



SECTION 4.15 ASSESSMENT

APPLICATION NUMBER: 10.2025.84.1
NSW ePLANNING PORTAL REFERENCE: PAN-540652
APPLICANT: PLACE STUDIO AU PTY LTD
PROPERTY DESCRIPTION: LOT: 6 DP: 737501,
104 Belinda Street GERRINGONG NSW 2534
SITE ZONING: R3 Medium Density Residential
DEVELOPMENT DESCRIPTION: NEW RESIDENTIAL FLAT BUILDING - CLEARING
SITE & CONSTRUCTION OF 2 RESIDENTIAL FLAT
BUILDINGS AND LANDSCAPING.

Summary

New residential flat building - Clearing site & construction of 2 residential flat buildings and landscaping.

Development site

The subject site is described as:

LOT: 6 DP: 737501, 104 Belinda Street GERRINGONG NSW 2534.

The subject site has a frontage to Belinda Street. The site is currently vacant and is zoned R3 Medium Density Residential under Kiama LEP 2011.

The surrounding area is mixed in character and comprises a blend of commercial and residential development consistent with the Gerringong Town Centre and the site is adjoined by residential development to the south and east, a Council owned and managed open air car park to the east and north and a comparable vacant parcel to the west.

The site falls toward the street and drains overland to the public road.

Access to the property is gained via Belinda Street.

The site is serviced by utilities including water, sewer, electricity and telecommunications.

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Is the development adjacent to a classified road ?	Yes - Referral to TfNSW not required. • Works are proposed within a classified road reserve.
Is the development adjacent to a rail corridor ?	No
Utility network	
Access to reticulated sewer?	Yes
Access to reticulated water?	Yes
Sydney Water – Dwelling Restriction?	No
Sydney Water – Jamberoo Capacity? Note: If additional services are required, proposal may not be supported.	No
Constraint layers	
Flood Prone Land	No
Filled Land	No
Slip Land	No
Interim Heritage Order	No
Bush Fire	No
Potentially Contaminated Sites	No
Riparian Corridors	No
Known Dry Stone Walls	No
Development within 40m of a watercourse	No

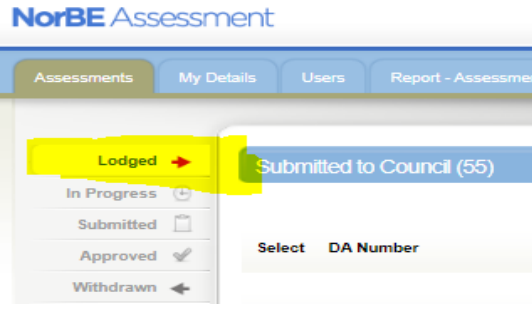
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Planning layers	
Draft Exhibited Planning Proposal	No
Land Zoning	R3 Medium Density Residential

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Terrestrial Biodiversity	No
Riparian Lands and Watercourses	No
Acid Sulfate Soils	No
Land Reservation Acquisition	No
Urban Release Area	No
Reclassification Part Lots	No
Clause application	No
Planning Proposals	No
SEPP (Biodiversity and Conservation) 2021- Chapter 6: Water catchment (e.g. NorBE) Note: NorBE Assessments submitted to Council can be viewed from the "Lodged" tab in the NorBE online assessment tool shown below. 	No
SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management	No
Biodiversity Values	
Biodiversity Values Map	No
AHIMS	
AHIMS Search	No known items located within a 200m buffer of the site.

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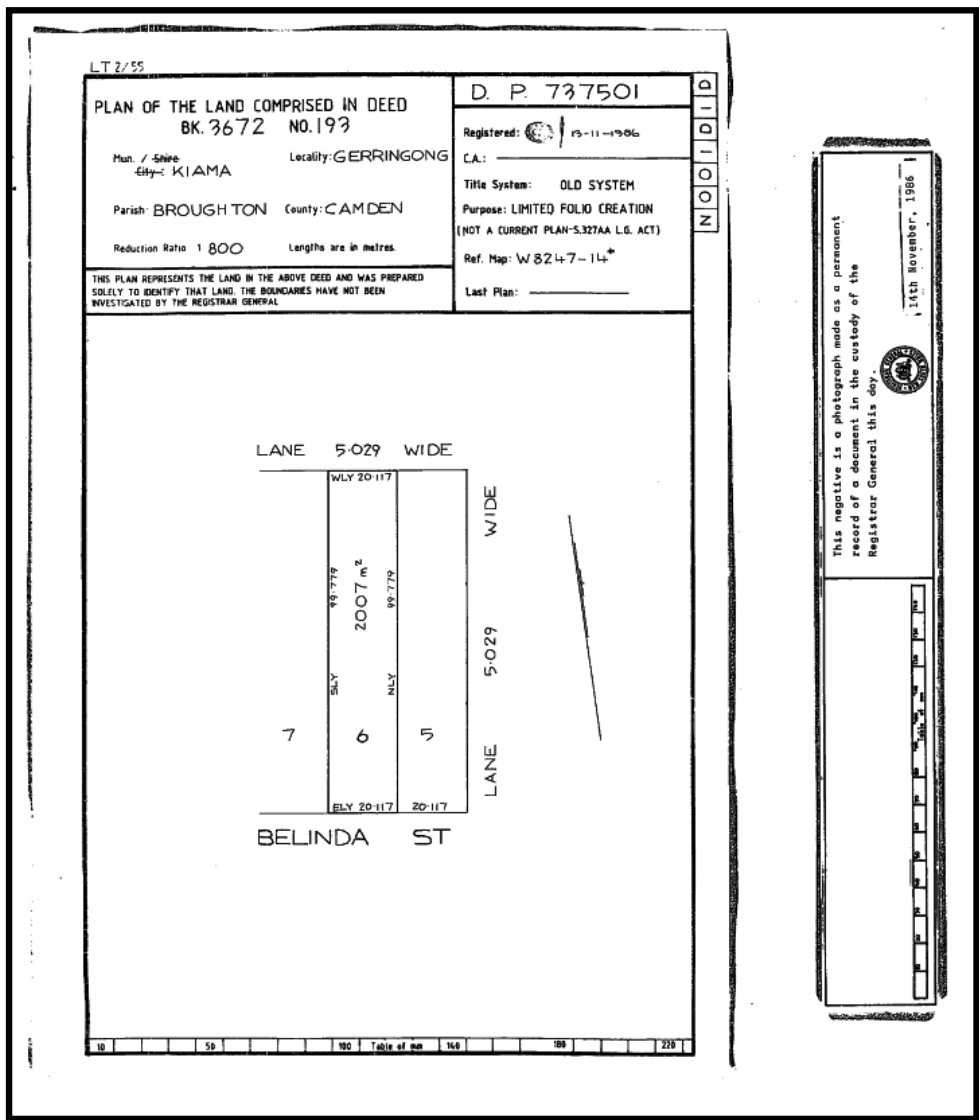


Figure 2 – DP extract

SITE INSPECTION

A site inspection was carried out on 18/07/2025.
No additional matters were raised as a result of the site inspection.

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BACKGROUND

The development application history is as follows:

Application Details

Current Property ☒ Historic Properties ☐ Both Current & Historic ☒ Line 1 of 1

Formatted Account	Precis	Received Date	Determination Date	Determination
010.2025.00000084.001	New residential flat building	19/06/2025		

DESCRIPTION OF THE PROPOSED DEVELOPMENT

New residential flat building - clearing site & construction of 2 residential flat buildings and landscaping.

PLANS AND DOCUMENTS SUBMITTED FOR ASSESSMENT

Submitted plans for assessment				
Plan number	Revision number	Plan title	Drawn by	Date of plan
DA-0000	Rev 3	Cover Sheet	Place Studio AU Pty Ltd	28/08/2025
DA-0001	Rev 1	Development Summary	Place Studio AU Pty Ltd	29/05/2025
DA-0002	Rev 1	Site Analysis	Place Studio AU Pty Ltd	29/05/2025
DA-0003	Rev 1	Survey Plan	Place Studio AU Pty Ltd	29/05/2025
DA-0004	Rev 1	Demolition Plan	Place Studio AU Pty Ltd	29/05/2025
DA-1000	Rev 2	Proposed Site Plan	Place Studio AU Pty Ltd	28/08/2025
DA-1001	Rev 1	GA – Basement 2 Plan	Place Studio AU Pty Ltd	29/05/2025
DA-1002	Rev 1	GA – Basement 1 Plan	Place Studio AU Pty Ltd	29/05/2025
DA-1003	Rev 1	GA – Basement Mezzanine Plan	Place Studio AU Pty Ltd	29/05/2025
DA-1100	Rev 2	GA – Ground Floor Plan	Place Studio AU Pty Ltd	28/08/2025
DA-1101	Rev 2	GA – Level 01 Plan	Place Studio AU Pty Ltd	28/08/2025
DA-1102	Rev 1	GA – Level 02 Plan	Place Studio AU Pty Ltd	29/05/2025
DA-1103	Rev 2	GA – Level 03 Plan	Place Studio AU Pty Ltd	28/08/2025

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DA-1104	Rev 3	Roof Plan	Place Studio AU Pty Ltd	28/08/2025
DA-2000	Rev 2	Overall Sections	Place Studio AU Pty Ltd	28/08/2025
DA-2001	Rev 2	Building A Sections	Place Studio AU Pty Ltd	28/08/2025
DA-2002	Rev 2	Building B Sections	Place Studio AU Pty Ltd	28/08/2025
DA-2003	Rev 1	Section CC+BB – Ramp Section	Place Studio AU Pty Ltd	29/05/2025
DA-3000	Rev 2	Overall Elevations	Place Studio AU Pty Ltd	28/08/2025
DA-3001	Rev 2	Building A Elevations	Place Studio AU Pty Ltd	28/08/2025
DA-3002	Rev 2	Building B Elevations	Place Studio AU Pty Ltd	28/08/2025
DA-4000	Rev 1	GFA Calculation Plans	Place Studio AU Pty Ltd	29/05/2025
DA-4001	Rev 1	Landscape Area/ Deep Soil Plan	Place Studio AU Pty Ltd	29/05/2025
DA-4002	Rev 1	Communal Open Space Area	Place Studio AU Pty Ltd	29/05/2025
DA-4004	Rev 1	LEP Height Diagrams	Place Studio AU Pty Ltd	29/05/2025
DA-4005	Rev 1	Solar Access Compliance Plans	Place Studio AU Pty Ltd	29/05/2025
DA-4006	Rev 1	Cross Ventilation Compliance Plans	Place Studio AU Pty Ltd	29/05/2025
DA-4100	Rev 1	Adaptable Units	Place Studio AU Pty Ltd	29/05/2025
DA-5000	Rev 1	Shadow Diagrams – June 21	Place Studio AU Pty Ltd	29/05/2025
DA-5100	Rev 1	Solar View – June 21 9am	Place Studio AU Pty Ltd	29/05/2025
DA-5101	Rev 1	Solar View – June 21 10am	Place Studio AU Pty Ltd	29/05/2025
DA-5102	Rev 1	Solar View – June 21 11am	Place Studio AU Pty Ltd	29/05/2025
DA-5103	Rev 1	Solar View – June 21 12pm	Place Studio AU Pty Ltd	29/05/2025

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DA-5104	Rev 1	Solar View – June 21 1pm	Place Studio AU Pty Ltd	29/05/2025
DA-5105	Rev 1	Solar View – June 21 2pm	Place Studio AU Pty Ltd	29/05/2025
DA-5106	Rev 1	Solar View – June 21 3pm	Place Studio AU Pty Ltd	29/05/2025
DA-6000	Rev 1	Unit Schedules	Place Studio AU Pty Ltd	29/05/2025
DA-6100	Rev 2	Finishes Schedule	Place Studio AU Pty Ltd	17/06/22025
DA-6200	Rev 2	Window Schedule	Place Studio AU Pty Ltd	28/08/2025
DA-6300	Rev 1	Notification Plan	Place Studio AU Pty Ltd	29/05/2025
250461 DE-01	A	Details and Contour Survey	Ensure Consulting Pty Ltd	07/11/2024
L01	-	Title Page	Place Landscape	27/05/2025
L02	-	Building A Ground Floor	Place Landscape	27/05/2025
L03	-	Building B Ground Floor	Place Landscape	27/05/2025
L04	-	Rooftop	Place Landscape	27/05/2025
L05	-	Planting Schedule	Place Landscape	27/05/2025
L06	-	Elevations	Place Landscape	27/05/2025
000	B	Cover Sheet	Civil and Stormwater Engineering Services Pty Ltd	19/02/2026
101	B	STORMWATER CONCEPT PLAN BASEMENT 2 SHEET 1 OF 2	Civil and Stormwater Engineering Services Pty Ltd	19/05/2025
102	A	STORMWATER CONCEPT PLAN BASEMENT 2 SHEET 2 OF 2	Civil and Stormwater Engineering	13/05/2025

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			Services Pty Ltd	
103	E	STORMWATER CONCEPT PLAN BASEMENT 1 SHEET 1 OF 2	Civil and Stormwater Engineering Services Pty Ltd	20/02/2026
103.1	A	STORMWATER CONCEPT PLAN BASEMENT 1 SHEET 2 OF 2	Civil and Stormwater Engineering Services Pty Ltd	13/05/2025
104	D	STORMWATER CONCEPT PLAN BASEMENT MEZZANINE	Civil and Stormwater Engineering Services Pty Ltd	20/02/2026
105	F	STORMWATER CONCEPT PLAN GROUND FLOOR	Civil and Stormwater Engineering Services Pty Ltd	20/02/2026
106	D	ON-SITE DETENTION DETAILS AND CALCULATION SHEET	Civil and Stormwater Engineering Services Pty Ltd	20/02/2026
107	D	CATCHMENT PLAN AND MUSIC RESULTS	Civil and Stormwater Engineering Services Pty Ltd	20/02/2026
107.1	B	OSD CATCHMENT PLAN	Civil and Stormwater Engineering Services Pty Ltd	20/02/2026
107.2	A	CATCHMENT PLAN AND MUSIC RESULTS	Civil and Stormwater Engineering Services Pty Ltd	20/02/2026
108	A	SEDIMENT & EROSION CONTROL PLAN & DETAILS	Civil and Stormwater Engineering Services Pty Ltd	13/05/2025
109	A	MAINTENANCE SCHEDULE &	Civil and Stormwater	13/05/2025

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		MISCELLANEOUS DETAILS SHEET	Engineering Services Pty Ltd	
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Submitted documents for assessment			
Document title	Version number	Prepared by	Date of document
NatHERS Certificate	#HR-F55GLB-03	4M Australia Pty Ltd	28/05/2025
BASIX Certificate	1797488M-02	Max Brightwell	28/05/2025
Cost Estimate Report	-	Newton Fisher Group	20/03/2025
Clause 4.6 Variation Statement	-	Andrew Martin Planning Pty Ltd	28/05/2025
Waste Management Plan	25NL081-WMP2	Loka Consulting Engineers Pty Ltd	28/05/2025
Arboricultural Impact Assessment Report	-	Balmain Project Group Pty Ltd	28/05/2025
Access Report	25NL081-A2	Loka Consulting Engineers Pty Ltd	28/05/2025
Traffic Management Report	25NL081-T1	Loka Consulting Engineers Pty Ltd	27/05/2025
Statement of Environmental Effects	-	Andrew Martin Planning Pty Ltd	29/05/2025
Design Verification Statement	-	Place Studio	16/06/2025

The built details of the development is as follows:

Development Details
<u>Basement 2</u> • 14 Resident Car Parking Spaces (incl. 3 accessible) • 6 Visitor Spaces (incl. 3 Car wash spaces) • 8 Bicycle spaces • Elevator • Stairs • Access Ramp to Basement 1 (3.6m wide) <u>Basement 1</u> • 32 Resident Car Parking Spaces (incl. 3 accessible)

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- 7 Visitor Spaces (incl. 3 Car wash spaces)
- 9 Bicycle spaces
- 2 Elevators (Building A and Building B)
- Stairs (Building A and Building B)
- Bulky Waste Storage Area (6m2)
- Waste Storage Area (42m2)
- Access Ramp to Basement 2 (3.6m wide)
- Access Ramp to Belinda Street (6.14m wide)
- OSD Area

Basement Mezzanine

- Comms/Switch Room (16m2)
- Plant Room (23m2)
- Fire Pump Room (11m2)
- Store Room (12m2)
- Storage (134m2)

Ground Level

- Pedestrian Footpath
- Landscaping
- Building A Layout
 - A001 – 79.91m2 - (Affordable)
 - 2 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 9.83m2 Balcony
 - A002 – 94.35m2
 - 3 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 16.90m2 Balcony
 - A003 – 94.35m2
 - 3 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 15.92m2 Balcony
 - A004 – 79.91m2 - (Affordable)
 - 2 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 9.68m2 Balcony
 - Elevator
 - Landing Area
 - Internal Common Stairwell
 - Common Waste Storage Area in Lobby for 3x 240L Waste Bins
- Building B Layout
 - B001 – 79.92m2 - (Affordable)
 - 2 Bedroom, 2 Bathroom, Open KLD, Laundry

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- 10.80m2 Balcony
- B002 – 91.85m2
 - 3 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 17.47m2 Balcony
- B003 – 100.58m2 - (Adaptable)
 - 3 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 17.48m2 Balcony
- B004 – 78.58m2 (Affordable)
 - 2 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 9.59m2 Balcony
- Elevator
- Landing Area
- Internal Common Stairwell
- Common Waste Storage Area in Lobby for 3x 240L Waste Bins

Level 1

- Building A Layout
 - A101 – 79.91m2
 - 2 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 10.80m2 Balcony
 - A102 – 94.35m2
 - 3 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 17.47m2 Balcony
 - A103 – 94.35m2
 - 3 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 17.48m2 Balcony
 - A104 – 79.91m2
 - 2 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 10.80m2 Balcony
 - Elevator
 - Landing Area
 - Internal Common Stairwell
 - Common Waste Storage Area in Lobby for 3x 240L Waste Bins
 -
- Building B Layout
 - B101 – 79.92m2 - (Affordable)
 - 2 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 10.80m2 Balcony
 - B102 – 91.85m2
 - 3 Bedroom, 2 Bathroom, Open KLD, Laundry

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- 17.47m2 Balcony
- B103 – 100.58m2 (Adaptable)
 - 3 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 17.48m2 Balcony
- B104 – 78.58m2
 - 2 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 10.80m2 Balcony
- Elevator
- Landing Area
- Internal Common Stairwell
- Common Waste Storage Area in Lobby for 3x 240L Waste Bins

Level 2

- Building A Layout
 - A201 – 79.91m2
 - 2 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 10.80m2 Balcony
 - A202 – 94.35m2
 - 3 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 17.47m2 Balcony
 - A203 – 94.35m2
 - 3 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 17.48m2 Balcony
 - A204 – 79.91m2
 - 2 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 10.80m2 Balcony
 - Elevator
 - Landing Area
 - Internal Common Stairwell
 - Common Waste Storage Area in Lobby for 3x 240L Waste Bins
- Building B Layout
 - B201 – 79.92m2
 - 2 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 10.80m2 Balcony
 - B202 – 91.85m2
 - 3 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 17.47m2 Balcony
 - B103 – 100.58m2 (Adaptable)
 - 3 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 17.48m2 Balcony

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- B104 – 78.58m2
 - 2 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 10.80m2 Balcony
- Elevator
- Landing Area
- Internal Common Stairwell
- Common Waste Storage Area in Lobby for 3x 240L Waste Bins

Level 3

- Building A Layout
 - A301 – 111.39m2
 - 3 Bedroom, 2 Bathroom, Open KLD, Laundry, Study Nook
 - 63.92m2 wrap around balcony
 - Elevator
 - Landing Area
 - Internal Common Stairwell
 - Common Waste Storage Area in Lobby for 3x 240L Waste Bins
 - Communal Open Space - 145.57m2
 - 2 Kitchenette and barbeque facilities
 - Communally accessible WC
- Building B Layout
 - B301 – 112.00m2
 - 3 Bedroom, 2 Bathroom, Open KLD, Laundry
 - 65.51m2 wrap around balcony
 - Elevator
 - Landing Area
 - Internal Common Stairwell
 - Common Waste Storage Area in Lobby for 3x 240L Waste Bins
 - Communal Open Space - 145.57m2
 - 2 Kitchenette and barbeque facilities
 - Communally accessible WC

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The proposal is shown in figures below.



Figure 3 – Demolition plan



Figure 4 – Site analysis plan

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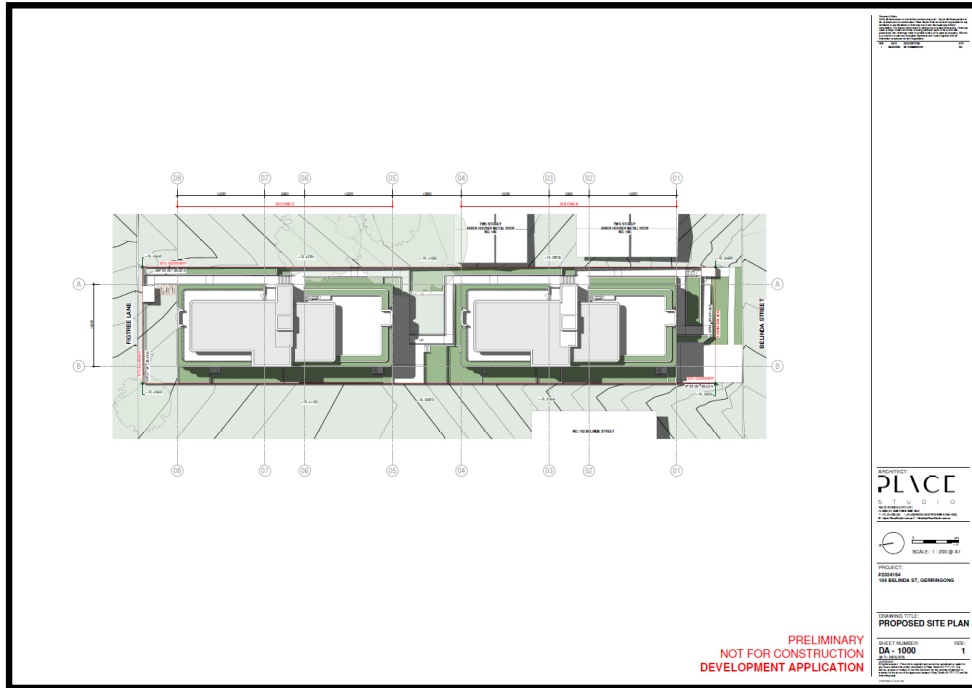


Figure 5 – Proposed site plan

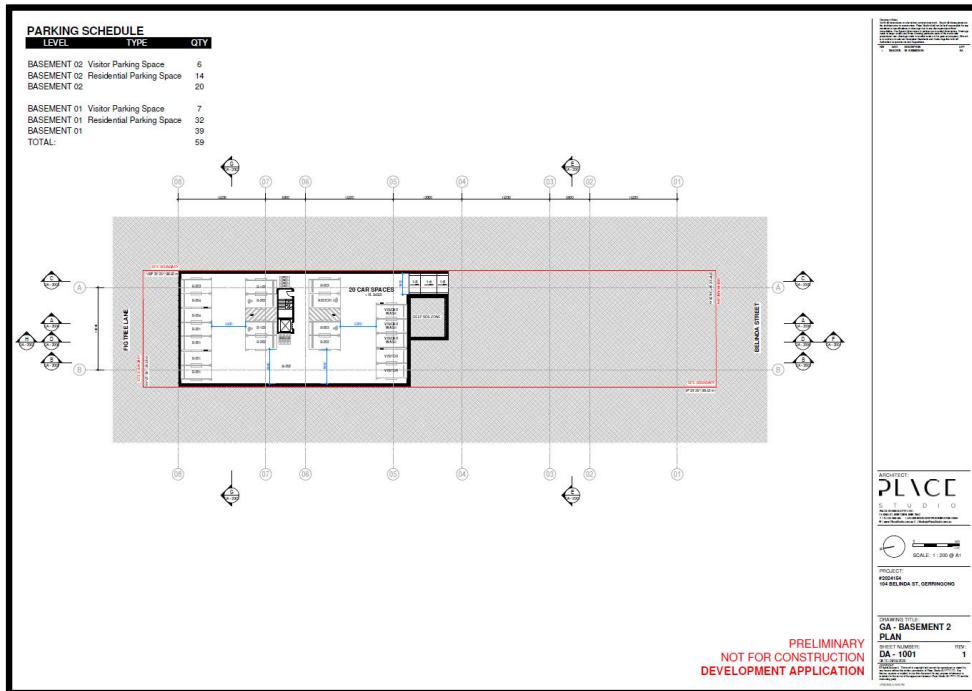


Figure 6 –Basement 2 Plan

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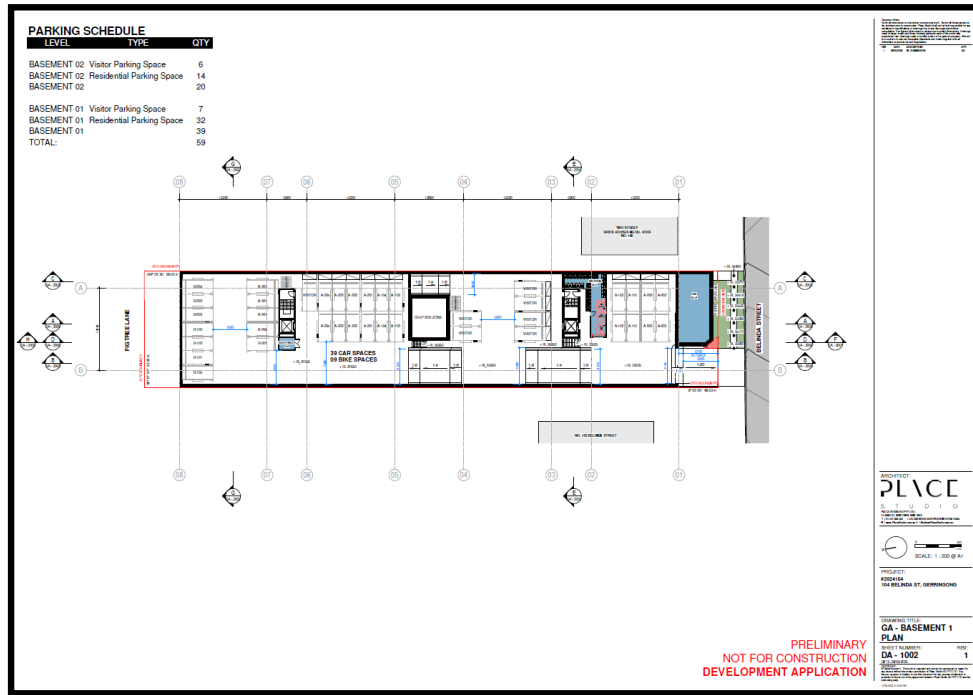


Figure 7 – Basement 1 Plan

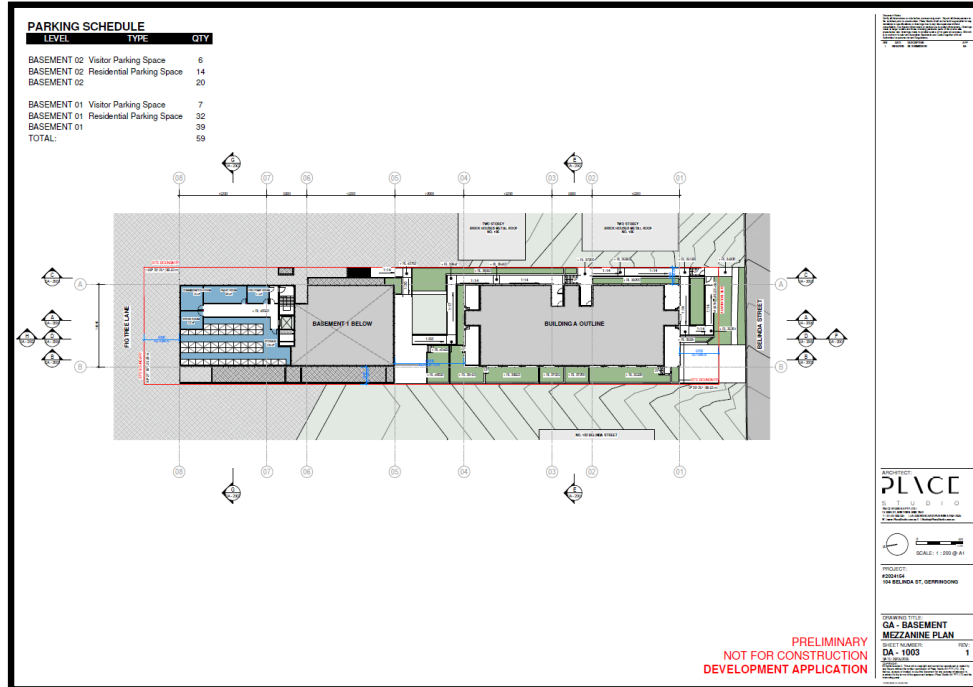


Figure 8 –Basement Mezzanine

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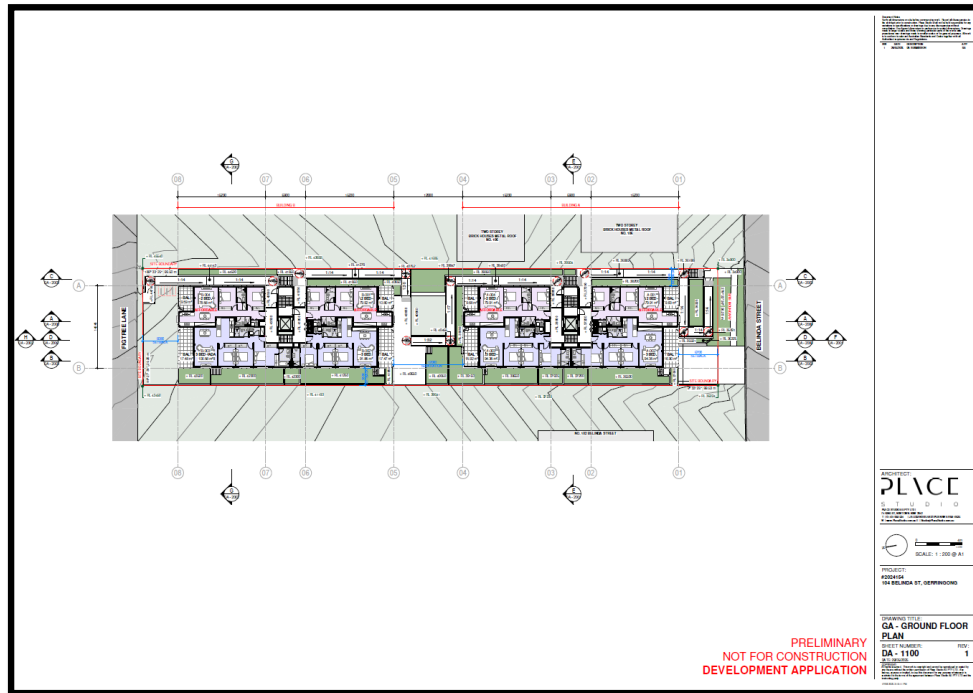


Figure 9 – Ground Floor Plan

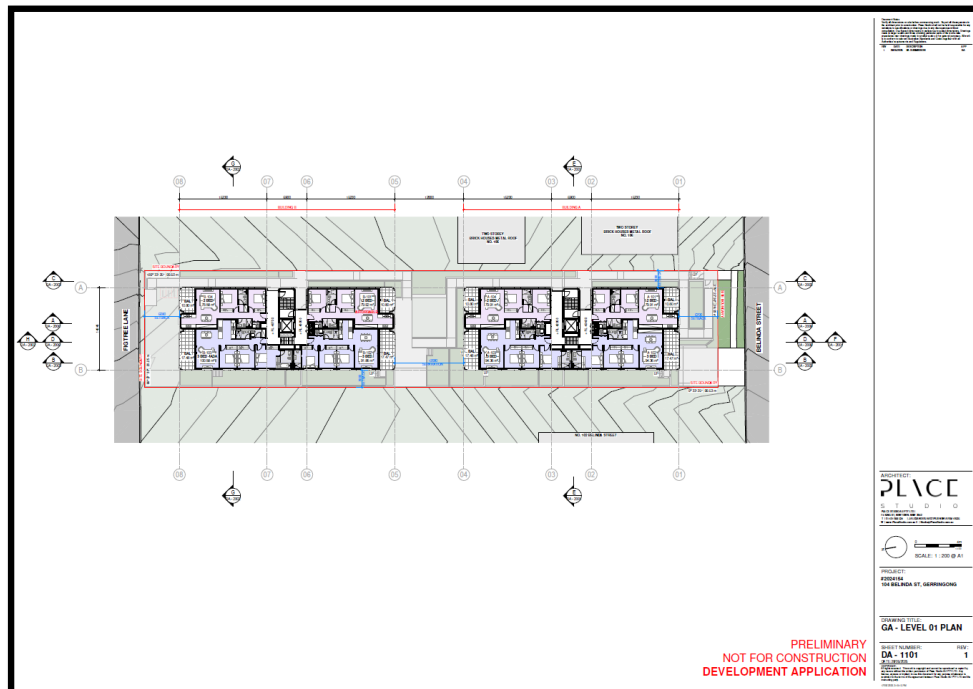


Figure 10 – Level 1 floor plan

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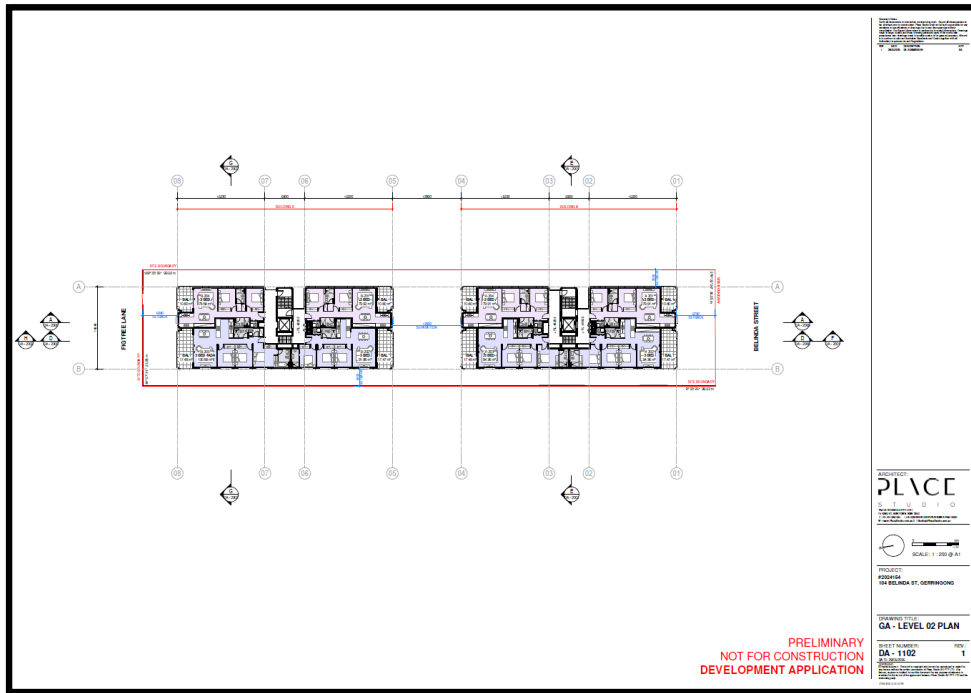


Figure 11 – Level 2 floor plan

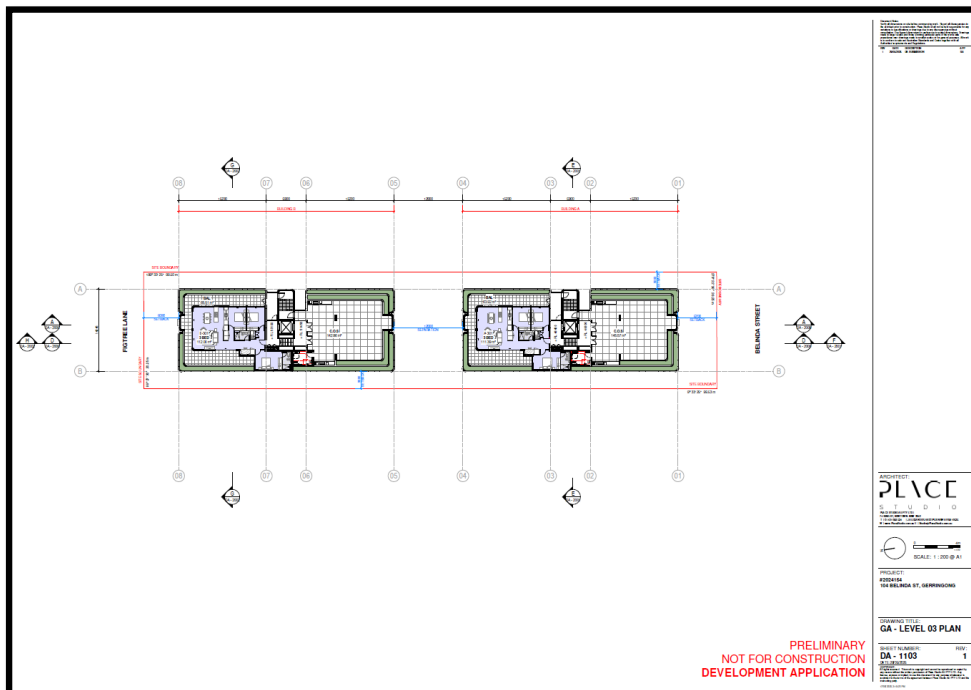


Figure 12 – Level 3 floor plan

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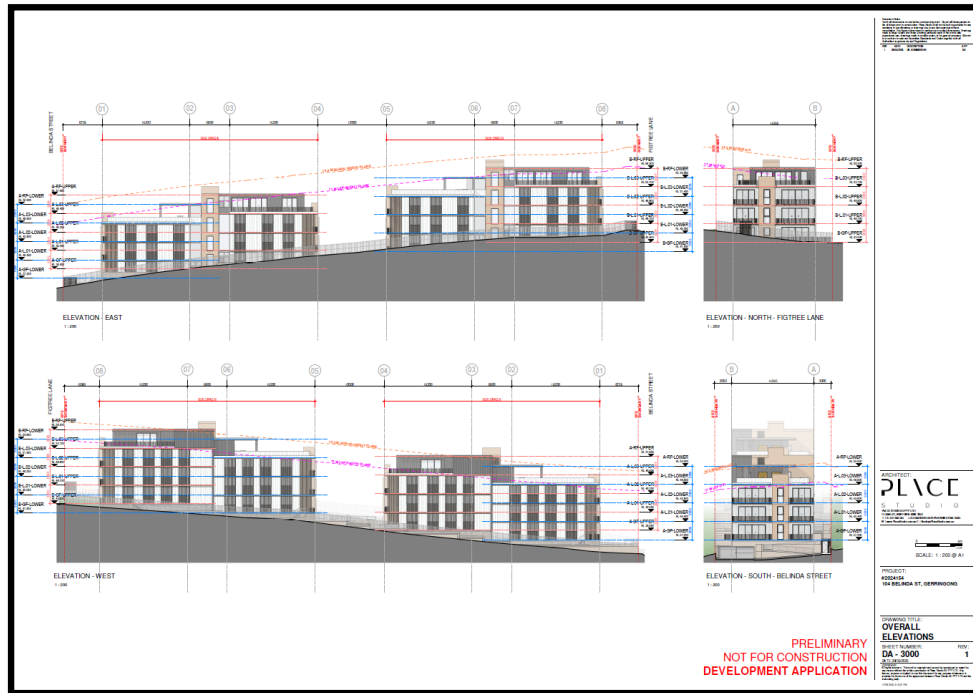


Figure 13 – Overall Elevations



Figure 14 – Building A Elevations

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Figure 15 – Building B Elevations

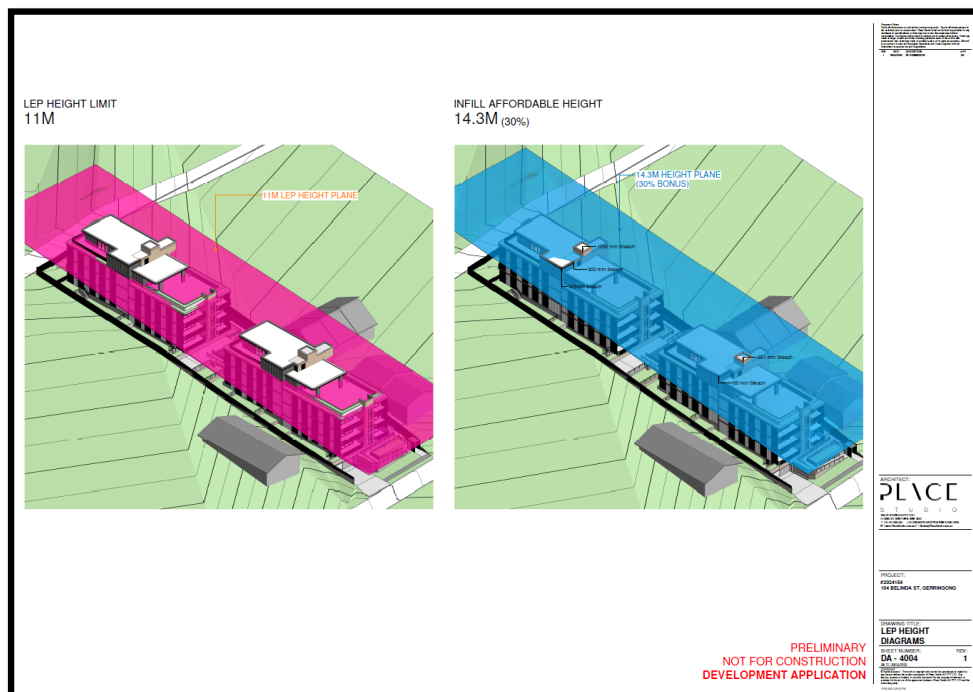


Figure 16 – Building Height Blanket 3D Render

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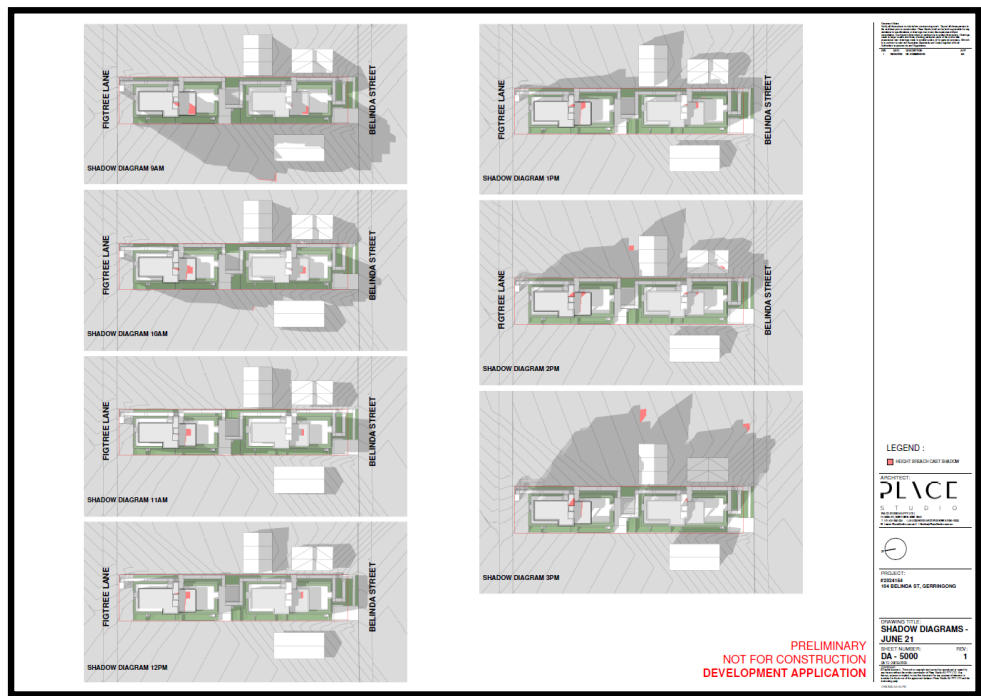


Figure 17 – Shadow Diagrams (9am-3pm 21st June)



Figure 18 – Colour and Material Schedule

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STATUTORY CONSIDERATIONS

Environmental Planning and Assessment Act 1979			
Section 4.14 Consultation and development consent – certain bush fire prone land			
Is the development site mapped as bush fire prone land?		No	
Is there vegetation within 100m of the proposed development that would form a bush fire hazard as identified in Planning for Bush Fire Protection? Note: The bush fire mapping cannot be relied upon solely for identifying bush fire hazards.		No	
Is the development subject to a performance based solution or a BAL-FZ? Note: As per of PBP 2019, performance based solutions should be undertaken and fully justified by a qualified consultant BPAD practitioner. Note: The NSW variation of H7D4 in NCC 2022 Volume 2 specifies that AS3959 and the NASH Standard can only be used as a deemed-to-satisfy provision where an appropriate condition of consent has been imposed in consultation with NSW RFS.		N/A	
Part 7 Infrastructure - Subdivision 4 Housing and productivity contributions			
Does the proposed development include works to which the Housing and Productivity Contribution (HPC) applies?		Yes - See below	
- residential development that intensifies land-use where new dwellings are created, such as houses, apartments, terraces and dual occupancies. - commercial and retail development such as shops, neighbourhood shops, supermarkets, and commercial office buildings where new floorspace is created. - industrial development such as warehouses and industrial buildings, where new floorspace is created.			
Has the application been referred to Council's Contributions Planner?		Yes - See applicable contributions below	
Class of Development	Units of Demand	Units	Contribution*
Residential subdivision	New dwelling lot	0	\$0.00
Medium and High density residential	New high-density dwelling	26 less 3 affordable = 23	\$148,807.85
Manufactured homes estate	New dwelling site	0	\$0.00
Commercial development	Square metre of new GFA	0	\$0.00
Industrial development	Square metre of new GFA	0	\$0.00
TOTAL			\$148,807.85
Biodiversity Conservation Act 1979			
Does the application include works or vegetation removal within the Biodiversity Values mapped area ?		No	
Does the application involve clearing of native vegetation above the area clearing threshold?		No	

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Area clearing threshold The area threshold varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan (LEP)), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP). <table> <tr> <th>Minimum lot size associated with the property</th><th>Threshold for clearing, above which the BAM and offsets scheme apply</th></tr> <tr> <td>Less than 1 ha</td><td>0.25 ha or more</td></tr> <tr> <td>1 ha to less than 40 ha</td><td>0.5 ha or more</td></tr> <tr> <td>40 ha to less than 1000 ha</td><td>1 ha or more</td></tr> <tr> <td>1000 ha or more</td><td>2 ha or more</td></tr> </table> The area threshold applies to all proposed native vegetation clearing associated with a proposal, regardless of whether this clearing is across multiple lots. In the case of a subdivision, the proposed clearing must include all future clearing likely to be required for the intended use of the land after it is subdivided. If the land on which the proposed development is located has different minimum lot sizes the smaller or smallest of those minimum lot sizes is used to determine the area clearing threshold.		Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply	Less than 1 ha	0.25 ha or more	1 ha to less than 40 ha	0.5 ha or more	40 ha to less than 1000 ha	1 ha or more	1000 ha or more	2 ha or more
Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply										
Less than 1 ha	0.25 ha or more										
1 ha to less than 40 ha	0.5 ha or more										
40 ha to less than 1000 ha	1 ha or more										
1000 ha or more	2 ha or more										
Will the proposed development have a significant impact on threatened species or ecological communities, or their habitats, according to the test in Section 7.3 of the <i>Biodiversity Conservation Act 2016</i> (ie. test of significance)?	No										
Note: Consideration should be given to the site's proximity to NPWS land (see guidelines) and other natural areas, as well as any area that may contain threatened species, vulnerable or endangered ecological communities or other vulnerable habitats.											
If the application exceeds the Biodiversity Offsets Scheme Threshold (ie. if yes to <u>any</u> of the above), has the application been supported by a Biodiversity Development Assessment Report (BDAR)?	N/A										
Fisheries Management Act 1994											
The proposed development would not have a significant impact on the matters for consideration under Part 7A of the <i>Fisheries Management Act 1994</i> .	Complies										
Local Government Act 1993											
Do the proposed works require approval under Section 68 of the <i>Local Government Act 1993</i> ?	No										

SECTION 4.15 ASSESSMENT

The proposed development has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended) and the following matters are considered relevant.

RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

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Environmental Planning Instruments
Kiama Local Environmental Plan 2011
State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing) 2021
State Environmental Planning Policy (Industry and Employment) 2021
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Precincts—Regional) 2021
State Environmental Planning Policy (Primary Production) 2021
State Environmental Planning Policy (Resources and Energy) 2021
State Environmental Planning Policy (Resilience and Hazards) 2021
State Environmental Planning Policy (Sustainable Buildings) 2022
State Environmental Planning Policy (Transport and Infrastructure) 2021
State Environmental Planning Policy (Biodiversity and Conservation) 2021
Chapter 2 Vegetation in non-rural areas
Section 2.6, Chapter 2 of the SEPP (Biodiversity and Conservation) 2021 outlines that consent is required for the clearing of certain vegetation in non-rural areas. Council's Development Control Plan (DCP) 2020 outlines that certain trees can be removed without requiring consent. 1 tree is proposed to be removed as part of this development. The application was referred to Council's Landscape Officer with recommended conditions of consent provided, where appropriate.
State Environmental Planning Policy (Sustainable Buildings) 2022
The proposal is for a BASIX development and the requirements of the SEPP are noted. A valid BASIX Certificate 1797488M-02 has been submitted as part of the application. The certificate demonstrates compliance with the provisions of the SEPP and is consistent with commitments identified in the application documentation.
State Environmental Planning Policy (Housing) 2021
Chapter 4 Design of residential apartment development
Section 148 of the SEPP specifies the following: <i>“(1) The object of this section is to identify development standards for particular matters relating to residential apartment development that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</i> Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with. <i>(2) The following are non-discretionary development standards—</i>

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(a) the car parking for the building must be equal to, or greater than, the recommended minimum amount of car parking specified in Part 3J of the Apartment Design Guide, (b) the internal area for each apartment must be equal to, or greater than, the recommended minimum internal area for the apartment type specified in Part 4D of the Apartment Design Guide, (c) the ceiling heights for the building must be equal to, or greater than, the recommended minimum ceiling heights specified in Part 4C of the Apartment Design Guide." The proposed development achieves the minimum car parking, internal area and ceiling height requirements under Part 3 and 4 of the ADG and therefore the non-discretionary standard are achieved.																	
Is the development permitted within the zone?	Yes																
Does the development include at least a 10% affordable housing component? <i>Note: affordable housing provided as part of the development of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under Part 2 Division 1 of the SEPP.</i>	Yes																
Is all or part of the development within 800m walking distance to a relevant land use zone (E1, E2, MU1, B1, B2 or B4)	Yes																
Does the proposal seek to utilise additional building height and/or FSR under Part 2 Division 1 of the SEPP?	Yes - Additional building height and FSR under s16.																
Does the proposal seek to utilise the additional floor space / building height (up to 30%) permitted under s16 of the SEPP? affordable housing component = additional floor space ratio ÷ 2 (as a percentage) <i>Note: For RFBs or shop top housing development, additional building height can be permitted under s16.</i>	<table border="1"> <tr> <td>Proposed affordable housing component (%)</td><td>15 %</td></tr> <tr> <td>Additional Building Height / FSR permitted by SEPP (%)</td><td>30%</td></tr> <tr> <td>FSR control set by clause 4.4 of Kiama LEP 2011</td><td>1:1</td></tr> <tr> <td>Allowable FSR for the proposed development</td><td>1.3:1</td></tr> <tr> <td>Proposed FSR</td><td>1.3:1</td></tr> <tr> <td>Building height control set by clause 4.3 of Kiama LEP 2011</td><td>11m</td></tr> <tr> <td>Allowable building height for the proposed development</td><td>14.3m</td></tr> <tr> <td>Proposed building height</td><td>15.55m</td></tr> </table> The proposed exceedance of the building height is addressed in Kiama LEP 2011 cl. 4.6.	Proposed affordable housing component (%)	15 %	Additional Building Height / FSR permitted by SEPP (%)	30%	FSR control set by clause 4.4 of Kiama LEP 2011	1:1	Allowable FSR for the proposed development	1.3:1	Proposed FSR	1.3:1	Building height control set by clause 4.3 of Kiama LEP 2011	11m	Allowable building height for the proposed development	14.3m	Proposed building height	15.55m
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Proposed building height	15.55m																
Does the proposal seek to utilise the additional floor space permitted under s17 of the SEPP? <i>Note: s17 only applies to applications by or on behalf of a relevant authority or registered community housing</i>	N/A																

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provider, and on land which a maximum permissible FSR of 2:1 or less. <i>Note: s17 allows for FSR as calculated by s16 or as below:</i> (a) if the affordable housing component is at least 50%-0.5:1, or (b) if the affordable housing component is between 20% and 50%-Y:1, where – AH is the affordable housing component. Y is $AH + 100$	
Does the proposal seek to utilise the additional building height (up to 30%) permitted under s18 of the SEPP? affordable housing component = additional floor space ratio ÷ 2 (as a percentage) <i>Note: For RFBs or shop top housing development, additional building height can be permitted under s18.</i> <i>Note: Where additional FSR has been used under s16, the additional building height permitted under s18 cannot be utilized.</i>	N/A
Is the subject site at least 450m² in area? <i>Note: This is a non-discretionary development standard under s19 of the SEPP.</i>	Yes
Does the development provide landscaped area that is the lesser of 35m² per dwelling or 30% of the site area? <i>Note: This is a non-discretionary development standard under s19 of the SEPP.</i>	No – landscaping complies with ADG requirements.
Does the development provide a deep soil zone on at least 15% of the site area with a minimum dimension of 3m? <i>Note: This is a non-discretionary development standard under s19 of the SEPP.</i>	No - landscaping complies with ADG requirements.
Where practicable, at least 65 % of the deep soil zone is to be located at the rear of the site. <i>Note: This is a non-discretionary development standard under s19 of the SEPP.</i> <i>Note: This control is not applicable to residential apartment development under Chapter 4 of the SEPP.</i>	N/A
Do living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter? <i>Note: This is a non-discretionary development standard under s19 of the SEPP.</i> <i>Note: This control is not applicable to residential apartment development under Chapter 4 of the SEPP.</i>	N/A

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Is parking provided in accordance with the following rates?	Complies																																																					
<table><tr><th>Dwelling Type</th><th>Carparking required per dwelling</th></tr><tr><td colspan="2">Affordable housing component</td></tr><tr><td>1 bedroom</td><td>0.4 per dwelling</td></tr><tr><td>2 bedrooms</td><td>0.5 per dwelling</td></tr><tr><td>3+ bedrooms</td><td>1 per dwelling</td></tr><tr><td colspan="2">Non-affordable housing component</td></tr><tr><td>1 bedroom</td><td>0.4 per dwelling</td></tr><tr><td>2 bedrooms</td><td>1 per dwelling</td></tr><tr><td>3+ bedrooms</td><td>1.5 per dwelling</td></tr></table>	Dwelling Type	Carparking required per dwelling	Affordable housing component		1 bedroom	0.4 per dwelling	2 bedrooms	0.5 per dwelling	3+ bedrooms	1 per dwelling	Non-affordable housing component		1 bedroom	0.4 per dwelling	2 bedrooms	1 per dwelling	3+ bedrooms	1.5 per dwelling	<table><tr><th>Dwelling Type</th><th>Number of dwellings</th><th>Required car parking</th></tr><tr><td colspan="3">Affordable Housing Component</td></tr><tr><td>1 bedroom</td><td>-</td><td>-</td></tr><tr><td>2 bedrooms</td><td>5</td><td>2.5</td></tr><tr><td>3+ bedrooms</td><td>-</td><td>-</td></tr><tr><td colspan="3">Non-affordable housing component</td></tr><tr><td>1 bedroom</td><td>-</td><td>-</td></tr><tr><td>2 bedrooms</td><td>7</td><td>7</td></tr><tr><td>3+ bedrooms</td><td>14</td><td>21</td></tr><tr><td></td><td>Required</td><td>Proposed</td></tr><tr><td>Total</td><td>31 (rounded)</td><td>46</td></tr></table>			Dwelling Type	Number of dwellings	Required car parking	Affordable Housing Component			1 bedroom	-	-	2 bedrooms	5	2.5	3+ bedrooms	-	-	Non-affordable housing component			1 bedroom	-	-	2 bedrooms	7	7	3+ bedrooms	14	21		Required	Proposed	Total	31 (rounded)	46
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For residential apartment development, do all apartments provide the minimum internal area as set out in the Apartment Design Guide ?	Yes																																																					
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For dual occupancies, manor houses or multi dwelling housing (terraces), do dwellings provide the minimum floor area specified in the Low Rise Housing Diversity Design Guide ?	N/A																																																					
Note: This is a non-discretionary development standard under s19 of the SEPP.																																																						
Where minimum internal floor areas are not specified in the Apartment Design Guide or the Low Rise Housing Diversity Design Guide for the type of development being proposed, are the following minimum floor areas provided:	Yes																																																					
i) for each dwelling containing 1 bedroom—65m², ii) for each dwelling containing 2 bedrooms—90m², iii) for each dwelling containing at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedrooms.																																																						
Note: This is a non-discretionary development standard under s19 of the SEPP.																																																						
Where the proposed development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces), is the development consistent with the Low Rise Housing Diversity Design Guide ?	N/A																																																					
Note: This control is not applicable to residential apartment development under Chapter 4 of the SEPP.																																																						

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Is the development compatible with the desirable elements of the character of the local area or, for precincts undergoing transition, the desired future character of the precinct?	Yes
Development consent must not be granted to development under Part 2 Division 1 of the SEPP unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and b) the affordable housing component will be managed by a registered community housing provider. <i>Note: This does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</i>	Complies
Section 149 of the SEPP specifies the following: “(1) A requirement, standard or control for residential apartment development that is specified in a development control plan and relates to the following matters has no effect if the Apartment Design Guide also specifies a requirement, standard or control in relation to the same matter— (a) visual privacy, (b) solar and daylight access, (c) common circulation and spaces, (d) apartment size and layout, (e) ceiling heights, (f) private open space and balconies, (g) natural ventilation, (h) storage. (2) This section applies regardless of when the development control plan was made.” See Appendix 1 of this report for ADG compliance table.	
State Environmental Planning Policy (Resilience and Hazards) 2021	
State Environmental Planning Policy (Transport and Infrastructure) 2021	
Chapter 2 - Infrastructure	
Considerations	Comments
Electricity transmission or distribution network	
Part 2.3 Division 5 Subdivision 2 – Development likely to affect an electricity transmission or distribution network.	The proposal involves work within proximity to an overhead electricity power line. The application was referred to Endeavour Energy for comment with no objection being raised subject to advice. Referral

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	comments have been taken into consideration.
<u>Classified roads</u>	
Developments potentially affected by noise and vibration: a) a building for residential use, b) a place of public worship, c) a hospital, d) an educational establishment or child care centre.	Noted.
The following LAeq levels must not be exceeded: a) in any bedroom in the building—35 dB(A) at any time between 10pm and 7am, b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.	Noted.
Development consent must not be granted unless: a) Where practicable, vehicular access to the land is provided by a road other than the classified road, b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of: i) the design of the vehicle access to the land, or ii) the emission of smoke or dust from the development, or iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land.	Access arrangements are satisfactory.

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Kiama LEP 2011	
2.3: Zone objectives and Land Use Table	
The subject land is zoned R3 Medium Density Residential pursuant to Kiama LEP 2011. The proposal is defined as a Residential Flat Building under the provisions of the Kiama LEP 2011, which are permitted with consent in the R3 Medium Density Residential zone. The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	
Zone objectives	Comments
• To provide for the housing needs of the community within a medium density residential environment. • To provide a variety of housing types within a medium density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To provide opportunities for multi-storey residential accommodation in locations close to shops, transport nodes, commercial services, public open space and employment opportunities. • To provide increased housing choice particularly housing suited to older people and people with a disability. • To increase the supply of affordable housing.	The proposed development is consistent with the objectives of the zone.
Other relevant clauses	
Part 2 Permitted or prohibited development	
Comments	Complies/Consistent

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2.7: Demolition requires development consent	
Demolition is permitted but only with development consent.	Complies
Part 4 Principal development standards	
4.3: Height of buildings	
The height of building map identifies that a maximum building height of L - 11m applies to the site. The proposed development will have a maximum height of 15.55m above existing ground level and as such does not comply.	Does not comply - See commentary below The proposed development proposes to utilise the 30% height bonus available under <i>State Environmental Planning Policy (Housing) 2021, Cl.18</i>, which would provide a 14.3m building height limit. As the proposed development still exceeds the building height limit, even with added bonuses, the applicant has provided a written variation statement pursuant to <i>Kiama LEP Cl.4.6</i> to seek a variation to the building height limit as prescribed by the bonus made available by <i>State Environmental Planning Policy (Housing) 2021, Cl.16</i>. <i>This written variation request is considered in detail under 4.6 of this report.</i>
4.4: Floor space ratio	
The Floor Space Ratio Map in the Kiama LEP sets a maximum floor space ratio of N - 1:1 <i>State Environmental Planning Policy (Housing) 2021, Cl.18</i> provides a 30% bonus, giving the proposed development a maximum FSR of 1.3:1. The proposal achieves an FSR of 1.3:1 and therefore complies.	Complies
4.5: Calculation of floor space ratio and site area	
The floor space ratio for the proposal has been calculated consistent with the matters outlined in Clause 4.5.	Complies
4.6: Exceptions to development standards	
Applicant's Written Clause 4.6 Variation Statement	
The following are excerpts from the applicant's written variation statement:	

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"The maximum height of the building above existing ground level is 15.55m which is a departure of 1.25m (8.7%).

The maximum height is reached to the top of the lift overrun measured above the existing natural ground level beneath Building B. Very minor breaches (in the order of 300mm and 520mm) are also observed along the western elevations to the uppermost sections of the roof ridge line to Building B and 551mm to the lift overrun and 80mm to the western elevation of the uppermost section of the roof to Building A, resulting from the sloping nature of the land. The majority of the building is otherwise contained within a compliant 14.3m height envelope as observed on the supporting architectural plans.

Refer to extracts of the western elevation, height blanket diagram and sectional detail below.

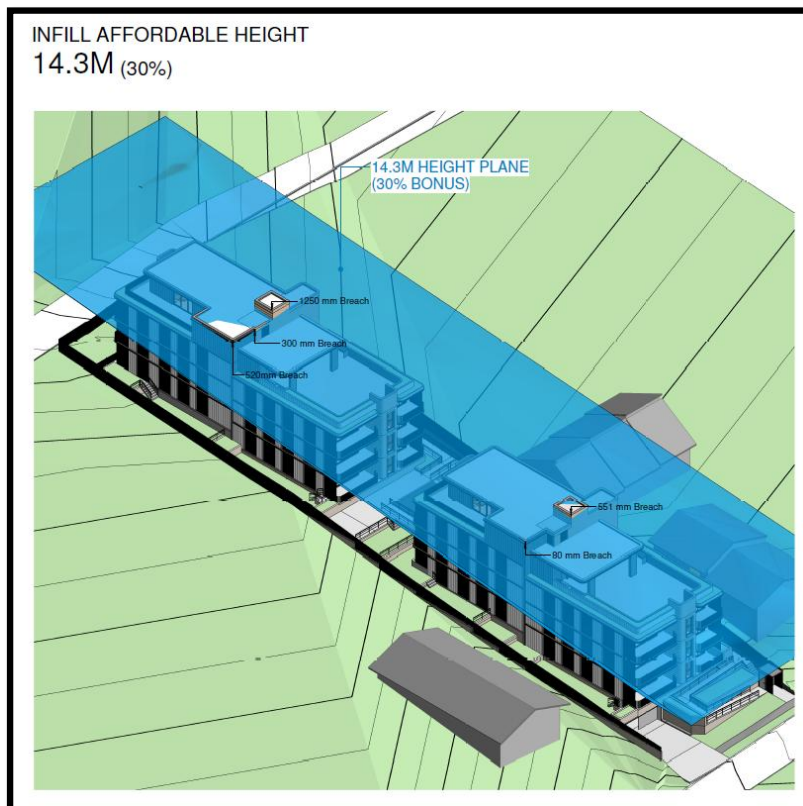


Figure 19 – Building Height Blanket 3D Render

Strict compliance with the 14.3m height development standard is considered to be 'unreasonable and unnecessary in the circumstances of this case', with the environmental planning grounds to support this written request for variation contained in this written report.

This written 14.3m height variation request relies in the first instance by demonstrating that compliance is unreasonable and unnecessary as the objectives of the development standard are achieved notwithstanding, a variation with the development standard. Clause 16(3) of the Housing SEPP exists in Chapter 2, Part 2, Division 1 where express objectives of the Division are presented.

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The objective of the division is to “facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.”

The development aptly provides 15% of the total gross floor area of the development as affordable housing in line with the respective definition under the Housing SEPP. The accommodation retained for affordable housing will be retained for a minimum 15-year period and managed by an appointed community housing provider for occupation by those means tested households with low, very low and moderate household incomes. Notwithstanding the non-compliance, the development clearly aligns with the objective of the Division containing the bonus FSR and height provisions.

Again, Clause 16(3) operates as a development standard and not a prohibition, as it merely increases the baseline height standard of 11m set under Clause 4.3 of the KLEP 2011 where 15% of the total GFA is provided as affordable housing.

On this basis, strict compliance with the 14.3m height limit set by Clause 16(3) would be unreasonable and is considered unnecessary in this case as it directly satisfies the objective of the Division.

The following provides sufficient environmental planning grounds to warrant the variation:

- The maximum extent of the proposed height breaches at 1.25m above the 14.3m height limit occur to the uppermost sections of the building at the top of the lift overrun of Building B and to a lesser extent (551mm) to Building A. The lift overruns are positioned centrally within the roof envelope and, due to the sloped nature of the land, will be largely obscured from view from Belinda Street and will appear lower from the Figtree Lane frontage as the building steps down and away from the rear. Accordingly, the observed expression of additional heights associated with the lift overruns will be mitigated by the sites’ particular circumstances, being that the land falls from the rear at Figtree Lane through to the southern boundary at Belinda Street.*
- Overall, the majority elements of the building, including 98% of the total massing is contained within the compliant 14.3m height limit set for the development site under the Housing SEPP (refer to the height blanket diagram in Figure D above). This is considered to be a positive outcome, given the extent of the fall exhibited across the property, and goes only to emphasise the appropriateness of the building design in stepping with the fall of the land. The parapets being the visual building elements from neighbours properties and the street are largely compliant or under the control.*
- Further, the height breaches are observed only along the western side of the building where the land beneath drops markedly lower than on the eastern side of the site. This is the leading contributor to the creation of height breaches, as the eastern elevations demonstrate a 100% height compliant development.*
- The property neighbouring the site to the west at 102 Belinda Street contains a detached single storey dwelling set on a large 2,003sqm site. Ultimately, it benefits from a redevelopment proposition akin to that of the subject proposal and is likely to be developed at some point in the future with properties further to the west. The additional heights above the 14.3m height limit line proposed to the lift overruns will not incur significant additional impacts to the western neighbour by way of additional privacy, amenity or overshadowing. This is because the overruns are positioned centrally within the roof envelope and will not cast additional shadows beyond that of the proposed roof structure below. Additionally, the rooftop communal open space areas around and beneath the overruns will be sufficiently screened and setback such that visual and acoustic privacy impacts are controlled to the neighbouring property.*
- Less than 10% of the total building mass and surface area is situated above the 14.3m height limit, further demonstrating the minor nature of the variation*

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sought in the context of the development site. Breaching elements of the roof ridge observed along the western elevation are limited to very small sections where the natural gradient of the land falls more drastically below the building.

- The DA plans have otherwise successfully demonstrated that residential amenity of adjoining properties to the east and west are not unduly impacted by the proposal. The development includes a significant uplift in the overall scale of the built form in the context of the site and the immediate surrounds, however, these changes are anticipated under the existing zone and State planning regime where affordable housing is provided in an accessible location. The minor height breaches do not drastically alter or increase the overall scale of the development anticipated and do not provide for additional levels, rather, the breaches are isolated to roof elements and the lift cores.
- The lift overruns and breaching elements of the roof form do not result in any view loss from neighbouring properties to the east, west or north. The overshadowing impacts resulting from the proposal are largely in line with an otherwise height compliant development given the breaching elements are centralised within the roof envelope.
- The requirement for strict compliance with the height standard would require the loss of the upper level and reduction in the number of apartments. By extension, this would lower the overall provision of affordable housing which goes against the objective of Chapter 2, Part 2, Division 1 of the Housing SEPP. It is therefore deemed unreasonable and unnecessary to require strict compliance when the extent of the height breaches are so minor in the overall context of the scheme.

The proposal accepting the height variation described above reasonably satisfies the objectives of under s1.3 EP&A Act 1979.

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,

(c) to promote the orderly and economic use and development of land,

(d) to promote the delivery and maintenance of affordable housing,

(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),

(g) to promote good design and amenity of the built environment,

(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,

The DA plan set satisfy the objectives in bold (as above) given that:

- The height exceedances are very minor in the overall context of the site and proposed development.
- The breaches do not exacerbate the overall building scale or add additional habitable floor space beyond what is otherwise anticipated by the State planning provisions.

