- 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**

C23 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.
C24 Dwellings should be designed to locate living areas to the north and service areas to the south and west of the development.

C25 Development should be designed to optimise the number of apartments receiving daylight access to habitable rooms and principal windows by:

- ensuring daylight access to habitable rooms and private open space, particularly in winter,
- 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,
- limiting the depth of single aspect apartments, to ensure good light permeation.

C26 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 percent.

C27 Buildings should be designed so that there is no overshadowing of solar collectors.

C28 The use of light-wells as a primary source of daylight in habitable rooms is strongly discouraged.

Section 6 - Acoustic Requirements

**Objectives**

- To ensure that all developments provide a high level of acoustic amenity.

**Controls**

C29 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.
- 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.
- Any mechanical equipment, such as pumps, lifts, air conditioners, exhaust shafts and mechanisms, should not be located adjacent to bedrooms or living rooms of dwellings on adjoining properties.
- 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.
• Should Council officers ascertain that there will be noise impacts; an acoustic report may be required to be submitted with the development application.

Section 7 - Storage

Objectives

- To provide adequate levels of storage.
- To provide storage that is able to accommodate larger items, such as: sporting equipment (skiing, surfing, golfing etc), bicycles and seniors motorised scooters.
- To ensure that storage separated from apartments is secure for individual use.

Controls

C30 In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:

- studio apartments 6m$^3$
- one-bedroom apartments 6m$^3$
- two-bedroom apartments 8m$^3$
- three plus bedroom apartments 10m$^3$.

C31 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.

Section 8 - Open Space

Objectives

- To ensure that as densities are increased that useable well designed open space is provided.
- To ensure that all dwellings have the minimum well designed private open space requirements.

Controls for Private Open Space

C32 Private open space may be provided in the form of a balcony, deck, terrace, garden, yard, courtyard or roof terrace and must meet the following specifications:

- a minimum area of 25m$^2$ for each dwelling, and
- a minimum dimension in one direction of 5m, and
- Not include drying facilities or garbage storage areas.
- Be directly accessible from an indoor living area.

Controls for Communal Open Space

C33 Communal Open Space must be provided if the development has more than 8 dwellings.
C34 Communal open Space must be provided at a minimum rate of 5m² per dwelling.

C35 Communal open space must be designed to be meet criteria outlined in Chapter 8 - Landscaping. Communal Open Space must be attractive, practical, useable and located to:

- provide solar access, (ensure direct daylight access to communal open space between March and September),
- 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 carparks.

C36 Communal open space cannot include drying facilities or garbage storage areas.

Section 9 - Ceiling Heights

<table>
<thead>
<tr>
<th>Objectives</th>
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</thead>
<tbody>
<tr>
<td>Ensure that developments are designed to facilitate excellent access to natural light.</td>
</tr>
</tbody>
</table>

Controls

C37 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.
- Development must comply with the minimum finished floor level (FFL) to finished ceiling level (FCL)

<table>
<thead>
<tr>
<th>Residential dwellings in mixed use buildings</th>
<th>3.3 metre minimum for ground floor to promote future flexibility of use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential dwellings</td>
<td>2.7 metre minimum for all habitable rooms on all floors, 2.4 metres is the preferred minimum for all non-habitable rooms</td>
</tr>
</tbody>
</table>

Section 10 - Safety/Security Design Criteria

<table>
<thead>
<tr>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure that development contributes positively to the streetscape and community through safe and appropriate design.</td>
</tr>
</tbody>
</table>

Controls

C38 All development must incorporate ‘safer by design’ principles.”
C39 All development must provide for a safe legible and appropriate access for pedestrians and vehicles.

C40 Development must be designed to create a clear transition between public and private space.

C41 Development must ensure habitable rooms provide clear views over the street, the building entries public or communal open spaces and carparking.

C42 Development should utilise bay windows, corner windows, and balconies, which project beyond the main facade and enable greater views to the street.

C43 Vehicle access points must not dominate the building facade.

C44 Separate and clearly distinguish between pedestrian accessways and vehicle accessways.

C45 Development must ensure high level of privacy and safety for occupants of ground floor units.

C46 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 carparking 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.

Section 11 - Building Footprint

Objectives

- To intensify development on site to ensure for appropriate landscaping is provided on site
- 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

C47 Site design must optimise the provision of consolidated deep soil zones within the site by:
ensuring buildings and basement/sub-basement/surface carparking 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.

**Section 12 - Facade**

Consideration should be given to the composition and detailing of the building facade to ensure that the building creates a positive relationship to its environment.

<table>
<thead>
<tr>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure high architectural quality in medium density developments.</td>
</tr>
<tr>
<td>To ensure that all medium density developments create a positive relationship to their site and their environment.</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

**Controls**

C48 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.

C49 All development must incorporate architectural features which give human scale to the design of the building at street level. These can include entrance porches, awnings, colonnades, pergolas and the like.

C50 Corner sites should give visual prominence through design elements to define the corner.

C51 Development must integrate building services, such as drainage pipes, vent shafts, air conditioning and any security devices within the overall facade.

**Section 13 - Drying Areas**

**Controls**

C52 Drying areas must be provided at a rate of 5 lineal meters of line per unit.

C53 Drying areas should have a northerly aspect.
C54 Drying areas must not be visible from any public place.

C55 Drying areas cannot be located foreword of the building line.

Section 14 - Letterboxes

Controls

C56 Common letterboxes must be provided in accordance with Australia Posts requirements.

Section 15 – Aerials/Satellite Dishes

Controls

C57 An aerial/satellite dish must be located at least 900mm from each lot boundary and in the rear of the development, and

C58 An aerials/satellite dish cannot be higher than 1.8m above the highest point of the roof if roof mounted.

Section 16 - Bin Storage Facilities

An appropriate Bin Storage facility will need to be provided within all medium density developments. The type and location of the bin storage facility will depend on a number of factors including number of units, number of bins etc.

Controls

C59 All requirements for the adequate and appropriate storage of bins outlined in Chapter 11 Waste Management will need to be met.

C60 The bin storage facility will be required to be shown on plans submitted as a part of the development application.

Section 17 - Additional Controls for Developments Containing a Mix of Permissible Commercial Premises and Permissible Residential Accommodation

These types of developments incorporate different land uses within the same building. In these instances the land uses are separated vertically. In addition to the other controls in this chapter these types of developments must also meet the following criteria

<table>
<thead>
<tr>
<th>Objectives</th>
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</thead>
<tbody>
<tr>
<td>• To support the integration of appropriate permissible commercial and residential uses with housing.</td>
</tr>
<tr>
<td>• 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.</td>
</tr>
<tr>
<td>• To ensure that the design of mixed use developments maintains residential amenities and preserves compatibility between uses.</td>
</tr>
</tbody>
</table>
Controls

C61 The mix of uses must be compatible and must complement and reinforce the character, economics and function of the local area.

C62 Design must ensure that the end result provides flexible building layouts, which promote variable tenancies or uses.

C63 All developments containing a mix of uses must incorporate legible circulation systems, which ensure the safety of users by:

- 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.

C64 Developments must demonstrate that they meet all BCA requirements Sound Transmission Class ratings for acoustic levels especially between the different land uses.

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.

C65 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.

C66 All developments mixed use developments must recognise the ownership/lease patterns and separating requirements for purposes of BCA for considerations.

Section 18 - Additional Controls for Seniors Housing

Objectives

- 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.

C67 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.
Rural Development

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.

Overall Objectives

**Objectives**

- To protect agricultural land and restrict its fragmentation for purposes other than primary production.
- To ensure that development does not inhibit the use of agricultural land for agriculture.
- 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.
- To maintain, protect and improve the natural environment including native vegetation and riparian land.
- To ensure that all new development adopts best practice design criteria for climate change.
- To protect threatened species, endangered ecological communities, natural habitat and riparian corridors, waterways and wetlands.
- To protect and enhance the character of the Kiama area’s coastal and rural scenic visual landscapes.
- To protect rural residential amenity.

Section 1 - Design and Siting Controls for Rural Dwellings/Alterations

**Objectives**

- To ensure that rural housing and ancillary development is designed and sited to protect agricultural land.
- To ensure that all rural housing and ancillary development does not impact on existing and any possible future agricultural uses on the land on which it is sited or adjoining lands.
- To protect and maintain Kiama’s scenic rural landscapes and low density rural residential character.
- To minimise the impact of rural residential development on agricultural land and land occupied by native vegetation, endangered ecological communities and threatened species.
- To minimise the potential for land use conflict between rural dwellings and agricultural activities carried out or likely to be carried out on adjoining land.
- To protect rural residential amenity.
- To protect rural heritage items and their rural landscape settings.
Controls

A dwelling house, secondary dwelling or ancillary development or their building envelope must not be located on a ridge, saddle or knoll.

C1 Building height of all development must be determined in consultation with Council development assessment staff. In general a 2 storey 8.5m building height will be applied in these areas. An exception to this control includes farm buildings and other farm structures such as hay sheds, silos and wind turbines.

C2 Development comprising a mix of a principal dwelling, a secondary dwelling and ancillary development (including bed and breakfast accommodation or farm stay accommodation) must be designed in a way to avoid or mitigate the visual impact of development on the landscape as viewed from a public place.

C3 Dwellings shall be designed to be energy and water efficient.

C4 Design should incorporate an external colour scheme which is subdued and locations which are screened by natural vegetation and landform so as to reduce the visual impact of buildings within a rural landscape. Colours and materials which can be demonstrated to improve energy efficiency are encouraged where site circumstances are justified. Where lighter colours are proposed landscaping will be required to reduce visual impact.

C5 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.

C6 Where the land contains a dry stone wall, no breaks, dismantling or alteration of such walls is permitted without development consent.

C7 Rural dwellings and 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.

C8 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.

C9 Rural dwellings are subject to the rural planning principles and considerations prescribed by State Environmental Planning Policy (Rural Lands) 2008 that applies to land in rural and environmental protection zones.

C10 Thorough site analysis is required to inform site planning and design to achieve satisfactory agricultural, environmental, natural hazard risk minimisation and rural amenity outcomes consistent with the aims and objectives of this Policy.

C11 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.
C12 Ancillary development should also be where possible and practicable clustered around the principal dwelling, or able to utilise the same accessways.

C13 Ancillary development will need to be landscaped to mitigate visual impact visible from a public place.

C14 Secondary dwelling must be located to minimise visual impact and the loss of agricultural land and taking into consideration:

- Clustering with other buildings.
- Sites with low visual impact.
- Preference being given to sites with lower agricultural value.
- Sites should not require removal of vegetation.
- Preference is given to sites where land take for driveways is minimal.

C15 The reuse of an existing dwelling as ancillary development (including for the purposes of an outbuilding for bed and breakfast accommodation or farm stay accommodation) will not be permitted unless the dwelling satisfies or is altered to satisfy the the controls in Kiama LEP 2011, the proposed new principal dwelling and the secondary dwelling or ancillary development complies with all other relevant provisions of this Policy.

C16 Development for a residential purpose or an “activity” within the Sydney Catchment Authority’s Drinking Water Catchment Area is subject to assessment and approval under Part 5 of the Drinking Water Catchments Regional Environmental Plan No 1.

Section 2 - Rural Setbacks

C17 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).

C18 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.

C19 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.
C20 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.

Section 3 - Access and Services Infrastructure

<table>
<thead>
<tr>
<th>Objectives</th>
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<tbody>
<tr>
<td>To provide clearly identifiable, legal and safe access linkages between public roads and private access roads.</td>
</tr>
<tr>
<td>To make sure that that private access roads are suitable for use by conventional two-wheeled-drive vehicles and emergency services vehicles.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>To ensure that private access roads meet bush fire protection standards.</td>
</tr>
<tr>
<td>To minimise the length of access roads and their associated reduction in the amount of productive or potentially productive agricultural land.</td>
</tr>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

Controls

C21 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.

C22 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.

C23 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.

C24 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.

C25 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.
C26 An access road must be designed in accordance with this Council’s Engineering technical specifications to minimise visual impact and earthworks.

C27 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.

C28 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.

C29 Revegetation associated with an access road must be addressed in a property landscape plan accompanying the DA.

C30 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.

C31 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.

C32 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.

C33 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.

**Section 4 - Water Supply and Effluent Management**

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 fire fighting purposes. These tanks will need to be fitted with appropriate attachments to ensure that they are compatible with fire fighting equipment and dedicated only for fire fighting purposes.
Council also 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.

**Objectives**

- To ensure that there is an adequate supply of potable water for domestic consumption and fire fighting purposes.
- To ensure that waste water generated from dwellings and ancillary development is properly treated and the effluent disposed of or reused on the site in an environmentally acceptable and safe manner.

**Section 5 - Controls for Domestic Water Supply**

C34 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.

C35 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.

C36 Tank inlets shall be screened or filtered and the tank maintained to prevent mosquitoes breeding.

C37 Any motorised or electric pump associated with the tank shall not cause a noise nuisance.

C38 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.

C39 All tanks to be used for human consumption will be required to be fitted with a first flush diversion device.

C40 Tanks should be finished in recessive tones to blend in with the rural environment.

**Section 6 - Controls for Water Supply for Rural Fire Service**

C41 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 fire fighting purposes, is to be installed and fitted with a 65mm storz fitting and ball gate valve.

C42 Provision must be made for the access of a heavy fire fighting tanker to within 4m of this designated static water supply.

C43 This water supply is to be clearly labelled for “fire fighting purposes” only.

**Section 7 - On Site Effluent/Waste Water Disposal System Treatment**
Applications for rural development will require an appropriately designed and installed on site effluent disposal system.

Controls

C44 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.

C45 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.

The method of treating and disposing of waste water effluent must be determined having regard all criteria in Chapter 2 must be met.

Section 8 - Environmental Considerations

Rural subdivision (clauses contained in chapter 7), dwellings and ancillary development have 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

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

Controls

C46 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.

C47 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.

C48 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.

C49 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.

C50 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.

C51 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.

C52 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.

C53 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.

C54 Riparian land affected by proposed development must be protected and improved through any development.

Property Landscape Plan (PLP)

C55 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.
• visual impact mitigation purposes.
• 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.

C56 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.

C57 A property landscape plan must be prepared by a person(s), or with appropriate qualifications in the botanic, ecological or natural sciences.

C58 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”.

Section 9 - Natural Hazards

The Policy includes provisions aimed at minimising the risk associated with building dwellings in rural areas that are subject to natural hazards including acid sulfate soils, bush fires, flooding
and land instability. Climate change will increase the risks associated with natural hazards in vulnerable locations such as:

- low lying areas near the coastline or waterways.
- forested hinterland areas.
- steep land susceptible to land slip.

**Section 10 - Acid Sulfate soils**

**Objectives**

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

**Controls**

C59 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.

**Section 11 - Planning for Adequate Response to Bushfires**

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**

- To have regard to the increased threat of bush fires posed by climate change in building in bush fire prone areas.
- To reduce the bush fire risk to rural residents, their property assets and emergency services officers who attend bush fire emergencies.
- 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.
- 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**

C60 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).
C61 A Bush Fire Assessment Report must be submitted with the statement of environmental effects.

C62 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.

C63 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.

C64 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.

C65 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.

Section 12 - Flooding

Objectives

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

Controls

C66 In low-lying areas, Council may require a flood study to be submitted with a development application to determine the most appropriate location and floor levels for dwellings and other habitable ancillary development.

C67 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.

C68 Where a waterway crossing is unavoidable, the level of any waterway crossing must provide a safe carriageway in low flood conditions (ie a 1 in 20 year recurrent flood level) and the engineering design of waterway crossings must accompany the development application.
C69 Waterway crossings must be designed to have a negligible impact on the stream flow, riparian vegetation, water quality and fish movements.

C70 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.

C71 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.

Section 13 - Land Stability and Earthworks

<table>
<thead>
<tr>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
</tr>
<tr>
<td>To minimise the risk of land slip impacting on habitable buildings and access roads.</td>
</tr>
</tbody>
</table>

Controls

C72 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.

C73 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.

C74 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.

C75 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.

C76 Dwellings should be designed to step down steep sites by split level design to avoid the need for significant earthworks.

C77 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.

C78 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.

Section 14 - Riparian Land

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

• To ensure that any development maintains, protect and improves water quality within waterways.
• To ensure that any development maintains, protect and improves the stability of the bed and banks of waterways, aquatic and riparian habitats.
• To ensure that any development maintains, protect and improves ecological processes within waterways and riparian areas.
• 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

C79 Development on or near to land identified as being riparian and in the Kiama LEP 2011 must ensure that it does any negative impact water quality, bank and bed stability, ecological processes and any habitats.
Amendment No 1 was adopted by Council on 15 December 2015 and effective from 13 January 2016
Subdivision

Introduction

This chapter of the DCP outlines the objectives and detailed controls for residential subdivision in addition to the planning controls contained in Kiama Local Environmental Plan 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.

Section 1 - Residential Land Subdivision

Objectives

- To facilitate a range of lot sizes 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.
- To encourage residential design that promotes community interaction, active transport and recreational green space over the dominance of motor vehicles in residential areas.
- To ensure the subdivision of land is responsive to inherent site conditions and constraints.
- 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.
- 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.
- To ensure that lot sizes, dimensions and layout are consistent with best practice in terms of urban design, solar access orientation and energy efficiency.
- To establish a clear hierarchy of different road types which cater for different types of traffic movement through residential subdivisions.
- To ensure that the majority of residential allotments are within a 400 metre walking distance from an existing or proposed new bus stop.
- To facilitate accessibility within and beyond the subdivision especially by buses, bicycles and pedestrians.
- To protect and enhance any riparian lands and its associated values for ecological systems and biodiversity.
- To minimise site disturbance for soil erosion, land stability and urban visual impact reasons.
- To design public places in a way that enhances residents safety.
- To protect the subdivision’s perimeter housing from the threat of bushfire and conflict of land uses.
- To incorporate the design guidelines for “creating healthy places”.

Controls

C1 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.

C2 All lots can provide for on-site stormwater detention and re-use of rain water for domestic use.
C3 Internal roads should be based on a grid pattern to facilitate accessibility.

C4 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.

C5 The subdivision must connect the new streets with the existing street system including road and pedestrian/cycle ways.

C6 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.

C7 The subdivision must protect and enhance all riparian lands on site.

C8 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.

C9 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.

C10 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.

C11 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.

Section 2 - Types of Residential Subdivision

In NSW, there are three (3) main forms of residential subdivision, namely:

a) Torrens Title subdivision.
b) Strata Title subdivision.
c) Community Title subdivision

Section 3 - Minimum Subdivision Allotment Size Requirements

<table>
<thead>
<tr>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>• To ensure the subdivision of residually zoned land is consistent with the objectives and minimum subdivision lot size requirements of Kiama LEP 2011.</td>
</tr>
<tr>
<td>• 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.</td>
</tr>
<tr>
<td>• To ensure any subdivision of land provides sufficient site area to cater for the future intended housing.</td>
</tr>
<tr>
<td>• To ensure the design of any proposed residential subdivision takes into account inherent site constraints and minimises any potential adverse environmental impacts.</td>
</tr>
</tbody>
</table>

Controls

C12 The minimum subdivision allotment size requirement for a particular parcel of land shall be in accordance with the provisions of Kiama LEP 2011.

C13 The minimum subdivision allotment size requirement for a battle axe allotment, excludes that portion of the proposed lot which forms the battle axe access handle.
C14 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.

Section 4 - Lot Width and Depth Requirements

Objectives

- 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.
- 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 fains appropriate sunlight access during mid-winter.

Section 5 - Battle-Axe Allotments

Objectives

- 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.
- To permit a maximum of two (2) battle axe allotments in a subdivision upon certain land where inherent site constraints such as slope or topography may otherwise prevent a conventional residential subdivision which would provide direct public road access to all lots.
- 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.
- 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.
- To ensure each battle axe lot has a sufficient site area to provide satisfactory on-site parking with suitable vehicular access and manoeuvring areas.

Controls

C15 The minimum allotment size requirement for battle-axe lots shall be in accordance with Kiama LEP 2011.

C16 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.

C17 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).

C18 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.
C19 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.

C20 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.

C21 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.

C22 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).

C23 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.

C24 Driveway construction must give consideration to driveway drainage, utility servicing and retaining structures.

C25 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.

C26 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.

C27 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.

C28 The maximum gradient for any access way required for a battle axe lot subdivision should be 25%.
C29 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.

C30 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.

Section 6 - Building Envelopes

**Objectives**

- 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.
- 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.
- 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).
- 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.

Section 7 - Staging of Major Residential Subdivisions

**Objectives**

- 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.
- 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.

**Controls**

C31 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.

C32 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.
C33 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.

Section 8 – Super lots in Residential Subdivisions for Integrated Housing or Medium Density Housing

<table>
<thead>
<tr>
<th>Objectives</th>
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</table>
| • 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.  
• To encourage large residue lots to be earmarked for dual occupancy or medium density housing early in the residential subdivision process. |

Controls

C34 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.

C35 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.

C36 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.

Section 9 - Cut and Fill Land Re-Shaping Works

<table>
<thead>
<tr>
<th>Objectives</th>
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</thead>
<tbody>
<tr>
<td>• 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.</td>
</tr>
</tbody>
</table>

Controls

C37 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.
Section 10 - Public Reserves

Objectives

- 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.
- 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.
- To preserve remnant native bushland including endangered ecological communities within public open space buffers, where possible.
- To minimise costs of on-going maintenance of public open space.

Controls

C38 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.

C39 Any approved public reserve lot shall be fully embellished in accordance with Council’s requirements, prior to the release of the Subdivision Certificate.

C40 Wherever possible, riparian corridors should form the ‘spine’ for public open space within a subdivision.

Section 11 - Pedestrian and Cycle Way Networks

Objectives

- To ensure residential subdivisions provide adequate pedestrian and cycleway linkages to facilities and services within the surrounding locality.
- 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.
- To ensure all pedestrian footpaths and shared pathways/cycle ways are designed in accordance with relevant Australian Standards and AUSTROADS guidelines.
- 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.

Controls

C41 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.
C42 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.

C43 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.

C44 Safe pedestrian crossings are to be created with the use of pedestrian refuges, slow points, thresholds or other appropriate measures.

C45 All cycle ways are to be provided in accordance with AUSTROADS guidelines and Kiama Development Code.

C46 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.

Section 12 - Acoustic Fencing

<table>
<thead>
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<th>Objectives</th>
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<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
</table>

Controls

C47 Acoustic rear boundary fencing will be required in most circumstances for residential lots abutting an arterial or sub-arterial road.

C48 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.

C49 The full details of the proposed acoustic fencing shall be submitted with the Development Application.

C50 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.
Section 13 - Street Tree Planting

**Objectives**
- To provide suitable street trees within residential subdivisions, in order to improve the streetscape character of the locality.
- To improve the general residential amenity of the subdivision.
- To ensure the planting of street trees in new subdivision is appropriate and compatible with existing street tree planting within the locality.

**Controls**

C51 The planting of street trees shall be integrated with driveway crossings, utility services and street lighting.

C52 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.

Section 14 - Road Connectivity, Permeability and Legibility

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

**Controls**

C53 New subdivision 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.

C54 Road design taking into account the surrounding local road network in the locality, especially the existing road hierarchy.

C55 The subdivision design must achieve enhanced vehicular permeability and legibility in the location and layout of the road pattern.

C56 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.

C57 Connected grid networks may also improve safety when dwellings are sited to address block edges, to enable passive surveillance.
C58 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.

C59 Pedestrian footways and cycleways should be safe and convenient to encourage alternative transport options to motor vehicles.

C60 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.

Section 15 - Road Network and Hierarchy

<table>
<thead>
<tr>
<th>Objectives</th>
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<tbody>
<tr>
<td>To provide a defined hierarchy of roads, in order to provide an acceptable level of access, safety and convenience for all road users.</td>
</tr>
<tr>
<td>To ensure that the design features of each residential road within a subdivision reflects the role of the road within the overall road network.</td>
</tr>
<tr>
<td>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.</td>
</tr>
<tr>
<td>To provide appropriate road access for larger and special purpose vehicles including garbage and recycling trucks, fire trucks, delivery trucks etc.</td>
</tr>
</tbody>
</table>

General Road Hierarchy

- 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.

- 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.

Section 16 – Road Design Requirements – Road Types and Characteristics of Roads in Residential Road Networks

Objectives

- 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.
- 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.
- To ensure road verges are of sufficient width to physically accommodate all necessary infrastructure assets and utilities.
- To provide road geometry that is consistent with the designated function of the specific road as well as the physical characteristics of the locality.
- To ensure the road network is simple and safe for all road users, including motor vehicles, pedestrians and cyclists.
- 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.
- To ensure new release areas are designed to provide for safe, convenient and efficient bus routes.
## Controls

### C61 Characteristics of Roads In Residential Road Networks

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Traffic Volume (&lt;sup&gt;1&lt;/sup&gt;) (vpd)</th>
<th>Target Speed (&lt;sup&gt;2&lt;/sup&gt;) (Km/h)</th>
<th>Carriageway width (&lt;sup&gt;3&lt;/sup&gt;) (m)</th>
<th>Verge Width (&lt;sup&gt;4&lt;/sup&gt;) (m)</th>
<th>Road Reserve Width (&lt;sup&gt;6&lt;/sup&gt;) (m)</th>
<th>Pavement Type</th>
<th>Parking Provision in Road Reserve</th>
<th>Concrete Footpath</th>
<th>Shared Path (&lt;sup&gt;8&lt;/sup&gt;)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access Place&lt;sup&gt;7&lt;/sup&gt;</td>
<td>&lt;100</td>
<td>15</td>
<td>3.5</td>
<td>3.5&lt;sup&gt;(8)&lt;/sup&gt;</td>
<td>10.5</td>
<td>Reinforced Concrete</td>
<td>1 hardstand verge space per 2 dwellings</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Access Street</td>
<td>&lt;300</td>
<td>40</td>
<td>6.5</td>
<td>3.5&lt;sup&gt;(8)&lt;/sup&gt;</td>
<td>13.5</td>
<td>Asphalt</td>
<td>Carriage way&lt;sup&gt;9&lt;/sup&gt;</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Access Road</td>
<td>301 - 1000</td>
<td>40</td>
<td>8</td>
<td>3.5&lt;sup&gt;(8)&lt;/sup&gt;</td>
<td>15</td>
<td>Asphalt</td>
<td>Carriage way&lt;sup&gt;9&lt;/sup&gt;</td>
<td>1.2m wide one side&lt;sup&gt;10&lt;/sup&gt;</td>
<td>No</td>
</tr>
<tr>
<td>Minor Collector</td>
<td>1001 - 3000</td>
<td>50</td>
<td>9.5</td>
<td>3.5&lt;sup&gt;(8)&lt;/sup&gt;</td>
<td>16.5</td>
<td>Asphalt</td>
<td>Carriage way&lt;sup&gt;9&lt;/sup&gt;</td>
<td>1.2m wide one side away from kerb&lt;sup&gt;10&lt;/sup&gt;</td>
<td>Provide within street pavement&lt;sup&gt;(11)&lt;/sup&gt;</td>
</tr>
<tr>
<td>Major Collector&lt;sup&gt;(12)&lt;/sup&gt;</td>
<td>3001 - 6000</td>
<td>50&lt;sup&gt;(13)&lt;/sup&gt;</td>
<td>11.5</td>
<td>Min. 3.5</td>
<td>Min. 18.5</td>
<td>Asphalt</td>
<td>Carriage way&lt;sup&gt;9&lt;/sup&gt;</td>
<td>1.2m wide along one side away from kerb</td>
<td>2.5m wide along one side</td>
</tr>
<tr>
<td>Sub-Arterial</td>
<td>&gt;6000</td>
<td>60&lt;sup&gt;(13)&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td>Design using road performance criteria &amp; guides ie Austroads, RMS standards etc&lt;sup&gt;(15)&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 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.