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• The development is consistent with the objectives of the R3 Medium Density zoning and otherwise in line with the non-discretionary standards for residential flat buildings with in-fill affordable housing under the Housing SEPP. • The proposed landuse and proposal are permissible under the KLEP 2011 and Housing SEPP; • The proposal represents an economically viable development of the site, that is both capable and suitable for the site, when assessed on a merit based assessment under the s4.15 heads of the consideration of the EP&A Act 1979. • There is no valid planning reason to require strict compliance in this particular case. Notwithstanding the above Preston CJ clarified in Micaul and Initial Action, that sufficient environmental planning grounds may also include demonstrating a lack of adverse amenity impacts. In this case, these include: • The design of the proposal has successfully stepped with the natural grade of the land, such that a 100% height compliant form is achieved along the eastern aspect. • Solar access is not drastically increased to the western neighbour when shown in the context of a height compliant overshadowing projection. The neighbouring properties to the immediate east and west will continue to receive at least 3 hours of direct solar access to living room windows and principal private open space areas. • The development does not result in a loss of any significant views or vistas from neighbouring properties. The proposed development contravenes Clause 16(3) under Chapter 2, Part 2, Division 1 of the Housing SEPP being a development standard and height (albeit a bonus height limit) is not excluded from the application of clause 4.6 of KLEP 2011. This written request to vary the development standard has been prepared in accordance with cl4.6 of the KLEP 2011 and demonstrates that strict compliance with the development standard is unreasonable and unnecessary for the reasons outlined in this submission. In addition, this written request outlines sufficient environmental planning grounds to justify the contravention of the development standard."	
Clause 4.6 Considerations	Commentary
(1) The objectives of this clause are as follows: (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	The subject site is subject to a maximum permissible building height of 11m under the Kiama LEP 2011, CL.4.3. Additionally, the State Environmental Planning Policy (Housing) 2021, Cl.16 provides a 30% height bonus which equates the overall maximum building height to 14.3m. The proposed development has an overall maximum building height of 15.55m. This constitutes a departure of 1.25m or 8.7% of the overall maximum building height. Flexibility is supported on the basis that the proposed development's exceedance of the maximum building height is limited to areas which are substantially isolated to lift overruns in the centre of the site and no

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	adverse impacts have been identified to the site or surrounds.
<i>(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.</i>	Clause 4.6 does not exclude the <i>State Environmental Planning Policy (Housing) 2021, Cl.16</i> standard, as verified by subclause 4.6(8). Accordingly, this confirms Clause 4.6 operates to enable a variation to the maximum building height standard.
<i>(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—</i> <i>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</i> <i>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</i>	The proposal includes a formal written request made pursuant to Cl.4.6 to vary the <i>State Environmental Planning Policy (Housing) 2021, Cl.16</i> standard for the proposed development. This written request is considered in detail below. Compliance with the development standard is considered unreasonable and unnecessary in the circumstances of the proposed development. The proposed departure does not result in any adverse environmental or amenity impacts to the site and surrounds with regards to solar access, privacy, outlook, noise, traffic and parking. This makes strict adherence with the maximum building height development standard both unreasonable and unnecessary. The applicant has sufficiently demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard in that the development achieves the relevant objects of the <i>EP&A Act 1979 Cl.1.3</i> and that strict compliance with the development standard would not create a materially improved outcome
<i>(5) (Repealed)</i>	<i>(Repealed)</i>
<i>(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental</i>	Not applicable.

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<i>Management or Zone C4 Environmental Living if—</i> (a) <i>the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or</i> (b) <i>the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.</i>	
(7) (Repealed)	(Repealed)
(8) <i>This clause does not allow development consent to be granted for development that would contravene any of the following—</i> (a) <i>a development standard for complying development,</i> (b) <i>a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,</i> (c) <i>clause 5.4,</i> <i>(caa) clause 5.5.</i>	Noted. The proposed development does not contravene any of the standards in 4.6(8).
Compliance with the development standard is unnecessary and unreasonable due to the design and siting of the proposed development, including the isolation of the built form which protrudes beyond the 14.3m building height limit to the centre of the buildings and areas which do not exacerbate any amenity impacts of the proposed development, particularly in consideration of the alternative outcome should strict adherence be required. Residential Flat Buildings are permissible in the R3 Medium Density Residential zone. The applicant has outlined that the proposal is consistent with the objectives of the zone. The proposed variation is consistent with the objectives of <i>Kiama LEP 2011, Cl.4.3</i> and <i>State Environmental Planning Policy (Housing) 2021, Cl.16</i> as well as the objectives of the R3 Medium Density Residential . The written request has adequately demonstrated that there are sufficient environmental planning grounds to justify the exceedance of the maximum permissible building height in this instance. As the proposed variation is <10% of the numerical development standard of the numerical development standard, pursuant to the Guide to Varying Development Standards – November 2023 by the Department of Planning and Environment, Council (under delegation) operates at the consent authority and therefore, the proposed variation is able to be determined by Council staff.	

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In light of this it is considered appropriate to vary the maximum building height requirements of 4.3 of the <i>Kiama LEP 2011</i> as increased by <i>State Environmental Planning Policy (Housing) 2021</i> , Cl.18 in this instance and the variation is recommended to be supported.	
Part 5 Miscellaneous provisions	
Part 6 Additional local provisions	
6.2: Earthworks	
Clause 6.2 lists considerations for proposals which involve earthworks. The proposal complies with the objectives of the clause and as the proposed earthworks are ancillary to the proposed dwelling separate development consent is not required.	Complies
6.12: Essential services	
All relevant services are available to the site.	Complies

The proposed development is consistent with the relevant provisions of the Kiama LEP 2011 and is permissible within in the R3 Medium Density Residential zone.

ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Nil

KIAMA DEVELOPMENT CONTROL PLAN 2020

Chapter 1: Introduction and administration

The application has been prepared to include documentation and considerations consistent with the requirements in Kiama DCP Chapter 1.
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Chapter 2: Site considerations

Topic 2.1 – Site Analysis	
Does the proposal include a site analysis plan prepared in accordance with the requirements of Kiama DCP 2011?	Yes - Complies
Topic 2.2 – Biodiversity	
Does the proposal include development on land identified as Riparian Land?	No
Are threatened species present on the site?	No
Is the clearing of native vegetation proposed?	Yes, tree removal proposed. See referral comment from Council's Landscape Officer.
Has a Flora and Fauna Assessment Report been submitted?	No
Will any adverse environmental impacts result from the proposed development in relation to Riparian Land?	No
Has the proposed development been located appropriately with consideration to native vegetation, biodiversity and threatened species and their habitat to reduce bushfire risk?	No

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Does the application include a property landscape plan?	Yes - Complies
Topic 2.3 – Natural Resources	
Is the subject site located within a Sydney Drinking Water Catchment Area (NORBE)?	No
Topic 2.4 – Tree Preservation and Vegetation Management	
Does the proposal include the removal of any vegetation?	Yes
Are any Tree Management measures proposed?	Yes, arborist report recommends management and removal measures.
Topic 2.5 – Risk Minimisation and Management	
Is the subject site mapped as Potentially Contaminated Land?	No
Is the subject site mapped as Flood Prone Land?	No
Is the subject site mapped as Bushfire Prone Land?	No
Is the subject site mapped as Acid Sulfate Soils?	No
Does the proposed development include more than 1m of cut and fill?	Yes, the application was referred to Council's Subdivision and Development Engineer for review.
Does the subject site include a gradient exceeding 20%?	No
Have dwellings been designed to step down the site?	Yes - Complies
Has cut and fill been minimised?	Yes. Basement levels proposed, however the design of the RFB has appropriately responded to the slope of the land while reasonably minimising cut and fill.
Has an earth batter been proposed? If so, has a landscape plan been provided?	No

Chapter 3: Common requirements

Topic 3.1 – Waste Minimisation and Management	
Has the proposal been supported by an appropriately prepared Waste Minimisation and Management Plan?	Yes - Complies
Where <u>COMPLETE</u> demolition is proposed, has the applicant provided a Hazardous Materials Assessment Report?	N/A – vacant site
Has each individual occupancy in the proposed development been provided with facilities waste management services?	Yes - Complies
Does the proposed development identify bin storage areas?	Yes - Complies
Does the proposed development identify roadside bin collection points?	Yes - Complies

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Has appropriate separation been provided between commercial and residential uses in mixed use developments?	N/A
Topic 3.2 - Amenity	
Does the proposed development maintain appropriate solar access to adjoining sites including neighbouring solar collectors? (ie. is 3 hours of direct, continuous solar access available to adjoining sites between 9am and 3pm on 21 June?)	Yes - Complies
Does the proposed development maintain adequate visual and acoustic privacy to adjoining properties?	Yes - Complies
Are existing view lines detrimentally impacted?	No
Where possible, have views from public places been maintained?	Yes - Complies
Has the proposed development been appropriately designed to ensure that there is no unreasonable loss of existing views lines, where possible?	Yes - Complies
Does the proposed development have regard to the topography of the site to avoid unnecessary bulk or alteration of natural ground levels?	Yes - Complies
Does the proposed development include a Landscape Plan?	Yes - Complies
Topic 3.3 – Earthworks and Retaining Walls	
Does the proposed development include earthworks or retaining works?	Yes - Complies
Topic 3.4 – Utilities and Infrastructure	
Does the subject site benefit from electricity supply?	Yes - Complies
Topic 3.5 - Water Management (Quality and Control)	
Does the proposed development include Onsite Sewage Management (OSSM)?	N/A
Does the proposed development include appropriate water supply, including for firefighting purposes, where required?	Yes - Complies
Topic 3.6 – Transport, Access and Parking	
Does the proposed development include appropriate on-site parking as prescribed in the table below? Note: For larger scale development, refer to page 52, Kiama DCP Chapter 3.	Yes - Complies 26 Units Total. 40 dedicated resident spaces provided. 13 visitor spaces provided.

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Land Use Type	Minimum Car Parking Standards	
Residential		
Dwelling house	1 dedicated space behind the building line and 1 space behind the front boundary.	
Dual occupancy/attached dwelling	For each occupancy, 1 dedicated space behind the building line and 1 space behind the front boundary.	
Secondary dwelling	1 space behind the front boundary for the secondary dwelling.	
Multi-dwelling housing/residential flat building/shop top housing	1 dedicated space behind the building line (per one or two bedroom dwelling) and 1 additional space per three bedroom dwelling (and above) behind the front boundary plus 1 space per 2 dwellings for visitor parking behind the front boundary. NOTE: Enclosed rooms, that is nominated as a study (or similar) and is capable of being used as a bedroom is considered to be a bedroom for the purposes of calculating car parking requirements.	
Boarding/house/hostel/group home	1 space per 4 beds and 1 space per staff member on shift.	
Seniors housing	1 dedicated space per unit plus 1 space per 4 units for visitor parking.	
Seniors housing (residential care facility)	1 space per 10 units, plus 1 space per 4 units for visitor parking, plus 1 space per staff member on shift, plus 1 space for ambulance parking.	
Rural worker's dwelling	1 space per bedroom.	
Home based childcare	1 space per 7 children in care.	
Home business	1 space per employee.	
Exhibition village	4 spaces per exhibition home.	
Are any additional controls required for vehicular access or parking?		No
Are any parking credits proposed?		No
Does the proposed development include appropriate access arrangements, including manoeuvrability?		Yes - Complies
Topic 3.7 - Character and Design		
Is the proposed development raise any concerns relating to Crime Prevention through Environmental Design, safety, privacy, sight lines or detracting from quality of the streetscape?		

Chapter 4: Heritage and Cultural Conservation

Topic 4.2 - Aboriginal Cultural Heritage Management		
Is the subject site mapped as featuring Aboriginal Cultural Heritage (AHIMS)?		No
Topic 4.3 - European Cultural Heritage Management		
Is the subject site identified as containing a listed Heritage Item, Draft Heritage Item or State Heritage Item?		No
Topic 4.4 - Heritage Conservation Areas		
Is the subject site located in a Heritage Conservation Area?		No

Chapter 5: Subdivision, Consolidation and Boundary Adjustment

NA

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Chapter 6: Residential Accommodation

Chapter 6.5: Medium Density

Topic 6.5 – Medium density	
General	
6.5.1	
All principal development standards as set by Kiama LEP 2011 including maximum height of buildings. Where roofs are pitched to address local character issues, consideration may be given to a variation request under Clause 4.6 of Council's LEP provided controls in the SEPP and/or DCP are met.	Yes - Complies
6.5.2	
Lots must have a minimum frontage of 25m wide. The minimum width will be measured at the building line for irregular shaped lots. Variations to the above may be considered where it can be demonstrated that all DCP requirements have been met in regard to a proposal on an allotment of lesser width. Such variations to be referred to Council for determination.	No - does not comply. See commentary below. See Variation Statement section of this report.
6.5.3	
Provision of lift access for Class 2, Class 3 and Class 4 buildings (as identified in the Building Code of Australia) where there are three (3) or more storeys. Except for where the three (3) or more storeys are contained within a single sole occupancy unit. The maximum number of apartments off a circulation core on a single level is eight.	Yes - Complies
6.5.4	
Provision of adaptable housing (Australian Standard AS 4299) at a ratio of 1:4 dwellings or part thereof.	Yes - Complies
6.5.5	
Development on land in close proximity to a foreshore must be designed with regard to sea level rise.	N/A
6.5.6	
All development must minimise any environmental risks associated with its location.	Yes - Complies

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6.5.7			
Cutting and filling on site is limited to 900mm external to the perimeter of the building.		No - does not comply. See commentary below. Geotechnical Report provided addressing cut and fill. The application has been reviewed by Council's Subdivision and Development Engineer with no objections raised subject to recommended conditions of consent.	
6.5.8			
Terracing on site may be permissible if earthworks are retained by engineer designed walls and stepped at minimum of 1 metre horizontal intervals.		Yes - Complies	
Building lines and building separation			
6.5.9			
Development up to two (2) storeys and 8.5m in height above existing ground must comply with the following setbacks:		N/A	
Setback	Requirement		
Primary street frontage	4.5m		
Secondary street frontage (Cnr)	3.5m		
Side setback (GF)	6m for habitable rooms and balconies/terraces - 0.9m for non-habitable rooms.		
Side setback (FF)	6m for habitable rooms and balconies - 3m for non-habitable rooms.		
Rear setback	6m		
6.5.11			
Development up to three (3) or more storeys and/or >8.5m – 11m in height above existing ground must comply with the following setbacks:		N/A – setbacks consistent with ADG requirements.	
Setback	Requirement		Proposed
Primary Street Frontage	6m		N/A
Secondary Street Frontage (Cnr)	3.5m		N/A

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Dual Street Frontages (front and rear)	The primary street set back above will apply to both streets unless circumstances exist that justify a lesser setback based on the existing pattern of development and or road hierarchy.	N/A
Side Setback	6m for habitable rooms and balconies - 3m for non-habitable rooms.	N/A
Rear Setback	Foreshore Building line, Common building line, or other Council endorsed building line if it applies <u>OR</u> 6m.	N/A

6.5.12	
If minimum daylight access, ventilation, visual privacy and acoustic privacy requirements can be demonstrated, encroachment of up to 3m into side setbacks for habitable rooms may be acceptable by utilising a combination of the following visual privacy strategies or equivalent: • offset windows of apartments in new development and adjacent development windows; • high level windows; • translucent glazing; • recessed balconies and/or vertical fins between adjacent balconies; • solid or semi-solid balustrades to balconies; • operable louvers or screen panels to windows and/or balconies; • screening through 1.5m high fencing, landscaping between areas; and • utilising pergolas or shading devices to limit overlooking of lower apartments or private open space.	N/A – ADG prevail

6.5.13	
The following structures may encroach forward of the front setback, other than a foreshore building line, and shall be a maximum area of 5.0m ² : • A 1m maximum encroachment of underground parking ventilation structures that are integrated with other external building structures, such as pathways or terraces and effectively screened by appropriate landscaping. • A cantilevered deck, balcony, patio, terrace or verandah for a maximum depth of 1.5m. • An eaves or gutter to a maximum of 1.5m in depth.	N/A – ADG prevail

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• A step excluding landings to a maximum height of 1m and a depth of 1.5m. • A fences and/or retaining wall to a maximum height of 1.2m. • An entry feature or portico to a maximum depth of 1.5m. • A window box treatment or bay window to a maximum depth of 1.5m. • A sun shading feature to a maximum depth of 1.5m. • Letter boxes.	
6.5.14	
Site specific controls for setbacks apply to some areas of the LGA. Applicants need to check the site specific chapters of this DCP.	N/A
End user amenity	
6.5.15	
75% of dwellings within a development must have a dual aspect (eg 2 sides of the dwelling/building).	Yes - Complies
6.5.16	
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from an openable window, such window to have an area not less than 10% of the floor area it serves.	N/A – consistent with ADG requirements
6.5.17	
Balconies providing private open space (with the exception of Juliet balconies) must be accessed directly from the main living area.	N/A – consistent with ADG requirements
6.5.18	
Developments must include building elements to modify environmental conditions such as the incorporation of sun screens, pergolas, shutters and operable walls to control sunlight and wind on balconies.	N/A – consistent with ADG requirements
6.5.19	
Development must be designed to promote flexibility of end use. Design criteria should include providing apartment layouts, which accommodate the changing use of rooms.	N/A – consistent with ADG requirements
6.5.20	
Developments should include some dwellings designed for groupings other than families ie adults dual master bedroom apartments, which can support two independent adults living together or a live/work situation.	N/A – consistent with ADG requirements
6.5.21	
Apartments are required to have the following minimum internal areas to ensure flexibility of use: • Studio - 35m² • 1 bedroom - 50m²	Yes - Complies – consistent with ADG requirements

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2 bedroom - 70m² 3 bedroom - 90m²	
6.5.22	
The minimum internal areas include only one (1) bathroom. Additional bathrooms increase the minimum internal area by 5m ² each.	Yes - Complies
6.5.23	
A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.	N/A
6.5.24	
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space). Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	Yes - Complies – consistent with ADG requirements
6.5.25	
Living rooms or combined living/dining rooms have a minimum width of: 3.6m for studio and 1 bedroom apartments. 4m for 2 and 3 bedroom apartments.	Yes - Complies
6.5.26	
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes - Complies
6.5.27	
Two storey apartments should be designed so that a habitable room (that may be used as a bedroom) and a bathroom is located on the ground floor.	N/A
Solar access	
6.5.28	
A minimum of 70 percent of apartments in a development should receive a minimum of three (3) hours direct sunlight between 9am and 3pm on 22 June to living rooms and private open spaces. A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm on 22 June.	Yes - Complies – consistent with ADG requirements
6.5.29	
Dwellings should be designed to locate living areas to the north and service areas to the south and west of the development.	N/A – consistent with ADG requirements
6.5.30	
A minimum of three (3) hours of direct sunlight is to be retained to north facing living room windows and/or doors and primary private open space of existing development adjoining proposed medium density development. Where this standard is not met by	Yes - Complies – consistent with ADG requirements

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predevelopment conditions, any proposal should not decrease current levels of solar access.	
6.5.31	
Development should be designed to optimise the number of apartments receiving daylight access to habitable rooms and principal windows by: - Using skylights, clerestory windows and fanlights to supplement daylight access. - Promoting two-storey and mezzanine, ground floor apartments or locations where daylight is limited to facilitate daylight access to living rooms and private open spaces.	N/A – consistent with ADG requirements
6.5.32	
Development should ensure that solar glare for neighbouring properties is minimised. This may be achieved by avoiding reflective films or using a glass reflectance below 20%.	Yes - Complies – consistent with ADG requirements
6.5.33	
A minimum of four (4) hours of solar access should be retained to solar collectors on both neighbouring buildings and on-site.	Yes - Complies – consistent with ADG requirements
6.5.34	
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Yes - Complies – consistent with ADG requirements
Acoustic requirements	
6.5.35	
Applications must demonstrate compliance with the Sound Transmission Class ratings in the Building Code of Australia (BCA). Applications must demonstrate compliance with these ratings including the following guidelines: - All developments must be designed so that noise transmission from external sources into new dwellings and between dwellings meets all BCA requirements. - The number of party walls (walls shared with other apartments) is limited and is appropriately insulated. - All units located in close proximity to: commercial centres, arterial roads, sub arterial major collector roads, railway lines and highways must meet the following threshold noise transmission standards as measured in the dwelling of 42 dB(A) for night and 55 dB(A) during the day time. - Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms. - The design shall take into account the future aspects of sound transmission. - The design of all developments must ensure acoustic privacy from the beginning of the project to ensure that future	Yes - Complies – consistent with ADG requirements

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services, such as air conditioning, do not cause acoustic problems later. - Window and door openings are generally orientated away from noise sources. - Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas. - Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources. - Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions: - rooms with similar noise requirements are grouped together. - doors separate different use zones. - wardrobes in bedrooms are co-located to act as sound buffers. - Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions: - double or acoustic glazing. - acoustic seals. - use of materials with low noise penetration properties. - continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements. - Should Council officers ascertain that there will be noise impacts; an acoustic report may be required to be submitted with the development application.	
Storage	
6.5.36	
In addition to kitchen cupboards, bathrooms and bedroom wardrobes, provide accessible storage facilities at the following rates: - studio apartments 4m³ - one (1) bedroom apartments 6m³ - two (2) bedroom apartments 8m³ - three (3) plus bedroom apartments 10m³	Yes - Complies – consistent with ADG requirements
6.5.37	
At least 50% of the required storage is to be located within the apartment.	Yes - Complies
6.5.38	
Where basement storage is provided the design must ensure that it does not compromise natural ventilation in carparks or create potential conflicts with fire regulations.	Yes - Complies
Open space	
6.5.39	
All apartments are required to have primary balconies as follows: - Studio Apartments - 8m² - no min depth - One (1) bedroom apartments - 16m² - 3m min depth - Two (2) bedroom apartments - 20m² - 3m min depth	N/A – consistent with ADG requirements

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Three (3)+ bedroom apartments - 24m² - 3m min depth	
6.5.40	
The minimum balcony depth to be counted as contributing to the balcony area is 3m.	N/A – consistent with ADG requirements
6.5.41	
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	N/A – consistent with ADG requirements
6.5.42	
Private open spaces of at least 70% of apartments in a building must receive a minimum of 3 hours direct sunlight between 9am and 3pm on 22 June.	Yes - Complies
6.5.43	
Private open space must: - Not include drying facilities; - Not include garbage storage areas. - Be directly accessible from an indoor living area.	Yes - Complies
6.5.44	
Communal open space must be provided if the development has more than eight (8) dwellings.	Yes - Complies
6.5.45	
Communal open space must be provided at a minimum rate of 5m ² per dwelling.	Yes - Complies
6.5.46	
Communal open space must be designed to be meet the landscaping criteria outlined in Topic 3.2. Communal Open Space must be attractive, practical, useable and located to: - achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 22 June; - provide appropriate shading in summer; - provide acoustic and visual privacy to nearby dwellings to apartments; - provide functionality for residents and communal activities, and - optimise its recreational value by avoiding siting near car access areas or ventilation duct outlets from basement carparks.	Yes - Complies
6.5.47	
Communal open space cannot include drying facilities or garbage storage areas.	Yes - Complies
Ceiling heights	

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6.5.48	
Developments should be designed to facilitate better access to natural light by: - Incorporating ceiling heights which promote the use of taller windows, highlight windows and fan lights. - Ensuring that ground floor units and units with deep floor plans exceed this minimum criteria - Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	Yes - Complies – consistent with ADG requirements
6.5.49	
Development must comply with the following minimum finished floor level (FFL) to finished ceiling level (FCL).	N/A – consistent with ADG requirements
Safety/security design criteria	
6.5.50	
All development must provide for a safe legible and appropriate access for pedestrians and vehicles. Design solutions may include: - changes in surface materials. - level changes. - the use of landscaping for separation.	Yes - Complies
6.5.51	
Development must be designed to create a clear transition between public and private space. Design solutions may include: - terraces, balconies and courtyard apartments having direct street entry, where appropriate. - changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings. - front fences and walls along street frontages should use visually permeable materials and treatments. - the height of solid fences or walls should be limited to 1m. - length of solid walls should be limited along street frontages. - opportunities for people to be concealed should be minimised.	Yes - Complies – consistent with ADG requirements
6.5.52	
Development must ensure habitable rooms provide clear views over the street, the building entries public or communal open spaces and car parking. Design solutions may include: - bay windows. - corner windows. - balconies.	Yes - Complies – consistent with ADG requirements
6.5.53	
Vehicle access points must not dominate the building facade. Car park access should be integrated with the building's overall facade. Design solutions may include: - the materials and colour palette to minimise visibility from the street. - security doors or gates at entries that minimise voids in the façade.	Yes - Complies

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- where doors are not provided, the visible interior reflects the facade design. - building services, pipes and ducts are concealed.	
6.5.4	
Development must ensure high level of privacy and safety for occupants of ground floor units. Design solutions may include: - elevation of private gardens and terraces above the street level by 1- 1.5m. - landscaping and private courtyards. - window sill heights that minimise sight lines into apartments. - integrating balustrades, safety bars or screens with the exterior design.	Yes - Complies
6.5.55	
Development must optimise the visibility, functionality and safety of buildings by: - orienting entrances towards the public street where possible/practical. - providing clear lines of sight between entrances, foyers and the street. - providing direct entry to ground level apartments from the street rather than through a common foyer. - providing direct and well-lit entrances, access between carparks and other common areas of the development. - avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor carparks, along corridors and walkways. - providing well-lit BCA requirement common areas and routes throughout the development. - separating the residential component of a development's car parking from any other building use and controlling carpark access from public and common areas. - providing direct access from carparks to apartment lobbies for residents. - providing separate access for residents in buildings containing a neighbourhood shop. - providing an audio or video intercom system at the entry or in the lobby for visitors to communicate with residents.	Yes - Complies – consistent with ADG requirements
Building footprint	
6.5.56	
Site design must optimise the provision of consolidated deep soil zones within the site by: - ensuring buildings and basement/sub-basement/surface car parking do not to fully cover the site allowing for 25% deep soil landscaping, in line with Chapter 8 Landscaping. - using the front and rear boundary setbacks for deep soil zones/soft landscaping. - locating deep soil zones/soft landscaping contiguous with the deep soil zones on adjacent properties.	Yes - Complies – consistent with ADG requirements
Facade	

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6.5.57	
All new development must incorporate facades with an appropriate scale, rhythm and proportion, which respond to the building's use and the desired contextual character. Design solutions may include but are not limited to: - defining a base, middle and top related to the overall proportion of the building, expressing key lines in the context using cornices. - utilising a change in materials or building setbacks. - articulating building entries with awnings, porticos, recesses, blade walls and projecting bays. - selecting balcony types which respond to the street context, building orientation and residential amenity. - using a variety of window types to create a rhythm or express the building uses. - a defined base, middle and top of buildings. - building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights. - shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.	N/A – consistent with ADG requirements
6.5.58	
All development must incorporate architectural features which give human scale to the design of the building at street level. Design solutions may include: - entrance porches, awnings, colonnades, pergolas and the like. - well composed horizontal and vertical elements. - variation in floor heights to enhance the human scale. - elements that are proportional and arranged in patterns. - public artwork or treatments to exterior blank walls. - grouping of floors or elements such as balconies and windows on taller buildings. - apartment layout should be expressed externally through facade features such as party walls and floor slabs.	N/A – consistent with ADG requirements
6.5.59	
Corner sites should give visual prominence through design elements to define the corner.	N/A
6.5.60	
Development must integrate building services, such as drainage pipes, vent shafts, air conditioning and any security devices within the overall facade.	Yes - Complies – consistent with ADG requirements
Drying areas	
6.5.61	
Drying areas must be provided at a rate of 5 lineal metres of line per unit.	Yes - Complies
6.5.62	
Drying areas should have a northerly aspect.	Yes - Complies

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6.5.63	
Drying areas must not be visible from any public place.	Yes - Complies
6.5.64	
Drying areas cannot be located foreword of the building line.	Yes - Complies
Letterboxes	
6.5.65	
Common letterboxes must be provided in accordance with Australia Posts requirements. Letterboxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.	Yes - Complies
Aerials/satellite dishes	
6.5.66	
An aerial/satellite dish must be located at least 900mm from each lot boundary and in the rear of the development.	N/A
6.5.67	
An aerial/satellite dish cannot be higher than 1.8m above the highest point of the roof if roof mounted.	N/A
Bin storage facilities	
6.5.68	
All requirements for the adequate and appropriate storage of bins outlined in Topic 3.1 will need to be met.	Yes - Complies
6.5.69	
The bin storage facility will be required to be shown on plans submitted as a part of the development application.	Yes - Complies

Chapter 7: Commercial premises

NA

Chapter 8: Rural uses

NA

Chapter 9: Industrial uses

NA

Chapter 10: Visitor and accommodation and tourism

NA

Chapter 11: Other

NA

Chapter 12: Location specific controls

NA

Chapter 13: Agritourism

NA

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KIAMA DEVELOPMENT CONTROL PLAN – VARIATIONS

Control being varied			
6.5.2 - Lots must have a minimum frontage of 25m wide. The minimum width will be measured at the building line for irregular shaped lots. Variations to the above may be considered where it can be demonstrated that all DCP requirements have been met in regard to a proposal on an allotment of lesser width. Such variations to be referred to Council for determination.			
Extent of proposed departure from development standard			
Numerical standard	Proposed solution	Numerical departure	% Departure
25m	20.25m	4.75m	19
Unique circumstances as to why a departure from the acceptable solutions is being sought			
The following is an excerpt from the applicant's SOEE: <i>“The site incorporates a total width of 20.25m. Whilst this is short of the DCP requirement, it is sufficient offset by the total depth of the parcel. The site is capable of supporting the proposed development, clear of required setbacks, separation distances and deep soil zones as per the ADG.</i> <i>Objectives of this chapter have been achieved. Refer to supporting Design Verification Statement by architect for additional details. Apartments have been designed to achieve BASIX and relevant sustainability measures.</i> <i>All apartment layouts have been designed having regard to the ADG guidelines and relevant provisions of this DCP. All apartments will receive excellent natural cross ventilation and solar access. The development responds to the natural conditions and opportunities of the site, including a stepped form in response to the natural fall of the land.</i> <i>A mix of housing types and provided with 2 and 3 bedroom apartments that respond to the needs of the local community.”</i>			
Demonstrate how the relevant objectives and performance criteria are being met with the performance-based solution			
Objective	Commentary		
O:6.5.1 Provide sufficient separation and articulation to provide high level of visual and acoustic privacy for existing and new occupants..	The proposal has been designed to provide sufficient separation and articulation in consideration and response to existing and desired future development. The articulation of the façade of the building has been designed to provide visual amenity and architectural interest, while achieving relevant ADGs and maintaining appropriate visual and acoustic privacy.		

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O:6.5.2 To ensure that development is designed for climate change including possibility of higher winds, extreme rain events etc.	Appropriate provisions have been made to respond to environmental extremes including orientation and drainage infrastructure.
O:6.5.3 To ensure the high level architectural merit of buildings to ensure high levels of liveability and street amenity.	The proposal includes physical articulation and the use of a variety of materials which contribute to positive street amenity and high levels of liveability in the context of the site with apartment areas exceeding those required under the ADGs.
O:6.5.4 To encourage lot amalgamation and discourage leaving isolated lots surrounded by larger developments	While amalgamation is encouraged, it is deemed unnecessary in the context of the existing site and the proposed development responding to the reduced 20.25m setback with design and siting solutions to satisfy SEPP, LEP, DCP and ADG requirements.
O:6.5.5 To ensure that all environmental risks such as coastal processes/sea level rises etc. are taken into consideration in the development process.	The subject site is located in close proximity to the Gerringong Town Centre and is not directly subject to environmental risks such as coastal processes which would pose any direct threat to the development.
O:6.5.6 To ensure that all design is to incorporate a high level of daylight, sunlight, air flow and ventilation to all housing.	The proposed development has been assessed against the relevant SEPP (incl. ADGs), LEP and DCP controls and has been designed and sited to provide adequate levels of daylight, air flow and ventilation to all housing.
O:6.5.7 To select building types appropriate to the site's topography, local context, location, dimensions and landform	The proposed development has been designed to include two residential flat buildings with 26 residential apartments. The design responds appropriately to the topography, context, location and dimensions of the site and has been designed to step down the site with appropriate landscaping and use of varied building materials to provide visual and physical articulation.
O:6.5.8 To ensure that any significant existing vegetation is retained and enhanced.	The proposed development has been supported by an Arborists Report which considered significant vegetation for retention where applicable.
O:6.5.9 To encourage a mix of housing forms to assist in achieving urban consolidation initiatives particularly in localities close to business.	The use of the infill site in close proximity to the town centre of Gerringong provides appropriate forms of housing (including adaptable and affordable dwellings) to contribute to the mix of available dwelling stock in the locality.
Demonstrate how the development will not have any adverse impacts as a result of the performance-based solution	
The proposed development has been demonstrated to adequately achieve the objectives of the Kiama DCP despite numerical departures from the control requirements. The proposed departures are recommended to be supported.	

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ANY PLANNING AGREEMENT

Nil.

ANY MATTERS PRESCRIBED BY THE REGULATIONS

NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast
The proposal does not compromise the strategic actions or principles (Appendix C - Table 3) adopted within the NSW Coastal Policy 1997.
Australian Standard AS 2601 - 1991: The Demolition of Structures
The proposal is not inconsistent with Australian Standard AS 2601 - 1991: The Demolition of Structures.
Clauses 62 and 64
The proposal does not involve a change of use or additions and alterations to an existing building or the erection of a temporary building.

ANY COASTAL ZONE MANAGEMENT PLAN

Nil.

OTHER KIAMA MUNICIPAL COUNCIL PLANS OR POLICIES

Provide commentary considering any other relevant [Council Policies](#)

Kiama 7.12 Contribution Plan			
The Kiama 7.12 Contribution Plan applies to all land in the Kiama LGA.			
Is the 7.12 Contribution Plan applicable to the subject site?		Yes	
Do 7.12 Contributions apply to the proposed development?		Yes - relevant s7.12 amount and conditions provided by Council's Contributions Planner.	
Contribution Plan	Cost of Works	Levy %	Contribution
Section 7.12 Contribution Plan	\$ 15,715,700.00	1%	\$157,157.00
Less: 3 affordable housing units	Total cost / 26 units = \$604,450 per unit		3 units = \$1,813,350
23 units levied	\$13,902,350	1%	\$139,024.00
Total Section 7.12 Contribution Amount			\$139,024.00

THE LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT

Head of consideration	Comment
Biodiversity	The application does not propose clearing of native vegetation and therefore the <i>Environmental Planning and Assessment Act 1979 Part 1 Section 1.7</i> does not apply to the development.
Streetscape	The design of the proposed development is considered to be reasonable when considered in relation to the context of the site.

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Head of consideration	Comment
	The bulk, scale and design of the proposal is consistent with relevant planning instruments and is not inconsistent with the prevailing streetscape.
Noise	Construction works will generate some noise, though conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours. No ongoing significant noise impacts are expected as a result of the development.
Privacy and overlooking	No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development.
Overshadowing	Shadow diagrams have been supplied with the development application which indicate that the overshadowing impacts of the proposed development will be reasonable.
Views	The proposal will have no unreasonable impact upon views currently available from neighbours.
Vehicular access, parking and manoeuvring	Sufficient car parking is proposed. Manoeuvring is compliant with AS/NZS 2890.1 – 2004 and the driveway will comply with required gradients.
Stormwater management	A satisfactory drainage design has been provided with the application. Managed stormwater will be directed to the street gutter
Environmental impacts	Fauna Impacts – It is unlikely that the proposal will affect any fauna or its habitat. Impact on Soil Resources – Construction activities have the potential to impact on soil resources by way of erosion and sedimentation. Conditions of consent should be imposed if consent is granted in relation to soil and water management controls to be implemented during construction. Satisfactory implementation of these controls will prevent significant impacts on soil resources. Impact on Water Resources – Recommend conditions of consent include Sediment and Erosion Controls manage sedimentation during construction.
Natural environment	The proposed development will not have a significant adverse impact on the natural environment.
Built environment	The proposed development will not have a significant adverse impact on the built environment.
Social impacts	The proposed development will not have a negative social impact in the locality.
Economic impacts	The proposed development will not have a negative economic impact in the locality.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposal fits within the locality and the site attributes are considered to be conducive to development.

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SUBMISSIONS

Notification letters were sent to neighbouring property owners on 30/06/2025, who were provided with 14 days in which to comment on the proposal. At the conclusion of the notification period, 3 submissions had been received, with a 4th received outside of this period. These submissions raised the following (summarised) matters of concern:		
Objection	Assessment officer's comment	
Item 1	Notification process and procedure	Application was notified consistent with the requirements of Kiama Community Participation Policy and submissions are duly considered.
Item 2	Affordable Housing provider not listed (EP&A Regs Cl26.)	Applicant has identified EchoRealty as the proposed provider of the affordable housing.
Item 3	Property Frontage Width and Setbacks (6m side setback in ADG, page 63)	The proposed development is generally consistent with the ADG requirements and where variations are proposed, these have been assessed on merit.
Item 4	Building Height exceedance	The proposed development includes an exceedance of the maximum building height control (including the available bonus in the SEPP). This variation has been addressed with a written variation statement pursuant to Kiama LEP 2011, cl.4.6., which is considered in detail in the LEP compliance table of this report.
Item 5	FSR measurements	FSR measurements have been provided in the detailed floor plans and have been appropriately and accurately prepared.
Item 6	Amenity	The development has been designed and sited to maintain appropriate visual and acoustic amenity to adjoining properties, as well as between units within the proposed development.
Item 7	Car Parking	Appropriate and numerically compliant car parking has been provided on site.
Item 8	Waste Management	Waste management has been addressed with a combined private/public service.
Item 9	Service Augmentation and Utility Supply	All essential services are available to the site.
Item 10	Streetscape	The proposed development has been designed to respond to the ADG requirements as well as the existing and desired future character of the locality.
Item 11	Overshadowing	Detailed shadow diagrams have been provided and demonstrate that the proposed development has been designed and sited to provide adequate solar access to adjoining properties.

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Item 12	Nosie from rooftop terrace	The design and positioning of the rooftop terraces is appropriate in the context of the locality and surrounding developments and provides amenity and communal open space in keeping with ADG objectives.
Item 13	Air conditioning location	Air conditioning and plant is located in the basement levels and appropriately separated from trafficable areas.
Item 14	OSD for water	Appropriate stormwater management including the use of OSD is provided.
Item 15	Reflection from glass panelling	The building design includes varied materials and avoids bulk massing of reflective elements.
Item 16	Dilapidation concerns	Appropriate condition are recommended to ensure construction processes are followed (including pre and post construction dilapidation reports).
Due to amended plans being provided, the application was re-notified on 20/10/2025 for 14 days. No submissions were received during this time. An additional 28 day exhibition period was undertaken between 13/03/2026 and 10/04/2026 as required by the <i>EP&A Act 1979, Schedule 1, 8A</i>. Two submissions were received during this time which raised matters previously discussed in this submissions table including building height, overshadowing, setbacks and amenity.		

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ADDITIONAL INFORMATION

A request for additional information was forwarded to the applicant on 22/08/2025, requesting amended plans addressing the following:		
Issue		Assessment officer's comment
Item 1	Geotechnical Report	Due to the extent of proposed excavation, please provide a Geotechnical Report. This report should include at a minimum the following details: a. A geotechnical report and associated site investigation assessing the scope of the proposed earthworks and excavation depths. b. Assessment of potential groundwater levels relevant to the proposed excavation depths and a dewatering plan for the site. c. The report shall also include proposed construction and excavation methodologies / shoring recommendations and temporary shoring details.
Item 2	Addressing details	Please amend the Statement of Environmental Effects to confirm the proposed addressing in accordance with The NSW Address Policy and User Manual.
Item 3	Waste Management Options	For ongoing waste servicing, the following options are available: a. Due to the limited kerbside frontage, there is insufficient space to accommodate 30 bins, therefore, an onsite waste service arrangement can be provided by Council. The development would need to be designed

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		to allow for our onsite waste truck to access the site efficiently to be able to service the bins. Refer to Council's Waste Collection Services Guidelines for truck dimensions - Development Guides Kiama Council. Should this option be considered, plans need to be resubmitted to Council for review and approval. In addition, a Waste Deed of Agreement would need to be established with Council. b. To reduce the number of bins, Council can offer a weekly red lid garbage bin service, reducing the number of red lid bins from 16 to 8, ie. 22 bins in total. A minimum of 19m kerbside frontage for the nominated waste collection point, would be required. c. As identified in the Waste Management Plan, engage a private waste contractor to service the red lid garbage bin, however, the full 140L DWM charge (garbage, recycling and FOGO) will still be applied to each unit through their rates.
Item 4	Tree Removal	Tree T6 is a 14m high Eucalyptus scoparia on council land that will have 29% encroachment on TPZ contrary to AS4970 – 2009 Protection of Trees on Development Sites. The arborist recommends removal. Tree T18 is a small Grevillea 4m high growing on 106 Belinda Street SP 46610. The arborist recommends removal as the encroachment on TPZ is contrary to AS4970 – 2009 Protection of Trees on Development Sites. Please provide additional documentation demonstrating how the trees will be removed as the trees are off the development site, noting that this may require owner's consent from adjoining property owners.
Item 5	Information about Affordable Housing Development	In accordance with the requirements of the EP&A Regulations 2021, Cl.26 please amend the Statement of Environmental Effects to specify the name of the registered community housing provider that will manage the affordable housing component of the development.
Item 6	Additional ADG commentary and considerations	Please amend the Statement of Environmental Effects and Apartment Design Guide commentary to include detailed consideration of the following matters. Please note, certain matters may require design amendments to address non-compliances or conflicts. This will require amended architectural plans to be submitted. The following matters may be addressed with amended architectural plans: a. Letterbox Location Please amend the architectural plans to show the location of letterboxes for the development b. Building Entry Locations The proposed building entry locations create an undesirable concealment and ambush opportunity due to the alcove design and limited sight lines. c. Building Entry differentiation

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		Please amend the architectural plans and relevant documentation to indicate the materials, colours or other methods to differentiate the building entry for Building A from Building B. d. B003 and B004 balconies and Communal Open Space Please amend the architectural plans and relevant documentation to provide adequate physical separation between the balconies on B003 and B004 and the adjoining communal open space. e. A001 Balcony Area Please amend the architectural plans to provide the required 10m² balcony to A001. The following matters may be addressed with either amended architectural plans and/or substantial commentary considering the relevant ADG objectives: f. Minimum Building Setback Buildings A and B do not meet the minimum building separation requirements in the ADG. Please either amend the design to comply with the ADG requirements or provide detailed commentary outlining how the relevant ADG objectives are achieved despite the numeric non-compliance. g. Building Access Areas The building access areas are not visible from the public domain or communal areas. Please either amend the building design to address this issue or provide detailed commentary outlining how the relevant ADG objectives are achieved despite the non-compliance.
The applicant provided amended plans and commentary on the above matters on 22/10/2025 to address these matters where appropriate. The amended plans significantly altered the nature of the proposal. Accordingly the application was re-notified. A further request for information was sent on 12/02/2026 following a formal response from Council's Subdivision and Development Engineer in relation to shoring and concept drainage design		
Item 1	Architectural Plans	The provided shoring structural drawings showing piles and shotcrete wall are built within 0m of the side boundaries however, the architectural plans indicate that the basement is proposed to be built within 0m setback off the side boundaries. Please clarify whether the setbacks shown on shoring and Bulk Excavation plan have been factored in the architectural plans. If not, please amend the architectural plans to reflect the changes and re-assess the parking spaces, access ramps and aisles.
Item 2	Revised Concept	The concept Drainage Design prepared by C & S Engineering Services indicate discharge to the kerb via two outlets,

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	Drainage Design	however the discharge flow rate in the post-development scenario for the minor storm events exceed 50L/s. It is noted that the flow rates shown at the post development are less than pre-development scenario, however no calculations are provided demonstrating what assumptions were taken to at the pre-development and post development scenarios. Further, given the higher flow rates to the kerb and channel at the post-development scenario, please provide amended drainage plans indicating the following: - Supporting calculations and assumptions for both post & pre-development scenarios. - Specify the flow width and velocity, and depth at the kerb and gutter at in the post-development scenario. Discharge flow rates are to be reduced to below 50l/s for minor storm events. Note: If this is not feasible, it is recommended to connect to council stormwater infrastructure. This would require an extension from nearest existing downstream network at the Cnr Belinda and Greta Streets.
The applicant provided amended plans and commentary on the above matters on 22/10/2025 to address these matters where appropriate. The amended plans significantly altered the nature of the proposal. Accordingly the application was re-notified.		

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EXTERNAL REFERRALS

The application was referred to the following State Government Departments.	
External referral	Comments
Endeavour Energy	No objection subject to recommended conditions.
Sydney Water	No objection subject to recommended conditions

INTERNAL REFERRALS

The application was referred to the following internal subject matter experts.	
Internal referral	Comments
Waste Officer	Due to the limited frontage of the site, the applicant has pursued a mixed waste collection service. This includes the engagement of a private waste contractor to service the red lid garbage bin, with the remaining bins being serviced by Council's Waste Services. However, as noted in the referral documents the full 140L DWM charge (garbage, recycling and FOGO) will still be applied to each unit through their rates. The nature and calculation method of waste charges levied on properties are not a relevant planning consideration.

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	The Waste Management Plan prepared by the applicant has satisfactorily demonstrated that waste can be appropriately managed on the site.
Landscape Design Officer	No objection subject to recommended conditions
Subdivision and Development Engineer	Further information required (see below) Council's Subdivision and Development Engineer provided written feedback on the relevant matters on 12/02/2026. Three objections were raised relating to the following matters: 1. Concept Drainage Design 2. Swept Path Analysis 3. Updated Architectural Plans to reflect shoring plan The above matters were satisfactorily resolved during the assessment process and no objection raised subject to recommended conditions.
Contribution Planner	Section 7.12 Contributions and Housing and Productivity Contribution (HPC) applicable
Property Manager	No objection raised during assessment period.
GIS Officer	No objection subject to recommended conditions

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OTHER APPROVALS

Integrated development	
Agency	Recommendation
Water NSW	General Terms of Approval issued by Water NSW (see Trim Ref: 26/36020)

THE PUBLIC INTEREST

The proposal is considered to be consistent with all relevant Environmental Planning Instruments and Development Control Plan, is not likely to cause significant adverse impacts to the natural or built environment, is not likely to cause significant adverse social and economic impacts, is suitable for the site and therefore is considered to be consistent with the public interest.

FINAL COMMENTS AND CONCLUSIONS

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The proposal is consistent with Kiama LEP 2011 and relevant Kiama DCP 2020 Chapters.

Where the proposal includes departures from the development standards in the Kiama LEP 2011 and Kiama DCP 2020, the relevant objectives have been satisfactorily addressed and achieved.

The proposed development is consistent with the objectives of the R3 Medium Density Residential zone.

Consideration has been given to the social, economic, and environmental impacts of the proposed development and no significant concerns are raised.

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The proposed development is considered to be reasonable and conditional approval is recommended.

RECOMMENDATION

I declare that I have no pecuniary or non-pecuniary conflict of interest in the application and recommend that Development Application No 10.2025.84.1 be approved, subject to recommended conditions under Section 4.16 of the *Environmental Planning and Assessment Act 1979*.

M A Shortle
Development Assessment Officer – Planning
20/04/2026

Peer Review

20/04/2026
Peter Woodworth
Coordinator Development Assessment

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SECTION 4.15 ASSESSMENT

APPENDIX 1 – APARTMENT DESIGN GUIDELINES

Apartment Design Guidelines			
Part 3B - Orientation			
Objective 3B-1			
Building types and layouts respond to the streetscape and site while optimising solar access within the development.			
Design Criteria or Guidance	Comment	Compliance	
Buildings along the street frontage define the street, by facing it and incorporating direct access from the street (see figure 3B.1).	Building A and B have both been designed to appropriately address their respective street frontages.	Yes	
Where the street frontage is to the east or west, rear buildings should be orientated to the north.	N/A	NA	
Where the street frontage is to the north or south, overshadowing to the south should be minimised and buildings behind the street frontage should be orientated to the east and west (see figure 3B.2).	Building A and B have both been designed to appropriately address their respective street frontages and overshadowing had been appropriately considered.	Yes	
Objective 3B-2			
Overshadowing of neighbouring properties is minimised during mid-winter			
Design Criteria or Guidance	Comment	Compliance	
Living areas, private open space and communal open space should receive solar access in accordance with sections 3D Communal and public open space and 4A Solar and daylight access.	Living areas, private open space and communal open space has been sited and designed such that appropriate solar access is available.	Yes	

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Solar access to living rooms, balconies and private open spaces of neighbours should be considered.	Shadow diagrams provided demonstrate that neighbouring properties receive appropriate solar access.	Yes
Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.	N/A	N/A
If the proposal will significantly reduce the solar access of neighbours, building separation should be increased beyond minimums contained in section 3F Visual privacy.	N/A	N/A
Overshadowing should be minimised to the south or downhill by increased upper level setbacks.	Overshadowing to the south has been minimised by vertical articulation of the upper floor and the appropriate stepping of the development in response to the topography of the site	Yes
It is optimal to orientate buildings at 90 degrees to the boundary with neighbouring properties to minimise overshadowing and privacy impacts, particularly where minimum setbacks are used and where buildings are higher than the adjoining development.	Building are orientated at 90 degrees to property boundaries.	Yes
A minimum of 4 hours of solar access should be retained to solar collectors on neighbouring buildings.	Complies.	Yes
Part 3C - Public Domain Interface		
Objective 3C-1		
Transition between private and public domain is achieved without compromising safety and security		
Design Criteria or Guidance	Comment	Compliance
Terraces, balconies and courtyard apartments should have direct street entry, where appropriate.	N/A	NA

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Changes in level between private terraces, front gardens and dwelling entries above the street level provide surveillance and improve visual privacy for ground level dwellings (see figure 3C.1).	N/A	N/A	N/A
Upper level balconies and windows should overlook the public domain.	Complies.	Yes	
Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m.	Complies	Yes	
Length of solid walls should be limited along street frontages.	Walls along street frontages have been appropriately articulated.	Yes	
Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets.	Appropriate landscaping and interface between private and public areas has been included in the design.	Yes	
In developments with multiple buildings and/or entries, pedestrian entries and spaces associated with individual buildings/entries should be differentiated to improve legibility for residents, using a number of the following design solutions: • architectural detailing • changes in materials • plant species • colours	Building entries are clearly delineated from each other.	Yes	
Opportunities for people to be concealed should be minimised.	The proposed development includes open style landscaping and appropriate building separation to afford casual surveillance opportunities which minimise concealment opportunities.	Yes	

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Objective 3C-2 Amenity of the public domain is retained and enhanced.		
Design Criteria or Guidance	Comment	Compliance
Planting softens the edges of any raised terraces to the street, for example above sub-basement car parking.	Appropriate landscaping has been provided, including above sub-basement car parking.	Yes
Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.	Complies. Letterboxes located on Belinda Street frontage.	Yes
The visual prominence of underground car park vents should be minimised and located at a low level where possible.	Entry to the underground car park has been located on the low side of the street frontage and has been appropriately landscaped to minimise visual prominence, including the use of appropriate colours and materials.	Yes
Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view.	Complies.	Yes
Ramping for accessibility should be minimised by building entry location and setting ground floor levels in relation to footpath levels.	Ramping is necessary given the relatively steep topography of the site and has been appropriately incorporated into the landscaping plan.	Yes
Durable, graffiti resistant and easily cleanable materials should be used.	Complies	Yes
Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions: street access, pedestrian paths and building entries which are clearly defined	N/A	N/A

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- paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space - minimal use of blank walls, fences and ground level parking		
On sloping sites protrusion of car parking above ground level should be minimised by using split levels to step underground car parking.	Complies, underground car parking is appropriately stepped.	Yes
Part 3D - Communal and public open space		
Objective 3D-2		
Amenity of the public domain is retained and enhanced.		
Design Criteria or Guidance	Comment	Compliance
Communal open space has a minimum area equal to 25% of the site (see figure 3D.3).	Complies. Site Area – 2007m2 COS – 519.88m2 or 25.9%	Yes
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter).	Complies.	Yes
Communal open space should be consolidated into a well-designed, easily identified and usable area.	Communal open space has been clearly located on each building's rooftop terrace and in the area between the two buildings. COS is easily identified and usable.	Yes
Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions.	COS dimensions are ~15m x 10m on the rooftop terrace. Complies	Yes

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Communal open space should be co-located with deep soil areas.	Complies where applicable.	Yes		
Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies.	Complies. Rooftop COS is accessible via stairs and lift. Ground level COS is accessible by compliant ramping and landscaped stairs.	Yes		
Where communal open space cannot be provided at ground level, it should be provided on a podium or roof.	Complies.	Yes		
Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room • provide larger balconies or increased private open space for apartments • demonstrate good proximity to public open space and facilities and/or provide contributions to public open space	N/A	N/A		
Objective 3D-2				
Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.				
Design Criteria or Guidance	Comment	Compliance		
Facilities are provided within communal open spaces and common spaces for a range of age groups (see also 4F Common circulation and spaces), incorporating some of the following elements: • seating for individuals or groups	Complies. Various seating types and shade structures provided including barbeque facilities on both building's terraces.	Yes		

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• barbecue areas • play equipment or play areas • swimming pools, gyms, tennis courts or common rooms			
The location of facilities responds to microclimate and site conditions with access to sun in winter, shade in summer and shelter from strong winds and down drafts.	Complies. Appropriate shade and amenity to meet seasonal needs.	Yes	
Visual impacts of services should be minimised, including location of ventilation duct outlets from basement car parks, electrical substations and detention tanks.	OSD, ventilation and plans rooms have been located appropriately to minimise visual impacts.	Yes	
Objective 3D-3			
Communal open space is designed to maximise safety.			
Design Criteria or Guidance	Comment	Compliance	
Communal open space and the public domain should be readily visible from habitable rooms and private open space areas while maintaining visual privacy. Design solutions may include: • bay windows • corner windows • balconies	Balconies and appropriately located windows ensure that COS and public domain are readily visible from habitable rooms and POS areas, while maintaining visual privacy through topographic separation and landscaping.	Yes	
Communal open space should be well lit.	Complies.	Yes	
Where communal open space/facilities are provided for children and young people they are safe and contained.	Complies	Yes	

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Objective 3D-4 Communal open space is designed to maximise safety.			
Design Criteria or Guidance	Comment		Compliance
The public open space should be well connected with public streets along at least one edge.	Public open space has been appropriately designed to both northern and southern street frontages and appropriately blends the edge between public and private areas given the limited frontage and opportunity of the site.		Yes
The public open space should be connected with nearby parks and other landscape elements.	N/A		N/A
Public open space should be linked through view lines, pedestrian desire paths, termination points and the wider street grid.	N/A		N/A
Solar access should be provided year-round along with protection from strong winds.	Complies		Yes
Opportunities for a range of recreational activities should be provided for people of all ages.	N/A		N/A
A positive address and active frontages should be provided adjacent to public open space.	N/A		N/A
Boundaries should be clearly defined between public open space and private areas.	Boundaries between public and private areas are clearly defined.		Yes
Part 3E – Deep Soil Zones			
Objective 3E-1			

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Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality				Comment	Compliance
Design Criteria or Guidance					
Deep soil zones are to meet the following minimum requirements:				Complies.	Yes
Site Area	Minimum Dimensions	Deep Soil Zones (% Site Area)		Minimum dimension – 6m Deep Soil area required – 140.50m ² or 7% site area Deep Soil area provided – 163.62m ² or 8.2% site area.	
Less than 650m ²	-				
650m ² - 1,500m ²	3m				
Greater than 1,500m ²	6m		7%		
Greater than 1,500m ² with significant existing tree cover	6m				
On some sites it may be possible to provide larger deep soil zones, depending on the site area and context:				N/A in the context of the site dimensions and context.	N/A
10% of the site as deep soil on sites with an area of 650m² - 1,500m² 15% of the site as deep soil on sites greater than 1,500m²					
Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:				No significant vegetation on site, deep soil planting zones appropriately located in the context of the site and surrounds.	Yes

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• basement and sub-basement car park design that is consolidated beneath building footprints • use of increased front and side setbacks • adequate clearance around trees to ensure long term health • co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil		
Achieving the design criteria may not be possible on some sites including where: • the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) • there is 100% site coverage or non-residential uses at ground floor level. Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.	NA – minimum deep soil areas achieved.	Yes
Part 3F – Visual Privacy		
Objective 3F-1		
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy		
Design Criteria or Guidance	Comment	Compliance
Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required	The proposed development includes compliant front and rear setbacks and a 3m side setback to both habitable and non-habitable components.	Yes

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separation distances from buildings to the side and rear boundaries are as follows:			Note: Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2) Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties	Apartments have been carefully designed to address the north and south, with balconies having the same aspect. Side boundary setbacks are softened by hit and miss privacy screening. Additionally, the use of mixed colours and materials in combination with vertical articulation provides appropriate bulk and scale in response to the reduced numerical setback. The proposed development maintains adequate building separation to existing developments to adequately maintain external and internal visual privacy.	
Building Height	Habitable Rooms and Balconies	Non-Habitable Rooms			
Up to 12m (4 stories)	6m	3m			
Up to 25m (5-8 stories)	9m	4.5m			
Over 25m (9+ stories)	12m	6m			
Generally one step in the built form as the height increases due to building separations is desirable. Additional steps should be careful not to cause a 'ziggurat' appearance.				Vertical articulation has been designed appropriately in the context of the site and surrounds.	Yes
For residential buildings next to commercial buildings, separation distances should be measured as follows: for retail, office spaces and commercial balconies use the habitable room distances				NA	N/A

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for service and plant areas use the non-habitable room distances			
New development should be located and oriented to maximise visual privacy between buildings on site and for neighbouring buildings. Design solutions include: - site layout and building orientation to minimise privacy impacts (see also section 3B Orientation) - on sloping sites, apartments on different levels have appropriate visual separation distances (see figure 3F.4)	Complies	Yes	
Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5).	N/A	N/A	
Direct lines of sight should be avoided for windows and balconies across corners.	Complies	Yes	
No separation is required between blank walls.	Noted	Yes	
Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space			
Design Criteria or Guidance	Comment	Compliance	
Communal open space, common areas and access paths should be separated from private open space and windows to	COS is largely provided on rooftop terrace areas, providing appropriate separation from POS and windows to apartments.	Yes	

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apartments, particularly habitable room windows. Design solutions may include: • setbacks • solid or partially solid balustrades to balconies at lower levels • fencing and/or trees and vegetation to separate spaces • screening devices • bay windows or pop out windows to provide privacy in one direction and outlook in another • raising apartments/private open space above the public domain or communal open space • planter boxes incorporated into walls and balustrades to increase visual separation • pergolas or shading devices to limit overlooking of lower apartments or private open space • on constrained sites where it can be demonstrated that building layout opportunities are limited, fixed louvres or screen panels to windows and/or balconies	Where COS is proposed at ground level, appropriate separation has been provided.	
Bedrooms, living spaces and other habitable rooms should be separated from gallery access and other open circulation space by the apartment's service areas.	Adequate separation provided.	Yes
Balconies and private terraces should be located in front of living rooms to increase internal privacy.	Complies	Yes
Windows should be offset from the windows of adjacent buildings.	Complies	Yes

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Recessed balconies and/or vertical fins should be used between adjacent balconies.	Complies, built form has been designed to provide physical separation of otherwise adjacent balconies.	Yes
Part 3G – Pedestrian Access and Entries		
Objective 3G-1		
Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space.		
Design Criteria or Guidance	Comment	Compliance
Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge.	Entry to the site from the street edge at both Figtree Lane and Belinda Street. Building access does not address the street.	No
Entry locations relate to the street and subdivision pattern and the existing pedestrian network.	Entry to the site can be gained from both Belinda Street and Figtree lane via gated access. Building access is gained via gallery entries on the eastern elevation for each building.	Yes
Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries.	Building entries are located appropriately along access pathways. Communal space entries have been identified and are logically and physically separated from private open space.	Yes
Where street frontage is limited and multiple buildings are located on the site, a primary street address should be provided with clear sight lines and pathways to secondary building entries.	Belinda Street is clearly demarked as the primary street frontage from which both vehicular and pedestrian access can be granted. Clear pathway and site line along the eastern boundary provides visual access to the secondary building and building entries.	Yes
Objective 3G-2		
Access, entries and pathways are accessible and easy to identify.		
Design Criteria or Guidance	Comment	Compliance

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Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces.	Building access areas are visible from public domain and communal spaces.	Yes
The design of ground floors and underground car parks minimise level changes along pathways and entries.	The ground floor and underground car park areas minimise level changes where practical.	Yes
Steps and ramps should be integrated into the overall building and landscape design.	Complies	Yes
For large developments 'way finding' maps should be provided to assist visitors and residents (see figure 4T.3).	Way finding on the site is clearly defined by pedestrian pathways and building identification.	N/A
For large developments electronic access and audio/video intercom should be provided to manage access.	TBC	N/A
Objective 3G-3		
Large sites provide pedestrian links for access to streets and connection to destinations.		
Design Criteria or Guidance	Comment	Compliance
Pedestrian links through sites facilitate direct connections to open space, main streets, centres and public transport.	Complies	Yes
Pedestrian links should be direct, have clear sight lines, be overlooked by habitable rooms or private open spaces of dwellings, be well lit and contain active uses, where appropriate.	Complies	Yes
Part 3H – Vehicle Access		
Objective 3H-1		

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Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.		
Design Criteria or Guidance	Comment	Compliance
Car park access should be integrated with the building's overall facade. Design solutions may include: - the materials and colour palette to minimise visibility from the street - security doors or gates at entries that minimise voids in the facade - where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed	Complies. The vehicle access to the site has been appropriately integrated into the overall building design and façade, including materials and colours to complement the overall building design and streetscape character.	Choose an item.
Car park entries should be located behind the building line.	Complies	Yes
Vehicle entries should be located at the lowest point of the site minimising ramp lengths, excavation and impacts on the building form and layout.	Complies	Yes
Car park entry and access should be located on secondary streets or lanes where available.	Available, though not practical due to the topography of the site.	N/A
Vehicle standing areas that increase driveway width and encroach into setbacks should be avoided.	Complies	Yes
Access point locations should avoid headlight glare to habitable rooms.	Complies	Yes
Adequate separation distances should be provided between vehicle entries and street intersections.	Complies	Yes

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The width and number of vehicle access points should be limited to the minimum.	Complies	Yes
Visual impact of long driveways should be minimised through changing alignments and screen planting.	Complies	Yes
The need for large vehicles to enter or turn around within the site should be avoided.	Complies	Yes
Garbage collection, loading and servicing areas are screened.	Complies	Yes
Clear sight lines should be provided at pedestrian and vehicle crossings.	Complies	Yes
Traffic calming devices such as changes in paving material or textures should be used where appropriate.	Complies	Yes
Pedestrian and vehicle access should be separated and distinguishable. Design solutions may include: • changes in surface materials • level changes • the use of landscaping for separation	Complies	Yes
Part 3J - Bicycle and Car Parking		
Objective 3J-1		
Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.		
Design Criteria or Guidance	Comment	Compliance

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For development in the following locations: - on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or - on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street.	Minimum parking requirement – 53 spaces Spaces provided – 59 spaces	Yes
Where a car share scheme operates locally, provide car share parking spaces within the development. Car share spaces, when provided, should be on site.	N/A	N/A
Where less car parking is provided in a development, council should not provide on street resident parking permits.	N/A	N/A
Objective 3J-2 Parking and facilities are provided for other modes of transport.		
Design Criteria or Guidance	Comment	Compliance
Conveniently located and sufficient numbers of parking spaces should be provided for motorbikes and scooters.	Complies	Yes
Secure undercover bicycle parking should be provided that is easily accessible from both the public domain and common areas.	Complies	Yes

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Conveniently located charging stations are provided for electric vehicles, where desirable.	N/A	N/A
Objective 3J-3 Car park design and access is safe and secure.		
Design Criteria or Guidance	Comment	Compliance
Supporting facilities within car parks, including garbage, plant and switch rooms, storage areas and car wash bays can be accessed without crossing car parking spaces.	Complies	Yes
Direct, clearly visible and well-lit access should be provided into common circulation areas.	Complies	Yes
A clearly defined and visible lobby or waiting area should be provided to lifts and stairs.	Complies	Yes
For larger car parks, safe pedestrian access should be clearly defined and circulation areas have good lighting, colour, line marking and/or bollards.	Complies	Yes
Objective 3J-4 Visual and environmental impacts of underground car parking are minimised.		
Design Criteria or Guidance	Comment	Compliance
Excavation should be minimised through efficient car park layouts and ramp design.	Complies	Yes
Car parking layout should be well organised, using a logical, efficient structural grid and double loaded aisles.	Complies	Yes

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Protrusion of car parks should not exceed 1m above ground level. Design solutions may include stepping car park levels or using split levels on sloping sites.	Complies, car park is cut into the site.	Yes
Natural ventilation should be provided to basement and sub-basement car parking areas.	Complies	Yes
Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design.	Complies	Yes
Objective 3J-5 Visual and environmental impacts of on-grade car parking are minimised.		
Design Criteria or Guidance	Comment	Compliance
On-grade car parking should be avoided.	Complies, car parking is exclusively in basement levels.	Yes
Where on-grade car parking is unavoidable, the following design solutions are used: • parking is located on the side or rear of the lot away from the primary street frontage • cars are screened from view of streets, buildings, communal and private open space areas • safe and direct access to building entry points is provided • parking is incorporated into the landscape design of the site, by extending planting and materials into the car park space	N/A	N/A

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- stormwater run-off is managed appropriately from car parking surfaces - bio-swales, rain gardens or on site detention tanks are provided, where appropriate - light coloured paving materials or permeable paving systems are used and shade trees are planted between every 4-5 parking spaces to reduce increased surface temperatures from large areas of paving		
Objective 3J-6 Visual and environmental impacts of above ground enclosed car parking are minimised.		
Design Criteria or Guidance	Comment	Compliance
Exposed parking should not be located along primary street frontages.	N/A	Yes
Screening, landscaping and other design elements including public art should be used to integrate the above ground car parking with the facade. Design solutions may include: - car parking that is concealed behind the facade, with windows integrated into the overall facade design (approach should be limited to developments where a larger floor plate podium is suitable at lower levels - car parking that is 'wrapped' with other uses, such as retail, commercial or two storey Small Office/Home Office (SOHO) units along the street frontage (see figure 3J.9)	N/A	Yes
Positive street address and active frontages should be provided at ground level.	N/A	Yes

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Part 4A – Solar and Daylight Access		
Objective 4A-1		
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space		
Design Criteria or Guidance	Comment	Compliance
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.	N/A	Yes
In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter.	Complies – 20 apartments or 77%	Yes
A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	Complies	Yes
The design maximises north aspect and the number of single aspect south facing apartments is minimised.	Complies	Yes
Single aspect, single storey apartments should have a northerly or easterly aspect.	N/A	N/A
Living areas are best located to the north and service areas to the south and west of apartments.	Noted	Yes
To optimise the direct sunlight to habitable rooms and balconies a number of the following design features are used: • dual aspect apartments • shallow apartment layouts	All apartments are dual aspect	Yes

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• two storey and mezzanine level apartments • bay windows			
To maximise the benefit to residents of direct sunlight within living rooms and private open spaces, a minimum of 1m ² of direct sunlight, measured at 1m above floor level, is achieved for at least 15 minutes.	Complies	Yes	
Achieving the design criteria may not be possible on some sites. This includes: • where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source • on south facing sloping sites • where significant views are oriented away from the desired aspect for direct sunlight Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the Objective.	N/A	N/A	
Objective 4A-2			
Daylight access is maximised where sunlight is limited			
Design Criteria or Guidance	Comment	Compliance	
Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms.	Complies	Yes	
Where courtyards are used :	N/A	N/A	

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• use is restricted to kitchens, bathrooms and service areas • building services are concealed with appropriate detailing and materials to visible walls • courtyards are fully open to the sky • access is provided to the light well from a communal area for cleaning and maintenance • acoustic privacy, fire safety and minimum privacy separation distances (see section 3F Visual privacy) are achieved.		
Opportunities for reflected light into apartments are optimised through: • reflective exterior surfaces on buildings opposite south facing windows • positioning windows to face other buildings or surfaces (on neighbouring sites or within the site) that will reflect light • integrating light shelves into the design • light coloured internal finishes.	Complies	Yes
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months		
Design Criteria or Guidance	Comment	Compliance
A number of the following design features are used:	Complies – vertical shading provided to east and west facing windows	Yes

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• balconies or sun shading that extend far enough to shade summer sun, but allow winter sun to penetrate living areas • shading devices such as eaves, awnings, balconies, pergolas, external louvres and planting • horizontal shading to north facing windows • vertical shading to east and particularly west facing windows • operable shading to allow adjustment and choice • high performance glass that minimises external glare off windows, with consideration given to reduced tint glass or glass with a reflectance level below 20% (reflective films are avoided).	
Part 4B – Natural Ventilation	
Objective 4B-1 All habitable rooms are naturally ventilated.	
Design Criteria or Guidance	Comment
The building's orientation maximises capture and use of prevailing breezes for natural ventilation in habitable rooms.	Complies.
Depths of habitable rooms support natural ventilation.	Complies
The area of unobstructed window openings should be equal to at least 5% of the floor area served.	Complies
Light wells are not the primary air source for habitable rooms.	Complies

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Doors and openable windows maximise natural ventilation opportunities by using the following design solutions:	Complies	Yes
- adjustable windows with large effective openable areas - a variety of window types that provide safety and flexibility such as awnings and louvres - windows which the occupants can reconfigure to funnel breezes into the apartment such as vertical louvres, casement windows and externally opening doors.		
Objective 4B-2		
The layout and design of single aspect apartments maximises natural ventilation		
Design Criteria or Guidance	Comment	Compliance
Apartment depths are limited to maximise ventilation and airflow (see also figure 4D.3).	Complies	Yes
Natural ventilation to single aspect apartments is achieved with the following design solutions: - primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) - stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries - courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells.	N/A	N/A
Objective 4B-3		