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

**Section 17 - Characteristics of Roads In Rural Road Networks**

**C62 Characteristics of Roads In Residential Road Networks**

<table>
<thead>
<tr>
<th>Road Type</th>
<th>Minimum Road Carriageway Width (m)</th>
<th>Minimum Verge Width Each Side (m)</th>
<th>Minimum Total Road Reserve Width (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Road servicing less than 30 dwellings / lots</td>
<td>7.5</td>
<td>3.5 with upright kerbing</td>
<td>14.5</td>
</tr>
<tr>
<td>Cul-de-sac (Public Road)</td>
<td>7.5 with a minimum 12 wide cul-de-sac bulb</td>
<td>3.5 with upright kerbing</td>
<td>14.5</td>
</tr>
<tr>
<td>Minor Public Road / Access Way servicing a maximum of 10 dwellings / lots</td>
<td>6</td>
<td>3.5 with roll kerbing</td>
<td>13</td>
</tr>
<tr>
<td>Private Access Road/Right of Carriageway Battle – axe handle servicing a maximum of 3 dwellings/lots</td>
<td>4 (ie where the access handle is less than 200 metres in length)</td>
<td>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</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Section 18 - Requirements for New Road Works, Drainage Works and Infrastructure Construction

Objectives

- 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.

Controls

C63 All allotments in a subdivision must gain direct access to/from a properly formed public road.

C64 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.

C65 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.

Section 19 - Requirement for Upgrading of Poorly Constructed or Unformed Public Roads

Objectives

- 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.

Controls

C66 All allotments in a subdivision must gain direct access to/from a properly formed public road.

C67 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.
Section 20 - Bus Routes

<table>
<thead>
<tr>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>• To encourage bus services to link existing urban areas with new residential subdivisions.</td>
</tr>
<tr>
<td>• 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.</td>
</tr>
<tr>
<td>• To provide safe and convenient bus stops along the planned bus route.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Controls</th>
</tr>
</thead>
<tbody>
<tr>
<td>C68 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.</td>
</tr>
<tr>
<td>C69 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.</td>
</tr>
<tr>
<td>C70 Indented bus parking bays should be provided at nominated bus stops.</td>
</tr>
<tr>
<td>C71 Bus stops should be generally located within 400 metres walking distance for 90% of the lots in the immediate locality.</td>
</tr>
<tr>
<td>C72 Any proposed roundabout on a bus route must be designed to satisfactorily accommodate bus manoeuvring through and around the roundabout.</td>
</tr>
<tr>
<td>C73 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.</td>
</tr>
<tr>
<td>C74 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.</td>
</tr>
<tr>
<td>C75 Safe pedestrian crossing points should be provided at each bus stop by the introduction of non-raised pedestrian thresholds and refuges.</td>
</tr>
</tbody>
</table>
Section 21 - Residential Cul-De-Sacs and Turning Heads

**Objectives**

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

**Controls**

C76 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.

C77 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.

C78 “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.

C79 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.

Section 22 - Road Junction Spacing

**Objectives**

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

**Controls**

C80 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.
C81 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.

C82 All intersections are to be T-junctions or roundabouts.

Section 23 - Traffic Calming Devices

<table>
<thead>
<tr>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>• To provide appropriate traffic calming devices, in order to improve traffic management flows within large residential subdivisions.</td>
</tr>
</tbody>
</table>

Controls

C83 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.

C84 Any proposed traffic calming device must be designed to enable emergency vehicles to reach all properties from the road.

C85 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).

C86 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).

C87 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.

Section 24 - Splay Corners

<table>
<thead>
<tr>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>• To provide appropriate splay corners at intersections within residential subdivisions, to ensure adequate sight line distances.</td>
</tr>
</tbody>
</table>

Controls

C88 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.
### Section 25 - Street Lighting

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

#### Controls

C89 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.

### Section 26 - Restricted access to Arterial or Sub-Arterial Roads

#### Objectives
- 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.

#### Controls

C90 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.

C91 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.

C92 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.
Section 27 - Bushfire Protection

**Objectives**

- To ensure any residential subdivision upon land classified as bush fire prone land is designed to minimise the potential bush fire hazard risk.
- To ensure any residential subdivision upon land classified as bush fire prone land is designed to provide an efficient and safe road network which minimises potential bottlenecks.
- To ensure any residential subdivision upon bush fire prone land is designed to minimise the siting of future dwellings away from ridge tops and other steeply sloping land, especially upslope lands, within saddles or narrow ridge crests.
- To provide public open space as an accessible public refuge area, wherever practicable.
- To ensure each residential subdivision upon bush fire prone land is designed to provide satisfactory asset protection zone (APZ) separation distances from the bush fire hazard and guarantee that future dwellings are capable of achieving conformity with the “deemed-to-satisfy” requirements of the Building Code of Australia.

**Controls**

C93 Any proposed residential subdivision upon land classified as bush fire prone land is an Integrated Development Application under section 91 of the Environmental Planning and Assessment Act 1979 since the formal concurrence is required from the NSW Rural Fire Service (Headquarters), pursuant to section 100B of the Rural Fires Act 1997.

C94 Any Integrated Development Application for a 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, including Chapter 4: Bushfire Provisions – Development Stage in the guidelines. 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.

C95 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.
Section 28 - Stormwater Management (Including Water Sensitive Urban Design)

**Objectives**
- To minimise stormwater drainage run-off impacts upon downstream properties.
- To limit post development discharges to pre-development levels.
- To provide a sustainable stormwater drainage and water quality environment incorporating both natural and man-made landscape features and which is aesthetically pleasing.
- To encourage water sensitive urban design initiatives for larger residential subdivisions, in order to maintain or enhance the water quality in watercourses.

**Controls**
C96 A detailed stormwater drainage concept plan together with calculations is required to be submitted with the Development Application.

C97 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.

C98 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.

Section 29 - Riparian Land Management

**Objectives**
- To protect urban creeks and riparian corridors from further degradation and improve their environmental function.
- To conserve, enhance and protect existing native riparian vegetation, wherever possible.
- To maintain or enhance the stability of the bed and banks of a watercourse.
- To minimize ‘edge effects’ at the riparian corridor / urban interface by the provision of a suitable riparian corridor width.
- To ensure riparian land management measures are compatible with floodplain risk management objectives.

**Controls**
C99 Any proposed residential subdivision involving waterfront land on, in or within 40 metres of the top of bank of a river, creek or intermittent watercourse, lake or estuary will be subject to compliance with the requirements of the Water Management Act 2000.
Section 30 - Servicing Arrangements

**Objectives**

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

**Controls**

C100 Shared common trenches for service infrastructure are preferred in order to also enable the planting of trees and other landscaping within the road verges.

C101 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.

C102 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.

C103 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.

C104 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.

C105 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.

C106 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.

C107 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.
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.

Section 31 - Monetary Contributions towards the Provision of Public Services and Amenities

The payment of monetary contributions will be required pursuant to Section 94A of the Environmental Planning and Assessment Act 1979 for the provision of public services and amenities. The amount of contributions payable to Council will be determined by the Section 94A Contributions Plan.

Section 32 - Road Naming

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.

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.

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.

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.

Where no suggestions are received for the naming of roads, Council will determine the street names.

New street name signs are to be paid for by developers.

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.

For any classified roads, the NSW Roads & Maritime Services will determine the road name in consultation with the Geographic Names Board.

Section 33 - Subdivision in Rural Areas

Subdivision of Lands for Agriculture or Residential Housing

“Rural” - refers to both rural and environmental protection/management zoned land.
**Objectives**

- 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.
- 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.
- To prevent the fragmentation of rural land for rural residential purposes.
- To maintain the ability of agricultural land to be used for agriculture.
- To allow for the erection of dwellings on rural land that meets minimum lot size standards.
- To consider the potential impacts of bushfires in subdivision of land for rural residential purposes.
- To minimise the impacts of subdivision on native vegetation, endangered ecological communities, threatened species, waterways and riparian land and the scenic landscape.
- To minimise lots with frontages to riparian lands/waterways.

**Controls**

C118 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.

C119 Any subdivision must not create a greater number of lots with frontages to waterways/riparian lands.

C120 A development application for rural subdivision must have regard to the rural planning principles and considerations in State Environmental Planning Policy (Rural Lands) 2008.

C121 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.
Section 34 - Bushfire Protection

Objectives

- To ensure any rural subdivision upon land classified as bush fire prone land is designed to minimise the potential bush fire hazard risk.
- To ensure any rural subdivision upon land classified as bush fire prone land is designed to provide an efficient and safe road network which minimises potential bottle-necks.
- To ensure any rural subdivision upon bush fire prone land is designed to minimise the siting of future dwellings away from ridge tops and other steeply sloping land, especially upslope lands, within saddles or narrow ridge crests.
- To ensure each rural subdivision upon bush fire prone land is designed to provide satisfactory asset protection zone (APZ) separation distances from the bush fire hazard and guarantee that future dwellings are capable of achieving conformity with the “deemed-to-satisfy” requirements of the Building Code of Australia.

Controls

C122 Any proposed rural subdivision upon land classified as bush fire prone land is an Integrated Development Application under section 91 of the Environmental Planning and Assessment Act 1979 since the formal concurrence is required from the NSW Rural Fire Service (Headquarters), pursuant to section 100B of the Rural Fires Act 1997.

C123 Any Integrated Development Application for a proposed rural 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, including Chapter 4: Bushfire Provisions – Development Stage in the guidelines. 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.

C124 New rural 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.

C125 The public road system in bush fire prone areas should provide alternative access or egress for fire fighters and residents during a bushfire emergency.

C126 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.
Chapter 8 – Kiama Development Control Plan 2012 - Landscaping

Landscaping

The purpose of this plan is to assist in the preparation of suitable landscape plans and documents for proposed commercial, industrial and medium density 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

- 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.
- To require landscaping to be considered in consultation with building and subdivision design as soon as possible in any development.
- To incorporate environmentally sustainable practices within the design.
- To reduce the impact of development activity on the landscape.
- To provide landscaping which requires low maintenance.
- To protect and enhance remnant native bushland areas by the retention and regeneration of indigenous flora.

Section 1 - 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.

Section 2 - 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.

Section 3 - Design Guidelines for Industrial Developments

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.

Aims

- Integrate the landscape with the architectural design of the buildings and enhance the overall existing streetscape.
- Screen and soften buildings and shade paved areas.
- Incorporate environmentally sustainable practices in the landscape design.
- Provide a landscape treatment which corresponds in scale and size relative to the bulk of the proposed development.
- Integrate planting into existing streetscape themes to provide unity and pattern to the precinct.
• Enhance safety and security in public spaces.

Controls

C1 The following design guidelines must be incorporated where practicable:

Design Guidelines

- 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. (See Section 4.6 for details of fencing)
- 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. (See Section 4.6 for details of fencing)
- 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.

Section 4 - Design Guidelines for Commercial Developments

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

Aims

- Integrate with the architectural design of the commercial buildings and enhance the overall existing streetscape.
- Provide a landscape which visually reduces the bulk and scale of the buildings yet integrates with the overall streetscape.
- Enhance safety and security in public spaces.
Controls

C2  The following design guidelines must be incorporated where practicable:

**Design Guidelines**

- 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... (See Section 4.6 for details of fencing).
- 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.

Section 5 - Design Guidelines for Residential Developments

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.

**Aims**

- Screen large-scale buildings and provide a sense of continuity within the development.
- Improve the visual amenity, aid in privacy, noise attenuation and temperature control.
- Enhance safety and security in public spaces.

**Controls**

C3  The following design guidelines must be incorporated where practicable:

**Design Guidelines**

- 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.
Chapter 8 – Kiama Development Control Plan 2012 - Landscaping

- 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. (See Section 4.6 for details of fencing).
- 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.

Section 6 - Design Guidelines for Rural Developments

This applies to development on rural land identified in Kiama Local Environment Plan 2011

Aims

- Minimise adverse visual and environmental impacts.
- Support the objectives of the zoning as set out in the Kiama Local Environment Plan 2011.

Controls

C4 The following design guidelines must be incorporated where practicable:

Design Guidelines

- 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 Section 4.7 and 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 Chapter 6 – Rural Development for more information (Note: Section 8 Environmental Considerations).

Section 7 - Information to be Submitted with Landscape Documents

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

Controls

C5 The following design guidelines must be incorporated where practicable:

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

Controls

C6 The following design guidelines must be incorporated where practicable:

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 – See Section 5.1 and 5.2 for details.
- Planting schedule and plan to show:

- Plant symbol
- Botanic name and common name
- Quantity
- Mature height and canopy diameter
- 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 at a scale of 1:50.
- 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)
  - Health and condition
  - Tree protection Zones.

Controls

C7 The following design guidelines must be incorporated where practicable:

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).
  - Health and condition.

Section 8 - 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 as listed in the Threatened Species Act.
- Seven Part Tests as required by the Threatened Species Conservation Act 1995.
- Environmental Management Plan.
- Arborist Report.

Section 9 - 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.

Section 10 - 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 as listed in the Threatened Species Conservation Act 1995.
• List of any weeds declared as Noxious Weeds within the Municipality.
• Other detail which may be required include the following:
  ➢ Condition of vegetation including degree of weed invasion.
  ➢ Location and condition of significant trees.
  ➢ Seven Part Tests as required under the Threatened Species Conservation Act 1995.

Section 11 - Related Landscape Issues

Street Tree Planting

C11 It is the intention of street tree planting to establish a local identity. 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 Section 4.8 and 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

C12 Reference should be made to Council’s Tree Preservation Order regarding the removal or pruning of trees and Section 6 for treatment of significant trees.

C13 Existing vegetation and the means of protecting that vegetation must be clearly shown on any landscape plans.

C14 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 out side 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**

C15 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.

C16 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**

C17 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.

C18 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.

C19 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.

C20 Any works are to be approved as part of a landscape plan.

**Promotion of Resident Safety**

C21 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).
  - Ensure landscaping does not conflict with pedestrian and vehicular safety by blocking vision.

### Section 12 - Undesirable Plants

C22 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. Some of these plants are currently used in gardens and are already major weeds e.g. *Cotoneaster* spp and *Lantana* and their replacement should be encouraged. Others such as Pampas grass and Rhus tree have been declared noxious weeds and must be removed by law. They are listed in Appendix 1. In relation to *xCupressocyparis leylandii* (Leylandii Pine) and any other introduced species of hedging plant capable of being used for architectural hedging of which Council sees fit, such that owners of properties, or boarding onto properties and being negatively impacted by the hedge do not have to apply to Council for their removal or lopping.

### Section 13 - Recommended Plants

C23 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.

### Section 14 - Landscape Maintenance

C24 **Maintenance Period**

All property owners must be aware that they will be responsible for the maintenance of the landscaping for the 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.
C25 Maintenance Periods for Various Developments

<table>
<thead>
<tr>
<th></th>
<th>Industrial</th>
<th>Commercial</th>
<th>Residential</th>
<th>Rural</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>52 weeks</td>
<td>26 weeks</td>
<td>26 weeks</td>
<td>52 weeks</td>
</tr>
</tbody>
</table>

These maintenance periods may be extended for specific developments.

Maintenance Program

C26 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.

C27 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.

C28 Garden mulch must be to the relevant Australian Standards.

C29 Any pruning must be carried out to meet Australian Standards AS4373 ‘Pruning of Amenity Trees’ and shall comply with Council’s Tree Preservation Order.

Section 15 - Treatment of Trees of Special Significance

C30 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 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 coronata, Ficus macrophylla, Ficus obliqua, Ficus rubiginosa, Ficus superba

The Kiama region 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 trees for future generations is most important.

Section 16 - 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.

Section 17 - Indigenous Palms

*Livistona australis* (Cabbage palm), *Archontophoenix cunninghamiana* (Bangalow palm)

Easily recognised by their tall slender trunks and palm fronds which once protruded above the rainforest canopy, many 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, 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.

Section 18 - Ecologically Sustainable Development (ESD)

Kiama Municipal Council is committed to the principles of Ecologically Sustainable Development.

To satisfy the principles of ESD, the landscape proposal should provide for the following:

- 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.

Section 19 - Tree Selection for Fire Prone Areas

C31 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.

Section 20 - The Preservation and Management of Trees and Vegetation

C32 Certain trees in the municipality are protected by and may not be removed or pruned without a Permit or Development Consent. Some trees species are exempt. Refer to Chapter 3 – Preservation and Management of Trees and Vegetation.
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. Plants such as Pampas grass and Rhus tree have been declared noxious weeds and must be removed.

**Trees**

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acacia baileyana</td>
<td>Cootamundra Wattle</td>
</tr>
<tr>
<td>Acacia saligna</td>
<td>Golden Wreath Wattle</td>
</tr>
<tr>
<td>Ailanthus altissima</td>
<td>Tree of Heaven</td>
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<tr>
<td>Cinnamomum camphora</td>
<td>Camphor Laurel</td>
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<tr>
<td>Erythrina x sykesii</td>
<td>Coral Tree</td>
</tr>
<tr>
<td>Ficus elastica</td>
<td>Rubber Tree</td>
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<tr>
<td>Grevillea robusta</td>
<td>Silky Oak Tree</td>
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<td>Lagunaria patersonii</td>
<td>Norfolk Island Hibiscus</td>
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<td>False Acacia</td>
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</tr>
</tbody>
</table>

**Shrubs**

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ageratina adenophora</td>
<td>Crofton Weed</td>
</tr>
<tr>
<td>Agave americana</td>
<td>Yucca Plant</td>
</tr>
<tr>
<td>Baccharis halimifolia</td>
<td>Groundsel Bush</td>
</tr>
<tr>
<td>Canna indica</td>
<td>Canna Lily</td>
</tr>
<tr>
<td>Cestrum parqui</td>
<td>Green Cestrum</td>
</tr>
<tr>
<td>Chrysanthemoides monilifera</td>
<td>Bitou Bush</td>
</tr>
<tr>
<td>Cotarderia spp</td>
<td>Pampas Grass</td>
</tr>
<tr>
<td>Coreopsis lanceolata</td>
<td>Coreopsis</td>
</tr>
<tr>
<td>Cotoneaster spp</td>
<td>Cotoneaster</td>
</tr>
<tr>
<td>Coprosma repens</td>
<td>Mirror Plant</td>
</tr>
<tr>
<td>Cytisus scoparius</td>
<td>English Broom</td>
</tr>
<tr>
<td>Genista spp</td>
<td>Broom</td>
</tr>
<tr>
<td>Hypericum perforatum var angustifolium</td>
<td>St John’s wort</td>
</tr>
<tr>
<td>Lantana all species</td>
<td>Lantana</td>
</tr>
<tr>
<td>Lilium formosanum</td>
<td>Formosa Lily</td>
</tr>
<tr>
<td>Nerium oleander</td>
<td>Oleander</td>
</tr>
<tr>
<td>Ochna serrulata</td>
<td>Mickey Mouse Plant</td>
</tr>
<tr>
<td>Phyllostachys spp</td>
<td>Bamboo</td>
</tr>
<tr>
<td>Polygala myrtifolia</td>
<td>Myrtle-leaf Milkwort</td>
</tr>
</tbody>
</table>
### Botanical Name | Common Name
---|---
Acetosa sagittata | Turkey Rubarb
Colocasia spp. | Elephant Ears
Anredera cordifolia | Madiera Vine
Araujia hortorum | Moth Vine
Bryophyllum delagoense | Mother of Millions
Cardiospermum grandiflorum | Balloon Vine
Crocosmia x crocosmiiflora | Montbretia
Delairea odorata | Cape Ivy
Gazania rigens | Gazania
Gloriosa superba | Glory Lily
Hedera helix | English Ivy
Hedychium gardneranum | Wild Ginger/Ginger Lily
Hieracium spp. | Hawkweed
Hydrocotyle ranunculoides | Pennywort
Ipomoea indica | Morning Glory
Jasminum polyanthum | White Jasmin
Lonicera japonica | Honeysuckle
Macfadyena unguis-cati | Cat's Claw Creeper
Myrsiphyllum asparagoides | Bridal Veil Creeper
Nephrnepis cordifolia | Fishbone Fern
Parietaria judaica | Pellitory/Sticky or Asthma Weed
Passiflora edulis | Passionfruit
Pennisetum alopecuroides | Oxtail Grass
Persicaria capitata | Japanese Knotweed
Protaaparagus plumosus | Climbing Asparagus
Protaaparagus aethiopicus | Asparagus Fern
Pyrostegia venusta | Golden Shower
Ranunculus repens | Creeping Buttercup
Tecomaria capensis | Cape Honeysuckle
Thunbergia alata | Black-eyed Susan
Tradescantia fluminensis | Wandering Jew
Tropaeolum majus | Nasturtium
Vinca major | Blue Periwinkle
Watsonia bulbifera | Bugle Lily

### Palms

### Botanical Name | Common Name
---|---
Phoenix canariensis | Canary Island Date Palm
Syagrus romanzoffianum | Cocos Palm
### Aquatics

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternanthera philoxeroides</td>
<td>Alligator Weed</td>
</tr>
<tr>
<td>Cabomba caroliniana</td>
<td>Cabomba</td>
</tr>
<tr>
<td>Elodea canadensis</td>
<td>Canadian Pondweed</td>
</tr>
<tr>
<td>Eichornia crassipes</td>
<td>Water Hyacinth</td>
</tr>
<tr>
<td>Equisetum spp</td>
<td>Horsetail</td>
</tr>
<tr>
<td>Ludwigia peruviana</td>
<td>Ludwigia</td>
</tr>
<tr>
<td>Myriophyllum aquaticum</td>
<td>Parrots Feather</td>
</tr>
<tr>
<td>Pistia stratiodes</td>
<td>Water Lettuce</td>
</tr>
<tr>
<td>Salvinia molesta</td>
<td>Salvinia</td>
</tr>
</tbody>
</table>

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 Noxious Weed Association current weed list.
### Appendix 2 Suitable Indigenous Plants

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

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Form/Features/Suitable For:</th>
<th>Suitable For Habitat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acacia binervata</td>
<td>Two-Veined Hickory</td>
<td>small, regen</td>
<td>•</td>
</tr>
<tr>
<td>Acacia maideni</td>
<td>Maidens Wattle</td>
<td>small-medium, regen</td>
<td>•</td>
</tr>
<tr>
<td>Acacia melanoxylon</td>
<td>Blackwood</td>
<td>small-medium, regen</td>
<td>•</td>
</tr>
<tr>
<td>Acmena smithii</td>
<td>Lilly Pilly</td>
<td>stays small in harsh/ coastal sites</td>
<td>•</td>
</tr>
<tr>
<td>Allocasuarina subcinereus</td>
<td>Native Quince</td>
<td>small, general use</td>
<td>•</td>
</tr>
<tr>
<td>Allocasuarina littoralis</td>
<td>Drooping She-Oak</td>
<td>small, hardy, coastal</td>
<td>•</td>
</tr>
<tr>
<td>Allocasuarina verticillata</td>
<td>Black She-Oak</td>
<td>tall shrub-small tree, dry sandy</td>
<td>•</td>
</tr>
<tr>
<td>Archontophoenix cunninghamiana</td>
<td>Bangalow Palm</td>
<td>slender palm to 15m</td>
<td>•</td>
</tr>
<tr>
<td>Austromyrtus acmenoides</td>
<td>Scrub Ironwood</td>
<td>small, general landscaping</td>
<td>•</td>
</tr>
<tr>
<td>Backhousia myrtifolia</td>
<td>Grey Myrtle</td>
<td>small, hardy, attractive</td>
<td>•</td>
</tr>
<tr>
<td>Banksia integrifolia</td>
<td>Coast Banksia</td>
<td>tall shrub-small tree, coastal, dry sites</td>
<td>•</td>
</tr>
<tr>
<td>Banksia serrata</td>
<td>Old Man Banksia</td>
<td>tall shrub-small tree, dry sites</td>
<td>•</td>
</tr>
<tr>
<td>Callistemon salignus</td>
<td>Pink Tips</td>
<td>small paperbark, poorly drained sites</td>
<td>•</td>
</tr>
<tr>
<td>Canthium coprosmoides</td>
<td>Coast Canthium</td>
<td>small, coastal</td>
<td>•</td>
</tr>
<tr>
<td>Cassine australis</td>
<td>Red-Fruited Olive; Plum</td>
<td>small, most sites coastal</td>
<td>•</td>
</tr>
<tr>
<td>Clerodendrum tomentosum</td>
<td>Native Clerodendrum</td>
<td>small, hardy, all soils</td>
<td>•</td>
</tr>
<tr>
<td>Croton verreuxii</td>
<td>Green Carscarilla</td>
<td>shrub-small tree, coloured leaves</td>
<td>•</td>
</tr>
<tr>
<td>Diospyros australis</td>
<td>Black Plum</td>
<td>small, sheltered sites</td>
<td>•</td>
</tr>
<tr>
<td>Duboisia myoporoides</td>
<td>Corkwood</td>
<td>small-medium, coast on sand, littoral RF</td>
<td>•</td>
</tr>
<tr>
<td>Eupomatia laurina</td>
<td>Brush Cherry</td>
<td>small, drier, poorer sites</td>
<td>•</td>
</tr>
<tr>
<td>Geijera salicifolia</td>
<td>Brush Wilga</td>
<td>small, dry RF regen</td>
<td>•</td>
</tr>
<tr>
<td>Hedycarya angustifolia</td>
<td>Native Mulberry</td>
<td>shrub-small tree, RF, trial general use</td>
<td>•</td>
</tr>
<tr>
<td>Livistona australis</td>
<td>Cabbage Palm</td>
<td>palm, slow growing, widespread use</td>
<td>•</td>
</tr>
<tr>
<td>Melaleuca armillaris</td>
<td>Bracelet Honey Myrtle</td>
<td>tall shrub-small tree, shallow latte, dry</td>
<td>•</td>
</tr>
<tr>
<td>Melaleuca styphelioides</td>
<td>Prickly Melaleuca</td>
<td>tall shrub-small tree, widely used</td>
<td>•</td>
</tr>
<tr>
<td>Melicope micrococcus</td>
<td>White Euodia</td>
<td>tall shrub-small tree, RF regen.</td>
<td>•</td>
</tr>
<tr>
<td>Myoporum acuminatum</td>
<td>Boobialla</td>
<td>hardy, breaks in high wind</td>
<td>•</td>
</tr>
<tr>
<td>Notolaea venosa</td>
<td>Native Olive</td>
<td>hardy, dry, coastal, RF</td>
<td>•</td>
</tr>
<tr>
<td>Omalanthus populifolius</td>
<td>Bleeding Heart</td>
<td>small, common, coloured leaves</td>
<td>•</td>
</tr>
<tr>
<td>Pararhododendron pruinoseum</td>
<td>Snow Wood</td>
<td>small-medium, foliage, flowers, pods</td>
<td>•</td>
</tr>
<tr>
<td>Planchonella australis</td>
<td>Black Apple</td>
<td>small RF, edible ‘apple’</td>
<td>•</td>
</tr>
<tr>
<td>Polyosma cunninghamii</td>
<td>Featherwood</td>
<td>small, RF</td>
<td>•</td>
</tr>
<tr>
<td>Polyscias elegans</td>
<td>Celery-Wood</td>
<td>palm-like, ht in confined space</td>
<td>•</td>
</tr>
<tr>
<td>Polycias murrayi</td>
<td>Pencil Cedar</td>
<td>palm-like, ht in confined space</td>
<td>•</td>
</tr>
<tr>
<td>Rappanae howittiana</td>
<td>Muttonwood</td>
<td>small RF, fruit, gardens</td>
<td>•</td>
</tr>
<tr>
<td>Rhodanima rubescens</td>
<td>Brown Malletwood</td>
<td>small RF gardens</td>
<td>•</td>
</tr>
<tr>
<td>Stenocarpus salignus</td>
<td>Scrub Beechwood</td>
<td>small, RF regen., farm forestry</td>
<td>•</td>
</tr>
<tr>
<td>Strelitzia brunonianus</td>
<td>Whalebone</td>
<td>shapely, hardy, wind-prunes</td>
<td>•</td>
</tr>
<tr>
<td>Synoum glandulosum</td>
<td>Bastard Rosewood</td>
<td>better soils, RF regen</td>
<td>•</td>
</tr>
</tbody>
</table>
### Medium Trees