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The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents		
Design Criteria or Guidance	Comment	Compliance
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	Complies	Yes
Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Complies	Yes
The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths.	Complies	Yes
In cross-through apartments external window and door opening sizes/areas on one side of an apartment (inlet side) are approximately equal to the external window and door opening sizes/areas on the other side of the apartment (outlet side) (see figure 4B.4).	N/A	N/A
Apartments are designed to minimise the number of corners, doors and rooms that might obstruct airflow.	Complies	Yes
Apartment depths, combined with appropriate ceiling heights, maximise cross ventilation and airflow.	Complies	Yes
Part 4C – Ceiling Heights		
Objective 4C-1 Ceiling height achieves sufficient natural ventilation and daylight access		

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Design Criteria or Guidance		Comment	Compliance
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:		Minimum 2.7 provided. Complies	Yes
Minimum Ceiling Height for Apartment and Mixed-use Buildings			
Habitable rooms	2.7m		
Non-habitable	2.4m		
For 2 storey apartments	2.7m for main living area floor 2.4 for second floor, where its area does not exceed 50% of the apartment area.		
Attic Spaces	1.8m at edge of room with a 30 degree minimum ceiling slope.		
If located in mixed use areas	3.3m from ground and first floor to promote future flexibility.		
These minimums do not preclude higher ceilings if desired.		Complies	Yes
Ceiling height can accommodate use of ceiling fans for cooling and heat distribution.			
Objective 4C-2			
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms			
Design Criteria or Guidance		Comment	Compliance

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A number of the following design solutions can be used: - the hierarchy of rooms in an apartment is defined using changes in ceiling heights and alternatives such as raked or curved ceilings, or double height spaces - well proportioned rooms are provided, for example, smaller rooms feel larger and more spacious with higher ceilings - ceiling heights are maximised in habitable rooms by ensuring that bulkheads do not intrude. The stacking of service rooms from floor to floor and coordination of bulkhead location above non-habitable areas, such as robes or storage, can assist.	Apartment design is well proportioned. Complies	Yes
Objective 4C-3 Ceiling heights contribute to the flexibility of building use over the life of the building		
Design Criteria or Guidance Ceiling heights of lower level apartments in centres should be greater than the minimum required by the design criteria allowing flexibility and conversion to non-residential uses (see figure 4C.1).	Comment N/A	Compliance N/A
Part 4D – Apartment size and layout		
Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity		
Design Criteria or Guidance Apartments are required to have the following minimum internal areas:	Comment Complies	Compliance Yes

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Apartment Type	Minimum Internal Area			
Studio	35m ²			
1 bedroom	50m ²			
2 bedroom	70m ²			
3 bedroom	90m ²			
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m ² each.				
A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m ² each.				
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.		Complies		Yes
Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry space).		Complies		Yes
A window should be visible from any point in a habitable room.		Complies		Yes
Where minimum areas or room dimensions are not met apartments need to demonstrate that they are well designed and demonstrate the usability and functionality of the space with realistically scaled furniture layouts and circulation areas. These circumstances would be assessed on their merits.		N/A		N/A
Objective 4D-2				

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Environmental performance of the apartment is maximised		
Design Criteria or Guidance	Comment	Compliance
Habitable room depths are limited to a maximum of 2.5 x the ceiling height.	Complies	Yes
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.	Complies	Yes
Greater than minimum ceiling heights can allow for proportional increases in room depth up to the permitted maximum depths.	Noted, N/A	N/A
All living areas and bedrooms should be located on the external face of the building.	Complies	Yes
Where possible: • bathrooms and laundries should have an external openable window • main living spaces should be oriented toward the primary outlook and aspect and away from noise sources	Bathroom windows not proposed.	Yes
Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs		
Design Criteria or Guidance	Comment	Compliance
Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space).	Complies	Yes

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Bedrooms have a minimum dimension of 3m (excluding wardrobe space).	Complies	Yes
Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments	Complies	Yes
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	N/A	N/A
Access to bedrooms, bathrooms and laundries is separated from living areas minimising direct openings between living and service areas.	Complies	Yes
All bedrooms allow a minimum length of 1.5m for robes.	Complies	Yes
The main bedroom of an apartment or a studio apartment should be provided with a wardrobe of a minimum 1.8m long, 0.6m deep and 2.1m high.	Complies	Yes
Apartment layouts allow flexibility over time, design solutions may include: • dimensions that facilitate a variety of furniture arrangements and removal • spaces for a range of activities and privacy levels between different spaces within the apartment • dual master apartments • dual key apartments	Complies	Yes

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Note: dual key apartments which are separate but on the same title are regarded as two sole occupancy units for the purposes of the Building Code of Australia and for calculating the mix of apartments																	
- room sizes and proportions or open plans (rectangular spaces (2:3) are more easily furnished than square spaces (1:1)) - efficient planning of circulation by stairs, corridors and through rooms to maximise the amount of usable floor space in rooms.																	
Part 4E – Private Open Space and Balconies																	
Objective 4E-1																	
Apartments provide appropriately sized private open space and balconies to enhance residential amenity																	
Design Criteria or Guidance	Comment	Compliance															
All apartments are required to have primary balconies as follows: <table><tr><th>Dwelling Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio</td><td>4m²</td><td>-</td></tr><tr><td>1 bedroom apartments</td><td>8m²</td><td>2m</td></tr><tr><td>2 bedroom apartments</td><td>10m²</td><td>2m</td></tr><tr><td>3 bedroom apartments</td><td>12m²</td><td>2.4m</td></tr></table>	Dwelling Type	Minimum Area	Minimum Depth	Studio	4m ²	-	1 bedroom apartments	8m ²	2m	2 bedroom apartments	10m ²	2m	3 bedroom apartments	12m ²	2.4m	Complies	Yes
Dwelling Type	Minimum Area	Minimum Depth															
Studio	4m ²	-															
1 bedroom apartments	8m ²	2m															
2 bedroom apartments	10m ²	2m															
3 bedroom apartments	12m ²	2.4m															

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The minimum balcony depth to be counted as contributing to the balcony area is 1m			
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m.	N/A		N/A
Increased communal open space should be provided where the number or size of balconies are reduced.	Complies		Yes
Storage areas on balconies is additional to the minimum balcony size.	N/A		N/A
Balcony use may be limited in some proposals by: - consistently high wind speeds at 10 storeys and above - close proximity to road, rail or other noise sources - exposure to significant levels of aircraft noise - heritage and adaptive reuse of existing buildings In these situations, juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate, and other amenity benefits for occupants should also be provided in the apartments or in the development or both. Natural ventilation also needs to be demonstrated.	N/A		N/A
Objective 4E-2			
Primary private open space and balconies are appropriately located to enhance liveability for residents.			
Design Criteria or Guidance	Comment	Compliance	

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Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space.	Complies	Yes
Private open spaces and balconies predominantly face north, east or west.	Complies. Some south facing balconies included, though these include dual aspect facing both South and either east or west.	Yes
Primary open space and balconies should be orientated with the longer side facing outwards or be open to the sky to optimise daylight access into adjacent rooms.	Complies.	Yes
Objective 4E-3		
Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.		
Design Criteria or Guidance	Comment	Compliance
Solid, partially solid or transparent fences and balustrades are selected to respond to the location. They are designed to allow views and passive surveillance of the street while maintaining visual privacy and allowing for a range of uses on the balcony. Solid and partially solid balustrades are preferred.	Complies	Yes
Full width full height glass balustrades alone are generally not desirable.	Noted, none proposed.	Yes
Projecting balconies should be integrated into the building design and the design of soffits considered.	Complies	Yes
Operable screens, shutters, hoods and pergolas are used to control sunlight and wind.	Complies	Yes
Balustrades are set back from the building or balcony edge where overlooking or safety is an issue	Complies	Yes

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Downpipes and balcony drainage are integrated with the overall facade and building design.	Complies	Yes
Air-conditioning units should be located on roofs, in basements, or fully integrated into the building design.	Complies	Yes
Where clothes drying, storage or air conditioning units are located on balconies, they should be screened and integrated in the building design.	Complies	Yes
Ceilings of apartments below terraces should be insulated to avoid heat loss.	Complies	Yes
Water and gas outlets should be provided for primary balconies and private open space.	Complies	Yes
Objective 4E-4		
Private open space and balcony design maximises safety		
Design Criteria or Guidance	Comment	Compliance
Changes in ground levels or landscaping are minimised.	Complies	Yes
Design and detailing of balconies avoids opportunities for climbing and falls.	Complies	Yes
Part 4F- Common Circulation and Spaces		
Objective 4F-1		
Common circulation spaces achieve good amenity and properly service the number of apartments		
Design Criteria or Guidance	Comment	Compliance

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The maximum number of apartments off a circulation core on a single level is eight.	Complies	Yes
For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	N/A	N/A
Greater than minimum requirements for corridor widths and/or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors.	Noted	Yes
Daylight and natural ventilation should be provided to all common circulation spaces that are above ground.	Complies	Yes
Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors.	Complies	Yes
Longer corridors greater than 12m in length from the lift core should be articulated. Design solutions may include: a series of foyer areas with windows and spaces for seating wider areas at apartment entry doors and varied ceiling heights	N/A	N/A
Design common circulation spaces to maximise opportunities for dual aspect apartments, including multiple core apartment buildings and cross over apartments.	Complies	Yes
Achieving the design criteria for the number of apartments off a circulation core may not be possible. Where a development is unable to achieve the design criteria, a high level of	N/A	N/A

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amenity for common lobbies, corridors and apartments should be demonstrated, including: • sunlight and natural cross ventilation in apartments • access to ample daylight and natural ventilation in common circulation spaces • common areas for seating and gathering • generous corridors with greater than minimum ceiling heights • other innovative design solutions that provide high levels of amenity		
Where design criteria 1 is not achieved, no more than 12 apartments should be provided off a circulation core on a single level.	N/A	N/A
Primary living room or bedroom windows should not open directly onto common circulation spaces, whether open or enclosed. Visual and acoustic privacy from common circulation spaces to any other rooms should be carefully controlled.	Complies	Yes
Objective 4F-2 Common circulation spaces promote safety and provide for social interaction between residents		
Design Criteria or Guidance	Comment	Compliance
Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines.	Complies	Yes

Tight corners and spaces are avoided.	Complies	Yes				
Circulation spaces should be well lit at night.	Complies	Yes				
Legible signage should be provided for apartment numbers, common areas and general wayfinding.	Complies	Yes				
Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided.	Complies	Yes				
In larger developments, community rooms for activities such as owners corporation meetings or resident use should be provided and are ideally co-located with communal open space.	N/A	N/A				
Where external galleries are provided, they are more open than closed above the balustrade along their length.	N/A	N/A				
Part 4G – Storage						
Objective 4G-1						
Adequate, well designed storage is provided in each apartment						
Design Criteria or Guidance	Comment	Compliance				
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: <table><tr><th>Dwelling Type</th><th>Minimum Area</th></tr><tr><td>Studio apartments</td><td>4m³</td></tr></table>	Dwelling Type	Minimum Area	Studio apartments	4m³	Complies.	Yes
Dwelling Type	Minimum Area					
Studio apartments	4m³					

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1 bedroom apartments		6m ³	At least 50% of the required storage is to be located within the apartment.		
2 bedroom apartments		8m ³			
3+ bedroom apartments		10m ³			
Storage is accessible from either circulation or living areas.			Complies	Yes	
Storage provided on balconies (in addition to the minimum balcony size) is integrated into the balcony design, weather-proof and screened from view from the street.			N/A	N/A	
Left over space such as under stairs is used for storage.			N/A	N/A	
Objective 4G-2					
Additional storage is conveniently located, accessible and nominated for individual apartments					
Design Criteria or Guidance			Comment	Compliance	
Storage not located in apartments is secure and clearly allocated to specific apartments.			Complies	Yes	
Storage is provided for larger and less frequently accessed items.			Complies	Yes	

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Storage space in internal or basement car parks is provided at the rear or side of car spaces or in cages so that allocated car parking remains accessible.	Complies	Yes
If communal storage rooms are provided they should be accessible from common circulation areas of the building.	Complies	Yes
Storage not located in an apartment is integrated into the overall building design and is not visible from the public domain.	Complies	Yes
Part 4H – Acoustic Privacy		
Objective 4H-1		
Noise transfer is minimised through the siting of buildings and building layout		
Design Criteria or Guidance	Comment	Compliance
Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy).	Building separation provides adequate acoustic privacy to each resulting building and existing adjoining developments.	Yes
Window and door openings are generally orientated away from noise sources.	Complies	Yes
Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas	Complies	Yes
Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources.	Complies	Yes

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The number of party walls (walls shared with other apartments) are limited and are appropriately insulated.	Complies	Yes
Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.	Complies	Yes
Objective 4H-2 Noise impacts are mitigated within apartments through layout and acoustic treatments		
Design Criteria or Guidance	Comment	Compliance
Internal apartment layout separates noisy spaces from quiet spaces, using a number of the following design solutions: - rooms with similar noise requirements are grouped together - doors separate different use zones - wardrobes in bedrooms are co-located to act as sound buffers	Complies	Yes
Where physical separation cannot be achieved noise conflicts are resolved using the following design solutions: - double or acoustic glazing - acoustic seals - use of materials with low noise penetration properties - continuous walls to ground level courtyards where they do not conflict with streetscape or other amenity requirements	Complies	Yes

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Part 4J – Noise and Pollution		
Objective 4J-1		
In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.		
Design Criteria or Guidance	Comment	Compliance
To minimise impacts the following design solutions may be used: • physical separation between buildings and the noise or pollution source • residential uses are located perpendicular to the noise source and where possible buffered by other uses • non-residential buildings are sited to be parallel with the noise source to provide a continuous building that shields residential uses and communal open spaces • non-residential uses are located at lower levels vertically separating the residential component from the noise or pollution source. Setbacks to the underside of residential floor levels should increase relative to traffic volumes and other noise sources • buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer • where solar access is in the same direction as the noise source, dual aspect apartments with shallow building depths are preferable (see figure 4J.4) • landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry	Complies	Yes

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Achieving the design criteria in this Apartment Design Guide may not be possible in some situations due to noise and pollution. Where developments are unable to achieve the design criteria, alternatives may be considered in the following areas: • solar and daylight access • private open space and balconies • natural cross ventilation	Noted. N/A	N/A
Objective 4J-2 Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission		
Design Criteria or Guidance Design solutions to mitigate noise include: • limiting the number and size of openings facing noise sources • providing seals to prevent noise transfer through gaps • using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) • using materials with mass and/or sound insulation or absorption properties e.g. solid balcony balustrades, external screens and soffits.	Comment Complies	Compliance Yes
Part 4K – Apartment Mix		
Objective 4K-1 A range of apartment types and sizes is provided to cater for different household types now and into the future		

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Design Criteria or Guidance	Comment	Compliance
A variety of apartment types is provided	Complies	Yes
The apartment mix is appropriate, taking into consideration: - the distance to public transport, employment and education centres - the current market demands and projected future demographic trends - the demand for social and affordable housing - different cultural and socioeconomic groups.	Complies	Yes
Flexible apartment configurations are provided to support diverse household types and stages of life including single person households, families, multi-generational families and group households.	Complies	Yes
Objective 4K-2 The apartment mix is distributed to suitable locations within the building		
Design Criteria or Guidance	Comment	Compliance
Different apartment types are located to achieve successful facade composition and to optimise solar access (see figure 4K.3).	Facade composition is incompatible with streetscape and certain apartments have sub-optimal solar access	Yes
Larger apartment types are located on the ground or roof level where there is potential for more open space and on corners where more building frontage is available.	Complies	Yes
Part 4L – Ground Floor Apartments		

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Objective 4L-1		
Street frontage activity is maximised where ground floor apartments are located		
Design Criteria or Guidance	Comment	Compliance
Direct street access should be provided to ground floor apartments	Direct street access is provided via access paths throughout the site in response to the topography.	Yes
Activity is achieved through front gardens, terraces and the facade of the building. Design solutions may include: • both street, foyer and other common internal circulation entrances to ground floor apartments • private open space is next to the street • doors and windows face the street	Complies	Yes
Retail or home office spaces should be located along street frontages	N/A	N/A
Ground floor apartment layouts support small office home office (SOHO) use to provide future opportunities for conversion into commercial or retail areas. In these cases provide higher floor to ceiling heights and ground floor amenities for easy conversion	Complies	Yes
Objective 4L-2		
Design of ground floor apartments delivers amenity and safety for residents		
Design Criteria or Guidance	Comment	Compliance
Privacy and safety should be provided without obstructing casual surveillance. Design solutions may include:	Complies	Yes

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- elevation of private gardens and terraces above the street level by 1-1.5m (see figure 4L.4) - landscaping and private courtyards - window sill heights that minimise sight lines into apartments - integrating balustrades, safety bars or screens with the exterior design		
Solar access should be maximised through: - high ceilings and tall windows - trees and shrubs that allow solar access in winter and shade in summer	Complies	Yes
Part 4M - Facades		
Objective 4M-1 Building facades provide visual interest along the street while respecting the character of the local area		
Design Criteria or Guidance	Comment	Compliance
Design solutions for front building facades may include: - a composition of varied building elements - a defined base, middle and top of buildings - revealing and concealing certain elements - changes in texture, material, detail and colour to modify the prominence of elements.	Complies	Yes
Building services should be integrated within the overall façade.	Complies	Yes

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Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller buildings.	Complies	Yes
Building facades relate to key datum lines of adjacent buildings through upper level setbacks, parapets, cornices, awnings or colonnade heights.	Complies	Yes
Shadow is created on the facade throughout the day with building articulation, balconies and deeper window reveals.	Complies	Yes
Objective 4M-2 Building functions are expressed by the facade		
Design Criteria or Guidance	Comment	Compliance
Building entries should be clearly defined.	Building entries face the eastern side boundary, however are clearly labelled with appropriate signage which is visible from the street and .	Yes
Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height.	Complies	Yes

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The apartment layout should be expressed externally through facade features such as party walls and floor slabs.	Complies	Yes
Part 4N – Roof Design		
Objective 4N-1		
Roof treatments are integrated into the building design and positively respond to the street		
Design Criteria or Guidance	Comment	Compliance
Roof design relates to the street. Design solutions may include: • special roof features and strong corners • use of skillion or very low pitch hipped roofs • breaking down the massing of the roof by using smaller elements to avoid bulk • using materials or a pitched form complementary to adjacent buildings.	Complies	Yes
Roof treatments should be integrated with the building design. Design solutions may include: • roof design proportionate to the overall building size, scale and form • roof materials complement the building • service elements are integrated.	Complies	Yes
Objective 4N-2		
Opportunities to use roof space for residential accommodation and open space are maximised		
Design Criteria or Guidance	Comment	Compliance

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Habitable roof space should be provided with good levels of amenity. Design solutions may include: • penthouse apartments • dormer or clerestory windows • openable skylights.	Complies	Yes
Open space is provided on roof tops subject to acceptable visual and acoustic privacy, comfort levels, safety and security considerations.	Complies	Yes
Objective 4N-3 Roof design incorporates sustainability features		
Design Criteria or Guidance	Comment	Compliance
Roof design maximises solar access to apartments during winter and provides shade during summer. Design solutions may include: • the roof lifts to the north • eaves and overhangs shade walls and windows from summer sun.	Complies	Yes
Skylights and ventilation systems should be integrated into the roof design.	Complies	Yes
Part 4O – Landscape Design		
Objective 4O-1 Landscape design is viable and sustainable		
Design Criteria or Guidance	Comment	Compliance

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Landscape design should be environmentally sustainable and can enhance environmental performance by incorporating: • diverse and appropriate planting • bio-filtration gardens • appropriately planted shading trees • areas for residents to plant vegetables and herbs • composting • green roofs or walls.	Complies	Yes
Ongoing maintenance plans should be prepared.	Complies	Yes
Microclimate is enhanced by: • appropriately scaled trees near the eastern and western elevations for shade • a balance of evergreen and deciduous trees to provide shading in summer and sunlight access in winter • shade structures such as pergolas for balconies and courtyards.	Complies	Yes
Tree and shrub selection considers size at maturity and the potential for roots to compete (see Table 4).	Complies	Yes
Objective 40-2		
Landscape design contributes to the streetscape and amenity		
Design Criteria or Guidance	Comment	Compliance

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Landscape design responds to the existing site conditions including: • changes of levels • views • significant landscape features including trees and rock outcrops.	Complies	Yes
Significant landscape features should be protected by: • tree protection zones (see figure 4O.5) • appropriate signage and fencing during construction.	Complies	Yes
Plants selected should be endemic to the region and reflect the local ecology.	Complies	Yes
Part 4P – Planting on Structures		
Objective 4P-1 Appropriate soil profiles are provided		
Design Criteria or Guidance	Comment	Compliance
Structures are reinforced for additional saturated soil weight.	Complies	Yes
Soil volume is appropriate for plant growth, considerations include: • modifying depths and widths according to the planting mix and irrigation frequency • free draining and long soil life span • tree anchorage.	Complies	Yes

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Minimum soil standards for plant sizes should be provided in accordance with Table 5.	Complies	Yes
Objective 4P-2 Plant growth is optimised with appropriate selection and maintenance		
Design Criteria or Guidance	Comment	Compliance
Plants are suited to site conditions, considerations include: • drought and wind tolerance • seasonal changes in solar access • modified substrate depths for a diverse range of plants • plant longevity.	Complies	Yes
A landscape maintenance plan is prepared.	Complies	Yes
Irrigation and drainage systems respond to: • changing site conditions • soil profile and the planting regime • whether rainwater, stormwater or recycled grey water is used.	Complies	Yes
Objective 4P-3 Planting on structures contributes to the quality and amenity of communal and public open spaces		
Design Criteria or Guidance	Comment	Compliance

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Building design incorporates opportunities for planting on structures. Design solutions may include: • green walls with specialised lighting for indoor green walls • wall design that incorporates planting • green roofs, particularly where roofs are visible from the public domain • planter boxes Note: <i>structures designed to accommodate green walls should be integrated into the building facade and consider the ability of the facade to change over time.</i>		Complies	Yes
Part 4Q – Universal Design			
Objective 4Q-1			
Universal design features are included in apartment design to promote flexible housing for all community members			
Design Criteria or Guidance		Comments and Compliance	
Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features.		Design Features Elements	Compliance to >20% of apartments
		1 A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level	Complies
		2 At least one, level (step-free) entrance into the dwelling.	Complies
		3 Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.	Complies

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	4	A toilet on the ground (or entry) level that provides easy access.	Complies
	5	A bathroom that contains a hobless shower recess.	Complies
	6	Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date.	Complies
	7	Stairways are designed to reduce the likelihood of injury and also enable future adaptation.	Complies
Objective 4Q-2 A variety of apartments with adaptable designs are provided			
Design Criteria or Guidance		Comment	Compliance
Adaptable housing should be provided in accordance with the relevant council policy.		Complies	Yes
Design solutions for adaptable apartments include: • convenient access to communal and public areas • high level of solar access • minimal structural change and residential amenity loss when adapted • larger car parking spaces for accessibility • parking titled separately from apartments or shared car parking arrangements.		Complies	Yes
Objective 4Q-3 Apartment layouts are flexible and accommodate a range of lifestyle needs			

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Design Criteria or Guidance	Comment	Compliance
Apartment design incorporates flexible design solutions which may include: - rooms with multiple functions - dual master bedroom apartments with separate bathrooms - larger apartments with various living space options - open plan 'loft' style apartments with only a fixed kitchen, laundry and bathroom.	Complies	Yes
Part 4R – Adaptive Reuse		
Objective 4R-1		
New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place		
Design Criteria or Guidance	Comment	Compliance
Design solutions may include: - new elements to align with the existing building - additions that complement the existing character, siting, scale, proportion, pattern, form and detailing - use of contemporary and complementary materials, finishes, textures and colours	NA	N/A
Additions to heritage items should be clearly identifiable from the original building	NA	N/A
New additions allow for the interpretation and future evolution of the building	NA	N/A

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Objective 4R-2 Adapted buildings provide residential amenity while not precluding future adaptive reuse			
Design Criteria or Guidance	Comment	Compliance	
Design features should be incorporated sensitively into adapted buildings to make up for any physical limitations, to ensure residential amenity is achieved. Design solutions may include: • generously sized voids in deeper buildings • alternative apartment types when orientation is poor • using additions to expand the existing building envelope	NA	N/A	
Some proposals that adapt existing buildings may not be able to achieve all of the design criteria in this Apartment Design Guide. Where developments are unable to achieve the design criteria, alternatives could be considered in the following areas: • where there are existing higher ceilings, depths of habitable rooms could increase subject to demonstrating access to natural ventilation, cross ventilation (when applicable) and solar and daylight access (see also sections 4A Solar and daylight access and 4B Natural ventilation) • alternatives to providing deep soil where less than the minimum requirement is currently available on the site • building and visual separation – subject to demonstrating alternative design approaches to achieving privacy	NA	N/A	

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• common circulation • car parking • alternative approaches to private open space and balconies		
Part 4S – Mixed Use		
Objective 4S-1		
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement		
Design Criteria or Guidance	Comment	Compliance
Mixed use development should be concentrated around public transport and centres.	NA	N/A
Mixed use developments positively contribute to the public domain. Design solutions may include: • development addresses the street • active frontages are provided • diverse activities and uses • avoiding blank walls at the ground level • live/work apartments on the ground floor level, rather than commercial.	NA	N/A
Objective 4S-2		
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents		
Design Criteria or Guidance	Comment	Compliance

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Residential circulation areas should be clearly defined. Design solutions may include: - residential entries are separated from commercial entries and directly accessible from the street - commercial service areas are separated from residential components - residential car parking and communal facilities are separated or secured - security at entries and safe pedestrian routes are provided - concealment opportunities are avoided	Residential entries have been located on the eastern boundary and are clearly signposted with clear site lines available.	Yes
Landscaped communal open space should be provided at podium or roof levels.	Complies	Yes
Part 4T – Awnings and Signage		
Objective 4T-1		
Awnings are well located and complement and integrate with the building design.		
Design Criteria or Guidance	Comment	Compliance
Awnings should be located along streets with high pedestrian activity and active frontages.	NA	N/A
A number of the following design solutions are used: - continuous awnings are maintained and provided in areas with an existing pattern - height, depth, material and form complements the existing street character	NA	N/A

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• protection from the sun and rain is provided • awnings are wrapped around the secondary frontages of corner sites • awnings are retractable in areas without an established pattern.		
Awnings should be located over building entries for building address and public domain amenity.	NA	N/A
Awnings relate to residential windows, balconies, street tree planting, power poles and street infrastructure.	NA	N/A
Gutters and down pipes should be integrated and concealed.	NA	N/A
Lighting under awnings should be provided for pedestrian safety.	NA	N/A
Objective 4T-2 Signage responds to the context and desired streetscape character.		
Design Criteria or Guidance	Comment	Compliance
Signage should be integrated into the building design and respond to the scale, proportion and detailing of the development.	Complies	Yes
Legible and discrete way finding should be provided for larger developments.	NA	N/A
Signage is limited to being on and below awnings and a single facade sign on the primary street frontage.	NA	N/A

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Part 4U – Energy Efficiency			
Objective 4U-1 Development incorporates passive environmental design.			
Design Criteria or Guidance	Comment		Compliance
Adequate natural light is provided to habitable rooms (see 4A Solar and daylight access).	Complies		Yes
Well located, screened outdoor areas should be provided for clothes drying.	Complies		Yes
Objective 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.			
Design Criteria or Guidance	Comment		Compliance
A number of the following design solutions are used: - the use of smart glass or other technologies on north and west elevations - thermal mass in the floors and walls of north facing rooms is maximised - polished concrete floors, tiles or timber rather than carpet - insulated roofs, walls and floors and seals on window and door openings - overhangs and shading devices such as awnings, blinds and screens	Complies		Yes

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Provision of consolidated heating and cooling infrastructure should be located in a centralised location (e.g. the basement)	Complies	Yes
Objective 4U-3 Adequate natural ventilation minimises the need for Mechanical ventilation.		
Design Criteria or Guidance	Comment	Compliance
A number of the following design solutions are used: - rooms with similar usage are grouped together - natural cross ventilation for apartments is optimised - natural ventilation is provided to all habitable rooms and as many non-habitable rooms, common areas and circulation spaces as possible.	Complies	Yes
Part 4V – Water Management and Conservation		
Objective 4V-1 Potable water use is minimised.		
Design Criteria or Guidance	Comment	Compliance
Water efficient fittings, appliances and wastewater reuse should be incorporated.	Complies	Yes
Apartments should be individually metered.	Complies	Yes
Rainwater should be collected, stored and reused on site.	Complies	Yes

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Drought tolerant, low water use plants should be used within landscaped areas.	Complies	Yes
Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters		
Design Criteria or Guidance	Comment	Compliance
Water sensitive urban design systems are designed by a suitably qualified professional.	Complies	Yes
A number of the following design solutions are used: • runoff is collected from roofs and balconies in water tanks and plumbed into toilets, laundry and irrigation • porous and open paving materials is maximised • on site stormwater and infiltration, including bio-retention systems such as rain gardens or street tree pits.	Complies	Yes
Objective 4V-3 Flood management systems are integrated into site design		
Design Criteria or Guidance	Comment	Compliance
Detention tanks should be located under paved areas, driveways or in basement car parks.	Complies	Yes
On large sites parks or open spaces are designed to provide temporary on site detention basins.	Complies	Yes
Part 4W – Waste Management		

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Objective 4W-1			
Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents			
Design Criteria or Guidance	Comment		Compliance
Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park.	Complies		Yes
Waste and recycling storage areas should be well ventilated.	Complies		Yes
Circulation design allows bins to be easily manoeuvred between storage and collection points.	Complies		Yes
Temporary storage should be provided for large bulk items such as mattresses.	Complies		Yes
A waste management plan should be prepared.	Complies		Yes
Objective 4W-2			
Domestic waste is minimised by providing safe and convenient source separation and recycling			
Design Criteria or Guidance	Comment		Compliance
All dwellings should have a waste and recycling cupboard or temporary storage area of sufficient size to hold two days' worth of waste and recycling.	Complies		Yes
Communal waste and recycling rooms are in convenient and accessible locations related to each vertical core.	Complies		Yes

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For mixed use developments, residential waste and recycling storage areas and access should be separate and secure from other uses.	N/A	N/A
Alternative waste disposal methods such as composting should be provided.	N/A	N/A
Part 4X – Building Maintenance		
Objective 4X-1		
Building design detail provides protection from weathering		
Design Criteria or Guidance	Comment	Compliance
A number of the following design solutions are used: • roof overhangs to protect walls • hoods over windows and doors to protect openings • detailing horizontal edges with drip lines to avoid staining of surfaces • methods to eliminate or reduce planter box leaching • appropriate design and material selection for hostile locations	Complies	Yes
Objective 4X-2		
Systems and access enable ease of maintenance		
Design Criteria or Guidance	Comment	Compliance
Window design enables cleaning from the inside of the building.	Complies	Yes

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Building maintenance systems should be incorporated and integrated into the design of the building form, roof and façade.	Complies	Yes
Design solutions do not require external scaffolding for maintenance access.	Complies	Yes
Manually operated systems such as blinds, sunshades and curtains are used in preference to mechanical systems.	Complies	Yes
Centralised maintenance, services and storage should be provided for communal open space areas within the building.	Complies	Yes
Objective 4X-3 Material selection reduces ongoing maintenance costs		
Design Criteria or Guidance	Comment	Compliance
A number of the following design solutions are used: • sensors to control artificial lighting in common circulation and spaces • natural materials that weather well and improve with time such as face brickwork • easily cleaned surfaces that are graffiti resistant • robust and durable materials and finishes are used in locations which receive heavy wear and tear, such as common circulation areas and lift interiors	Complies	Yes



SECTION 4.15 ASSESSMENT

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DRAWING TITLE:
COVER SHEET

SHEET NUMBER:
DA - 0000

DATE: 28/03/2025

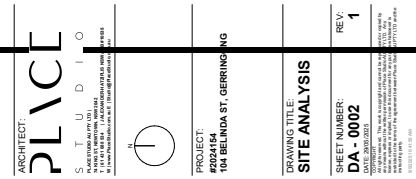
It's not the price we're looking for. It's the people.

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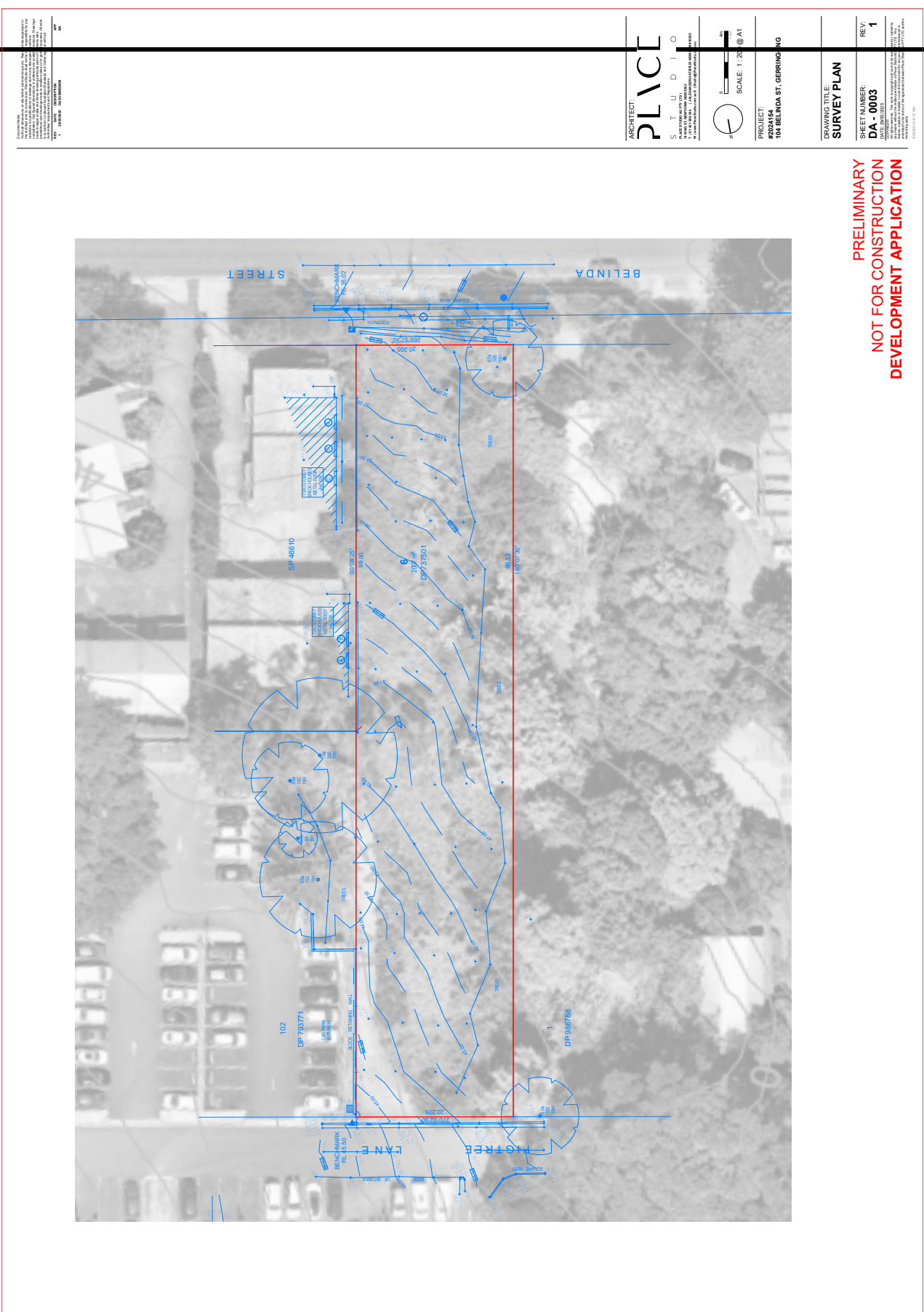
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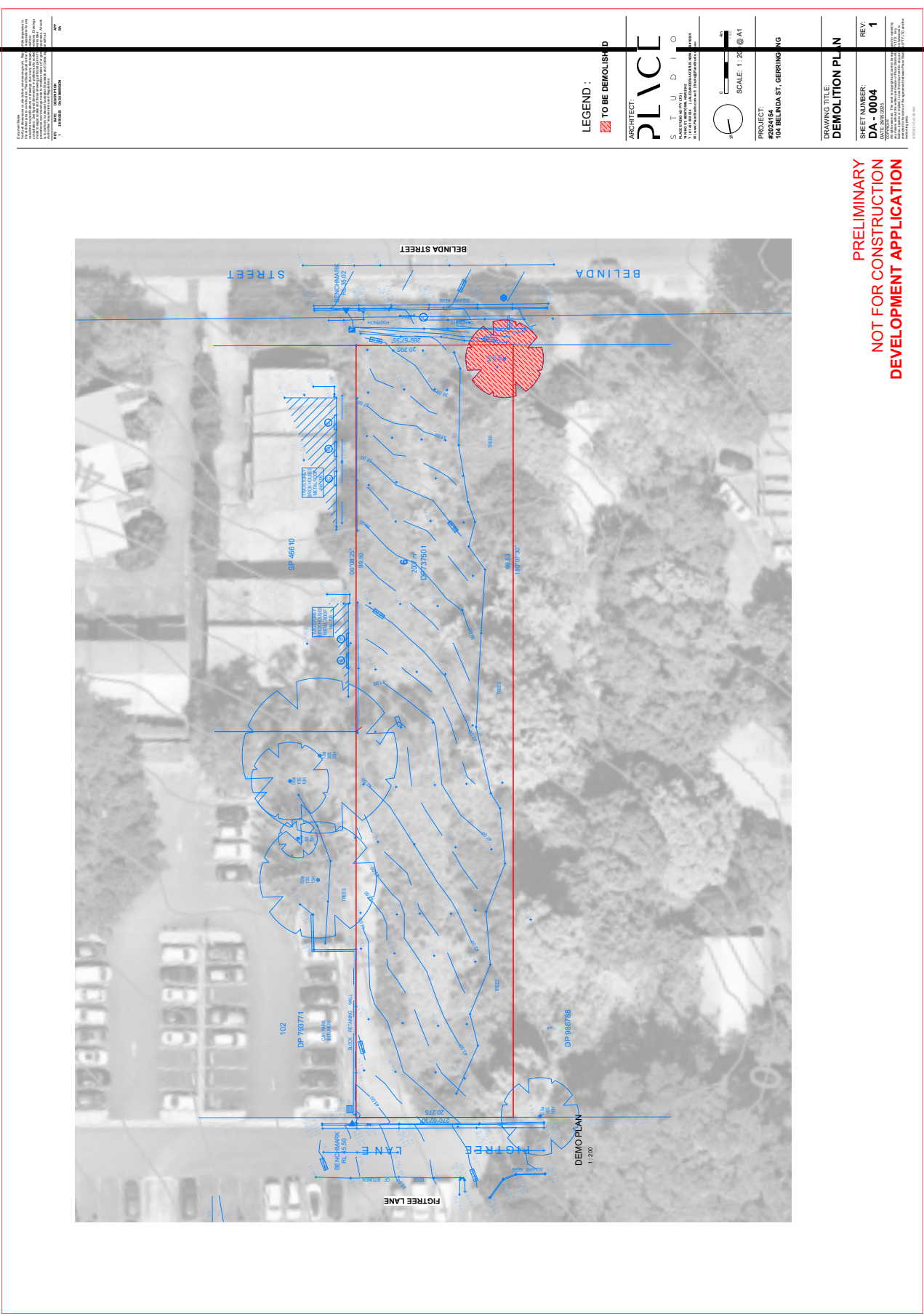
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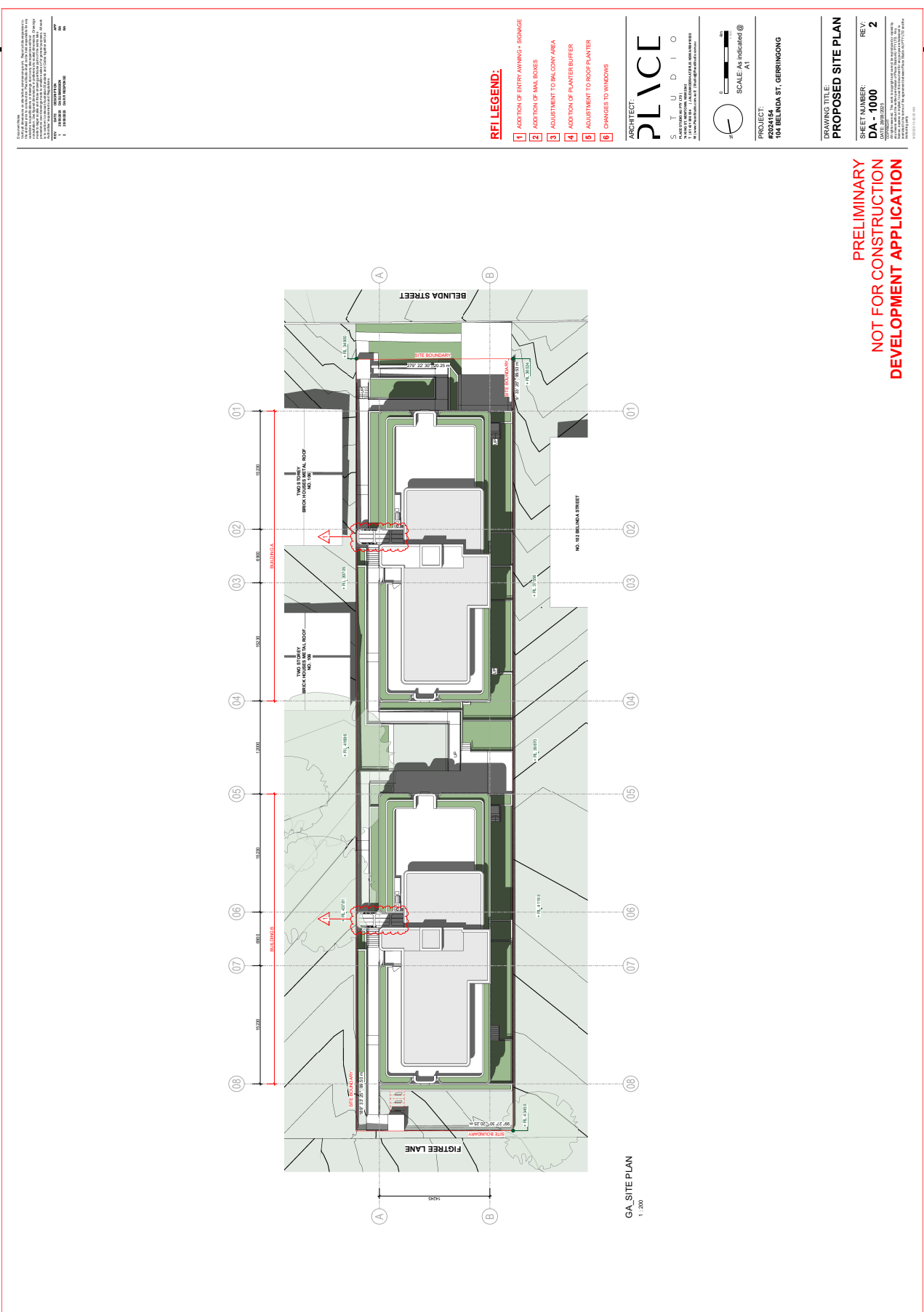


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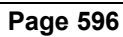
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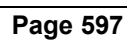


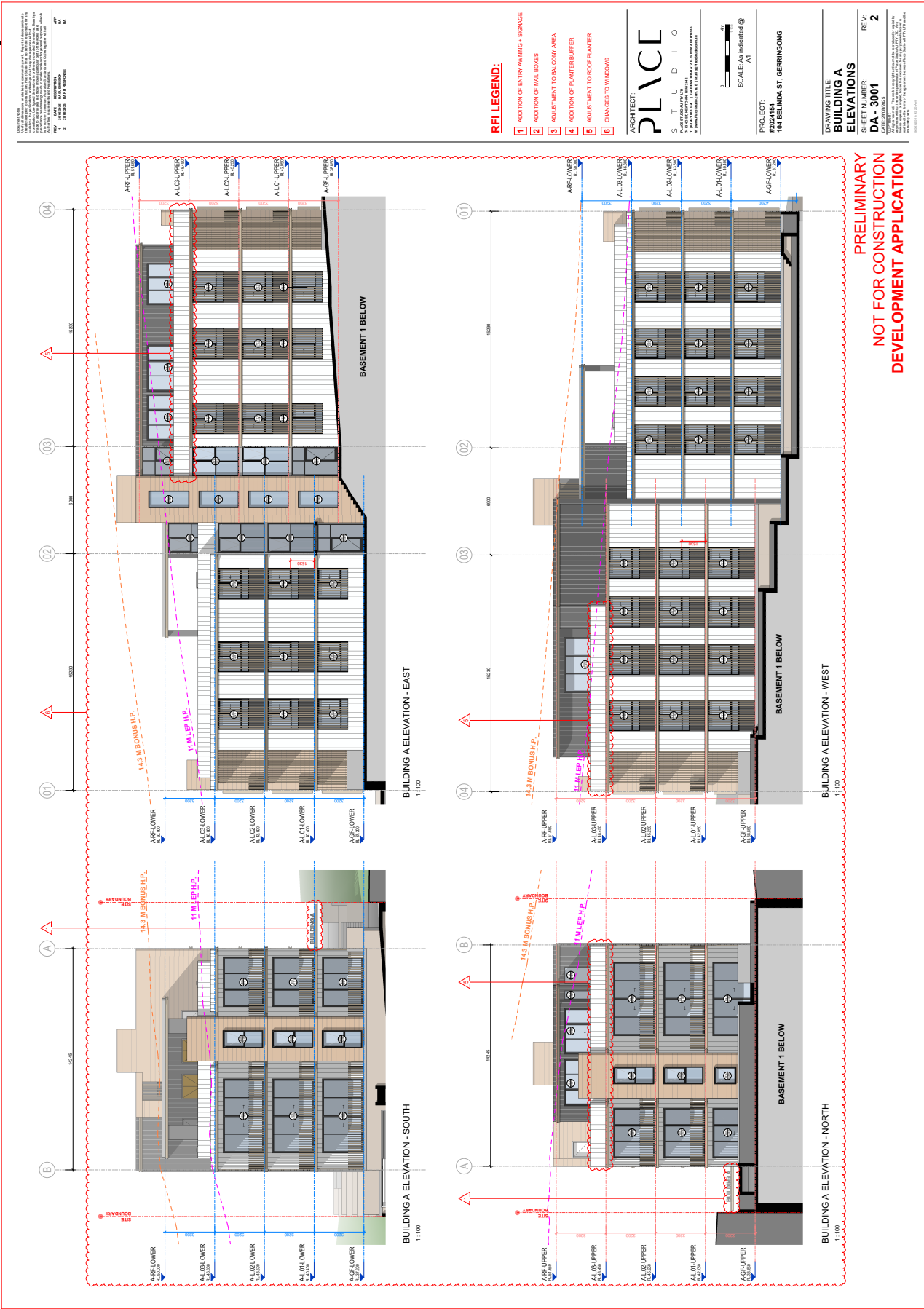


Enclosure 2 - 10.2025.84.1 - PAN-540652 - Plans

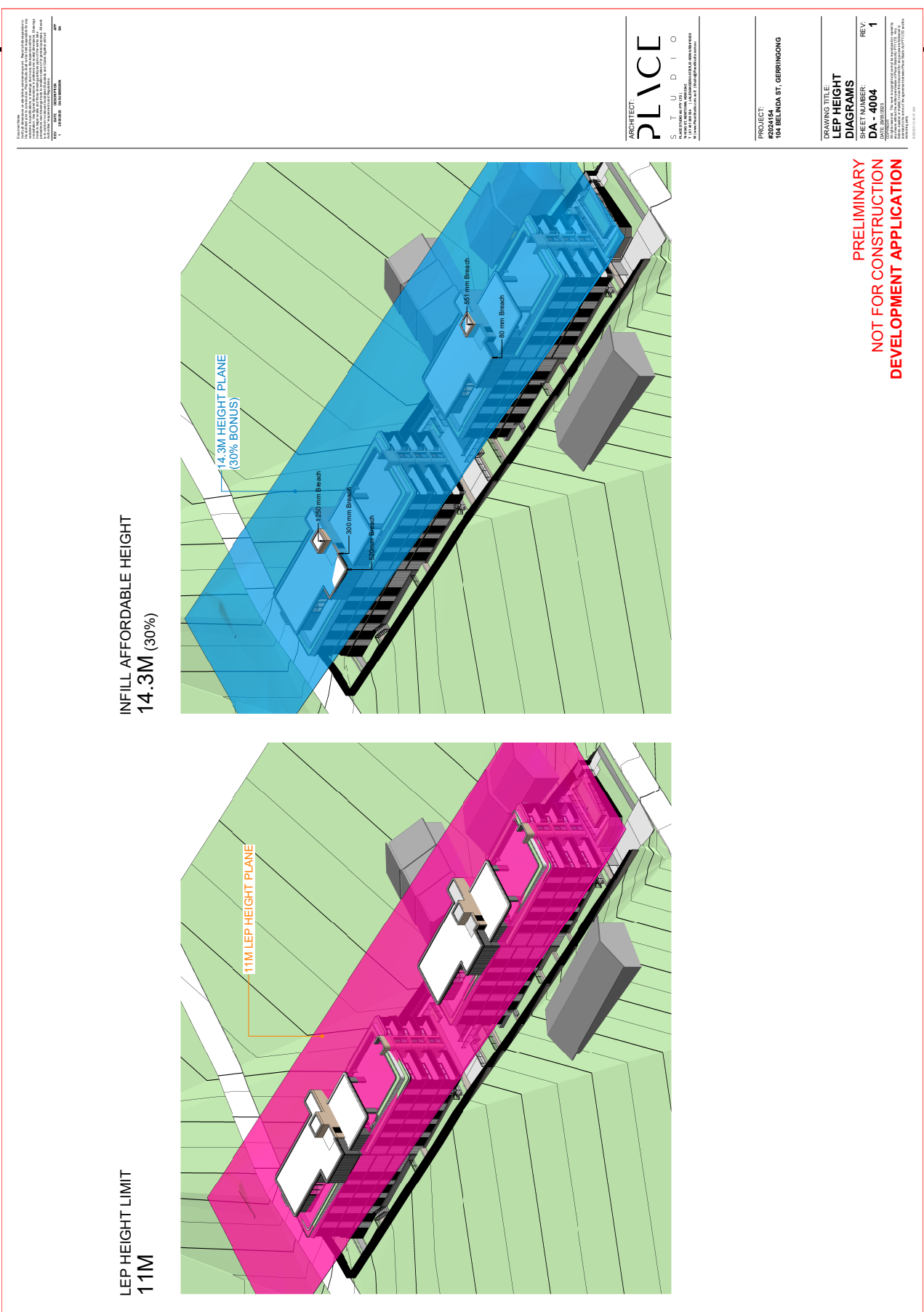


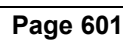
Enclosure 2 - 10.2025.84.1 - PAN-540652 - Plans

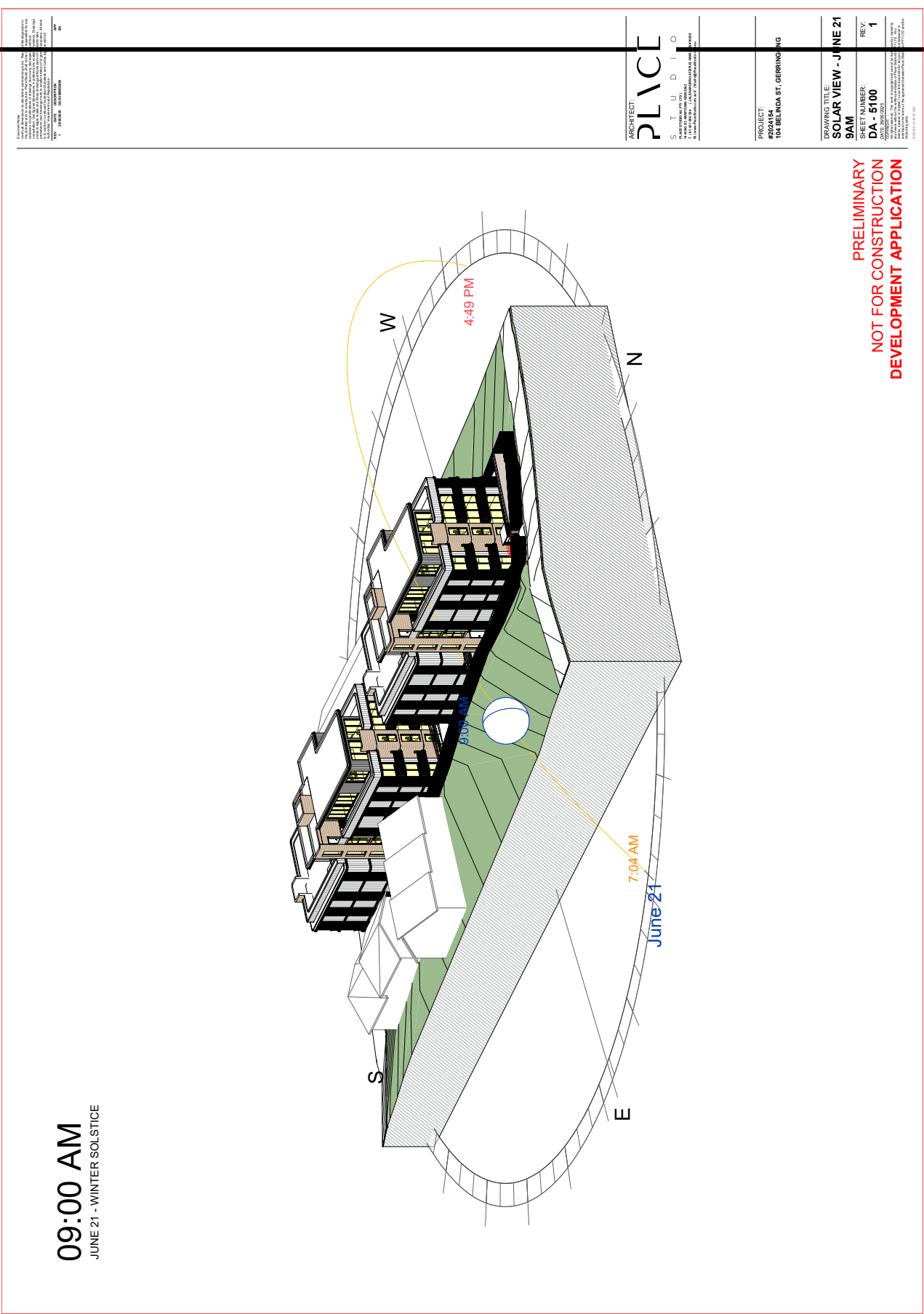


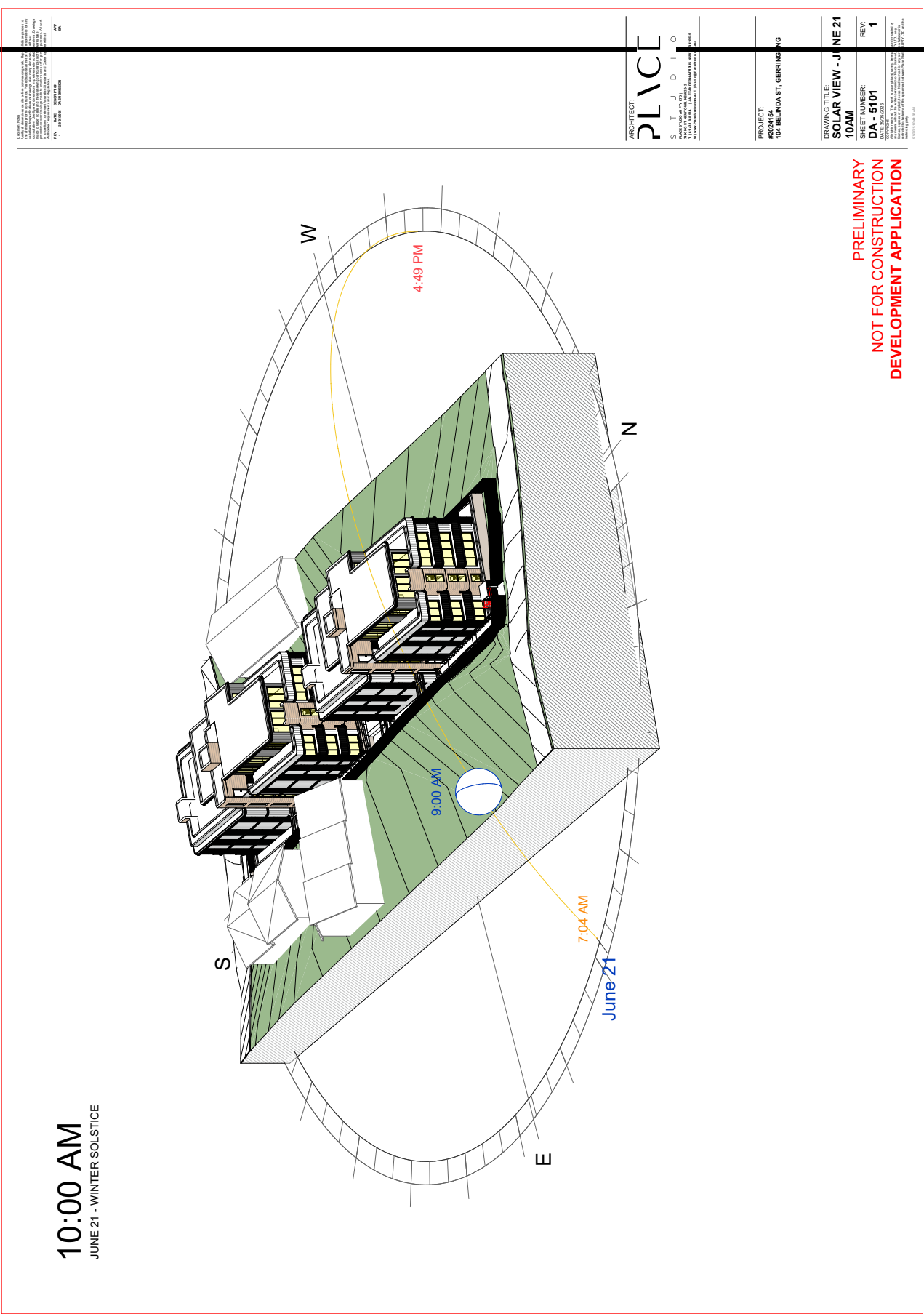


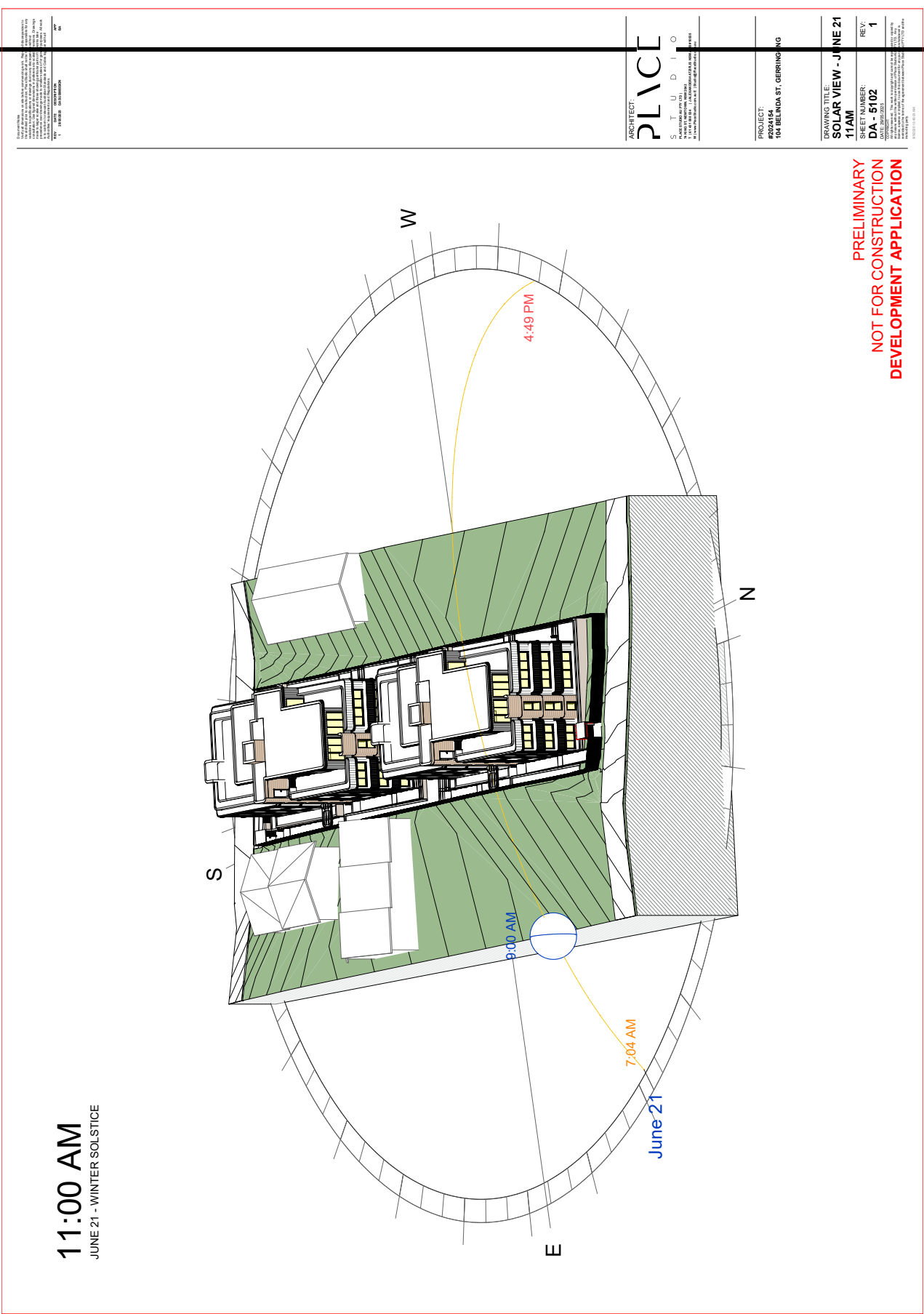


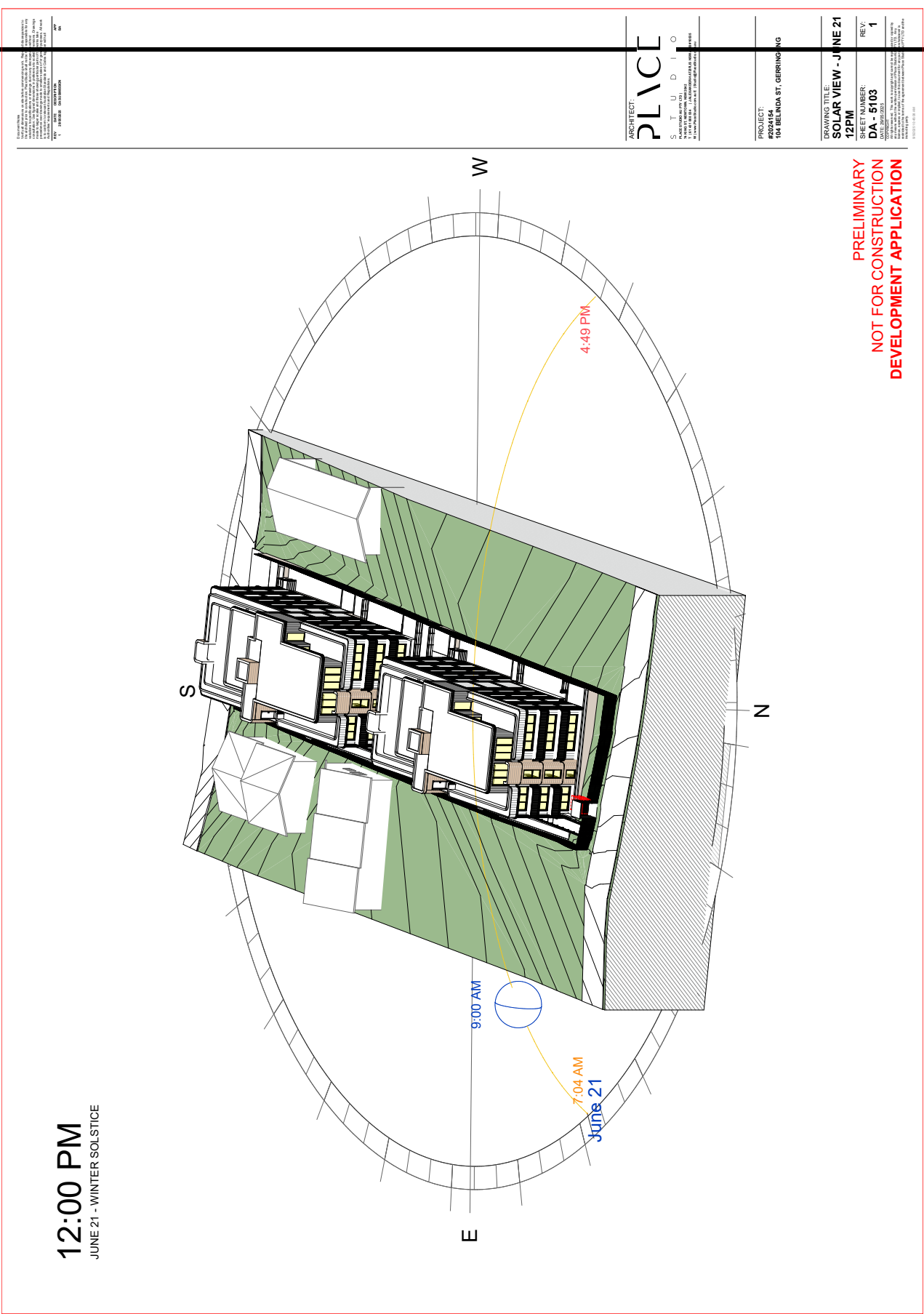


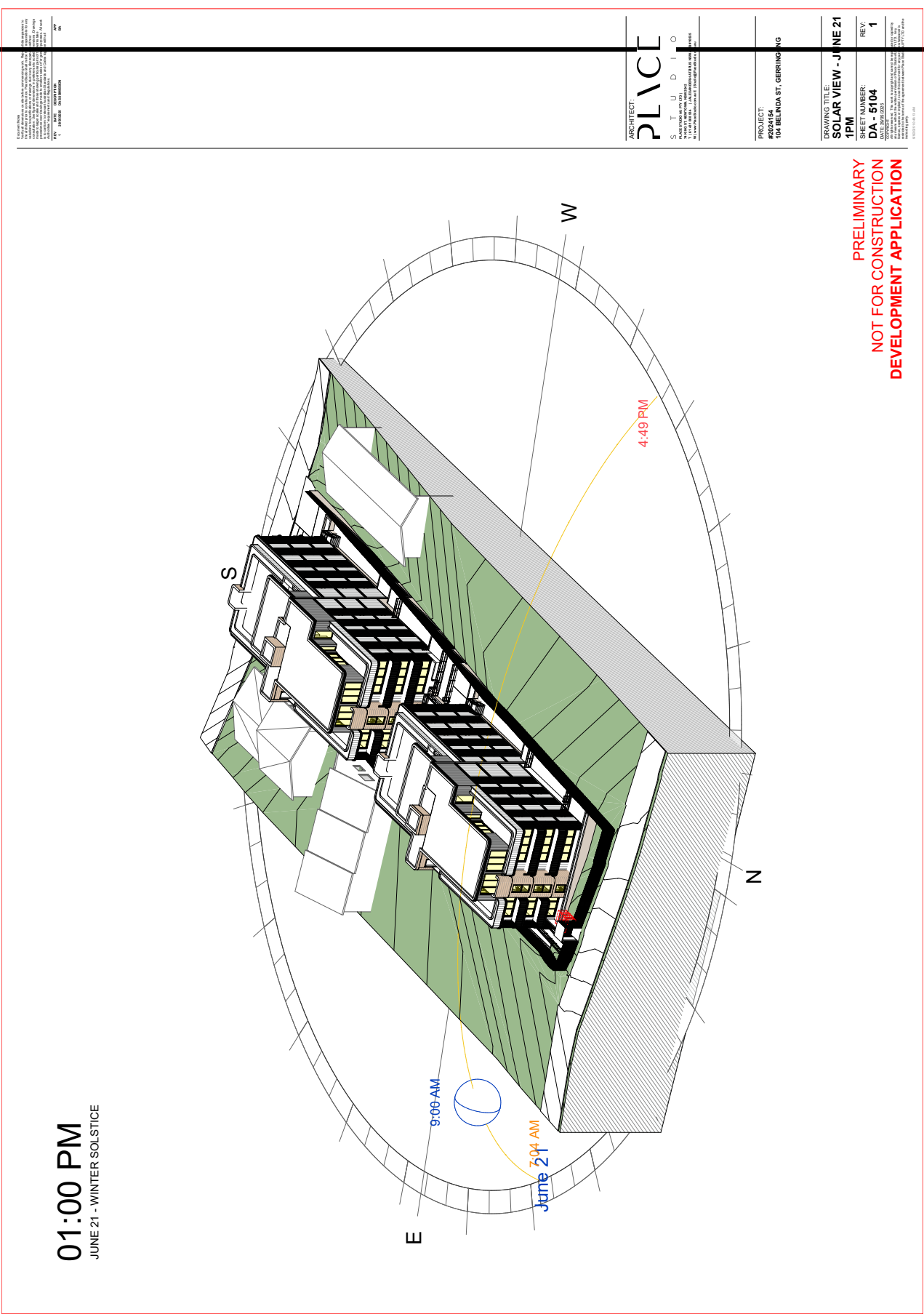












Enclosure 2 - 10.2025.84.1 - PAN-540652 - Plans

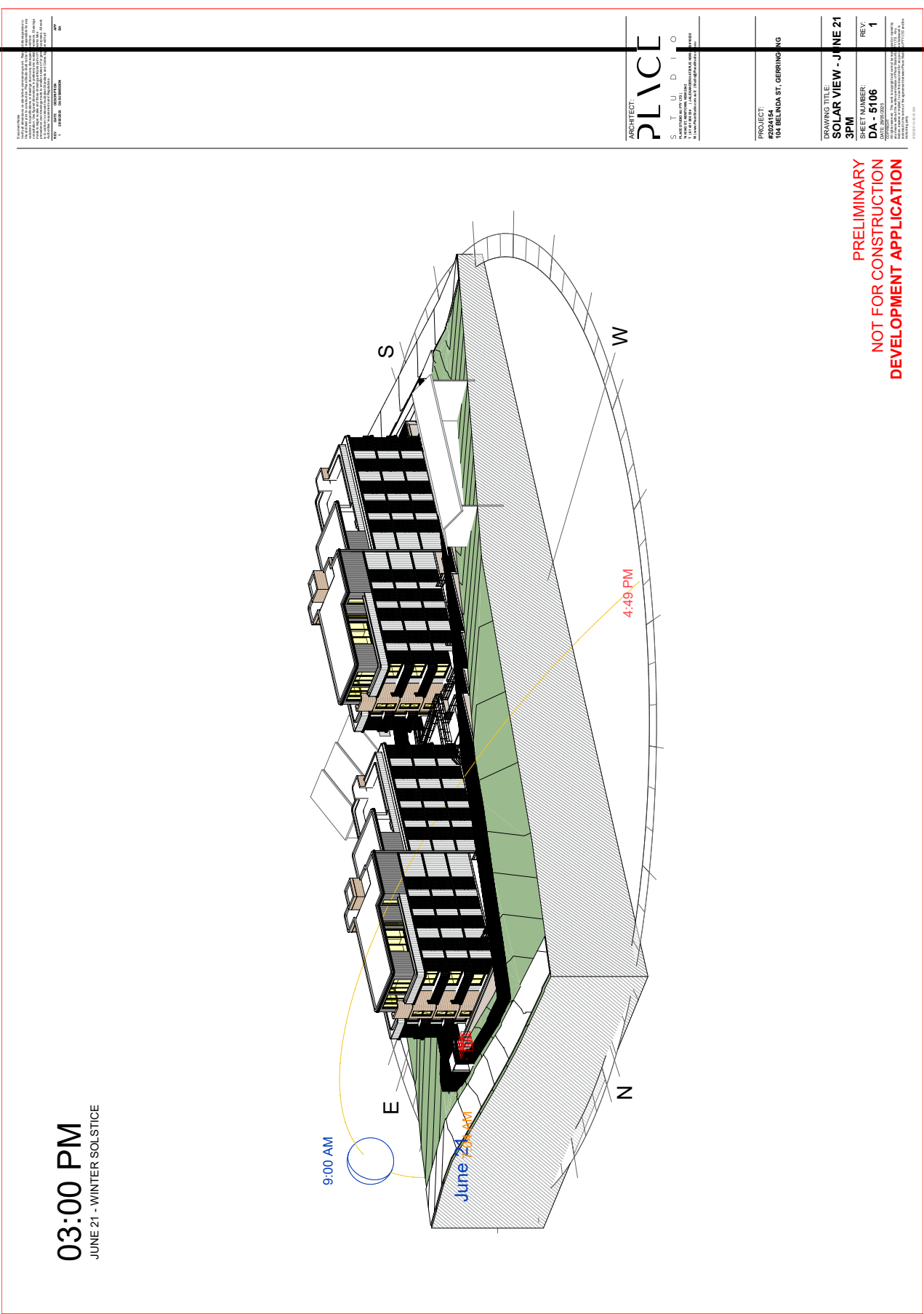


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DATE: 28/05/2023

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97028510-00-00-AM



Item 14.1- Determination of Development Application
10.2025.84.1 - 104 Belinda Street, Gerringong - Construction
of 2 Residential Flat Buildings and Landscaping

Enclosure 2 - 10.2025.84.1 - PAN-540652 - Plans

[illegible]



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	10.2025.84.1 PAN-540652
Applicant	PLACE STUDIO AU PTY LTD LEVEL 5 140 WILLIAM STREET, WOOLLOOMOOLOO NSW 2011
Description of development	New residential flat building - Clearing site & construction of 2 residential flat buildings and landscaping.
Property	104 Belinda Street GERRINGONG NSW 2534 LOT: 6 DP: 737501
Determination	Approved Consent Authority - Council
Date of determination	TBC
Date on which the consent lapses	TBC
Date from which the consent operates	TBC
Approval bodies that have given general terms of approval	Water NSW

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

The proposal:

- is considered to be consistent with all relevant Environmental Planning Instruments and Development Control Plans, and
- is not likely to cause significant adverse impacts to the natural or built environment, and
- is not likely to cause significant adverse social and economic impacts.

Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Mr A Shortle
Development Assessment Officer - Planning
Person on behalf of the consent authority

For further information, please contact Kiama Council on 02 4232 0444 or by emailing council@kiama.nsw.gov.au

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Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1.

Property addressing and site facilities

Property addresses in accordance with the NSW Address Policy and User Manual published by the Geographical Names Board of NSW are allocated as follows and must be clearly shown on any required Construction Certificate drawing:

Proposed lot	Property address
G01	G01/104A Belinda Street
G02	G02/104A Belinda Street
G03	G03/104A Belinda Street
G04	G04/104A Belinda Street
G05	G05/104B Belinda Street
G06	G06/104B Belinda Street
G07	G07/104B Belinda Street
G08	G08/104B Belinda Street
G09	101/104A Belinda Street
G10	102/104A Belinda Street
G11	103/104A Belinda Street
G12	104/104A Belinda Street
G13	105/104B Belinda Street
G14	106/104B Belinda Street
G15	107/104B Belinda Street
G16	108/104B Belinda Street
G17	201/104A Belinda Street
G18	202/104A Belinda Street
G19	203/104A Belinda Street
G20	204/104A Belinda Street
G21	205/104B Belinda Street
G22	206/104B Belinda Street
G23	207/104B Belinda Street
G24	208/104B Belinda Street
G25	301/104A Belinda Street
G26	302/104B Belinda Street

Address numbers must be clearly shown in a position that identifies the property and property access point, and ideally should be of a reflective material for high visibility at night.

If at any time the access point to the property is altered from what is shown on the approved plans, Council must be contacted to review, and if necessary, amend the allocated numbers to ensure the addresses comply with the NSW Address Policy and User Manual for rural properties.

	Location points for mail delivery must satisfy the requirements of Australia Post and include the street number for identification.																																																												
	Condition Reason: To ensure property addressing complies with the relevant legislation, guidelines and requirements.																																																												
2.	Prescribed conditions The development must comply with Part 4, Division 2, Subdivision 1, of the Environmental Planning and Assessment Regulation 2021, as applicable. Condition Reason: To ensure the development is carried out in accordance with the relevant legislation.																																																												
3.	Approved plans and supporting documentation Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise. <table><tr><th colspan="5">Approved Plans</th></tr><tr><th>Plan number</th><th>Revision number</th><th>Plan title</th><th>Drawn by</th><th>Date of plan</th></tr><tr><td>DA-0004</td><td>Rev 1</td><td>Demolition Plan</td><td>Place Studio AU Pty Ltd</td><td>29/05/2025</td></tr><tr><td>DA-1000</td><td>Rev 1</td><td>Proposed Site Plan</td><td>Place Studio AU Pty Ltd</td><td>29/05/2025</td></tr><tr><td>DA-1001</td><td>Rev 1</td><td>GA – Basement 2 Plan</td><td>Place Studio AU Pty Ltd</td><td>29/05/2025</td></tr><tr><td>DA-1002</td><td>Rev 1</td><td>GA – Basement 1 Plan</td><td>Place Studio AU Pty Ltd</td><td>29/05/2025</td></tr><tr><td>DA-1003</td><td>Rev 1</td><td>GA – Basement Mezzanine Plan</td><td>Place Studio AU Pty Ltd</td><td>29/05/2025</td></tr><tr><td>DA-1100</td><td>Rev 1</td><td>GA – Ground Floor Plan</td><td>Place Studio AU Pty Ltd</td><td>29/05/2025</td></tr><tr><td>DA-1101</td><td>Rev 1</td><td>GA – Level 01 Plan</td><td>Place Studio AU Pty Ltd</td><td>29/05/2025</td></tr><tr><td>DA-1102</td><td>Rev 1</td><td>GA – Level 02 Plan</td><td>Place Studio AU Pty Ltd</td><td>29/05/2025</td></tr><tr><td>DA-1103</td><td>Rev 1</td><td>GA – Level 03 Plan</td><td>Place Studio AU Pty Ltd</td><td>29/05/2025</td></tr><tr><td>DA-1104</td><td>Rev 2</td><td>Roof Plan</td><td>Place Studio AU Pty Ltd</td><td>17/06/22025</td></tr></table>	Approved Plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	DA-0004	Rev 1	Demolition Plan	Place Studio AU Pty Ltd	29/05/2025	DA-1000	Rev 1	Proposed Site Plan	Place Studio AU Pty Ltd	29/05/2025	DA-1001	Rev 1	GA – Basement 2 Plan	Place Studio AU Pty Ltd	29/05/2025	DA-1002	Rev 1	GA – Basement 1 Plan	Place Studio AU Pty Ltd	29/05/2025	DA-1003	Rev 1	GA – Basement Mezzanine Plan	Place Studio AU Pty Ltd	29/05/2025	DA-1100	Rev 1	GA – Ground Floor Plan	Place Studio AU Pty Ltd	29/05/2025	DA-1101	Rev 1	GA – Level 01 Plan	Place Studio AU Pty Ltd	29/05/2025	DA-1102	Rev 1	GA – Level 02 Plan	Place Studio AU Pty Ltd	29/05/2025	DA-1103	Rev 1	GA – Level 03 Plan	Place Studio AU Pty Ltd	29/05/2025	DA-1104	Rev 2	Roof Plan	Place Studio AU Pty Ltd	17/06/22025
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DA-2000	Rev 1	Overall Sections	Place Studio AU Pty Ltd	29/05/2025
DA-2001	Rev 1	Building A Sections	Place Studio AU Pty Ltd	29/05/2025
DA-2002	Rev 1	Building B Sections	Place Studio AU Pty Ltd	29/05/2025
DA-2003	Rev 1	Section CC+BB – Ramp Section	Place Studio AU Pty Ltd	29/05/2025
DA-3000	Rev 1	Overall Elevations	Place Studio AU Pty Ltd	29/05/2025
DA-3001	Rev 1	Building Elevations A	Place Studio AU Pty Ltd	29/05/2025
DA-3002	Rev 1	Building Elevations B	Place Studio AU Pty Ltd	29/05/2025
DA-4001	Rev 1	Landscape Area/ Deep Soil Plan	Place Studio AU Pty Ltd	29/05/2025
DA-4002	Rev 1	Communal Open Space Area	Place Studio AU Pty Ltd	29/05/2025
DA-4004	Rev 1	LEP Height Diagrams	Place Studio AU Pty Ltd	29/05/2025
DA-4005	Rev 1	Solar Access Compliance Plans	Place Studio AU Pty Ltd	29/05/2025
DA-4006	Rev 1	Cross Ventilation Compliance Plans	Place Studio AU Pty Ltd	29/05/2025
DA-4100	Rev 1	Adaptable Units	Place Studio AU Pty Ltd	29/05/2025
DA-6000	Rev 1	Unit Schedules	Place Studio AU Pty Ltd	29/05/2025
DA-6100	Rev 2	Finishes Schedule	Place Studio AU Pty Ltd	17/06/2025
L01	-	Title Page	Place Landscape	27/05/2025
L02	-	Building A Ground Floor	Place Landscape	27/05/2025
L03	-	Building B Ground Floor	Place Landscape	27/05/2025
L04	-	Rooftop	Place Landscape	27/05/2025

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L05	-	Planting Schedule	Place Landscape	27/05/2025
L06	-	Elevations	Place Landscape	27/05/2025
101	B	STORMWATER CONCEPT PLAN BASEMENT 2 SHEET 1 OF 2	Civil and Stormwater Engineering Services Pty Ltd	19/05/2025
102	A	STORMWATER CONCEPT PLAN BASEMENT 2 SHEET 2 OF 2	Civil and Stormwater Engineering Services Pty Ltd	13/05/2025
103	E	STORMWATER CONCEPT PLAN BASEMENT 1 SHEET 1 OF 2	Civil and Stormwater Engineering Services Pty Ltd	20/02/2026
103.1	A	STORMWATER CONCEPT PLAN BASEMENT 1 SHEET 2 OF 2	Civil and Stormwater Engineering Services Pty Ltd	13/05/2025
104	D	STORMWATER CONCEPT PLAN BASEMENT MEZZANINE	Civil and Stormwater Engineering Services Pty Ltd	20/02/2026
105	F	STORMWATER CONCEPT PLAN GROUND FLOOR	Civil and Stormwater Engineering Services Pty Ltd	20/02/2026
106	D	ON-SITE DETENTION DETAILS AND CALCULATION SHEET	Civil and Stormwater Engineering Services Pty Ltd	20/02/2026
107	D	CATCHMENT PLAN AND MUSIC RESULTS	Civil and Stormwater Engineering Services Pty Ltd	20/02/2026
107.1	B	OSD CATCHMENT PLAN	Civil and Stormwater Engineering Services Pty Ltd	20/02/2026
107.2	A	CATCHMENT PLAN AND MUSIC RESULTS	Civil and Stormwater Engineering	20/02/2026

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			Services Pty Ltd	
108	A	SEDIMENT & EROSION CONTROL PLAN & DETAILS	Civil and Stormwater Engineering Services Pty Ltd	13/05/2025
109	A	MAINTENANCE SCHEDULE & MISCELLANEOUS DETAILS SHEET	Civil and Stormwater Engineering Services Pty Ltd	13/05/2025
Approved Documents				
Document title		Version number	Prepared by	Date of document
NatHERS Certificate		#HR-F55GLB- 03	4M Australia Pty Ltd	28/05/2025
BASIX Certificate*		1797488M-02	Max Brightwell	28/05/2025
Waste Management Plan		25NL081- WMP2	Loka Consulting Engineers Pty Ltd	28/05/2025
Arboricultural Impact Assessment Report		-	Balmain Project Group Pty Ltd	28/05/2025
Access Report		25NL081-A2	Loka Consulting Engineers Pty Ltd	28/05/2025
Traffic Management Report		25NL081-T1	Loka Consulting Engineers Pty Ltd	27/05/2025
*The approved BASIX Certificate may only be updated, without the need to lodge a modification to the development consent, where any change to the BASIX Commitments does not result in the proposal being inconsistent with this development consent and/or alter the approved development application plans. In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans and the condition of this consent, the condition prevails.				
Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.				
4.	Concurrence and Referral			

	The recommended conditions/General Terms of Approval issued by the following agencies, Reference No: CNR-83695, are included as conditions of this consent and must be complied with: <table><tr><th>Agency</th><th>Dated</th></tr><tr><td>Endeavour Energy</td><td>01/07/2025</td></tr><tr><td>Sydney Water</td><td>30/06/2025</td></tr><tr><td>Water NSW (General Terms of Approval)</td><td>17/04/2026</td></tr></table>	Agency	Dated	Endeavour Energy	01/07/2025	Sydney Water	30/06/2025	Water NSW (General Terms of Approval)	17/04/2026
Agency	Dated								
Endeavour Energy	01/07/2025								
Sydney Water	30/06/2025								
Water NSW (General Terms of Approval)	17/04/2026								
	Condition Reason: Compliance with relevant legislation, standards, guidelines and codes.								
5.	Scope of consent The scope of this consent is limited to only the works as described under this consent, and it does not approve or imply approval, of any existing unlawful works that may be present on the site.								
	Condition Reason: To establish the scope of work approved under this development consent.								

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BUILDING WORK
BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

6.	Local infrastructure contributions				
	In accordance with section 4.17 of the <i>Environmental Planning and Assessment Act 1979</i> and the Section 7.12 Contribution Plan, a contribution as shown in the table below must be paid to Council before the issue of a Construction Certificate:				
	<table><tr><td>7.12 Contribution Plan</td><td>\$ 139,700.00</td></tr><tr><td>Total Contribution Amount:</td><td>\$ 139,700.00</td></tr></table>	7.12 Contribution Plan	\$ 139,700.00	Total Contribution Amount:	\$ 139,700.00
	7.12 Contribution Plan	\$ 139,700.00			
	Total Contribution Amount:	\$ 139,700.00			
The contribution amount will be indexed until the date of payment in accordance with the contribution plans.					
Evidence of payment must be provided to the Certifying Authority.					
The Contribution Plan can be accessed on Council’s website www.kiama.nsw.gov.au .					
Condition Reason: To ensure contributions are levied toward the provision of public infrastructure.					
7.	Housing and productivity contribution				
	Before the issue of a Construction Certificate for the development, a housing and productivity contribution (HPC) is required to be made:				
<table><tr><td>Housing and productivity contribution</td><td>Amount</td></tr></table>		Housing and productivity contribution	Amount		
Housing and productivity contribution	Amount				

	<table border="1"> <tr> <td>Housing and productivity contribution (base component)</td><td>\$148,807.75</td></tr> </table> The HPC amount payable at the time of payment will be adjusted for: - indexation using Producer Price Index (PPI) in accordance with the <i>Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023</i>, and/or, - a discount if payment is made before 1 July 2025. The HPC must be paid using the NSW planning portal: https://pp.planningportal.nsw.gov.au/ Further information can be found here: https://www.planning.nsw.gov.au. Condition Reason: To ensure contributions are levied toward the provision of regional infrastructure.	Housing and productivity contribution (base component)	\$148,807.75
Housing and productivity contribution (base component)	\$148,807.75		
8.	Geotechnical report Before the issue of any Construction Certificate, a geotechnical report prepared by a suitably qualified geotechnical engineer must be prepared to the satisfaction of the Certifier. At a minimum the geotechnical report shall include assessment of: a) stability analysis for retained and battered areas; b) assessment of stable batter slopes for the site; c) recommendations for stability of batters; d) recommendations for the management of stormwater through and around the site, particularly around embankments and batters; and e) review of the design plans and comment on the suitability of the development based on the site characteristics. Any amendments to the plans required as a result of the geotechnical report shall be consistent with the approved plans, and a) shall not approve any additional retaining walls over 600mm in height; b) shall not approve any fill lower than 75.0m AHD; and c) shall not approve cut extending more than 25m north of the proposed pool or cottage Condition Reason: To ensure an adequate geotechnical report is prepared for the development.		
9.	Soil and Water Management Plans (SWMP) Before the issue of a Construction Certificate, a Soil and Water Management Plan must be prepared by a Professional Engineer (as defined in the National Construction Code), to the satisfaction of the Certifier. All implementation measures must: a) not cause water pollution as defined by the <i>Protection of the Environment Operations Act 1997</i> (POEO). b) be maintained at all times.		

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	c) not be decommissioned until at least 70% revegetation cover has been established. d) measures to ensure any excavated material deposited on public roads from works is removed within the same day. Condition Reason: To ensure appropriate measures are in place.
10.	Drainage and stormwater Before the issue of a Construction Certificate, a Detailed Drainage Plan generally in accordance with the Concept Drainage Plans approved under this consent must be submitted to the Certifier for approval. This plan must show the connection of stormwater into the kerb at Belinda Street and that surface water which is likely to discharge from the development site onto the road reserve will be intercepted at the property boundary and conveyed to the kerb via a pipe outlet. All drainage works shall be undertaken in accordance with the requirements of Australian Standard AS 3500.3:2018. Condition Reason: To ensure stormwater disposal is adequate for the site.
11.	On-site detention storage Before the issue of the Construction Certificate, the applicant must provide the following to the Certifier: - on-site detention storage for stormwater run-off in conjunction with the proposed development drainage network generally in accordance with the Concept Drainage Plan referenced as an approved document of this. The on-site detention system shall be designed by a registered civil engineer ensuring that post development flow rates from the site are no greater than pre-developed site run-off at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. - full hydrological and hydraulic computer modelling of the stormwater drainage system for assessment and approval. Condition Reason: To ensure the on-site detention storage is adequately for the development.
12.	Construction Site Management Plan Before the issue of a Construction Certificate, a Construction Site Management Plan must be prepared, and provided to the Certifier. The plan must include the following matters: a) The location and materials for protective fencing and hoardings on the perimeter of the site; b) Provisions for public safety; c) Pedestrian and vehicular site access points and construction activity zones; d) Details of construction traffic management including: i) Proposed truck movements to and from the site;

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	ii) Estimated frequency of truck movements; and iii) Measures to ensure pedestrian safety near the site; e) Details of bulk earthworks to be carried out; f) The location of site storage areas and sheds; g) The equipment used to carry out works; h) The location of a garbage container with a tight-fitting lid; i) Dust, noise and vibration control measures; j) The location of temporary toilets; k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: i) AS 4970 – Protection of trees on development sites; ii) An applicable Development Control Plan; iii) An arborist's report approved as part of this consent A copy of the Construction Site Management Plan must be kept on-site at all times while work is being carried out.
	Condition Reason: To require details of measures that will protect the public and the surrounding environment, during site works and construction.
13.	Driveway long section Before the issue of a Construction Certificate a driveway longitudinal section that demonstrates compliance with <i>Australian Standard AS 2890.1:2004</i> and Council's <i>Driveway and Footpath Works Procedure Manual</i> (Manual), must be provided to the Certifier. The proposed longitudinal section must: a) include chainages and natural surface levels; b) nominate design level points at kerb line, property boundary, intermediate points and the proposed garage level; c) demonstrate that sag grade changes are not in excess of 15% algebraically and summit grade changes are not in excess of 12.5% algebraically. Council's minimum standard for this requirement is provided in Standard Drawing R07 of the Manual.
	Condition Reason: To ensure the driveway design complies with the required standards.
14.	Pavement design Before the issue of the Construction Certificate, the applicant must provide a Pavement Design plan, designed by a registered civil engineer, taking into account the traffic loads and design life to the Certifier for approval.
	Condition Reason: To ensure the pavement design is adequate for the development.
15.	Accessible dwellings Before the issue of a Construction Certificate, plans and specifications must be provided to the satisfaction of the Certifier detailing how the existing building will be upgraded

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	to comply with Access for People with a Disability in the National Construction Code (NCC) in force at the date of issue of the Construction Certificate.
	Condition Reason: To ensure appropriate access for People with a Disability.
16.	Adaptable units Before the issue of the Construction Certificate, a report prepared by a suitably qualified consultant must be obtained that demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plan or documents comply with the provisions of AS 4299 Adaptable Housing Standards.
	Condition Reason: To ensure adaptable units are designed in accordance with the Australian Standard.
17.	Construction Environmental Management Plan Before the issue of a Construction Certificate, a suitably qualified person shall prepare, and provide to the Certifier, a Construction Environmental Management Plan (CEMP) in accordance with ISO 14001. The CEMP must include, but not be limited to, the following items: a) timing and duration of works b) location of work site offices, compounds, stockpiles and refuelling areas c) a description of the site and surrounds and location of environmentally sensitive areas d) description of the impacts associated with the construction, activities and control measures e) legislative requirements f) on-site staff structure and responsibility g) staff training, awareness and competency requirements h) emergency planning and response i) auditing and monitoring and A copy of the CEMP must be kept on-site at all times while work is being carried out.
	Condition Reason: To ensure management of environmental impacts.
18.	Erosion and sediment control plan Before the issue of a Construction Certificate, an Erosion and Sediment Control Plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Certifier: a) the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time),

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	b) the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time), and c) measures to ensure any excavated material deposited on public roads from works is removed within the same day.
	Condition Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.
19.	Long Service Levy Before the issue of the relevant Construction Certificate, the Long Service Levy must be paid to the Long Service Corporation of Council under the <i>Building and Construction industry Long Service Payment Act 1986</i>, section 34, and evidence of the payment is to be provided to the Certifier.
	Condition Reason: To ensure the long service levy is paid.
20.	Rainwater facility Before the issue of a Construction Certificate, details of rainwater tanks must be provided to the Certifier. Water stored in the tank must be plumbed into the dwelling such that it is supplied to each of the fixtures listed in the BASIX Certificate for the property. Plumbing must be in accordance with the current edition of AS 3500.1 Water Services – section 16. It will be necessary to install, maintain and repair the facility so that it functions in a safe and efficient manner in accordance with the current editions of AS 3500.1 Water Services, the New South Wales Code of Practice Plumbing and Drainage and in accordance with the following: a) The tank inlet must be located a minimum of 500mm below the outlet of the eave gutter, b) The tank is to be installed on a firm flat and stable platform in accordance with manufacturer's recommendations. Tanks located over fill material should be placed on a concrete slab, c) Pumps must be located and installed to minimise any potential noise nuisance to surrounding residents, and in the case of a permanent electric pump, must be installed by a licensed electrician. Pump performance must achieve a minimum 300 Kpa output, d) Overflow from the tank must be directed into the approved storm water system, e) Any town water top-up of the tank must be by indirect connection by means of a visible "air gap", external to the rainwater tank, in accordance with the provisions of the National Plumbing and Drainage Code, AS3500.1 – Minimum air gap requirements, f) Marking and labelling of rainwater services must be in accordance with AS 3500.1 section 16,

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	g) The charged line to the rainwater tank is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm pit to enable the line to be flushed. This is to prevent the line becoming blocked, h) Partially buried or fully buried rainwater tanks must have a dual check valve with atmospheric port valve installed at the boundary water meter. Zone protection will be required at the tank or cross connection point to be installed in accordance with AS3500.1 – section 4.
	Condition Reason: To ensure correct installation and ongoing use.
21.	Section 73 Compliance Certificate Before the issue a Construction Certificate, a Compliance Certificate must be obtained from Sydney Water under section 73 of the <i>Sydney Water Act 1994</i>.
	Condition Reason: To ensure the compliance with Sydney Water requirements have been met.
22.	Payment of security deposits Before the issue of the relevant Construction Certificate, the applicant must: a) make payment of \$18,400.00 for a security deposit to the consent authority, and b) if a Principal Certifier is required to be appointed for the development, provide the Principal Certifier with written evidence of the payment and the amount paid.
	Condition Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
23.	Utilities and services Before the issue of the relevant Construction Certificate, written evidence of the following service provider requirements must be provided to the Certifier: a) a letter from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity and b) a response from Sydney Water as to whether the plans accompanying the application for a Construction Certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met c) other relevant utilities or services – that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.
	Condition Reason: To ensure relevant utility and service providers' requirements are provided to the certifier.
24.	Waste Management Plan – an approved document of this consent Before the issue of a Construction Certificate, a Waste Management Plan for the development must be provided to the Certifier.

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	Condition Reason: To ensure resource recovery is promoted and local amenity protected during construction.
25.	Lighting design – internal driveway and car parking Before the issue of a Construction Certificate, lighting design plans are to be submitted to Council for approval. Lighting is to be provided to the internal driveway and car parking areas in accordance with AS/NZS 1158.3.1 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements. Condition Reason: To ensure adequate driveway and car parking lighting is provided for commercial developments.
26.	Waste storage room Before the issue of a Construction Certificate, detailed plans must be submitted to the Certifier that demonstrate that the waste storage room has been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines, and that: a) the floor to be constructed of concrete at least 75mm thick and adequately graded to drain to an approved drainage fitting. b) the floor to be finished so that it is non-slip and has a smooth and even surface covered at all intersections. c) the ceilings and walls to be finished with smooth faced non-absorbent material capable of being cleaned. d) the room to be provided with artificial light controllable within the room and adequate ventilation. e) the room to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock. Condition Reason: To comply with the Waste Minimisation and Management Guidelines.
27.	Nuisance overland flow Before the issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off and allowance is made for surface run-off from adjoining properties in the design. Condition Reason: To ensure adequate provisions are made for stormwater run-off.
28.	Sydney Water – building plan approval The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. Evidence of the approval must be provided to the Certifier.

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	Condition Reason: To ensure the compliance with Sydney Water requirements have been met.
29.	Equal access to the premises Before the issue of a Construction Certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the certifier. Condition Reason: To ensure safe and easy access to the premises for people with a disability.
30.	Release of securities When Council receives an Occupation Certificate, an application may be lodged to release the securities held. Condition Reason: To allow release of securities where the terms and conditions for the securities have been met to Council's satisfaction.

BEFORE BUILDING WORK COMMENCES

31.	Erosion and sediment controls in place Before any site work commences, the Certifier must be satisfied the erosion and sediment controls in the Erosion and Sediment Control Plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time). Condition Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
32.	Pre-construction Dilapidation report Before work commences a Pre-construction Dilapidation report must be prepared by a suitably qualified engineer for all adjoining properties and submitted to the Certifier. A copy of the Pre-construction Dilapidation report must be provided to Council (where Council is not the Principal Certifier or a Principal Certifier is not required) and to the relevant adjoining property owner(s). Condition Reason: To identify any existing damage to adjoining properties before site work commences.
33.	Construction Traffic Management Plan Before the commencement of works, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council. Details must include, but are not limited to:

	a) Stabilised site construction access location b) Proposed haulage routes for delivery for materials to the site c) Proposed haulage routes for spoil disposal from the site d) Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction e) Parking arrangements for construction employees and contractors f) Proposed maintenance of the haulage routes and the name of the person responsible for such maintenance g) Loading/unloading areas h) Requirements for construction or work zones i) Pedestrian and cyclist safety j) Speed zone restrictions
	Condition Reason: To require details of measures that will protect the public and the surrounding environment, during site works and construction.
34.	Section 138 approval Before any work commences in the road reserve, a Road Occupancy approval under Section 138 of the <i>Roads Act 1993</i> must be obtained from Council.
	Condition Reason: Compliance with relevant legislation, standards, guidelines and codes.
35.	Construction Certificate A Construction Certificate must be obtained from either Council or a Certifier before any building work can commence.
	Condition Reason: To comply with Council's requirements before the commencement of works.
36.	Appointment of Principal Certifier Before building work commences a Principal Certifier must be appointed.
	Condition Reason: To ensure ongoing compliance.
37.	Protection of adjoining land A temporary hoarding or temporary construction site fence must be erected between the work site and the adjoining land before works commence. The temporary hoarding or temporary construction site fence must be kept in place until the works are completed if the works – a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or b) could cause damage to adjoining land by falling objects, or c) involve the enclosure of a public place or part of a public place.

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	Condition Reason: To ensure public safety.
38.	Deliveries While site work is being carried out, deliveries of material and equipment must only be carried out between— • 7.00am to 5.00pm on Mondays to Fridays, and • 8.00am to 1.00pm on Saturdays No deliveries are to take place on Sundays or Public Holidays.
	Condition Reason: To protect the amenity of neighbouring properties.
39.	Tree protection measures Before any site work commences the Certifier must be satisfied the measures for the tree protection detailed in the Construction Site Management Plan are in place.
	Condition Reason: To protect and retain trees.
40.	Works within the road reserve Before undertaking any works within an existing road reserve, approval under section 138 of the <i>Roads Act, 1993</i> must be obtained. The following details must be submitted to Council as part of the application: - any civil works design required by this consent, - evidence of the contractor's Public Liability Insurance to an amount of \$20 million, - name and contact information of the person responsible for all relevant works, - a Traffic Control Plan prepared, signed and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.
	Condition Reason: Compliance with relevant legislation, standards, guidelines and codes.
41.	Toilet facilities - temporary Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must: • be a standard flushing toilet connected to a public sewer, or have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>, or • be a temporary chemical closet approved under the <i>Local Government Act 1993</i>.
	Condition Reason: To ensure appropriate amenities onsite.
42.	Retaining walls

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	Before any work commences, details prepared by a practising structural engineer must be submitted to and accepted by the Principal Certifying Authority for any retaining walls in excess of 1.0 metre high.
	Condition Reason: To ensure adequate design provisions are met.
43.	Use of adjacent Council land for access Before work commences, the applicant is to obtain approval from Council for any use of the adjoining Council land for the purpose of providing access during construction.
	Condition Reason: To ensure the necessary approvals are obtained for the use of Council land.

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DURING BUILDING WORK

44.	Earthworks All earthworks associated with the development shall be completed in accordance with AS 3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
	Condition Reason: To ensure all earthworks are carried out in accordance with the Australian Standards.
45.	Drainage and stormwater works - requirements Drainage and stormwater works must be carried out in accordance with the following: a) stormwater outlets to kerb lines must use 90mm uPVC within the road reserve; b) stormwater kerb and gutter connections must have a minimum of 40 mm cover of concrete finishing flush with the top of the existing kerb; c) where roll top kerb is present an adaptor (which converts a round pipe to a rectangular shape) 127 x 64 x 4 mm rectangular hollow section hot dip galvanised or aluminium must be used.
	Condition Reason: To ensure stormwater disposal is adequate for the site.
46.	Procedure for critical stage inspections While building work is being carried out, the work must not continue after each critical stage inspection unless the Principal Certifier is satisfied the work may proceed in accordance with this consent and the relevant Construction Certificate.
	Condition Reason: To require approval to proceed with building work following each critical stage inspection.
47.	Hours of work Site work must only be carried out between the following times: 7.00am to 5.00pm on Mondays to Fridays, and 8.00am to 1.00pm on Saturdays

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	No work is to be carried out on Public Holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority. Condition Reason: To protect the amenity of the surrounding area.
48.	Implementation of the Site Management Plans While site work is being carried out: a) the measures required by the Construction Site Management Plan and the Erosion and Sediment Control Plan (plans) must be implemented at all times, and b) a copy of these plans must be kept on site at all times and made available to Council officers upon request. Condition Reason: To ensure site management measures are implemented during the carrying out of site work.
49.	Noise and vibration requirements While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of 5dB above background noise, when measured at a lot boundary of the site. Condition Reason: To protect the amenity of the neighbourhood during construction.
50.	Responsibility for change to public infrastructure While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority. Condition Reason: To ensure payment of approved changes to public infrastructure.
51.	Discovery of relics and Aboriginal objects While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered: a) the work in the area of the discovery must cease immediately b) the following must be notified i) for a relic – the Heritage Council; or ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85. Site work may recommence at a time confirmed in writing by: a) for a relic – the Heritage Council; or

	b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.
	Condition Reason: To ensure the protection of objects of potential significance during works.
52.	Soil management While site work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: a) All excavated material removed from the site must be classified in accordance with the NSW Environmental Protection Authority's (EPA's) Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the Certifier; b) All fill material imported to the site must be: i) Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>, or ii) a material identified as being subject to a resource recovery exemption by the NSW Environmental Protection Authority (EPA), or iii) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA.
	Condition Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
53.	Surveys by a registered surveyor While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the Principal Certifier: a) all footings/foundations in relation to the site boundaries and any registered and proposed easements, b) at other stages of construction – Reduced Levels (RLs) and any marks that are required by the Principal Certifier.
	Condition Reason: To ensure buildings are sited and positions in the approved location.
54.	Tree protection during work While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: a) the Construction Site Management Plan/Construction Environmental Management Plan for this consent, b) the relevant requirements of AS 4970 Protection of trees on development sites, c) Chapter 2, Topic 2.4 – Tree Preservation and Vegetation Management of Kiama Development Control Plan 2020 (in force as at the date of determination of this consent), and

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	d) any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones. Condition Reason: To protect trees during the carrying out of site work.
55.	Waste management While site work is being carried out: a) all waste management must be undertaken in accordance with the Waste Management Plan, and; b) upon disposal of waste, records of the disposal must be compiled and provided to the Certifier, detailing the following: i) The contact details of the person(s) who removed the waste ii) The waste carrier vehicle registration iii) The date and time of waste collection iv) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill v) The address of the disposal location(s) where the waste was taken vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. If waste has been removed from the site under an Environmental Protection Authority Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the Principal Certifier and Council. Condition Reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
56.	Contamination – unexpected finds If any unexpected contamination finds are encountered during any site works, all work must cease and Council notified immediately. The nature and extent of contamination must be assessed by a qualified environmental consultant with experience in the assessment of contaminated land and a preliminary assessment provided to Council. Council will determine whether further contamination assessment and/or remediation is required before works can recommence. Condition Reason: To protect public and environmental health.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

57.	Post-construction Dilapidation report Before the issue of an Occupation Certificate a Post-construction Dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the Certifier, detailing whether:
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	a) after comparing the Pre-construction Dilapidation report to the Post-construction Dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and b) where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent; and c) a copy of the Post-construction Dilapidation report must be provided to Council (where Council is not the Principal Certifier or a Principal Certifier is not required) and to the relevant adjoining property owner(s).
	Condition Reason: To identify any damage to adjoining properties resulting from site work on the development site.
58.	Redundant vehicle crossing Before the issue of an Occupation Certificate any redundant vehicle crossing must be restored to barrier kerb in compliance with Council's <i>Driveway and Footpath Works Procedure Manual</i>.
	Condition Reason: To ensure the barrier kerb is restored to the required standards.
59.	BASIX Before the issue of the Occupation Certificate, documentary evidence prepared by a suitably qualified person must be submitted to the Certifier confirming that all commitments listed in the BASIX Certificate(s) are fulfilled in accordance with Clause 75 of the <i>Environmental Planning and Assessment Regulation 2021</i>.
	Condition Reason: To ensure compliance with the <i>Environmental Planning and Assessment Regulation 2021</i> .
60.	Completion of landscape and tree works Before the issue of an Occupation Certificate, the Principal Certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
	Condition Reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
61.	Completion of public utility services Before the issue of the relevant Occupation Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the Principal Certifier.
	Condition Reason: To ensure required changes to public utility services are completed in accordance with the relevant agency requirements, before occupation.
62.	Repair of infrastructure Before the issue of an Occupation Certificate:

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	a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council, or b) if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance, will be paid using the security deposit required to be paid under this consent.
	Condition Reason: To ensure any damage to public infrastructure is rectified.
63.	Works-as-executed plans and any other documentary evidence Before the issue of the relevant Occupation Certificate, works-as-executed (WAE) plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the Principal Certifier: a) All stormwater drainage systems and storage systems, and b) All access works, and c) The following matters that council requires to be documented. i) Final locations and reduced levels for all works associated with the development on both public and private land. ii) In contrasting coloured ink, all changes to the Approved Drawings and actual values of all levels shown on the Drawings. iii) The WAE drawing must be signed by a Registered Surveyor or Chartered Professional Engineer and certified that all the work as completed, including variations, meets the original intent of the Approved Drawing and will have no adverse impact on adjacent properties. A copy of the plans must be provided to Council with the Occupation Certificate.
	Condition Reason: To confirm the location of works that once constructed will become Council assets.
64.	Removal of waste upon completion Before the issue of an Occupation Certificate: a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved Waste Management Plan; and b) written evidence of the waste removal must be provided to the satisfaction of the Certifier.
	Condition Reason: To ensure waste material is appropriately disposed or satisfactorily stored.
65.	Fire safety Before the issue of an Occupation Certificate the certifier must be provided with a Final Fire Safety Certificate showing compliance with the Fire Safety Schedule.

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	Condition Reason: To comply with the requirements of the <i>Environmental Planning and Assessment Regulation 2021</i> and the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i> .
66.	Letter boxes A letterbox structure(s) must be provided and be designed to comply with the requirements of Australia Post, located close to the major pedestrian entry to the site, and built from materials that are non-reflective and blend in with the approved development.
	Condition Reason: To ensure Australia Post requirements are met.
67.	Section 73 Compliance Certificate Before the issue an Occupation Certificate, a Compliance Certificate must be obtained from Sydney Water, under section 73 of the <i>Sydney Water Act 1994</i>.
	Condition Reason: To ensure the compliance with Sydney Water requirements have been met.
68.	Pedestrian safety signage Before the issue of an Occupation Certificate, ensure an appropriate sign(s) is provided and maintained within the site to advise all vehicles to be aware of pedestrians within the shared driveway.
	Condition Reason: To make drivers aware of pedestrians and to ensure the safety of pedestrians using the shared driveway.
69.	Works in the road reserve - evidence of completion Before the issue of an Occupation Certificate, the developer must provide the Certifier with a letter from Council confirming that the required works in the road reserve, or on any other Council owned land, have been completed in accordance with the requirements of the consent and any other related approval issued.
	Condition Reason: To ensure the required public domain works have been completed satisfactorily and in accordance with the development consent.
70.	Geotechnical Report – compliance Before the issue of the Occupation Certificate, a Chartered Professional Engineer practising in the field of geoscience must prepare a report to confirm that all works have been completed in accordance with the requirements of the geotechnical report referenced as an approved document of this consent.
	Condition Reason: To ensure compliance with the reported requirements.
71.	In-fill affordable housing - registered community housing provider Before the issue of the Occupation Certificate, as required under section 82 of the <i>Environmental Planning and Assessment Regulation 2021</i> evidence of an agreement with a registered community housing provider for the management of

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	the affordable housing component, including the name of the registered community housing provider must be provided to the Registrar of Community Housing, the Certifier and Council.
	Condition Reason: To ensure compliance with the relevant legislation.
72.	Public positive covenants Before the issue of the Occupation Certificate, an 88E Instrument must be prepared and registered on the title of the land. Evidence of registration must be provided to Council and the Certifier. The Instrument must: a) be prepared under section 88E of the <i>Conveyancing Act 1919</i>, b) contain a provision that it cannot be varied, modified or released without the consent of the relevant parties as appropriate and without the consent of the Kiama Municipal Council, c) the proponent will be responsible for all costs associated with preparing and registering the Instrument. d) as required under section 82 of the <i>Environmental Planning and Assessment Regulation 2021</i> provide the following provisions for the affordable housing component of the development: (i) the affordable housing component must be used for affordable housing for a period of at least 15 years commencing the day on which an Occupation Certificate is issued for all parts of the building or buildings to which the development consent for DA 10.2025.84.1 relates, (ii) the affordable housing component must be managed by a registered community housing provider, e) where detailed site investigations or a Remediation Action Plan (RAP) identify ongoing management of contamination and the preparation of an Environmental Management Plan (EMP) is required, a positive covenant must be registered on the title of the land providing information regarding the delineation of the contamination and a requirement to comply with the EMP as relevant to this consent. Condition Reason: To ensure restrictions/covenants are applied to the land in accordance with the relevant legislation.

OCCUPATION AND ONGOING USE

73.	Noise – air conditioning Air conditioning must be installed in accordance with manufacturer's instructions and operated at all times so as not to cause "Offensive Noise" as defined by the <i>Protection of the Environment Operations Act 1997</i> (POEO Act). Domestic air conditioners must not emit noise that can be heard within any room in any other residential premises (that is not a garage, storage area, bathroom, laundry, toilet or pantry) whether or not any door or window to that room is open:
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	a) before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or b) before 7 am or after 10 pm on any other day.
	Condition Reason: To ensure consideration of neighbouring uses.
74.	Occupation Certificate The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier. If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e., a security).
	Condition Reason: To ensure that the development is completed as per this consent and the approved plans.
75.	In-fill affordable housing – use of affordable housing component In accordance with section 82 of the <i>Environmental Planning and Assessment Regulation 2021</i> the following conditions of development consent apply during the relevant period: a) the affordable housing component of at least 19%, being apartments G01/104A, G04/104A, G05/104B, G08/104B and G13/104B as shown on the approved plans, must be used for affordable housing, b) the affordable housing component must be managed by a registered community housing provider, c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines. The relevant period is a period of 15 years commencing on the day on which an Occupation Certificate is issued for all parts of the building or buildings to which the development consent relates.
	Condition Reason: To ensure the affordable housing component of the development complies with the relevant legislation and guidelines for the relevant period.
76.	Graffiti removal During ongoing use of the premises, ensure graffiti is removed from the exterior of the building or associated structures, including any fences, site services and retaining/planter bed walls.
	Condition Reason: To protect and preserve the visual amenity of the surrounding public domain.

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General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a Construction Certificate or Subdivision Works Certificate, respectively, has been issued and a Principal Certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

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Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a Council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction Certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the Council of the Municipality of Kiama (Kiama Council).

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation Certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal Certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata Certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

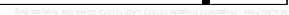
Subdivision Certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

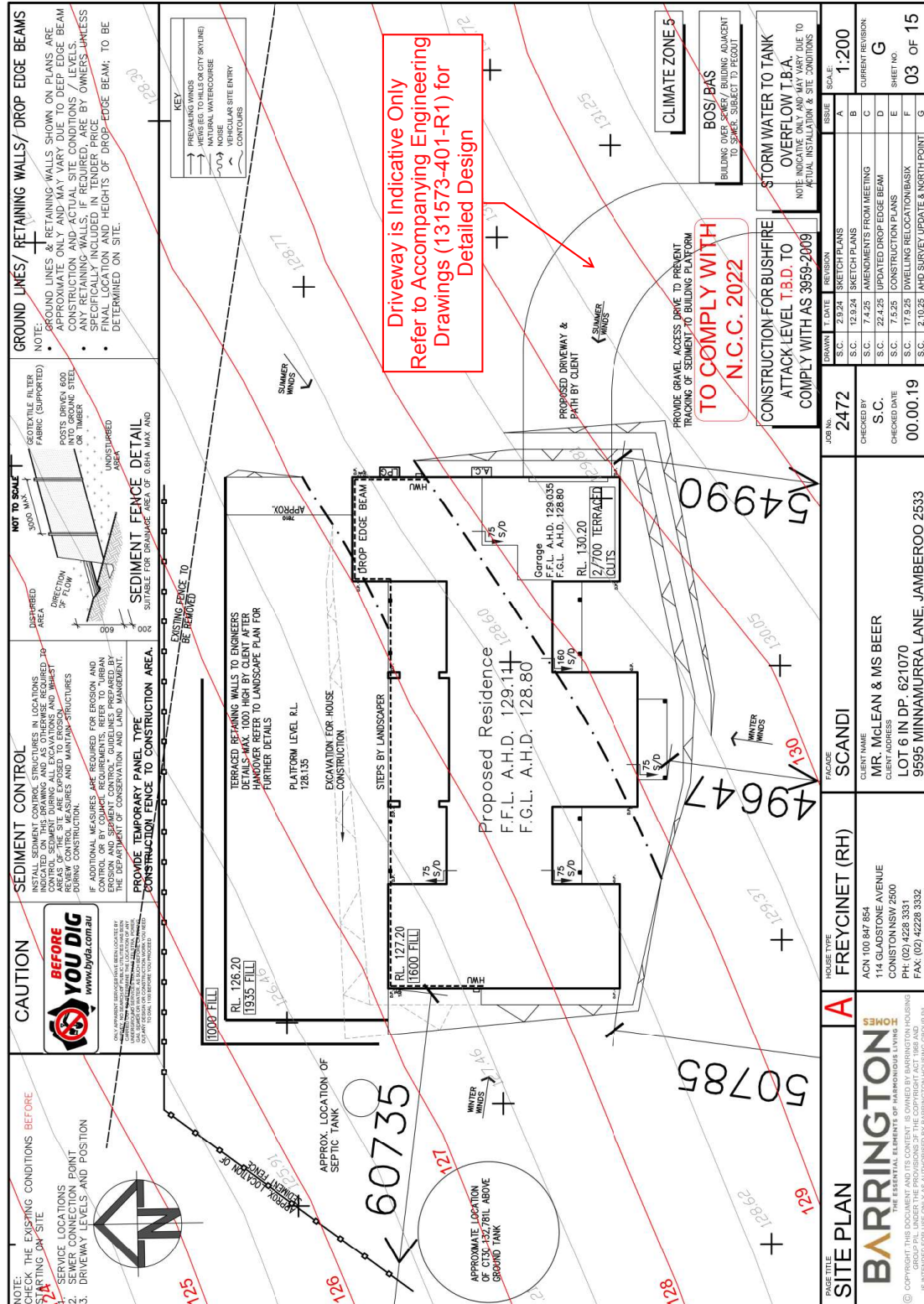
Subdivision Works Certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

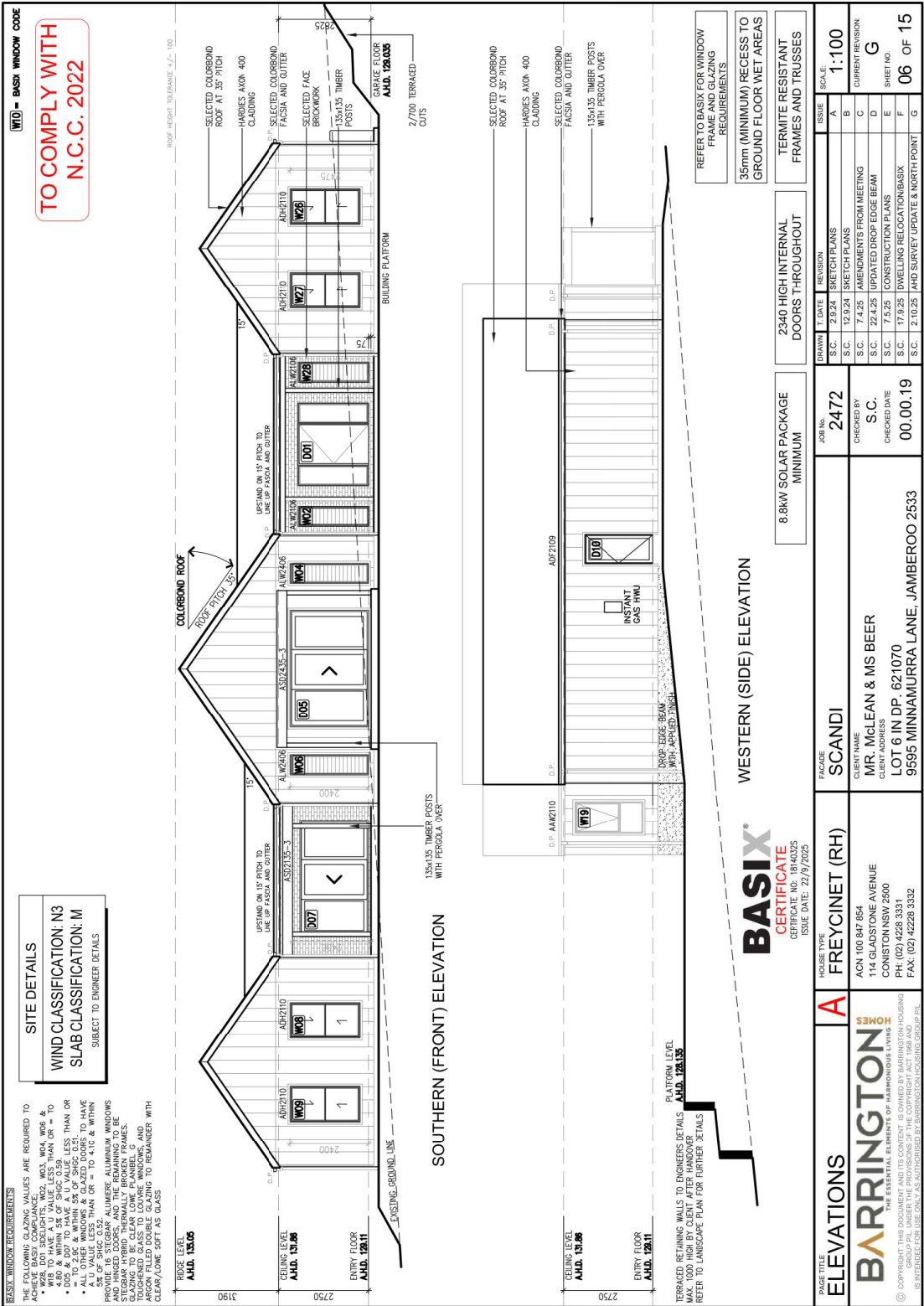
Sydney district or regional planning panel means Southern Regional Planning Panel.

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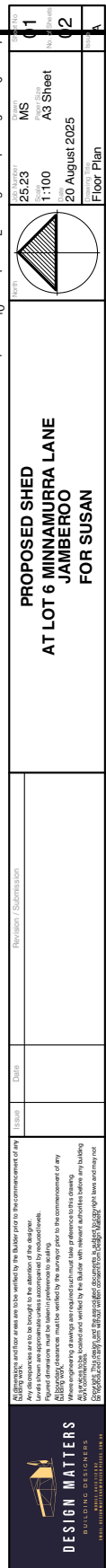
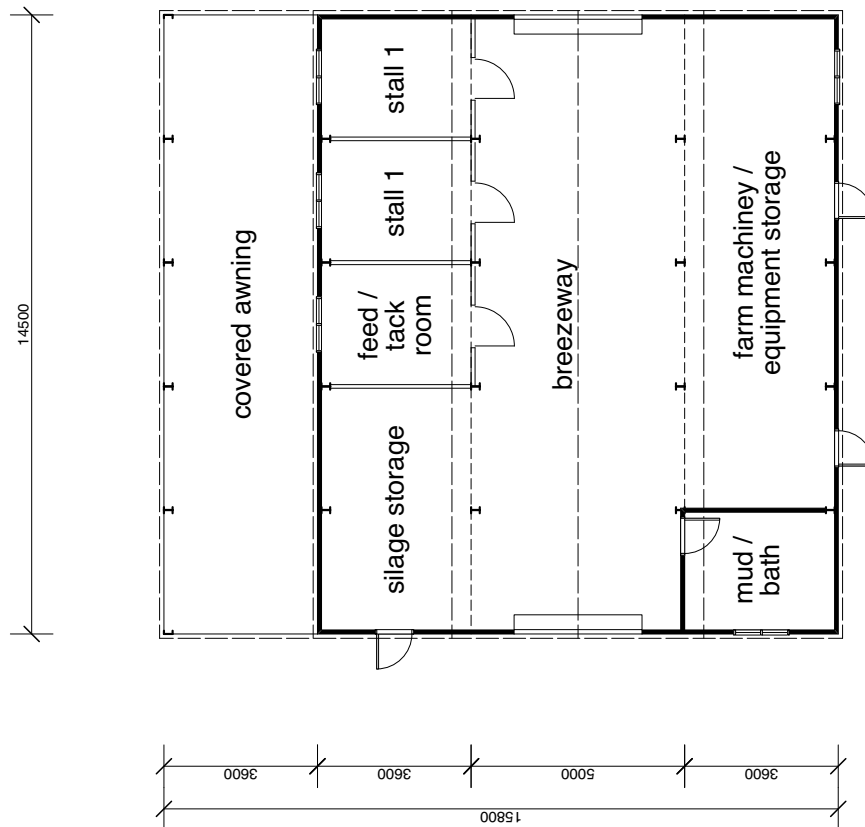
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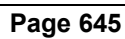




Enclosure 1



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SECTION 4.15 ASSESSMENT

APPLICATION NUMBER: 10.2025.201.1
NSW ePLANNING PORTAL REFERENCE: PAN-590655
APPLICANT: Allen Price Pty Ltd
PROPERTY DESCRIPTION: LOT: 6 DP: 621070, Minnamurra Lane JAMBEROO NSW 2533
SITE ZONING: RU2 Rural Landscape
DEVELOPMENT DESCRIPTION: NEW DWELLING HOUSE AND FARM BUILDING - PROPOSED DWELLING HOUSE, FARM BUILDING (MACHINERY SHED) AND ANCILLARY DRIVEWAY ACCESS.

Summary

New dwelling house and farm building - Proposed dwelling house, farm building (machinery shed) and ancillary driveway access.

Development site

The subject site is described as:
LOT: 6 DP: 621070, Minnamurra Lane JAMBEROO NSW 2533.
The subject site has a frontage to Minnamurra Lane JAMBEROO. The site is currently vacant and is zoned RU2 Rural Landscape under Kiama LEP 2011.
The surrounding area is rural in character and the site is adjoined by similar rural development.
The site undulates and drains overland to the adjoining land.
Access to the property is gained via Minnamurra Lane.
The site is serviced by on-site utilities.

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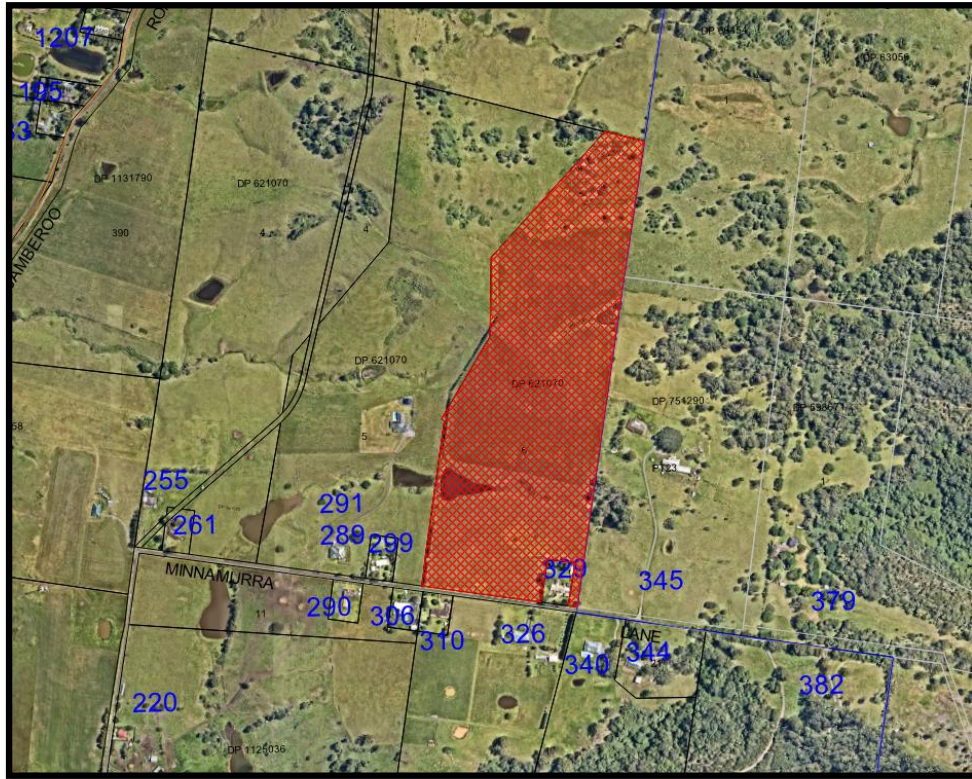


Figure 1 – Aerial image

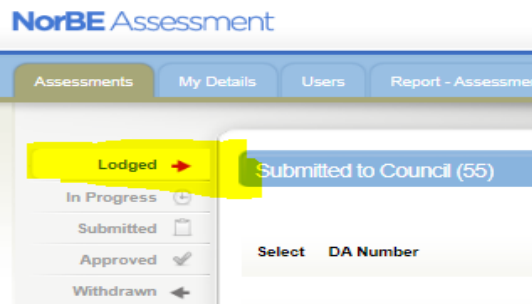
THE SITE IS SUBJECT TO THE FOLLOWING CONSTRAINTS:

Site details	
Lot area	19.9Ha
Zone	RU2 Rural Landscape
Does the land have a dwelling entitlement? Note: for rural land refer to Clause 4.2A of <i>Kiama LEP 2011</i> .	Clause 4.2A addressed in KLEP compliance table of this report.
Is the proposed development a " Council-related development application "?	No
Topographic details	
Fall direction of land	Undulating
Slope of land >20%?	No
Site inspection	
Works within proximity to electricity infrastructure?	No
Is the development adjacent to a classified road ?	No
Is the development adjacent to a rail corridor ?	No

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Utility network	
Access to reticulated sewer?	No
Access to reticulated water?	No
Sydney Water – Dwelling Restriction?	No
Sydney Water – Jamberoo Capacity?	No
Note: If additional services are required, proposal may not be supported.	
Constraint layers	
Flood Prone Land	No
Filled Land	No
Slip Land	No
Interim Heritage Order	No
Bush Fire	Yes
Potentially Contaminated Sites	No
Riparian Corridors	Yes
Known Dry Stone Walls	No
Development within 40m of a watercourse	No
Planning layers	
Draft Exhibited Planning Proposal	No
Land Zoning	RU2 Rural Landscape
Minimum Lot Size	AB - 40Ha
Floor Space Ratio	NA
Height of Buildings	NA
Foreshore Building Line	NA
Heritage	NA
Note: consider adjoining properties.	
Additional Permitted Uses	NA
Active Street Frontages	NA
Terrestrial Biodiversity	NA
Riparian Lands and Watercourses	Yes
Acid Sulfate Soils	NA
Land Reservation Acquisition	NA
Urban Release Area	NA
Reclassification Part Lots	NA
Clause application	NA

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Planning Proposals	No
SEPP (Biodiversity and Conservation) 2021- Chapter 6: Water catchment (e.g. NorBE) Note: NorBE Assessments submitted to Council can be viewed from the “Lodged” tab in the NorBE online assessment tool shown below. 	No
SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management Biodiversity Values Biodiversity Values Map	No

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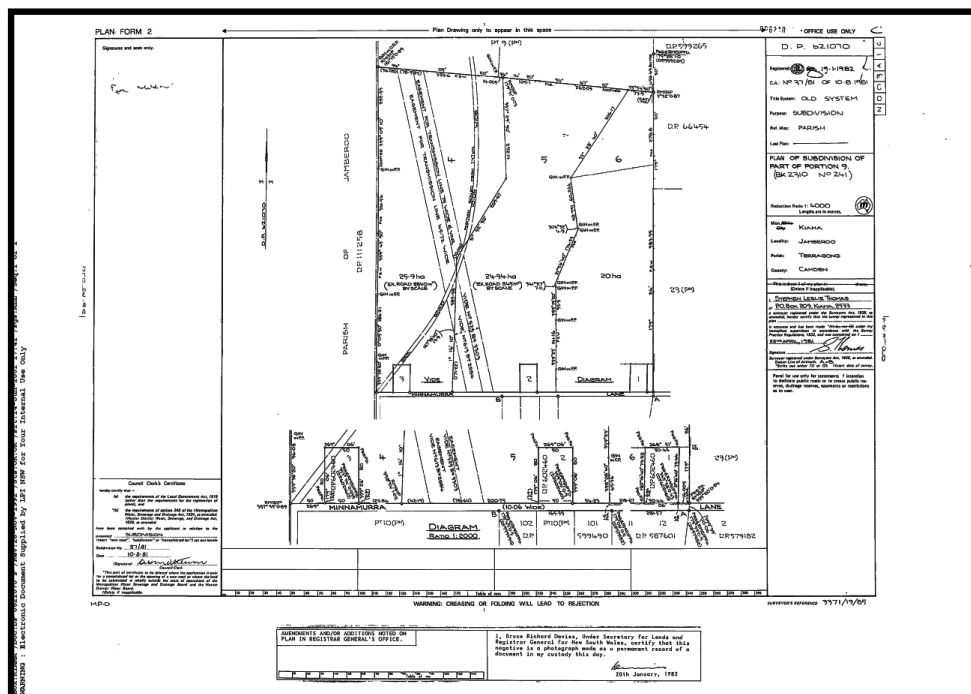


Figure 2 – DP extract

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SITE INSPECTION

A site inspection was carried out on 28/01/2026.
No additional matters were raised as a result of the site inspection.

BACKGROUND

The development application history is as follows:

Application Details

Current Property ☒ Historic Properties ☐ Both Current & Historic ☒ Line 1 of 5

Formatted Account	Precis	Received Date	Determination Date	Determination
010.2025.00000201.001	New dwelling house and farm building	18/11/2025		
010.2011.00000121.001	dwelling, driveway and shed	08/06/2011	24/08/2011	Approved
010.2010.00000010.001	dwelling	25/01/2010	24/06/2010	Refused
010.2007.00000102.002	dwelling and access road	09/01/2008	07/02/2008	Approved
010.2007.00000102.001	dwelling and access road	19/04/2007	03/07/2007	Approved

A pre-lodgement meeting (Ref: 47.2025.5.1) was held on 11/06/2025 during advice regarding the lodgement process and required documentation was provided by Council officers.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

New dwelling house and farm building - Proposed dwelling house, farm building (machinery shed) and ancillary driveway access.

PLANS AND DOCUMENTS SUBMITTED FOR ASSESSMENT

Submitted plans for assessment				
Plan number	Revision number	Plan title	Drawn by	Date of plan
Job: 2472 1 of 15	Rev G	Cover Page	Barington Homes	02/10/2025
131573-02 Sheet 01	Issue 6	Site Detail and Analysis	Allen Price	10/03/2026
Job: 2472 2 of 15	Rev G	Overall Site Plan	Barington Homes	02/10/2025
Job: 2472 3 of 15	Rev G	Site Plan	Barington Homes	02/10/2025
Job: 2472 4 of 15	Rev G	Floor Plan	Barington Homes	02/10/2025
Job: 2472 5 of 15	Rev G	Floor Plan	Barington Homes	02/10/2025
Job: 2472 6 of 15	Rev G	S+W Elevations	Barington Homes	02/10/2025

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Job: 2472 7 of 15	Rev G	N=E Elevations	Barington Homes	02/10/2025
Job: 2472 8 of 15	Rev G	Sections	Barington Homes	02/10/2025
Job: 2472 9 of 15	Rev G	Undertile Heating Details	Barington Homes	02/10/2025
Job: 2472 10 of 15	Rev G	Wet Areas	Barington Homes	02/10/2025
Job: 2472 11 of 15	Rev G	Wet Areas	Barington Homes	02/10/2025
Job: 2472 12 of 15	Rev G	Slab Plan	Barington Homes	02/10/2025
Job: 2472 13 of 15	Rev G	Electrical Plan	Barington Homes	02/10/2025
Job: 2472 14 of 15	Rev G	BASIX	Barington Homes	02/10/2025
Job: 2472 15 of 15	Rev G	BASIX	Barington Homes	02/10/2025
Pages 1 and 2	-	Colour and Material Schedule	-	-
131573-401	Rev 1	Concept Engineering Layout Plan	Allen Price	16/03/2026
2523 Sheet 01	Rev A	Floor Plan	Design Matters	20/08/2025
2523 Sheet 02	Rev A	Elevations	Design Matters	20/08/2025
L01	Rev A	Landscape Plan	Peter Phiollips Landscape Architecture	04/03/2026

Submitted documents for assessment			
Document title	Version number	Prepared by	Date of document
BASIX Certificate	181402S_02	Efficiency Assessments	09/10/2025

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Clause 4.6 Variation Statement	131573	Allen Price	06/11/2025
Wastewater Report	NWD105	Nowra Wastewater Design	17/03/2026
NatHERS Certificate	0012215075-02	Efficiency Assessments	09/10/2025
Statement of Environmental Effects	131573	Allen Price	06/11/2025
Waste Management Plan	-	Allen Price	-
Bushfire Assessment Report	Kiam252 Version 2	South Coast Bushfire	18/03/2026
Cost Estimate	2472	Barrington Homes	-

The built details of the development is as follows:

Dwelling 453m² GFA
<u>Ground floor</u> • <u>Double Garage</u> • <u>Mudroom w/Toilet, Shower and Washbasin</u> • <u>1x Bedroom w/WIR and Ensuite</u> • <u>Dressing Room</u> • <u>Living/Theatre room</u> • <u>Open Plan Kitchen, Living and Dining w/Butler's Pantry</u> • <u>Rumpus Room</u> • <u>1x Bedroom w/BIR</u> • <u>2x Bedroom w/WIR</u> • <u>Laundry</u> • <u>Bathroom</u> • <u>WC</u> • <u>Various Alfresco areas</u>

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The proposal is shown in figures below.

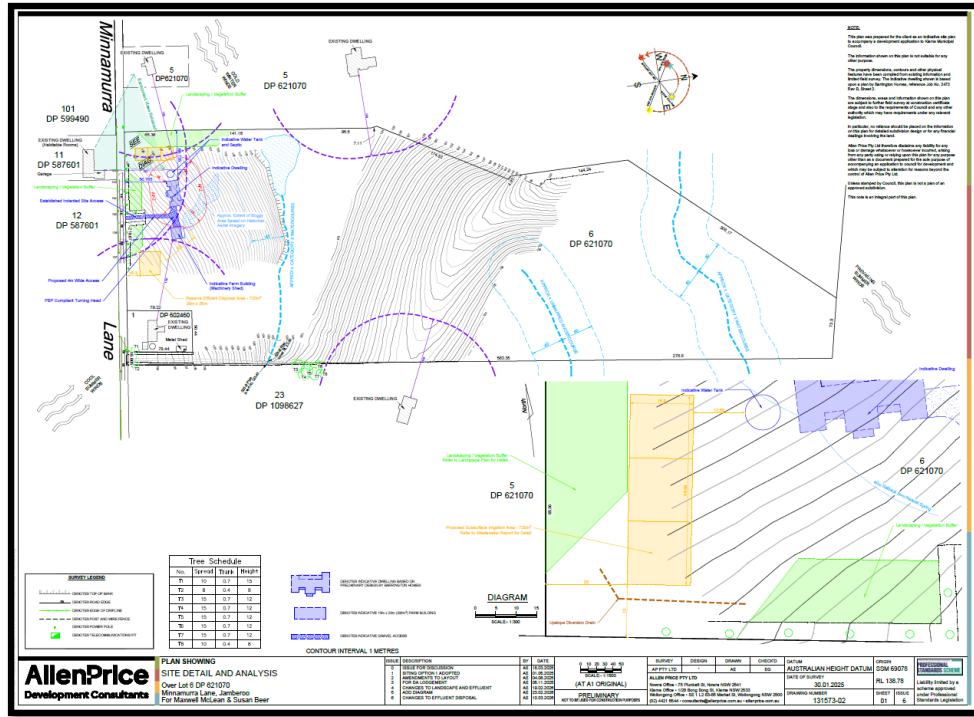


Figure 3 – Site analysis plan

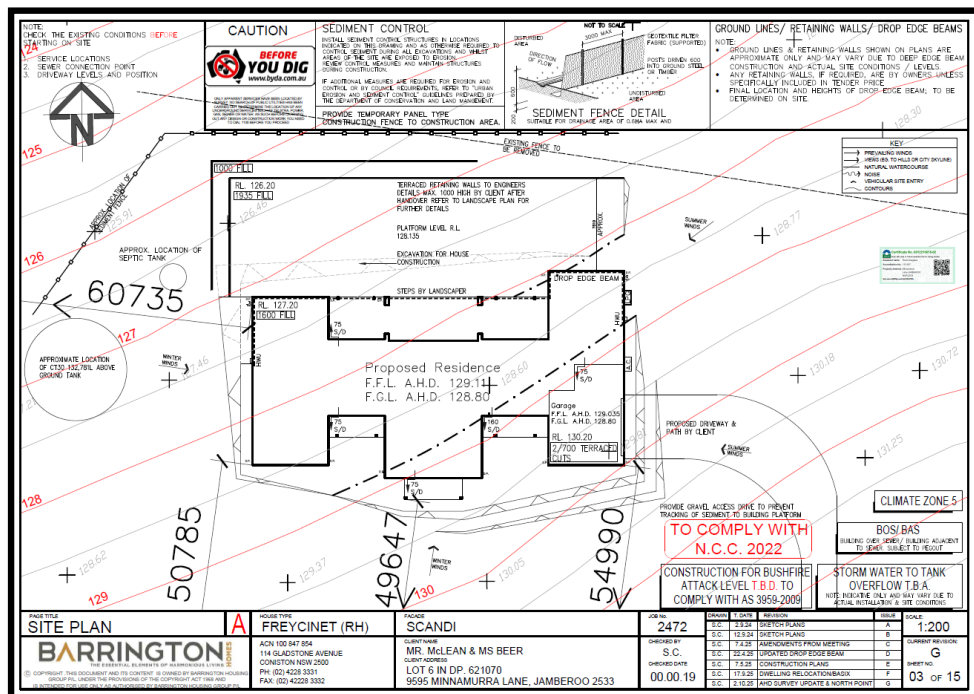


Figure 4 – Proposed site plan

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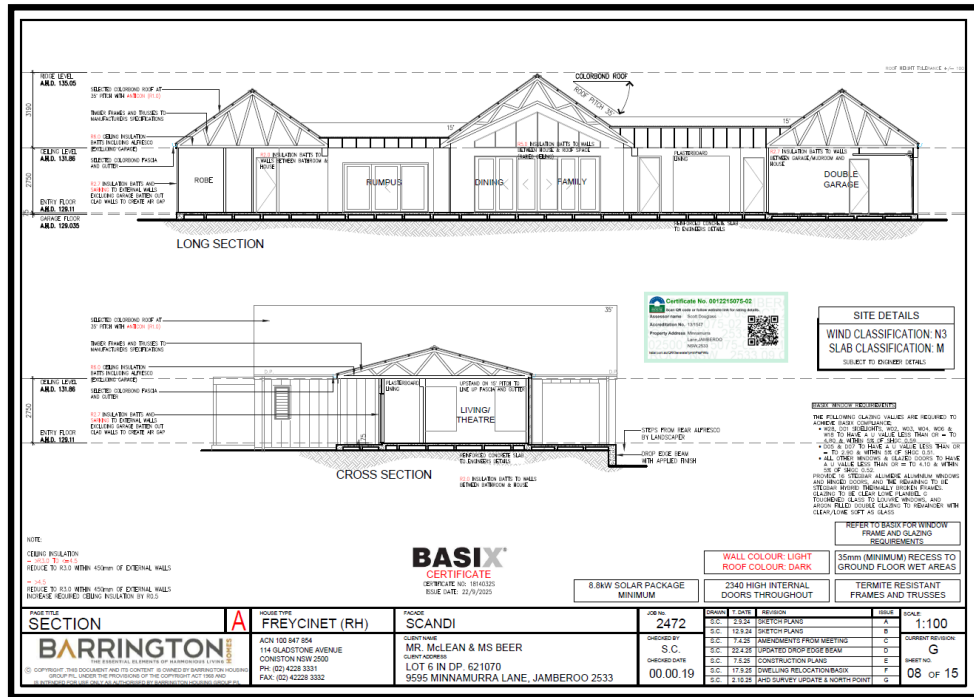


Figure 7 – Sections

STATUTORY CONSIDERATIONS

Environmental Planning and Assessment Act 1979	
Section 4.14 Consultation and development consent – certain bush fire prone land	
Is the development site mapped as bush fire prone land?	Yes - Complete below table and assessment against Planning for Bush Fire Protection
Is there vegetation within 100m of the proposed development that would form a bush fire hazard as identified in Planning for Bush Fire Protection? Note: The bush fire mapping cannot be relied upon solely for identifying bush fire hazards.	Yes - Complete below table and assessment against Planning for Bush Fire Protection
Is the development subject to a performance based solution or a BAL-FZ? Note: As per Appendix 2 of PBP 2019, performance based solutions should be undertaken and fully justified by a qualified consultant BPAD practitioner. Note: The NSW variation of H7D4 in NCC 2022 Volume 2 specifies that AS3959 and the NASH Standard can only be used as a deemed-to-satisfy provision where an appropriate condition of consent has been imposed in consultation with NSW RFS.	No

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The Kiama Municipal Council Area is within a 100 Forest Fire Danger Index area (see Table A1.12.5 in PBP 2019).														
Direction	Vegetation hazard type	Distance to bush fire vegetation hazard / proposed APZ	Effective slope under vegetation hazard (over 100m)	BAL										
North	Grassland	28m	>5 to 10 degrees - downslope	BAL-12.5										
East	Grassland	22m	Upslope / Flat	BAL-12.5										
South	Grassland	22m	Upslope / Flat	BAL-12.5										
West	Grassland	28m	>5 to 10 degrees - downslope	BAL-12.5										
The bush fire assessment report identifies that the proposed development conforms to the relevant specification and requirements of Planning for Bush Fire Protection 2019 and has been prepared by a suitably qualified consultant.														
Recommended conditions of consent will require the proposed building/s to be built to BAL-12.5 and APZs (as required) as above.														
Part 7 Infrastructure - Subdivision 4 Housing and productivity contributions														
Does the proposed development include works to which the Housing and Productivity Contribution (HPC) applies?				No										
Has the application been referred to Council's Contributions Planner?				Yes – HPC not applicable										
<i>Biodiversity Conservation Act 1979</i>														
Does the application include works or vegetation removal within the Biodiversity Values mapped area ?				No										
Does the application involve clearing of native vegetation above the area clearing threshold?				No										
Area clearing threshold The area threshold varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan (LEP)), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP). <table border="1"> <thead> <tr> <th>Minimum lot size associated with the property</th> <th>Threshold for clearing, above which the BAM and offsets scheme apply</th> </tr> </thead> <tbody> <tr> <td>Less than 1 ha</td> <td>0.25 ha or more</td> </tr> <tr> <td>1 ha to less than 40 ha</td> <td>0.5 ha or more</td> </tr> <tr> <td>40 ha to less than 1000 ha</td> <td>1 ha or more</td> </tr> <tr> <td>1000 ha or more</td> <td>2 ha or more</td> </tr> </tbody> </table> The area threshold applies to all proposed native vegetation clearing associated with a proposal, regardless of whether this clearing is across multiple lots. In the case of a subdivision, the proposed clearing must include all future clearing likely to be required for the intended use of the land after it is subdivided. If the land on which the proposed development is located has different minimum lot sizes the smaller or smallest of those minimum lot sizes is used to determine the area clearing threshold.					Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply	Less than 1 ha	0.25 ha or more	1 ha to less than 40 ha	0.5 ha or more	40 ha to less than 1000 ha	1 ha or more	1000 ha or more	2 ha or more
Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply													
Less than 1 ha	0.25 ha or more													
1 ha to less than 40 ha	0.5 ha or more													
40 ha to less than 1000 ha	1 ha or more													
1000 ha or more	2 ha or more													
Will the proposed development have a significant impact on threatened species or ecological communities, or their habitats, according to the test in Section 7.3 of the <i>Biodiversity Conservation Act 2016</i> (ie. test of significance)?				No										

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Note: Consideration should be given to the site's proximity to NPWS land (see guidelines) and other natural areas, as well as any area that may contain threatened species, vulnerable or endangered ecological communities or other vulnerable habitats.	
If the application exceeds the Biodiversity Offsets Scheme Threshold (ie. if yes to any of the above), has the application been supported by a Biodiversity Development Assessment Report (BDAR)?	N/A
Fisheries Management Act 1994	
The proposed development would not have a significant impact on the matters for consideration under Part 7A of the <i>Fisheries Management Act 1994</i> .	Complies
Local Government Act 1993	
Do the proposed works require approval under Section 68 of the <i>Local Government Act 1993</i> ?	Yes - see s68 type nominated below
☒ Operation of a system of sewage management (ie. on-site sewage management system). ☐ Installation of a manufactured home. ☐ Installation of a domestic oil or solid fuel heating appliance, other than a portable appliance (ie. fireplace)?	
Has a Section 68 application been applied for as a related case in the Portal?	No

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SECTION 4.15 ASSESSMENT

The proposed development has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended) and the following matters are considered relevant.

RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

Environmental Planning Instruments
Kiama Local Environmental Plan 2011
State Environmental Planning Policy (Biodiversity and Conservation) 2021
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
State Environmental Planning Policy (Housing) 2021
State Environmental Planning Policy (Industry and Employment) 2021
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development
State Environmental Planning Policy (Planning Systems) 2021
State Environmental Planning Policy (Precincts—Regional) 2021
State Environmental Planning Policy (Primary Production) 2021
State Environmental Planning Policy (Resources and Energy) 2021
State Environmental Planning Policy (Resilience and Hazards) 2021

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State Environmental Planning Policy (Sustainable Buildings) 2022	
State Environmental Planning Policy (Transport and Infrastructure) 2021	
State Environmental Planning Policy (Sustainable Buildings) 2022	
The proposal is for a BASIX development and the requirements of the SEPP are noted. A valid BASIX Certificate 181402S_02 has been submitted as part of the application. The certificate demonstrates compliance with the provisions of the SEPP and is consistent with commitments identified in the application documentation.	
State Environmental Planning Policy (Resilience and Hazards) 2021	
Chapter 4 - Remediation of Land	
Chapter 4 of the SEPP requires Council to consider whether the land is contaminated and if it is contaminated if remediation works are required. Council is unaware of any historic land use which would deem the site unsuitable for the proposed development, therefore the land is considered to be suitable for the proposed use.	
Kiama LEP 2011	
2.3: Zone objectives and Land Use Table	
The subject land is zoned RU2 Rural Landscape pursuant to Kiama LEP 2011. The proposal is defined as a Dwelling House under the provisions of the Kiama LEP 2011, which are permitted with consent in the RU2 Rural Landscape zone. The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	
Zone objectives	Comments
• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. • To maintain the rural landscape character of the land. • To provide for a range of compatible land uses, including extensive agriculture. • To protect agricultural land for long term agricultural production. • To provide opportunities for employment-generating development that adds value to local agricultural production through food and beverage processing and integrates with tourism.	The proposed development is consistent with the objectives of the zone.
Other relevant clauses	
Part 2 Permitted or prohibited development	
Comments	Complies/Consistent

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Part 4 Principal development standards	
Part 4 Principal development standards	
4.2A: Erection of dwelling houses on land in certain rural and conservation zones	
The proposed development includes the erection of a dwelling house on land zoned RU2 Rural Landscape with a lot size of 19.9Ha. The minimum lot size for the subject site is AB - 40Ha. Therefore the proposed development does not comply with Clause 4.2A.	Does not comply - See commentary below The applicant has provided a written variation statement pursuant to Clause 4.6 addressing this non-compliance.
4.6: Exceptions to development standards	
Applicant's Written Clause 4.6 Variation Statement	
The following is an excerpt (conclusion) from the applicant's written clause 4.6 variation statement: <i>"This Clause 4.6 Written Request supports a development application submitted to Kiama Municipal Council ("the Council") seeking approval for erection of a dwelling house and accompanying rural infrastructure on Lot 6 DP 240784, Jamberoo Road, Jamberoo. Under the provisions of the Kiama Local Environmental Plan 2011 ("the LEP") the subject land is zoned RU2 Rural Landscape. The proposed dwelling house and all works associated with the proposal are to be situated within the RU2 zone.</i> <i>Dwelling houses are permissible with consent within the RU2 zone. Clause 4.2A(3)(a) of the LEP outlines the relevant provisions for the erection of a dwelling house within the RU2 zone. Under Clause 4.2A(3)(a), development consent may be granted for the erection of a dwelling house on land zoned RU2 provided the subject land comprises the minimum lot size under mapping that support the LEP. The minimum allotment area requirements that applies to the site is 40 hectares. The subject site comprises an area of 20 hectares.</i> <i>Clause 4.6 of the LEP enables the Council as the consent authority to grant consent for development even though the development contravenes a development standard. Clause 4.6 aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.</i> <i>The consent authority's satisfaction in respect of those matters must be informed by the objectives of Clause 4.6, which are to provide an appropriate degree of flexibility in the application of the relevant controls and to achieve better outcomes for and from the development in question by allowing flexibility in particular circumstances.</i> <i>This Statement prepared in accordance with Clause 4.6 of the LEP provides justification that the development standard detailed in the provisions of Clause 4.2A(3)(a) may be contravened by the grant of development consent because strict compliance with the provisions of this clause under the specific circumstances associated with this development application would be unreasonable and unnecessary; and that there are environmental planning grounds to justify the contravention of these development standards.</i> <i>This Clause 4.6 variation has been prepared in accordance with the Department of Planning & Environment (DPE) "Guide to Varying Development Standards" (November 2023). This request should be read in conjunction with the Statement of Environmental</i>	

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<i>Effects (SEE) and other supporting documentation submitted with this development application.</i> <i>In summary the Clause 4.6 Written Statement demonstrates:</i> • <i>With respect to the development standard outlined in Clause 4.2A(3)(a) which imposes a minimum lot size of 40 ha for the erection of a dwelling house within the RU2 zone:</i> ○ <i>that compliance with this standard is unnecessary given the objectives that underpin both the clause, and the zones will be achieved without compliance with this minimum lot size development standard; and</i> • <i>That there are specific environmental grounds that justify the contravention of Clause 4.2A(3) including:</i> ○ <i>The proposal is consistent with the objectives of Clause 4.2A and the RU2 zone that applies to the land.</i> ○ <i>The subject land is suitable for on-going viable agricultural undertaking, notwithstanding it may not satisfy the 40 hectares minimum allotment size requirement. The land will continue to be used for the purposes of extensive agriculture. The most viable agricultural land use for the site is considered to be the continuation of the controlled grazing of cattle.</i> ○ <i>The proposed dwelling house and accompanying rural infrastructure will enable future sustainable agricultural undertakings to be undertaken on the land. Every reasonable endeavour has been made to reduce agricultural impacts, and the proposed dwelling is intended to support extensive agriculture which has taken place on the site since creation of the lot in 1982. Indeed, the proposed dwelling house and accompanying rural infrastructure has the potential to support the continued viable use of the land for agricultural purposes.</i> ○ <i>The proposed dwelling house and accompanying rural infrastructure will not result in conflicts with existing rural land uses. Given the substantial separation from adjoining lands, it is considered the proposed dwelling house will not give rise to conflicts with neighbouring rural activities or land uses.</i> <i>Under these circumstances this Written Statement made pursuant to Clause 35B of the EP&A Regulations 2021 and having regard to Clause 4.6 of the LEP requests that the Council exercise the discretionary authority outlined in Clause 4.6 of the KLEP 2011 and support this development application that the Written Statement supports, notwithstanding the proposed development may be in contravention of Clause 4.2A(3)(a) of the KLEP 2011."</i>	Assessing Officer Commentary <u>Unreasonable or Unnecessary</u> The Applicant contends that compliance with the clause 4.2A development standard is unnecessary and unreasonable in the circumstances of the case as the proposal is compatible with the objectives of the RU2 zone, clause 4.2A development standard and that there are sufficient environmental planning grounds to justify the variation. Council staff agree with this assessment in this instance and it is considered that the proposed development does achieve the objectives of the development standard. The objectives of clause 4.2A are considered below: a) <u>to minimise unplanned rural residential development.</u> The Applicant argues that the development is not unplanned rural residential development as the lot was approved through a subdivision under a previous planning instrument and
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on which there was a previously approved DA (10.2011.121.1) for a dwelling house on the site.

This argument is agreed with, though only insofar as the approval of a dwelling on the site having previously been granted under 10.2011.121.1 constitutes a “planned” development outcome for the site, with a valid development consent that was active and that could have been acted upon.

The applicant’s argument that the approval of the lot under a previous instrument constitutes an outcome of a dwelling on the site as not “unplanned” is not agreed with. There is a clear planning vision set out by clause 4.2A (4) which acknowledges the presence of existing holdings and smaller lots in rural areas, but then sets clear and specific requirements for lodgement of applications within 5 years of the commencement of the Plan, otherwise such allotments will not benefit from dwelling entitlement. The represents the clear strategic planning of minimising unplanned rural residential development.

No application for erection of a dwelling house was made within 5 years of the commencement of the Plan (i.e. 16 December 2016) and therefore the land does not benefit from a dwelling entitlement.. Despite this, it must be noted that an application for the erection of a dwelling house (DA10.2011.121.1) was made on 08/06/2011 and consent granted on 23/8/2011 i.e. 3 months before the commencement of Kiama LEP 2011. If this same application were made 3 months later i.e. post 16/12/2011, the land would continue to retain a dwelling entitlement, irrelevant of if the application was acted upon or lapsed, because clause 4.2A(4) specifically refers to the sunset clause only having effect on land on which an application for a dwelling house was not made, or where an application for a dwelling house was refused. If an application was made and approved within the 5 year period, however subsequently that consent had lapsed, the land would still benefit from a dwelling entitlement under clause 4.2A.

The development consent for DA10.2011.121.1 was active during the 5 year period of commencement of Kiama LEP 2011, however the consent was granted 3 months before the commencement of Kiama LEP 2011. As such, despite not technically retaining a dwelling entitlement because DA10.2011.121.1 predates the commencement of Kiama LEP 2011 by 3 months, it is considered that this consent demonstrates and represents a planned development outcome for the site.

Notwithstanding the applicability and relevance of the “sunset clause”, the prior approval of a dwelling house on the subject site under 10.2011.121.1 is considered satisfactory evidence that the approval of a dwelling house on the subject site is not “unplanned” development and therefore, Council is satisfied that the proposed development is consistent with the Clause 4.2A(1)(a).

The Applicant also argues that the subject land is “suitable for viable agricultural activities” and that clauses 4.2 and 4.2A are “blunt instruments” to achieve the desired objectives of these clauses. The applicant also asserts that the proposed dwelling will enable the sustainable agricultural undertakings to be undertaken on the land. Council disagrees that the dwelling is required to facilitate development or an undertaking on the land which achieves the relevant objectives, including rural and agricultural uses. It is however noted that the proposed dwelling house has been designed and sited to adequately avoid any significant likely impacts to adjoining permissible agricultural uses and to afford the use of the subject site for the same.

b) to enable the replacement of lawfully erected dwelling houses in rural and conservation zones.

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The proposed development does not replace a lawfully erected dwelling and there are no existing approvals for establishment of a dwelling house on the land. The proposed erection of a dwelling house on the site is not inconsistent with Clause 4.2A(1)(b). <u>Sufficient Environmental Planning Grounds</u> The Applicant contends that there are sufficient environmental planning to justify contravention of the development standard because the development aligns with the objects of the <i>Environmental Planning and Assessment Act 1979</i>, for which the applicant has provided a list. The applicant has provided no specific commentary connecting the development to any particular object of the act and relies simply on the statement that “there are environmental planning grounds to justify the contravention of these development standards.” Despite the absence of any specific or detailed commentary on this matter, it is considered that the proposed development is consistent with the objects of the <i>Environmental Planning and Assessment Act 1979</i> and that there are sufficient environmental planning grounds to justify the proposed variation. The site is RU2 zoned land, the objectives for which are to encourage sustainable primary industry production and protect agricultural land for long term agricultural production, as well as to provide for a range of compatible land uses whilst maintaining the rural landscape character. The proposed development has been designed and sited to appropriately respond to the RU2 zone objectives. <u>Conclusion</u> The applicant’s written clause 4.6 variation statement has adequately demonstrated that the current proposed development is not unplanned rural residential development and that strict adherence to the minimum lot size requirement under Clause 4.2A would be unreasonable and unnecessary in the context of the subject site.	
Part 5 Miscellaneous provisions	
5.16: Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	
The proposed development involves the erection of a dwelling on land zoned RU2 Rural Landscape. Council has considered existing and approved uses on adjoining land and the proposed development is compatible with these adjoining land uses.	Complies
Part 6 Additional local provisions	
6.2: Earthworks	
Clause 6.2 lists considerations for proposals which involve earthworks. The proposal complies with the objectives of the clause and as the proposed earthworks are ancillary to the proposed dwelling separate development consent is not required.	Complies
6.5: Riparian land and watercourses	
The development site is located on land identified as "Riparian Land" mapped on the Riparian Lands and Watercourses Map. It is considered that the proposed development will not likely have an adverse impact on the watercourse stability or water quality, aquatic and riparian species, habits and ecosystems, or the passage of fish and other aquatic organisms within or along	Complies

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the watercourse. The proposed development will not preclude the future rehabilitation of the watercourse and its riparian areas. The proposal will not likely increase water extraction from the watercourse. The proposed development has been appropriately designed to minimise impact on the watercourse and the proposal is viewed as satisfactory with regard to the considerations set out in Clause 6.5.	
6.12: Essential services	
Reticulated electricity is available to the site. Potable water will be provided to the development via rainwater tanks. Recommended conditions of consent will be imposed accordingly. Effluent will be managed on site. It is considered that there is suitable areas on site for the required effluent management areas. The application has been reviewed by Council's Environmental Health Officer who raised no objections subject to recommended conditions of consent. It is considered that there is suitable area on site for the required effluent management areas.	Complies

The proposed development is consistent with the relevant provisions of the Kiama LEP 2011 and is permissible within in the RU2 Rural Landscape zone.

ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Nil

KIAMA DEVELOPMENT CONTROL PLAN 2020

Chapter 1: Introduction and administration
The application has been prepared to include documentation and considerations consistent with the requirements in Kiama DCP Chapter 1.
Chapter 2: Site considerations
The proposed development has been supported by an appropriately prepared site analysis plan, is located on Riparian Land and does not include the removal of vegetation. There are no identified threatened species on the site. Cut and Fill has been limited to <1.45m and the subject site has a gradient of <20%. The proposed development is located on land that identified as featuring the following land constraints: Bushfire Prone The applicant has provided satisfactory documentation addressing the constraint, which are discussed elsewhere in this report.

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Chapter 3: Common requirements	
The proposed development has been supported by an appropriately prepared Waste Management Plan. Appropriate visual, acoustic, solar and view amenity has been achieved to adjoining properties. The subject site benefits from electricity supply and water management is appropriate in the context of the site with respect to bushfire. The proposed development appropriately responds to the site topography and avoids the unnecessary alteration of ground levels. Appropriate car parking arrangements are provided on-site and the proposed development responds adequately to CPTED principles.	
Chapter 4: Heritage and cultural conservation	
The subject site is not identified as featuring Aboriginal Cultural Heritage, any listed Item of Heritage and is not located in a Heritage Conservation Area.	
Chapter 5: Subdivision, consolidation and boundary adjustment	
NA	
Chapter 6 - Residential accommodation	
Topic 6.1 – Dwelling houses	
6.1.1-14: General	
The proposed development has been designed to be consistent with the existing and desired future character of the locality and sympathetic to the prevailing streetscape. The dwelling have been sited and articulated and due consideration has been given to bulk and scale to ensure that buildings maintain visual and acoustic privacy to adjoining developments, including solar access. Proposed landscaping is appropriate. Adequate on-site vehicular parking and access has been achieved.	
6.1.15: Building height plane*	
<i>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 45o 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.</i>	Yes - Complies
6.1.16-17: Front building line (FBL)*	
15m	Yes - Complies
6.1.20-22: Rear setback	
6m	Yes - Complies

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6.1.23: Side setback*	
900 mm (wall) 675 mm (eaves)	Yes - Complies
6.1.70-76: Private open space	
24m ² (min.6m x 4m) Accessed from main living area Max grade 1:4 Solar access	Yes - Complies
6.1.65-69: Car parking	
<50% frontage 1 Space behind bld line Stacked parking min.6m	Yes - Complies
6.1.77-80: External fixtures	
Drying areas Northerly aspect 8m(linear)/dwelling Letterboxes Aus Post requirements	Yes - Complies
6.1.26-31: Building line controls - building lines in rural areas	
6.1.26	
Buildings in rural areas shall be setback at least 15.0 metres from the boundary of a property with a public road frontage	Yes - Complies
6.1.27	
The minimum side boundary setback for a dwelling or an outbuilding attached to a dwelling shall be 900mm, as measured from the boundary to a vertical member. The minimum side boundary set back from the edge of the gutter, eaves or fascia is 675mm.	Yes - Complies
6.1.28	
An agricultural buffer area at least 150 metres wide - or a greater distance if possible - must be provided between a rural dwelling house, secondary dwelling or ancillary development (used for habitable purposes) and any adjoining land in separate ownership that is used or capable of being used for agricultural purposes. (the purpose of the agricultural buffer area is to mitigate the impact of agricultural activities including noise, odour and spray drift on adjoining land affecting the amenity and health of residents of a new dwelling erected on adjacent land. Agricultural activities include agricultural processing plants, dairies, cattle yards, horticulture, feedlots or other like activities that could result in noise, odours or agricultural spray drift).	N/A – see 6.1.29
6.1.29	
Where a separation distance of 150 metres or more cannot be achieved, and an agricultural activity or an approved agricultural activity is or is likely to be carried out on adjoining land, the planting of a 20 metre wide vegetation buffer strip - comprised of native vegetation must be provided between the proposed development building envelope and the adjacent agricultural land to help screen and mitigate agricultural activity impacts.	Yes - Complies Appropriate landscaping has been demonstrated in lieu of the 150m agricultural buffer.

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6.1.30											
A dwelling and any ancillary development must be set back from a public road by a distance of at least 15 metres, and from a private road by a distance of at least 10 metres where it is practical to do so without clearing native vegetation.	Yes - Complies										
6.1.31											
A dwelling and ancillary development must be located at least 100 metres from another dwelling on an adjoining property to help achieve rural dwelling amenity.	No - does not comply. See commentary below. The applicant has provided a variation statement which is considered in the DCP Variation Table of this report.										
6.1.60: Building footprint											
Buildings, that are applicable under this section, are not to have a cumulative building footprint greater than the areas specified below:	Yes - Complies										
<table><tr><td>For a single dwelling house in a urban zones</td><td>60%</td></tr><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></table>		For a single dwelling house in a urban zones	60%	Elambra Estate	60%	West Kiama Urban release Area	60%	Gerringong Headland	Site specific controls in accordance with Gerringong Headland Masterplan	Cedar Grove	60%
For a single dwelling house in a urban zones		60%									
Elambra Estate		60%									
West Kiama Urban release Area		60%									
Gerringong Headland		Site specific controls in accordance with Gerringong Headland Masterplan									
Cedar Grove		60%									
6.1.61-63: Building materials											
The proposed development includes a colour and materials schedule which includes colours and materials which will not strongly contrast with the background locality and are consistent with the local street and landscape context.											
The selected roof colour, Basalt selected has a Solar Absorptance rating >0.46.											
6.1.61: Storage											
The proposed development includes adequate storage provisions.	Yes - Complies										
6.1.65-69: Garaging and car parking											
The proposed development includes appropriate onsite car parking provisions. Garages have been designed to constitute less than 50% of the street elevation and at least 1 space has been located behind the building line.	Yes - Complies										
The proposal does not include stacked parking.											

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6.1.70-76: Private open space	
The proposed development includes the minimum 24m ² (6m x 4m) private open space (POS), which is directly accessible from the main living area, has a finished gradient less than 1:4 and a minimum of 50% receives at least 3 hours of sunlight between 9am-3pm on June 22 nd .	Yes - Complies
6.1.77-78: External fixtures – drying areas	
External fixtures including drying areas and letterboxes have been located and scaled appropriately.	Yes - Complies
6.1.81-82: Right to farm	
N/A	N/A
Chapter 7: Commercial premises	
NA	
Chapter 8: Rural uses	
Topic 8.1 – Agriculture	
Topic 8.4 – Ancillary structures such as farms buildings and sheds	
8.4.1	
Ancillary structures such as farm buildings and sheds in rural areas shall be setback a minimum 15m from the boundary of a property with a public road frontage.	Yes - Complies
8.4.2	
Side boundary setbacks for ancillary structures shall be a minimum 900mm, as measured from the boundary to a vertical member. The minimum side boundary setback from the edge of the gutter, eaves or fascia is 675mm.	Yes - Complies
8.4.3	
Ancillary development must be located at least 100m from another dwelling on an adjoining property to help achieve rural dwelling amenity.	Yes - Complies
8.4.4	
Where possible and practicable, ancillary structures should be clustered around the principal dwelling or able to utilise the same access ways.	Yes - Complies
8.4.5	
All materials and colours used should be muted or earthy tones appropriate to the local street and landscape context. The colours and materials chosen for buildings need to be considered in terms of their reflectivity and glare. While lighter roof colours are encouraged for heat deflection and global warming Albedo Effect benefits. Roof designs and location may need to be reconsidered	Yes - Complies

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so as to ensure that reflectivity and glare do not adversely affect neighbours' amenity. In some cases, where this amenity cannot be reasonably addressed by redesign, lower reflectivity material may need to be specified. All applications are required to be accompanied by a schedule of finishing materials and colours for Council approval.	
8.4.6	
External finishes should not strongly contrast with the background whether by orientation, location, colour or choice of materials.	Yes - Complies
8.4.7	
Development that is proposed to be carried out on land containing a heritage item, or on other land in the vicinity of a heritage item must be sited and designed in a way that minimises the impact on a heritage item.	N/A
8.4.8	
Where the land contains a dry stone wall, no breaks, dismantling or alteration of such walls is permitted without development consent.	N/A
8.4.9	
Ancillary development must be designed and sited to protect agricultural land; avoid/minimise their impact on the natural environment and the scenic landscape; and be clustered rather than dispersed over the property.	Yes - Complies
8.4.10	
Ancillary development in rural areas must be carefully and sensitively sited and designed to complement landscape rather than become conspicuous built elements in the landscape. The siting of habitable buildings should also have regard to any existing or approved agricultural use of adjoining land and the amenity of neighbours.	Yes - Complies
8.4.11	
Ancillary development will need to be landscaped to mitigate visual impact visible from a public place.	Yes - Complies
Chapter 9: Industrial uses	
NA	
Chapter 10: Visitor and accommodation and tourism	
NA	
Chapter 11: Other	
NA	
Chapter 12: Location specific controls	
NA	
Chapter 13: Agritourism	
NA	

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KIAMA DEVELOPMENT CONTROL PLAN – VARIATIONS

Control being varied			
3.3.1 – Cutting and filling on site is limited to 900mm			
Extent of proposed departure from development standard			
Numerical standard	Proposed solution	Numerical departure	% Departure
900mm	1450mm	550mm	61%
Unique circumstances as to why a departure from the acceptable solutions is being sought			
The following is an excerpt from the applicant’s DCP variation statement: For 3.3.1: • “It is considered that the proposed development under geotechnical consultancy and supervision will result in an improved structural design of the buildings, improved safety to future occupants and reduce the risk of future land slip. • The proposed works do not impact surrounding environmentally sensitive land or the land use, amenity and privacy of adjoining developments.”			
Demonstrate how the relevant objectives and performance criteria are being met with the performance-based solution			
Objective		Commentary	
O:3.3.1 To ensure dwellings and other ancillary development on unstable land are located and designed to maximise the structural design of buildings and the safety of their occupants.		The proposed cut and fill is for the purposes of establishing a suitable building pad and is appropriate in the rural context of the site.	
O:3.3.2 To minimise the risk of land slip impacting on habitable buildings and access roads.		The proposed cut and fill has been appropriately designed to provide a level building pad and functional open space within the curtilage of the dwelling house.	
Demonstrate how the development will not have any adverse impacts as a result of the performance-based solution			
The proposed departure from the control is consistent with the relevant objectives and is recommended to be supported.			

ANY PLANNING AGREEMENT

Nil.

ANY MATTERS PRESCRIBED BY THE REGULATIONS

NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast
The proposal does not compromise the strategic actions or principles (Appendix C - Table 3) adopted within the NSW Coastal Policy 1997.

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Australian Standard AS 2601 - 1991: The Demolition of Structures
The proposal is not inconsistent with Australian Standard AS 2601 - 1991: The Demolition of Structures.
Clauses 63 and 64
The proposal does not involve a change of use or additions and alterations to an existing building or the erection of a temporary building.

ANY COASTAL ZONE MANAGEMENT PLAN

Nil.

OTHER KIAMA MUNICIPAL COUNCIL PLANS OR POLICIES

Provide commentary considering any other relevant [Council Policies](#)

Kiama 7.12 Contribution Plan			
The Kiama 7.12 Contribution Plan applies to all land in the Kiama LGA.			
Is the 7.12 Contribution Plan applicable to the subject site?		Yes	
Do 7.12 Contributions apply to the proposed development?		Yes - relevant s7.12 amount and conditions provided by Council's Contributions Planner.	
Contribution Plan	Cost of Works	Levy %	Contribution
Section 7.12 Contribution Plan	\$ 1,447,743.00	1%	\$14,477.00

THE LIKELY IMPACTS OF THE PROPOSED DEVELOPMENT

Head of consideration	Comment
Biodiversity	The application does not propose clearing of native vegetation and therefore the <i>Environmental Planning and Assessment Act 1979 Part 1 Section 1.7</i> does not apply to the development.
Streetscape	The design of the proposed development is considered to be reasonable when considered in relation to the context of the site. The bulk, scale and design of the proposal is consistent with relevant planning instruments and is not inconsistent with the prevailing streetscape.
Noise	Construction works will generate some noise, though conditions of consent can be imposed to ensure that works are undertaken only within specified hours to limit impacts upon neighbours. No ongoing significant noise impacts are expected as a result of the development.
Privacy and overlooking	No significant concerns are raised in relation to privacy loss and overlooking resulting from the proposed development.

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Head of consideration	Comment
Overshadowing	The proposal is single storey and will have no unreasonable impact upon overshadowing.
Views	The proposal will have no unreasonable impact upon views currently available from neighbours.
Vehicular access, parking and manoeuvring	Sufficient car parking is proposed. Manoeuvring is compliant with AS/NZS 2890.1 – 2004 and the driveway will comply with required gradients.
Stormwater management	A satisfactory drainage design has been provided with the application. Managed stormwater will be directed to an appropriately designed on-site stormwater management system
Environmental impacts	Fauna Impacts – It is unlikely that the proposal will affect any fauna or its habitat. Impact on Soil Resources – Construction activities have the potential to impact on soil resources by way of erosion and sedimentation. Conditions of consent should be imposed if consent is granted in relation to soil and water management controls to be implemented during construction. Satisfactory implementation of these controls will prevent significant impacts on soil resources. Impact on Water Resources – Recommend conditions of consent include Sediment and Erosion Controls manage sedimentation during construction.
Natural environment	The proposed development will not have a significant adverse impact on the natural environment.
Built environment	The proposed development will not have a significant adverse impact on the built environment.
Social impacts	The proposed development will not have a negative social impact in the locality.
Economic impacts	The proposed development will not have a negative economic impact in the locality.

THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposal fits within the locality and the site attributes are considered to be conducive to development.

SUBMISSIONS

Notification letters were sent to neighbouring property owners on 28/11/2025, who were provided with 14 days in which to comment on the proposal.
 At the conclusion of the notification period, 0 submissions had been received.

ADDITIONAL INFORMATION

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A request for additional information was forwarded to the applicant on 4/02/2026, requesting amended plans addressing the following:		
Issue		Assessment officer's comment
Item 1	Bushfire Report w/updated Plans	The Bushfire Assessment Report by South Coast Bushfire (dated 31/07/2025) makes reference to outdated architectural plans, including the incorrect siting of the dwelling. Please provide an amended report which makes reference to current plans and dwelling location and ensures that the relevant Bushfire Protection measures are calculated according to current set of architectural plans.
Item 2	Colour and Material Schedule (recessive)	The use of "Zurich White" for the building cladding is not supported. Please provide a revised Colour and Material Schedule which includes darker, recessive colours for the proposed structures.
Item 3	Landscape Plan	As the site does not adequately achieve the minimum agricultural buffer distances in Kiama DCP 2020, Chapter 6, please provide a detailed Landscape Plan
Item 4	Confirm if Farm Shed included? Documentation inconsistent.	The plans and documentation are inconsistent with regard to the "Farm Shed", though notably the architectural plans do not include this building. Please confirm if this application is intended to include a Farm Building and amend the relevant plans/documents accordingly.
Item 5	Stormwater and OSSM conflict	There is a conflict between the On Site Wastewater Management System and the Stormwater disposal system. Please provide an amended Concept Stormwater Management Plan and a revised On Site Wastewater Management Plan including (at a minimum) the following: • details of the soil content and horizon at the location of the effluent area via ground sampling; • details of how the concept effluent disposal is not impacted by any natural spring water; and • details of how the concept stormwater design will not impact the downslope concept effluent disposal area.
The applicant provided amended plans and commentary on the above matters on 23/03/2026 to address these matters where appropriate.		

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The amended plans did not significantly alter the nature of the proposal, no additional notification was undertaken.

EXTERNAL REFERRALS

NIL

INTERNAL REFERRALS

The application was referred to the following internal subject matter experts.

Internal referral	Comments
Environmental Health Officer	Objections raised. The documentation provided demonstrates that the siting of the stormwater management has an adverse impact on the On Site Wastewater Management systems. It is also noted that insufficient borehole samples have been taken to adequately assess the soil quality for location/system suitability. The applicant provided an amended OSSM design on 23/03/2026 which was reviewed by Council's EHO and deemed to be satisfactory. No objection subject to recommended conditions.
Contribution Planner	Section 7.12 Contributions applicable

OTHER APPROVALS

NIL

THE PUBLIC INTEREST

The proposal is considered to be consistent with all relevant Environmental Planning Instruments and Development Control Plan, is not likely to cause significant adverse impacts to the natural or built environment, is not likely to cause significant adverse social and economic impacts, is suitable for the site and therefore is considered to be consistent with the public interest.

FINAL COMMENTS AND CONCLUSIONS

The proposed development has been assessed having regard to all relevant matters for consideration prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

The proposal is consistent with Kiama LEP 2011 and relevant Kiama DCP 2020 Chapters.

Where the proposal includes departures from the development standards in the Kiama LEP 2011 and Kiama DCP 2020, the relevant objectives have been satisfactorily addressed and achieved.

The proposed development is consistent with the objectives of the RU2 Rural Landscape zone.

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Consideration has been given to the social, economic, and environmental impacts of the proposed development and no significant concerns are raised.

The proposed development is considered to be reasonable and conditional approval is recommended.

RECOMMENDATION

I declare that I have no pecuniary or non-pecuniary conflict of interest in the application and recommend that Development Application No 10.2025.201.1 be approved, subject to recommended conditions under Section 4.16 of the *Environmental Planning and Assessment Act 1979*.

Mr A Shortle
Development Assessment Officer - Planning
22/04/2026

PEER REVIEW OFFICER

23/04/2026
Peter Woodworth
Development Assessment Coordinator

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NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	10.2025.201.1 PAN-590655
Applicant	Allen Price Pty Ltd Unit 1 28 Bong Bong Street KIAMA NSW 2533
Description of development	New dwelling house and farm building - Proposed dwelling house, farm building (machinery shed) and ancillary driveway access.
Property	Minnamurra Lane JAMBEROO NSW 2533 LOT: 6 DP: 621070
Determination	Approved Consent Authority - Council
Date of determination	TBC
Date on which the consent lapses	TBC
Date from which the consent operates	TBC

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

The proposal:

- is considered to be consistent with all relevant Environmental Planning Instruments and Development Control Plans, and
- is not likely to cause significant adverse impacts to the natural or built environment, and
- is not likely to cause significant adverse social and economic impacts.

Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you

received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Mr A Shortle
Development Assessment Officer - Planning
Person on behalf of the consent authority

For further information, please contact Kiama Council on 02 4232 0444 or by emailing council@kiama.nsw.gov.au

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Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1.	Prescribed conditions			
	The development must comply with Part 4, Division 2, Subdivision 1, of the Environmental Planning and Assessment Regulation 2021 , as applicable.			
	Condition Reason: To ensure the development is carried out in accordance with the relevant legislation.			
2.	Approved plans and supporting documentation			
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.			
	Approved Plans			
	Plan number	Revision number	Plan title	Drawn by
				Date of plan
	Job: 2472 1 of 15	Rev G	Cover Page	Barington Homes
	131573-02 Sheet 01	Issue 6	Site Detail and Analysis	Allen Price
	Job: 2472 3 of 15	Rev G	Site Plan	Barington Homes
	Job: 2472 4 of 15	Rev G	Floor Plan	Barington Homes
	Job: 2472 5 of 15	Rev G	Floor Plan	Barington Homes
	Job: 2472 6 of 15	Rev G	S+W Elevations	Barington Homes
	Job: 2472 7 of 15	Rev G	N=E Elevations	Barington Homes
	Job: 2472 8 of 15	Rev G	Sections	Barington Homes
	Job: 2472 14 of 15	Rev G	BASIX	Barington Homes
	Job: 2472 15 of 15	Rev G	BASIX	Barington Homes
	Pages 1 and 2	-	Colour and Material Schedule	-
	131573-401	Rev 1	Concept Engineering Layout Plan	Allen Price
				16/03/2026

2523 Sheet 01	Rev A	Floor Plan	Design Matters	20/08/2025
2523 Sheet 02	Rev A	Elevations	Design Matters	20/08/2025
L01	Rev A	Landscape Plan	Peter Phiollips Landscape Architecture	04/03/2026

Approved Documents			
Document title	Version number	Prepared by	Date of document
BASIX Certificate*	181402S_02	Efficiency Assessments	09/10/2025
Wastewater Report	NWD105	Nowra Wastewater Design	17/03/2026
NatHERS Certificate	0012215075-02	Efficiency Assessments	09/10/2025
Waste Management Plan	-	Allen Price	-
Bushfire Assessment Report	Kiam252 Version 2	South Coast Bushfire	18/03/2026

*The approved BASIX Certificate may only be updated, without the need to lodge a modification to the development consent, where any change to the BASIX Commitments does not result in the proposal being inconsistent with this development consent and/or alter the approved development application plans.

In the event of any inconsistency between the approved plans and documents, the approved plans prevail.

In the event of any inconsistency with the approved plans and the condition of this consent, the condition prevails.

Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

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BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

3.	Local infrastructure contributions In accordance with section 4.17 of the <i>Environmental Planning and Assessment Act 1979</i> and the Section 7.12 Contribution Plan, a contribution as shown in the table below must be paid to Council before the issue of a Construction Certificate: <table> <tr> <td>7.12 Contribution Plan</td><td>\$ 14,547.00</td></tr> </table>	7.12 Contribution Plan	\$ 14,547.00
7.12 Contribution Plan	\$ 14,547.00		

	Total Contribution Amount: \$ 14,547.00 The contribution amount will be indexed until the date of payment in accordance with the contribution plans. Evidence of payment must be provided to the Certifying Authority. The Contribution Plan can be accessed on Council's website www.kiama.nsw.gov.au.	
4.	Construction Site Management Plan Before the issue of a Construction Certificate, a Construction Site Management Plan must be prepared, and provided to the Certifier. The plan must include the following matters: a) The location and materials for protective fencing and hoardings on the perimeter of the site; b) Provisions for public safety; c) Pedestrian and vehicular site access points and construction activity zones; d) Details of construction traffic management including: i) Proposed truck movements to and from the site; ii) Estimated frequency of truck movements; and iii) Measures to ensure pedestrian safety near the site; e) Details of bulk earthworks to be carried out; f) The location of site storage areas and sheds; g) The equipment used to carry out works; h) The location of a garbage container with a tight-fitting lid; i) Dust, noise and vibration control measures; j) The location of temporary toilets; k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: i) AS 4970 – Protection of trees on development sites; ii) An applicable Development Control Plan; iii) An arborist's report approved as part of this consent A copy of the Construction Site Management Plan must be kept on-site at all times while work is being carried out.	
5.	Erosion and sediment control plan	

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	Before the issue of a Construction Certificate, an Erosion and Sediment Control Plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Certifier: a) the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), b) the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time), and c) measures to ensure any excavated material deposited on public roads from works is removed within the same day.
	Condition Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.
6.	Long Service Levy Before the issue of the relevant Construction Certificate, the Long Service Levy must be paid to the Long Service Corporation of Council under the <i>Building and Construction industry Long Service Payment Act 1986</i>, section 34, and evidence of the payment is to be provided to the Certifier.
	Condition Reason: To ensure the long service levy is paid.
7.	Rainwater facility Before the issue of a Construction Certificate, details of rainwater tanks must be provided to the Certifier. Water stored in the tank must be plumbed into the dwelling such that it is supplied to each of the fixtures listed in the BASIX Certificate for the property. Plumbing must be in accordance with the current edition of AS 3500.1 Water Services – section 16. It will be necessary to install, maintain and repair the facility so that it functions in a safe and efficient manner in accordance with the current editions of AS 3500.1 Water Services, the New South Wales Code of Practice Plumbing and Drainage and in accordance with the following: a) The tank inlet must be located a minimum of 500mm below the outlet of the eave gutter, b) The tank is to be installed on a firm flat and stable platform in accordance with manufacturer's recommendations. Tanks located over fill material should be placed on a concrete slab, c) Pumps must be located and installed to minimise any potential noise nuisance to surrounding residents, and in the case of a permanent electric pump, must be installed by a licensed electrician. Pump performance must achieve a minimum 300 Kpa output, d) Overflow from the tank must be directed into the approved storm water system, e) Any town water top-up of the tank must be by indirect connection by means of a visible "air gap", external to the rainwater tank, in accordance with the provisions

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	of the National Plumbing and Drainage Code, AS3500.1 – Minimum air gap requirements, f) Marking and labelling of rainwater services must be in accordance with AS 3500.1 section 16, g) The charged line to the rainwater tank is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm pit to enable the line to be flushed. This is to prevent the line becoming blocked, h) Partially buried or fully buried rainwater tanks must have a dual check valve with atmospheric port valve installed at the boundary water meter. Zone protection will be required at the tank or cross connection point to be installed in accordance with AS3500.1 – section 4.
	Condition Reason: To ensure correct installation and ongoing use.
8.	Utilities and services Before the issue of the relevant Construction Certificate, written evidence of the following service provider requirements must be provided to the Certifier: a) a letter from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity and b) a response from Sydney Water as to whether the plans accompanying the application for a Construction Certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met c) other relevant utilities or services – that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.
	Condition Reason: To ensure relevant utility and service providers' requirements are provided to the certifier.
9.	Waste Management Plan – an approved document of this consent Before the issue of a Construction Certificate, a Waste Management Plan for the development must be provided to the Certifier.
	Condition Reason: To ensure resource recovery is promoted and local amenity protected during construction.
10.	Drainage and stormwater Before the issue of a Construction Certificate, a Detailed Drainage Plan generally in accordance with the Concept Drainage Plan approved under this consent must be submitted to the Certifier for approval. This plan must show the connection of stormwater into the level spreader. All drainage works shall be undertaken in accordance with the requirements of Australian Standard AS 3500.3:2018.
	Condition Reason: To ensure stormwater disposal is adequate for the site.

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11.	Nuisance overland flow Before the issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off and allowance is made for surface run-off from adjoining properties in the design.
	Condition Reason: To ensure adequate provisions are made for stormwater run-off.
12.	Overflow waters Before the issue of the Construction Certificate, the applicant must provide to the Certifier for approval, details showing that overflow waters from the rainwater tank and all other roof waters not directed to the rainwater tank are to shall be discharged clear of any buildings and other structures. The point of discharge must: a) disperse water so as not to cause erosion; b) not concentrate waters onto adjoining properties; c) not drain to an area where it may damage footings or other buildings; d) not drain toward the effluent management area e) not cause a nuisance to adjoining lands.
	Condition Reason: To ensure adequate provisions are made for overflow waters.
13.	On-Site Sewage Management System – approval to install Before the issue of a Construction Certificate, the applicant must gain approval under the <i>Local Government Act 1993</i> to install the approved On-Site Sewage Management System.
	Condition Reason: To ensure adequate provisions for wastewater management are provided.

BEFORE BUILDING WORK COMMENCES

14.	Construction Certificate A Construction Certificate must be obtained from either Council or a Certifier before any building work can commence.
	Condition Reason: To comply with Council's requirements before the commencement of works.
15.	Appointment of Principal Certifier Before building work commences a Principal Certifier must be appointed.
	Condition Reason: To ensure ongoing compliance.
16.	Protection of adjoining land

	A temporary hoarding or temporary construction site fence must be erected between the work site and the adjoining land before works commence. The temporary hoarding or temporary construction site fence must be kept in place until the works are completed if the works – a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or b) could cause damage to adjoining land by falling objects, or c) involve the enclosure of a public place or part of a public place. Condition Reason: To ensure public safety.
17.	Deliveries While site work is being carried out, deliveries of material and equipment must only be carried out between— • 7.00am to 5.00pm on Mondays to Fridays, and • 8.00am to 1.00pm on Saturdays No deliveries are to take place on Sundays or Public Holidays. Condition Reason: To protect the amenity of neighbouring properties.
18.	Erosion and sediment controls in place Before any site work commences, the Certifier must be satisfied the erosion and sediment controls in the Erosion and Sediment Control Plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time). Condition Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
19.	Tree protection measures Before any site work commences the Certifier must be satisfied the measures for the tree protection detailed in the Construction Site Management Plan are in place. Condition Reason: To protect and retain trees.
20.	Works within the road reserve Before undertaking any works within an existing road reserve, approval under section 138 of the <i>Roads Act, 1993</i> must be obtained. The following details must be submitted to Council as part of the application: a) any civil works design required by this consent, b) evidence of the contractor's Public Liability Insurance to an amount of \$20 million, c) name and contact information of the person responsible for all relevant works, d) a Traffic Control Plan prepared, signed and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.

	Condition Reason: Compliance with relevant legislation, standards, guidelines and codes.
21.	Waste Management Plan – an approved document of this consent Before site work commences, a Waste Management Plan for the development must be provided to the Certifier.
	Condition Reason: To ensure resource recovery is promoted and local amenity protected during construction.
22.	Section 138 approval Before any work commences in the road reserve, a Road Occupancy approval under Section 138 of the <i>Roads Act 1993</i> must be obtained from Council.
	Condition Reason: Compliance with relevant legislation, standards, guidelines and codes.
23.	Toilet facilities - temporary Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must: • be a standard flushing toilet connected to a public sewer, or have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>, or • be a temporary chemical closet approved under the <i>Local Government Act 1993</i>.
	Condition Reason: To ensure appropriate amenities onsite.
24.	Retaining walls Before any work commences, details prepared by a practising structural engineer must be submitted to and accepted by the Principal Certifying Authority for any retaining walls in excess of 1.0 metre high.
	Condition Reason: To ensure adequate design provisions are met.

DURING BUILDING WORK

25.	Acid sulfate soils – unexpected finds If acid sulfate soils are encountered during excavation and/or construction works, all work must cease and Council notified immediately. The extent of acid sulfate soil must be evaluated by a qualified environmental consultant with experience in the assessment of acid sulfate soils and a preliminary assessment provided to Council. Council will determine an appropriate response, including if an Acid Sulfate Soils Management Plan is required to be prepared and implemented, before works can recommence.
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	Condition Reason: To appropriately manage acid sulphate soils which when disturbed or exposed to air can release acid, damaging built structures and harming or killing animals and plants.
26.	Clearing for asset protection zones (APZ) While site work is being carried out, clearing or modifying vegetation to establish the APZ must be confined within the marked APZ boundary in accordance with the supporting documentation approved under this consent, to the satisfaction of the Certifier.
	Condition Reason: To ensure vegetation clearance or modification during construction is confined within the APZ.
27.	Procedure for critical stage inspections While building work is being carried out, the work must not continue after each critical stage inspection unless the Principal Certifier is satisfied the work may proceed in accordance with this consent and the relevant Construction Certificate.
	Condition Reason: To require approval to proceed with building work following each critical stage inspection.
28.	Bushfire – building works residential New constructions must comply with: a) AS 3959 Construction of Buildings in Bushfire Prone Areas, b) BAL 12.5 c) Planning for Bush Fire Protection 2019, d) the report submitted by South Coast Bushfire dated 18/03/2026
	Condition Reason: To ensure compliance with the relevant BAL level.
29.	Hours of work Site work must only be carried out between the following times: • 7.00am to 5.00pm on Mondays to Fridays, and • 8.00am to 1.00pm on Saturdays No work is to be carried out on Public Holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
	Condition Reason: To protect the amenity of the surrounding area.
30.	Implementation of the Site Management Plans While site work is being carried out: a) the measures required by the Construction Site Management Plan and the Erosion and Sediment Control Plan (plans) must be implemented at all times, and

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	b) a copy of these plans must be kept on site at all times and made available to Council officers upon request. Condition Reason: To ensure site management measures are implemented during the carrying out of site work.
31.	Responsibility for change to public infrastructure While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority. Condition Reason: To ensure payment of approved changes to public infrastructure.
32.	Discovery of relics and Aboriginal objects While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered: a) the work in the area of the discovery must cease immediately b) the following must be notified i) for a relic – the Heritage Council; or ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85. Site work may recommence at a time confirmed in writing by: a) for a relic – the Heritage Council; or b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85. Condition Reason: To ensure the protection of objects of potential significance during works.
33.	Soil management While site work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: a) All excavated material removed from the site must be classified in accordance with the NSW Environmental Protection Authority's (EPA's) Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the Certifier; b) All fill material imported to the site must be: i) Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>, or

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	ii) a material identified as being subject to a resource recovery exemption by the NSW Environmental Protection Authority (EPA), or iii) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA.
	Condition Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
34.	Waste management While site work is being carried out: a) all waste management must be undertaken in accordance with the Waste Management Plan, and; b) upon disposal of waste, records of the disposal must be compiled and provided to the Certifier, detailing the following: i) The contact details of the person(s) who removed the waste ii) The waste carrier vehicle registration iii) The date and time of waste collection iv) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill v) The address of the disposal location(s) where the waste was taken vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. If waste has been removed from the site under an Environmental Protection Authority Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the Principal Certifier and Council.
	Condition Reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
35.	Drainage and stormwater works – approved plans The stormwater drainage system must be completed in accordance with the detailed plans approved by the Certifier.
	Condition Reason: To ensure stormwater disposal is adequate for the site.
36.	Fencing – rural and environmental zones Any boundary and internal fences to be erected on the property, must comply with the following conditions: a) To protect native gliding and flying mammals the use of barbed-wire for fences is prohibited. b) Except for fencing to contain domestic pets with the approved Asset Protection Zones for dwellings, boundary and internal fences must not impede the movement of native fauna.

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	c) The removal of vegetation for fence construction must be undertaken with hand tools only (e.g.: brushcutters, lawn mowers), and must be limited to a maximum width of 1m. d) No clearing of native vegetation for construction of fences is permitted within C2 Environmental Conservation zoned land. e) Construction of fences with RU1 Primary Production and RU2 Rural Landscape zoned land is subject to the provisions and regulations of the <i>Local Land Service Act 2013</i>. f) Canopy trees must not be removed for fence construction.
	Condition Reason: To ensure conservation of flora and fauna in rural and environmental zones.
37.	Earthworks All earthworks associated with the development shall be completed in accordance with AS 3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
	Condition Reason: To ensure all earthworks are carried out in accordance with the Australian Standards.
38.	Contamination – unexpected finds If any unexpected contamination finds are encountered during any site works, all work must cease and Council notified immediately. The nature and extent of contamination must be assessed by a qualified environmental consultant with experience in the assessment of contaminated land and a preliminary assessment provided to Council. Council will determine whether further contamination assessment and/or remediation is required before works can recommence.
	Condition Reason: To protect public and environmental health.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

39.	BASIX Before the issue of the Occupation Certificate, documentary evidence prepared by a suitably qualified person must be submitted to the Certifier confirming that all commitments listed in the BASIX Certificate(s) are fulfilled in accordance with Clause 75 of the <i>Environmental Planning and Assessment Regulation 2021</i>.
	Condition Reason: To ensure compliance with the <i>Environmental Planning and Assessment Regulation 2021</i> .
40.	Completion of public utility services Before the issue of the relevant Occupation Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications,

	required as a result of the development, have been completed and this confirmation must be provided to the Principal Certifier.
	Condition Reason: To ensure required changes to public utility services are completed in accordance with the relevant agency requirements, before occupation.
41.	Repair of infrastructure Before the issue of an Occupation Certificate: a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council, or b) if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council.
	Condition Reason: To ensure any damage to public infrastructure is rectified.
42.	Removal of waste upon completion Before the issue of an Occupation Certificate: a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved Waste Management Plan; and b) written evidence of the waste removal must be provided to the satisfaction of the Certifier.
	Condition Reason: To ensure waste material is appropriately disposed or satisfactorily stored.
43.	Letter boxes A letterbox structure(s) must be provided and be designed to comply with the requirements of Australia Post, located close to the major pedestrian entry to the site, and built from materials that are non-reflective and blend in with the approved development.
	Condition Reason: To ensure Australia Post requirements are met.
44.	On-Site Sewage Management System – approval to operate Before the issue of an Occupation Certificate, the applicant must gain approval under the Local Government Act 1993 to operate the approved On-Site Sewage Management System.
	Condition Reason: To ensure the On-Site Sewage Management System is installed correctly.

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45.	Works in the road reserve - evidence of completion Before the issue of an Occupation Certificate, the developer must provide the Certifier with a letter from Council confirming that the required works in the road reserve, or on any other Council owned land, have been completed in accordance with the requirements of the consent and any other related approval issued. Condition Reason: To ensure the required public domain works have been completed satisfactorily and in accordance with the development consent.
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OCCUPATION AND ONGOING USE

46.	Management of asset protection zones (APZ) During ongoing use of the site, the APZ must be managed in accordance with the approved Bushfire Assessment Report by South Coast Bushfire (dated 18/03/2026), Planning for Bushfire Protection 2019 and the NSW Rural Fire Service's Standards for Asset Protection Zones. Condition Reason: To ensure ongoing protection from bushfires.
47.	Noise – air conditioning Air conditioning must be installed in accordance with manufacturer's instructions and operated at all times so as not to cause "Offensive Noise" as defined by the <i>Protection of the Environment Operations Act 1997</i> (POEO Act). Domestic air conditioners must not emit noise that can be heard within any room in any other residential premises (that is not a garage, storage area, bathroom, laundry, toilet or pantry) whether or not any door or window to that room is open: a) before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or b) before 7 am or after 10 pm on any other day. Condition Reason: To ensure consideration of neighbouring uses.
48.	Occupation Certificate The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier. If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e., a security). Condition Reason: To ensure that the development is completed as per this consent and the approved plans.
49.	Use of Shed The detached shed has been approved as a Class 10 structure under the National Construction Code and must not be used for any industrial, commercial, or habitable purposes without separate development consent, or unless otherwise exempt under

	the provisions of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> for a change of use.
	Condition Reason: Compliance with relevant legislation, standards, guidelines and codes.

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General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [*Conditions of development consent: advisory notes*](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a Construction Certificate or Subdivision Works Certificate, respectively, has been issued and a Principal Certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

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Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a Council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction Certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the Council of the Municipality of Kiama (Kiama Council).

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation Certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal Certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata Certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision Certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision Works Certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Southern Regional Planning Panel.

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DRAFT



Visitor Economy Strategy Engagement Report



KIAMA MUNICIPAL COUNCIL
your council, your community

Acknowledgement of country

Kiama Municipal Council acknowledges the Wodi Wodi people on Dharawal country as the traditional custodians of the land on which our Municipality is located. We pay our respects to Elders past, present and future. We are committed to honouring Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to the land, waters and seas and their rich contribution to our community.

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Enclosure 1

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Enclosure 1

Introduction

Council has partnered with DTM Tourism to develop a new Kiama Visitor Economy Strategy (KVES) to guide tourism planning and management over the next ten years.

This engagement report presents the results of the community and stakeholder engagement consultation to inform the Kiama Municipal Council's Draft KVES.

Kiama Council is committed to developing a culture of meaningful community and stakeholder engagement to achieve better and more sustainable outcomes for the Kiama Council area.

Feedback from the engagement activities have been used to prepare a Draft KVES.

The engagement methods used have been specifically selected to ensure key stakeholders voices are heard and the community can assist in guiding the priorities and themes going forward.

Our engagement with community and stakeholders on the Draft KVES will continue during the public exhibition process. We will continue to gather feedback and actively engage with community members and other stakeholders to ensure that the Strategy is an accurate reflection of our regional leadership, industry stakeholders and community.



The Strategy will deliver a practical, flexible, and future-focused plan to support a thriving, sustainable visitor economy, benefiting both the local tourism industry and the broader Kiama community.

Building on existing foundations, including the 2018–2028 Tourism Opportunities Plan and the Tourism & Events Strategic Plan (2022–2026), the KVES will set out clear actions, measurable outcomes, and align Kiama's priorities with regional, state, and national directions, while celebrating the unique character and strengths of our region.



Engagement activities

Overview

Engagement period

- Targeted consultation: 1 May – 24 July 2025
- Community survey: 12 June – 13 July 2025

How you got involved



What we heard

The engagement program revealed strong community support for tourism in Kiama when it is carefully managed to deliver local benefits while protecting the area’s character and environment. Across all engagement channels, residents consistently highlighted a clear set of priorities:

- Managing growth pressures
- Improving transport and mobility
- Strengthening the night-time economy
- Activating the harbour precinct
- Developing distinctive Kiama experiences
- Expanding Aboriginal cultural experiences
- Protecting amenity and place.

Overall, the message was clear: tourism should enhance local lifestyle, support the economy, and respect Kiama’s unique natural and cultural identity.

What’s next

Once endorsed by Council, the draft Strategy will be placed on public exhibition for 28 days, giving the community and stakeholders the opportunity to review and provide feedback. Key stakeholder groups will receive a personalised invite to review the document.

Engagement activities (continued)

How we engaged

A range of internal, key stakeholder and community engagement methods and activities have provided vital insight into the development of the draft Strategy.

Targeted consultation

Industry representatives from:

1	Destination NSW
2	Kiama Business Network (KBN)
3	Shannon Perry Hall
4	Aboriginal Advisory Group
5	Kiama Municipal Council - Elected Councillor Briefing
6	Tourism Economic Advisory Committee - Workshop session and 1:1 Interviews
7	Tourism Economic Advisory Committee 1:1 Interview - Chairman

Key visitor economy operators from:

1	34 Degrees South Trading Company
2	Cicada Luxury Camping
3	Diggies Kiama
4	Greyleigh
5	Kiama Farmers' Market
6	Kiama Historical Society - Pilots Cottage Museum
7	Mercure Gerringong (Bella Char Restaurant)
8	Nova Kiama
9	Park Ridge Retreat
10	Prancing Horse Drive Experiences
11	The Sebel Harbourside Kiama
12	The Pines' Kiama
13	The Pavillion, Kiama
14	Kiama Visitor Information Centre
15	Climb.org.au
16	The Collective Beat Kiama & Gerringong
17	Kiama Fishing



Engagement activities (continued)

Online survey

Our online survey consisted of 24 key questions (multiple-choice and open-ended). The survey was aimed at general community and took approximately 10 minutes to complete. The questions were divided into five key themes:

1. About you & your connection to Kiama
2. Your views on tourism in Kiama
3. Local experiences and suggestions
4. Infrastructure, investment and future focus
5. Final thoughts

The survey link was hosted on Your Say and was promoted online via social media posts, Council's e-newsletter and a spread. A total of 104 survey responses were received.

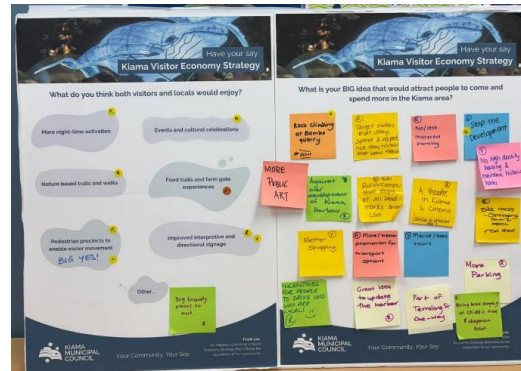
A copy of the survey questions can be downloaded [here](#). Responses can be viewed in Appendix 2.

Ideas wall and dotmocracy

The online ideas wall invited community members to respond to the question: *"What's your BIG tourism idea for the Kiama region?"* Participants could share their ideas using text, images or videos, and interact with others by commenting on and voting for contributions.

This activity was also replicated at community pop-ups, where people shared their ideas in person using the same prompt. These contributions were recorded on site and added to the overall dataset.

A total of 27 ideas were submitted. Responses can be viewed in Appendix 1.



Ideas wall and dotmocracy

Community pop-up

A community pop-up was held on Wednesday 9 July 2025 at the Kiama Farmers Market.

The pop-up included a range of interactive activities, such as a dotmocracy board where participants cast their vote, and a replica of the ideas wall.

The event reached more than 50 community members.



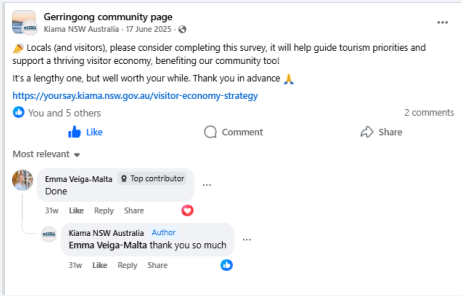
Community pop up, July 2025

Promotional activities

A wide range of communications and media channels were used to reach a broad audience.

The key objective was to gather feedback from a diverse mix of people, including both residents and visitors. The following communications were utilised throughout the campaign period shown in Table 1.

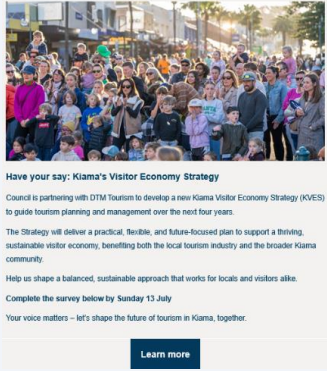
Table 1

Channel	Audience	Details
Project page on Your Say Kiama	General public, Stakeholders	Central hub for project info, updates, and feedback opportunities. During the consultation period (12 June – 13 July 2025) the page recorded 430 visits.
Media release	Media, residents	A media release was published on 17 June via Council’s website and emailed to 652 subscribers, achieving an open rate of 35.7%.
Council social media x 7	Media, residents	Seven social media posts were broadcast across Facebook, Instagram and LinkedIn, achieving a reach of over 3,854. In addition to Kiama Council social media account the survey link was also shared to local community pages. 
<i>Kimunico</i> e-news mention	E-newsletter subscribers	An email newsletter was distributed to subscribed community members on 4 July 2025, encouraging them to participate in the consultation. It was sent to 527 people and achieved an open rate of 37.5%.

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9 — VES ENGAGEMENT REPORT

Customer Service display screen	Residents, visitors	Passive awareness in high-traffic location:	
Hard copy posters	Residents, visitors	A3 posters were placed on at key facilities and on community noticeboards throughout the LGA with a QR code to scan which took participants directly to the project page.	
Destination Kiama Electronic - newsletter	E-newsletter subscribers	The Buzz Newsletter (industry focused): 947	

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Enclosure 1

Key themes and findings

The engagement program for the Kiama Visitor Economy Strategy confirmed strong community interest in shaping the future of tourism in a way that supports local prosperity while protecting the area's unique character. The community expressed clear priorities, concerns and aspirations across survey responses, ideas board contributions, pop up engagement at the Kiama Farmers' Market, and online participation via the Your Say platform and social media.

1. Strong support for tourism when it's well managed

Most participants acknowledged that tourism brings important benefits, especially local business support, job creation and vibrancy, but emphasised that growth must be balanced with community wellbeing.

2. Residents want to feel the benefits locally, not the burden.

Common sentiments included:

- "Tourism is good for local business – but it needs to be managed better."
- "We want visitors who stay longer and respect the place."

3. Congestion and parking are major pressure points

Across the survey, ideas board and pop-up discussions, parking and congestion were the most consistently raised issues.

Residents reported difficulty accessing town centres, beaches and services during peak periods.

Themes included:

- Insufficient parking during weekends, school holidays and events
- Traffic bottlenecks in Kiama, Gerringong and around the Harbour
- Calls for better parking management, shuttles, pedestrian-only areas, or park-and-ride solutions

This concern was expressed more than any other issue.

4. Desire for a stronger night-time economy

Participants reported that Kiama becomes "dead at night", limiting resident amenity and the visitor experience.

Community requests included:

- More dining options after 8–9 pm
- Family-friendly evening activities
- Live music, small events, twilight and cultural offerings
- Lighting, safety and transport to support evening activity

This was one of the most commonly referenced gaps in the survey.

Key themes and findings (continued)

5. Harbour precinct is seen as under-activated

Many participants described Kiama Harbour as an “unpolished asset” with strong unrealised potential.

Ideas commonly included:

- Improved quality and consistency of waterfront dining
- Better public space presentation and lighting
- More support and visibility for marine and coastal tour operators
- A cohesive plan for activation, events, interpretation or walking trails

The Harbour was one of the highest-rated priorities for improvement.

6. Clear interest in distinctive Kiama experiences

Participants suggested building on the region’s natural strengths to create unique, bookable experiences, especially:

- Geotourism, including Bombo Quarry and Blowhole geology
- Soft adventure, such as rock climbing/bouldering at Bombo
- Wildlife, coastal and marine experiences
- Wellness, walking and food-based experiences

These ideas were prominent in both the survey and the Big Ideas Board.

7. Aboriginal cultural experiences are lacking and highly desired

Many participants noted that opportunities for authentic, Traditional Owner-led Aboriginal cultural experiences are currently limited.

Requests included:

- Interpretation at key sites
- Cultural tours, workshops or events
- Visible recognition of Aboriginal history and stories throughout the area

This was a consistent qualitative theme.