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Form/Features/Suitable For:</th>
<th>Suitable for Habitat</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Acmena smithii</em></td>
<td>Lilly Pilly</td>
<td>medium-tall, edible berries</td>
<td></td>
</tr>
<tr>
<td><em>Acronychia oblongifolia</em></td>
<td>White Lilly Pilly</td>
<td>medium, edible fruit</td>
<td></td>
</tr>
<tr>
<td><em>Alphitonia excelsa</em></td>
<td>Red Ash</td>
<td>medium, RF, regen., street</td>
<td></td>
</tr>
<tr>
<td><em>Angophora floribunda</em></td>
<td>Rough-Barked Angophora</td>
<td>tall, dry sites</td>
<td></td>
</tr>
<tr>
<td><em>Brachychiton acerifolius</em></td>
<td>Illawarra Flame</td>
<td>medium, most sites, colour</td>
<td></td>
</tr>
<tr>
<td><em>Casuarina cunninghamiana</em></td>
<td>River Oak</td>
<td>tall, riparian</td>
<td></td>
</tr>
<tr>
<td><em>Casuarina glauca</em></td>
<td>Swamp Oak</td>
<td>medium, regen., coast, not near building</td>
<td></td>
</tr>
<tr>
<td><em>Ceratopetalum apetalum</em></td>
<td>Coachwood</td>
<td>tall, sandy soils higher areas,</td>
<td></td>
</tr>
<tr>
<td><em>Cinnamomum oliveri</em></td>
<td>Camphorwood</td>
<td>tall, relative of Camphor Laurel,</td>
<td></td>
</tr>
<tr>
<td><em>Cryptocarya glaucescens</em></td>
<td>Native Laurel</td>
<td>tall, RF regen.</td>
<td></td>
</tr>
<tr>
<td><em>Cryptocarya microneura</em></td>
<td>Murrogun</td>
<td>tall, RF regen.</td>
<td></td>
</tr>
<tr>
<td><em>Doryphora sassafras</em></td>
<td>Sassafras</td>
<td>medium-tall, moist, shady sites</td>
<td></td>
</tr>
<tr>
<td><em>Elaeocarpus kirtonii</em></td>
<td>Pigeonberry Ash</td>
<td>tall, RF regen., esp. riparian</td>
<td></td>
</tr>
<tr>
<td><em>Eucalyptus botryoides</em></td>
<td>Bangalay</td>
<td>tall, coastal, sandy</td>
<td></td>
</tr>
<tr>
<td><em>Eucalyptus eugenioides</em></td>
<td>Stringybark</td>
<td>tall, drier regen.</td>
<td></td>
</tr>
<tr>
<td><em>Eucalyptus fastigata</em></td>
<td>Brown Barrel</td>
<td>tall, upper scarp, farm forestry</td>
<td></td>
</tr>
<tr>
<td><em>Eucalyptus paniculata</em></td>
<td>Grey Ironbark</td>
<td>tall, sandy, volcanic soils</td>
<td></td>
</tr>
<tr>
<td><em>Eucalyptus pilularis</em></td>
<td>Blackbutt</td>
<td>tall, farm forestry</td>
<td></td>
</tr>
<tr>
<td><em>Eucalyptus quadrangulata</em></td>
<td>Coast White Box</td>
<td>tall, lower escarpment</td>
<td></td>
</tr>
<tr>
<td><em>Eucalyptus smithii</em></td>
<td>Gully Peppermint</td>
<td>tall, escarpment, farm forestry</td>
<td></td>
</tr>
<tr>
<td><em>Eucalyptus tereticornis</em></td>
<td>Forest Red Gum</td>
<td>tall, drier latte, farm forestry</td>
<td></td>
</tr>
<tr>
<td><em>Europsinus falcata</em></td>
<td>Blush Cudgerie</td>
<td>medium-tall, coastal RF</td>
<td></td>
</tr>
<tr>
<td><em>Ficus macrophylla</em></td>
<td>Moreton Bay Fig</td>
<td>extra tall, for Flying Fox</td>
<td></td>
</tr>
<tr>
<td><em>Ficus obliqua</em></td>
<td>Small-Leaved Fig</td>
<td>extra tall, for Flying Fox</td>
<td></td>
</tr>
<tr>
<td><em>Ficus superb var. henneana</em></td>
<td>Deciduous Fig</td>
<td>extra tall, for Flying Fox</td>
<td></td>
</tr>
<tr>
<td><em>Glochidion ferdinandi</em></td>
<td>Cheese Tree</td>
<td>medium, streetscape, general</td>
<td></td>
</tr>
<tr>
<td><em>Guioa semiglaucia</em></td>
<td></td>
<td>medium RF regen., coast on sand</td>
<td></td>
</tr>
<tr>
<td><em>Littsea reticulata</em></td>
<td>Bolly Gum</td>
<td>medium-tall, RF regen.</td>
<td></td>
</tr>
<tr>
<td><em>Melia azedarach</em></td>
<td>White Cedar</td>
<td>tall, grub prone, but attracts birds</td>
<td></td>
</tr>
<tr>
<td><em>Podocarpus elatus</em></td>
<td>Plum Pine</td>
<td>tall, edible fruit</td>
<td></td>
</tr>
<tr>
<td><em>Sarcomelicea simplicifolia</em></td>
<td>Yellow Wood</td>
<td>to 10m., lemon scented leaves</td>
<td></td>
</tr>
<tr>
<td><em>Scolopia braunii</em></td>
<td>Flintwood</td>
<td>to medium tree, hardy, coastal extremes,</td>
<td></td>
</tr>
<tr>
<td><em>Schizomeria ovata</em></td>
<td>Crab Apple</td>
<td>tall RF, edible fruit, shade</td>
<td></td>
</tr>
<tr>
<td><em>Syncarpia glomerullifera</em></td>
<td>Turpentine Tree</td>
<td>tall, moist sites, farm forestry</td>
<td></td>
</tr>
<tr>
<td><em>Symplocos thwaitesi</em></td>
<td>Buff Hazelwood</td>
<td>medium RF tree, floors, RF, shade</td>
<td></td>
</tr>
<tr>
<td><em>Syzygium australe</em></td>
<td>Brush Cherry</td>
<td>tall, edible fruit, riparian</td>
<td></td>
</tr>
<tr>
<td><em>Toona ciliata</em></td>
<td>Red Cedar</td>
<td>tall, deciduous, heritage, RF, moist</td>
<td></td>
</tr>
</tbody>
</table>

**Form/Features/Suitable For:**
- **Dry Rainforest**
- **Moist Rainforest**
- **Open Forest**
- **Coastal**
- **Riparian**
- **Open grassy**
- **Aquatic**
<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Form/Features/Suitable For:</th>
<th>Suitable for Habitat</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Shrubs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Acacia sophorae</strong></td>
<td>Coast Wattle</td>
<td>semi-prostrate shrub, coastal</td>
<td></td>
</tr>
<tr>
<td><strong>Alchornea ilicifolia</strong></td>
<td>Native Holly</td>
<td>tall shrub, general use, foliage</td>
<td></td>
</tr>
<tr>
<td><strong>Allocausarina littoralis</strong></td>
<td>Black She-Oak</td>
<td>tall shrub-small tree, dry sandy</td>
<td></td>
</tr>
<tr>
<td><strong>Allocausarina verticillata</strong></td>
<td>Drooping She-Oak</td>
<td>tall shrub-small tree</td>
<td></td>
</tr>
<tr>
<td><strong>Commersonia fraseri</strong></td>
<td>Brown Kurrajong</td>
<td>ugly shrub, regen. only</td>
<td></td>
</tr>
<tr>
<td><strong>Coprosma quadrifida</strong></td>
<td>Prickly Coprosma</td>
<td>prickly low bush, regen</td>
<td></td>
</tr>
<tr>
<td><strong>Correa lawrenciana ssp. macrocalyx</strong></td>
<td></td>
<td>shrub, flowers</td>
<td></td>
</tr>
<tr>
<td><strong>Dodonaea viscosa</strong></td>
<td>Viscid Hop</td>
<td>shrub 1-3m., drier sites</td>
<td></td>
</tr>
<tr>
<td><strong>Duboisia myoporoides</strong></td>
<td>Corkwood</td>
<td>coast on sand, littoral RF</td>
<td></td>
</tr>
<tr>
<td><strong>Elaeocarpus reticulatus</strong></td>
<td>Blueberry Ash</td>
<td>shrub, sandy soils</td>
<td></td>
</tr>
<tr>
<td><strong>Eucalyptus apiculata</strong></td>
<td>Malree Gum</td>
<td>tall shrub, multi-stemmed, small gardens</td>
<td></td>
</tr>
<tr>
<td><strong>Eupomatia laurina</strong></td>
<td>Bolwarra</td>
<td>tall shrub-small tree, moist sites</td>
<td></td>
</tr>
<tr>
<td><strong>Exocarpos cupressiformis</strong></td>
<td>Brush Cherry</td>
<td>shrub-small tree, drier, poorer sites</td>
<td></td>
</tr>
<tr>
<td><strong>Goodia lotifolia</strong></td>
<td>to 3m., flrs, regen, gardens</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Hakea dactyloides</strong></td>
<td></td>
<td>tall shrub, general purpose, poor sites</td>
<td></td>
</tr>
<tr>
<td><strong>Hedycarya angustifolia</strong></td>
<td>Native Mulberry</td>
<td>shrub-small tree, RF, trial general use</td>
<td></td>
</tr>
<tr>
<td><strong>Hibiscus heterophyllus</strong></td>
<td>Native Hibiscus</td>
<td>short-lived, RF regen., flowers</td>
<td></td>
</tr>
<tr>
<td><strong>Hymenanthera dentata</strong></td>
<td>Tree Violet</td>
<td>tall shrub, trial general use</td>
<td></td>
</tr>
<tr>
<td><strong>Indigofera australis</strong></td>
<td>Indigo Peabush</td>
<td>&lt;1m, pink flowers, gardens</td>
<td></td>
</tr>
<tr>
<td><strong>Leptospermum laevigatum</strong></td>
<td>Coast Tea Tree</td>
<td>tall shrub, widely used, hedges well</td>
<td></td>
</tr>
<tr>
<td><strong>Leptospermum morrisonii</strong></td>
<td>Common Tea Tree</td>
<td>tall shrub, trial as street tree, gardens</td>
<td></td>
</tr>
<tr>
<td><strong>Melaleuca armillaris</strong></td>
<td>Bracelet Honey Myrtle</td>
<td>shrub-small tree, shallow latite, dry</td>
<td></td>
</tr>
<tr>
<td><strong>Myoporum boninense</strong></td>
<td>Boobialla</td>
<td>low shrub, headlands, coastal</td>
<td></td>
</tr>
<tr>
<td><strong>Olearia argophylla</strong></td>
<td>Silver Bush</td>
<td>tall, RF margins, trial in gardens</td>
<td></td>
</tr>
<tr>
<td><strong>Olearia viscidula</strong></td>
<td>Wallaby Weed</td>
<td>shrub to 2m</td>
<td></td>
</tr>
<tr>
<td><strong>Omalianthus stillingiiolius</strong></td>
<td>Bleeding Heart</td>
<td>shrub, gardens public and private</td>
<td></td>
</tr>
<tr>
<td><strong>Prostanthera incisa</strong></td>
<td>Cutleaf Mintbush</td>
<td>shrub, fragrance, flrs, shady gardens</td>
<td></td>
</tr>
<tr>
<td><strong>Prostanthera lasianthos</strong></td>
<td>WhiteFlowered Mintbush</td>
<td>tall shrub, shade, flrs</td>
<td></td>
</tr>
<tr>
<td><strong>Prostanthera linearis</strong></td>
<td>Linearleaf Mintbush</td>
<td>shrub, sunny latite</td>
<td></td>
</tr>
<tr>
<td><strong>Rubus rosifolius</strong></td>
<td>Native Raspberry</td>
<td>suckering shrub, edible fruit, regen.</td>
<td></td>
</tr>
<tr>
<td><strong>Solanum aviculare</strong></td>
<td>Kangaroo Apple</td>
<td>shrub, edible fruit, shade</td>
<td></td>
</tr>
<tr>
<td><strong>Tasmannia insipida</strong></td>
<td>Pepper Bush</td>
<td>1-2m, peppery seeds, cooler, better soils</td>
<td></td>
</tr>
<tr>
<td><strong>Telopea speciosissima</strong></td>
<td>Waratah</td>
<td>native Budderoo on good soils</td>
<td></td>
</tr>
<tr>
<td><strong>Trema aspera</strong></td>
<td>Poison Peach Bush</td>
<td>nondescript, regen. only</td>
<td></td>
</tr>
<tr>
<td><strong>Westringia fruticosa</strong></td>
<td>Coastal Rosemary</td>
<td>dense, salt hardy shrub1-2m</td>
<td></td>
</tr>
<tr>
<td><strong>Wilkiea huegeliana</strong></td>
<td>Veiny Wilkea</td>
<td>Prickly shrub, RF including littoral, regen.</td>
<td></td>
</tr>
<tr>
<td><strong>Westringia fruticosa</strong></td>
<td>Coastal rosemary</td>
<td>dense, salt hardy shrub 1-2mtrs</td>
<td></td>
</tr>
<tr>
<td><strong>Zieria granulata</strong></td>
<td>Kiama Zieria</td>
<td>tall shrub, shallow latite, eg headlands</td>
<td></td>
</tr>
<tr>
<td><strong>Zieria smithii</strong></td>
<td>Sandfly Zieria</td>
<td>shrub, flrs, stinky aromatic, gardens</td>
<td></td>
</tr>
</tbody>
</table>
### Groundcovers/Grassy Sward

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Form/Features/Suitable For:</th>
<th>Suitable for Habitat</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Dry Rainforest</td>
<td>Moist Rainforest</td>
</tr>
<tr>
<td>Aneilema acuminatum</td>
<td>herb, spreading, moist</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Canavalia rosea</td>
<td>Coastal Jack Bean</td>
<td>vine, hardy, coastal</td>
<td></td>
</tr>
<tr>
<td>Centella asiatica</td>
<td>Arthritis Weed</td>
<td>grassy sward, grassed areas, coastal</td>
<td></td>
</tr>
<tr>
<td>Cissus antarctica</td>
<td>Native Grape Vine</td>
<td>vine, groundcover</td>
<td></td>
</tr>
<tr>
<td>Dichondra repens</td>
<td>Kidney Weed</td>
<td>grassy sward, shady grass areas</td>
<td></td>
</tr>
<tr>
<td>Doodia aspera</td>
<td>Rasp Fern</td>
<td>fern, hardy groundcover</td>
<td></td>
</tr>
<tr>
<td>Hardenbergia violacea</td>
<td>False Sarsparilla</td>
<td>vine, hardy groundcover eg headlands</td>
<td></td>
</tr>
<tr>
<td>Hibbertia dentata</td>
<td></td>
<td>vine, ground cover</td>
<td></td>
</tr>
<tr>
<td>Hibbertia scandens</td>
<td>Golden Guinea Flower</td>
<td>vine, ground cover</td>
<td></td>
</tr>
<tr>
<td>Hydrocotyle ssp.</td>
<td>Pennywort</td>
<td>grassy sward, shaded grass areas</td>
<td></td>
</tr>
<tr>
<td>Kennedia rubicunda</td>
<td>Running Postman</td>
<td>hardy vine, groundcover, exposed sites</td>
<td></td>
</tr>
<tr>
<td>Oplismenus aemulus</td>
<td>Mat Grass</td>
<td>grassy sward</td>
<td></td>
</tr>
<tr>
<td>Oplismenus imbecilis</td>
<td>Mat Grass</td>
<td>grassy sward</td>
<td></td>
</tr>
<tr>
<td>Polia crispa</td>
<td></td>
<td>groundcover, moist sites</td>
<td></td>
</tr>
<tr>
<td>Scaevola calendulacea</td>
<td>Dune Fan Flower</td>
<td>groundcover, blue flrs</td>
<td></td>
</tr>
<tr>
<td>Smilax glyciphylia</td>
<td>Sarsparilla</td>
<td>vine, bush ‘cure’, dry exposed</td>
<td></td>
</tr>
<tr>
<td>Sporobolus virginicus var. minor</td>
<td>Marine Couch</td>
<td>grass, ground cover, salty, coastal</td>
<td></td>
</tr>
<tr>
<td>Stellaria flaccida</td>
<td>Swamp Starwort</td>
<td>groundcover, very moist only</td>
<td></td>
</tr>
<tr>
<td>Suaeda australis</td>
<td>Seabrite</td>
<td>groundcover, salt tolerant sandy</td>
<td></td>
</tr>
<tr>
<td>Tetragona tetragonoides</td>
<td>New Zealand Spinach</td>
<td>groundcover, edible, coastal</td>
<td></td>
</tr>
<tr>
<td>Themeda australis</td>
<td>Kangaroo Grass</td>
<td>groundcover grass, hardy, coastal, regen,</td>
<td></td>
</tr>
<tr>
<td>Viola hederacea</td>
<td>Native Violet</td>
<td>groundcover, flrs, shaded sward</td>
<td></td>
</tr>
</tbody>
</table>

### Water Plants

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Form/Features/Suitable For:</th>
<th>Suitable for Habitat</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Dry Rainforest</td>
<td>Moist Rainforest</td>
</tr>
<tr>
<td>Alisma plantago-aquatica</td>
<td>Water Plantain</td>
<td>&lt;1m perennial, rooted in mud dams</td>
<td></td>
</tr>
<tr>
<td>Cyperus exaltatus</td>
<td></td>
<td>Perennial to 2m, rooted in mud, dams</td>
<td></td>
</tr>
<tr>
<td>Elatostema eticulatum</td>
<td>Waterfall Spinach</td>
<td>Herb, on streambanks, water gardens</td>
<td></td>
</tr>
<tr>
<td>Eleocharis sphaelata</td>
<td>Tall Spikerush</td>
<td>Tall rush, spreads in still water</td>
<td></td>
</tr>
<tr>
<td>Isachne globosa</td>
<td>Swamp Millet</td>
<td>Groundcover grass, seed, boggy areas</td>
<td></td>
</tr>
<tr>
<td>Juncus usitatus</td>
<td>Sedge to 1m, water’s edge, damp places</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ludwigia peploides</td>
<td>Water Primrose</td>
<td>Floating, flrs, still pools</td>
<td></td>
</tr>
<tr>
<td>Ottelia ovalifolia</td>
<td>Swamp Lily</td>
<td>Floating, flrs, still pools</td>
<td></td>
</tr>
<tr>
<td>Paspalum distichum</td>
<td>Water Paspalum</td>
<td>low grass, spreads, edge of still water</td>
<td></td>
</tr>
<tr>
<td>Persicaria decipiens</td>
<td>Slender Knotweed</td>
<td>Herb, spreading, shallow water, dams</td>
<td></td>
</tr>
<tr>
<td>Persicaria strigosa</td>
<td>Spotted Knotweed</td>
<td>Herb, spreading, shallow water, dams</td>
<td></td>
</tr>
<tr>
<td>Phragmites australis</td>
<td>Common Reed</td>
<td>1-2m, spreading, waterbird habitat</td>
<td></td>
</tr>
</tbody>
</table>
### Plants which form Clumps

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Form/Features/Suitable For:</th>
<th>Suitable for Habitat</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Plants which form Clumps</strong></td>
<td></td>
<td>Dry Rainforest</td>
<td>Moist Rainforest</td>
</tr>
<tr>
<td>Bracteantha bracteata</td>
<td>Golden Everlasting</td>
<td>annual herb, gardens, 6</td>
<td></td>
</tr>
<tr>
<td>Alocasia brisbanensis</td>
<td>Cunjevoi Lily</td>
<td>lily, riparian, shady,</td>
<td></td>
</tr>
<tr>
<td>Crinum pedunculatum</td>
<td>Native Crinum Lily</td>
<td>lily, form, flowers-used at Olympic site, 4a</td>
<td></td>
</tr>
<tr>
<td>Cymbopogon refractus</td>
<td>Barbed Wire Grass</td>
<td>grass, coastal, shallow soils, 6</td>
<td></td>
</tr>
<tr>
<td>Dianella spp.</td>
<td>Flax Lily</td>
<td>ground cover/ coastal, general, 1,3,4</td>
<td></td>
</tr>
<tr>
<td>Eustrephus latifolius</td>
<td>Wombat Berry</td>
<td>vine, bush tucker, decorative, 1,3,4</td>
<td></td>
</tr>
<tr>
<td>Gahnia aspera</td>
<td>Small Saw Sedge</td>
<td>sedge, open forest regen, 3</td>
<td></td>
</tr>
<tr>
<td>Gymnostachys anceps</td>
<td>Settlers' Flax</td>
<td>sedge, trial landscape use, shape, 1,2</td>
<td></td>
</tr>
<tr>
<td>Helichrysum elatum</td>
<td>White Everlasting</td>
<td>perennial herb, flower gardens, 3</td>
<td></td>
</tr>
<tr>
<td>Lepidosperma laterale</td>
<td>small sedge &lt;1m, 3</td>
<td>•</td>
<td></td>
</tr>
<tr>
<td>Leproyla gracilis</td>
<td>weeping sedge, trial watergardens, 3</td>
<td>•</td>
<td></td>
</tr>
<tr>
<td>Lomandra longifolia</td>
<td>Mat Rush</td>
<td>Sedge, widely used, very hardy, 3,4</td>
<td></td>
</tr>
<tr>
<td>Plectranthus graveolens</td>
<td>Cockspur Flower</td>
<td>herb on latite, 6</td>
<td></td>
</tr>
<tr>
<td>Plectranthus parviflorus</td>
<td>Cockspur Flower</td>
<td>widespread herb, 1, 3</td>
<td></td>
</tr>
<tr>
<td>Poa labillardieri</td>
<td>Snowgrass</td>
<td>clumps to 1m, ht , 3</td>
<td></td>
</tr>
<tr>
<td>Pteris tremula</td>
<td>Tender Brake</td>
<td>fern, clumps, shady sites, 2,5</td>
<td></td>
</tr>
</tbody>
</table>

### Ferns

<table>
<thead>
<tr>
<th>Species</th>
<th>Common Name</th>
<th>Form/Features/Suitable For:</th>
<th>Suitable for Habitat</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ferns</strong></td>
<td></td>
<td>Dry Rainforest</td>
<td>Moist Rainforest</td>
</tr>
<tr>
<td>Adiantum aethiopicum</td>
<td>Maidenhair Fern</td>
<td>ground cover, seepage areas</td>
<td></td>
</tr>
<tr>
<td>Adiantum formosum</td>
<td>Giant Maidenhair</td>
<td>ground cover, moist shade</td>
<td></td>
</tr>
<tr>
<td>Adiantum hispidulum</td>
<td>Rough Maidenhair</td>
<td>ground cover, moist shade</td>
<td></td>
</tr>
<tr>
<td>Asplenium australasicum</td>
<td>Bird’s Nest Fern</td>
<td>ground cover, grow from spore</td>
<td></td>
</tr>
<tr>
<td>Cyathea cooperi</td>
<td>Tree Fern</td>
<td>slender upright to 3m, semi shade</td>
<td></td>
</tr>
<tr>
<td>Dicksonia antarctica</td>
<td>Soft Tree Fern</td>
<td>stout trunk to 2m, full shade</td>
<td></td>
</tr>
<tr>
<td>Doodia aspera</td>
<td>Rasp Fern</td>
<td>ground fern, groundcover</td>
<td></td>
</tr>
<tr>
<td>Pellaea falcata</td>
<td>Sickle Fern</td>
<td>substitute for Fishbone Fern</td>
<td></td>
</tr>
<tr>
<td>Platycerum bifurcatum</td>
<td>Elkhorn Fern</td>
<td>grow from spore</td>
<td></td>
</tr>
<tr>
<td>Pteris tremula</td>
<td>Tender Brake</td>
<td>fern, clumps, shady sites</td>
<td></td>
</tr>
</tbody>
</table>
This Chapter was adopted by Council on 15 September 2015

Amendment 1 was adopted by Council on 17 May 2016 and becomes effective from 1 June 2016
Section 1 – Introduction
This chapter of the Kiama Development Control Plan 2012 provides general requirements for the assessment and management of traffic impacts associated with development. This chapter also outlines Council’s general requirements for the design and provision of vehicle parking, storage facilities and loading facility requirements for specific developments. The objectives, clauses and requirements in this chapter apply to all land in the Municipality.

NOTE: Where there is an inconsistency between objectives, clauses and requirements and other Council policies and codes in terms of parking, then this plan prevails.

1.1 Objectives
Controls have been formulated having regard to the following objectives;

a) To ensure that appropriate off-street parking is provided for new development commensurate with the land use.
b) To ensure adequate parking is provided for new development so that thoroughfares are not adversely impacted upon.
c) To ensure that the design of carparking areas meet relevant adopted standards.
d) To ensure that adequate servicing of new developments can be undertaken with safety and efficiency.
e) To ensure adequate provision is made for people with a disability.
f) To ensure adequate provision is made for cyclists.
g) To ensure that parking facilities cater for the safety of all users and minimise visual impacts.

1.2 Legislative Framework
This chapter should be read in conjunction with the Kiama Local Environmental Plan 2011 (KLEP).

Several other Acts and State Environmental Planning Policies (SEPP’s) may also be considered; these include, but may not be limited to:

<table>
<thead>
<tr>
<th>Environmental Planning Instruments</th>
</tr>
</thead>
<tbody>
<tr>
<td>NSW Environmental Planning and Assessment Act 1979</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Infrastructure) 2007</td>
</tr>
<tr>
<td>Roads Act 1993</td>
</tr>
<tr>
<td>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</td>
</tr>
<tr>
<td>Disability Discrimination Act 1992 (Commonwealth)</td>
</tr>
</tbody>
</table>

1.3 Council Policies and Guidelines

| Section D5 Stormwater Drainage of Kiama Development Code |
| Water Sensitive Urban Design Policy |
| Driveway and Footpath Works Procedure Manual |
| Contributions Plan |
1.4 Adoption of other Standards and Guidelines

All parking requirements, access and manoeuvrability shall be designed as outlined within this plan and in accordance with:

<table>
<thead>
<tr>
<th>Standard/Guideline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Code of Australia</td>
</tr>
<tr>
<td>Australian Standards 2890.1 – 2890.6</td>
</tr>
<tr>
<td>Australian Standard 1428 Parts 1 – 4 Design for Access &amp; Mobility</td>
</tr>
<tr>
<td>Australian Standard 1742 Manual of Uniform Traffic Control Devices</td>
</tr>
<tr>
<td>NSW Roads and Maritime Service Guide to Traffic Generating Developments</td>
</tr>
<tr>
<td>AUSTROADS Guide to Traffic Management</td>
</tr>
<tr>
<td>AUSTROADS Guide to Traffic Engineering Practice</td>
</tr>
</tbody>
</table>

NOTE: Where above mentioned standards and guidelines are superseded by updated versions, the version current at the date of lodgement of a Development Application shall apply to the development.

1.5 Advisory Information

1.5.1 Development Application Documents

Development Applications must be accompanied with plans that show the arrangements for parking, where vehicles will enter and leave the site and how vehicles will move about the site.

1.5.2 Variations

Each application for variation will be considered on its individual circumstances and merits of the case. A request to vary any guidelines contained within this Chapter must be supported in writing and lodged with the Development Application. The variation should detail the grounds of the proposed variation and address the relevant objectives. In support of the variation, Council may require the submission of a Parking Impact Study prepared by a suitably qualified and experienced professional person.
Section 2 - Parking Demand and Servicing Requirements

2.1 General Parking Requirements

C1 All new developments within the Municipality of Kiama shall provide parking spaces, servicing areas and manoeuvring areas in accordance with the requirements of this Chapter of Kiama Development Control Plan 2012. All deliveries and servicing associated with new developments must be provided within the same site.

C2 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.

C3 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.

C4 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.

C5 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.

C6 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.

C7 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.
C8 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.

C9 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.

2.2 How Much Parking Is Required?

Schedule of Requirements

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 Local Environmental Plan 2011.

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Minimum Carparking Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>Dwelling house</td>
<td>1 dedicated space behind the building line and 1 space behind the front boundary.</td>
</tr>
<tr>
<td>Dual occupancy/attached dwelling</td>
<td>For each occupancy, 1 dedicated space behind the building line and 1 space behind the front boundary.</td>
</tr>
<tr>
<td>Secondary dwelling</td>
<td>1 space behind the front boundary for the secondary dwelling.</td>
</tr>
<tr>
<td>Multi-dwelling housing/residential flat building/shop top housing</td>
<td>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 carparking requirements.</td>
</tr>
<tr>
<td>Boarding/house/hostel/group home</td>
<td>1 space per 4 beds and 1 space per staff member on shift.</td>
</tr>
<tr>
<td>Seniors housing</td>
<td>1 dedicated space per unit plus 1 space per 4 units for visitor parking.</td>
</tr>
<tr>
<td>Land Use Type</td>
<td>Minimum Carparking Standards</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Seniors housing (residential care facility)</td>
<td>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.</td>
</tr>
<tr>
<td>Rural worker’s dwelling</td>
<td>1 space per bedroom.</td>
</tr>
<tr>
<td>Home based childcare</td>
<td>1 space per 7 children in care.</td>
</tr>
<tr>
<td>Home business</td>
<td>1 space per employee.</td>
</tr>
<tr>
<td>Exhibition village</td>
<td>4 spaces per exhibition home.</td>
</tr>
</tbody>
</table>

**Tourist and Visitor**

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Minimum Carparking Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Backpackers accommodation</td>
<td>1 space per 4 beds plus 1 space per staff member on shift.</td>
</tr>
<tr>
<td>Bed and breakfast accommodation</td>
<td>1 space per bedroom.</td>
</tr>
<tr>
<td>Camping ground and caravan park</td>
<td>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.</td>
</tr>
<tr>
<td>Farm stay accommodation</td>
<td>1 space per bedroom.</td>
</tr>
<tr>
<td>Hotel or motel accommodation</td>
<td>1 space for each occupancy plus 1 space per staff member on shift.</td>
</tr>
<tr>
<td>Serviced apartment</td>
<td>1 space per apartment plus 1 space per staff member on shift.</td>
</tr>
<tr>
<td>Short term rental accommodation</td>
<td>The home owner shall be able to demonstrate how parking is provided without adversely affecting existing neighbourhood amenity.</td>
</tr>
</tbody>
</table>

**Food and Drink**

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Minimum Carparking Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurant (or reception centre) or café</td>
<td>1 space per 35m² of gross leasable floor area.</td>
</tr>
<tr>
<td></td>
<td>NOTE: Where peak use in the CBD is after 6pm on-street parking may be taken into account.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Pub/registered club</td>
<td>1 space per 5m² of licensed floor area plus 1 space per staff.</td>
</tr>
<tr>
<td>Take away food and drink premises</td>
<td>A merit based assessment will be undertaken by Council, taking into account hours of operation, seating, staffing and location.</td>
</tr>
<tr>
<td>Land Use Type</td>
<td>Minimum Carparking Standards</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Restaurants, reception centres and conference facilities used in conjunction 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:  
  - 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.                                                                                                 |
### Land Use Type

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Minimum Carparking Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal boarding or training establishment</td>
<td>Whichever is the greater – 4 spaces or 1 space per 25 animal enclosures.</td>
</tr>
<tr>
<td><strong>Industrial</strong></td>
<td></td>
</tr>
<tr>
<td>Light industry (if not otherwise defined below)</td>
<td>Whichever is the greater – 2 spaces per unit or 1.3 spaces per 100m² gross floor area.</td>
</tr>
<tr>
<td>Warehouse or distribution centres</td>
<td>1 space per 300m² gross floor area.</td>
</tr>
<tr>
<td>Depot/transport depot/truck depot</td>
<td>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.</td>
</tr>
<tr>
<td>Bulky goods premises</td>
<td>1 space per 50m² gross floor area.</td>
</tr>
<tr>
<td>Self storage units</td>
<td>Whichever is the greater – 4 spaces or 1 space per 50 storage units.</td>
</tr>
<tr>
<td><strong>Infrastructure</strong></td>
<td></td>
</tr>
<tr>
<td>Hospital</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Medical centre</td>
<td>1 space per 25m² gross leasable floor area.</td>
</tr>
<tr>
<td>Health consulting room</td>
<td>1 space per practitioner on shift and 2 client spaces per practitioner on shift.</td>
</tr>
<tr>
<td>Veterinary hospital</td>
<td>1 space per 25m² gross leasable floor area.</td>
</tr>
<tr>
<td>Educational establishment/information and education facility/industrial training facility</td>
<td>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). For tertiary institutions and other educational facilities 1 space per 3 students plus 1 space per staff.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Place of public worship/community facility</td>
<td>1 space per 5m² of gross leasable floor area.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Child care centres</td>
<td>1 space per 7 children in care plus 1 space for each staff member on shift.</td>
</tr>
<tr>
<td>Land Use Type</td>
<td>Minimum Carparking Standards</td>
</tr>
<tr>
<td>--------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Cemetery/mortuary/crematorium/funeral home</td>
<td>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.</td>
</tr>
<tr>
<td>Recreation</td>
<td></td>
</tr>
<tr>
<td>Amusement centre</td>
<td>1 space per 35m$^2$ of gross leasable floor area.</td>
</tr>
<tr>
<td>Entertainment facility</td>
<td>1 space per 5m$^2$ of theatre or hall area.</td>
</tr>
<tr>
<td>Recreation area/recreation facility (indoor)</td>
<td>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.</td>
</tr>
<tr>
<td>Recreation area/recreation facility (outdoor)</td>
<td></td>
</tr>
<tr>
<td>Recreation area/recreation facility (major)</td>
<td></td>
</tr>
</tbody>
</table>

2.3 Additional Controls

C10 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.

C11 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.

C12 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.

C13 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.

C14 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.
Section 3 - Parking Layout and Design Requirements

3.1 General Access Requirements

C15 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.

C16 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.

C17 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.

C18 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.

C19 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.

C20 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.

C21 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.

C22 Where parking exceeds fifty (50) spaces, provision shall be made for separate ingress and egress.

C23 Driveway ingress and egress points shall be a minimum of 1 metre from the side boundary and a minimum of 1 metre apart.

C24 To ensure the safety of pedestrians, traffic calming shall be provided in locations where vehicular access intersects with a designated pedestrian route.

3.2 Disability Access and Parking

C25 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.
3.3 Location
C26 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.

C27 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.

C28 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.

3.4 Manoeuvrability
C29 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.

C30 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.

C31 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.

3.5 Pavement Treatments
C32 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.

C33 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

- Paving bricks for light vehicular loading; or
- Light duty reinforced patterned or coloured concrete, or
- Pavement to be designed for a traffic loading of $2 \times 10^4$ 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

- Exposed aggregate; or
- Paving bricks for light vehicular loading; or
- Coloured/patterned concrete.

### Industrial

- Heavy duty concrete, or
- Industrial asphaltic concrete AC10 with minimum pavement thickness of 200mm subject to pavement testing for a design load of $6 \times 10^4$ ESA.

The following are the minimum pavement requirements:

i. **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.

ii. **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 No 351) 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.

iii. **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 Lighting
C34 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.

3.7 Car Wash Bays
C35 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.

3.8 Loading Bays and Service Areas
C36 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.

3.9 Bicycle Parking
C37 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.

3.10 Signage
C38 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.

3.11 Stormwater
C39 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.

3.12 Landscaping
Please refer to Kiama Development Control Plan 2012 Chapter 8 Landscaping for requirements relevant to carparking.
3.13 Stack Parking

C40 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.

3.14 Mechanical Parking Systems

C41 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 demonstrate 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.

Section 4 - Existing Building Change of Use for ‘Food and Drink’ Premises

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.

Section 5 – Road Widening in New Subdivisions

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 specified in Chapter 7 – Subdivision of this development control plan be widened in the proposal to accommodate additional on-street parking and improved access and servicing arrangements.
Section 6 - Loss of On-Street Parking

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.

Section 7 - Heritage Conservation Sites

If a development proposal involves the conservation of a heritage item identified within Kiama Local Environmental Plan 2011, Council may reduce the carparking requirements stipulated in this Chapter, if it is felt that full compliance would be detrimental to the conservation works or heritage value of the building.

Section 8 – Parking Credit Policy

8.1 Payment of Contributions

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.

8.2 Works In Kind

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 Clause 93F of the Environmental Planning & Assessment Act 1979.

8.3 Developments Where Parking is Defined in the Development Consent

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

8.4 Dedication of land to Council

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.
Section 9 - Schedule 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 Chapter 26 and Chapter 27 of Kiama Development Control Plan 2012

- **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.
Note A - Driveway Location

a) Driveway locations in relation to corner sites

b) Driveway locations in relation to intersections

c) Driveway locations in relation to curved intersections

<table>
<thead>
<tr>
<th>Scale</th>
<th>N.T.S</th>
<th>Issue No.</th>
<th>A</th>
<th>KIAMA MUNICIPAL COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drawn</td>
<td>T.H</td>
<td>Datum</td>
<td>Assumed</td>
<td>Driveway Locations</td>
</tr>
<tr>
<td>Checked</td>
<td>D.B</td>
<td>Dale</td>
<td>JUNE 2010</td>
<td>Std Dwg.</td>
</tr>
</tbody>
</table>
Note B – Manoeuvring Requirements
# Note C – Bicycle Parking Requirements

Table F.2: Bicycle parking provision

<table>
<thead>
<tr>
<th>Land use</th>
<th>Employee/resident parking spaces</th>
<th>Class</th>
<th>Visitor/shopper parking spaces</th>
<th>Class</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement parlour</td>
<td>1 or 2</td>
<td>1 or 2</td>
<td>2, plus 1 per 50 m² gfa</td>
<td>3</td>
</tr>
<tr>
<td>Apartment house</td>
<td>1 per 4 habitable rooms</td>
<td>1</td>
<td>1 per 16 habitable rooms</td>
<td>3</td>
</tr>
<tr>
<td>Art gallery</td>
<td>1 per 1500 m² gfa</td>
<td>2</td>
<td>2, plus 1 per 1500 m² gfa</td>
<td>3</td>
</tr>
<tr>
<td>Bank</td>
<td>1 per 200 m² gfa</td>
<td>2</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Cafe</td>
<td>1 per 25 m² gfa</td>
<td>2</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Community centre</td>
<td>1 per 1500 m² gfa</td>
<td>2</td>
<td>2, plus 1 per 1500 m² gfa</td>
<td>3</td>
</tr>
<tr>
<td>Consulting rooms</td>
<td>1 per 8 practitioners</td>
<td>2</td>
<td>1 per 4 practitioners</td>
<td>3</td>
</tr>
<tr>
<td>Drive-in shopping centre</td>
<td>1 per 300 m² sales floor</td>
<td>1</td>
<td>1 per 500 m² sales floor</td>
<td>3</td>
</tr>
<tr>
<td>Flat</td>
<td>1 per 3 flats</td>
<td>1</td>
<td>1 per 12 flats</td>
<td>3</td>
</tr>
<tr>
<td>General hospital</td>
<td>1 per 15 beds</td>
<td>1</td>
<td>1 per 30 beds</td>
<td>3</td>
</tr>
<tr>
<td>General industry</td>
<td>1 per 150 m² gfa</td>
<td>1 or 2</td>
<td>–</td>
<td>3</td>
</tr>
<tr>
<td>Health centre</td>
<td>1 per 400 m² gfa</td>
<td>1 or 2</td>
<td>1 per 200 m² gfa</td>
<td>3</td>
</tr>
<tr>
<td>Hotel</td>
<td>1 per 25 m² bar floor area</td>
<td>1</td>
<td>1 per 25 m² bar floor area</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>1 per 100 m² lounge, beer garden</td>
<td>1</td>
<td>1 per 100 m² lounge, beer garden</td>
<td>3</td>
</tr>
<tr>
<td>Indoor recreation facility</td>
<td>1 per 4 employees</td>
<td>1 or 2</td>
<td>1 per 200 m² gfa</td>
<td>3</td>
</tr>
<tr>
<td>Library</td>
<td>1 per 500 m² gfa</td>
<td>1 or 2</td>
<td>4, plus 2 per 200 m² gfa</td>
<td>3</td>
</tr>
<tr>
<td>Light industry</td>
<td>1 per 1000 m² gfa</td>
<td>1 or 2</td>
<td>–</td>
<td>3</td>
</tr>
<tr>
<td>Major sports ground</td>
<td>1 per 1500 spectator places</td>
<td>1</td>
<td>1 per 250 spectator places</td>
<td>3</td>
</tr>
<tr>
<td>Market</td>
<td>–</td>
<td>2</td>
<td>1 per 10 stalls</td>
<td>3</td>
</tr>
<tr>
<td>Motel</td>
<td>1 per 40 rooms</td>
<td>1</td>
<td>–</td>
<td>3</td>
</tr>
<tr>
<td>Museum</td>
<td>1 per 1500 m² gfa</td>
<td>1</td>
<td>2, plus 1 per 1500 m² gfa</td>
<td>3</td>
</tr>
<tr>
<td>Nursing home</td>
<td>1 per 7 beds</td>
<td>1</td>
<td>1 per 60 beds</td>
<td>3</td>
</tr>
<tr>
<td>Office</td>
<td>1 per 200 m² gfa</td>
<td>1 or 2</td>
<td>1 per 750 m² over 1000 m²²</td>
<td>3</td>
</tr>
<tr>
<td>Place of assembly</td>
<td>–</td>
<td>2</td>
<td>–</td>
<td>3</td>
</tr>
<tr>
<td>Public hall</td>
<td>–</td>
<td>1 or 2</td>
<td>–</td>
<td>3</td>
</tr>
<tr>
<td>Residential building</td>
<td>1 per 4 lodging rooms</td>
<td>2</td>
<td>1 per 16 lodging rooms</td>
<td>3</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1 per 100 m² public area</td>
<td>1 or 2</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Retail show room</td>
<td>1 per 750 m² sales floor</td>
<td>1</td>
<td>1 per 1000 m² sales floor</td>
<td>3</td>
</tr>
<tr>
<td>School</td>
<td>1 per 5 pupils over year four</td>
<td>2</td>
<td>–</td>
<td>3</td>
</tr>
<tr>
<td>Service industry</td>
<td>1 per 800 m² gfa</td>
<td>1</td>
<td>–</td>
<td>3</td>
</tr>
<tr>
<td>Service premises</td>
<td>1 per 200 m² gfa</td>
<td>1</td>
<td>–</td>
<td>3</td>
</tr>
<tr>
<td>Shop</td>
<td>1 per 300 m² gfa</td>
<td>1</td>
<td>1 per 500 m² over 1000 m²²</td>
<td>3</td>
</tr>
<tr>
<td>Swimming pool</td>
<td>–</td>
<td>1 or 2</td>
<td>2 per 20 m² of pool area</td>
<td>3</td>
</tr>
<tr>
<td>Take-away</td>
<td>1 per 100 m² gfa</td>
<td>1</td>
<td>1 per 50 m² gfa</td>
<td>3</td>
</tr>
<tr>
<td>University/Insl. of Tech</td>
<td>1 per 100ppt students</td>
<td>1 or 2</td>
<td>–</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>2 per 100ft students</td>
<td>2</td>
<td>–</td>
<td>3</td>
</tr>
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</table>
Introduction

The information in this chapter 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 (s.7 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 s.145b and s.145c of the Environmental Planning and Assessment Act 1979.

This Chapter 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

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

Section 1 - 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)
Waste Requirements

Introduction

This Chapter 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 and recycling management into all stages of the development.

All applications for development, including subdivision, demolition, construction and the ongoing use of a site or premises, must be accompanied by a Statement of Environmental Effects (SEE).

This Chapter applies to all developments that require consent including Complying Development within the Kiama Local Government area.

This SEE is to include a Site Waste Minimisation and Management Plan (SWMMP) as the central document of compliance with this Chapter’s requirements.

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

Section 1 - Design Considerations for All Developments

General Design Criteria

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.

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.
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 recycling management systems should be as simple as possible to use
- some waste and recycling management systems, particularly multi-unit, commercial or senior living developments, may require a caretaker or manager
- onsite waste and recycling management 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

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

**Section 2 - Bins and Containers Types**

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.

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

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.

**Section 3 - Waste Handling Equipment**

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.

**Section 4 - Collection Service Contracts & Frequency of Service**

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.

Section 5 - Garbage, Recycling Bin Storage Rooms

Where developments require a garbage and recycling bin storage room the following applies:

C1 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 it 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/or garden/food organics/waste or if applicable 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, 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, or from 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, 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 be 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. A roller shutter door may be permitted under special circumstances as approved by Council and conditional that a sign be erected in a conspicuous position requiring the roller shutter door 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.

Section 6 - Internal Bins/Containers (Source Separation)

C2 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 materials, food organics and garbage to the storage area or disposal point.

C3 There should be sufficient space provided and nominated within the kitchen (or an alternate location) for the interim storage of bins or containers as supplied for source separated garbage, recyclables and food organics.

Section 7 - Roadside Bin Collection Point

Where developments require a roadside bin collection point the following applies:

C4 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.

C5 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.

C6 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.

Section 8 - On-site Bin Collection Point

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

C7 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 in Kiama Council’s Waste and Recycling Services Code;

C8 Design details, plans, specifications and swept path details of the proposed private access road are to be submitted with the 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 and Recycling 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 and Recycling Services Code.

C9 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.

C10 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.
Section 9 - Requirements for Medical Hazardous Clinical Wastes

Medical waste including syringes, products from home dialysis and diabetes treatment and waste containing blood shall be provided with special collection and disposal services.

This applies to developments such as senior living housing and where onsite medical services are proposed provision of a temporary storage. Temporary storage of this type of waste is to be provided and the collection and disposal service can only be provided by an approved licensed contractor.

C11 Individual containers complying with the relevant standards shall be provided for the containment of medical waste including syringes, products from home dialysis and diabetes treatment and waste soiled with blood or human waste products.

C12 Clinical medical and hazardous waste bins that comply with the applicable Australian Standard and legislation (including colour scheme, signage, storage, locking and any other requirements) shall be provided onsite and serviced by a licensed and approved waste contactor.

C13 Some applications may require the submission of design details and specification to outline the proposed method of onsite storage, collection and disposal of medical, clinical and hazardous wastes.

Section 10 - Ongoing Management

C14 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.

Section 11 - Low Density Developments (single dwellings, dual occupancy, secondary dwellings and any associated additions)

Internal Bins/Containers (Source Separation)

Refer Section 6 of this Chapter for Controls.
Chapter 11 – Kiama Development Control Plan 2012 – Waste Requirements

Collection Bins

C15 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 and Recycling Services Code.

External Bin Storage Area

C16 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

Refer Section 7 of this Chapter for Controls.

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.

Section 12 - Medium Density Housing (3 or more dwellings/units, including residential flat buildings, multi-unit dwelling housing, boarding houses, group homes, shop top housing, seniors housing)

Collection Bins

C17 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 multi-unit developments that are vertically above each other or seniors housing and larger residential developments, shared garbage and
recycling bins and/or 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 (applicable to certain developments)**

For medium density housing that are **not** vertical type multi-unit or shop top housing developments, the following design control standards apply and must be incorporated into the development plans and specifications.

C18 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**

Refer Section 5 of this Chapter for Controls.

**Roadside Bin Collection Point**

Refer Section 7 of this Chapter for Controls.

**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.

Refer Section 8 of this Chapter for Controls.

**Requirements for Medical Hazardous Clinical Wastes**

Refer Section 9 of this Chapter for Controls

**Ongoing Management**

Refer Section 10 of this Chapter for Controls.
Chapter 11 – Kiama Development Control Plan 2012 – Waste Requirements

Section 13 - Demolition

C19 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.

C20 The preparation and submission of an Asbestos and Hazardous Materials Assessment Audit Report as outlined in Chapter 2 Section 1 Demolition Requirements.

C21 Means are to be implemented to facilitate reuse/recycling by using the process of 'deconstruction', where various materials are carefully dismantled and sorted.

C22 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.

C23 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, access and handling requirements).

C24 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.

C25 Provide details of signage as proposed for the purpose of identifying waste and recycling bins and storage areas.

C26 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.

Section 14 - Subdivision

Where a Development Application for a subdivision may involve the demolition of building or structures reference should be made to Section 12 of this Chapter 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.

Subdivision Controls
C27 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.

C28 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.

C29 If any soil or other material is to be removed from the 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 additional Demolition Controls in Section 12 of this Chapter.

Section 15 - Development with Two or More Land Uses

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

- The garbage and recycling management systems and services for the residential component of the development must be kept separate from the commercial use.

- 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.

- Garbage and recycling services to the non-residential component of the development may be either provided by Council or a private waste contractor.

- The use of large front lift bins is prohibited unless approved by Council and will be subject to compliance with any required access for servicing and storage and other requirements as specified by Council.

- The provision of a garden waste and/or food organics (when available) service can be shared rather than individual bins if preferred.

Special Control standards apply for onsite collection services for mixed use developments.
The following design Control standards apply and must be incorporated into the development plans and specifications.

**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)*

Refer Section 6 of this Chapter for Controls.

**Collection Bins**

**C30** 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 and Recycling 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 that 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**

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

Refer Section 5 of this Chapter for Controls.

**Roadside Bin Collection Point**

Refer Section 7 of this Chapter for Controls.

**On-site Bin Collection Point**

Refer Section 8 of this Chapter for Controls.

**Ongoing Management**

Refer Section 10 of this Chapter for Controls.
11.12 Requirements for Medical Clinical and Hazardous Wastes

Refer Section 9 of this Chapter for Controls.

Section 16 - Commercial, Retail, Industrial Premises, Tourist and Visitor Accommodation

The bin or container capacity for commercial, retail and industrial premises, tourist and visitor accommodation (excluding serviced apartments and senior developments), rural industry and other types of developments will be dependent upon the type of development, the estimated quantity of waste to be generated and the frequency of service provided or required.

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 design Control standards for the different development types as outlined in this Chapter and Kiama Council’s Waste and Recycling Services Code for other specific requirements.

For smaller commercial, retail and mixed use developments, rather than using large front lift bins, Council’s preference is to utilise mobile garbage and recycling bins and more frequent collection services to promote source separation of waste and recyclable materials. An agreed off site collection point will be required.

Containers of 1100L capacity could be used for separated cardboard only or comingled recyclables, depending upon the site, available storage, collection point and access for servicing.

Certain developments may require an onsite collection service. There are special access, road design and storage criteria and liability and indemnity issues that need to be taken into consideration in the design process. These design requirements are outlined in the following sections and Kiama Council’s Waste and Recycling Services Code.

Council or a private contractor can provide services to these types of developments. However garbage and recycling services to the residential component of any mixed use developments can only be provided by Council’s contractor as the Domestic Waste Management Charge applies.

Services to commercial, retail and industrial premises, tourist and visitor accommodation (excluding serviced apartments), rural industry and other types of developments may utilise Council or private services.

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 and/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 and 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 and Release, including indemnity, would have to be reached between Council or the private service contractor and the developer/owner of the site.