8. Transport and mobility issues limit local and visitor experience

Participants reported gaps that hinder both locals and visitors, especially at night:

- Inconsistent taxi and rideshare availability
- Lack of a shuttle or local loop service between towns and attractions
- Desire for better pedestrian access and cycling infrastructure

Transport limitations were often linked to other issues e.g., the night-time economy.

9. Interest in walking, cycling and active transport upgrades

Active transport infrastructure was strongly supported:

- Safer cycling and e-bike access
- Completion of connections (e.g., Kiama–Jamberoo)
- Improvements to shared paths, signage and bike facilities
- Enhancing the Coast Walk experience

Key themes and findings (continued)

10. Support for events – especially all-ages

While some residents expressed fatigue with large, high-impact events, many supported:

- More all-ages events
- Culturally diverse or niche festivals
- Seasonal twilight markets, live music and small-scale activations
- Better event planning, infrastructure and communication

There was a clear preference for manageable, community-aligned activation.

11. Amenity, presentation and cleanliness matter

Residents consistently raised:

- Rubbish and littering during peak periods
- Ageing or insufficient public amenities
- Need for better maintenance of key nodes
- Greater enforcement of rules (e.g., illegal parking, camping, dogs)

These issues were seen as core to both resident and visitor experience.

12. Strong desire to protect town character and natural environment

Many participants expressed a protective sentiment about Kiama's landscapes, coastline and village-scale identity.

- Common ideas included:
- Avoiding over-development
- Maintaining small-town character
- Ensuring tourism supports, rather than diminishes, local lifestyle

This theme consistently appeared across open-text responses.

The “Big Ideas Board” echoed the same top priorities

The Ideas Board reinforced the same priorities, with recurring topics including:

- Parking + congestion
- Harbour revitalisation
- Night-time vibrancy
- Transport solutions
- Adventure + geotourism
- Better signage/wayfinding
- Active transport
- Environmental care
- Event ideas
- Aboriginal cultural experiences

These align directly with the survey findings.

Recommendations

This section summarises key opportunities identified through the engagement to improve clarity, coordination and quality across the visitor economy.

1. Need for clearer communication about what Council can control

A large proportion of comments reflected uncertainty about what responsibilities fall to Council vs. private operators, state agencies, NPWS, transport providers or event organisers.

Recommendation:

- Add a “What Council manages / What others manage” graphic or page in future engagement materials.
- Include clearer messaging on the council website in toolkits and other public information.

2. Strong desire for consistency in visitor-facing services

In the survey open text response, more than once respondents emphasised frustration with inconsistent trading hours, especially cafés, restaurants and bars closing early or unpredictably.

Recommendation:

- Include in the new night-time economy strategy a consideration for a Voluntary Consistent Trading Hours Trial with participating businesses.
- Upskill business operators in updating Google Business and other locations people rely on business hours being correct.

3. Opportunity to improve visitor wayfinding through digital tools

Numerous comments described difficulty finding information about walks, parking, tours, Aboriginal experiences, or transport options.

Recommendation:

- Develop an interactive precinct map (walks, toilets, parking, dining, experiences).
- Enhance Coast Walk signage and produce digital trail guides.

4. Community wants a more even spread of tourism benefits across the LGA

Feedback from Gerringong/Gerroa, Jamberoo, Minnamurra and rural respondents indicates a sense that tourism attention is disproportionately focused on Kiama township.

- Recommendation:
- Develop village level visitor experience / precinct plans and brand (Gerringong, Gerroa, Jamberoo, Minnamurra).
- Align with agritourism and soft adventure opportunities in rural areas.
- Promote itineraries that start or end outside Kiama to spread visitor spend.

5. Appetite for more environmentally responsible tourism practices

Multiple open-ended responses referenced rubbish, environmental stewardship, shared-path etiquette, and the impact of high visitor volumes on natural areas.

Recommendation:

- Implement a “Respect Kiama” visitor code, co-designed with the community.
- Introduce a “leave only footprints” waste campaign at high traffic nodes.
- Expand ranger presence during peak periods with a focus on education, not enforcement.

Recommendations (continued)

6. Need for improved event coordination and communication

Some respondents reported missing events due to lack of awareness; others expressed concern about congestion or event clustering.

Recommendation:

- Produce a Kiama Events Calendar accessible via QR codes at key locations.
- Publish a simple and regular “What’s on this weekend” feed on @kiamansw during peak season.
- Use the Event Impact Assessment tool (matrix) to balance local amenity, dispersal and infrastructure capacity.

7. Opportunity for partnerships to fill product gaps

Community suggestions around geotourism, Aboriginal experiences, coastal and wellness experiences highlight opportunities that require collaboration, not just Council action.

Recommendation:

- Support operators that have and interest in exploring marine experiences, Geotourism, wellness product and events, food, wine & agritourism
- Support partnerships that allow VIC curated pilot experiences to address “bookability” gaps – eg. e-bike hire.

8. Clear expectation for improved accessibility

A smaller but meaningful number of respondents identified accessibility needs in relation to walking tracks, parking, viewing platforms and event participation.

Recommendation:

- Reference the accessibility audit of key visitor nodes (Blowhole Point, Harbour, Coast Walk, town centres) and prioritise accessible viewing, pathways and amenities in capital works plans.
- Encourage accessible ready event planning.

9. Importance of celebrating Kiama’s identity

Beyond concerns, many respondents expressed deep pride in Kiama’s coastal landscapes, geology, green hills, and village character.

Recommendation:

- Integrate local storytelling, arts and heritage interpretation into precinct upgrades and marketing.
- Encourage design that is sensitive to Kiama’s scale and aesthetic.
- Produce a Kiama Identity Style Guide for use across signage, events and experiences.

Appendix

Item 14.3

Enclosure 1

Appendix one

Ideas wall contributions

What's your BIG tourism idea for the Kiama area?

Screen name	Response	Upvotes
Pop-up participant	More dog-friendly places to visit.	1
Pop-up participant	Bring back camping at Chittick Oval and Chapman Point.	0
Pop-up participant	Make part of Terralong Street one way.	0
Pop-up participant	Great idea to update the harbour!	0
Pop-up participant	Incentives for local people to drive less.	0
Pop-up participant	More parking.	0
Pop-up participant	Marine/boat tours.	0
Pop-up participant	More/better promotion of transport options.	0
Pop-up participant	Better shopping.	0
Pop-up participant	Bike racks - Gerringong town and beach. Plus a tool shed.	0
Pop-up participant	A theatre in Kiama & cinema.	0
Pop-up participant	A rollercoaster that stops at landmarks around the LGA!	0
Pop-up participant	Against over development of Kiama Harbour.	0
Pop-up participant	No high-density housing & maintain historic houses.	0
Pop-up participant	Stop the development.	1

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17 — VES ENGAGEMENT REPORT

Pop-up participant	No/less metered parking.	0
Pop-up participant	Target visitors that stay, spend & respect. Not day visitors that leave rubbish.	0
Pop-up participant	More public art.	0
Julie	Completion of the Jamberoo bike track along Minnamurra River: the final link to enjoy an enjoyable urban/rural cycling experience	0
GD	Don't batter Bombo's basalt. Keep Kiama's cool columnar cliff climbing, unique in NSW.	2
Rob	Planning for, and opening, Bombo quarry for climbing will bring people to the area, particularly in the normally low tourist winter months.	4
Rob	Bombo headland offers climbing opportunities that are totally unique in NSW.	4
Alex H	Open up bombo quarry for climbing - boosting tourism numbers, increasing people's connection place within Kiama.	5
Jason	Rock climbing at Bombo sounds awesome!	4
Nmonteith	Open up more of Bombo quarry for rock climbing. It's scenic location and unique rock formations would bring Sydney and Canberra visitors	6
Nicki C	I support preserving access to Bombo Quarry for rock climbing. This would be a cost-effective way to support active tourism.	8
ACANSW	Rock climbing if Bombo Quarry repurposed to preserve suitable cliff precincts	7

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Appendix two
Survey results

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Enclosure 1

Kiama Council's Your Say platform

Form Results Summary

Jun 12, 2025 - Jul 13, 2025

Project: Visitor Economy Strategy

Form: Complete our survey

Tool Type: Form

Activity ID: 70

Exported: Jul 15, 2025, 11:06 AM

Exported By: [REDACTED]

Filter By: No filters applied.

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Closed

Complete our survey

Visitor Economy Strategy

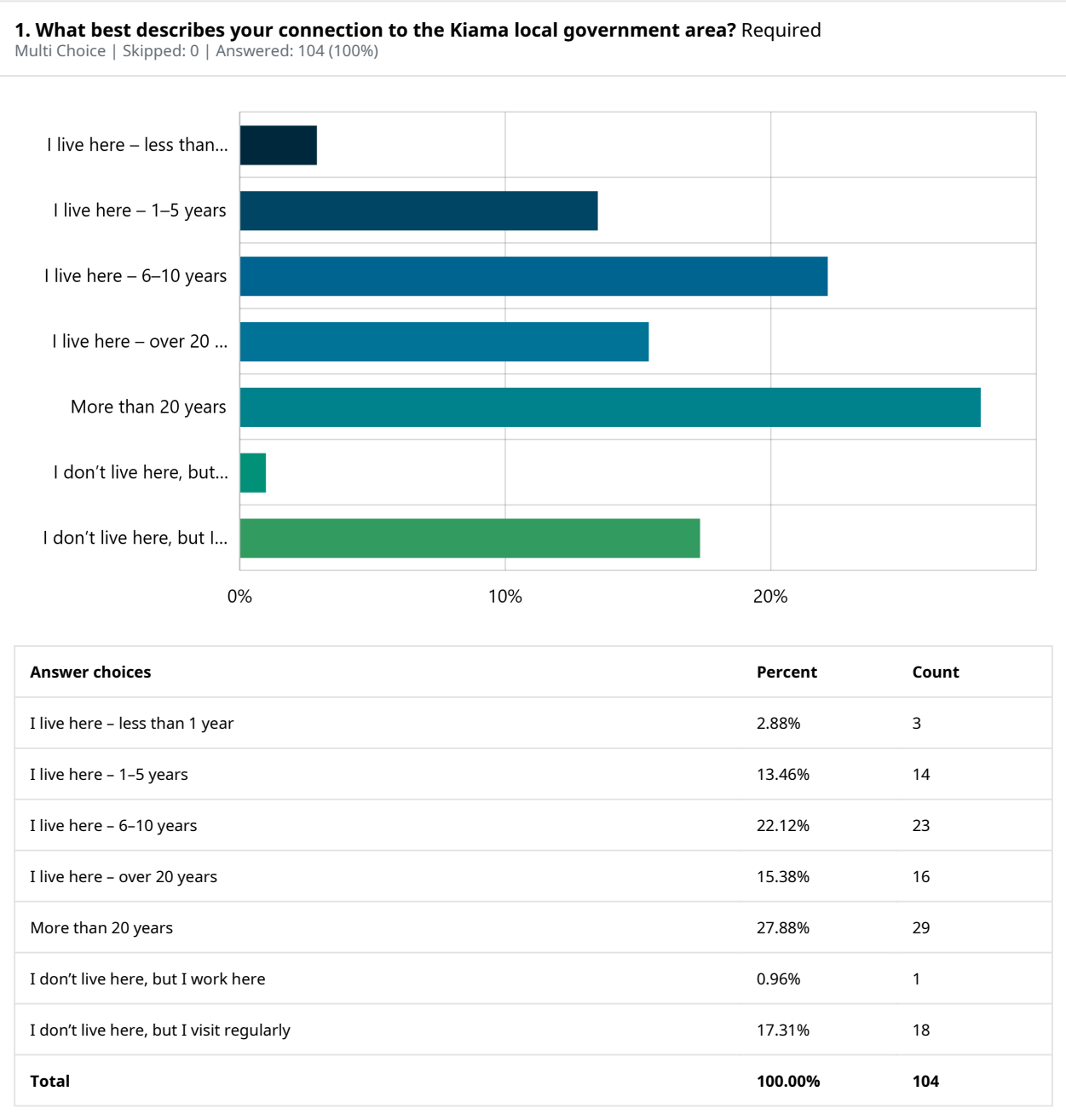
100

Contributors

104

Contributions

Contribution Summary



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2. If you are not a resident, what is your postcode: Required

Short Text | Skipped: 86 | Answered: 18 (17.3%)

Sentiment

No sentiment data

Tags

Tag	Percent	Count
2541	11%	2
2530	6%	1
2039	6%	1
2283	6%	1
2535	6%	1
2121	6%	1
2529	6%	1
2785	6%	1
7001	6%	1
2776	6%	1
2615	6%	1
4112	6%	1
2223	6%	1
2516	6%	1
2298	6%	1
2229	6%	1

Featured Contributions

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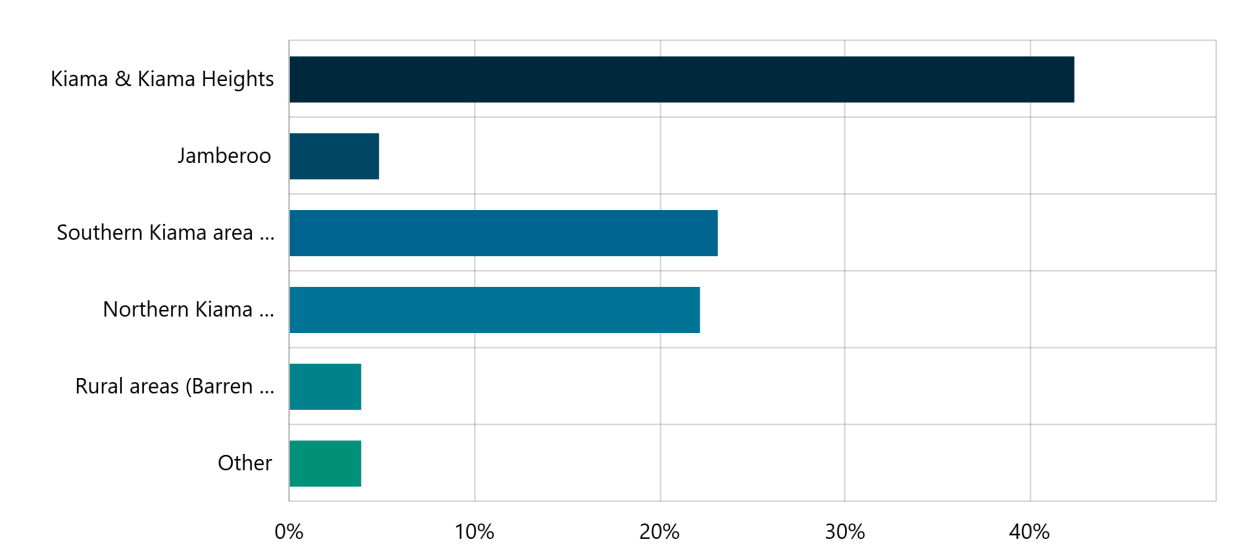
Enclosure 1

No featured contributions

Item 14.3

Enclosure 1

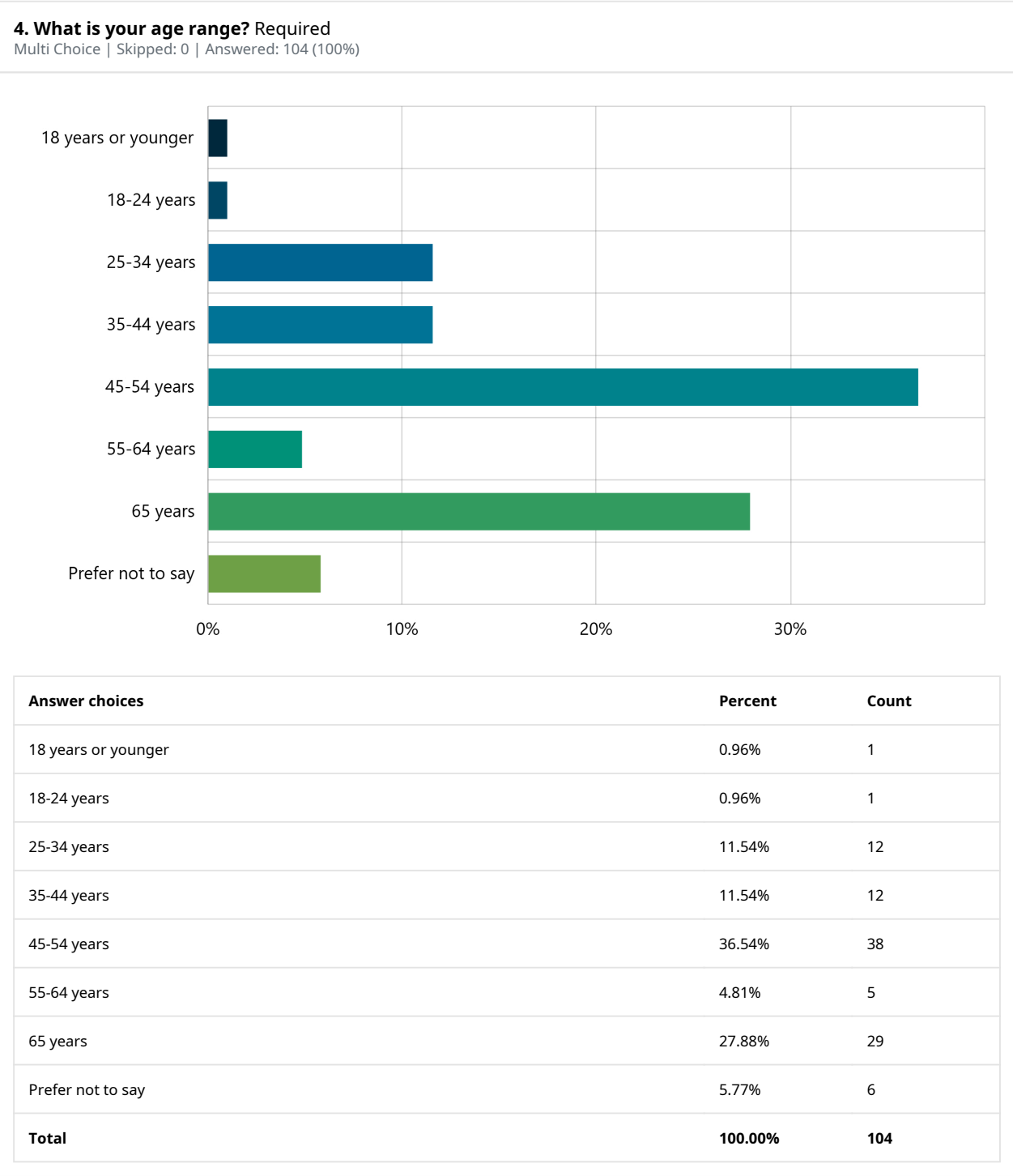
3. Which village, town, or suburb are you most connected to? Required
Multi Choice | Skipped: 0 | Answered: 104 (100%)



Answer choices	Percent	Count
Kiama & Kiama Heights	42.31%	44
Jamberoo	4.81%	5
Southern Kiama area (Gerringong, Werri Beach, Gerroa)	23.08%	24
Northern Kiama area (Minnamurra, Kiama Downs, Bombo)	22.12%	23
Rural areas (Barren Grounds, Jerrara, Toolijooa, Foxground, Rose Valley, Saddleback Mtn, Knights Hill, Broughton, Upper Kangaroo Valley, Willow Vale, Yellow Rock Ridge, Carrington Falls, Curramore)	3.85%	4
Other	3.85%	4
Total	100.00%	104

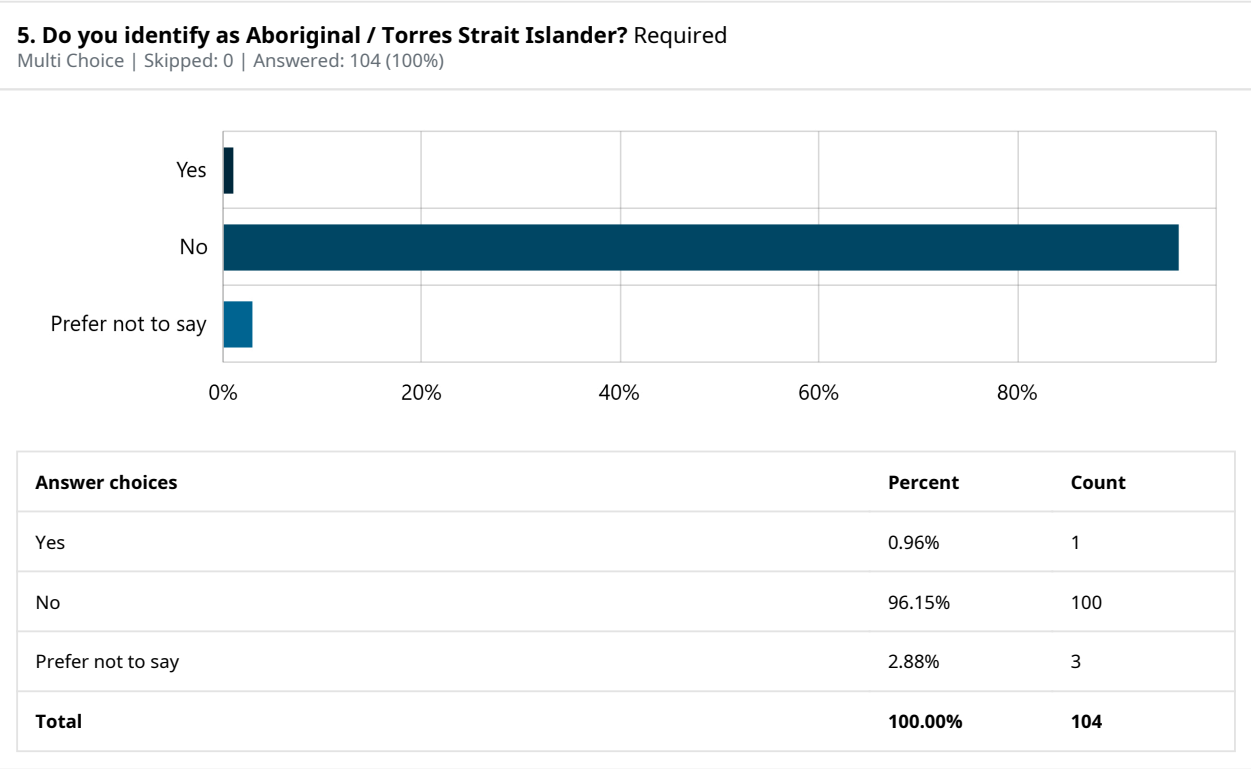
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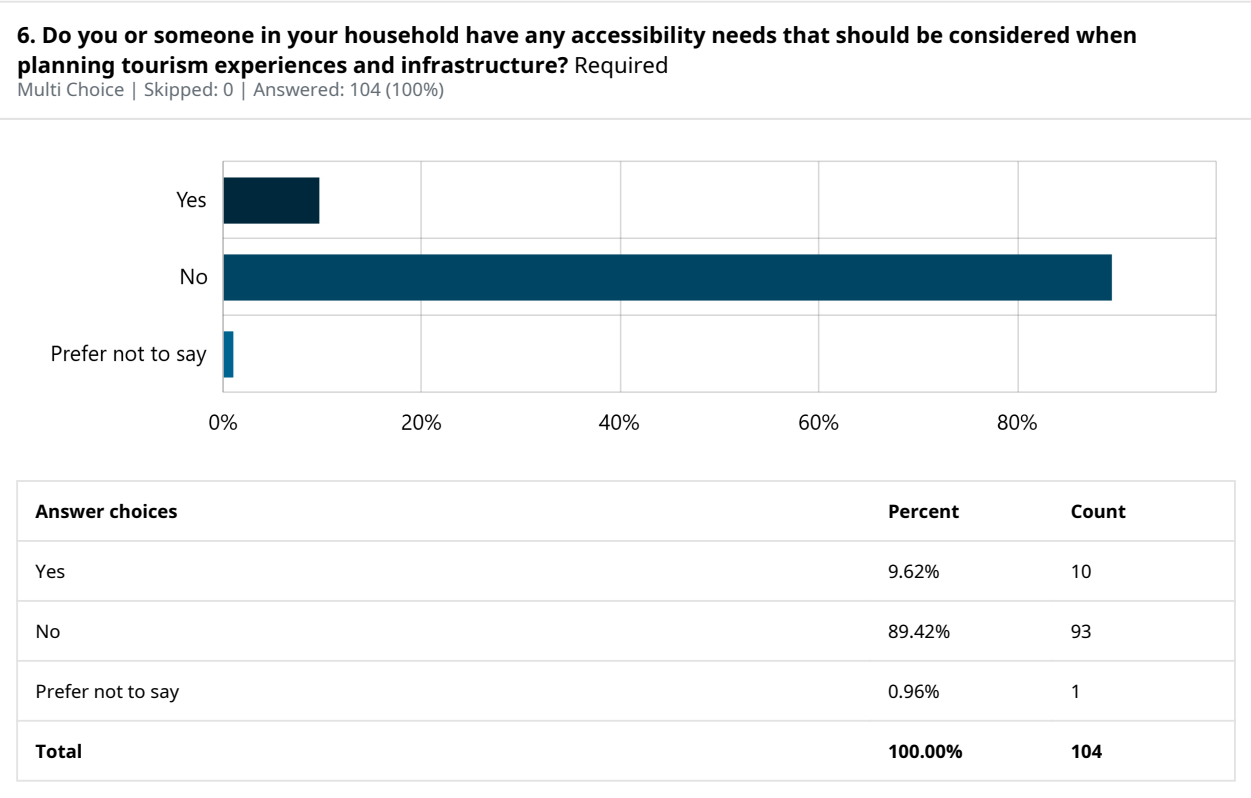
Enclosure 1



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Enclosure 1





Short Text | Skipped: 95 | Answered: 9 (8.7%)

No sentiment data

A word cloud visualization showing various mobility-related terms. The central and largest text is "Mobility issues" in a dark blue font. Surrounding it are several other terms in different colors and sizes: "Easy access parking" (blue), "Visually impaired" (orange), "Quadruplegia" (green), and "Toilets" (blue). The background is a light gray grid.

Easy access parking Visually impaired

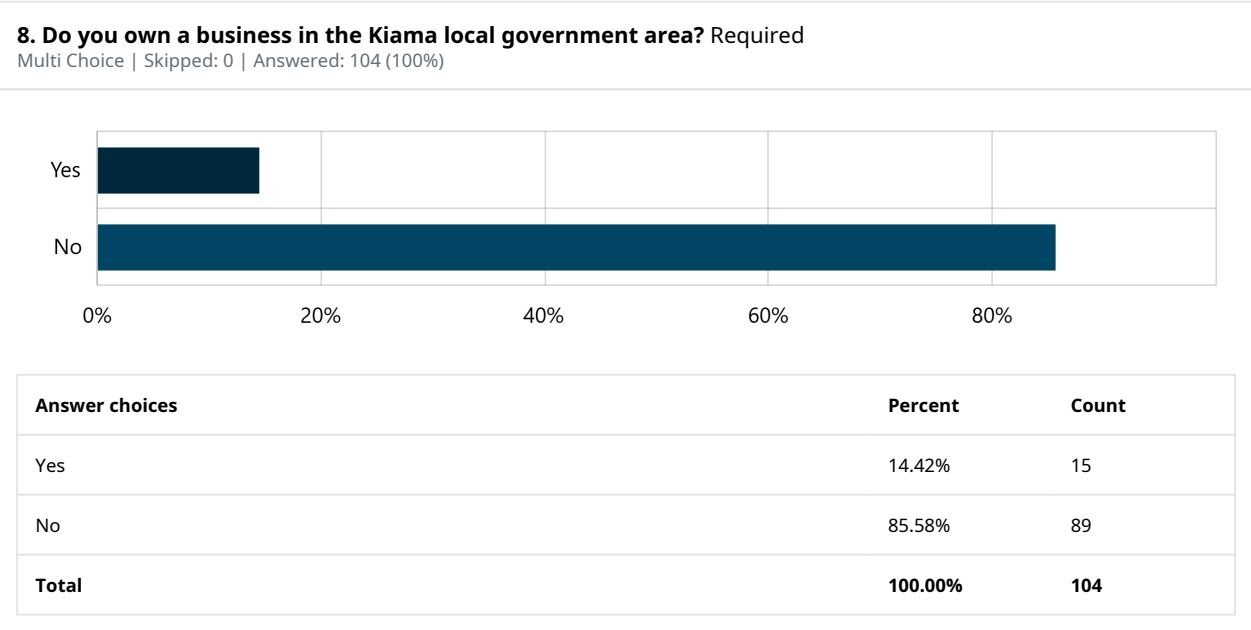
Mobility issues

Quadruplegia Toilets

Tag	Percent	Count
Mobility issues	56%	5
Toilets	11%	1
Quadriplegia	11%	1
Visually impaired	11%	1
Easy access parking	11%	1

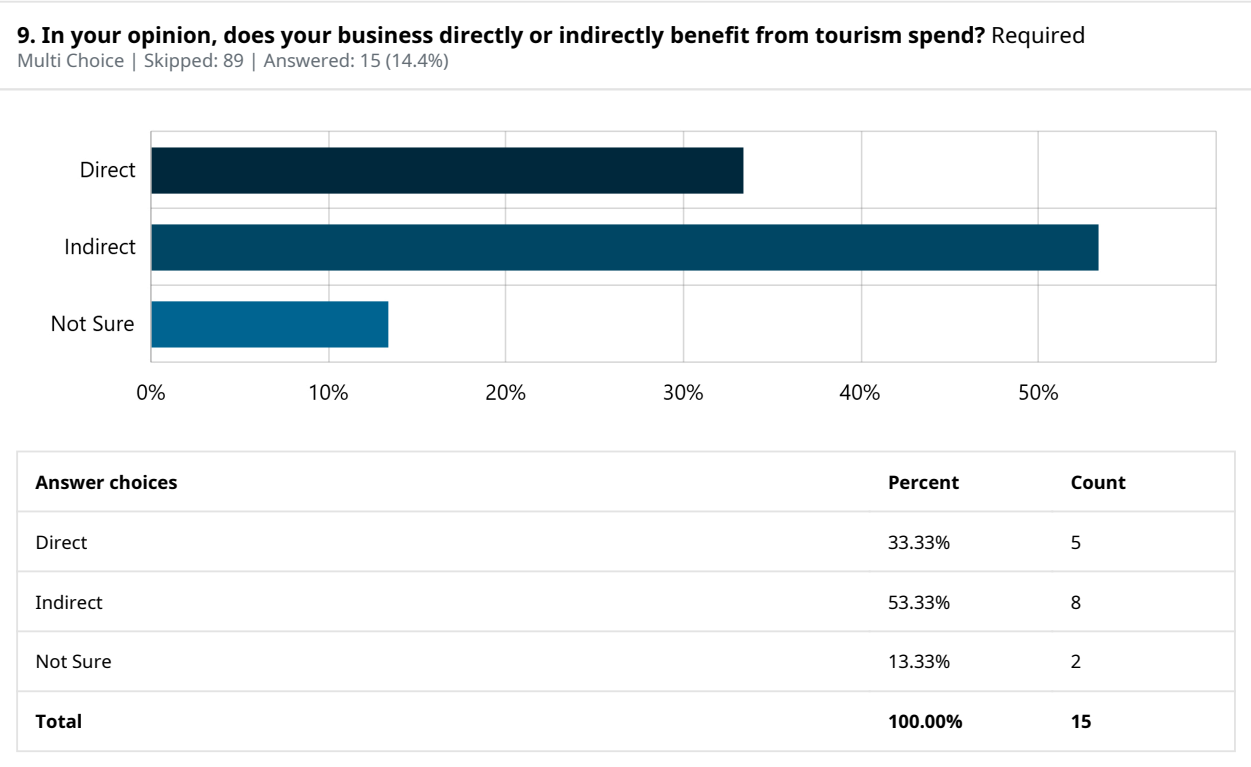
No featured contributions

No featured contributions



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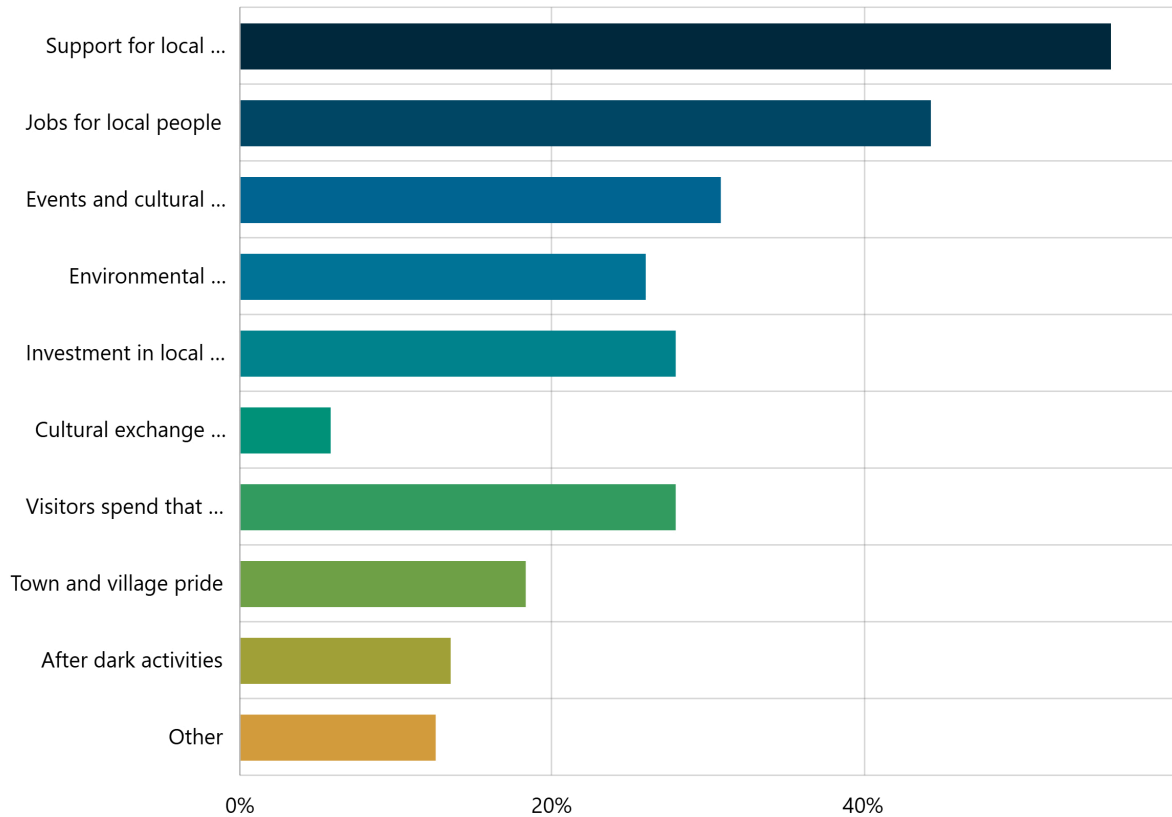


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10. Which of the following outcomes from tourism do you value most? Required

Multi Choice | Skipped: 0 | Answered: 104 (100%)



Answer choices	Percent	Count
Support for local businesses	55.77%	58
Jobs for local people	44.23%	46
Events and cultural vibrancy	30.77%	32
Environmental education and conservation	25.96%	27
Investment in local infrastructure	27.88%	29
Cultural exchange and new ideas	5.77%	6
Visitors spend that helps our economy	27.88%	29
Town and village pride	18.27%	19
After dark activities	13.46%	14
Other	12.50%	13

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11. What concerns (if any) do you have about tourism in our area?

Long Text | Skipped: 13 | Answered: 91 (87.5%)

Sentiment

No sentiment data

Tags



Tag	Percent	Count
Parking	29%	26
Overtourism	8%	7
Support for rock climbing	8%	7
Evening activities	7%	6
STRA	7%	6
Rubbish	5%	5
Infrastructure	5%	5
Traffic flow	4%	4
Support local business	4%	4
Transport	4%	4
Development	3%	3
Rangers	3%	3
Litter	3%	3
Overcrowded	3%	3
Road safety	2%	2
Pollution	2%	2
Responsible pet ownership	2%	2

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Kiama Council's Your Say platform - Form Results Summary (12 Jun 2025 to 13 Jul 2025)

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Illegal parking	2%	2
Day trippers	2%	2
Illegal camping	2%	2
Bureaucratic	2%	2
Traffic	2%	2
Dining options	1%	1
Kiama Coast Walk	1%	1
Crime	1%	1
Noise	1%	1
Sustainable Tourism Development	1%	1
Roads	1%	1
Sewerage	1%	1
Cost of living	1%	1
Negligence	1%	1
Taxis	1%	1
Traffic management	1%	1
Serenity	1%	1
Bicycle lanes	1%	1
Shared paths	1%	1
Accessibility	1%	1
Housing availability	1%	1
Identity	1%	1
Environment	1%	1
Underutilisation	1%	1
Cars	1%	1
Congestion	1%	1
Safety	1%	1
Seasonality	1%	1

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Lack of data	1%	1
Natural beauty	1%	1
Support for locals	1%	1
Cycling	1%	1
Walking tracks	1%	1
Wetlands	1%	1
Nature recreation	1%	1
Environmental damage	1%	1
Respectful tourism	1%	1
Featured Contributions		
No featured contributions		

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Short Text | Skipped: 0 | Answered: 104 (100%)

No sentiment data



Tag	Percent	Count
Beautiful	33%	34
Natural	10%	10
Beaches	8%	8
Friendly	8%	8
Scenic	8%	8
Green	6%	6
Coastal	6%	6
Busy	5%	5
Picturesque	5%	5
Unique	5%	5
Overcrowded	4%	4
Mountains	4%	4
Accessible	4%	4
Peaceful	4%	4
Pretty	4%	4
Parking	4%	4
Vibrant	4%	4

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Blowhole	4%	4
Clean	3%	3
Ocean	3%	3
Food	3%	3
Welcoming	3%	3
Beauty	3%	3
Unspoilt	3%	3
Relaxed	3%	3
Relaxing	3%	3
Community	3%	3
Cafes	2%	2
Pristine	2%	2
Sea side	2%	2
Buzzing	2%	2
Nature	2%	2
Water	2%	2
Boring	2%	2
Quiet	2%	2
Diverse	2%	2
Costal	2%	2
Close	2%	2
Close to Sydney	1%	1
Village	1%	1
Insular	1%	1
Enjoyable	1%	1
Lifestyle	1%	1
Historic	1%	1
Fresh	1%	1

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Open	1%	1
Tranquil	1%	1
Underfunded	1%	1
Views	1%	1
Traffic	1%	1
Bottleneck	1%	1
Coastline	1%	1
Coffee	1%	1
Tourists	1%	1
Unspoiled	1%	1
Active	1%	1
Quaint	1%	1
Coast	1%	1
Shops and Cafes	1%	1
Scenery	1%	1
Uplifting	1%	1
Abundant	1%	1
Authentic	1%	1
Farmland	1%	1
Minnamurra falls	1%	1
Wild	1%	1
Adventure	1%	1
Interesting	1%	1
Immaculate	1%	1
Nice	1%	1
Congested	1%	1
Expensive	1%	1

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Basalt	1%	1
Nostalgic	1%	1
Happy	1%	1
Charming	1%	1
Calm	1%	1
Spectacular	1%	1
Accommodating	1%	1
Overrun	1%	1
South Coast	1%	1
Coastal Walks	1%	1
Seafood	1%	1
Small town	1%	1
Cycling	1%	1
Rural	1%	1
Rainforest	1%	1
Calming	1%	1
Rockclimbing	1%	1
Pleasant	1%	1
Summer	1%	1
Tourism	1%	1
Hospitality	1%	1
Holiday	1%	1
Serenity	1%	1
Bombo	1%	1
Untouched	1%	1
Gerringong	1%	1
Laidback	1%	1
Heritage	1%	1

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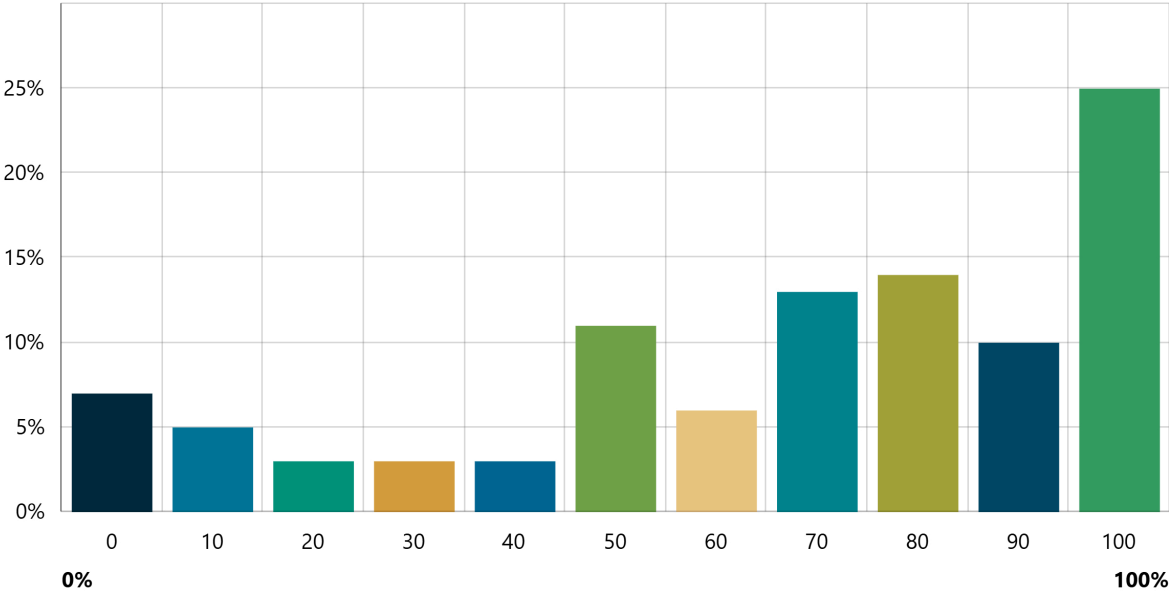
Environment	1%	1
Awesome	1%	1
Crowds	1%	1
Featured Contributions		
No featured contributions		

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13. Overall, do you support Council’s intent to grow the benefits of tourism by managing it more sustainably (e.g. through off-season promotion, targeting higher-yield visitors, dispersing crowds)?

Slider | Skipped: 4 | Answered: 100 (96.2%)

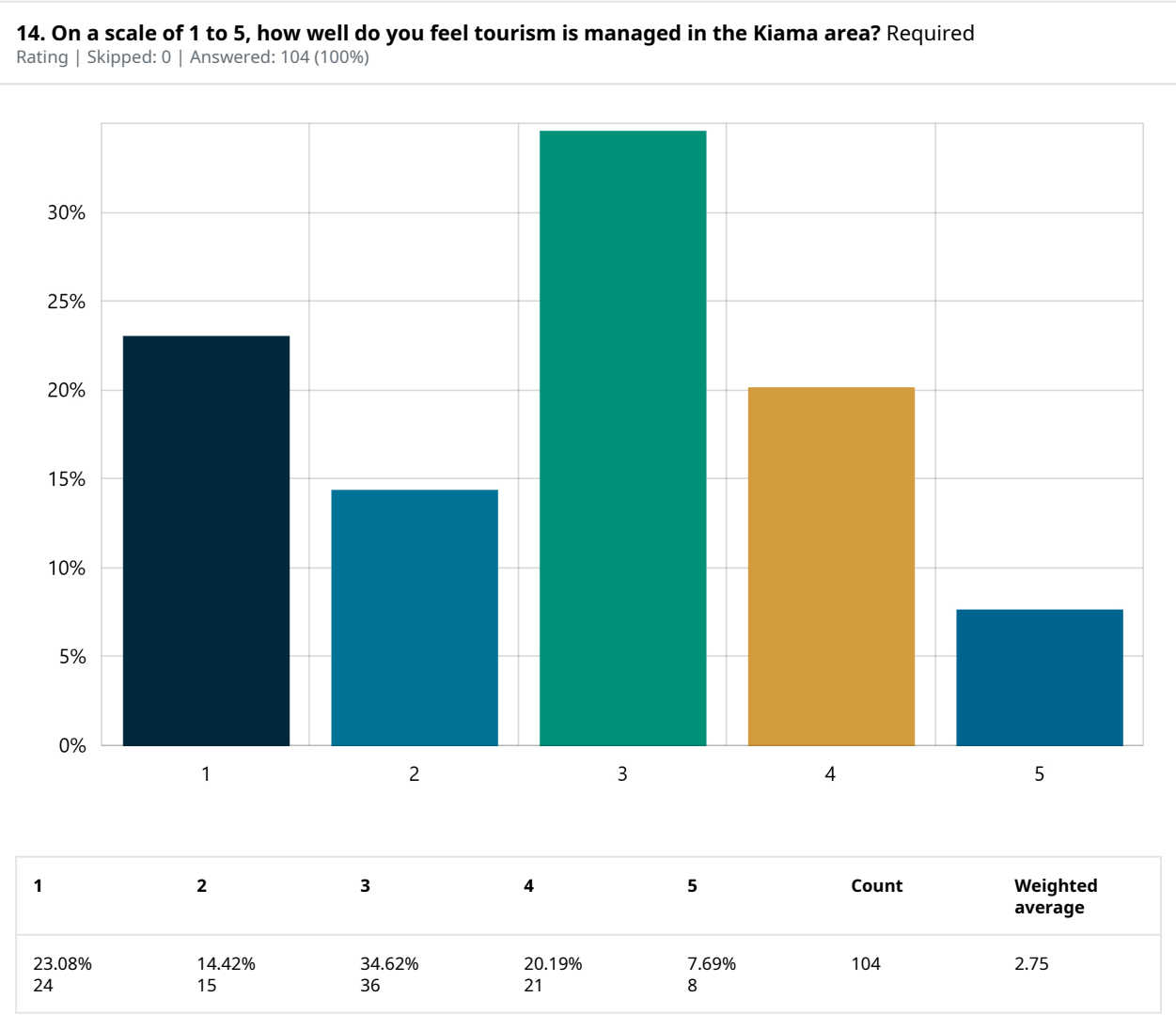


Count	Average	Median	Min	Max
100	66.60	70.00	0	100

0	10	20	30	40	50	60	70	80	90	100
7.00%	5.00%	3.00%	3.00%	3.00%	11.00%	6.00%	13.00%	14.00%	10.00%	25.00%
7	5	3	3	3	11	6	13	14	10	25

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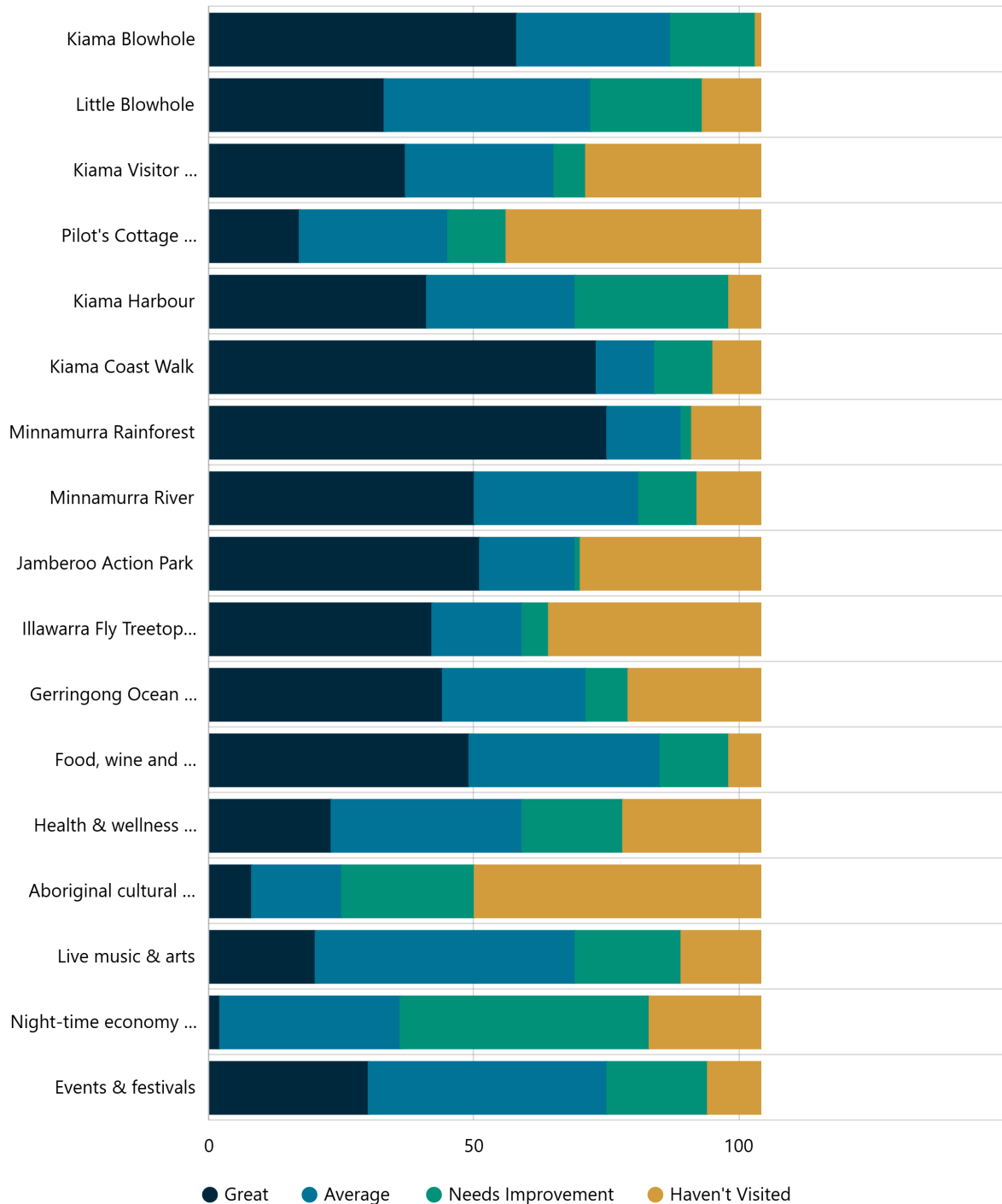


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15. Thinking about your friends and family who might come to visit you, how would you rate the visitor experience at our core tourism locations across the area: Required

Matrix | Skipped: 0 | Answered: 104 (100%)



Great Average Needs Haven't Count Score

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			Improvement	Visited		
Kiama Blowhole	55.77% 58	27.88% 29	15.38% 16	0.96% 1	104	1.62
Little Blowhole	31.73% 33	37.50% 39	20.19% 21	10.58% 11	104	2.10
Kiama Visitor Information Centre	35.58% 37	26.92% 28	5.77% 6	31.73% 33	104	2.34
Pilot's Cottage Museum & Historic sites	16.35% 17	26.92% 28	10.58% 11	46.15% 48	104	2.87
Kiama Harbour	39.42% 41	26.92% 28	27.88% 29	5.77% 6	104	2.00
Kiama Coast Walk	70.19% 73	10.58% 11	10.58% 11	8.65% 9	104	1.58
Minnamurra Rainforest	72.12% 75	13.46% 14	1.92% 2	12.50% 13	104	1.55
Minnamurra River	48.08% 50	29.81% 31	10.58% 11	11.54% 12	104	1.86
Jamberoo Action Park	49.04% 51	17.31% 18	0.96% 1	32.69% 34	104	2.17
Illawarra Fly Treetop Adventures	40.38% 42	16.35% 17	4.81% 5	38.46% 40	104	2.41
Gerringong Ocean Pools	42.31% 44	25.96% 27	7.69% 8	24.04% 25	104	2.13
Food, wine and local produce	47.12% 49	34.62% 36	12.50% 13	5.77% 6	104	1.77
Health & wellness offering	22.12% 23	34.62% 36	18.27% 19	25.00% 26	104	2.46
Aboriginal cultural experiences	7.69% 8	16.35% 17	24.04% 25	51.92% 54	104	3.20
Live music & arts	19.23% 20	47.12% 49	19.23% 20	14.42% 15	104	2.29
Night-time economy (eg. bars, live music)	1.92% 2	32.69% 34	45.19% 47	20.19% 21	104	2.84
Events & festivals	28.85% 30	43.27% 45	18.27% 19	9.62% 10	104	2.09

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Long Text | Skipped: 34 | Answered: 70 (67.3%)

No sentiment data



Tag	Percent	Count
Nightlife	19%	13
Improvements to harbour precinct	13%	9
Better promotion	13%	9
Support for Aboriginal Cultural Experiences	11%	8
Parking improvements	9%	6
Support for rock climbing	9%	6
Dining options	7%	5
Transport	6%	4
Rejuvenation	4%	3
Nighttime activities	4%	3
Parking	4%	3
Coastal walk maintenance	3%	2
Wayfinding	3%	2
Support for live music	3%	2
All ages events	3%	2
Health and Wellness Hub	3%	2
Water activities	3%	2

Events take away from businesses	1%	1
Overtourism	1%	1
Overcrowded	1%	1
Infrastructure	1%	1
Improve walking trails	1%	1
Picnic areas	1%	1
Boat ramp improvements	1%	1
Better event management plans	1%	1
Gerringong pool upgrades	1%	1
Cost is restrictive	1%	1
More seating	1%	1
Shade	1%	1
Wet weather activities	1%	1
Nature recreation	1%	1
EV charging	1%	1
Infrastructure upgrades	1%	1
Multi-genre events	1%	1
Encourage diverse small-scale cultural events	1%	1
Better planning	1%	1
Adult orientated	1%	1
Variety of food	1%	1
Access to walking & cycling information	1%	1
Cycling	1%	1
Walking tracks	1%	1
Extended operating hours	1%	1
Nature tours	1%	1
Free shuttle	1%	1

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Relocate Piolet's Cottage	1%	1
Walking trail	1%	1
Rowdy behaviour	1%	1
Long wait times	1%	1
Featured Contributions		
No featured contributions		

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Short Text | Skipped: 37 | Answered: 67 (64.4%)

No sentiment data

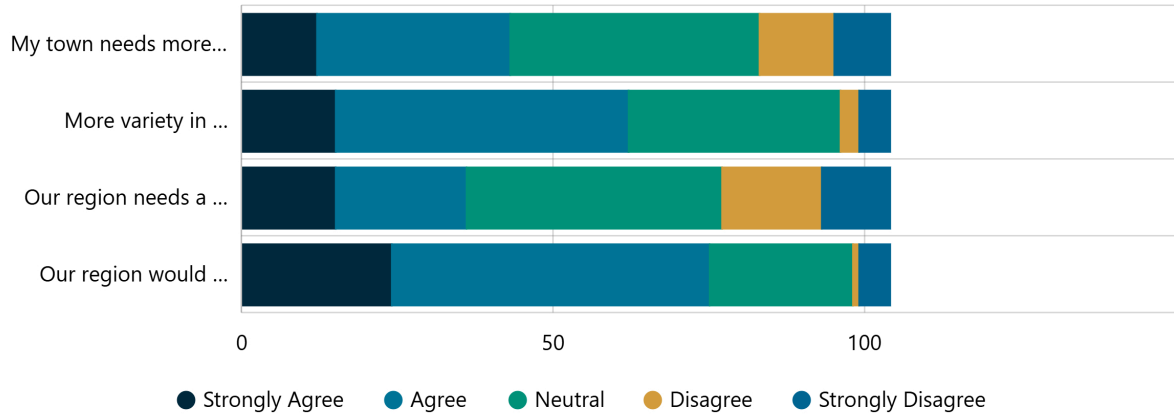


Tag	Percent	Count
Bombo Quarry	15%	10
Saddleback	9%	6
Beaches	7%	5
Saddleback lookout	4%	3
Rockclimbing	4%	3
Minnamurra Rainforest	3%	2
Barren Grounds	3%	2
Waterfalls	3%	2
Markets	3%	2
farmers market	3%	2
Seven Mile Beach	3%	2
Cycling	3%	2
Bombo Headland	3%	2
Byron Bay	1%	1
Illawarra Fly	1%	1
Bombo dog-friendly beach	1%	1
Rangoon Island	1%	1

Gerringong Golf Course	1%	1
Coastal Walks	1%	1
Rockpools	1%	1
Whale watching	1%	1
Coastal walks	1%	1
Filmores	1%	1
Picnic train	1%	1
Farm stays	1%	1
Wollongong	1%	1
Support for Aboriginal Cultural Experiences	1%	1
Black Head	1%	1
Old Co-op Gerringong	1%	1
Cafes & Pubs	1%	1
Gerringong Ocean Pools	1%	1
Crooked River Winery	1%	1
Jerrara Rainforest and Wetlands	1%	1
Blowhole	1%	1
Rainforest	1%	1
Golf clubs	1%	1
National Parks	1%	1
Carrington Falls	1%	1
Featured Contributions		
No featured contributions		

18. Thinking about your participation in events across our region, what is your opinion on the following statements. Required

Matrix | Skipped: 0 | Answered: 104 (100%)



	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Count	Score
My town needs more events	11.54% 12	29.81% 31	38.46% 40	11.54% 12	8.65% 9	104	2.76
More variety in events is needed	14.42% 15	45.19% 47	32.69% 34	2.88% 3	4.81% 5	104	2.38
Our region needs a signature, major event	14.42% 15	20.19% 21	39.42% 41	15.38% 16	10.58% 11	104	2.88
Our region would benefit from all-ages events	23.08% 24	49.04% 51	22.12% 23	0.96% 1	4.81% 5	104	2.15

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19. What kinds of events would you like to see more of?

Short Text | Skipped: 22 | Answered: 82 (78.8%)

Sentiment

No sentiment data

Tags



Tag	Percent	Count
Cultural	20%	16
Live music	17%	14
Sporting	15%	12
Climbing	7%	6
Art	6%	5
Pop-ups	6%	5
Music	6%	5
Niche	5%	4
Food & Wine	4%	3
Food	4%	3
Nighttime	4%	3
Markets	2%	2
Family	2%	2
Quirky	2%	2
Dance	2%	2
Free	2%	2
Cycling	1%	1

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Kiama Council's Your Say platform - Form Results Summary (12 Jun 2025 to 13 Jul 2025)

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Swimming	1%	1
Car shows	1%	1
Conferences	1%	1
Ocean based signature event	1%	1
Comedy	1%	1
Culture	1%	1
Food vans	1%	1
Craft	1%	1
Classical music	1%	1
Creative	1%	1
All ages events	1%	1
Under 18s	1%	1
Street	1%	1
Live	1%	1
Triathlon	1%	1
Daytime events	1%	1
Kids events	1%	1
Community	1%	1
Fishing	1%	1
Long-lunch	1%	1
After dark	1%	1
Breweries	1%	1
Carnivals	1%	1
Festivals	1%	1
Block out paties	1%	1
Bicycle	1%	1
Agricultural	1%	1
Bush regeneration	1%	1

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Outdoor	1%	1
Seafood	1%	1
Oyster	1%	1
Seasonal	1%	1
Wellness	1%	1
Parking improvements	1%	1
Featured Contributions		
No featured contributions		

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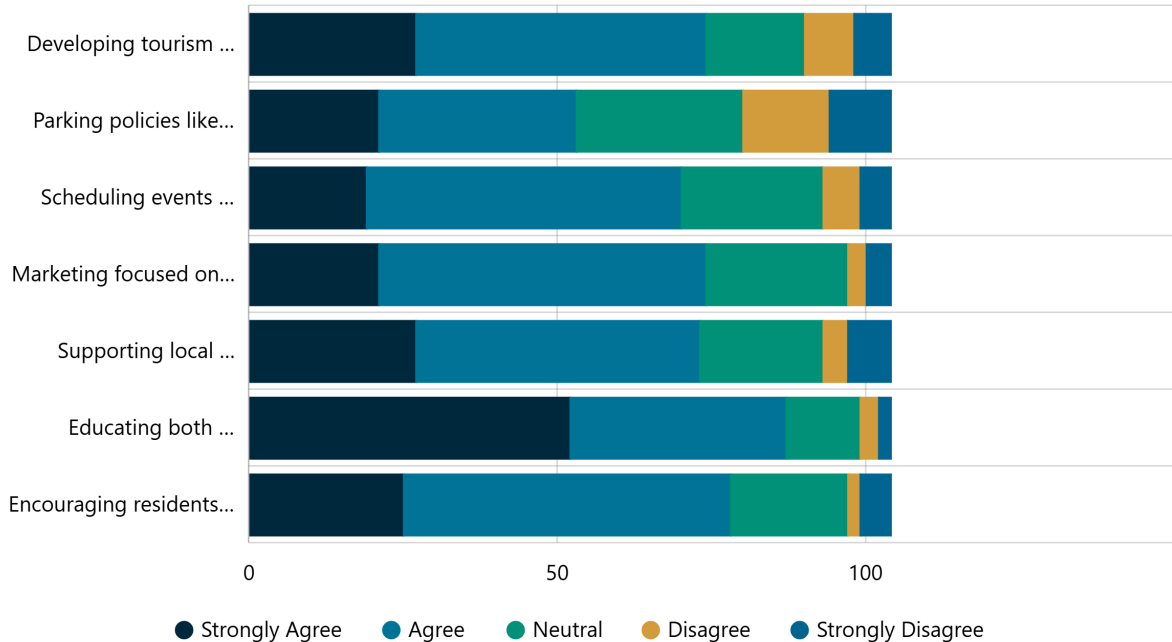
20. What's one big idea you'd like to see for improving the Kiama visitor experience? Long Text Skipped: 21 Answered: 83 (79.8%)	
Sentiment	No sentiment data
Tags	No tag data
Featured Contributions	No featured contributions

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21. Thinking about both the positives and challenges of tourism, how much do you agree or disagree with the following ideas to better manage its impact in Kiama? Required

Matrix | Skipped: 0 | Answered: 104 (100%)



	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree	Count	Score
Developing tourism precincts (e.g. in specific zones) can boost vibrancy that benefits both residents and visitors.	25.96% 27	45.19% 47	15.38% 16	7.69% 8	5.77% 6	104	2.22
Parking policies like time limits, paid parking, or pedestrian-only areas in retail zones could help reduce congestion during peak periods.	20.19% 21	30.77% 32	25.96% 27	13.46% 14	9.62% 10	104	2.62
Scheduling events during mid-week	18.27% 19	49.04% 51	22.12% 23	5.77% 6	4.81% 5	104	2.30

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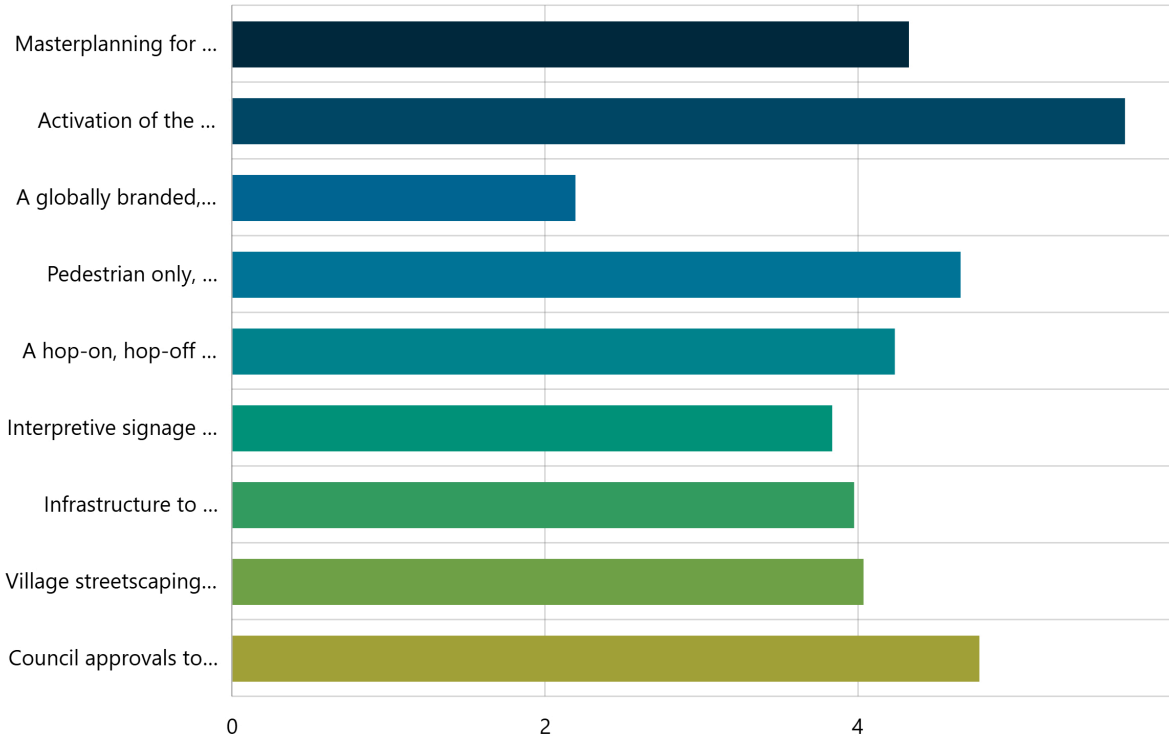
week or shoulder seasons could support consistent, local employment.							
Marketing focused on shoulder seasons and longer stays could bring more steady, year-round visitor spending.	20.19% 21	50.96% 53	22.12% 23	2.88% 3	3.85% 4	104	2.19
Supporting local tourism businesses to develop new experiences could grow investment and improve experiences for residents.	25.96% 27	44.23% 46	19.23% 20	3.85% 4	6.73% 7	104	2.21
Educating both residents and visitors to respect nature will help protect our environment and support sustainable tourism.	50.00% 52	33.65% 35	11.54% 12	2.88% 3	1.92% 2	104	1.73
Encouraging residents to share positive experiences can create a welcoming community that visitors will want to return to.	24.04% 25	50.96% 53	18.27% 19	1.92% 2	4.81% 5	104	2.13

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22. In order of importance, in your view, what tourism developments do you think will most benefit prosperity in the Kiama region through tourism spend? Required

Ranking | Skipped: 0 | Answered: 104 (100%)



	1	2	3	4	5	6	7	8	9	Count	Score	Avg Rank
Masterplanning for tourism attraction development at Boulders Point, Kiama, including heritage interpretation, lighting & event activations	10.13%	13.92%	13.92%	24.05%	11.39%	6.33%	7.59%	6.33%	6.33%	79	4.32	4.32
Activation of the ...	33.33%	20.24%	15.48%	10.71%	3.57%	9.52%	2.38%	3.57%	1.19%	84	5.70	2.94

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tion of the Kiama Harbour precinct to include quality, consistent hospitality venues, increasing foot traffic for marine tours	% 28	% 17	% 13	% 9	3	8	2	3	1			
A globally branded, signature accommodation development of note in Kiama	4.23% 3	1.41% 1	2.82% 2	7.04% 5	9.86% 7	12.68% 9	12.68% 9	22.54% 16	26.76% 19	71	2.19	6.79
Pedestrian only, al-fresco zones in Kiama retail areas to add vibrancy	18.07% 15	16.87% 14	12.05% 10	9.64% 8	13.25% 11	8.43% 7	4.82% 4	12.05% 10	4.82% 4	83	4.65	4.17
A hop-on, hop-off tourist bus service to connect the Kiama region's villages	12.05% 10	14.46% 12	13.25% 11	12.05% 10	7.23% 6	8.43% 7	14.46% 12	9.64% 8	8.43% 7	83	4.23	4.70

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Interpretive signage and improved linger zones on all sections of the Kiama Coastal Walk	2.41% 2	16.87% 14	16.87% 14	4.82% 4	9.64% 8	8.43% 7	19.28% 16	14.46% 12	7.23% 6	83	3.83	5.20
Infrastructure to encourage e-bike usage, including pathways, cycle hire and lock up facilities across all villages	21.95% 18	8.54% 7	4.88% 4	9.76% 8	9.76% 8	9.76% 8	7.32% 6	7.32% 6	20.73% 17	82	3.97	4.96
Village streetscapes through partnerships with local creatives, contributing to a point of difference in placemaking	7.50% 6	8.75% 7	15.00% 12	15.00% 12	15.00% 12	15.00% 12	11.25% 9	10.00% 8	2.50% 2	80	4.03	4.76
Council approvals to allow	16.87% 14	16.87% 14	15.66% 13	9.64% 8	13.25% 11	10.84% 9	7.23% 6	2.41% 2	7.23% 6	83	4.77	4.02

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Score - Sum of the weight of each ranked position, multiplied by the response count for the position choice, divided by the total contributions. Weights are inverse to ranked positions.
Avg Rank - Sum of the ranked position of the choice, multiplied by the response count for the position choice, divided by the total 'Count' of the choice.

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23. Do you have any ideas, suggestions or concerns about how tourism in Kiama can continue to be a positive part of our lifestyle? Long Text Skipped: 34 Answered: 70 (67.3%)
Sentiment No sentiment data
Tags No tag data
Featured Contributions No featured contributions

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24. Is there anything else you'd like to share about tourism in the Kiama area? Long Text Skipped: 47 Answered: 57 (54.8%)	
Sentiment	No sentiment data
Tags	No tag data
Featured Contributions	No featured contributions

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How to contact council

Post

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Kiama Municipal Council
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Telephone

+61 (02) 4232 0444

Online

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Website: www.kiama.nsw.gov.au



In person

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

Respect
Innovation
Integrity
Teamwork
Excellence



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Authorisation

Owner/Responsible Officer	Manager Tourism and Economic Development
Department	Strategies and Communities
Date endorsed	
Council Resolution number	
Next review date	
TRIM reference	

Review and version control

The Strategy should be reviewed every five years.

Date endorsed	Brief detail of amendments
[date]	[insert detail here]
[date]	[insert detail here]
[date]	[insert detail here]
[date]	[insert detail here]
[date]	[insert detail here]

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Acknowledgement of Country

Kiama Municipal Council acknowledges the Wodi Wodi people of Dharawal Country as the Traditional Custodians of the land on which our Municipality is located, "Kiarama."

We value and celebrate Dharawal culture and language, and acknowledge the Wodi Wodi people's continuing connection to the land, the sea and the community.

We pay our respects to Elders past, present and emerging, and through them, to all First Nations peoples' history, culture and voices.

PART 1: Introduction – Kiama’s Visitor Economy

Kiama is a distinctive coastal–hinterland destination on Dharawal Country, where dramatic geology, rich cultural heritage and creative village life combine to create an unmistakable sense of place. In 2024, the visitor economy welcomed over 1.2 million visitors and generated more than \$390 million in direct expenditure. Domestic overnight stays remain strong, day-trip visitation is robust, and consecutive recognition as NSW Top Tourism Town (2024 and 2025) reflects both appeal and momentum.

Why a Strategy now

Visitor expectations are shifting, competition is intensifying, and the community’s expectations for sustainability, liveability and shared value are clearer than ever. Kiama’s seasonal pattern presents untapped capacity in the shoulder and winter periods, while peak times bring pressure on access, amenity and coastal environments. Product depth, bookability and precinct activation can be strengthened, particularly across wellness, agritourism, marine and Aboriginal tourism – alongside a more vibrant, safe and coordinated night-time economy.

Purpose and scope

The Kiama Visitor Economy Strategy 2035 (KVES) provides a practical framework to manage growth and protect place character while delivering benefits for residents, businesses and visitors. It sets the vision and strategic goals, identifies seven focus areas to guide investment and experience development, and defines Council’s roles as Deliver, Partner and Advocate. Implementation is phased (short/medium/long-term), integrated with Council’s Delivery Program and Operational Plan, and supported by clear governance, including quarterly reporting to the Tourism & Economic Advisory Committee and annual public reporting.

A commitment to data-led decision making underpins this Strategy, providing a consistent evidence base for investment, programming and destination management, and ensuring outcomes deliver shared value for residents, visitors and industry.

How the Strategy is organised

- Part 1: Introduction
- Part 2: Situation Analysis – market context, strengths, gaps, opportunities and risks.
- Part 3: Vision, Goals and Guiding Principles that anchor decision-making.
- Part 4: Focus Areas – destination brand & marketing; experiences & product development; infrastructure & access; industry skills & partnership growth; night-time & cultural economy activation; each supporting one or more of the identified goals.
- Part 5: Action Plan – prioritised projects with roles, timeframes and resourcing.
- Part 6: Monitoring, Evaluation & Governance – performance, reporting and adaptive management.

Throughout this Strategy, references to Dharawal Country recognise the Wodi Wodi people as the Traditional Owners and custodians of this land.

1.1 Executive Summary

Kiama's visitor economy is a cornerstone of local prosperity and identity. In 2024, Kiama welcomed more than 1.2 million visitors, generating over \$390 million in direct expenditure. Domestic overnight stays remain strong (average 3.3 nights), day-trip visitation is robust, and consecutive recognition as NSW Top Tourism Town in 2024 and 2025 cements Kiama's reputation as a destination of choice.

Just 90 minutes south of Sydney on the Grand Pacific Drive, Kiama is a compact (257 km²), diverse region where dramatic coastline, rolling hinterland, and creative communities create a distinctive sense of place. From Minnamurra and Gerroa to Gerringong and Jamberoo, these lands, cared for by the Dharawal people for countless generations, offer iconic experiences such as the Kiama Blowhole, alongside vibrant events, boutique retail, quality food and produce, surf culture, and emerging wellness and agritourism.

Why this Strategy matters

Kiama's success brings both opportunity and responsibility. Seasonal patterns provide a strong platform for growth, yet challenges such as peak-season congestion, accommodation diversity, and workforce constraints require proactive management. At the same time, gaps in off-peak product and bookability limit year-round performance. This Strategy responds by setting a clear framework for sustainable growth that protects Kiama's character and delivers shared value for residents and businesses.

The Kiama Visitor Economy Strategy 2035 provides a vision for a sustainable, high-value visitor economy that enhances community wellbeing and safeguards the environment.

The Strategy highlights five strategic goals

1. Grow High-Value Visitation
2. Diversify Experiences and Markets
3. Enhance Infrastructure and Accessibility
4. Build Industry Capability and Workforce
5. Activate the Night-Time and Cultural Economy

That are delivered through five focus areas:

1. Destination Brand & Marketing
(Deliver compelling campaigns, strengthen brand positioning, and leverage digital channels)
2. Experience & Product Development
(Curate and innovate visitor experiences and signature events to drive dispersal and seasonality)
3. Infrastructure, Access & Sustainability
(Advocate and collaborate on transport, signage, and visitor amenity upgrades)
4. Industry Skills & Partnerships
(Upskill operators, foster collaboration, and build workforce resilience)
5. Night-Time & Cultural Economy
(Support cultural programming, a Night-Time Economy Strategy, and promote evening experiences)

It includes a phased Action Plan (short, medium, long-term) with Council roles to deliverer, partner, or advocate and is designed to integrate with Kiama Council's Delivery Program and Operational Plan, supported by quarterly reporting to The Tourism and Economic Advisory Committee (TEAC) and annual public reporting.

The plan ensures alignment with the NSW Visitor Economy Strategy 2035, the NSW 24-hour Economy Strategy, and the Destination Sydney Surrounds South Destination Management Plan, ensuring regional collaboration and market reach.

By 2035, Kiama will be recognised as a sustainable, culturally rich destination where visitors stay longer, spend more, and contribute to a thriving local economy and vibrant community life.



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1.2 Policy and Context

Kiama Municipality sits within the Illawarra-Shoalhaven region on the NSW South Coast, bordered by Shoalhaven, Shellharbour and Wingecarribee Council areas. Kiama township is the administrative and visitor hub, supported by distinctive coastal and hinterland villages including Gerringong, Gerroa, Jamberoo, Kiama Downs and Minnamurra.



1.2.1 Regional Collaboration

Kiama works closely with Destination Sydney Surrounds South (DSSS), one of seven Destination Networks funded by Destination NSW (DNSW), to coordinate growth of the Sydney Surrounds South visitor economy. The region comprises Kiama, Shellharbour, Shoalhaven, Wollongong and Wingecarribee (Southern Highlands), each contributing projects and priorities to support sustainable regional outcomes.

1.2.2 Transport Context

North-south connectivity via the Princes Highway and South Coast Train Line links Kiama to Sydney and Canberra markets and international gateways, underpinning its role as a short-break destination and a key stop on the Grand Pacific Drive. East-west access remains limited, requiring ongoing advocacy to improve connections.

1.2.3 Strategic Alignment

The Kiama Visitor Economy Strategy 2035 (KVES) aligns with the NSW Visitor Economy Strategy 2035, the NSW 24-Hour Economy Strategy, and the Destination Sydney Surrounds South (DSSS) Destination Management Plan. It also builds on Council's previous local strategies, including the Tourism & Events Strategic Plan 2022-2026 and the Tourism Opportunities Plan (TOP) 2018-2028. Consecutive recognition as NSW Top Tourism Town in 2024 and 2025 underscores Kiama's momentum and the importance of maintaining a clear, long-term strategic focus.

As part of this alignment, Council plays an active advocacy role in shaping regional economic and visitor-related priorities. The visitor economy intersects with infrastructure, workforce, transport, land-use planning, housing and regional development, and Council will continue to advance Kiama's priorities through state, regional and industry partners, including Business Illawarra, Regional Development Australia Illawarra Shoalhaven, Destination Sydney Surrounds South, and local Members and Ministers. Embedding Kiama's needs within regional and state strategies strengthens access to funding, elevates the municipality's profile, and ensures local priorities are reflected in broader economic development decision-making.

The Strategy is strongly aligned with Destination NSW's Visitor Economy Strategy 2035 and its five pillars to accelerate growth. It supports making it easier to visit through advocacy for aviation-led growth associated with Western Sydney International Airport, evidence-based accommodation planning, improved access, and workforce considerations linked to housing and capability. It focuses on attracting higher-value visitors through strengthened destination branding, bold place-based storytelling and data-led marketing, positioning Kiama as more than a day-trip or 'postcard' destination. Growth through events is addressed through a balanced approach that prioritises shoulder-season, cultural and business events to extend stays while managing peak-period impacts. Experience development is a central focus, with investment in immersive, high-quality and culturally rich offerings across nature-based, wellness, food, marine and Aboriginal visitor-ready experiences, guided by appropriate governance and cultural authority. Finally, the Strategy embeds data and insights through improved access to visitor data, performance monitoring and adaptive governance, ensuring decision-making remains agile, evidence-based and aligned with State priorities over the life of the Strategy.

1.3 Local Government Area Snapshot

Geography: Compact 257 km² coastal-hinterland municipality featuring iconic geological formations (Kiama Blowhole, Little Blowhole, Bombo Headland), beaches, rainforests and rural landscapes.

Settlements: Kiama township (administrative and visitor hub); villages of Gerringong, Gerroa, Jamberoo, Kiama Downs, Minnamurra.

Visitor infrastructure: Walkable town centres; the Kiama Coast Walk corridor; harbour precinct; visitor information services; and a diverse accommodation base, with supply concentrated in Kiama township.

Identity: Dharawal Country. Heritage, stories and contemporary culture underpin place authenticity and visitor appeal.



Current population

In 2021, around 22,970 people called the Kiama LGA home. Our population is concentrated along the coastline in small towns as well as small hinterland villages. This population distribution is reflected in a diverse network of urban centres, coastal villages and hinterland communities, each with a distinct role, character and set of destination assets, as outlined below.

Destination Profile				
Town	Population	Assets	Precinct Type	
Kiama & Kiama Heights	14,761 (SA1 7,909)	Kiama Blowhole & Little Blowhole; Lighthouse & harbour precinct; Visitor Information Centre at Blowhole Point; Kiama Coast(al) Walk hub; walkable heritage town centre. Train station servicing Sydney - Bomaderry.	  	Urban Centre Primary administrative & visitor hub (major town centre with harbour, information services, retail & dining).
Kiama Downs, Bombo & Minnamurra	6,066	Coastal residential village framed by Minnamurra River mouth; access to Jones Beach/Cathedral Rocks and sections of the Coast Walk to Kiama. Train station at Minnamurra, servicing Sydney – Bomaderry.	 	Coastal residential & recreation node (beaches, headlands, river mouth).
Gerringong	4,165	Werri Beach & oceanfront reserve; surf appeal and boutiques in the main street; southern trailhead of the Kiama Coast Walk to Gerroa.	  	Seaside village centre (surf beach focus, dining/retail).
Gerroa	571	Seven Mile Beach & National Park; Crooked River estuary; holiday parks and nature-based activities.		Nature-based coastal village (beach/estuary gateway).
Jamberoo	1,910	Historic rural village; Jamberoo Action Park; hinterland gateway to rainforests & scenic drives.		Hinterland village & day-trip anchor (family attractions, countryside touring).

Note: The demographic data in this section has been sourced from REMPLAN (2024).

1.4 Methodology and Stakeholder Engagement

This Strategy has been developed through a structured, evidence-led process that blends rigorous data analysis with meaningful input from community, industry and government partners. The approach balances credibility with local voice so the actions are both achievable and grounded in Kiama's priorities.

1.4.1 Methodology and Engagement

The methodology for this Strategy is structured, evidence-led and aligned with best-practice destination management. It draws on comprehensive data analysis, targeted field assessment and structured engagement with industry, community, partner agencies, the Tourism and Economic Advisory Committee (TEAC) and Traditional Owners to ensure the Strategy is robust, credible and grounded in local context.

The approach surfaced:

- Strong community support for tourism when growth is managed, with top desired outcomes being support for local business, local jobs, cultural vibrancy, infrastructure investment and environmental education.
- Clear gaps limiting visitor yield and experience: night-time economy, Harbour activation, Aboriginal cultural experiences, live music/arts, and pressure points around congestion/parking.
- There was broad support for streamlined approvals for year-round alfresco dining, pedestrian-friendly activation in retail areas, and coordinated Harbour precinct activation that improves visibility for marine operators.
- Distinctive experience opportunities to elevate Kiama's point of difference (geotourism at Blowhole Point and Bombo, soft-adventure/bouldering, Kiama Coast Walk extension and activation), alongside Visitor Information Centre (VIC) led pilot experiences to address bookability gaps.
- Visitor accommodation gaps and needs (including a premium offering at Blowhole Point and eco-retreat potential) to attract higher-yield segments and support mid-week demand.

A detailed description of the methodology and engagement program is provided in **Appendix A**.

1.4.2 Data Sources

This Strategy draws on:

- Tourism Research Australia (TRA) datasets presented through the Kiama Tourism Monitor (Peter Valerio), including origin market analysis (day-trip, domestic overnight, emerging international).
- Council reports and plans, community feedback channels and business engagement insights.
- External policy and market context, notably: NSW Visitor Economy Strategy 2035; Destination Sydney Surrounds South (DSSS) Destination Management Plan; NSW 24-Hour Economy Strategy; Kiama Regional Economic Development Strategy (REDS) 2023.
- Infrastructure and access context, including the planned opening of Western Sydney International (WSI) and its implications for international dispersal via the Grand Pacific Drive.
- Primary fieldwork, industry interviews and a community/resident survey.

1.4.3 Stakeholder Engagement Approach

Engagement was designed to be inclusive and purposeful, using the IAP2 spectrum to set the right level of involvement by audience:



Inform & Consult
broad community survey; public information via Council channels.



Involve
workshops/briefings with TEAC, industry clusters and precinct stakeholders.



Collaborate
targeted co-design discussions on priority projects (e.g., Harbour activation, night-time economy, Kiama Coast Walk activation).



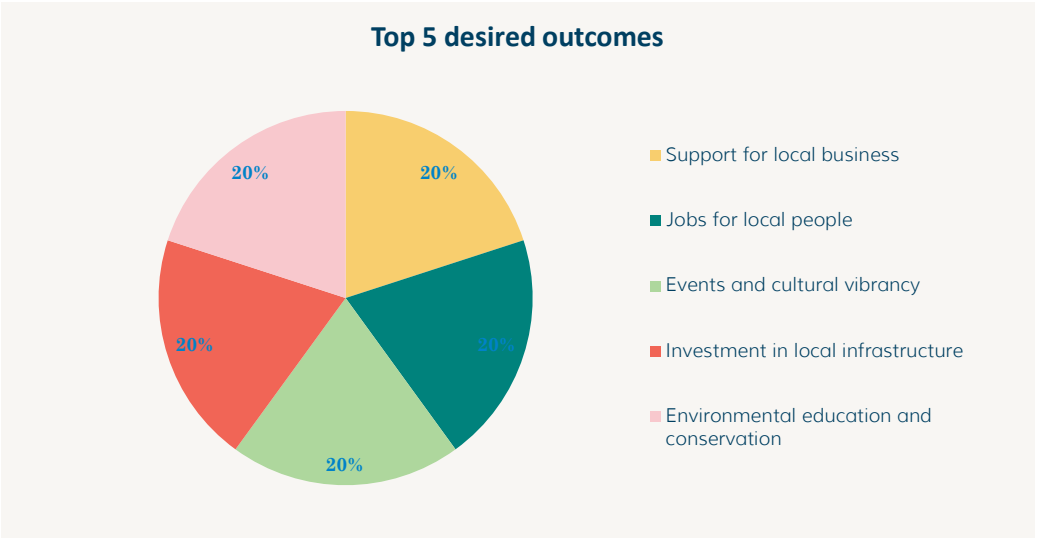
Empower (ongoing)
commitment to continued partnership with Traditional Owners on First Nations cultural experiences and interpretation.

1.4.4 Who was Engaged

Community residents and regular visitors (survey sample 104).	Industry accommodation providers; food & beverage; attractions and tour/transport operators; event organisers; retail; agritourism producers.	Peak Partner Agencies Destination NSW, Destination Sydney Surrounds South, trade distributors.
Business & Advocacy Kiama Business Network (KBN) and local associations.	Council & Governance Councillors and staff; Tourism and Economic Advisory Committee (TEAC).	Traditional Owners Engagement with Traditional Owners is ongoing and guided by cultural authority.

1.4.5 Community Insights

Community sentiment towards tourism is generally positive and supportive of Council investing in the visitor economy, provided growth is well-managed and aligned to local values. Key signals of this included:



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Key community concerns

-  **Access, congestion and parking**
Peak-period pressure on town centres and key nodes; desire for safer, more walkable places and better traffic management.
-  **Amenity, waste and cleanliness**
Concerns about rubbish/litter, public amenities and the presentation of public spaces during busy periods.
-  **Short-term rental accommodation (STRA) and housing impacts**
Community interest in balanced STRA settings and awareness of flow-on effects for local housing availability.
-  **Transport and late-hour mobility**
Inconsistent local transport and taxi availability (especially evenings/weekends) noted as barriers to the night-time economy and safe movement.
-  **Town character and environmental protection**
Strong desire to protect natural assets and small-town character; clear expectation that tourism should support, not overwhelm or degrade community wellbeing.
-  **Enforcement and management**
Requests for effective regulation and compliance (e.g., rangers, illegal parking/camping) to maintain safety and order during peak times.
-  **Affordability and cost-of-living sensitivities**
Some respondents link tourism peaks to local affordability pressures and price perceptions.
-  **Product and activation preferences**
Visible support for rock climbing/bouldering at Bombo, more all-ages events, and a more vibrant night-time economy, balanced with respectful, sustainable tourism practices.



Collectively, these themes inform a great deal of the Strategy's priorities with the Implementation and Action Plan in Section 5 of this document.

Kiama Blowhole; Kiama Coast Walk; Minnamurra Rainforest; Food, Wine & Local Produce; Events & Festivals.



Night-time economy; Kiama Harbour; Aboriginal cultural experiences; Live Music & Arts; Little Blowhole.

More than 70% support tourism precincts to boost vibrancy; and approximately 85% support educating residents and visitors to respect nature and support sustainable tourism.



What we heard

How the Strategy responds

Congestion and parking erode experience at peak times; need safer, more walkable precincts.

Precinct-based approach prioritising pedestrian movement, wayfinding and linger spaces; options for timed/seasonal 'pedestrianisation' and improved parking management in town centres.

Kiama Harbour lacks consistent activation after dark; marine tour visibility is limited.

Harbour Activation Plan actions: signature dining/entertainment anchor, improved links from Manning St, public art/lighting, and marine operator capability.

Night-time economy is the biggest gap; families want more all-ages options.

This Strategy supports the forthcoming Kiama After Dark Night-Time Economy Strategy (due October 2026) to guide safe, inclusive and community-supported twilight and night-time activation.

What we heard	How the Strategy responds
Desire for distinctive, bookable experiences that reflect Kiama's natural/geological point of difference.	Geotourism focus (Blowhole Point, Bombo Geological Precinct); feasibility for bouldering/soft-adventure; interpretive upgrades and all-weather viewing; curated walking/food/wellness experiences.
Aboriginal experiences are limited and there is a strong desire for culturally appropriate, Traditional Owner-led opportunities.	Commitment to developing Aboriginal cultural experiences through a Traditional Owner-led process that aligns with the forthcoming Reconciliation Action Plan. This includes governance pathways for cultural authority, cultural IP, data sovereignty, and community monitoring, ensuring all First Nations-related initiatives are paced and sequenced appropriately.
Operators need help with product development and distribution; visitors struggle to find/book tours.	Industry mentoring clusters; enable online bookability; consider VIC-led 'owned' experiences as pilots; connect Visit Kiama to key distributors.
Accommodation mix limits higher-yield segments and mid-week stays; interest in investment exists.	Accommodation planning and prospectus (incl. Blowhole Point opportunity and eco-retreats on suitable rural land); policy settings to encourage quality and sustainable development.

1.4.7 Policy Alignment and Evidence

The Strategy aligns with and operationalises priorities in:

- NSW Visitor Economy Strategy 2035. Applies a whole-of-government lens, streamlined planning, sustainable growth and experience investment.
- DSSS Destination Management Plan. Prioritises hero experiences, soft adventure, culture and culinary/agritourism pillars, as well as trade-ready product development.
- Kiama REDS 2023. With a focus on town centre revitalisation, approvals reform, Harbour revitalisation, and enabling infrastructure.
- NSW 24-Hour Economy Strategy. Supports balanced, safe and vibrant night-time activation suited to local context.
- Access & Aviation – capitalising on Western Sydney International (WSI) Airport opening (late 2026) and Sydney access to attract higher-yield segments via the Grand Pacific Drive.

Alignment with Closing the Gap and Kiama's Reconciliation Commitments

- This Strategy aligns with elements of the National Closing the Gap Agreement, especially: Priority 8 – Strong economic participation and development of people and their communities, reflected in commitments to Traditional Owner-led cultural tourism and Aboriginal enterprise development.
- Priority 15 – People maintain a distinctive cultural, spiritual, physical and economic relationship with their land and waters, echoed in experience development that respects and elevates Dharawal cultural knowledge, stories, sites and custodianship.

Alignment with the forthcoming Reconciliation Action Plan

- The VES will embed actions within the RAP's governance structures, ensuring cultural tourism and

Aboriginal visitor-ready products evolve with strong cultural authority, community monitoring, and the Traditional Custodians’ guidance.

- Where RAP governance structures are still being established, no Aboriginal visitor-ready product will proceed beyond feasibility or concept stage without appropriate cultural authority and guidance.
- Actions and initiatives relating to First Nations tourism will therefore be explored through yearly VES reviews and RAP-led consultation, allowing for culturally appropriate sequencing and Traditional Owner decision-making.

1.4.8 Engagement Quality and Limitations

Quality & Inclusivity

Engagement for this Strategy incorporated a range of perspectives, including residents, businesses, industry representatives, the Tourism and Economic Advisory Committee (TEAC), partner agencies and Traditional Owners. Community survey responses provided clear directional insights and were complemented by qualitative interviews, field assessment and on-site audits.

Limitations

While engagement informed a strong evidence base, some limitations are acknowledged. The community survey sample size (104 responses) limits statistical inference, and some cohorts (including younger age groups and specific industry subsectors) were under-represented. Engagement with Traditional Owners is ongoing and will continue in line with appropriate cultural protocols, governance arrangements and community-led timeframes, which will shape the scope, sequencing and delivery of First Nations visitor experiences over time. In addition, some initiatives identified in this Strategy will require further feasibility assessment, heritage considerations and planning approvals before progression.

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1.5 Vision Statement

By 2035, Kiama will inspire visitors with authentic coastal experiences that connect them to nature, heritage and community. It will be a sustainable, culturally rich and community-supported destination where visitors stay longer, do more and contribute to a thriving local economy, vibrant culture and the protection of Kiama's unique environment.

1.6 Approach

A core principle of this Strategy is that tourism must enhance, not compromise, local lifestyle and values. Residents are partners in shaping experiences and benefit from improved infrastructure, cultural opportunities, and economic activity. This is referred to as a Community-Centric Approach.

Guiding Principles

- Sustainability First – Protect the natural and cultural assets on which tourism depends.
- Authenticity and Storytelling – Celebrate what makes Kiama distinctive.
- Collaboration and Partnership – Work across sectors and with higher levels of government.
- Quality over Quantity – Prioritise meaningful experiences, not just higher numbers.
- Data-Led Decision Making – Ensure all actions are informed by robust insights and evidence.

1.7 Defining the Visitor Economy

For this Strategy, terms are defined as:

- A **visitor** is anyone who travels outside their usual place of residence to Kiama for leisure, business, or events.
- The **visitor economy** encompasses all economic activity directly or indirectly generated by these visitors, including accommodation, food, attractions, retail, transport, events, and supporting services.
- The **tourism sector** refers to core businesses whose primary customers are visitors including accommodation, attractions, events, food and beverage, retail, arts and culture, outdoor recreation and transport and tour operators.
- The **events sector** includes festivals, performances, conferences, and markets that may attract both visitors and locals.
- **Tourism assets**, include natural (coast, escarpments, biodiversity), cultural assets (heritage buildings, arts), Aboriginal heritage, built infrastructure.



PART 2: Situational Analysis

This situational analysis provides an evidence-based overview of Kiama's visitor economy and the governance framework that supports its development. While the region's appeal is anchored in its natural beauty, vibrant communities and diverse experiences, effective management is essential to balance growth with community wellbeing and environmental sustainability. Effective destination management and governance are therefore critical to balancing opportunities and pressures.

Governance

Council plays a central role in this process. The Manager, Tourism and Economic Development works closely with the Tourism and Economic Advisory Committee (TEAC), a committee of Council that acts in an advisory capacity on strategies outlined in Pillar 3 of the Kiama Community Strategic Plan and serves as the primary conduit between the community and Council on economic development and tourism matters.

2.1 Market Analysis - Domestic and International Visitor Statistics

Tourism is a cornerstone of Kiama area's economy. It is the region's second highest industry sector for employment, directly supporting over 900 jobs¹ across the Municipality, equating to 13.5% of total employment.

Headline results – Year ending March 2025²



Sectoral impact

Accommodation and Food Services categories are the largest beneficiaries of visitor expenditure. It is estimated that this sector captures \$0.635 for every visitor dollar spent in Kiama.

Domestic market

Domestic visitors are the lifeblood of Kiama's visitor economy. Day-trippers account for the largest share of volume; however, their average daily spend and overall contribution are lower than overnight visitors – presenting both a challenge and an opportunity to lift day-trip yield or convert them to overnight visitors.

Domestic day-trip



¹ <https://app.remplan.com.au/kiama/economy/tourism/employment>

² Kiama LGA Tourism Monitor March 2025 – Tourism Strategy Development Services

Domestic overnight



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International market

International visitors comprise <2% of total visitation. Volumes show moderate growth compared to pre-pandemic levels.



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2.2 Key Tourism Trends Likely to Influence Kiama’s Future



Wellness Tourism & Nature-Based Travel
Australia is seeing a strong rise in wellness tourism with more visitors seeking travel that supports both mental and physical wellbeing. Recent research from the Global Wellness Institute (2025) shows “strong demand for wellness experiences and travel, with more than half the adult population planning a wellness break in the next 12 months, and surging interest in trends like wild swimming, bathhouses and ice plunges”. This aligns with a broader shift toward integrated wellness, where travellers look for nature, rest, movement and rejuvenation woven throughout the entire trip³.



Sustainable, Regenerative, and Responsible Travel
Travellers are increasingly environmentally conscious, wanting to travel in ways that are regenerative or low-impact. This includes “regen-routes” travel that gives back to nature or supports conservation⁴. Coastal destinations (like Kiama and surrounding villages) may be particularly affected: preserving coastline, managing erosion, and protecting natural values will be more important as visitors care more about sustainability. Also, global momentum for sustainable coastal tourism (“blue tourism”) is growing, with international initiatives to protect marine ecosystems.

³ <https://www.australiantraveller.com/australia/aussie-travel-trends-2026> & www.accomnews.com.au
<https://travelbulletin.com.au/newsroom/resilience-and-purpose-how-aussies-view-travel-in-2025>⁴

 Off-Peak / Shoulder-Season Travel ("Coolcations") There's a trend toward avoiding peak-season crowds. Some travellers are choosing off-peak travel, or "cool-cations" taking breaks in less crowded times or cooler regions. This could benefit Kiama if it promotes experiences in non-summer months (walks, wellness, nature) and markets shoulder-season stays. Also, travellers are looking for meaningful, local connections to local food, local stories, place-based experiences rather than just "tick the box" tourism.	 Technology & Personalisation Technology is rapidly reshaping travel expectations. AI-driven tools are enabling "customised trip itineraries" and improving "personalisation, convenience, and sustainability in traveller experiences". Source: worldhistoryjournal.com Sustainable travel planning is also being enhanced by digital tools, with AI platforms helping travellers reduce their environmental footprint.
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2.3 Strengths

Kiama’s proximity and accessibility is a major strength. The region is just 90 minutes from Sydney, Australia’s largest visitor source market, via road or two hours by direct train, and approximately 2.75 hours’ drive from Canberra, opening access to two significant domestic markets.

Kiama’s offering is diverse, spanning natural landscapes, cultural experiences, events and recreational assets at varying stages of maturity.

	Natural assets include:
Coastal icons - Kiama Blowhole, Little Blowhole, Bombo Headland Quarry, Cathedral Rocks.	
Beaches and Surf - Seven Mile Beach, Werri Beach, Jones Beach, Kendalls Beach – strong surf culture and family appeal.	
Rainforests and Escarpment - Minnamurra Rainforest and waterfalls, Budderoo National Park, Saddleback Mountain lookout.	
Walking & Cycling - Kiama Coast Walk (22km), shared paths, mountain biking trails in surrounding areas.	
Marine Environments - Formed ocean pools and natural rock pools, rivers, snorkelling, surfing, SUP, whale-watching vantage points.	
Agritourism and hinterland - Jamberoo Valley, farm experiences, local produce and outlets such as The Kiama Farmers’ Market.	

Imagery of coastal icons create strong destination recognition and opportunities to grow ‘hero’ anchor experiences that provide inspiration for bookable experience development. *Developing iconic experiences is one of the principal recommendations of the NSW Visitor Economy Strategy 2035.*

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Cultural and Heritage experiences and attractions include:

Local First Nations Cultural and Heritage experiences, attractions and touch points include:

Dharawal Country, home of the Wodi Wodi people, with significant cultural landscapes and stories reflected in:

- Dreaming Poles located on the northern section of the Kiama Coast Walk, reflecting local cultural significance.
- Artwork, murals, and exhibitions created by local Elders and Traditional Owners that share their cultural stories and knowledge.
- Immersive Welcome to Country ceremonies and Smoking Ceremonies led by local Traditional Owners.
- Events that commemorate and celebrate First Nations culture, history, and continuing connection to Country.
- Interpretive signage that acknowledges Country and highlights culturally significant sites.

European heritage

- Kiama Lighthouse (1887)
- Pilots Cottage (1881)
- Historic Terrace Houses, Collins Street (1870-1880s)
- Quarrying and basalt industry heritage
- Dry Stone Walls
- Heritage buildings in the township (Kiama Post Office, former bank buildings, Presbyterian and Anglican churches)

Arts and creative industries

- Local galleries showcasing regional artists and rotating exhibitions.
- Public art and street murals across Kiama's town centre and coastal precincts.
- Artist-led creative workshops, including pottery, painting, ceramics and mixed media.
- Digital and interpretive arts experiences such as Kiama Library's My Place digital tour and Lloyd Rees heritage trail.
- Online 'cultural treasure map' via South Coast Arts, [Creative South](#)

Festivals and events

- A well-established events culture that positions Kiama as a destination with "always something on."
- A diverse annual calendar including arts, music, cultural, sporting, seasonal and community festivals.
- Events that support shoulder-season visitation, mid-week stays, and the development of bookable packages (e.g., stay + event + dining).
- Opportunities to integrate creative industries (art markets, performances, live music, workshops) into existing or emerging signature events.

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 **Major attractions for families** include:

Jamberoo Action Park, a large water theme park with wave pool, as well as dry land activities such as bobsled, set in a natural green valley landscape.

Illawarra Fly Treetop Adventure offers a treetop walk through the rainforest canopy, with options for ziplining and an active school holiday program.

Minnamurra Rainforest, best known for its lush subtropical canopy, elevated boardwalks, and the spectacular Minnamurra Falls.

 **Emerging tourism sectors** include:

Agritourism - Wineries, cideries, craft breweries, farmgate workshops, cooking school experiences, and bespoke accommodation.

Wellness - yoga retreats, spa and health getaways.

Adventure - kayaking, canyoning, rock climbing, bouldering.

2.4 Weakness

The visitor economy remains seasonal and exposed to external shocks (e.g., severe weather, fuel prices, global travel trends). The COVID-19 period (2020–2022) accelerated demand for accessible, authentic nature-based and wellness experiences; areas of strength for Kiama – but also created and highlighted pressure points:

- Overcrowding and strain on local infrastructure (parking, amenities, waste, and natural attractions such as Blowhole Point).
- Seasonal imbalances: peak-period pressure and off-peak trading challenges, meaning accommodation and workforce shortages in peak time.
- Resident dissatisfaction where visitation is not managed sustainably and overcrowding impacts amenity.

There is a growing need to balance visitor growth with community wellbeing, improve visitor dispersal, and ensure tourism delivers clear benefits for residents, fostering community advocacy and support rather than visitor-resident tension. This Strategy sets a framework for collaborative governance, improved data collection and ongoing performance evaluation so tourism serves the broader public interest.

Kiama's natural assets (coastline, escarpment, waterways and rural hinterland) are also its most fragile. Climate pressures (coastal erosion, severe weather, biodiversity loss) require strengthened sustainable destination management, alignment with Council sustainability plans, and investment in resilient infrastructure and green tourism initiatives to embed environmental sustainability as part of Kiama's brand.

Finally, limited diversification in bookable experiences remains a weakness. Recognised gaps in agritourism, cultural tourism (including Aboriginal experiences) and conferencing reduce length of stay and year-round stability, reinforcing perceptions of limited destination depth.

2.5 Opportunities

Seasonality as a Platform for Growth

Kiama's seasonal patterns create distinct opportunities: summer attracts families and beachgoers; autumn and spring support weddings, festivals and events; winter offers quieter coastal escapes complemented by dining, workshops and hinterland retreats. The Strategy leverages these dynamics to extend stays, diversify experiences and attract higher-yield segments year-round.

Emerging Opportunities and Challenges

There is strong potential to expand boutique accommodation and broaden experiences in wellness, agritourism, marine and Aboriginal tourism, while activating the night-time economy to enhance vibrancy and liveability. Proactive management is also required to address peak-season pressures (congestion, parking, environmental strain), short-term accommodation tensions and workforce constraints, as well as off-peak gaps in product and operating hours. This Strategy sets a balanced approach so Kiama remains a destination of choice while protecting local character and community values.

Operator Capability and Digital Transformation

High-yield target markets identified in the Destination Kiama Marketing Plan (such as 'Smart Money' empty nesters and 'Self-made Lifestylers') expect quality accommodation, accessible transport, inclusive tourism options and seamless digital tools for booking and navigation. However, digital capability and trade distribution remain gaps among local operators. Destination marketing is outpacing the sector's ability to modernise, creating urgency for digital transformation and product innovation.

Experience Development Focus Areas



Night-Time Economy

Evening activity is limited outside peak dining hours, creating a gap for overnight visitors and locals seeking cultural engagement after dark. Development of a Night-Time Economy Strategy, aligned with NSW Government Vibrancy Reforms, could prioritise:

- **Precinct Activation:** Special Entertainment Precincts and coordinated late-night programming in Kiama CBD, and possibly Gerringong, supported by lighting, wayfinding and safety measures.
- **Cultural Programming:** Partnerships with regional organisations and local creatives to deliver small-scale performances, art trails and pop-up experiences complementing existing events.
- **Noise Management:** Implement noise attenuation measures to protect residential amenity.



Marine Tourism

Despite Kiama's spectacular coastline, marine reserves and whale migration routes, marine tourism remains underdeveloped. Opportunities include:

- **Product Development:** Address licensing barriers and support new offerings in partnership with Destination Sydney Surrounds South, such as guided kayaking, snorkelling, diving and eco-cruises showcasing marine biodiversity.
- **Collaborate with operators, marine scientists and conservation groups** to create authentic, educational experiences aligned with sustainability principles.
- **Advocate for improved boat ramps, signage and safe access points** as part of the Kiama Harbour Revitalisation Project.
- **Build marketing content highlighting marine environments, seasonal wildlife and conservation credentials** to attract eco-tourists and adventure travellers.



Aboriginal Visitor-Ready Product

The development of Aboriginal visitor-ready experiences in Kiama must be guided by Traditional Owners and aligned with Council's forthcoming Innovate Reconciliation Action Plan (2026–2027) and the KMC Indigenous Principles & Engagement Guide.

- Experience development aligns with the National Agreement on Closing the Gap (2020) Priority 8 by supporting pathways for Aboriginal economic participation. As well as Priority 15 - by acknowledging and respecting the Wodi Wodi people's cultural authority and ongoing custodianship of Dharawal Country.
- Specific projects, such as interpretive content, cultural storytelling, guided experiences, and place naming will be explored progressively through the RAP, where cultural authority and community-led monitoring can appropriately guide development.

2.6 Threats

Kiama's visitor economy is supported by strong natural assets, attractive towns and proximity to major markets. At the same time, several challenges need to be managed to protect what makes Kiama special and to ensure tourism continues to benefit the community.

Competition from comparable destinations

Kiama operates in a competitive coastal tourism market, particularly against destinations such as the Central Coast and Eurobodalla Coast that target similar short-break and nature-based markets. Collaboration with neighbouring councils and tourism partners through Destination Sydney Surrounds South (DSSS) provides an important way to respond to this competition. Initiatives such as the Grand Pacific Drive support joint promotion and touring itineraries, encouraging visitors to travel further south and stay longer.

There are also opportunities to strengthen Kiama's role within broader regional experiences. Cycling is a key example, where alignment with established products in neighbouring regions can attract high-value visitors while supporting local accommodation, hospitality and town-based experiences. At the same time, Kiama must continue to differentiate itself through its coastal village character, walkable town centre, iconic blowholes and strong connection to nature, to remain a destination where visitors choose to stay rather than pass through.

Capacity pressures and infrastructure limits

Kiama's popularity places pressure on roads, parking, public amenities, beaches and open spaces, particularly during peak periods. If not well managed, congestion and crowding can detract from the visitor experience and impact resident amenity, limiting the destination's ability to grow sustainably.

Accommodation mix and seasonality

The accommodation offer is dominated by short-stay and holiday rental options, with limited diversity to support longer stays or different visitor markets. Strong seasonality creates peak demand pressures while challenging business viability and employment during quieter periods.

Environmental and climate resilience

Kiama's natural assets are central to its appeal but are increasingly affected by coastal erosion, extreme weather events and pressure on sensitive environments. Managing visitation while protecting landscapes, visitor safety and experience will remain an ongoing challenge.

Transport access and connectivity

While Kiama is well connected by road and rail, the visitor economy remains heavily reliant on private vehicles. Limited public transport between towns, beaches, tourist attractions and hinterland areas contributes to congestion and restricts visitor movement and dispersal across the LGA.

Workforce availability

Visitor economy businesses continue to face workforce shortages, driven by housing affordability, limited rentals and competition from larger centres. These pressures affect service levels, trading hours and the overall visitor experience.

Changing visitor expectations

Visitor expectations are continuing to evolve, with increased demand for high-quality experiences, sustainability, accessibility and digital information. Adapting to these expectations will be essential to maintaining Kiama's competitiveness and appeal over time.



PART 3: Vision, Goals & Guiding Principles

A tourism vision for Kiama’s visitor economy balances the twin imperatives of growth and sustainability. It rejects growth for growth’s sake, instead embracing quality, authenticity, and inclusivity.

3.1 Guiding Principles

This Strategy’s Vision is grounded in guiding principles that reflect community values and best practice in sustainable destination management. These principles provide a decision-making framework to ensure short-term actions align with long-term tourism outcomes.

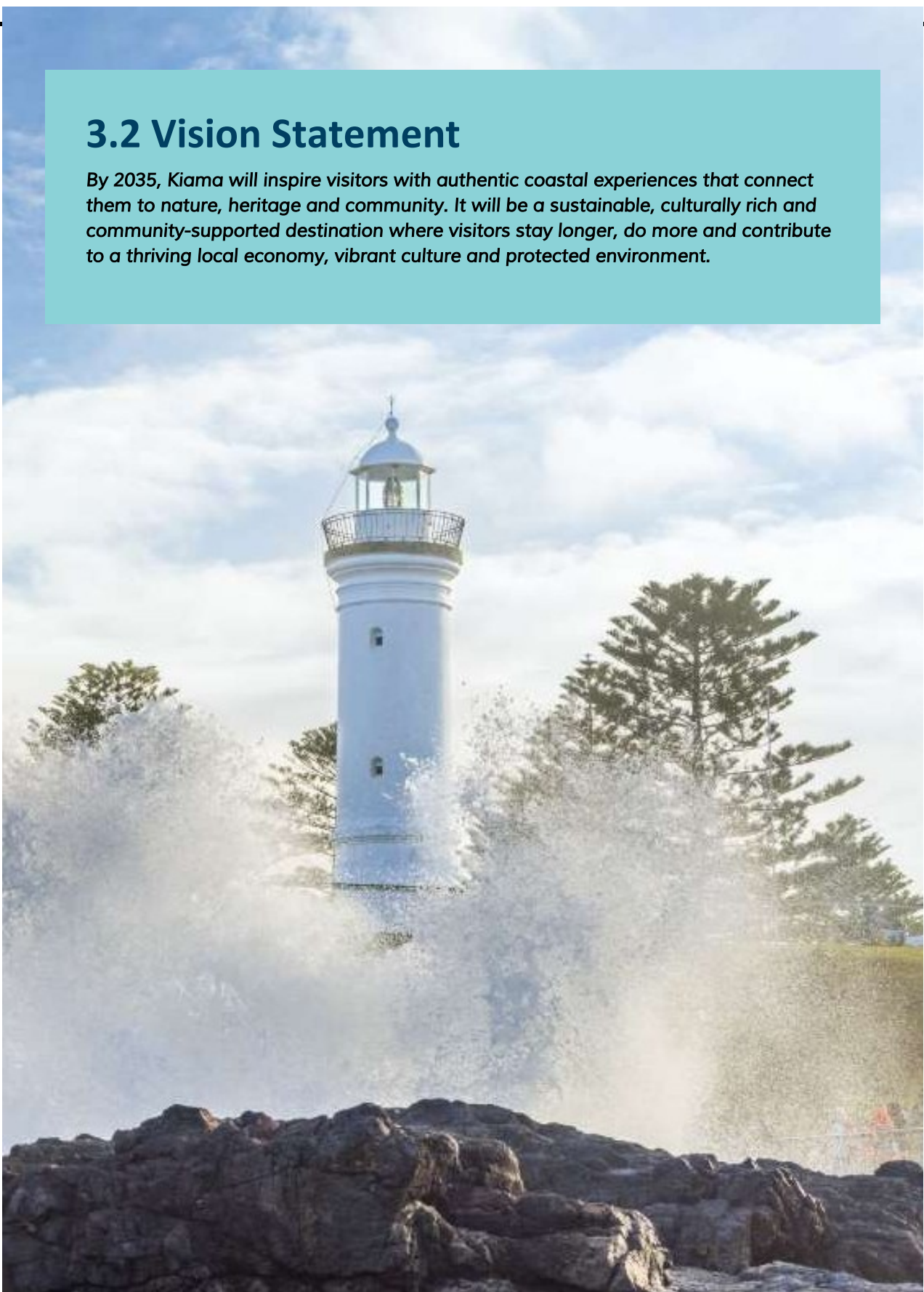
Sustainability First Sustainability is holistic, and includes environmental care, social wellbeing, and economic resilience. It means protecting and regenerating natural and cultural assets, prioritising low-impact tourism, and safeguarding liveability so tourism delivers lasting benefits for both our place and our community.	Authenticity and Storytelling Celebrate what makes Kiama distinctive through genuine, place-based storytelling. Where Aboriginal cultural knowledge is shared, storytelling will be guided by the appropriate knowledge-holders to ensure cultural integrity, respect and authenticity.
Collaboration and Partnership Strengthen regional connections and leverage opportunities by working collaboratively across Council, industry, regional bodies, and community. Partnerships enable shared resources, funding, and marketing initiatives that amplify the NSW south coast’s profile and deliver collective benefits.	Quality over Quantity Focus on value and visitor experience rather than volume. By upskilling operators and prioritising high-yield markets, Kiama can deliver exceptional experiences that encourage longer stays, repeat visitation and enhance its reputation as a premium destination.

3.2 Vision Statement

By 2035, Kiama will inspire visitors with authentic coastal experiences that connect them to nature, heritage and community. It will be a sustainable, culturally rich and community-supported destination where visitors stay longer, do more and contribute to a thriving local economy, vibrant culture and protected environment.

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3.3 Strategic Goals and Key Initiatives

This Strategy's guiding principles (3.1) and vision (3.2) set the foundation for five Strategic Goals that respond to current challenges and opportunities. Each goal is supported by key initiatives that will guide investment, marketing, infrastructure, and experience development over the next decade.

1. Grow High-Value Visitation	
Objective	Initiatives
Attract visitors who stay longer and spend more, with a focus on increasing overnight stays during quieter seasons to reduce reliance on day trippers and summer peaks.	• Advocate for more premium and boutique accommodation options to appeal to high-spending visitors. • Expand high-quality, bookable experiences that showcase Kiama's coastal character and natural beauty. • Develop targeted marketing campaigns that promote premium accommodation, dining, and wellness experiences. • Encourage quality standards through awards and accreditation programs.
2. Diversify Experiences and Markets	
Objective	Initiatives
Position Kiama as more than "sun, sea, surf" by promoting wellness, agritourism, cultural experiences and marine activities.	• Encourage dispersal across the municipality to reduce pressure on popular sites, develop new experience hotspots and spread economic benefits. • Target growth markets including international visitors, eco-conscious travellers, and younger audiences seeking authentic experiences. • Support Aboriginal tourism development pathways (with cultural authority), accessible & inclusive tourism and MICE/small conferencing to stabilise off-peak. • Promote Kiama as a short-break destination for Western Sydney residents and the international market (ahead of WSI Airport opening).
3. Enhance Infrastructure and Accessibility	
Objective	Initiatives
Improve transport connections, visitor information, signage, and access to key attractions.	• Advocate for improved transport links across the region, including road, rail, and public transport improvements via the Illawarra Shoalhaven Strategic Regional Integrated Transport Plan (2026). • Review existing signage and develop a comprehensive signage and wayfinding plan for the whole municipality. • Ensure tourism-related investment enhances public spaces and amenities, creating attractive and functional precincts for both residents and visitors.

	• Incorporate clear wayfinding and digital navigation tools into visitor communications. • Work with relevant agencies to improve access to tourism experiences and services for all visitors, including those with mobility needs.
4. Build Industry Capability and Workforce	
Objective	Initiatives
Support local businesses to improve service delivery and strengthen the tourism workforce.	• Invest in training programs that help businesses adopt digital tools and sustainable practices. • Promote the use of online platforms for marketing, booking, and visitor servicing. • Advocate for housing solutions that support a stable tourism workforce and encourage long-term employment in the sector.
5. Activate the Night-Time and Cultural Economy	
Objective	Initiatives
Position Kiama as a vibrant coastal destination with a thriving night-time and cultural economy.	• Enrich visitor and resident experiences by supporting evening activities, live performance, dining and events; curate precinct activation in the Harbour and town centre. • Develop the Night-Time Economy Strategy and progress the Special Entertainment Precinct trial to concentrate nightlife where residential impacts are manageable. • Improve lighting, safety and transport arrangements that support movement after dark; balance activation with amenity through noise and place management. • Integrate night-time itineraries and cultural storytelling into destination campaigns.

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3.4 Enablers

Applied across all Strategic Goals, the following enablers ensure the Strategy has a foundation of community priorities and evidence-based decision making.

Community Engagement and Shared Value

Ongoing engagement on precinct planning, events and sustainability; co-design all-ages cultural and live-music programming; education for residents and visitors to protect environments and respect local character.

This can be measured by community satisfaction, participation, business sentiment, environmental stewardship indicators.

Data Insights and Innovation

Strengthen evidence-based decisions through shared data and smart-destination tools (voluntary accommodation stats for occupancy and length of stay; participation in benchmarking programs; precinct footfall and parking telemetry).



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PART 4: Focus Areas

These focus areas directly support one of more Strategic Goals (Section 3.3), guiding experience development, investment, local policy considerations, and collaborative initiatives. Each area is interconnected, recognising that destination success depends on an integrated approach where marketing, infrastructure, experiences, and community are aligned.

4.1 Destination Brand and Marketing

Supporting Goals

1

Grow High-Value Visitation

2

Diversify Experiences & Markets

3

Activate the Night-Time Cultural Economy

The Destination Kiama brand and brand promise require continual renewal to remain relevant, distinctive and competitive. Brand and marketing activity will increasingly focus on priority visitor segments and higher-value markets, using data-led insights to guide storytelling, campaign targeting and conversion across seasons.

CASE STUDY: Tasman Drive in Gerringong has gained significant attention on social media for its scenic views overlooking Werri Beach, framed by rolling green hills. While this trend has presented challenges for residents, it demonstrates the potential of a clear, singular narrative supported by compelling imagery.

Refining Kiama’s brand positioning through continuous investment in place branding and storytelling for all towns villages, across digital platforms and visitor touchpoints, can support community pride and a shared vision for Kiama’s tourism future. A more sophisticated brand and creative representation (including the Destination Kiama logo and website) will better convert visitors and lift experience development to meet travel demand.

Recognition as NSW’s Top Tourism Town in consecutive years indicates destination marketing is working well. The printed visitor guide is informative, on-brand and inspiring. Social media management includes regular posting and engagement monitoring, with quality content, consistent tone and destination themes in content planning.

Marketing approach

“Win in Winter – Defend in Summer”

Kiama’s visitor economy is highly seasonal, with summer as the peak period. This approach focuses on reducing that imbalance by promoting Kiama as an attractive winter short-break destination. The goal is to encourage visitors who stay longer and spend more during quieter months, while maintaining strong summer performance. Regional opportunities like the Grand Pacific Drive will continue to be leveraged to support this strategy. Marketing activity will be informed by visitation and spend data to refine audience targeting, optimise campaign timing, and support shoulder-season growth.

Priority focus for destination marketing includes: • Dramatic coastline and volcanic formations • History, stories, culture • Local producer experiences • Joint marketing with industry partners • Shared itineraries including the Grand Pacific Drive	Expected outcomes (as provided): • Stronger recognition of Kiama as more than a day-trip destination • Greater awareness of cultural, creative and hinterland experiences • Improved off-peak and overnight visitor conversion, particularly among higher-value market segments
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4.2 Experience and Product Development

Supporting Goals:	
1	Grow High-Value Visitation
2	Diversify Experiences & Markets
3	Activate the Night-Time Cultural Economy

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Although Kiama’s natural assets are distinctive, visitor engagement is limited by gaps in interpretation, amenities, accessibility, and bookable experiences. Addressing these gaps through precinct upgrades, cultural storytelling, and new product development will strengthen Kiama’s appeal and increase overnight stays.

Experience and product development will be advanced through a place-based approach, focusing on precincts and assets with the capacity to deliver distinctive, bookable experiences and stronger connections between town centres, attractions and the coast. The following sections outline priority locations and experience opportunities across the Kiama area.

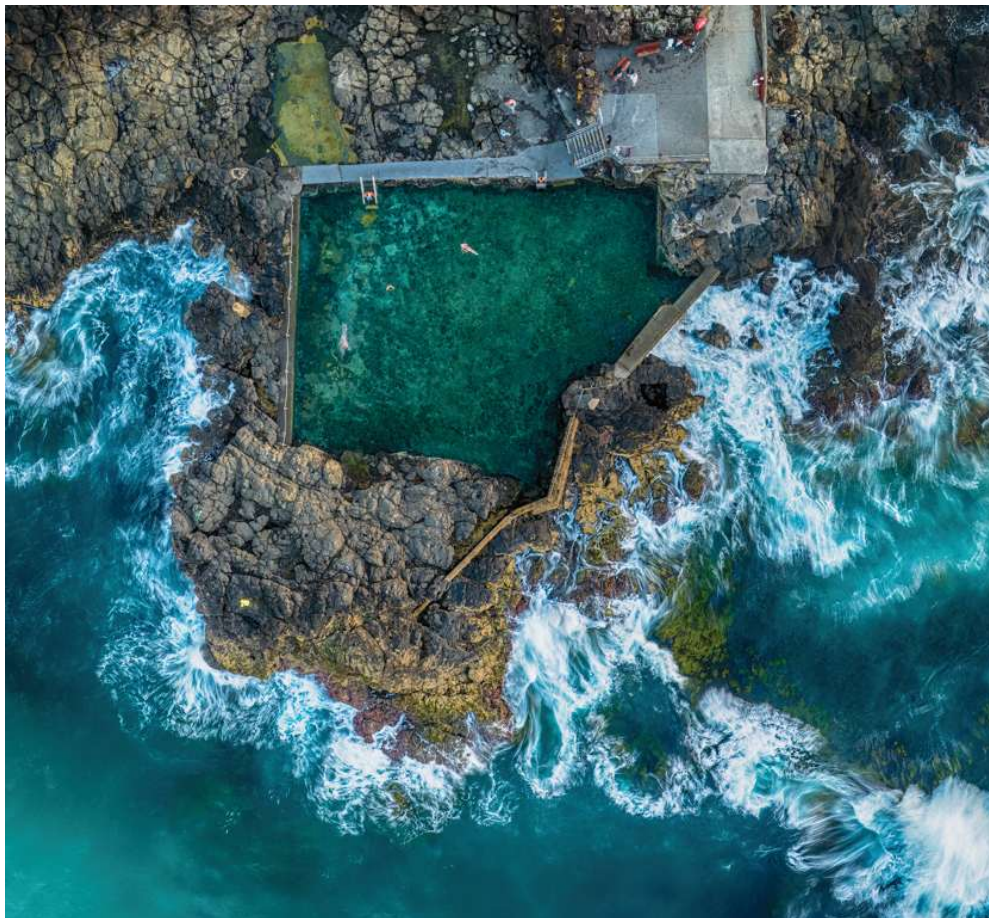


4.2.1 Kiama Harbour Revitalisation

Delivering on the community's vision for an activated Kiama Harbour is a priority for Council. Limitations are acknowledged due to shared ownership between Transport, Crown Land and Marime.

Connecting Manning Street to the Harbour through boardwalks featuring interpretive signage, wayfinding, lighting, and public art will create a vibrant link and increase foot traffic. This activation would support marine tourism operators and improve viability for a signature seafood venue within an entertainment zone, contributing to Kiama's night-time economy.

To progress the Kiama Harbour Revitalisation Project and Action Plan (2021), Council will advocate for its inclusion in relevant State agency plans and priorities, and seek ministerial support to enable inter-agency collaboration and resourcing for delivery.



4.2.2 Blowhole Point – Reserve 87397

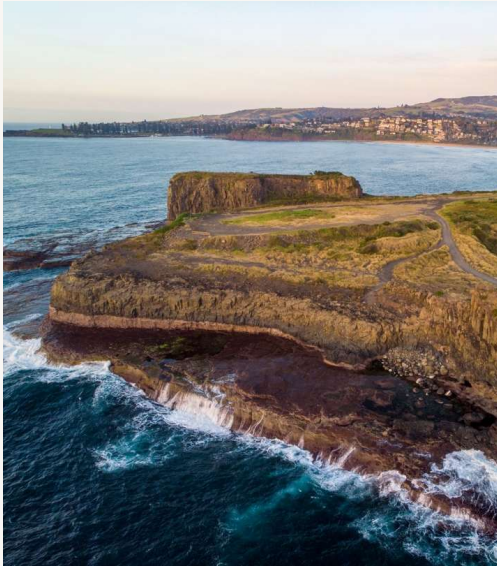
A visitor-led approach that supports the broader community should guide experience development at Blowhole Point. An all-weather viewing structure would enhance the visitor experience and enable year-round wellness activities (e.g., yoga, meditation). Night-time illumination of the Blowhole could further activate the precinct and contribute to Kiama's night-time economy.

Pilots Cottage (heritage-listed): Investigate permitted uses, with potential for sensitive repurposing as a dining venue or another active visitor experience.

Comprehensive precinct upgrade plan: Prepare an integrated plan that complements the Kiama Harbour Revitalisation Project and includes:

- Visitor servicing with clear wayfinding and amenities.
- Retail space that includes authentic storytelling – geological (formation, basalt heritage) and cultural (Aboriginal and local histories), through interpretation and curated content.
- Coordinated design elements to improve access, amenity, and place identity.

Council can advocate for State support to progress concept planning, including exploration of a high-quality accommodation opportunity to replace the existing Kiama Harbour Cabins, subject to Crown Land tenure, community values, and alignment with the precinct upgrade plan.



4.2.3 Bombo Headland – Adventure and Geotourism

Bombo Headland’s distinct geological formations present a unique opportunity to create a stronger visitor experience. Concepts such as geotourism, geocaching, rock climbing, and bouldering could diversify Kiama’s nature-based offering and leverage the site’s dramatic landform as a point of difference.

As Council is not the landowner, any proposal would require owners’ consent from Sydney Water and the Department of Planning and Housing. A feasibility study would be essential to assess environmental, safety, and market considerations, and the project would need to be identified as a priority by the State to progress. This type of experience aligns with the NSW Visitor Economy Strategy 2035, which supports development of distinctive, nature-based and adventure tourism products.



4.2.4 Kiama Coast Walk

Activating the Kiama Coast Walk (KCW) presents a major opportunity to elevate Kiama’s soft-adventure offering and transform the walk into a State-significant, multi-day experience. The vision is to create an end-to-end product that attracts walking-holiday operators, increases overnight stays, and boosts visitor spend.

To achieve this, Council can explore development of an Active Transport Strategy for the municipality, positioning the KCW as a flagship corridor. This would improve walk/cycle connectivity, reduce vehicle reliance, and strengthen links to town centres, rail stations, and bus stops to enhance both visitor mobility and local amenity. For the KCW, priority actions could include:

- Amenity upgrades: Refresh interpretive and wayfinding signage, install all-weather shelters, and incorporate First Nations art and storytelling along the route.
- Southern extension: Resolve land-use permits for the proposed extension to Gerroa, enabling tour operators to package the walk as a signature product.

Partnerships will be essential. Council will work with DSSS and DNSW to position the KCW as a “must-do” NSW Signature Walk, aligning with State priorities for anchor experiences. This activation will enhance Kiama’s appeal and support dispersal and seasonality management across the region.



4.2.5 Events as Drivers of Visitation

Events provide an opportunity to spike visitation and generate positive economic and social impact. Leisure events should reflect Kiama's lifestyle, heritage, and cultural values, offering visitors an authentic snapshot of the destination that inspires return visits. However, the Kiama Major Events Impact Review Report (2024) highlights that peak-period events can strain infrastructure and negatively impact the community.

The greatest opportunity lies in developing events that extend visitation beyond peak periods, fill accommodation gaps, and deliver steady, year-round benefits for local businesses. This includes:

- Mid-week conferences and business events to drive visitation during shoulder periods.
- Itinerary development and packaging around events to encourage extended stays and dispersal across the region.
- Targeted grant support for events scheduled outside peak times, ensuring alignment with seasonality management and community wellbeing.
- Strategic event attraction focused on events that complement the destination's identity and strengthen the economy.

This approach ensures events contribute positively to both the visitor experience and Kiama's broader economic goals, while adding the highest value to the community.



4.2.6 Food Tourism

Food tourism in Kiama should focus on authentic “taste of place” experiences – farm tours, markets, cooking classes, and festivals that connect visitors to the region’s heritage. While agritourism faces challenges under State planning policies, reframing the narrative toward food tourism enables producers to explore farmgate sales, culinary workshops, and cooking schools.

Council can also support development of a regional food and wine touring experience across neighbouring council areas, working in partnership with Destination Sydney Surrounds South to position Kiama as a key contributor to the South Coast’s culinary tourism offering. This approach leverages collaboration to create bookable itineraries, encourage dispersal, and strengthen Kiama’s appeal to high-value visitors seeking authentic, local food experiences.

4.3 Infrastructure, Access and Sustainability

Supporting Goals:

- 1 Enhance Infrastructure and Accessibility
- 2 Grow High-Value Visitation

4.3.1 Accommodation

Current accommodation in the Kiama LGA is heavily concentrated in Kiama township, with short-term rental platforms alone listing over 900 properties in the municipality. While this supply is generally adequate, major events suffer and attracting high-yield visitors will require new four and five star developments the Destination NSW’s VES 2035 highlights the need for evidence-based planning and investment facilitation, aligning with their objective to unlock new rooms where appropriate and sustainable.

Council can begin by investigating market demand to determine the most suitable accommodation types by location, including:

- Blowhole Point: Explore the feasibility of high-quality, thoughtfully designed accommodation, ensuring sensitivity to Crown Land tenure, community values, and the precinct upgrade plan.
- Outer villages: Assess potential for eco-style boutique retreats in areas such as Gerroa, Gerringong, and Kiama Downs to diversify the accommodation mix and deliver social benefits, while navigating relevant land-use regulations.

To support this, Council should:

- Conduct an accommodation audit to map current capacity, types, and geographical distribution, and assess the impact of short-term holiday rentals on housing availability.
- Undertake a market feasibility study for target accommodation models to analyse demand and yield, informing decisions on optimal accommodation types.
- Use findings to guide future land-use planning, precinct development, investment attraction, and advocacy.

This evidence-based approach will ensure accommodation development aligns with Kiama's strategic goals to grow high-value visitation, spread demand beyond the township, and support sustainable community outcomes.

4.3.2 Access

The opening of Western Sydney International Airport (WSI) (forecast for late 2026 and approximately 90 minutes' drive from Kiama), presents a major opportunity for the region. Passenger numbers are forecast to reach 10 million by 2033, significantly increasing international visitation. This growth enables Kiama to expand its international source mix, currently only 8% of overnight visitors.

Regardless of whether visitors arrive via WSI or Sydney Kingsford Smith Airport (similar drive time), Council will work with local operators and regional partners to ensure high-quality, bookable experiences are visible in international channels. Collaboration with Destination NSW and Destination Sydney Surrounds South will be essential to leverage marketing and position Kiama as a key stop on the Grand Pacific Drive, one of NSW's iconic touring routes spanning Royal National Park through Wollongong, Shellharbour, Kiama, and into Shoalhaven.

To convert aviation growth into tangible visitation:

- International trade enablement: Package bookable experiences across the region that align with aviation schedules and touring flows (e.g., Grand Pacific Drive), and distribute via trade partners.
- Route opportunity tracking: Monitor WSI route announcements and leverage Destination NSW campaigns and the WSI/NSW Take Off Fund to pitch Kiama-aligned itineraries to airlines and wholesalers.
- Rail-linked itineraries: Promote rail-friendly itineraries (Kiama/Bombo/Gerringong) to encourage sustainable travel options.

Kiama, Bombo, and Gerringong are serviced by rail from Sydney, with local buses connecting outer villages. However, gaps in local transport, particularly taxis and rideshare availability on weekends and evenings, impact both tourism and community liveability, with broader social implications beyond visitor servicing.

An investigation by Council, in partnership with Kiama Business Network, into latent demand is recommended to:

- Quantify unmet transport needs for visitors and residents, creating a data-driven case for action.
- Enable collaboration with current licence holders to improve service availability and reliability.
- Support advocacy to Transport for NSW / Point to Point Commissioner for additional licences or flexible conditions where evidence supports it.
- Explore complementary or other models (e.g., rideshare partnerships or community transport).
- Support growth in the night-time economy.

4.3.3 Infrastructure

Blowhole Point Reserve is one of Kiama's most visited precincts, providing access to the Blowhole, Lighthouse, Visitors Centre, Pilots Cottage, Kiama Harbour Cabins, and views over Kiama Harbour. However, the area faces congestion during peak periods, limiting visitor access and amenity. Comprehensive masterplanning is required to activate Council-owned assets, improve traffic flow, and enhance the overall visitor experience.

Wayfinding and interpretive signage across the region is another gap in visitor servicing. At Blowhole Point, heritage-style directional signage is consistent with Council's approach but lacks impact as an entry statement for Kiama's major attraction. Interpretive signage at the Blowhole is showing signs of wear, and Coast Walk signage, while informative, appears dated and disengaging.

Council has completed a signage audit, which now needs to be consolidated into a Wayfinding and Interpretive Signage Strategy with priority actions to:

- Refresh interpretive storytelling aligned with the Kiama brand.
- Create strong sense-of-arrival statements at key attractions and gateways.
- Integrate directional signage with precinct development plans.
- Reflect community values and place identity as part of broader place branding.

These actions will deliver a more seamless and engaging visitor experience, strengthen Kiama's identity through impactful arrival statements, reduce congestion, and enhance liveability, ultimately improving destination perception and meeting the expectations of high-yield travellers.

4.4 Industry Skills & Partnerships

Supporting Goals:

- 1 Build Industry Capability & Workforce**
- 2 Grow High-Value Visitation**
- 3 Diversify Experiences & Markets**

4.4.1 Workforce and Land-Use Planning

Tourism and hospitality are major employers in Kiama, supporting over 2,200 jobs (direct and indirect). However, several workforce challenges affect the visitor experience:

- Seasonal nature of work leads to casualisation and instability.
- Housing affordability in Kiama limits workforce availability, with short-term holiday letting further reducing rental accommodation for workers.

Local Government planning and approvals play a critical role in addressing these challenges, as housing availability directly impacts employment. Kiama's Draft Employment Lands Strategy (2026) highlights the need to improve land-use management, including mixed-use precincts.

To further support tourism-related uses, it is recommended that Council's Development Control Plan (DCP) is reviewed to encourage tourism investment, for example mixed-use precincts that combine

accommodation, dining and cultural spaces; simplifying processes to allow for farmgate and food tourism activities in rural zones and removing barriers for eco-retreats or boutique stays.

Council will also advocate through Business Illawarra and RDA Illawarra-Shoalhaven to ensure visitor economy priorities are reflected in regional economic development agendas and funding pathways.

4.4.2 Industry Capability

Bookable, scheduled products are essential for planning and conversion. Many operators lack booking systems or distribution connections (including the VIC), creating a perception of “little to do,” which suppresses length of stay and spend.

Destination Sydney Surrounds South (DSSS) plays the lead role in industry upskilling and capability development across the region. Council will support DSSS in developing programs, promoting uptake among local operators, and ensuring alignment with Kiama’s destination priorities.

In addition, Council will administer its own Destination Partner workshops, focused on practical, locally tailored sessions for operators who require entry-level support or prefer a community-based approach. These workshops will complement DSSS programs and address gaps in digital readiness, packaging, and experience development.

Cluster-based mentoring will help operators co-develop and upgrade experiences around destination themes. Where gaps persist, Council may consider VIC-led pilot experiences (e.g., guided walks) with pathways to private operation.

4.5 Night-Time and Cultural Economy

Supporting Goals:

1 **Night-Time & Cultural Economy**

2 **Grow High-Value Visitation**

The NSW 24-Hour Economy reforms provide Council with a practical framework and new State-level tools (such as funding, regulatory changes, precinct models, transport, and safety measures) that make it easier and faster to approve, fund, and manage night-time activation while reducing legal and regulatory constraints.

Council is currently developing a Night-Time Economy (NTE) Strategy as the first step toward trialling a Special Entertainment Precinct (SEP) under the State model. This approach will concentrate nightlife in areas where residential impacts are manageable, balancing vibrancy with community amenity.

Creating precincts that prioritise pedestrian zones and walkability over traffic management can reduce congestion and activate town centres. For example, the Kiama Town Centre Study (2019) identifies a ‘pedestrian priority zone’ within a section of Terralong Street between Collins Street and Manning Street where these areas could be redesigned to be a slow speed environment with temporary and / or permanent street closure, or potentially a shared zone with a 10km speed limit. This can be further explored during peak times – such as evenings, weekends, and for events. Extending alfresco dining into this zone during events has created vibrancy, increased hospitality capacity, and deliver flow-on benefits to the visitor economy through additional jobs.

Delivering these initiatives will create a stronger sense of place, improve connectivity between precinct areas, and assist in the development of Kiama’s Night-Time Economy.



PART 5. Implementation and Action Plan

5.1 Role of Local Government

The Strategy acknowledges that not all recommended actions are within the direct control of the Kiama Municipal Council and will require collaboration at various State Government departments to achieve outcomes.

Council's role in the visitor economy includes two key dimensions:

- (i) Core Responsibilities (Statutory and Service Delivery)
 - Providing and maintaining public infrastructure, facilities, and amenities that support visitor use.
 - Ensuring precinct beautification through landscaping, public artworks, seating, lighting, and other place-making and safety initiatives.
 - Delivering visitor information through wayfinding, interpretive, and directional signage on roads and paths.
 - Creating a supportive and transparent regulatory environment through planning approvals and alignment with relevant planning policies and strategies that encourage desirable development.
- (ii) Strategic Leadership and Partnership Roles
 - Setting a clear strategic direction for Destination Kiama and providing leadership in coordinated destination management and promotion.
 - Operating the Kiama Visitor Information Centre (VIC) and providing visitor information services.
 - Supporting the local visitor economy industry through capacity-building, business support, and opportunities for collaboration and networking.
 - Regional branding, destination marketing, and promotion to drive visitation and support local businesses.
 - Enabling and supporting the industry through initiatives such as training opportunities, access to grants, event attraction, and event coordination.
 - Advocating for the industry by lobbying for tourism-related investment and ensuring Kiama's visitor-economy priorities are represented in regional and State planning through partners such as Business Illawarra, RDA Illawarra-Shoalhaven, DSSS and local Members.
 - Collaborating with neighbouring councils and working with State Government to improve access to tourism precincts, including advocacy for public transport.

5.2 Implementation Framework

This Implementation Framework outlines how the Visitor Economy Strategy will be delivered, including timeframes, roles, resourcing and governance arrangements.

Timeline

The recommendations and actions within the Kiama Visitor Economy Strategy will be implemented over the period 2026–2035, aligning with the strategic direction of the Destination NSW Visitor Economy Strategy 2035.

Delivery approach

The identified priority areas for action provide a practical roadmap to activate the Strategy's focus areas through measurable actions. Phased delivery, shared responsibilities and strong governance will support a visitor economy that is resilient, community-supported and economically sustainable.

Roles and responsibilities

 Deliver Kiama Municipal Council (KMC) will coordinate delivery	 Partner KMC will partner with Destination Sydney Surrounds South, and other state/federal agencies.	 Advocate KMC will advocate for Kiama’s visitor-economy priorities and support partners to co-design and deliver initiatives.
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Phasing	Actions will be prioritised and delivered across: • Short term (1–2 years) • Medium term (3–4 years) • Long term (5+ years)
Resourcing	Funding will be sourced through: • KMC budgets (aligned with the Delivery Program and Operational Plan) • NSW and Federal government grants • Private sector investment • Partnerships and co-funded initiatives
Governance & Reporting	Quarterly implementation updates will be provided to TEAC and via Council’s Delivery Program updates.