Also, to allow the safe passage of 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, codes and specific Council requirements as outlined in Kiama Council’s Waste and Recycling Services Code;

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

**Section 17 - Special Requirements for Commercial Development and Change of Use - Food Premises, Hotels, Motels, Licensed Clubs, Education Entertainment Facilities**

Garbage and recycling services to these types of developments may be either provided by Council or a private waste contractor.

The use of large front lift bins is prohibited unless approved by Council and will be subject to compliance with any required access for servicing and storage and other requirements as specified by Council.

The provision of a food waste organics collection service may be available and should be investigated.

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)

C31 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.

C32 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”.

C33 There should be sufficient space provided and nominated within the kitchen (or an alternate location) for the interim storage of bins or containers as supplied, of source separated garbage, recyclables and food organics.

Collection Bins

C34 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 and Recycling Services Code and capacity requirements. Front lift waste containers are prohibited unless 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

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.

Refer Section 5 of this Chapter for Controls.

Roadside Bin Collection Point

Refer Section 7 of this Chapter for Controls.
On-site Bin Collection Point

Refer Section 8 of this Chapter for Controls.

Grease Traps

C35 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.

Ongoing Management

C36 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.

C37 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.

Refer Section 10 of this Chapter for additional Controls.

Section 18 - 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, onsite treatment or disposed to the sewerage system subject to 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, treatment and disposal requirements. Environmental Management Plans may also have to be prepared for the particular use and processes undertaken.

Collection services may be provided by Council’s Waste Contractor or by a private contractor.

Collection points may be at roadside or onsite which will require specific design requirements for accessing and servicing.

The following design Controls standards apply and must be incorporated into the development plans and specifications.
Internal Bins /Containers (Source Separation Recyclables)

C38 A garbage and recycling cupboard or specified area must be provided for each and every staff kitchen, amenities and office areas in the development.

C39 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

C40 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 and Recycling 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 which conform to 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.

C41 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 of 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/gates 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

Refer Section 7 of this Chapter for Controls.

On-site Bin Collection Point

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

Refer Section 8 of this Chapter for Controls.

Ongoing Management

C42 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 from litter, odour, flies and liquids
- ensuring garbage and recycling bins/containers are only 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.
12

Short Term Rental Accommodation

- This Chapter was adopted by Council on 21 July 2015.
- Amendment No 1 was adopted by Council on 20 October 2015 and effective from 18 November 2015
Short Term 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.

Section 1 - The Short Term Rental Accommodation (STRA) Policy

Objectives

- To ensure that the current amenity of the locality is not adversely affected by Short Term Rental accommodation.
- That dwellings utilised for STRA provide a high standard of amenity and safety for users.
- To ensure that normal residential privacy standards are maintained.
- To ensure that STRA will comply with established amenity levels.
Chapter 12 – Kiama Development Control Plan 2012 – Short Term Rental Accommodation

Controls

Dwelling Suitability

C1 STRA’s must only be conducted in dwellings that have been lawfully constructed and comply with Building Code of Australia requirements.

C2 STRA’s must be offered in a clean, safe and habitable state.

Maximum Number of Guests and Visitors

C3 The maximum number of guests permitted at a STRA must not exceed a maximum of 2 adults per bedroom.

C4 Due to overall numbers and activities, guests and their visitors must not adversely impact upon amenity and must comply at all times with the terms of this STRA Policy.

C5 Visitors are the responsibility of the guest at all times.

Amenity

C7 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.

12. 3
Car parking

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

C8 All STRA must provide 24 hour contact details for a local management agent who can respond if required to noise/parking/amenity issues. It should be noted that the appropriate regulatory authority should be contacted if required.

C9 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.

C10 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.

C11 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.

C12 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.

C13 Council will be required to be notified in writing of all complaints within 48 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

C14 Signage and information located within the STRA must cover the following information:

- 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. 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.
- 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 may be called if adjoining areas have impacts on amenity.

C15 The STRA Policy or summary thereof shall be given and explained to guests of the STRA with the key pickup.

C16 A copy of the STRA Policy shall to be posted on a notice board within the STRA.

Waste Management

C17 General waste management requirements can be found in Chapter 11 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.

C18 Bins must be on the kerbside available for each collection day (refer to Chapter 11 Waste Requirements).

C19 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

C20 The STRA must not be offered, described or advertised:

• in a false or misleading manner.
• for more than the maximum number of guests.

Section 2 – 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.
Bed and Breakfast/Farm Stay

These controls are aimed at maintaining the amenity and character of the areas where tourist accommodation such as Bed and Breakfast or Farm Stay facilities are permitted. Council recognises the importance of ensuring that people holidaying in the region are provided with a range of accommodation types, while preserving the environment and amenity of local residents. It is recognised that it is the existing amenity and character which attracts both residents and visitors to the Kiama area. Therefore, preservation and enhancement of the existing environment is of paramount importance.

Objectives

- Provide general standards for Bed and Breakfast or Farm Stay facilities within the Kiama Municipality.
- Protect the amenity of the locality in which the development is situated;
- Ensure Bed and Breakfast or Farm Stay facilities do not adversely impact upon the privacy of other residents.
- Preserve and complement any natural and/or cultural heritage characteristics of the area.
- Achieve well-designed accommodation facilities which attract and meet the needs of visitors to the Municipality.
- 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.
- 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;
  - prevent pollution of rivers and streams and sub-surface waters.

Controls

C1 All Bed and Breakfast or Farm Stay facilities meet all clauses from Kiama LEP 2011. Farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production. Details of compliance with this clause will need to be lodged with any development application.

C2 Council requires that Bed and Breakfast or Farm Stay facilities be well designed and sympathetic to their particular setting and generally should have the outward appearance of a single dwelling.
C3 Size of property - Bed and Breakfast or Farm Stay facilities shall be limited to those properties which are, in Council's opinion, of sufficient size to accommodate required off-street car parking with associated screen landscaping, and if applicable, recreational facilities. In rural areas, Bed and Breakfast or Farm Stay facilities are only permitted on those properties which contain an existing dwelling-house or possess a legal entitlement for a dwelling-house.

C4 Guest accommodation - a minimum of one bathroom and toilet within a Bed and Breakfast or Farm Stay facility shall be provided for use by guests. Where possible, such bathroom and toilet shall be in addition to that available to permanent occupants of the dwelling. Where there is more than one (1) bedroom available for guest accommodation, separate bathroom and toilet facilities shall be provided for guests.

C5 For B&B’s, private kitchen facilities shall not be provided for guests. Tea and coffee making facilities (ie as in a motel unit) may be acceptable.

C6 Design and Siting - any proposed Bed and Breakfast or Farm Stay facility must be lawfully constructed and meet all relevant BCA/Council standards.

C7 A Bed and Breakfast or Farm Stay facility should, where possible, provide some element in its design or siting that is appealing to guests. For example, the dwelling may have intrinsic qualities such views, possess heritage values or be in close proximity to beaches and/or tourist facilities. Such qualities should be respected and enhanced.

C8 Recreational Facilities - recreational facilities such as a swimming pool, tennis court, indoor games room, sauna, spa, may be provided at the owner's discretion. Such facilities are not required by Council, but where they are offered in conjunction to the Bed and Breakfast or Farm Stay facility, details should be included with the development application.

C9 Staff - other than for gardening, cooking and cleaning staff and the like only the permanent residents of the dwelling-house shall be involved with the Bed and Breakfast or Farm Stay facility. Permanent residents of the dwelling-house shall manage the Bed and Breakfast or Farm Stay facility and shall be responsible for the behaviour of guests.

C10 Building Requirements – The requirements of the Building Code of Australia shall be complied with where extensions and/or alterations to existing dwelling-houses or other ancillary structure are proposed.

C11 Fire Safety - In case of an emergency, each guest bedroom shall be provided with an adequate means of escape in the event of a fire. Electrically wired smoke detectors are required to be installed and must be approved by Council. Deadlocks which require internal key release are not to be provided on doors to guest rooms or external doors.
Section 1 - Health and Safety

Objectives

- To ensure that all relevant health and safety standards are provided to guests in Bed and Breakfast or Farm Stay Facilities.
- To ensure that all food preparation areas and any food prepared for the guests meets all requirements of chapter 15 of this DCP.

Controls

C12 Standards for Guest Rooms – guest rooms must have:

- adequate light and ventilation;
- adequate and clean sleeping facilities including sufficient number beds, mattresses, linen, pillows and blankets;
- blinds, curtains, frosted glass or similar devices are to be provided to screen bedroom windows for privacy of both guests and adjoining residents;
- all parts of the general premises, including furniture, fittings, beds, bed linen, furniture, carpets etc. shall be kept in a clean and healthy state, free from dust, offensive smells, insects and vermin. For overnight stays, and between guest departure and arrival, bed linen shall be changed and washed;

C13 Any food prepared for the consumption of guests must be prepared under the relevant provisions Chapter 15 of this DCP. Bed and Breakfast or Farm Stay facilities are not "refreshment rooms" or "restaurants". Meals may only be provided for residents and guests.

C14 If serving or preparing food for the consumption of guests, owners/operators of Bed and Breakfast or Farm Stay facilities must provide the following:

- Premises which comply with Chapter 15 of this DCP;
- 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.
- 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.

C15 Vehicular Access - all Bed and Breakfast or Farm Stay facilities are required to have coincidental legal and practical vehicular access from a public road to the development site. The provision of access shall be unobtrusive and sympathetic to the existing landform and neighbouring development.
C16 Carparking areas should be located away from prominent views and should be appropriately screened by landscaping.

C17 Parking on-site in strata title or community title premises will be subject to the agreement of the community association.

C18 Effluent Disposal - 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. Controls outlined in chapter ... of this DCP must be met. Applicants are encouraged to discuss this issue with Council staff prior to lodgement of their application.

C19 Bushfire Protection - Development applications for Bed and Breakfast or Farm Stay facilities in rural areas are required to demonstrate that the development and its design will not be subject to an unacceptable bushfire risk. Consultation should be carried out with Council's staff to determine bush fire risk and any measures necessary to reduce perceived risk.

C20 Advertising Signs - A maximum of one (1) identification sign, not exceeding 1 metre x 0.6 metres shall be provided. Any advertising sign shall be affixed to the wall of the dwelling, on the front fence, or on another approved structure and shall indicate the name of the Bed and Breakfast or Farm Stay facility, proprietor, and a telephone number only.

C21 No other form of advertisement or promotional structure, (including sandwich boards or objects) shall be placed on the premises, near the site or in a public place.

C22 The prior approval of Council is required before the erection of any sign. In the case of dwellings within a building under strata or community title, the approval of the Community Association, will be required. Details of the style and location of any proposed signage should be included with the Development Application.
Home Business/Home Industry

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

- to enable domestic scaled home businesses/industry to operate on or from dwellings and their curtilage.
- ensure LEP 2011 provisions are met.
- to ensure that home based businesses/industries retain the external characteristics and appearance of a dwelling in the street rather than a commercial enterprise.
- to safeguard the amenity of residents in the neighbourhood and in particular the immediate neighbours.
- to ensure such enterprises do not pollute or degrade the environment in any way including visually.
- to provide for levels of performance to be met while the enterprise operates to ensure it remains a small scale operation as initially approved.

Section 1 - Controls

C1 Any home based activity must meet all relevant controls in LEP 2011.

C2 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.

C3 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.

C4 Any activity is in character with the scale and general amenity of other activities within the immediate area.

C5 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 chapter 10 and submitted with any application.

C6 Any goods offered for sale have been produced on the site of the activity.
C7 Adequate provision has been made on site for the collection, storage and disposal of waste resulting from the activity.

C8 Provisions have been made, on site, for the safe and convenient parking, turning and manoeuvring of vehicles associated with the activity.

C9 Satisfactory provision has been made to ensure the safe and convenient ingress to and egress from the site, for all vehicles using the site.

C10 The building to be used in conjunction with the activity does not cause adverse visual impact.

C11 The building meets all relevant BCA conditions.

C12 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.

C13 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.

C14 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.

C15 Car parking for the residents and their employees is provided in accordance with the requirements outlined in the Chapter 9 Car Parking.

C16 The storage of dangerous quantities of volatile or combustible compounds that might cause damage to adjoining properties is prohibited.

**Amenity Considerations**

**Potential to Cause Pollution**

C17 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.

C18 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.
C19 The activity must not involve the frequent use of trucks or other major mobile plant on or near the site.

C20 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).

C21 The activity must not cause vibration being felt on neighbouring premises.

C22 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.

C23 The activity must not cause likely discharge of contaminates - solid or liquid - other than those commonly discharged from a domestic premises into the sewerage system.

C24 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.

C25 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.

**Potential to Cause Visual Impact**

C26 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.

**Section 2 - Additional information required for Development Applications**

In addition to the requirements for a development application outlined in Chapter 1 of this DCP Council may require:

C27 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.
Child Care Centre Uses

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

- Ensure all preschools are sited, designed and built to the highest safety and amenity standards for end users.
- 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.
- Ensure any development has minimal adverse impact upon the amenity of residential areas;
- Preserve residential streetscapes.
- Encourage the establishment of well designed and integrated development in suitable locations to meet the needs of the community.
- Ensuring adequate vehicular access is provided to the development.
- Establishing minimum on site carparking requirements.
- Ensuring the provision of adequate and safe manoeuvring areas on site.
- Ensure local streets in the immediate vicinity will be adequate for safe movement of the traffic generated.
- Requiring adequate landscape buffers and screens to adjoining residential areas.
development.
- Encouraging designs which complement and enhance the residential character of streetscape.
- 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.

**Section 1 - Site Suitability**

C1 A minimum frontage of 20 metres is required for a child care centre.

C2 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 500m 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.

**Section 2 - Access**

C3 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.

C4 Ingress and egress driveways must be constructed in line with Councils Engineering standards.

**Section 3 - Parking**

C5 The application must meet all standards for parking outlined in Chapter 9 of this DCP.

**Section 4 - Manoeuvring**
C6 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.

C7 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.

C8 Staff parking areas can be designed so as to allow for vehicles to reverse into and out of car parking spaces, as staff generally arrive before children and leave after children have gone thereby eliminating pedestrian/vehicular conflict.

Section 5 - Traffic Impact

C9 A traffic impact study may be required to showing peak traffic generation times, expected traffic numbers and any ameliorating impacts that are proposed.

C10 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.

Section 6 - Landscaping

Landscaping controls are contained in chapter 8 of this DCP. In addition to these controls the follow apply:

C11 Any landscaping associated with the front entrance and car parking area of the centre can not impact on visibility and site lines.

C12 Shade trees should be provided within external play areas.

C13 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.

Section 7 - Building Design

In addition to any specialist requirements set out by the BCA, government agencies, best practice guidelines etc the following controls apply:

C14 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.
C15 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.

C16 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.

C17 Child care centres should be designed such that internal and external play areas maximise solar access.

C18 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.

C19 Indoor play areas designed to take advantage of a sunny aspect are encouraged.

C20 Development proposals should also be designed with regard to solar access into adjoining properties.

C21 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.

C22 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.

Section 8 - Submission of Development Applications

In addition to the requirements outlined in Chapter 1 all development applications for child care centres submitted to Council must also include the following information:

C23 A locality plan showing compliance with Council controls on siting.

C24 Evidence of design and incorporation of all best practice guidelines in the design and siting of the centre.

C25 Detailed submission of materials used/present/planned to be modified.

C26 A Statement of Environmental Effects including:

- Staff numbers.
- Number and age of children to be catered.
- Hours of operation.
- Set down and pick up times (to be staggered if possible).
• Details of materials of construction and their colours.
• Details of proposed landscaping.
• Car parking

C27 A traffic impact Assessment (if required).

C28 Other specialist reports as nominated by Council.
Food Premises

Background

This chapter 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 manufacturers
- charities and not-for profit organisations.

This chapter of the DCP will help you by providing solutions for designing or constructing a food premises.

Objectives

- 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
- 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 chapter 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?

Are you intending to prepare food in your home?

YES:
Do you intend to sell foods that are 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 are potentially hazardous foods, i.e., foods that pose an increased risk of food poisoning if handled incorrectly.

YES: You will be required to comply with the requirements outlined in this chapter of the DCP.

NO: Some exemptions may apply. Refer to the section headed “Domestic Kitchen”.

NO: You will be required to comply with the requirements outlined in this chapter of the DCP.
Section 2 - General Requirements

C1 Approvals

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.

Inspections

C2 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.

C3 Each premises will be categorised as high, medium or low according to the health risk associated with food storage and preparation.

C4 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.
Provision for Adequate Space

C5 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.

C6 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.

C7 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.

Prevention of Contamination

C8 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.

C9 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.

C10 No animals except assistance animals are permitted in the indoor dining area and no live animals are permitted in the food preparation area.

C11 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.

C12 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.

C13 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."

C14 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.

C15 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.

C16 Raw foods must be stored underneath ready-to-eat or cooked foods to prevent contamination.
C17 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.

C18 Food utensils, storage containers and crockery must be clean, non-toxic, washable and in good repair.

C19 Foods stored in containers must be covered with tight fitting lids, foil or plastic film.

C20 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.

Food for Disposal

C21 Returned, recalled or unsaleable stock must be separated and clearly labelled to ensure it is not sold or used.

C22 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.

Temperature Control

C23 A probe thermometer accurate to +/-1°C must be provided at any premises where potentially hazardous food is handled.

C24 Probes are to be cleaned and sanitised before and after use, and must be calibrated regularly for accuracy.

C25 All potentially hazardous food must be kept under temperature control which means below 5°C or above 60°C.

C26 Deliveries of perishable stock must be placed under temperature control immediately.

C27 Frozen food which has been thawed cannot be refrozen, due to the increase in microbial activity.

C28 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.

C29 Sufficient storage facilities must be provided on the premises to ensure all potentially hazardous foods are maintained under temperature control.

Hygiene

C30 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.

C31 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.

C32 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.

C33 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.

C34 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

Waste Disposal

C35 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.

C36 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 Waste Chapter of the DCP for construction requirements).

C37 Garbage and recyclable material must not provide a breeding ground or attraction for pests. Facilities must be designed to be easily and effectively cleaned.

C38 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. Refer to Waste chapter of the DCP for construction requirements of garbage areas.

C39 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.

C40 Garbage/recycling bay areas should be fitted with a floor waste, containing litter baskets/filter traps approved by Sydney Water.

C41 All crates are to be rinsed prior to storage in waste area to prevent attraction of pests.

C42 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.

C43 All crates and cardboard boxes are to be stored off the floor; boxes are to be broken up and stacked neatly.

C44 When bins or lids are broken they must be replaced immediately. Lids must be tight fitting.

C45 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 the Waste chapter of the DCP for further details on waste.

Pest control

C46 A regular pest control program must be undertaken by a licensed pest controller and a record of the program maintained at the food premise.

C47 Fly screens or other means must be provided to doors and openings and kept in good repair to prevent access by vermin.

C48 All holes and gaps in walls, ceilings, walls and floors must be adequately sealed to prevent access by vermin.

C49 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.

C50 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.

Domestic Kitchens

C51 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.
16.8

- 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.

**Food Transport Vehicles**

C52 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.

C53 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.

**Section 3 – Food Hygiene Knowledge**

C54 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.

C55 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.

C56 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.
Section 4 - Construction, Materials and Finish

Refer to Appendix 3 for examples of a typical food preparation area.

Walls

Construction

C57 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.

Finish

C58 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 Table 1.

Table 1 – Suitability of Wall Surfaces for Food Premises Areas

<table>
<thead>
<tr>
<th>Finish</th>
<th>Wet Areas</th>
<th>Food Preparation</th>
<th>Vegetable Preparation</th>
<th>Servery</th>
<th>Store Room</th>
<th>Chillers/Freezers</th>
<th>Bin Store</th>
<th>Eating Areas</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stainless steel</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Welded joints. Waterproof screw covers.</td>
</tr>
<tr>
<td>Ceramic tiles</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Epoxy grout</td>
</tr>
<tr>
<td>Vinyl sheet</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Heat welded joints</td>
</tr>
<tr>
<td>Painted plaster</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>Smooth finish</td>
</tr>
<tr>
<td>Feature brick</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aluminium sheet</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Welded or sealed joints</td>
</tr>
<tr>
<td>Steel sheet</td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td>Welded or sealed joints</td>
</tr>
<tr>
<td>Trowelled cement</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Polished surface</td>
</tr>
<tr>
<td>Wood panelling</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>Wood sealed</td>
</tr>
<tr>
<td>Painted brickwork</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>Flush joints and solid surfaces</td>
</tr>
<tr>
<td>Concrete</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>Smooth finish, sealed joints</td>
</tr>
<tr>
<td>Pre-formed panels</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>H bar joints mastic sealed. In wet areas/food preparation must be integrated into a dwarf wall or set on plinth.</td>
</tr>
</tbody>
</table>

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.
Intersections

C59 The intersection of walls with floors and exposed plinths are to be coved. Use of skirting boards is **not** permitted.

Top Edge of Wall Finishes

C60 The junction between adjacent wall finishes is not to form a ledge upon which dust or grease can accumulate.

Floors

C61 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.

Construction

C62 Floors are to be finished with surfaces as specified in Table 2, together with the required slip factor.

### Table 2 – Suitability of Floor Finishes for Food Premises Areas

<table>
<thead>
<tr>
<th>Finish</th>
<th>Wet Areas</th>
<th>Food Preparation</th>
<th>Vegetable Preparation</th>
<th>Servery</th>
<th>Store Room</th>
<th>Chillers/Freezers</th>
<th>Bin Store</th>
<th>Eating Areas</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stainless steel non-slip profile</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Welded joints.</td>
</tr>
<tr>
<td>Ceramic tiles</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Epoxy grout laid in accordance with AS 3958.1-2007 “Ceramic tiles – Guide to the installation of ceramic tiles”.</td>
</tr>
<tr>
<td>Quarry tiles</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Sealed</td>
</tr>
<tr>
<td>Steel trowel case hardened concrete</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Smooth sealed finish, no joints</td>
</tr>
<tr>
<td>Carpet/carpet tiles</td>
<td>✓</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Wooden flooring</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>Sealed</td>
</tr>
<tr>
<td>Poly vinyl sheet</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Heat welded joints (not suitable adjacent hot fat appliances)</td>
</tr>
<tr>
<td>Laminated thermosetting plastic sheet</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Heat welded joints (not suitable adjacent hot fat appliances)</td>
</tr>
</tbody>
</table>
Cork tiles

Epoxy resins

Vinyl tiles

Plastic matting

<table>
<thead>
<tr>
<th>Material</th>
<th>✓</th>
<th>✓</th>
<th>✓</th>
<th>✓</th>
<th>✓</th>
<th>✓</th>
<th>✓</th>
<th>✓</th>
<th>✓</th>
<th>✓</th>
<th>✓</th>
<th>✓</th>
<th>✓</th>
</tr>
</thead>
</table>
| Complying with AS 3554

Laid over a solid impervious base or an approved underlay is acceptable providing it is laid strictly in accordance with the manufacturer’s specifications.

For safety reasons. Must be cleaned and laid in sections that can be removed for cleaning.

**Finish**

C63 The floor finish is to be smooth and even, free of surface protrusions that will prevent easy cleaning, graded and drained.

**Tile Joints**

C64 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.

**Coving**

C65 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.

C66 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.
Floor Wastes

C67 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.

C68 Floor waste is to be fitted with removable litter baskets.
Ceilings

Provision

C69 Ceilings are to be provided over food preparation, display and storage areas.

Construction

C70 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.

Drop-in Panels

C71 Drop-in removable panel ceilings are not permitted over food preparation areas.

C72 Panels in suspended ceilings over food preparation areas shall be firmly sealed to the framework to prevent the ingress of dust and vermin.

Table 3 – Suitability of Ceiling Finishes for Food Premises Areas

<table>
<thead>
<tr>
<th>Finish</th>
<th>Wet Areas</th>
<th>Food Preparation</th>
<th>Vegetable Preparation</th>
<th>Servery</th>
<th>Store Room</th>
<th>Chillers/Freezers</th>
<th>Bin Store</th>
<th>Eating Areas</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Painted plaster</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Smooth finish</td>
</tr>
<tr>
<td>Steel Sheet</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Trowelled cement</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Polished surface</td>
</tr>
<tr>
<td>Wood panelling</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Sealed surface</td>
</tr>
<tr>
<td>Concrete</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Sealed to a smooth finish</td>
</tr>
<tr>
<td>Pre-formed panels</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Acoustic panels</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Suspended T-bars</td>
</tr>
<tr>
<td>Decorative panels</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
</tbody>
</table>

Finish

C73 The surface finish is to be free of open joints, cracks, crevices or openings in which grease, vapours or vermin may collect. Refer to Table 3.

Intersections

C74 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.
Light fittings

C75 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

C76 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.

C77 Ledges and sills are to be at least 300 mm above sinks, benches, etc.

Architraves

C78 Window and door architraves are not permitted.

Finish

C79 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.

Corner Protection

C80 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.

Vermin proofing

C81 All external door or window openings must have fly proofing.

Service Pipes

Concealment of Pipes

C82 Where possible, all service pipes are to be concealed in floors, plinths, walls or ceilings.
Pipe Supports on Brackets

C83 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

C84 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

C85 All holes through which service pipes pass must be vermin proof.
Garbage Rooms and Areas

Construction

C86 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.

C87 The floor of the room is to be of impervious material coved 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.

C88 Walls are to be finished with a smooth, impervious surface.

C89 The room is to be ventilated, proofed against pests and provided with a hose tap connected to the hot and cold water supply.

C90 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 Containers

C91 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.

C92 Bins that cannot be lifted for draining after cleaning are to have drainage bungs at the base.

Grease Traps

Grease Traps

C93 The installation of grease trap within kitchens and food preparation areas is not permitted.

C94 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.

Internal Grease Trap Rooms

C95 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 arrester 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

C96 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.

Temperature gauge

C97 A easy readable temperature gauge is to be provided externally to each cool room, chiller,
  freezer room or low temperature room.

Noise and vibration

C98 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.

Construction

C99 Intersections between floors and walls and the vertical wall to wall must be covered.
  Edges are to be tight fitting and water repellent.

C100 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.

C101 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.

C102 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.

C103 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.

C104 Dimensions of a plinth shall be identical to the external face of the cool room.

Storerooms
C105  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.

C106  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

C107 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.
C108 Food contact materials are made of material that will not contaminate food.
C109 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 Table 4 must comply with AS 4674-2004 “Construction and fit-out of food premises” as amended from time to time.
C110 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.

<table>
<thead>
<tr>
<th>Food Operation</th>
<th>Minimum Fixtures, Fittings or Equipment Necessary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chilled storage</td>
<td>Cool rooms and fridges of adequate capacity for the business.</td>
</tr>
<tr>
<td>Preparation</td>
<td>Benches or work tables.</td>
</tr>
<tr>
<td>Cooking and other processing</td>
<td>Exhaust ventilation, ovens/stoves and other processing equipment.</td>
</tr>
<tr>
<td>Hot storage</td>
<td>Hot boxes/ovens capable of holding food at 60°C or above.</td>
</tr>
<tr>
<td>Hot display</td>
<td>Display units that protect food from contamination and are capable of holding food at 60°C or above.</td>
</tr>
<tr>
<td>Chilling</td>
<td>Refrigerators, cool rooms capable of reducing the temperature of potentially hazardous food in accordance with the Food Standards.</td>
</tr>
<tr>
<td>Chilled display</td>
<td>Display units that protect the food from contamination and are capable of holding the food at 5°C or below.</td>
</tr>
</tbody>
</table>

Design, construction and installation of fixtures, fittings and equipment

C111 Fixtures, fittings and equipment are constructed and installed to enable cleaning and sanitising to be carried out easily and effectively. Refer to Table 5 for details of specific requirements.
C112 The refrigeration system is to be capable of maintaining the designed temperature at all times within the cabinet commensurate with its use.
C113 False bottoms, cavities and similar hollow spaces under fittings are prohibited.
Table 5 – Specific Requirements for Fixtures, Fittings and Equipment

<table>
<thead>
<tr>
<th>Type of Fixture, Fitting or Equipment</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refrigerated counters</td>
<td>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. Raised edge or lip is to be formed around each opening in the bar top to prevent material falling into the food wells.</td>
</tr>
<tr>
<td>Counters and bars, food display units, bain maries, window displays and self cabinets</td>
<td>All surfaces must be smooth, durable, impervious and free from cracks, crevices and cavities. The underside finish is to be of paint, clear lacquer or other smooth, durable impervious finish.</td>
</tr>
<tr>
<td>Cupboards and cabinets</td>
<td>Plywood, hardboard and similar materials used for backing are not permitted unless the rear face is finished with a smooth, washable surface.</td>
</tr>
<tr>
<td>Doors for cupboards and cabinets</td>
<td>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.</td>
</tr>
<tr>
<td>Counters for food preparation in front of the customer</td>
<td>Protective barrier must be provided as a physical barrier between the customer and the food.</td>
</tr>
<tr>
<td>Food conveyors (dumb waiters)</td>
<td>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.</td>
</tr>
<tr>
<td>Shelving</td>
<td>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.</td>
</tr>
<tr>
<td>Benches and table tops</td>
<td>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.</td>
</tr>
</tbody>
</table>
Materials

C114 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 Table 6.

### Table 6 – Materials Used in Food Premises

<table>
<thead>
<tr>
<th>Materials</th>
<th>Application</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stainless steel</td>
<td>To be used if surface is in direct contact with food in wet areas.</td>
<td>Durable. Withstands chemicals.</td>
</tr>
<tr>
<td>Iron and mild steel</td>
<td>To be used where the surface does not come into direct contact with food.</td>
<td>Very susceptible to corrosion, this can be partly controlled by painting.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Copper and alloys (brass, bronze)</td>
<td>Unsuitable for general use in contact with food unless coated with tin.</td>
<td>Fairly resistant to corrosion and good heat conductor.</td>
</tr>
<tr>
<td>Aluminium</td>
<td>Suitable for cooking equipment if not in contact with corrosive acids or alkalis.</td>
<td></td>
</tr>
<tr>
<td>Food grade plastics and laminates</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Sealed wood</td>
<td>Only to be used if sealed to be impervious to moisture and grease.</td>
<td>Must have no cracks or holes.</td>
</tr>
<tr>
<td></td>
<td>Not to be used in contact with food or in areas cleaned frequently using water.</td>
<td></td>
</tr>
</tbody>
</table>

Installation of Equipment

**General**

C115 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 Table 7, so that the surrounds and beneath the equipment can be cleaned without moving.
Table 7 – Specific requirements for clearance spaces

<table>
<thead>
<tr>
<th>Equipment Length</th>
<th>Space from Walls or Other Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1200 mm or less</td>
<td>150 mm</td>
</tr>
<tr>
<td>1200-2400 mm</td>
<td>300 mm</td>
</tr>
<tr>
<td>2400 mm or more</td>
<td>450 mm</td>
</tr>
</tbody>
</table>

C116 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.

Supports

C117 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.

C118 Open ends of tubular steel used for legs and brackets must be permanently capped or sealed.

Table 8 – Supports for Equipment

<table>
<thead>
<tr>
<th>Support</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wheels or castors</td>
<td>Wheels or castors must support the weight of the fully loaded equipment and enable it to be easily moved. 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.</td>
</tr>
<tr>
<td>Plinths</td>
<td>Plinths must be:</td>
</tr>
<tr>
<td></td>
<td>• At least 75 mm high.</td>
</tr>
<tr>
<td></td>
<td>• Constructed of solid impervious material, same as the flooring.</td>
</tr>
<tr>
<td></td>
<td>• Finished level to a smooth even surface.</td>
</tr>
<tr>
<td></td>
<td>• Rounded at exposed edges.</td>
</tr>
<tr>
<td></td>
<td>• Coved at the intersection of the wall and floor.</td>
</tr>
</tbody>
</table>

Service pipes can be concealed in plinths provided that the surface finish of the plinth is restored.

Fittings and equipment are to be effectively sealed to the plinths preventing floor washings and refuse from gaining access.

Refer to below.
## Support Requirements

### Legs
- Supporting legs must be metal or moulded plastic that will be corroded by water or cleaning chemicals. Legs must be:
  - 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.

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.

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.

### Brackets
- Brackets must be metal that will not be corroded by water or cleaning chemicals.

Pressed metal brackets having hollow backs must not be used unless any gap is completely filled.

Supporting brackets must be securely fixed so that:
  - 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.

Brackets must be:
  - 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
- As above. In addition to the above:

Framework must be:
  - 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**

![Plinth arrangements diagram]
Sealing of Equipment Bases

C119 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.

C120 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

C121 Premises must be provided with equipment for cleaning and sanitising as specified in Table 9 and Table 10.

Table 9 – Minimum Requirements for Equipment in Premises

<table>
<thead>
<tr>
<th>Type of Premises</th>
<th>Minimum Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premises selling pre-packaged food and drink; and/or uncut fruit and vegetables</td>
<td>Single bowl sink.</td>
</tr>
<tr>
<td>All other premises</td>
<td>Double bowl sink; or Dishwasher/glass washer and single bowl sink (where all food contact equipment will fit in the dishwasher); or A double bowl sink and a dishwasher/glass washer (where some equipment has to be washed/sanitised in the sink); or If preparing food by immersion in water a separate sink is required.</td>
</tr>
</tbody>
</table>
Table 10 – Facilities for Cleaning and Sanitising

<table>
<thead>
<tr>
<th>Cleaning and Sanitising Operations</th>
<th>Minimum Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premises using equipment that is:</td>
<td></td>
</tr>
<tr>
<td>• To be washed in sinks;</td>
<td>Pot size sink adequate for largest equipment.</td>
</tr>
<tr>
<td>• Will not fit into a standard double bowl sink; and</td>
<td>Be constructed of stainless steel.</td>
</tr>
<tr>
<td>• The equipment does not require sanitising.</td>
<td></td>
</tr>
<tr>
<td>Premises using equipment that is:</td>
<td></td>
</tr>
<tr>
<td>• To be washed in sinks;</td>
<td>Double bowl sink adequate for largest equipment.</td>
</tr>
<tr>
<td>• Will not fit into a standard double bowl sink; and</td>
<td>Be constructed of stainless steel.</td>
</tr>
<tr>
<td>• The equipment does not require sanitising.</td>
<td></td>
</tr>
<tr>
<td>Premises where foods are prepared by immersion in water.</td>
<td>Designated food preparation sink(s).</td>
</tr>
<tr>
<td>Premises where floors, etc are wet washed.</td>
<td>Cleaner’s sinks or similar facility.</td>
</tr>
<tr>
<td>Premises where floors and/or equipment are to be hosed.</td>
<td>Hose connections.</td>
</tr>
<tr>
<td>A premise where equipment is washed in a sink</td>
<td>Sinks shall be provided with adjacent loading space and adjacent drainage and/or drying space.</td>
</tr>
</tbody>
</table>

Dishwashers and Glass Washers

C123 Dishwashers and glass washers should meet the following requirements:

- Be capable of completely washing and rinsing in one operation.
- Be designed so that all utensils, after rinsing, are dry by the end of the operating cycle.
- Be fitted with control devices to ensure the machine will not operate until the rinsing water is at the required temperature.
- Brushes are not permitted as part of the mechanism.
- Utensils to be rinsed for at least 10 seconds with:
  - Water at a minimum of 38°C containing a minimum of 50 milligrams per kilogram (mg/kg) of sodium hypochlorite; or
  - Water at a minimum temperature of 80°C.
- Be fitted with a thermometer clearly visible to the operator indicating temperature for the washing and rinsing operation or be fitted with an automatic pilot light visible to the operator which indicates that the water in the heating device has reached the correct temperature.
- Be equipped with a water heating device or be supplied with water from an individual hot water source.
- Be provided with an approved exhaust ventilation system (if required).
- Be designed to use chemical sanitisers.
- Include a rinse cycle to ensure no chemical residue remains.
Double Bowl Sinks

C124 Double bowl sinks must comply the following requirements:

- 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 45°C, 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 80°C, for the final rinsing of the eating and drinking utensils. Temperatures of 80°C and above are necessary to ensure that equipment is sanitised. If temperatures of 80°C cannot be achieved or are an occupation health and safety concern, a food business can choose to use dishwashers or chemical sanitisers to sanitise.

Food Preparation Sinks

C125 Where food preparation requires the washing of food and immersion in water, a designated food preparation sink must be provided for this purpose. Designated food preparation sinks must be separate from all other sinks.

Separation distance between sinks is to be determined by authorised 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 eg the provision of a physical barrier between the sinks.

Hand Washing Facilities

C126 The food premises must provide hand washing facilities located where they 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.

C127 Hand washing facilities must be:

- 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.
C128 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.

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.

C129 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.

Figure 4 – Hand wash basin layout
Window displays

C130 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”.

The display shelf

C131 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.

Coved intersections

C132 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.

Waste discharge

C133 An aerial disconnection is to be provided between the discharge waste pipe and the connection to the sewerage service.

Supports

C134 Display shelving is to be supported on approved wheels, legs, brackets, castors or framework or on solid construction.

Toilet accommodation

Staff toilet facilities

C135 Internal toilet accommodation must be provided for male and female staff during hours of operation in accordance with the Building Code of Australia.

Air locks

C136 Internal toilet compartments are to be entered through an air lock and be provided with self closing doors.

C137 Internal toilets are to be provided with mechanical ventilation operable via the light switch should no natural ventilation be available.

Hand washing facilities

C138 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.
General

C139 No food or equipment is to be stored in the toilets.

C140 Toilets intended for public and/or customer use must not be accessed through areas where open food is handled, displayed or stored.

Ventilation

General Requirements

C141 Ventilation is to be provided either by natural means or by an approved mechanical ventilating system in accordance with the Building Code of Australia.

C142 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.

Natural Ventilation

C143 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.

Mechanical Ventilation

C144 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 airconditioning in buildings – Ventilation design for indoor air contaminant control”.

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 1m$^2$ of floor area of the room or enclosure; or
  - 1.8mj gas for each 1m$^2$ of flood 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.

Exemptions

C145 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.
Chapter 16 – Kiama Development Control Plan 2012 – Food Premises

Exhaust Hoods

C146 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.

C147 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.

C148 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).

C149 The face of the exhaust food filters should be vertical or sloped at an angle not more than 30° (refer to Figure 5).

C150 Internal surfaces of hoods should be vertical or sloped at an angle not more than 40° (refer to Figure 5).

C151 Internal lights sit flat without protrusions.

C152 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”.

C153 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.

C154 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.

Hood types

C155 Hood type one – low side wall where the canopy does not extend at least 150 mm beyond the edge of the cooking surface.

C156 Hood type two – corner mounted.

C157 Hood type three – side wall.

C158 Hood type four – island.
Cooking process types

C159 Process type one – non-grease producing equipment and void spaces under the hood, which serve to ventilate other cooking equipment.

C169 Process type two – low-grease, medium-heat producing equipment such as griddles, ranges, conventional fryers, tilting skillets, steam kettles and gas ovens.

C161 Process type three – high-grease, low-heat producing equipment such as electric deep-fat fryers, grooved griddles, hot tops and hot top ranges.

C162 Process type four – high-grease, medium-heat producing equipment such as countertop barbecues and gas-fired deep-fat fryers.

C163 Process type five – high-grease, high-heat producing equipment, such as woks, salamanders, and open flame charcoal equipment utilising solid fuel.

Kitchen Exhaust Hood Airflow

C164 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.

C165 To determine the kitchen exhaust hood airflow, refer to sections 5.5 and 5.6 of the AS 1668.2.

Storage racks

C166 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.

Duct work

C167 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.

C168 Provide a drain at the lowest point of each section of ducting.

C169 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.

Discharge point

C170 Effluent discharge is to be vertical at a minimum velocity of five metres per second.
C171 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.

C172 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.

C173 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.

Dining areas

C174 Ventilate dining areas by natural or mechanical methods in accordance with AS 1668.2.

Domestic premises used for bed and breakfast and farm stay accommodation

C175 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.

C176 The ventilation system you need will depend on the type of food business you will operate and the amount of cooking being done.

Cleaning

C177 All hoods must be fitted with approved grease filters which must be removed and cleaned regularly.

C178 Regular cleaning of the entire exhaust ducting must also be conducted.

C179 Cleaning receipts must be kept on site detailing what cleaning has been undertaken. 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

C180 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.

Clothing and personal effects

C181 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.

Cleaning chemicals and equipment

C182 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 of office materials

C183 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

C184 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”.

C185 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.
APPENDIX 1 – DEVELOPMENT APPLICATION REQUIREMENTS
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 2 – DEFINITIONS

*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:

- They might contain the types of food-poisoning bacteria that need to multiply to large numbers to cause food poisoning, and
- 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:
Any ready-to-eat potentially hazardous food, if it has been at temperatures between 5°C and 60°C:

- For a total less than two hours, must be refrigerated or used immediately,
- For a total of longer than two hours but less than four hours, must be used immediately, or
- 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 3 – PREPARATION AREAS

Figure A – Typical set up of a preparation area

Requirements – Typical Food Preparation Area

<p>| | |</p>
<table>
<thead>
<tr>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Floor/wall covering</td>
</tr>
<tr>
<td>2.</td>
<td>Plinth not less than 100mm high</td>
</tr>
<tr>
<td>3.</td>
<td>Impervious floor graded and drained</td>
</tr>
<tr>
<td>4.</td>
<td>Fittings sealed to wall or 200mm clear of wall</td>
</tr>
<tr>
<td>5.</td>
<td>Walls finished as per table 6.1</td>
</tr>
<tr>
<td>6.</td>
<td>Sealing between fittings</td>
</tr>
<tr>
<td>7.</td>
<td>Legs 150 mm minimum</td>
</tr>
<tr>
<td>8.</td>
<td>No storage shelves below canopy</td>
</tr>
<tr>
<td>9.</td>
<td>Splayed windowsill 300mm above preparation</td>
</tr>
<tr>
<td>10.</td>
<td>Preparation bench – steel framed bench</td>
</tr>
<tr>
<td>11.</td>
<td>Bottom shelf – min 250mm above floor</td>
</tr>
<tr>
<td>12.</td>
<td>Mechanical exhaust ventilation canopy</td>
</tr>
<tr>
<td>13.</td>
<td>Rigid smooth faced ceiling</td>
</tr>
<tr>
<td>14.</td>
<td>Smooth cement rendering</td>
</tr>
<tr>
<td>15.</td>
<td>No timber door frames</td>
</tr>
<tr>
<td>16.</td>
<td>Hand basin, hot and cold water mixing set</td>
</tr>
<tr>
<td>17.</td>
<td>Soap and towel dispenser</td>
</tr>
<tr>
<td>18.</td>
<td>Water and drainage pipes concealed in wall</td>
</tr>
</tbody>
</table>
Figure B – Typical set up of a wash up area

LEGEND:
1 = Floor/wall coving
2 = Castors to under bench storage
3 = Impervious floor graded and drained
4 = Hot water heater sealed to wall
5 = Walls tiled
6 = Shelving 25 mm clear of wall
7 = Sink unit on metal frame
8 = Thermometer
9 = Garbage receptacle
10 = Dishwasher with temperature indicating device
11 = Legs 150 mm min.
12 = Underside of support bracket 150mm to the finished floor surface
13 = Painted plasterboard ceiling
14 = Smooth cement rendering
15 = Water drainage pipes concealed into walls
16 = Hand basin, hot and cold water mixing set
17 = Soap and towel dispenser
Mobile Food Van 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.

Objectives

• 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.
• To ensure that mobile and food vans are inspected annually for compliance with the guidelines set out by the Food Authority.
• 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.
• 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.
• 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).
• To accommodate appropriate vendor activities in order to provide services that enhance the visitor/resident experience.
• 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.

Approval to Operate Mobile Food Van or Temporary Event Food Stall

Prior to operating a mobile food van and/or a temporary event food stall, an application, together with the necessary information and payment of fees, will be required to be submitted to Council for approval under the provisions of the Local Government Act and other applicable legislation. Approval may be granted for a single event or for a number of recurring events over a 12 month period.

A temporary event is any occasion which is not permanent and where food is sold to consumers. Examples include fairs, festivals, markets and shows.

There may be specific Council policies or codes that apply to where and how mobile food vans and or a temporary event food stalls may operate. It is the responsibility of individual operators to make themselves aware of, and comply with, any such requirements.

After gaining approval, the mobile food van/temporary event food stall will be required to be operated in accordance with any approval conditions, relevant legislation and any codes or guidelines as issued by Council and the NSW Food Authority or other government departments or agencies.

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 (e.g. scones) or is to be consumed immediately after thorough cooking (e.g 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.

Section 1 - The Roads

C1 The operator must not use the operator’s vehicle for mobile vending purposes on any road, or a part of any road prescribed in Appendix A to this chapter.

C2 A road prescribed in Appendix A 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.

C3 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).

C4 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)".
APPENDIX A
MOBILE FOOD VAN PERMITTED LOCATIONS

Streets in the Kiama Municipality excluding the following locations:

• Public & Crown reserves including immediately adjoining streets. This restriction does not apply where the operation is part of an approved market or event;
• Within a 300 metre radius of any business area (please refer to Appendix 1 of DCP 12 Mobile Vending Exclusion Maps);
• Belinda Street (between Fern Street & Princes Highway);
• Princes Highway;
• Gipps Street;
• Collins Street (between Gipps Street & Bong Bong Street);
• Terralong Street;
• Manning Street;
• South Kiama Drive;
• Crooked River Road, Gerroa;
• Allowrie Street, Jamberoo;
• Meehan Drive, Kiama Downs;
• Charles Avenue between Links Street & Oxley Avenue;
• North Kiama Drive;
• Fern Street, Gerringong;
• Bland Street between Shoalhaven & By Pass;
• Farmer Street between Manning & Shoalhaven;
• Shoalhaven Street between Farmers & Bland;
• Churchill Street;
• Bong Bong Street between Collins and Thomson;
• Riverside Drive;
• Jamberoo Road;
• Saddleback Mountain Road between South Kiama Drive and By Pass;
• Archibald Street
Chapter 17 – Kiama Development Control Plan 2012 – Mobile Food Van and Temporary Food Stalls

17.6 Mobile Vending Exclusion Kiama - Kiama Heights

Exclusion Zone
Chapter 17 – Kiama Development Control Plan 2012 – Mobile Food Van and Temporary Food Stalls

Mobile Vending Exclusion Geelong
Chapter 17 – Kiama Development Control Plan 2012 – Mobile Food Van and Temporary Food Stalls

Mobile Vending Exclusion Genna

Exclusion Zone

CROOKED RIVER

RIVER

ROAD

17.8
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)
- Colonic lavage
- 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
- Laser hair removal is declared not to be a skin penetration procedure.
- Any other procedure prescribed by the regulations.

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.

Aims

(a) 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

(b) standards of hygiene, client and staff safety are maintained at the highest possible standard.

Section 1 - How to Use this Chapter

- 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.

Development Approval

Objective

Ensure all hairdressers, beauticians and skin penetration businesses obtain development consent from Council.

Controls

C1 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 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.

C2 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.

C3 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.

Section 2 - Construction, Materials and Finishes

<table>
<thead>
<tr>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>• 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.</td>
</tr>
<tr>
<td>• Protection of the clients and operators health.</td>
</tr>
<tr>
<td>• Ensure compliance with minimum construction requirements that enables operators to maintain personal hygiene, cleaning and sterilisation of equipment.</td>
</tr>
</tbody>
</table>

Controls

C4 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.

C5 Fittings such as benches, shelving and furniture are to be constructed of smooth, impervious and durable materials to enable easy and effective cleaning.

C6 Fittings that are butted against walls or other equipment must be sealed to prevent accumulation of debris and harbourage of vermin.

C7 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.

C8 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.

C9 Sufficient cupboards or similar fittings must be provided for the storage of equipment and supplies to protect from dust and other contaminants.

C10 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.

C11 Adequate lighting must be provided.

C9 The work area must be maintained in a clean and hygienic state at all times.

C10 Carpet is only permitted in office or waiting rooms.
C11 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.

C12 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 using an open system—located in the immediate vicinity of the room in which the procedure is being carried out.

C13 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),
(e) have available for use by persons carrying out skin penetration procedures at the premises:
   (1) liquid soap (or an alcohol-based hand cleaner), and
   (2) single-use towels or an automatic hand dryer, and
   (3) 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.

Hand Wash Basins and Sinks

C14 Hand wash basins must be:

i. provided with a supply of potable hot and cold running water (at least 40 degrees) through a single outlet
ii. provided with liquid soap or detergent and single use paper hand towels
iii. located within each treatment area and must be accessible at all times
iv. used solely for the washing of hands and face
v. for skin penetration procedures a separate basin must be provided in each treatment area.

C15 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.

C16 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.
C17 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.

C18 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.

Section 3 - Disposal of Sharps, Infectious and Non-Infectious Waste

<table>
<thead>
<tr>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Ensure sharps and waste are safely stored and disposed.</td>
</tr>
<tr>
<td>• Ensure premises and treatment areas are kept safe, clean and free from waste and dangerous equipment</td>
</tr>
<tr>
<td>• Ensure waste from procedures is disposed of safely from the treatment area and premises.</td>
</tr>
</tbody>
</table>

Controls

C19 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.

C20 If disposable sharps are used, an Australian Standards approved sharps bin is to be provided in each treatment area.

C21 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.

C22 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.

C23 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.

C24 General waste must be placed in plastic lined receptacles with close fitting lids at the site of generation.

C25 All sharps, including razor blades, must be disposed of immediately after use.

C26 Do not force the sharps into the bin or overfill the bin, as this prevents closure and increases the risk of rupture.

C27 Prior to disposal, the lid of the sharps bin must be secured.

C28 Store the sharps containers out of reach of people, particularly children.
C29 Do not remove sharps once placed in the container.

**Section 4 - Reusable articles Must be Sterilised**

**Controls**

C30 All reusable articles used to penetrate a person’s skin for skin penetration procedures must be sterilised, whether at the premises or off-site.

C31 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.

C32 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.

C33 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.

**Section 5 – Requirements for Carrying out Skin Penetration Procedures**

**Use of Needles, Sharps and Other Articles**

**Controls**

C34 A person who carries out a skin penetration procedure must not use a needle that has previously been used in a skin penetration procedure.

C35 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.

C36 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.
C37 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.

C38 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.

C39 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.

C40 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**

**Controls**

C41 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.

C42 A person who carries out a skin penetration procedure (other than colonic lavage) must wear a clean gown or apron during the procedure.

C43 A person who carries out colonic lavage must wear a clean gown made of impermeable material during the procedure.

C44 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**

C45 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.

C46 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**

C47 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.
Section 6 - Linen

**Objectives**

- Ensure the cleanliness of treatment areas.
- Ensure linens used in treatment areas are to be clean and appropriately stored.

**Controls**

C48 A clean, single-use, disposable covering material or clean linen should be provided on treatment tables, chairs or beds and changed between clients.

C49 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.

C50 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.

Section 7 - Business in Residential Premises

**Objectives**

- Ensure the operation of businesses within residential premises is safe and clean for staff, clients and residents.
- Procedures are undertaken in an appropriate and approved area of the residence.

**Controls**

C51 Businesses operating from within residential premises must comply with all requirements detailed in this DCP.

C52 The approved treatment area must be used solely for skin penetration procedures.

Section 8 - Business Registration

**Objectives**

- Ensure all hairdressers, beauticians and skin penetration businesses are registered with Council.
- Ensure that all hairdressing, beautician and skin penetration businesses must register with Council prior to opening for business.

**Controls**

C53 All hairdressing, beautician and skin penetration businesses must be registered with Council prior to carrying out any procedures.
APPENDIX 1 - DEVELOPMENT APPLICATION REQUIREMENTS

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

<table>
<thead>
<tr>
<th>Question Regarding Development</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you are the new owner of an existing business, did the vendor provide you with a pre purchase inspection report from Council?</td>
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<tr>
<td>Are you proposing a mobile business?</td>
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<tr>
<td>If you are proposing to operate from within residential premises, will the business operate from treatment areas used solely for the business?</td>
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</tbody>
</table>

Construction, Materials and Finishes

<table>
<thead>
<tr>
<th>Questions Regarding Construction, Materials and Finishes</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are floors smooth and impervious?</td>
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<tr>
<td>Are fittings smooth, impervious and durable?</td>
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<tr>
<td>Are fittings against walls sealed?</td>
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<tr>
<td>Are the intersections of floors with walls and plinths covered?</td>
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<tr>
<td>Are walls and ceilings of an approved finish?</td>
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<tr>
<td>Are there sufficient cupboards or fittings provided for storage?</td>
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<tr>
<td>Does a clear space of at least 150mm exist between the floor and the underside of fixtures and fittings?</td>
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<tr>
<td>Is adequate lighting provided?</td>
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<tr>
<td>If you are conducting skin penetration procedures is there a designated cleaning area separate from the treatment area?</td>
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<tr>
<td>Is carpet laid only in the office or waiting room?</td>
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<tr>
<td>If colonic lavage is performed, is there a toilet solely for use of the client?</td>
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</tbody>
</table>
### Handwashing and Cleaning Basins

<table>
<thead>
<tr>
<th>Questions Regarding Handwashing and Cleaning Basins</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td></td>
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<tr>
<td>Is there a hand wash basin located in each treatment room or area?</td>
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<tr>
<td>If there are separate treatment areas, are there hand wash basins in each area?</td>
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<tr>
<td>For skin penetration procedures is a separate double bowl sink with hot and cold running water provided in the cleaning area?</td>
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<tr>
<td>If food preparation and washing of eating and drinking utensils is to occur, is a separate sink provided?</td>
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<tr>
<td>Do all sinks and hand wash basins have a splash back of at least 300mm, constructed of a durable, smooth and impervious material?</td>
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<tr>
<td>Are hand wash basins provided adjacent to toilets, supplied with hot and cold water through a single mixing spout, liquid soap and disposable towels?</td>
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</tbody>
</table>

### Disposal of Sharps, Infectious and Non-Infectious Wastes

<table>
<thead>
<tr>
<th>Questions Regarding Disposal Of Waste</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>If disposable sharps are to be used, is an Australian Standards approved sharps bin provided in each treatment room?</td>
<td></td>
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</tbody>
</table>

### Businesses in Residential Properties

<table>
<thead>
<tr>
<th>Question Regarding Residential Properties</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
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</thead>
<tbody>
<tr>
<td>Will the treatment area be used solely for hairdressing, beauty or skin penetration procedures?</td>
<td></td>
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</table>

### Business Registration

<table>
<thead>
<tr>
<th>Questions Regarding Registration</th>
<th>Yes</th>
<th>No</th>
<th>N/A</th>
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</thead>
<tbody>
<tr>
<td>Have you completed and included the Registration Form in your development application?</td>
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</table>
## Plans

<table>
<thead>
<tr>
<th>Check List of Items to be Submitted with development application</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor plans, scale 1:50</td>
<td></td>
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<tr>
<td>Site plan, scale 1:100- including car parking, adjacent land uses and garbage area.</td>
<td></td>
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<tr>
<td>Sectional elevations, scale 1:50</td>
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<tr>
<td>Hydraulic plans, detailing plumbing connection &amp; floor waste locations, scale 1:50</td>
<td></td>
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<tr>
<td>Plan details</td>
<td></td>
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<tr>
<td>Schedule of finishes- tiles, stainless steel etc.</td>
<td></td>
<td></td>
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<tr>
<td>Layout of all equipment</td>
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<td></td>
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<tr>
<td>Door and window openings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Customer waiting area- square metres of floor space and number of seats</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Customer and staff toilet details</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Statement of environmental effects- must include disposal of contaminated waste (sharps).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
APPENDIX 2 - DEFINITIONS

Appropriate sharps container means:

(a) if skin penetration procedures that involve the use of reusable sharps are carried out at the premises—a sharps container that complies with AS/NZS 4261:1994 Reusable containers for the collection of sharp items used in human and animal medical applications, or

(b) if skin penetration procedures that involve the use of non-reusable sharps are carried out at the premises—a sharps container that complies with AS 4031–1992 Non-reusable containers for the collection of sharp medical items used in health care areas.

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.
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**

(a) Eating, drinking or smoking is not permitted in the treatment area.
(b) Animals, except for assistance animals, are not permitted in the treatment area.
(c) 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 reusing. 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. The waste containers must have a tight fitting lid and be able to contain all waste.
(b) 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. 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.

(b) No cut throat blades are permitted.

(c) 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. Effectiveness of disinfectant is reduces as the number of items immersed increase.

(e) Ensure the directions are followed for mixing and using disinfectants. If mixed in correctly or stored for too long the disinfectant may become ineffective.

(f) Disinfectant must be within the expiry date.

(g) Cleaning equipment, such as brushes and brooms, must be maintained in a clean and satisfactory condition at all times. Damaged items must be replaced.

(h) 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.
Site Specific Controls - Silver Hill/Cedar Ridge Estates

Both the Silver Hill and Cedar Ridge Estates were based on a design concept of providing large residential allotments with rural and ocean outlooks, which were located close to the Kiama Town Centre. The natural and cultural features of the land, such as topography, vegetation and dry stone walls, acted as a constraint to development but also contributed to a unique character.

Objectives

- maintain the character and amenity of the locality, which is based on large lot residential development.
- maximise the number of allotments with good solar access and thereby optimise the performance of energy efficient dwellings.
- protect existing vegetation for its aesthetic and habitat values.
- ensure the conservation of dry stone walls.

Section 1 - Additional controls for all development Silver Hill/Cedar Ridge Estates

In addition to controls outlined in other chapters of this document the following controls applies:

C1 A maximum development density of one (1) dwelling per 1,000m$^2$ (exclusive of access handles) of site area (regardless of dwelling size) applies.

C2 Any vehicle access must be suitable for use by not only residential traffic, but also by construction vehicles, service vehicles and emergency services.

C3 Any buildings located near watercourse are required to have a minimum floor level of 500mm above the 1 in 100 year flood level.

Section 2 - Additional Controls for dual occupancy / secondary dwellings in the Silver Hill/Cedar Ridge Estates

C4 In addition to controls outlined in this chapter the following control applies.

C5 A minimum pre-development allotment size of 2,000m$^2$ is required for dual occupancy development in the Silver Hill and Cedar Ridge Estates.

C6 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 Figure 1.

C7 The subdivision of a dual occupancy development is permitted. However, Torrens or Community Title subdivisions will only be permitted where each allotment achieves a minimum area of 1,000m$^2$ (exclusive of access handles).

C8 Any subdivision should avoid the necessity for clearing, or disturbance, of existing significant vegetation for dwelling sites, fencing, or the provision of access and services.

C9 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 the Figure in this chapter.

Section 3 - Additional requirements regarding possible flooding in the Silver Hill and Cedar Ridge Estates

The watercourse which traverses the Silver Hill and Cedar Ridge Estates has the potential to cause inundation of adjoining properties. This potential flood hazard was identified during the subdivision design phase as a constraint to development. Consequently, a 1 in 100 year flood level was determined. Subdivision proposals which may be affected by inundation should be accompanied by a plan detailing the level and extent of flooding. Any buildings located near the watercourse are required to have a minimum floor level of 500mm above the 1 in 100 year flood level.
Site Specific Controls for West Kiama Urban Release Area

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

- To protect and enhance the riparian corridor along the upper reaches of Willow Gully Creek.
- 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.
- To prevent residential development on flood prone land and protect existing development downstream of the estate from exposure to changes in flood behaviour.
- 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.

Section 1 – Site Specific Controls

In addition to controls outlined in this chapter the following control applies:

West Kiama Urban release Area

- Maximum of 60% site coverage.

C1 Buildings fronting perimeter roads are to be setback from perimeter roads by a distance of 4 metres.

C2 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.

C3 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.

C4 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.
Chapter 20 – Kiama Development Control Plan 2012 – West Kiama

C5 Perimeter roads will be designed in accordance with Council’s 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.

C6 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.

C7 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.

C8 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.

C9 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.

C10 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.

C11 Housing adjacent to public reserve land will be expected to address the reserve except in isolated cases where development may also front a road.

C12 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.

C13 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.

C14 Garages cannot dominate the streetscape.

C15 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.
Section 2 - 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.

Section 3 - West Kiama Vegetation

Objective

- This section is aimed at protecting, preserving and increasing locally endemic species of trees and other vegetation in the estate.

Controls

C16 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.

C17 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, eg lantana and blackberry) for site screening purposes.

C18 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.

C19 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.
Section 4 - Noise Control Associated with the Kiama Bypass

Objective
- 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.

Controls

C20 The design of houses (regardless of type) must be designed to limit the exposure of habitable rooms to excessive noise levels.

C21 Acoustic measures such as double glazing etc may be required to satisfy amenity issues.

C22 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.
Site Specific Controls - Byrne’s Run

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 in figure 1.

**Objectives:**

- To ensure that rural residential development is undertaken in an appropriate and environmentally sensitive manner;
- To identify areas suitable for rural residential development;
- To provide development guidelines for such development to minimise environmental impacts;
- To reduce the risk to life and property which may be affected by natural environmental hazards;
- To protect and where necessary improve the scenic and environmental quality of the area;
- To preserve areas of significant vegetation stands and to promote the regeneration of forests and eradication of vegetation which competes with native flora;
- To protect wildlife and associated habitats and to protect and promote wildlife corridors; and protect water quality.

**Section 1 - Additional controls for development in Byrne’s Run**

In additional to other controls in this document the following controls apply:

**C1** All dwelling-houses and ancillary structures must be located within the specified building envelope.

**C2** 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.

**C3** Above ground water tanks should be coloured in earthy tones or enclosed (eg: trellis and vine) and incorporated into a landscaped area.

**C4** Certain land has been identified as unsuitable for dwelling-house construction due to excessive slopes or flooding.

**C5** 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.
Section 2 - Additional requirements for Fencing

C6 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.

C7 Any fencing on or around a rural residential allotment should consists 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.

C8 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.

Section 3 - Additional Requirements for Keeping Domestic Animals

C9 The keeping of cats and goats on any rural residential allotment or the community land is prohibited.

C10 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.

C11 Dogs are not permitted to enter the environmental conservation zone.

C12 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.

Section 4 - Vegetation
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.

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.

Section 5 – Site specific Landscape Strategy

Any development application to subdivide the subject land shall be accompanied by a rehabilitation and revegetation plan based on the Landscape strategy shown as figure .... 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.
Section 6 - Conservation Agreement

C16 Subject to the agreement of the National Parks and Wildlife Service, a Conservation Agreement shall be entered into in respect of the Community Land.

Section 7 - Community Land

C17 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.

C18 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.

C19 The riding of trail bikes and other off road vehicles shall be prohibited within the community land.

C20 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.

Section 8 - Public Access

C21 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.
Site Specific Controls - 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.

This estate was developed with a Master Plan the major associated controls.

Section 1- Site Specific Land Subdivision Design Standards

C1 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.
# Section 2 - Site Specific Housing Design Controls

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C2 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.

C3 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.

C4 To establish a neighbourhood character that is predominantly comprised of low rise 1 to 2 storey dwellings.

C5 To restrict the size of detached dwelling houses in order to maintain residential buildings in scale with others in the neighbourhood.
C6 To create a visually attractive street system and a well defined urban edge to the town of Gerringong.

C7 To provide for a range of housing types on a variety of lot sizes catering for various age groups and their housing needs.

C8 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.

C9 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.

C10 To foster an environmentally responsible and caring community through consultation between neighbours on the design of housing.

**Section 3 - Controls for Multi-dwelling housing and Dual Occupancy Development Sites.**

C11 The DCP Master Plan distinctively identifies sites that are to be developed for dual occupancy development and multi-dwelling housing.

C12 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.

C13 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.

C14 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.

C15 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.

**Section 4 - Building Design On The Edge Of The Estate**

C16 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.

C17 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.

C18 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.

C19 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 Section 79BA of the Environmental Planning and Assessment Act 1979 (as amended).

Section 5 – Site Specific Building Lines

C20 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.

C21 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.

C22 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.

C23 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.
C24 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.

Section 6 - 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:

C25 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.

C26 Council may set more restrictive fence height standards forward of the front building line on corner sites for traffic safety reasons.

C27 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.

C28 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.

C29 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.

C30 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.

C31 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.

C32 Retaining walls in front of a front or secondary street building line must be limited to a height of no more than 200 millimetres.

C33 Retaining walls higher than 1 metre require consent and must be designed by a civil engineer or a suitably qualified design practitioner.

C34 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.

Section 7 - Development of Significant Privately Owned Sites

C35 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.

Section 8 - On-site Rainwater and Reuse

C36 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.

C37 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.”

C38 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.

C39 Conditions must be applied by Council to development consents for all dwellings:

C40 requiring installation and on-going maintenance of rainwater re-use systems by only licensed trades qualified persons

C41 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.

Section 9 - Excavation

C42 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.

C43 Excavations must be quickly and effectively stabilised by earth batters or retaining walls.

C44 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.
C45 Earth batters must be quickly stabilised, mulched and re-vegetated to reduce the opportunity for erosion of exposed soil during rainfall events.

C46 Council may issue technical specifications for excavation and structures for retaining cut and fill associated with excavation.

C47 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 walls) are known before a lot is purchased.
Site Specific Controls - South Kiama Drive David Smith Place and Stewart Place

In addition to controls outlined in other chapters of this document the following controls apply to the lands shown in figures below:

Objectives

- To maintain the character and amenity of the locality.
- To recognise that the existing land use pattern consists of large residential allotments and identify minimum allotment sizes in order to prevent inappropriate fragmentation of existing land holdings.
- To apply effective controls for the spatial separation of dwellings.
- To maintain and reinforce existing scenic qualities and view corridors of the surrounding landscape and coastal landforms.
- To control and rationalise future vehicular access points to public roads.

Section 1 - Additional controls for South Kiama Drive David Smith Place and Stewart Place

In addition to controls outlined in this chapter the following control applies:

C1 Minimum allotment size of 1,000m$^2$ (exclusive of the area of access handles in the case of battle-axe allotments or access driveways in the case of allotments serviced by a right of carriageway).

C2 Each proposed allotment must be capable of containing a building platform having minimum dimensions 15 metres x 20 metres.

C3 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
Chapter 23 – Kiama Development Control Plan 2012 – South Kiama Drive

requirement, the designated building platform must have an orientation within 30° east and 20° west of true solar north.

C4 Direct access to South Kiama Drive is denied to those properties in David Smith Place and Stewart Place.

C5 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.

C6 Where a proposed dwelling faces or adjoins the rear boundary of an adjacent allotment, the building setback shall be 5 metres (measured perpendicular to the common boundary). In the case of properties with frontage to both Stewart Place and South Kiama Drive, the minimum building setback to South Kiama Drive shall be 6 metres.

C7 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.

C8 Detached garages, verandahs or decks (within 1,000mm of natural ground level), pergolas, barbecues and non-habitable structures may be erected within the rear building line setback.

C9 Buildings should be sited and designed by applicants to have regard, as far as practicable, to views enjoyed by the occupants of existing adjacent residences.

Section 2 - Additional Controls for Dual Occupancy Development in South Kiama Drive
David Smith Place and Stewart Place

In addition to controls outlined in this chapter the following control applies:

C10 A minimum pre-development allotment size of 2,000m² is required for dual occupancy development.

C11 Minimum allotment size of 1,000m² (exclusive of the area of access handles in the case of battle-axe allotments or access driveways in the case of allotments serviced by a right of carriageway).
Site Specific Controls - Cedar Grove

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

- To ensure that development in this area creates a defined urban edge.
- To ensure that development provides a visually attractive interface between rural and urban land.
- To ensure that development respects natural landscape features and other environmental attributes of the site.
- 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.
- To ensure that the “riparian corridor” land is not used for residential purposes but instead revegetated, preserved and managed as riparian land.
- To ensure the preservation and restoration of the existing dry stone wall located on the western boundary of the estate.
Section 1 - Site Specific Controls

C.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.

C.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.

Section 2 - Cedar Grove Land Subdivision Performance Standards

In addition to other subdivision stands in this DCP the following site specific controls apply:

C.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.
C.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 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.

C.5 Perimeter streets must define the southern and western edge of the estate.

Section 3 - 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 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-afforestation of a buffer area between the estate ad adjoining farming land to the south.
Chapter 24 – Kiama Development Control Plan 2012 – Cedar Grove
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
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NOTES:
1. TANKS SIZE: 10,000 LITRES FOR SINGLE DWELLING, 3000 LITRES FOR EACH MULTI-DWELLING
2. TANK BASE TO BE A FIRM, FLAT & STABLE PLATFORM IN ACCORDANCE WITH MANUFACTURER’S RECOMMENDATIONS. TANK BASE MUST BE SUFFICIENT TO SUPPORT WEIGHT OF TANK WHEN FULL.
3. 100% OF ROOF AREA SHALL DRAIN TO A TANK.
4. IT IS MANDATORY TO CONNECT THE FOLLOWING HOUSEHOLD FIXTURES TO RAINWATER TANK SUPPLY:
   • ALL OUTDOOR TAPS
   • ALL TOILETS
   • WASHING MACHINE (COLD TAP)
5. ALL PLUMBING WORK SHALL BE UNDERTAKEN BY A LICENCED PLUMBER WITH CONSENT OF SYDNEY WATER & IN ACCORDANCE WITH ALL STANDARDS, CODES & REGULATIONS.
6. TANK & PUMP TO BE INSTALLED TO MANUFACTURER’S REQUIREMENTS.
7. FIRST FLUSH WATER DIVERSERS SHOULD BE FITTED TO ALL ROOF GUTTER DOWPIPE IN ACCORDANCE WITH MANUFACTURER’S RECOMMENDATIONS. THIS WILL ASSIST IN REDUCING TANK MAINTENANCE.
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 52BA 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 50pa (5m HEAD) AND NO MORE THAN 500pa (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. UNDERGROUND 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. RAINTANKS 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 AS3055 - SUITABILITY OF PLUMBING & WATER DISTRIBUTION SYSTEMS PRODUCTS FOR CONTACT WITH POTABLE WATER.
6. RAINTANK 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" WHEREBY 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.
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 RAINTANK 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 DRAIN 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 EMPTY.

NOTE:
- DIMENSION X=500mm AND IS MEASURED FROM THE UNEVERSE OF THE GUTTER TO THE TOP OF THE INLET PIPE INTO THE TANK.
- DIMENSION XCY AND IS MEASURED FROM THE UNDERNEATH OF THE GUTTER TO THE INSIDE OF THE FIRST FLUSH PIPE AS SHOWN.

EXAMPLE OF PRESSURISED ROOF DRAINAGE SYSTEM
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.
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.

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: ....................................................

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KIAMA MUNICIPAL COUNCIL

RAINWATER TANK PLUMBER’S COMPLIANCE CHECKLIST

SALCES PLAN NOT TO SCALE

DESIGN DATE: MAR-2005

CHECKED BY: BW

PLAN NUMBER 2170

SHEET 5 OF 5

FILE H:\ENGINEERS\CAD

24.11
Site Specific Controls - Gerringong Headland Site

C.1 All development must meet the controls relating to Option 1 contained in the technical document Gerringong Headland Master plan.

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.
Area Specific Plans - Kiama Town Centre

These additional controls apply to the Kiama Town Centre shown on the map. As this is an important centre for Kiama the following additional controls will guide development in this area.

Objectives

- To expand the role of Kiama as a regional focus of cultural and historic significance;
- To encourage and increase opportunities for mixed use development (ie integrated residential/commercial) within the Kiama Town Centre;
- 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;
- To encourage the retention and refurbishment of buildings of heritage and/or architectural significance and their use for civic purposes;
- 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;
- To create a central civic space/square for the Town Centre;
- To define more focussed entries to the town via landscaping and appropriate built form at:
  - the northern entry along Collins Street;
  - the southern entry along Manning Street;
- To improve pedestrian access within the Town Centre for all people including those with disabilities;
- To further develop an integrated landscape theme and network within the Kiama Town Centre;
- To encourage that all development proposals in the Kiama Town Centre be prepared by qualified designers including Architects, Landscape Architects and Urban Design Consultants;
- To promote consolidation of the Kiama Town Centre;
- To encourage the lineal extension of retail shop fronts along Terralong and Manning Streets; and
- To encourage site planning and building design which maximises solar access to the building and private open space areas.

Section 1 - 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 Kiam 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.

Section 2 - 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:
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- 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.

**Section 3 - 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.

**Section 4 - 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:
Section 5 - 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)

Section 6 - 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.
Section 7 - 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.
Section 8 - 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.

Section 9 - 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.

Section 10 - 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.
Section 11 - 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.

Section 12 - 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.

Section 13 - 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.

Section 14 - 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.

Section 15 - 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.

Section 16 - 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 carparks 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.

**Section 17 - 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.

Section 18 - 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

Analyze 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.

A checklist is contained as Appendix 1. This checklist will assist applicants in ensuring that their proposal meets the planning and design requirements of this document.

Section 19 - 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.
Map of Kiama Town Centre
Area Specific Controls - 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

- 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;
- 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;
- 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;
- 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;
- 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 chapter;
- 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;
- to attain a high quality visual streetscape with sensitive architectural treatment of building facades and advertising signs;
- to preserve and protect view corridors available from identified public vantage points providing vistas of Werri Beach and Heritage buildings;
- to require buildings to be designed in keeping with accepted solar design principles;
- to protect the amenity of residents in and adjacent to the town centre;
- to achieve building to building relationship which is in scale with existing development and building height permitted by this chapter on identified sites.
Section 1 - Land Use

Objectives

- 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.
- To encourage and promote mixed residential and commercial development throughout the Town Centre and in particular in Precinct 1.
- To achieve compatibility between retail, commercial and residential land use.

Performance Criteria

P1. 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.

P2. 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.

Section 2 - Environmental Design Elements

Objectives

- 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.
Performance Criteria

P1. Building envelopes and internal layouts are to be designed to minimise energy consumed for heating and cooling.

P2. 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.

P3. 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.

P4. Building materials and insulation which assist in providing acceptable thermal conditions.

P5. Air movement within dwellings is to be designed to provide acceptable thermal conditions.
### Performance Criteria

P6. Building materials, appliances and fuel sources are to be selected to minimise energy requirements and greenhouse gas emissions.

P7. Landscape design is to assist microclimate management to conserve energy and water.

P8. Building and landscape design is to incorporate techniques for conserving mains water.

P9. 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.

P10. The stormwater system design should optimise the interception, retention and removal of water-borne pollutants.

P11. To develop the resource potential of stormwater to supply a range of second quality water uses presently met from town supply systems.

### Design Principals

- Low energy consuming appliances
- Low windows facing east and west to avoid overheating
- North-facing windows
- Low energy consuming overhead lights
- Shading devices on north-facing windows
- Enhanced insulation
- Use of solar water systems
- Permeable pathways
- Private outdoor spaces
- Living areas facing north for maximum use of solar radiation
- High levels of wall and ceiling insulation
- Efficient water use
- Use of greywater systems
- Use of recycled water systems
- Use of stormwater
- Reduced use of mains water
- Enhanced use of recycled water systems
- Use of greywater systems
- Reduced use of mains water
- Enhanced use of recycled water systems
- Use of greywater systems
## Section 3 - General Design Elements

### Objectives

- To ensure that site attributes and constraints are carefully considered and reflected in the design including views from public spaces.
- To achieve a development that provides a pleasant, attractive, manageable, resource efficient and ecologically sustainable living environment.
- To promote energy efficiency in building design and siting.
- 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.
- 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.
- 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.
- To ensure that front fences and walls where used improve amenity for residents and contribute positively to the streetscape and adjacent buildings.
- 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.
- 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.
- To achieve flexibility in the design and use of buildings' floor space to meet community needs over time.
- 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.
- 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.
- To enhance the public streetscape by functional and aesthetic signage that is integrated with the design of buildings.
Performance Criteria

P1. The residential street and path network is to provide a network of pedestrian routes, and low speed and volume and routes for cyclists, with connections to adjoining streets, open spaces and Community use areas.

P2. To provide a range of recreation settings, corridors for community paths, and attractive urban environmental settings and focal points.

P3. Carparking to be designed and located to achieve relevant streetscape objectives.

P4. The street, building and landscape design achieves the creation of attractive residential and commercial environments with clear character and identity.

P5. 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.

P6. 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.

P7. 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.

P8. 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.

P9. 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.

P10. 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.

P11. Setbacks are progressively increased as wall height increases to reduce bulk and overshadowing while maintaining adequate daylight and sunlight to adjoining residents.

P12. 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.
P13. 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.

P14. Multiple below awning signs attached to a building are to be of consistent standardised design and dimensions.

P15. 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.

P16. 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.

P17. 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.

P18. 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.

P19. 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.

P20. 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.
Section 4 - Design Elements – Precinct 1

Precinct 1A - Town Hall Site/Noble Street South East

Objectives

- Protection of primary view lines to coastal features as identified in the Charrette Report 1995.
- To establish architectural and landscaping principles for new development.
- The building design is to allow for adaptive use of ground floor residential areas for commercial purposes.
- To protect residential amenity of adjoining properties including privacy, overshadowing, solar access, views.
- Development is to be architecturally consistent with landmark buildings, heritage items, streetscape design.

Performance Criteria

P1. Site development to be consistent with the Design Principles incorporated in this CHAPTER.

P2. The design is to take into account other relevant planning controls and building codes.

P3. 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 Werri Beach extending to the northern headland.

P4. Development to Town Hall to be restricted to maximise the view opportunity from the “school site” to the northern headland.

P5. 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.

P6. A consistent streetscape design is to be applied for elements such as street, furniture, paving, lighting and landscape similar to Fern Street.

P7. 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.

P8. 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

P9. Consideration is to be given in the design of the development to maintain privacy to the existing adjoining residential area.

P10. Setback to Noble Street boundaries is to be 1.5 metres to allow for verandah or courtyard elements and provide space for street landscaping.

P11. Roofed verandah forms to be no more than 4 metres wide and open picket style fence provided to the boundary.
## Precinct 1B – Noble Street North East/Blueberry Hill

### Objectives

- Protection of primary view lines to coastal features as identified in the Charrette Report.
- To establish architectural and landscaping principles for new development.
- Building design is to allow for adaptive use of ground floor residential areas for commercial purposes.
- To protect residential amenity of adjoining properties in terms of privacy, overshadowing, solar access and views.
- Development is to be architecturally consistent with landmark buildings, heritage items, streetscape design.

### Performance Criteria

<table>
<thead>
<tr>
<th>P1.</th>
<th>Site development to be consistent with the requirements of the Design Principles incorporated in this CHAPTER.</th>
</tr>
</thead>
<tbody>
<tr>
<td>P2.</td>
<td>The design is to take into account other relevant planning controls and building codes.</td>
</tr>
<tr>
<td>P3.</td>
<td>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 Werri Beach extending to the northern headland.</td>
</tr>
<tr>
<td>P4.</td>
<td>Single storey development only is permitted adjoining the northern side of the &quot;Blueberry Hill Cafe&quot; (now the &quot;Delphi Cafe&quot;) to maintain the scale and character of this important historical, entry landmark building.</td>
</tr>
<tr>
<td>P5.</td>
<td>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.</td>
</tr>
<tr>
<td>P6.</td>
<td>A pedestrian link is required from development fronting Noble Street to Fern Street.</td>
</tr>
<tr>
<td>P7.</td>
<td>The public reserve to the north of &quot;Blueberry Hill Cafe&quot; 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.</td>
</tr>
<tr>
<td>P8.</td>
<td>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.</td>
</tr>
<tr>
<td>P9.</td>
<td>Consideration is to be given in the design to maintain reasonable privacy to the existing adjoining residential area.</td>
</tr>
<tr>
<td>P10.</td>
<td>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.</td>
</tr>
<tr>
<td>P11.</td>
<td>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.</td>
</tr>
</tbody>
</table>
P12. 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

P13. The roof line of two and a half storey development is to be visually diverse in appearance and not be connected continuously between units.

P14. A consistent streetscape design is to be applied for elements such as street furniture, paving, lighting and landscape, similar to Fern Street.
Precinct 1C – Myamba Street

**Objectives**

- Protection of primary view lines to coastal features as identified in the Charrette Report.
- To establish architectural and landscaping principles for new development.
- To provide dwellings compatible with adjoining development.
- To protect residential amenity of adjoining properties in terms of privacy, overshadowing, solar access and views.

**Performance Criteria**

P1. Site development to be consistent with the Design Principles incorporated in this CHAPTER.

P2. The design is to take into account other relevant planning controls and building codes.

P3. 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.

P4. 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.

P5. 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.

P6. 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.

P7. Garages are to be single car width with space provided in the building setback from the front boundary for ‘stack’ parking within the site.

P8. 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.
Precinct 1D – School Site - East

**Objectives**

- Protection of primary view lines to coastal features as identified in the Charrette Report.
- To establish architectural and landscaping principles for new development.
- The building design for development fronting Noble Street is to allow for adaptive use of ground floor residential areas for commercial purposes.
- To protect residential amenity of adjoining properties in terms of privacy, overshadowing, solar access and views.
- Development is to be architecturally consistent with landmark buildings, heritage items and streetscape design.

**Performance Criteria**

<table>
<thead>
<tr>
<th>P1.</th>
<th>Site development to be consistent with the Design Principles incorporated in this CHAPTER.</th>
</tr>
</thead>
<tbody>
<tr>
<td>P2.</td>
<td>The design is to take into account other relevant planning controls and building codes.</td>
</tr>
<tr>
<td>P3.</td>
<td>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.</td>
</tr>
<tr>
<td>P4.</td>
<td>Two and half storey development with basement parking is permitted to areas fronting Noble Street and in the central portion of the site.</td>
</tr>
<tr>
<td>P5.</td>
<td>Development is to maximise potential for pedestrian linkages to the public recreation area of the western side of Noble Street.</td>
</tr>
<tr>
<td>P6.</td>
<td>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.</td>
</tr>
<tr>
<td>P7.</td>
<td>The roof line of two and a half storey development is to be visually diverse in appearance and not be connected continuously between units.</td>
</tr>
<tr>
<td>P8.</td>
<td>A consistent streetscape design is to be applied from Fern Street for elements such as street furniture, paving, lighting and landscape.</td>
</tr>
<tr>
<td>P9.</td>
<td>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.</td>
</tr>
<tr>
<td>P10.</td>
<td>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:</td>
</tr>
<tr>
<td></td>
<td>i) the fire classification for later commercial/residential use</td>
</tr>
<tr>
<td></td>
<td>ii) car parking required to cater for commercial / residential use</td>
</tr>
<tr>
<td></td>
<td>iii) internal / external access to the building</td>
</tr>
</tbody>
</table>
P11. Consideration is to be given in the design of the development to protect privacy to the existing adjoining residences.

P12. Setback to Noble Street boundaries is to be 1.5 metres to allow for verandah or courtyard elements and provide space for street landscaping.

P13. 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.

P14. 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.

P15. Development fronting Noble Street is to address the former School site public space and provide a visual containment to this area.
Precinct 1E – School Site - West

**Objectives**

- Protection of primary view lines to coastal features as identified in the Charrette Report.
- To establish architectural and landscaping principles for new development.
- To provide dwellings compatible with adjoining development.
- To protect residential amenity of adjoining properties in terms of privacy, overshadowing, solar access and views.

**Performance Criteria**

**P1.** Site development to be consistent with the Design Principles incorporated in this CHAPTER.

**P2.** The design is to take into account other relevant planning controls and building codes.

**P3.** Development is to be a maximum of 2.5 storey with basement parking.

**P4.** 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.

Open form verandahs additions are desirable to the existing School Building to enhance its proposed use and to reinforce its placement in the streetscape.

**P5.** Development is to maximise potential for pedestrian linkages to Fern Street and the Town Hall through public open space to the north.

**P6.** Vehicular access is to be restricted to basement parking and service areas with entry/exit obtained from Noble Street.

**P7.** The roof line of two and a half storey development is to be visually diverse in appearance and not be connected continuously between units.

**P8.** 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.

**P9.** Setback to Belinda and Fern Streets to be 2 metres to allow for verandahs to these areas.

**P10.** 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.

**P11.** Belinda Street development is to address the “School site” public space with appropriate landscaping to provide an open visual and pedestrian link to the Town Hall and Fern Street Business area.
Section 5 - Design Elements – Precincts 1 and 2 – Fern Street Facades

Objectives

- To establish a building form which reinforces the existing streetscape patterns and rhythm, whilst acknowledging its particular siting requirements and functional brief.
- To provide a framework for future development of building forms that front the Fern Street business area.
- To identify and enhance important contributory elements existing in the streetscape.
- To provide guidelines to signage and facade treatments.

Performance Criteria

P1. 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.

P2. 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.

P3. 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.

P4. Buildings and landscape materials used in any future development should reflect and maintain the quality and character for the more significant existing buildings.

P5. 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.

P6. Buildings should extend to the property boundaries to reinforce the street patterns and the continuity of existing street facades.

P7. Parking and streetscape design is to be carried out in accordance with the Gerringong Town Centre streetscape design prepared by Kiama Council.

P8. 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.

P9. 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.

P10. It is desirable that overhead power lines be relocated underground.

P11. 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.

P12. 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

6.08 No. 137 FERN STREET (LOT 2 DP 582706)
CRONINS 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

- Existing roofline to be maintained in its current form. Remove signs on roof.
- New awning structure to raise level of unsafe awning and allow for signage. Provide structure similar to that proposed for original verandah of Hardware Shop.
- Step verandah down to coincide with main roof line.
- Retain and extend timber WB to front elevation.
- Timber posts as depicted in early photographs.
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.

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
Dormer windows to side elevations

TWO + HALF STOREY CONTAINED WITHIN TWO STOREY ENVELOPE

TWO STOREY CONTROL ENVELOPE

TWO + HALF STOREY DEFINITION
GERRINGONG TOWN CENTRE DCP
TOWN CENTRE OPTION A

GERRINGONG EXISTING STREET PLAN
Contours at 2.0m intervals
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

- To recognise the fact that the Barney Street Quarry is sited within a residential area;
- To identify uses of the Barney Street Quarry which are considered inappropriate because of their likely impact upon the amenity of neighbouring residences;
- 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;
- To ensure activities undertaken in the Barney Street Quarry do not pollute or degrade the environment; and
- To identify geotechnical constraints which exist in the Barney Street Quarry and appropriate remedial measures which may be undertaken.
- 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

Noise

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.

C1 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.
 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.

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.

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.

All delivery vehicles should leave the quarry immediately after starting of engines. Vehicles should not be allowed to idle for unnecessary lengths of time.

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.

Employees should be advised to take reasonable care to load/unload their vehicles without unreasonable impact, including the shutting and closing of tailgates etc.

All drivers of trucks should be instructed that when leaving the quarry they should turn right into Barney Street and observe “drive neighbourly” procedures.

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.

Fumes and Other Emissions

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:

All access roads, driveways and carparking areas are to be sealed.

All vehicles and equipment shall be regularly checked to ensure that they meet maximum emission standards.

Activities must not cause perceptible odours, fumes, smoke, gas, vapours, steam, soot, ash, dust or grit that will affect neighbouring properties.

Large unsealed areas, although not encouraged, should be watered down regularly to reduce dust.
Other Pollution

C14 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.

Section 3 - Waste Disposal

C15 All waste disposal from site must be in accordance with chapter 10.

Section 4 - 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 (e.g., gravel or vegetation) designed to control the impact of falls rocks.

C16 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.

Section 5 - Signage

C17 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.

C18 Any illumination of the sign (internal or external) is not permitted.

C19 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.

Section 6 - Landscaping

C20 Landscaping on site must meet all requirements in Chapter 8.
Chapter 29 – Kiama Development Control Plan 2012 – Flood Liable Land

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Flood Liable Land
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Section 1 - 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 Section 79C of 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.

Section 2 - Application

This DCP applies to all 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.

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 objectives:

a) To minimise risk to life and damage to property by controlling development on flood prone land;

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.

Section 3 - Controls

Flood Study

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 modeling 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 modeling 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
All new buildings shall be constructed to the 1% AEP flood level + 0.50M freeboard. For minor additions to existing buildings, ie 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
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
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
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
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
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 development may not require survey details if a structural engineering certificate is provided.
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Section 1 – Introduction

This chapter of the Development Control Plan 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.

Section 2 – Aboriginal Cultural Heritage Management

Aims

- 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

- 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;

- 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;

- To provide potential proponents and the wider community with clear and accessible information on Council’s requirements, and other legislative requirements, for the conservation of Aboriginal cultural heritage sites and values;

- To promote and encourage appropriate and sympathetic site design and development solutions for areas having known, or potential, Aboriginal cultural heritage sites and values; and

- To increase community awareness and appreciation of the Aboriginal cultural heritage sites and values of the Kiama Municipal Council area.

Controls

C1 The Aboriginal Cultural Heritage Management Development Assessment Toolkit adopted by Council 21 May 2013 shall be used as a point of reference.

C2 Council will require a Preliminary Aboriginal Cultural Heritage Investigation 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:
  
  o the riparian corridor 200 metres wide on each side of permanent or ephemeral creeks;
  o watercourses (including waterways subsequently modified by post-settlement activity);
  o sandstone outcrops adjacent to waterways/watercourses;
  o 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);
  o rock overhangs/shelters over 1 metre high (especially with relatively level and/or dry floors);
  o areas of undisturbed native vegetation in excess of 100 square metres or covering 10% or more of a site (whichever is the greater for the site in question);
  o spurs, ridgelines, ridge tops and high points or knolls; and
  o cliffs, including areas above or below cliff lines; or

• located within a “sensitive landscape setting” which includes land which is:
  
  o within 200 metres of waters (meaning any river, stream, lake, lagoon, swamp, wetlands, natural watercourse, or tidal waters including the sea); or
  o located within a sand dune system (including marine/coastal, estuarine, fluvial/riverine or Aeolian dunes); or
  o located on a ridge top, ridge line or headland; or
  o located within 200 metres below or above a cliff face; or
  o within 20 metres of or in a cave, rock shelter, or a cave mouth.

C3 Council will require an Aboriginal Cultural Heritage 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 indentified by previous Aboriginal cultural heritage studies prepared for or held by Council (refer to Council for further information regarding areas that may be covered by these previous studies).

C4 An Aboriginal Cultural Heritage Investigation or Assessment 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.
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.

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.

### 2.1 Unexpected Aboriginal Finds

#### Objective

- To protect and conserve any unexpected Aboriginal finds discovered during the development of land within the Kiama LGA.

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.
- Work shall not recommence on site until advised in writing by the OEH.
2.2 Known or Potential Archaeological Sites

**Objective**
- To protect and conserve archaeological or potential archaeological sites.

Where the development of a known or potential archaeological site involves disturbance, Council will notify the NSW Heritage Branch of the Office of Environment & Heritage for the purposes of seeking advice on the development proposal.

**Controls**

C7 Council may require that an archaeological assessment of a site be carried out prior to the determination of a development application.

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### Section 3 – Cultural Heritage Management (Historical)

**Aims**
- 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.

**Objectives**
- 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.
- 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.
- 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 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.

3.1 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) of Kiama Local Environmental Plan (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.

Also, to ensure that proposed development is appropriate in rural settings, the design criteria within Chapter 6 - Rural Development shall be referred to and suitably addressed.

3.2 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.

### 3.3 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.

### 3.4 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.

### 3.5 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.


### 3.6 What is the Burra Charter?
Chapter 30 – Heritage

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.

3.7 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.**

3.8 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 for New Developments**

C8  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.

C9  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.

C10 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.

C11 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.

C12 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.

C13 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.

C14 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.

C15 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.

C16 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.

C17 New buildings in the vicinity or within the site of a heritage item should use colours which harmonise with traditional colour schemes.

C18 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.
Chapter 30 – Kiaima Development Control Plan 2012 – Heritage

C19 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 for Alterations & Additions

C20 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.

C21 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.

C22 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.

C23 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.

C24 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.

C25 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.

C26 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.

C27 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.

C28 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.

C29 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.
C30 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.

C31 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.

C32 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.

C33 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.

C34 Heritage items with original facades/walls comprised of unpainted brickwork or stonework are not to be painted, rendered or bagged.

C35 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.

C36 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.

C37 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.

C38 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.

C39 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.

C40 Driveways and hardstands should be a maximum of 3.5 metres at the street frontage and should be kept simple.

C41 Existing fencing that is original should be retained and conserved.

C42 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.
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.

**Section 4 – Dry Stone Walls**

**Objectives**

- 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.
- 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 protected 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**

C44 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.

C45 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.

C46 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.

C47 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.

C48 Council may place restrictions on the Section 88B Instrument at Subdivision Certificate approval stage to assist the conservation of dry stone walls.

C49 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.

C50 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.

C51 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.

C52 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.
This Chapter was adopted by Council on 17 March 2015.
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Section 1 – 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.

Section 2 – 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](image)
Section 3 – Development precincts

The Wyalla Road Residential Release Area comprises of three development precincts, as identified in the following Development Precincts Plan (Figure 2).
## Desired Future Character for Development Precincts

<table>
<thead>
<tr>
<th>Development Precinct</th>
<th>Desired Future Character</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Allotments</td>
<td>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. Development is to provide opportunities for casual surveillance of streets and Hyams Creek corridor. The precinct is to be well connected including providing a direct vehicular and pedestrian connection to Jamberoo village via Wyalla Road. The precinct is to be designed to encourage energy and water efficient subdivision and housing.</td>
</tr>
<tr>
<td>Environmental Management</td>
<td>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. Flood affected land without significant ecological value is to be managed to provide bushfire protection.</td>
</tr>
<tr>
<td>Seniors Living</td>
<td>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.</td>
</tr>
</tbody>
</table>
PART A - SUBDIVISION

Part A (Sections 4 - 10) applies to development for the subdivision of land.

Section 4 – Access and movement

Objectives

- To establish indicative locations for roads within the residential release area that ensures appropriate connectivity to existing.
- To identify locations for intersections with Wyalla Road.
- To provide a legible road structure that is consistent with the existing road structure of the Jamberoo Village.
- To provide access for management of the environmental management precinct.
- To provide a road structure that accommodates adequate provision for fire fighting vehicles.

Controls

C1 Provide at least two points of vehicular and pedestrian access to Wyalla Road.

C2 The internal road network is to connect the two access points with Wyalla Road.

C3 Provide a residential perimeter road adjacent to land within the environmental management precinct.

C4 Road reservations must accommodate footpaths in accordance with Figure 3 Indicative Road Layout Plan.

C5 Road design is to be in accordance with Council engineering requirements, including provisions for service vehicles and Rural Fire Service vehicles.

C6 Roads are to be designed in accordance with the indicative road layout plan (Figure 3), such that connectivity and traffic safety is maintained.

Controls for specific road and access types are as follows:

Local Road

C7 Local roads are to accommodate a carriageway of 7m minimum and verge widths of 3.5 m.

C8 The design of the streetscape is to provide appropriate landscape treatment while allowing for utilities services. Road design is to prevent conflict between services, drainage, lot access and landscaping.

C9 The provision of a 1.2 m footpath on each road.
Cul-de-sac

C10 Cul-de-sac roads are only to be used where there are physical barriers for providing through roads including:

- Existing development.
- Property boundaries.
- Steep topography (over 15%).
- Safe distances between intersections (minimum 40m).

C11 Where cul-de-sac are used:

- The length of the cul-de-sac is to be minimised.
- Adequate turning space is provided at the head of the road in accordance with Council Standards.
- Cul-de-sac design shall incorporate a turning circle of 24 metres for Category 1 NSW Rural Fire Service Tankers and NSW Fire Brigade Composite Appliances or an appropriately designed ‘T’ turning head suitable for a medium rigid vehicle with an overall length of 11 metres.
Figure 3: Indicative Road Layout Plan
Section 5 – Open space and landscape

Objectives

- To ensure landscaping is appropriate to the character of the locality.
- To utilise the natural topography and drainage patterns that exists on the site where possible.
- To enhance the streetscape and visual amenity by providing appropriate plantings.
- To minimise the visual impact of buildings on the rural and natural landscape.
- To retain Hyams Creek corridor to maintain ecological value, provide visual amenity and assist in water quality.

Controls

C12 Utilise planting of species of local providence for where possible.

C13 Utilise planting along streets to frame views to Hyams Creek corridor along streets.

C14 Provide a 35m-50m wide riparian zone riparian corridor along Hyams Creek by preserving land for the purpose of environmental management to maintain ecological value, provide visual amenity and assist in water quality.

C15 To provide riparian corridor plantings in line with consent conditions.

C16 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.

Section 6 – Stormwater and water quality management

Objectives

- To effectively manage stormwater on the site so that that impacts downstream are minimised and improved where possible.
- To achieve performance criteria outlined in the Kiama Municipal Council Water Sensitive Urban Design Policy.

Controls

C17 Design streets to maximise on-site stormwater infiltration and minimise the need for water detention.

C18 Subdivision applications are to include a comprehensive watercycle management strategy to demonstrate how the performance criteria outlined in the Kiama Municipal Council Water Sensitive Urban Design Policy is met.
Section 7 – Utility servicing

Objectives

- To provide building servicing capability for the following utilities to ensure allotments are adequately serviced with:
  - Electricity
  - Sewer
  - Potable water
  - Telecommunications

Controls

C19 All lots within the release area are to be supplied with connection to a suitable supply of the following services:

- Electricity
- Sewer
- Potable water
- Telecommunications

C20 The release area is to be serviced with underground service connections, following road alignments where possible.

C21 Infrastructure design is to be in accordance with infrastructure service provider engineering design specification, including Kiama Council engineering requirements for development, Australian Standards and relevant Technical Report(s) for Development Servicing Plan(s) prepared to accompany subdivision application.

Section 8 – Allotment form

Objectives

- To reduce the quantity of cut and fill required on allotments.
- To ensure lots are created to accommodate appropriately sited dwellings to minimise visual impacts and amenity afforded by adjoining properties.
- To encourage regular shaped and adequately sized allotments to allow flexibility of building design.
- To provide minimum allotment area.
Controls

C22 Subdivision must be designed to minimise the amount of cut and fill required for roads and by buildings on allotments.

C23 Lots are generally to be regular in shape with a minimum street frontage width of 12m, unless accessed using a battle axe format.

C24 Battle axe access handle must be a minimum 5m wide, 2 adjacent access handles of 2.5m may be combined to achieve the minimum width.

C25 Battle axe lots are only to be used where:

C26 Access handle length is minimised without compromising form of adjoining allotments; and

C27 Allotments reduce the amount of cut and fill that is required than if conventional layout was provided.

C28 Allotments are to accommodate on-site storm water management which may take the form of water tanks, raingardens or swales.

C29 Allotments must allow buildings to be designed for maximum energy efficiency and maximise potential for views to the Hyams Creek Corridor and distant hills.

C30 Allotments within the following precincts must be of a minimum area as follows:

- Residential Allotments - 800sqm
- Senior Living - 350sqm

Section 9 – Fencing

Objectives

- Provide standards for fencing consistency to ensure privacy while encouraging passive surveillance of public domain areas.
- To ensure that the impact of fences on the streetscape and public places is minimised.
- To ensure that fencing does not affect the amenity of adjoining properties by adversely affecting views, vehicular access or significantly restrict solar access.

Controls

C31 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.

C32 The overall design of front fences must complement existing structures, landscaping and the general streetscape.

C33 Front fences must contain open form sections to increase visibility for security purposes.
C34 Gates for vehicular entry shall only open inwards onto the property and shall enable the gates to open with vehicles fully off the road.

Section 10 – Hazard management

Objectives

- To ensure human life is protected through adequate flooding and bushfire protection and egress opportunities.

Controls

C35 Asset protection zone (APZ) setbacks are to be provided in accordance with Planning for Bushfire Protection 2006.

C36 Minimum APZ setbacks from the Riparian vegetation are to be provided and managed to minimise potential risk to people and property as follows:

- 40m for development with a special fire protection purpose including Housing for Seniors and People with a Disability.
- 14m for a residential development.

C37 All allotments must provide a site for dwellings above the 1% AEP flood level.

C38 A minimum of 2 vehicular access points to Wyalla Road are to be provided to allow safe egress in the case of flooding or bushfire.

C39 Provide a perimeter local road in accordance with Section 4 Access and Movement of this chapter.
PART B – OBJECTIVES AND CONTROLS FOR DEVELOPMENT WITHIN PRECINCTS

Part B applies to development within the following precincts:

Section 11 - Residential Allotment Precinct
Section 12 - Seniors Living Precinct
Section 13 - Environmental Management Precinct

Section 11 – Residential Allotment precinct

In addition to controls outlined in other chapters of this document the following controls apply:

11.1. Building siting and setbacks

Objectives

- To minimise visual impact and overshadowing on adjoining development.
- To minimise the amount of cut and fill required.
- To ensure development is consistent with the desired future character for the precinct.

Controls

C40 Development must be consistent with the desired future character for the precinct.

C41 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 4: Sloping sites building configuration
11.2. **Building form**

**Objectives**

- To ensure a legible built form that responds to the street with fenestrations.
- To ensure well defined entrances are provided.
- To minimise visual impact and overshadowing on adjoining development.
- To ensure buildings are of an appropriate bulk and scale.

**Controls**

C42 Maximum building height in accordance with Kiama Local Environmental Plan 2011.

C43 The facades of buildings are to be articulated to contain fenestrations that provide opportunity for casual surveillance of the public domain.

C44 Entrances are to be well defined through use of materials, finishes and building articulation.

C45 Built form is to be consistent with the low density residential streetscape character that occurs in the Jamberoo village area.

C46 Garage doors are to be less than 50% of the width of the building when facing the street.

11.3. **Materials and finishes**

**Objectives**

- To provide a consistent built form character that is sympathetic to the scenic surrounds.

**Controls**

C47 Buildings are to use materials and finishes that are sympathetic to the surrounding rural and natural settings.

C48 Rainwater tanks must be screened from street-view.

11.4. **Waste management**

**Objectives**

- To ensure adequate provision of bin storage.
- To ensure waste management procedures for construction and demolition are consistent with controls outlined in various chapters this DCP.
Controls

C47 A waste management plan is to be prepared with DCP 2012.

C48 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.

C49 Bin storage areas/enclosures are to be provided so that bins cannot be seen from the street.

11.5. Parking and access

Objectives

- To ensure adequate off street car parking is provided for use.

Controls

C50 Development must demonstrate that adequate parking is provided on site to serve the needs of the use.

Section 12 – Seniors Living Precinct

This section contains provisions for all development within the Seniors Living precinct identified in Figure 2.

12.1. Restriction on the use of lots/dwellings in this precinct

Objectives

- To ensure that the housing in the Senior Living Precinct will be utilised by seniors or people with a disability

Controls

C51 An appropriate mechanism will be placed in perpetuity on the title of lots in the Senior Living Precinct that will restrict the use of the dwellings to Seniors or People with a disability (as per the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

12.2. Building design

Objectives

- 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.
Controls

C53  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 identified standards including but not limited to AS 1428.1 and AS 4299 as amended.

C54  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).

12.3. Building siting and setbacks

Objectives

- To minimise visual impact and overshadowing on adjoining development.
- To ensure development is consistent with the desired future character for the precinct.

Controls

C55  Development must be consistent with the desired future character for the precinct.

C56  Minimum building setbacks from property boundary is 2.5m to the garage

C57  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.

C58  Rear setback 1.5m for a building up to 4.5m in height.

12.4. Built form

Objectives

- To ensure a legible built form that responds to the street with fenestrations.
- To ensure well defined entrances are provided.
- To minimise visual impact and overshadowing on adjoining development.
- To ensure buildings are of an appropriate bulk and scale.
Controls

C59  All buildings in the precinct are to be single storey.

C60  Garages are to be setback from the front façade to reduce visual dominance on the streetscape.

C61  Building facades facing streets are to be well articulated through the use of materials, finishes and fenestrations.

C62  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.

12.5.  Materials and finishes

Objectives

- To provide a consistent of built form and character that is sympathetic to the scenic surrounds.

Controls

C63  Buildings are to use materials and finishes that are sympathetic to the rural and natural setting to land west of the release area.

12.6.  Open space and landscape

Objectives

- Provide private open space for each allotment that has access to direct sunlight.
- Provide a minimum open space area to assist in managing storm water.
- Provide privacy control through landscaping, planting selection, and design.

Controls

C64  Minimum 15% of site must be landscape area, of which at least half must receive direct sunlight.

C65  Provide screening of buildings, ancillary structures and/or rainwater tanks through landscaping to minimise impact on neighbours.

C66  Landscaping is to assist in stormwater management where possible.

C67  The site must contain a minimum private outdoor space area of 20sqm with direct sunlight.
12.7. Waste management

Objectives

- To ensure adequate provision of bin storage behind the building line.
- To ensure waste management procedures for construction and demolition are consistent with controls outlined elsewhere in this document.

Controls

C68 Bin storage areas/enclosures are to be provided in accordance with controls defined elsewhere in DCP 2012 and any associated guidelines.

C69 A waste management plan is to be prepared for the community centre and adequate space for waste storage provided.

C70 Bin storage areas/enclosures are to be provided so that bins are not visible from the street.

12.8. Parking and access

Objectives

- To ensure buildings can be accessed are in accordance with relevant standards for accessibility.
- Ensure dwellings provide off street car parking

Controls

C71 Dwellings must be accessed in accordance with Australian Standard AS1428.

C72 Each dwelling must provide car parking for at least one vehicle behind the building line.

12.9. Onsite community facility

Objectives

- To ensure provision of an allotment that accommodates a community facility to cater for the need of the future residents of senior living precinct of the Wyalla Road Residential Release area.
- To ensure a common building (community facility) is provided (designed and constructed by the applicant) for the residents of the Seniors Living Precinct.
- To ensure that the common building (community facility) is in the “joint” ownership of the allotments of the Seniors living Precinct.
- 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.
- Ensure parking is provided so that visitors do not compromise the movement of vehicles along local streets.
Controls

C73 An allotment of a minimum size 12m wide and 27m in length is to be provided as part of the Seniors Living precinct.

C74 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.

C75 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.

C76 A minimum of one car parking space is to be provided on site.

Section 13 – Environmental Management precinct

This section contains provisions for the environmental management precinct identified in Figure 2.

Objectives

- To provide the intended use of the environmental management precinct as identified in the desired future character.
- To accommodate the provision of stormwater management.
- To ensure landscaping does not compromise bushfire protection.

Controls

C77 The landscape is to be designed to accommodate ease of management and so that a fire hazard is not created.

C78 Provide bushfire protection for the Residential Allotment Precinct and Seniors Living Precinct.

C79 Provide for a pathway/cycleway though this area which follows the perimeter access road to exit onto the southern access point to Wyalla Rd, seats/tables etc.

C80 Provide some seating/picnic tables in this area.

C81 Provide stormwater detention and runoff from roads, if required.
Appendix 1 – Indicative concept designs for Seniors Living Precinct

CONCEPT FLOOR PLAN - A
1:200 @ A3

CONCEPT FLOOR PLAN - A MIRRORED
1:200 @ A3

31.20
Appendix 1 – Indicative concept designs for Seniors Living Precinct
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