5.3 Priority Areas for Action

The following priority actions translate the Strategy’s goals into practical, achievable initiatives, with delivery responsibility and indicative timeframes identified.

Strategic Goal: Grow High Value Visitation		
Focus Area 4.1 Destination Brand and Positioning		
Refresh the Destination Kiama brand with village place-narratives, strong storytelling and unified promise, emphasising the distinctive competitive advantage, and year-round experiences, using ‘bold storytelling’ and ‘data-led marketing’ consistent with the Destination NSW (DNSW).	Deliver	Short Term
Develop a high-value visitor program that targets premium and international audiences through curated premium content and itineraries, highlighting boutique stays, elevated dining, wellness experiences and scenic slow-travel, supporting the State focus on high-yield, experience-led visitation.	Deliver	Short Term
Enhance data capture on visitor spend, experience usage, accommodation performance and seasonality to inform targeted high-value visitor attraction strategies, aligning with the DNSW emphasis on real-time insights and data-led decision-making.	Deliver	Short Term

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Work with DSSS, DNSW, and neighbouring Local Government Areas (LGA) to position Kiama within premium touring routes (Grand Pacific Drive (GPD), wine & produce trails, and nature-based and soft adventure multi-day journeys).	Partner	Medium Term
Support operators to become trade-ready and digitally bookable through capability building, mentoring, and integrations by partnering with DSSS and DNSW.	Partner	Short Term
Partner with GPD and DSSS to create itineraries, trade collateral, marketing content and partnerships tailored to Western Sydney International (WSI) airport aligned international markets and Western Sydney leisure audiences.	Partner	Medium Term
Continue to foster resident participation in tourism planning and delivery through active engagement, advisory groups and support for community-led projects.	Partner	Short Term
Continue partnerships with DSSS and DNSW to extend reach through integrated marketing campaigns, international trade shows, and digital platforms.	Partner	Short Term
Strategic Goal: Diversify Experiences and Markets		
Focus Area 4.2 Experiences & Product Development		
Advance the Kiama Harbour Revitalisation Plan (2021) with leadership from the State Government. Consider defined links between Manning Street and Kiama Harbour via boardwalk and include placemaking components such as wayfinding, lighting, public art, precinct activation and lease resolutions.	Advocate / Partner	Medium Term
Blowhole Point upgrade. Reconsider the delivery of visitor servicing and the location and experience of the Visitor Information Centre (VIC), exploring permitted uses for Pilots Cottage; upgrade interpretation (geology + Dharawal stories); as well as upgrade of the viewing platform, signage and night-time viewing of the Blowhole (via illumination).	Advocate / Partner	Short Term
Support experience development across wellness, agritourism, marine tourism and endorsed Aboriginal visitor-ready products, including seasonal trading permits for pop-up experiences. Work with Council's Property and Commercial Team to assess marine tourism experience feasibility and improve water-craft licensing through operator collaboration.	Advocate / Deliver	Short Term
Work with Council's Infrastructure team to devise an 'Active Transport Strategy' for the municipality. Include Kiama Coast Walk as flagship experience; identifying amenity/interpretation upgrades and southern extension to Gerroa.	Deliver / Partner	Medium Term
Implement the recommendations from the Kiama Major Events Report (2024), prioritising events in shoulder/off-peak periods, mid-week business events, and integrated itinerary packaging to extend visitor stays.	Partner	Medium Term
Grow signature events, including the Kiama Winter Festival, to strengthen creative experiences and anchor off-peak visitation.	Deliver	Short Term
Investigate a regional South Coast Tasting Trail, enabling producer-venue partnerships, co-marketing of farm experiences and workshops, and bookable itineraries supported by neighbouring Councils and DSSS.	Partner	Short Term

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Advocate for a pre-feasibility assessment for a Bouldering Park attraction on the Bombo Headland, acknowledging landownership complexities.	Advocate	Medium Term
Support Aboriginal-led tourism ventures through engagement, training and partnerships, embedding actions linked to the Reconciliation Action Plan and collaborating with the Local Aboriginal Advisory Committee.	Partner	Medium Term
Strategic Goal: Enhance Infrastructure and Accessibility		
Focus Area: 4.3 Infrastructure, Access and Sustainability		
Undertake accommodation demand and feasibility assessments to guide land use planning and support private sector investment in quality, strategically located visitor accommodation, aligning with the State objective to unlock new accommodation supply where appropriate.	Deliver	Short Term
Develop a data-led Wayfinding, Signage and Interpretation Strategy to refresh storytelling, improve arrival and directional signage, and prioritise accessibility, amenities and sustainable transport upgrades, aligned with existing data, precinct plans, the planned 'Active Transport Strategy' and 'Night-Time Economy Strategy', and coordinated through Council's Capital Works Program.	Deliver	Medium Term
Champion the Visitor Economy as a regional economic pillar through coordinated advocacy with Business Illawarra, Regional Development Australia (RDA) Illawarra-Shoalhaven, DSSS, neighbouring LGAs, and local MPs/Ministers. Advocate for the inclusion of Kiama's priority projects and experience development needs in regional economic development plans, State infrastructure and transport strategies, and relevant ministerial portfolios.	Advocate	Short – Medium Term
Advocate through the Draft Illawarra Shoalhaven Strategic Regional Integrated Transport Plan (SIRTP) for improved road and rail connections, including WSI Airport connectivity, supporting the State's aviation-led growth and visitor dispersal priorities.	Advocate	Short Term
Improved transport solutions to address gaps affecting access to key tourism products, the night-time economy and town centres, partnering with Kiama Business Network (KBN) and adjoining LGAs to assess taxi, rideshare and cross-boundary needs and explore collaborative responses.	Advocate	Medium Term
Reinitiate master planning for Blowhole Point, including assessment of opportunities for high-quality accommodation and precinct enhancements aligned with Crown Land and community values.	Advocate / Partner	Long Term
Strategic Goal: Build Industry Capability and Workforce		
Focus Area: 4.4 Industry Skills & Partnerships		
Support DSSS capability programs and local workshops to improve online bookability, trade readiness and digital capability across the visitor economy.	Partner	Short Term
Develop a 'Visitor Economy Data Dashboard' or build into the Destination Kiama Partnership Program 'Data Insights', supporting benchmarking and performance tracking aligned with DNSW's Visitor Economy Strategy 2035.	Deliver	Short Term

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Identify high-potential local operators and provide targeted mentoring and support to enable the growth and evolution of quality tourism products and experiences.	Deliver	Short Term
Prepare a business case for the Kiama Visitor Information Centre (VIC) to explore delivery of 'owned experiences' that fill identified product gaps.	Deliver	Medium Term
Support Local Housing Strategy (LHS) actions that improve affordable housing access for tourism and hospitality workers, strengthening workforce resilience.	Advocate	Medium Term
Strategic Goal: Activate the Night-Time and Cultural Economy		
Focus Area: 4.5 Night-Time and Cultural Economy		
Deliver coordinated night-time activation by implementing the Night-Time Economy (NTE) Strategy and progressing Special Entertainment Precinct (SEP) planning, aligning with the NSW 24-Hour Economy Strategy and the events-led growth objectives of the NSW Visitor Economy Strategy 2035.	Deliver	Short Term
Use the Global Transport Management Plan to enable timed street closures and pedestrian-only zones on Terralong Street to support evening events, outdoor dining and cultural activation.	Deliver	Short Term
Support NSW Government, Office of the 24hr Economy initiatives that promote local venue collective to access funding for developing night-time activations	Advocate	Short Term
Support community organisations to activate Hindmarsh Park with events such as twilight movies and live music and other cultural programming, enhancing after-dark amenity for residents and visitors.	Advocate / Partner	Short Term
Support live-music venues and outdoor performance spaces through small grants, streamlined approvals and alignment with NTE precinct planning to grow a diverse cultural calendar and year-round vibrancy.	Deliver	Short Term

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5.3 Resourcing the Visitor Economy Strategy

Delivery of the Visitor Economy Strategy will rely on a combination of Council investment, State and Federal funding, and private sector involvement. Council's role will focus on enabling and leveraging investment, rather than funding all initiatives directly.

Actions within the Strategy will be prioritised through Council's Delivery Program and Operational Plan, ensuring alignment with available resources and broader organisational priorities. External grant funding and co-investment opportunities will be actively pursued to extend the impact of Council funding.

Partnerships will continue to play a central role in delivery, particularly with Destination NSW, Destination Sydney Surrounds South, the Office of the 24-Hour Economy Commissioner and Grand Pacific Drive / neighbouring council partners. These relationships support access to marketing programs, precinct-based funding and regional initiatives that Kiama cannot deliver independently.

Over time, increased emphasis will be placed on attracting private sector investment to support accommodation, experience development and destination infrastructure that contributes to higher-value visitation and sustainable growth.

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PART 6: Monitoring, Evaluation and Governance

The successful delivery of the Implementation and Action Plan (PART 5) requires structured monitoring, transparent evaluation, and strong governance. As Council, industry and community partners work together to activate the recommended actions, ongoing measurement is essential to ensure the Strategy remains effective, accountable and aligned with Kiama’s long-term vision.

Building on the phased implementation approach, partnership model, and resourcing framework established in PART 5, this Monitoring, Evaluation and Governance Framework provides the mechanism for tracking progress, understanding outcomes, and adapting priorities as conditions change. This ensures that implementation is not only action-oriented, but outcome-driven, supporting a resilient, community-aligned and high-performing visitor economy.

Monitoring and evaluation processes are to:

- Track implementation progress across all strategic goals and focus areas.
- Measure the economic, social and environmental impacts of the visitor economy.
- Detect emerging risks, gaps or unintended consequences requiring adaptation.
- Enable evidence-based decision-making and strategic investment.
- Strengthen accountability to residents, industry partners and funding bodies.

These mechanisms align with the NSW Visitor Economy Strategy 2035⁵, which will be delivered in three statewide phases:

2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Transition: 4.5% annual growth in visitor spend.		Take Off: 5% annual growth, supported by increased international arrivals coinciding with the Western Sydney International Airport opening.				Sustainable Growth: 5.3% annual growth, driven by consolidation of new visitor experiences.				

To maintain consistency with statewide projections, Kiama’s targets have been modelled using an average 4.9% compound annual growth rate over the life of the Strategy.

6.1 Purpose of Monitoring and Evaluation

The Monitoring and Evaluation Framework assesses both delivery of actions and achievement of strategic outcomes. It ensures that the Kiama Visitor Economy Strategy remains aligned with:

- Destination NSW’s Visitor Economy Strategy 2035
- Destination Sydney Surrounds South’s Destination Management Plan
- Council’s broader strategic planning framework

This approach emphasises value and sustainability over volume, with priority placed on:

- Visitor yield
- Length of stay
- Seasonality and dispersal
- Community amenity and benefits
- Industry capability and resilience

⁵ <https://www.destinationnsw.com.au/about-us/visitor-economy-strategy-2035>

6.2 Key Performance Indicators (KPIs)

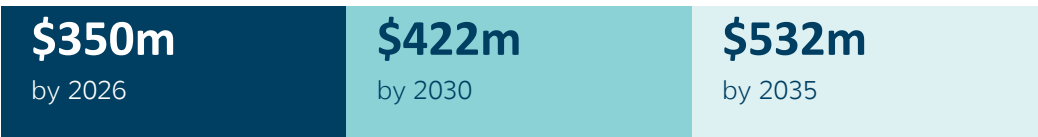
KPIs are aligned with the Strategy’s five Strategic Goals and will be monitored annually. They draw on a combination of quantitative and qualitative data to measure performance, identify trends, and support transparent reporting.

Visitor Economy Performance Targets for Kiama by 2035



*The NSW statewide strategy projects a split of 74% Domestic and 26% International visitation including both overnight stays and day trips.

Total Visitor Spend Targets



Performance will also be measured through yield indicators including average spend per visitor, spend per night, and length of stay.

Strategic Goal 1: Grow High-Value Visitation

Strategic Goal	Grow High-Value Visitation
Focus Area(s)	4.1 Destination Brand & Marketing
Intended Outcome	Increased visitor yield and longer stays, particularly outside peak periods
Key Performance Measures	- Average spend per visitor and per night - Average length of stay - Proportion of overnight vs day-trip visitors - Shoulder and off-peak visitation share - Campaign conversion metrics (bookings, enquiries) - Visitor yield growth relative to DNSW benchmarks - Community sentiment toward tourism
Data Source	DNSW / Tourism Research Australia (TRA) Destination Kiama analytics Accommodation data
Review Frequency	Monthly (internal); Annual (public report)

Strategic Goal 2: Diversify Experiences and Markets

Diversifying the experience offering (Focus Area 4.2) is a key mechanism for increasing the average length of stay, currently estimated at 2.6 nights. Establishing accurate baselines for experience supply, event impact, and accommodation performance in Year 1 is essential to measure future growth and inform product development priorities.

Strategic Goal	Diversify Experiences and Markets
Focus Area(s)	4.2 Experience & Product Development
Intended Outcome	Broader, bookable experience mix driving dispersal, seasonality and mid-week visitation
Key Performance Measures	• Number of bookable experiences • Number of Traditional Owner endorsed Aboriginal enterprises participating in supported pathways • Number of new agritourism, wellness and creative experiences launched • Visitor dispersal across villages and precincts • Event attendance and economic impact (shoulder and mid-week) • Improved mid-week visitation trends • Occupancy rates across all accommodation types • Length of stay uplift
Data Source	Partnership data DSSS / DNSW Event evaluations REMPAN Spendmapp Localis / direct operator data
Review Frequency	Year 1: Establish baselines Year 2: Introduce support systems / repeat surveys Ongoing: 5% annual growth target

Strategic Goal 3: Enhance Infrastructure and Accessibility

Strategic Goal	Enhance Infrastructure and Accessibility
Focus Area(s)	4.3 Infrastructure, Access & Sustainability
Intended Outcome	Improved visitor experience, reduced congestion and increased investment readiness
Key Performance Measures	• Visitor satisfaction with access, amenities and wayfinding (by season) • Congestion indicators at high-use sites • Progression of priority infrastructure projects • Private sector accommodation investment activity
Data Source	Visitor surveys Council capital works Planning data
Review Frequency	Annual

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Strategic Goal 4: Build Industry Capability and Workforce

Strategic Goal	Build Industry Capability and Workforce
Focus Area(s)	4.4 Industry Skills & Partnerships
Intended Outcome	More resilient, trade-ready and digitally enabled visitor economy
Key Performance Measures	• % of operators digitally bookable • Participation in capability programs • Operator engagement in data-sharing initiatives • Workforce vacancy and turnover indicators (where available) • Number of businesses engaged in training/mentoring • Skills gap identification completed with Kiama Business Network • Community sentiment toward tourism
Data Source	DSSS programs Destination Kiama partnership data ABS / industry data ADTW
Review Frequency	Annual

Strategic Goal 5: Activate the Night-Time & Cultural Economy

Strategic Goal	Activate the Night-Time & Cultural Economy
Focus Area(s)	4.5 Night-Time & Cultural Economy
Intended Outcome	Increased evening activity and spend while maintaining community amenity
Key Performance Measures	• After-6pm visitor spend indicators • Number and diversity of night-time and cultural events • Venue participation in NTE initiatives • Community sentiment and amenity feedback (NTE specific) • Resident perception of safety & vibrancy after dark.
Data Source	Spendmapp Business survey Community feedback
Review Frequency	Year 1 → Baseline surveys Year 2+ → Annual tracking

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6.3 Reporting, Transparency and Governance

Strong governance is essential to ensure credibility, accountability, and alignment across Council and its partners. The visitor economy is dynamic and subject to market trends, economic shocks, climate events, and technological shifts, therefore governance must be adaptive and collaborative.

6.3.1 Governance Framework:

- Tourism & Economic Advisory Committee (TEAC):

TEAC will play a central role in monitoring implementation, providing advice, and ensuring actions remain aligned with community priorities and strategic goals. TEAC will receive quarterly progress reports on the VES Action Plan, including KPI updates, emerging risks, and recommendations for adjustments.

- Data Sharing & Transparency:

Council will distribute data highlights for partners to better understand performance metrics and visitor insights while supporting collaborative decision-making.

- Integration with Council Planning:

All actions in this Strategy will be embedded in Council's Delivery Program and Operational Plan, ensuring accountability through annual reporting. Progress will be reflected in Council's Annual Report, demonstrating how visitor economy initiatives are enacted and contribute to broader community outcomes.

- Interdepartmental Coordination:

Relevant Council departments (Planning, Infrastructure, Events, Economic Development) will maintain interconnected plans to ensure actions are actionable and mutually reinforcing. Cross-team governance will be supported through scheduled coordination meetings.

6.3.2 Adaptive Management Principles:

- Annual review of the Strategy's relevance and priorities.
- Flexibility to revise KPIs and actions as conditions change.
- Rapid response protocols for crises (e.g., bushfires, floods, pandemics).
- Trial-and-learn approaches: pilot initiatives tested, evaluated, and scaled.

6.3.3 Public Reporting:

Council will publish an Annual Visitor Economy Report, shared via the website, community forums, and business networks. This report will include:

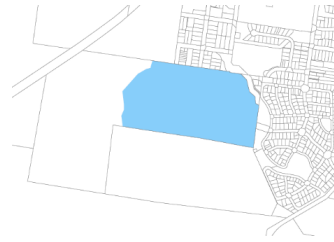
- KPI performance and trend analysis.
- Case studies of successful initiatives.
- Financial overview and investment leverage.
- Community and industry sentiment.
- Mechanisms for feedback to adjust programs where concerns arise



Public Exhibition Engagement Report

Draft Planning Agreement: 48 Campbell Street, Gerringong

The Developer has offered to enter into a Planning Agreement with Council to provide the required infrastructure to support the proposed development at the eastern part of 48 Campbell Street Gerringong which includes approximately 147 residential lots and associated infrastructure.



The Planning Agreement is associated to the Planning Proposal PP-2025-61 which proposes to rezone the site.

Under the planning agreement the applicant will provide material public benefits including the dedication of land, construction of works and monetary contributions totalling approximately \$7M. The works include a local park, bridge, riparian corridor enhancement and stormwater management.

This report presents a summary of the feedback received, staff response and any proposed changes.

Public exhibition period

Monday 25 August to Monday 22 September 2025 (28 days).

Promotional activities

Dedicated Your Say Page, Media release, Monthly newsletter, Social Media posts, Community Pop up.

How community got involved



1,073
Website visitors



several
pop-up participants



39
submissions received

What we heard

Concerns were raised regarding the bridge and future connection into the Elambra Estate, specifically the narrow roads and extra traffic, and that the developer could be providing additional contributions.

Most of the submissions raised concerns in relation to the development, specifically concerns around traffic impacts of the development, and these have been considered as part of the Planning Proposal.

Outcome

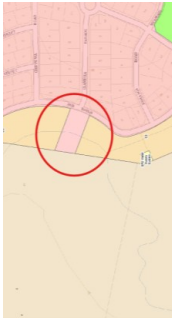
Minor changes have been made to the Planning Agreement following consideration of the submissions.

What's next

The Planning Agreement will be reported back to Council for finalisation. If endorsed, the Planning Agreement will be executed by Council and the Developer. The Planning Agreement will then be implemented, including imposing a condition of consent on any DA approval requiring compliance with the Planning Agreement, securing registration on land title and other obligations as required.

Summary table of feedback received and staff responses

Feedback received	Response	Outcome
Bridge to Elambra Estate Most of the submissions in relation to the Planning Agreement raised concerns about the proposed bridge crossing from the site to the Elambra Estate were raised. These concerns included that: • Union Way is not wide enough for traffic going both ways. • Narrowness of Campbell Street and Elambra Parade (worsened by parked cars). • Functionality of the intersection of Union Way/Elambra Parade. • The bridge will create safety concerns for children and young families that walk to/from school. • Elambra Parade has not been designed to handle heavy traffic.	The proposed development site, including both Elambra Estate and 48 Campbell Street Gerringong, have long been identified in Council's strategic planning documents, including the 1995 Gerringong Charette and the more recent 2025 Local Housing Strategy. This strategic plan also indicates the proposed road layout and structure. This includes the bridge between 48 Campbell Street and Elambra Estate. An extract of the Gerringong Charette is provided below:  Figure 1: Subject site (black outline) as identified in the Gerringong Charette 1995	The Planning Agreement has been updated to include: Schedule 2 C. Carrying out of Works The final design is to be approved by Council with the Development Application and Subdivision Works Certificate.

Feedback received	Response	Outcome
	The Elambra Estate has already been delivered, and as part of that subdivision a road reserve was provided in the future bridge location, to secure the future connection point. This is shown in the image below.  The Transport Impact Assessment (TIA) supports the proposed location of the bridge. As part of the concept plan and detailed subdivision DA, the applicant will be required to prepare detailed design to demonstrate how the bridge will work, including the intersection with Union Way / Elambra Parade. This design will then be reviewed and will need to be approved by Council. The development of 48 Campbell Street relies on the secondary access to the site to ensure flood free access to the future dwellings and residents.	
Inadequate infrastructure Concerns were raised about a lack of infrastructure provision for the site: • Public transport • Footpaths on Campbell St • Intersection of Campbell and Belinda streets • Congestion on Fern Street, Belinda Street and Princes Highway. • Utility infrastructure such as water and waste water servicing.	There is a planned bus route along the collector road to provide public transport, as well as an active transport network. Road and footpath upgrade works will be further considered and if needed may be funded through Section 7.12 contributions. The Developer will be required to provide all utility servicing as part of the development and has demonstrated capacity as part of the Planning Proposal.	No change to the Planning Agreement.

Feedback received	Response	Outcome
Insufficient Planning Agreement offer Given the well documented budget constraints that Council faces, and the poor capacity for Council to solely fund the increased infrastructure requirements for the development and established areas surrounding this development, it is suggested that Council negotiate extra funds (in addition to regular developer contributions such as 7.11 and 7.12) toward the following: • footpaths on Campbell Street (between Belinda Street and the new development) and Wells Street, • resolution of the pedestrian safety, traffic and line of sight issues at the Campbell Street/Belinda Street intersections. • No state infrastructure such as schools or health services • No local infrastructure such as child care or health services • Other infrastructure needs.	The Planning Agreement has been negotiated by the two appointed negotiating officers in accordance with Council's adopted Planning Agreements Policy, NSW Government guidelines and relevant legislation. The Planning Agreement is considered to be a fair and reasonable offer from the Developer that will ensure that the infrastructure required to support the development is provided. In addition, Council will continue to levy and collect contributions under its adopted Section 7.12 Contributions Plan toward additional infrastructure needs. This may include the provision of footpaths along Campbell Street, and/or upgrade works at the intersection of Campbell and Belinda Streets. Schools and Hospitals are state infrastructure, and this development will not generate any additional demand. Child care facilities are permissible in the R2 zone, so the planning controls will enable this outcome on the site. Local health services are provided in the adjoining town centres.	No change to the Planning Agreement.
The following concerns relate to the Planning Proposal and development: • The safe removal of asbestos contamination. • Traffic Impact on existing roads. • Pedestrian and child safety (including the school route to Gerringong Public School). • Impact of development on adjoining areas. • Visual impact of new housing development.	These comments have been considered as part of the Planning Proposal application.	No change to the Planning Agreement.

48 Campbell Street, Gerringong
Planning Agreement

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Kiama Municipal Council
and
SMG Property Holdings Pty Ltd

[INSERT DATE]

Planning Agreement - 48 Campbell Street, Gerringong

**48 Campbell Street, Gerringong
Planning Agreement**

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Planning Agreement - 48 Campbell Street, Gerringong

**48 Campbell Street, Gerringong
Planning Agreement**

Under s7.4 of the *Environmental Planning and Assessment Act 1979*

Parties

Kiama Municipal Council ABN 22 379 679 108 of 11 Manning Street, Kiama NSW, 2433 (**Council**)

and

SMG Property Holdings Pty Ltd ABN 11 655 534 473 of 48 Campbell Street, Gerringong (**Developer**)

Background

- A The Developer proposes to carry out the Development on the Land.
- B The Development is the residential subdivision of approximately 147 lots and associated infrastructure including roads, bridge, riparian corridors, local park and stormwater infrastructure.
- C The Developer owns the Land
- D The Land is the subject of the Planning Proposal.
- E The Developer has offered to make Development Contributions in accordance with this Agreement in connection with the Planning Proposal and the making of the LEP Amendment and the Development.

Operative provisions

Part 1 - Preliminary

1 Interpretation

- 1.1 In this Agreement the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Agreement means this Agreement and includes any schedules, annexures and appendices to this Agreement.

Approval includes approval, consent, licence, permission or the like.

Planning Agreement - 48 Campbell Street, Gerringong

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Authority means the Commonwealth or New South Wales government, a Minister of the Crown, a government department, a public authority established by or under any Act, a council or county council constituted under the *Local Government Act 1993*, or a person or body exercising functions under any Act including a commission, panel, court, tribunal and the like.

Bank Guarantee means an irrevocable and unconditional undertaking without any expiry or end date in favour of the Council to pay an amount or amounts of money to the Council on demand issued by:

- (a) one of the following trading banks:
 - (i) Australia and New Zealand Banking Group Limited,
 - (ii) Commonwealth Bank of Australia,
 - (iii) Macquarie Bank Limited,
 - (iv) National Australia Bank Limited,
 - (iv) St George Bank Limited,
 - (v) Westpac Banking Corporation, or
- (b) any other financial institution approved by the Council in its absolute discretion.

Bond means a documentary performance bond which must be denominated in Australian dollars and be an unconditional undertaking issued by an Australian Prudential Regulation Authority (APRA) regulated authorised deposit taking institution or an insurer authorised by APRA to conduct new or renewal insurance business in Australia that has at all times an investment grade security rating from an industry recognised rating agency.

Charge means the charge referred to in clause **Error! Reference source not found..**

Charge Land means the land specified or described in Item 9 of Schedule 1.

Claim includes a claim, demand, remedy, suit, injury, damage, loss, Cost, liability, action, proceeding or right of action.

Clearance Certificate means a clearance certificate issued by the Commissioner for Taxation under paragraph 14-220 of Schedule 1 of the *Taxation Administration Act 1953* (Cth).

Contamination has the same meaning as in the CLM Act.

Contribution Value means the \$ amount agreed between the Parties as the value of a Development Contribution made under this Agreement being the \$ amount specified in Column 4 of Schedule 2 corresponding to the Item as indexed in accordance with this Agreement.

Cost means a cost, charge, expense, outgoing, payment, fee and other expenditure of any nature.

CPI means the '*Consumer Price Index – Sydney All Groups*' published by the Australian Bureau of Statistics.

Dedicated Land Map means the map of the land identified in the Table in Schedule 2 to be dedicated to the Council shown in Schedule 4.

Defect means anything that adversely affects, or is likely to adversely affect, the appearance, structural integrity, functionality or use or enjoyment of a Work or any part of a Work.

Planning Agreement - 48 Campbell Street, Gerringong

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Defects Liability Period means the period specified in item 8 of Schedule 1, commencing on the day immediately after the whole or any specified part of a Work is completed for the purposes of this Agreement.

Defects Liability Security means the Security set out at Item 11 of Schedule 1.

Development means the development set out in item 2 of Schedule 1.

Development Application has the same meaning as in the Act.

Development Consent means the development consent specified or described in Item 5 of Schedule 1 or granted in respect of the Development.

Development Contribution means the dedication of land free of cost, a monetary contribution, the provision of any other material public benefit including but not limited to the provision of Works, or any combination of them, but does not include any Security or other benefit provided by a Party to the Council to secure the enforcement of that Party's obligations under this Agreement.

Dispute means a dispute or difference between the Parties under or in relation to this Agreement.

ELNO has the meaning given to that term in the Participation Rules.

Equipment means any equipment, apparatus, vehicle or other equipment or thing to be used by or on behalf of the Developer in connection with the performance of its obligations under this Agreement.

Final Lot means a lot created in the Development for separate residential occupation and disposition or a lot of a kind or created for a purpose that is otherwise agreed by the Parties, not being a lot created by a subdivision of the Land:

- (a) that is to be dedicated or otherwise transferred to the Council, or
- (b) on which is situated a dwelling-house that was in existence on the date of this Agreement.

Foreign Resident Capital Gains Withholding Amount means the amount a purchaser is required to pay to the Commissioner for Taxation under paragraph 14-200 of the *Taxation Administration Act 1953 (Cth)*.

GST has the same meaning as in the GST Law.

GST Law has the same meaning as in *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* and any other Act or regulation relating to the imposition or administration of the GST.

Item means an item specified in the table of Schedule 1 or column 1 of the table in Schedule 2 as the case may be.

Just Terms Act means the *Land Acquisition (Just Terms Compensation) Act 1991*.

Land means the land described in item 1 of Schedule 1.

LEP Amendment means the change to the environmental planning instrument specified or described in Item 3 in Schedule 1.

Maintain, in relation to a Work, means keep in a good state of repair and working order, and includes repair of any damage to the Work.

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Map means the map of the Land the subject of this Agreement as set out in Schedule 3.

Occupation Certificate has the same meaning as in the Act.

Participation Rules means the participation rules as determined by the *Electronic Conveyancing National Law* as set out in the *Electronic Conveyancing (Adoption of National Law) Act 2012* (NSW).

Party means a party to this Agreement.

PEXA means Property Exchange Australia Ltd.

Planning Proposal means the document proposing the LEP Amendment applicable to the Land prepared by the Council dated and more fully described in Item 3 of Schedule 1 as varied pursuant to s3.35 of the Act.

Rectification Notice means a notice in writing:

- (a) identifying the nature and extent of a Defect,
- (b) specifying the works or actions that are required to Rectify the Defect,
- (c) specifying the date by which or the period within which the Defect is to be rectified.

Rectify means rectify, remedy or correct.

Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Security means a Bank Guarantee, or a bond or other form of security to the satisfaction of the Council indexed in accordance with **CPI** from the date of this Agreement.

Site Audit Statement has the same meaning as in the CLM Act.

Stage means a stage of the Development approved by a Development Consent or otherwise approved in writing by the Council for the purposes of this Agreement.

Subdivision Certificate has the same meaning as in the Act.

WHS means work health and safety.

Work means the physical result of any building, engineering or construction work in, on, over or under land.

1.2 In the interpretation of this Agreement, the following provisions apply unless the context otherwise requires:

- 1.2.1 Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
- 1.2.2 A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
- 1.2.3 If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
- 1.2.4 A reference in this Agreement to dollars or \$ means Australian dollars and all amounts payable under this Agreement are payable in Australian dollars.

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- 1.2.5 A reference in this Agreement to a \$ value relating to a Development Contribution is a reference to the value exclusive of GST.
- 1.2.6 A reference in this Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- 1.2.7 A reference in this Agreement to any agreement, Agreement or document is to that agreement, Agreement or document as amended, novated, supplemented or replaced.
- 1.2.8 A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
- 1.2.9 An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- 1.2.10 Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- 1.2.11 A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- 1.2.12 References to the word 'include' or 'including' are to be construed without limitation.
- 1.2.13 A reference to this Agreement includes the agreement recorded in this Agreement.
- 1.2.14 A reference to a Party to this Agreement includes a reference to the employees, agents and contractors of the Party, the Party's successors and assigns.
- 1.2.15 A reference to 'dedicate' or 'dedication' in relation to land is a reference to dedicate or dedication free of cost.
- 1.2.16 Any schedules, appendices and attachments form part of this Agreement.
- 1.2.17 Notes appearing in this Agreement are operative provisions of this Agreement.

2 Status of this Agreement

- 2.1 This Agreement is a planning agreement within the meaning of s7.4(1) of the Act.

3 Commencement

- 3.1 This Agreement commences and has force and effect on and from the date when the Parties have:
 - 3.1.1 both executed the same copy of this Agreement, or
 - 3.1.2 each executed separate counterparts of this Agreement and exchanged the counterparts.

Planning Agreement - 48 Campbell Street, Gerringong

- 3.2 The Parties are to insert the date when this Agreement commences on the front page and on the execution page.

4 Application of this Agreement

- 4.1 This Agreement applies to the Land and to the Development and the LEP Amendment.

5 Warranties

- 5.1 The Parties warrant to each other that they:
- 5.1.1 have full capacity to enter into this Agreement, and
 - 5.1.2 are able to fully comply with their obligations under this Agreement.

6 Further agreements

- 6.1 The Parties may, at any time and from time to time, enter into agreements relating to the subject-matter of this Agreement that are not inconsistent with this Agreement for the purpose of implementing this Agreement.

7 Surrender of right of appeal, etc.

- 7.1 The Developer is not to commence or maintain, or to cause or procure the commencement or maintenance, of any proceedings in any court or tribunal or similar body appealing against, or questioning:
- 7.1.1 the validity of this Agreement, or an Approval relating to the Development in so far as the subject-matter of the proceedings relates to this Agreement.
 - 7.1.2 A condition of consent imposed on a Development Consent requiring this Agreement be complied with in connection with the carrying out of the Development.

8 Application of s7.11, s7.12 and s7.24 of the Act to the Development

- 8.1 Item 6.a states if this Agreement excludes or does not exclude the application of s7.11 to the Development.
- 8.2 If Item 6.a of Schedule 1 states that this Agreement does not wholly exclude the application of s7.11 of the Act to the Development, Item 7.b of Schedule 1 states whether the benefits provided by the Developer under this Agreement are to be taken into consideration when determining a Development Contribution under s7.11 relating to the Development.
- 8.3 Item 6.c of Schedule 1 states if this Agreement excludes or does not exclude the application of s7.12 to the Development.

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- 8.4 This Agreement does not exclude the application of s7.24 to the Development.

Part 2 – Development Contributions

9 Provision of Development Contributions

- 9.1 The Developer is to make Development Contributions to the Council in accordance with Schedule 2, any other provision of this Agreement relating to the making of Development Contributions and otherwise to the satisfaction of the Council.
- 9.2 Any Contribution Value specified in this Agreement in relation to a Development Contribution does not serve to define the extent of the Developer's obligation to make the Development Contribution.
- 9.3 Where a Contribution Value relates to a monetary Development Contribution the Contribution Value of the monetary Development Contribution is to be indexed quarterly in accordance with CPI from the date of execution of this Agreement.
- 9.4 The Council is to apply each Development Contribution made by the Developer under this Agreement towards the public purpose for which it is made and otherwise in accordance with this Agreement.
- 9.5 Despite clause 9.4, the Council may apply a Development Contribution made under this Agreement towards a public purpose other than the public purpose specified in this Agreement if the Council reasonably considers that the public interest would be better served by applying the Development Contribution towards that other purpose rather than the purpose so specified.

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10 Payment of monetary Development Contributions

- 10.1 A monetary Development Contribution is made for the purposes of this Agreement when the Council receives the full amount of the contribution payable under this Agreement in cash or by unendorsed bank cheque or by the deposit by means of electronic funds transfer of cleared funds into a bank account nominated by the Council.

11 Dedication of land

- 11.1 Where a Development Contribution comprises land identified in Schedule 2, that land is dedicated for the purposes of this Agreement when:
- 11.1.1 the Council is given:
- (a) a Clearance Certificate that is valid at the time of dedication of the land identified in Schedule 2, or
 - (b) the Foreign Resident Capital Gains Withholding Amount in respect of the land identified in Schedule 2, and
- 11.1.2 One of the following has occurred:

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- (a) a deposited plan is registered in the register of plans held with the Registrar-General that dedicates the land identified in Schedule 2 as a public road (including a temporary public road) under the *Roads Act 1993* (NSW) or creates a public reserve or drainage reserve under the *Local Government Act 1993* (NSW), or
 - (b) the Council is given evidence that a transfer of the land identified in Schedule 2 to the Council has been effected by means of electronic lodgement and registration through PEXA or another ELNO.
- 11.2 The Developer is to do all things reasonably necessary to enable registration of the instrument of transfer to occur.
- 11.3 The Developer is to ensure that land dedicated to the Council under this Agreement is:
 - 11.3.1 free of all encumbrances and affectations (whether registered or unregistered and including without limitation any charge or liability for rates, taxes and charges) except as otherwise agreed in writing by the Council;
 - 11.3.2 suitable for the purpose for which it is to be dedicated and is not subject to any Contamination or is accompanied by a Site Audit Statement.
- 11.4 If, having used all reasonable endeavours, the Developer cannot ensure that land to be dedicated to the Council under this Agreement is free from all encumbrances and affectations, the Developer may request that Council agree to accept the land subject to those encumbrances and affectations, but the Council may withhold its agreement in its absolute discretion.

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12 Carrying out of Work

- 12.1 Without limiting any other provision of this Agreement, any Work that is required to be carried out by the Developer under this Agreement is to be carried out in accordance with this Agreement, any design or specification specified or approved by the Council, any relevant Approval and any other applicable law.
- 12.2 If any Works form part of Schedule 2 and the design has not been approved by the Council prior to the execution of this Agreement, the Developer is not to commence construction unless the Council has provided its written consent to the design of the Work.
- 12.3 In determining whether to give its consent, the Council may require the Developer to make any change to the plans as drawings of the Works as the Council reasonably considers necessary or desirable and the Developer must make those changes.
- 12.4 The Developer, at its own cost, is to comply with any reasonable direction given to it by the Council to prepare or modify a design or specification relating to a Work that the Developer is required to carry out under this Agreement.
- 12.5 The Developer must comply with and ensure that all persons involved in carrying out any Work complies with all WHS Laws and procedures applicable to the carrying out of those works.

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- 12.6 The Developer is to promptly inform the Council of any incident occurring in relation to any Works on Council land where a person is injured or otherwise exposed to a risk to his or her health or safety, including, but not limited to, an incident which is required to be reported to WorkCover.

13 Variation to Work

- 13.1 The design or specification of any Work that is required to be carried out by the Developer under this Agreement may be varied by agreement in writing between the Parties, acting reasonably, without the necessity for an amendment to this Agreement.
- 13.2 Without limiting clause 13.1, the Developer may make a written request to the Council to approve a variation to the design or specification of a Work in order to enable it to comply with the requirements of any Authority imposed in connection with any Approval relating to the carrying out of the Work.
- 13.3 The Council is not to unreasonably delay or withhold its approval to a request made by the Developer under clause 13.2.

14 Access to land by Developer

- 14.1 If Item 7 of Schedule 1 applies, the Council authorises the Developer to enter, occupy and use land specified in Item 7 of Schedule 1 for the purpose of performing its obligations under this Agreement.
- 14.2 The Council is to permit the Developer, upon receiving reasonable prior notice from the Developer, to enter any other Council owned or controlled land in order to enable the Developer to properly perform its obligations under this Agreement.
- 14.3 Nothing in this Agreement creates or gives the Developer any estate or interest in any part of the land referred to in clause 14.1 or 14.2.

15 Access to land by Council

- 15.1 The Council may enter any land on which Work is being carried out by the Developer under this Agreement in order to inspect, examine or test the Work, or to remedy any breach by the Developer of its obligations under this Agreement relating to the Work.
- 15.2 The Council is to give the Developer prior reasonable notice before it enters land under clause 15.1.

16 Council's obligations relating to Work

- 16.1 The Council is not to unreasonably delay, hinder or otherwise interfere with the performance by the Developer of its obligations under this Agreement, and is to use its reasonable endeavours to ensure third parties unrelated to the Developer do not unreasonably delay, hinder or otherwise interfere with the performance of those obligations.

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17 Protection of people, property & utilities

- 17.1 The Developer is to ensure to the fullest extent reasonably practicable in relation to the performance of its obligations under this Agreement that:
 - 17.1.1 all necessary measures are taken to protect people and property,
 - 17.1.2 unnecessary interference with the passage of people and vehicles is avoided, and
 - 17.1.3 nuisances and unreasonable noise and disturbances are prevented.
- 17.2 Without limiting clause 17.1, the Developer is not to obstruct, interfere with, impair or damage any public road, public footpath, public cycleway or other public thoroughfare, or any pipe, conduit, drain, watercourse or other public utility or service on any land except as authorised in writing by the Council or any relevant Authority.

18 Repair of damage

- 18.1 The Developer is to maintain any Work required to be carried out by the Developer under this Agreement until the Work is completed for the purposes of this Agreement or such later time as agreed between the Parties.
- 18.2 The Developer is to carry out its obligation under clause 18.1 at its own cost and to the satisfaction of the Council.

19 Completion of Work

- 19.1 The Developer is to give the Council written notice of the date on which it will complete Work required to be carried out under this Agreement or any Stage.
- 19.2 The Council is to inspect the Work the subject of the notice referred to in clause 19.1 within 14 days of the date specified in the notice for completion of the Work.
- 19.3 Work required to be carried out by the Developer under this Agreement, or a Stage, is completed for the purposes of this Agreement when the Council, acting reasonably, gives a written notice to the Developer to that effect.
- 19.4 If the Council is the owner of the land on which Work the subject of a notice referred to in clause 19.3 is issued, the Council assumes responsibility for the Work upon the issuing of the notice, but if it is not the owner at that time, it assumes that responsibility when it later becomes the owner.
- 19.5 Before the Council gives the Developer a notice referred to in clause 19.3, it may give the Developer a written direction to complete, rectify or repair any specified part of the Work to the reasonable satisfaction of the Council.
- 19.6 The Developer, at its own cost, is to promptly comply with a direction referred to in clause 19.5.

20 Rectification of defects

- 20.1 The Council may give the Developer a Rectification Notice during the Defects Liability Period.

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Planning Agreement - 48 Campbell Street, Gerringong

- 20.2 The Developer, at its own cost, is to comply with a Rectification Notice according to its terms and to the reasonable satisfaction of the Council.
- 20.3 The Council is to do such things as are reasonably necessary to enable the Developer to comply with a Rectification Notice that has been given to it under clause 20.1

21 Works-As-Executed-Plan

- 21.1 No later than 60 days after Work is completed for the purposes of this Agreement, the Developer is to submit to the Council a full works-as-executed-plan in respect of the Work.
- 21.2 The Developer, being the copyright owner in the plan referred to in clause 21.1, gives the Council a non-exclusive licence to use the copyright in the plans for the purposes of this Agreement.

22 Removal of Equipment

- 22.1 When Work on any Council owned or controlled land is completed for the purposes of this Agreement, the Developer, without delay, is to:
 - 22.1.1 remove any Equipment from Land and make good any damage or disturbance to the land as a result of that removal, and
 - 22.1.2 leave the land in a neat and tidy state, clean and free of rubbish.

Part 3 – Dispute Resolution

23 Dispute resolution – expert determination

- 23.1 This clause applies to a Dispute between any of the Parties to this Agreement concerning a matter arising in connection with this Agreement that can be determined by an appropriately qualified expert if:
 - 23.1.1 the Parties to the Dispute agree that it can be so determined, or
 - 23.1.2 the Chief Executive Officer of the professional body that represents persons who appear to have the relevant expertise to determine the Dispute gives a written opinion that the Dispute can be determined by a member of that body.
- 23.2 A Dispute to which this clause applies is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 23.3 If a notice is given under clause 23.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 23.4 If the Dispute is not resolved within a further 28 days, the Dispute is to be referred to the President of the NSW Law Society to appoint an expert for expert determination.
- 23.5 The expert determination is binding on the Parties except in the case of fraud or misfeasance by the expert.

Planning Agreement - 48 Campbell Street, Gerringong

- 23.6 Each Party is to bear its own costs arising from or in connection with the appointment of the expert and the expert determination.
- 23.7 The Parties are to share equally the costs of the President, the expert, and the expert determination.

24 Dispute Resolution - mediation

- 24.1 This clause applies to any Dispute arising in connection with this Agreement other than a Dispute to which clause 23 applies.
- 24.2 Such a Dispute is taken to arise if one Party gives another Party a notice in writing specifying particulars of the Dispute.
- 24.3 If a notice is given under clause 24.2, the Parties are to meet within 14 days of the notice in an attempt to resolve the Dispute.
- 24.4 If the Dispute is not resolved within a further 28 days, the Parties are to mediate the Dispute in accordance with the Mediation Rules of the Law Society of New South Wales published from time to time and are to request the President of the Law Society to select a mediator.
- 24.5 If the Dispute is not resolved by mediation within a further 28 days, or such longer period as may be necessary to allow any mediation process which has been commenced to be completed, then the Parties may exercise their legal rights in relation to the Dispute, including by the commencement of legal proceedings in a court of competent jurisdiction in New South Wales.
- 24.6 Each Party is to bear its own costs arising from or in connection with the appointment of a mediator and the mediation.
- 24.7 The Parties are to share equally the costs of the President, the mediator, and the mediation.

Part 4 - Enforcement

25 Security for performance of obligations

- 25.1 The Developer is to provide Security to the Council in the amount specified in Item 10 **Error! Reference source not found.** of Schedule 1 in relation to the performance of its obligations under this Agreement.
- 25.2 The Developer is to provide the Security to the Council before it commences any part of the Development unless, before that time, the Council agrees in writing to apportion the Security to different Stages, in which case the Developer is to provide the portion of the Security relating to a particular Stage to the Council before it commences any part of the Development comprised in the Stage.
- 25.3 The Council, in its absolute discretion and despite clause 14, may refuse to allow the Developer to enter, occupy or use any land owned or controlled by the Council or refuse to provide the Developer with any plant, equipment, facilities or assistance relating to the carrying out the Development if the Developer has not provided the Security to the Council in accordance with this Agreement.

Planning Agreement - 48 Campbell Street, Gerringong

- 25.4 The Council may call-up and apply the Security in accordance with clause 29 to remedy any breach of this Agreement notwithstanding any other remedy it may have under this Agreement, under any Act or otherwise at law or in equity.
- 25.5 Subject to clause 25.6, the Council is to release and return the Security or any unused part of it to the Developer within 14 days of completion of the obligation to which the Security relates.
- 25.6 The Council may retain the Defects Liability Security until either the end of the Defects Liability Period if no defects are identified during that period or if a Rectification Notice has been issued to the Developer under clause 20, within 14 days of the Council confirming in writing that all Defects the subject of any Rectification Notice have been rectified to the reasonable satisfaction of the Council.
- 25.7 The Developer may at any time provide the Council with a replacement Security.
- 25.8 On receipt of a replacement Security, the Council is to release and return the Security that has been replaced to the Developer.
- 25.9 If the Council calls-up the Security or any portion of it, it may, by written notice to the Developer, require the Developer to provide a further or replacement Security to ensure that the amount of Security held by the Council equals the amount it is entitled to hold under this Agreement.
- 25.10 The Developer is to ensure that the Security provided to the Council is at all times maintained to the full current indexed value and to this end, it must increase the Security every 12 months in accordance with Item 10.b of Schedule 1.
- 25.11 If the Developer forms the opinion that it will not be able to complete one or more Items of Work in accordance with this Agreement, then the Developer must provide written notice to Council which:
- (a) details the Item(s) of Work that will not be completed in accordance with this Agreement, and
 - (b) details the current status of the works undertaken for each item of Work, and
 - (c) requests an extension of the time in which the Item of Work may be completed (revised date).
- 25.12 On receipt of a notice, Council must, acting reasonably, consider the notice and confirm by way of notice to the Developer that either:
- (a) the request is acceptable, or
 - (b) the request is acceptable with an alternative completion date, or
 - (c) the request is rejected.
- 25.13
- (a) Where Council provides a notice in accordance with clause 25.12(a), the parties agree that the Item(s) of Work is to be completed by the revised date.
 - (b) Where Council provides a notice in accordance with clause 25.12(b), the parties agree that the Item(s) of Work is to be completed by the date nominated in that notice.
 - (c) Where the revised date for the completion of an Item(s) of Work has been extended in accordance with clauses 25.13(a) or 25.13(b),

Planning Agreement - 48 Campbell Street, Gerringong

Council must not withhold the issue of a Subdivision Certificate by reason of an Item of Work not being completed.

26 Caveat and Discharge

- 26.1 The Developer agrees that:
 - 26.1.1 the Council may lodge a caveat on the title of the Land to which the Charge applies,
 - 26.1.2 the Council is to release the caveat from any part of the Land to which the Charge applies that is not the Charge Land once that part of the Land is contained in a separate lot to the Charge Land, and
 - 26.1.3 the Council cannot be required to have the caveat removed from the title to the Charge Land other than in accordance with clause 26.2.
- 26.2 In order to enable Final Lots to be sold, the Council is to release the Charge and withdraw the caveat from the title to any Final Lot on satisfaction by the Developer of its obligations under this Agreement to make Development Contributions in respect of the creation of the lot.
- 26.3 For the purposes of clause 26.2 the Council is to use its reasonable endeavours to provide any documentation necessary to enable the release of the Charge and withdrawal of the caveat from the title of a Final Lot on or immediately prior to the date for settlement of the sale of that lot.
- 26.4 Nothing in this Agreement prevents the registration of a plan of subdivision in respect of the Charge Land nor the creation of a Final Lot from the Charge Land.

27 Acquisition of land required for Work

- 27.1 All works are on land owned by the Developer or Council.

28 Acquisition of land required to be dedicated

- 28.1 If the Developer does not dedicate land required to be dedicated under this Agreement at the time at which it is required to be dedicated, the Developer consents to the Council compulsorily acquiring the land for compensation in the amount of \$1 without having to follow the pre-acquisition procedure under the Just Terms Act.
- 28.2 The Council is to only acquire land pursuant to clause 28.1 if it considers it reasonable to do so having regard to the circumstances surrounding the failure by the Developer to dedicate the land required to be dedicated under this Agreement.
- 28.3 Clause 28.1 constitutes an agreement for the purposes of s30 of the Just Terms Act.
- 28.4 If, as a result of the acquisition referred to in clause 28.1, the Council is required to pay compensation to any person other than the Developer, the Developer is to reimburse the Council that amount, upon a written request being made by the Council, or the Council can call on any Security provided under clause 25.

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- 28.5 The Developer indemnifies and keeps indemnified the Council against all Claims made against the Council as a result of any acquisition by the Council of the whole or any part of the land concerned except if, and to the extent that, the Claim arises because of the Council's negligence or default.
- 28.6 The Developer is to promptly do all things necessary, and consents to the Council doing all things necessary, to give effect to this clause 28, including without limitation:
 - 28.6.1 signing any documents or forms,
 - 28.6.2 giving land owner's consent for lodgement of any Development Application,
 - 28.6.3 producing certificates of title to the Registrar-General under the *Real Property Act 1900*, and
 - 28.6.4 paying the Council's costs arising under this clause 28.

Enclosure 2

29 Breach of obligations

- 29.1 If the Council reasonably considers that the Developer is in breach of any obligation under this Agreement, it may give a written notice to the Developer:
 - 29.1.1 specifying the nature and extent of the breach,
 - 29.1.2 requiring the Developer to:
 - (a) rectify the breach if it reasonably considers it is capable of rectification, or
 - (b) pay compensation to the reasonable satisfaction of the Council in lieu of rectifying the breach if it reasonably considers the breach is not capable of rectification,
 - 29.1.3 specifying the period within which the breach is to be rectified or compensation paid, being a period that is reasonable in the circumstances.
- 29.2 If the Developer fails to fully comply with a notice referred to in clause 29.1, the Council may, without further notice to the Developer, call-up the Security provided by the Developer under this Agreement and apply it to remedy the Developer's breach.
- 29.3 If the Developer fails to comply with a notice given under clause 29.1 relating to the carrying out of Work under this Agreement, the Council may step-in and remedy the breach and may enter, occupy and use any land owned or controlled by the Developer and any Equipment on such land for that purpose.
- 29.4 Any costs incurred by the Council in remedying a breach in accordance with clause 29.2 or clause 29.3 may be recovered by the Council by either or a combination of the following means:
 - 29.4.1 by calling-up and applying the Security provided by the Developer under this Agreement, or
 - 29.4.2 as a debt due in a court of competent jurisdiction.
- 29.5 For the purpose of clause 29.4, the Council's costs of remedying a breach the subject of a notice given under clause 29.1 include, but are not limited to:

Planning Agreement - 48 Campbell Street, Gerringong

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- 29.5.1 the costs of the Council's employees, agents and contractors reasonably incurred for that purpose,
- 29.5.2 all fees and charges necessarily or reasonably incurred by the Council in remedying the breach, and
- 29.5.3 all legal costs and expenses reasonably incurred by the Council, by reason of the breach.
- 29.6 Nothing in this clause 29 prevents the Council from exercising any rights it may have at law or in equity in relation to a breach of this Agreement by the Developer, including but not limited to seeking relief in an appropriate court.

30 Enforcement in a court of competent jurisdiction

- 30.1 Without limiting any other provision of this Agreement, the Parties may enforce this Agreement in any court of competent jurisdiction.
- 30.2 For the avoidance of doubt, nothing in this Agreement prevents:
 - 30.2.1 a Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Agreement or any matter to which this Agreement relates, or
 - 30.2.2 the Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Agreement or any matter to which this Agreement relates.

Enclosure 2

Part 5 – Registration & Restriction on Dealings

31 Registration of this Agreement

- 31.1 The Parties agree to register this Agreement on the Land for the purposes of s7.6(1) of the Act within 30 days of the date of this Agreement.
- 31.2 Not later than 14 days after the commencement of this Agreement, the Developer is to deliver to the Council in registrable form:
 - 31.2.1 an instrument requesting registration of this Agreement on the title to the Land duly executed by the Developer, and
 - 31.2.2 the written irrevocable consent of each person referred to in s7.6(1) of the Act to that registration.
- 31.3 The Developer is to do such other things as are reasonably necessary to enable registration of this Agreement to occur.
- 31.4 The Parties are to do such things as are reasonably necessary to remove any notation relating to this Agreement from the title to the Land:
 - 31.4.1 in so far as the part of the Land concerned is a Final Lot,
 - 31.4.2 in relation to any other part of the Land, once the Developer has completed its obligations under this Agreement to the reasonable satisfaction of the Council or this Agreement is terminated or otherwise comes to an end for any other reason.

Planning Agreement - 48 Campbell Street, Gerringong

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32 Restriction on dealings

- 32.1 The Developer or the Landowner are not to:
 - 32.1.1 sell or transfer the Land, other than a Final Lot, or
 - 32.1.2 assign the Developer's rights or obligations under this Agreement, or novate this Agreement,to any person unless:
 - 32.1.3 the Developer and the Landowner have, at no cost to the Council, first procured the execution by the person to whom the Land or part is to be sold or transferred or the Developer's rights or obligations and the Landowner's rights and obligations under this Agreement are to be assigned or novated, of a deed in favour of the Council on terms reasonably satisfactory to the Council, and
 - 32.1.4 the Council has given written notice to the Developer and the Landowner stating that it reasonably considers that the purchaser, transferee, assignee or novatee, is reasonably capable of performing its obligations under this Agreement, and
 - 32.1.5 the Developer is not in breach of this Agreement, and
 - 32.1.6 the Council otherwise consents to the transfer, assignment or novation, such consent not to be unreasonably withheld.
- 32.2 Subject to clause 32.3, the Developer and Landowner acknowledge and agrees that they remain liable to fully perform their obligations under this Agreement unless and until they have complied with their obligations under clause 32.1.
- 32.3 Clause 32.1 does not apply in relation to any sale or transfer of the Land if this Agreement is registered on the title to the Land at the time of the sale.

Enclosure 2

Part 6 – Indemnities & Insurance

33 Risk

- 33.1 The Developer performs this Agreement at its own risk and its own cost.

34 Release

- 34.1 The Developer releases the Council from any Claim it may have against the Council arising in connection with the performance of the Developer's obligations under this Agreement except if, and to the extent that, the Claim arises because of the Council's negligence or default.

35 Indemnity

- 35.1 The Developer indemnifies the Council from and against all Claims that may be sustained, suffered, recovered or made against the Council arising in

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connection with the performance of the Developer's obligations under this Agreement except if, and to the extent that, the Claim arises because of the Council's negligence or default.

36 Insurance

- 36.1 The Developer is to take out and keep current to the satisfaction of the Council the following insurances in relation to Work required to be carried out by the Developer under this Agreement up until the Work is taken to have been completed in accordance with this Agreement:
 - 36.1.1 contract works insurance, noting the Council as an interested party, for the full replacement value of the Works (including the cost of demolition and removal of debris, consultants' fees and authorities' fees), to cover the Developer's liability in respect of damage to or destruction of the Works,
 - 36.1.2 public liability insurance for at least \$20,000,000.00 for a single occurrence, which covers the Council, the Developer and any subcontractor of the Developer, for liability to any third party,
 - 36.1.3 professional indemnity insurance
 - 36.1.4 workers compensation insurance as required by law, and
 - 36.1.5 any other insurance required by law.
- 36.2 If the Developer fails to comply with clause 36.1, the Council may effect and keep in force such insurances and pay such premiums as may be necessary for that purpose and the amount so paid shall be a debt due from the Developer to the Council and may be recovered by the Council as it deems appropriate including:
 - 36.2.1 by calling upon the Security provided by the Developer to the Council under this Agreement, or
 - 36.2.2 recovery as a debt due in a court of competent jurisdiction.
- 36.3 The Developer is not to commence to carry out any Work unless it has first provided to the Council satisfactory written evidence of all of the insurances specified in clause 36.1.

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Part 7 – Other Provisions

37 Annual report by Developer

- 37.1 The Developer is to provide to the Council by not later than each anniversary of the date on which this Agreement is entered into a report detailing the performance of its obligations under this Agreement.
- 37.2 The report referred is to be in such a form and to address such matters as required by the Council from time to time.

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38 Review of Agreement

- 38.1 The Parties agree to review this Agreement by the end of the period specified in Item 15 of Schedule 1 and otherwise if either party is of the opinion that any change of circumstance has occurred, or is imminent, that materially affects the operation of this Agreement.
- 38.2 For the purposes of clause 38.1, the relevant changes include (but are not limited to) any change to a law that restricts or prohibits or enables the Council or any other planning authority to restrict or prohibit any aspect of the Development.
- 38.3 For the purposes of addressing any matter arising from a review of this Agreement referred to in clause 38.1, the Parties are to use all reasonable endeavours to agree on and implement appropriate amendments to this Agreement.
- 38.4 If this Agreement becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties agree to do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Agreement is entered into.
- 38.5 A failure by a Party to agree to take action requested by the other Party as a consequence of a review referred to in clause 38.1 (but not 38.4) is not a Dispute for the purposes of this Agreement and is not a breach of this Agreement.

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39 Notices

- 39.1 Any notice, consent, information, application or request that is to or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
 - 39.1.1 delivered or posted to that Party at its address set out in Items 13 – 16 of Schedule 1 , or
 - 39.1.2 emailed to that Party at its email address set out in Items 13 – 16 of Schedule 1.
- 39.2 If a Party gives the other Party 3 business days' notice of a change of its address or email, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or emailed to the latest address.
- 39.3 Any notice, consent, information, application or request is to be treated as given or made if it is:
 - 39.3.1 delivered, when it is left at the relevant address,
 - 39.3.2 sent by post, 3 business days after it is posted, or
 - 39.3.3 sent by email and the sender does not receive a delivery failure message from the sender's internet service provider within a period of 24 hours of the email being sent.
- 39.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

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40 Approvals and Consent

- 40.1 Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party.
- 40.2 A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

41 Costs

- 41.1 The Developer is to pay to the Council the Council's reasonable costs of preparing, negotiating, executing and stamping this Agreement, and any document related to this Agreement within 7 days of a written demand by the Council for such payment.
- 41.2 The Developer is also to pay to the Council the Council's reasonable costs of enforcing this Agreement within 7 days of a written demand by the Council for such payment.

42 Entire Agreement

- 42.1 This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with.
- 42.2 No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

43 Further Acts

- 43.1 Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to effect, perfect or complete this Agreement and all transactions incidental to it.

44 Governing Law and Jurisdiction

- 44.1 This Agreement is governed by the law of New South Wales.
- 44.2 The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them.
- 44.3 The Parties are not to object to the exercise of jurisdiction by those courts on any basis.

45 Joint and Individual Liability and Benefits

- 45.1 Except as otherwise set out in this Agreement:

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Planning Agreement - 48 Campbell Street, Gerringong

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- 45.1.1 any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and
- 45.1.2 any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

46 No Fetter

- 46.1 Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

47 Illegality

- 47.1 If this Agreement or any part of it becomes illegal, unenforceable or invalid as a result of any change to a law, the Parties are to co-operate and do all things necessary to ensure that an enforceable agreement of the same or similar effect to this Agreement is entered into.

48 Severability

- 48.1 If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- 48.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

49 Amendment

- 49.1 No amendment of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement in accordance with clause 203(5) of the Regulation.

50 Waiver

- 50.1 The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party.
- 50.2 A waiver by a Party is only effective if it:
 - 50.2.1 is in writing,
 - 50.2.2 is addressed to the Party whose obligation or breach of obligation is the subject of the waiver,
 - 50.2.3 specifies the obligation or breach of obligation the subject of the waiver and the conditions, if any, of the waiver,

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50.2.4 is signed and dated by the Party giving the waiver.

- 50.3 Without limitation, a waiver may be expressed to be conditional on the happening of an event, including the doing of a thing by the Party to whom the waiver is given.
- 50.4 A waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given, and is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.
- 50.5 For the purposes of this Agreement, an obligation or breach of obligation the subject of a waiver is taken not to have been imposed on, or required to be complied with by, the Party to whom the waiver is given.

51 GST

51.1 In this clause:

Adjustment Note, Consideration, GST, GST Group, Margin Scheme, Money, Supply and Tax Invoice have the meaning given by the GST Law.

GST Amount means in relation to a Taxable Supply the amount of GST payable in respect of the Taxable Supply.

GST Law has the meaning given by the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

Input Tax Credit has the meaning given by the GST Law and a reference to an Input Tax Credit entitlement of a party includes an Input Tax Credit for an acquisition made by that party but to which another member of the same GST Group is entitled under the GST Law.

Taxable Supply has the meaning given by the GST Law excluding (except where expressly agreed otherwise) a supply in respect of which the supplier chooses to apply the Margin Scheme in working out the amount of GST on that supply.

- 51.2 Subject to clause 51.4, if GST is payable on a Taxable Supply made under, by reference to or in connection with this Agreement, the Party providing the Consideration for that Taxable Supply must also pay the GST Amount as additional Consideration.
- 51.3 Clause 51.2 does not apply to the extent that the Consideration for the Taxable Supply is expressly stated in this Agreement to be GST inclusive.
- 51.4 No additional amount shall be payable by the Council under clause 51.2 unless, and only to the extent that, the Council (acting reasonably and in accordance with the GST Law) determines that it is entitled to an Input Tax Credit for its acquisition of the Taxable Supply giving rise to the liability to pay GST.
- 51.5 If there are Supplies for Consideration which is not Consideration expressed as an amount of Money under this Agreement by one Party to the other Party that are not subject to Division 82 of the *A New Tax System (Goods and Services Tax) Act 1999*, the Parties agree:
- 51.5.1 to negotiate in good faith to agree the GST inclusive market value of those Supplies prior to issuing Tax Invoices in respect of those Supplies;

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- 51.5.2 that any amounts payable by the Parties in accordance with clause 51.2 (as limited by clause 51.4) to each other in respect of those Supplies will be set off against each other to the extent that they are equivalent in amount.
- 51.6 No payment of any amount pursuant to this clause 51, and no payment of the GST Amount where the Consideration for the Taxable Supply is expressly agreed to be GST inclusive, is required until the supplier has provided a Tax Invoice or Adjustment Note as the case may be to the recipient.
- 51.7 Any reference in the calculation of Consideration or of any indemnity, reimbursement or similar amount to a cost, expense or other liability incurred by a party, must exclude the amount of any Input Tax Credit entitlement of that party in relation to the relevant cost, expense or other liability.
- 51.8 This clause continues to apply after expiration or termination of this Agreement.

52 Explanatory Note

- 52.1 The Appendix contains the Explanatory Note relating to this Agreement required by clause 205 of the Regulation.
- 52.2 Pursuant to clause 205 of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Planning Agreement.

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Planning Agreement - 48 Campbell Street, Gerringong

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Schedule 1

Planning Agreement Details

(Clause 1.1)

Item	Details
1. Land	Part of Lot 2 DP 1168922, known as 48 Campbell Street, Gerringong NSW 2534, as shown at Schedule 4.
2. Development	Subdivision of land to create approximately 147 residential lots and associated infrastructure including roads, bridge, riparian corridors, local park and stormwater infrastructure, to be carried out in stages.
3. LEP Amendment	Planning Proposal PP-2025-61 seeks to modify development standards to facilitate residential development, environmental management, environmental conservation and public recreation: - rezone parts of the land to R2 Low Density Residential, C2 Environmental Conservation, C3 Environmental Management and RE1 Public Recreation, - amend the HOB, FSR and LSZ maps for the proposed R2 zoned land, - identify the site as an Urban Release Area. The Gateway Determination was issued on 28 July 2025.
4. Development Application:	Not applicable.
5. Development Consent	Not applicable.
6. Application of the following provisions of the Act to the Development:	
a. Section 7.11	Wholly excluded from the Development. For completeness, section 7.11 contributions will not be excluded in respect of future applications following completion of the Development.
b. Consideration of benefits	Not to be considered.
c. Section 7.12	Wholly excluded from the Development. For completeness, section 7.12 contributions will not be excluded in respect of future applications following completion of the Development.
d. Division 7.1, Subdivision 4	Not excluded.

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7. Access to Council Land	Access to Council land will be required for the bridge construction.
8. Defects Liability Period	12 months from the date of completion or handover.
9. Charge Land	Not applicable.
10. Security: a. Security b. Indexation of Security	 \$1,000,000. To be provided prior to the issue of a Subdivision Works Certificate and to be held by Council until 12 months after all obligations under this Agreement, including maintenance periods, have been completed. CPI
11. Defects Liability Security	Included in Security amount at 10(a)
12. Security for Works on land not owned by Developer	Not applicable.
13. Council Contact for Notices	Postal Address: PO Box 75 KIAMA NSW 2533 Email: council@kiama.nsw.gov.au Telephone: 02 4232 0444 Representative: Ms Jane Stroud
14. Developer Contact for Notices	Postal Address: 48 Campbell Street, Gerringong Email: neil.campbell@raywhite.com Telephone: 0413 757 899 Representative: Mr Neil Campbell
15. Review Period	Not applicable. Refer to clause 39.

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Schedule 2

(Clause 9)

Development Contributions – See below table

Note: Notional costs and timing to be updated once available.

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Item/ Contribution	Public Purpose	Manner & Extent	Timing
A. Monetary Contributions			
1. Stage 2 \$109,696 Stage 6 \$102,475 Total \$212,171	Maintenance of riparian lands.	A monetary contribution toward Council's future maintenance of the riparian areas.	Prior to the issue of a Subdivision Certificate for the relevant stage.
2. Stage 1 \$10,000 Stage 2 \$13,000 Stage 3 \$3,000 Stage 4 \$11,000 Stage 5 \$8,500 Stage 6 \$12,000 Stage 7 \$16,500 Total \$74,000	Administration of the Planning Agreement.	A monetary contribution towards Council's administration of the Planning Agreement. Calculated at \$500.00 per lot.	Prior to the issue of a Subdivision Certificate for the relevant Stage.
B. Dedication of Land			
1. Local Park	Open Space.	The dedication of approximately 2,500sqm of land for local open space. <i>Notional value \$450,000</i>	Prior to the issue of a Subdivision Certificate for Stage 2. As part of the subdivision of Stage2, the land must be shown as Public Reserve on the plan of subdivision for dedication to Council.

Planning Agreement - 48 Campbell Street, Gerringong

Item/ Contribution	Public Purpose	Manner & Extent	Timing
2. Riparian corridors	Riparian Corridors.	The dedication of approximately 6.17ha (61,700sqm) of land for riparian corridors. Stage 1 – 3.19ha Stage 2 – 2.98ha <i>Notional value</i> C2 \$266,400 C3 \$425,700 <i>Total \$692,100</i>	Prior to the issue of a Subdivision Certificate for the relevant Stage (ie the stage in which the land is included). As part of the subdivision of the relevant Stage the land must be shown as Drainage Reserve on the plan of subdivision for dedication to Council.
3. Bioretention basins	Stormwater management	The dedication of land for stormwater management including a buffer for maintenance access. <i>Notional value \$TBC</i>	Prior to the issue of a Subdivision Certificate for the relevant Stage (ie the stage in which the land is included).. As part of the subdivision of the relevant Stage the land must be shown as Drainage Reserve on the plan of subdivision for dedication to Council.
C. Carrying out of Work			
1. Local Park	Open Space.	The embellishment of a local park in accordance with the approved plan, including embellishment (playground equipment, seating, pergola, planting and lighting). The final design is to be approved by Council with the Development Application and Subdivision Works Certificate. The park is to be maintained by the Developer for 24 months from dedication in accordance with a maintenance plan approved by Council. <i>Notional value \$550,000</i>	Prior to the issue of a Subdivision Certificate for Stage 2..

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Enclosure 2

Planning Agreement - 48 Campbell Street, Gerringong

Item/ Contribution	Public Purpose	Manner & Extent	Timing
2. Riparian corridors	Riparian Corridors.	Regeneration works in accordance with the approved Vegetation Management Plan and the approved Development Application. The riparian corridors are to be maintained by the Developer for 5 years from dedication in accordance with the requirements of the Vegetation management Plan and Development Control Plan. <i>Notional value</i> C2 \$TBC C3 \$TBC	Prior to the issue of a Subdivision Certificate for the relevant Stage (ie the stage in which the land is included).
3. Bridge to Elambra Parade	Transport.	Construction of a new bridge between 48 Campbell Street and Elambra Parade including design, new services, kerb and guttering, 2 travelling lanes and one 2.5m wide footpath. The final design is to be approved by Council with the Development Application and Subdivision Works Certificate. <i>Notional value \$2,258,878</i>	Prior to the issue of a Subdivision Certificate for Stage 2.
4. Bioretention basins	Stormwater management	Construction of stormwater management and associated infrastructure including gross pollutant traps. The final design is to be approved by Council with the Development Application and Subdivision Works Certificate. The stormwater infrastructure is to be maintained by the Developer for 24 months from dedication in accordance with a maintenance plan approved by Council. <i>Notional value \$2,002,019</i>	Prior to the issue of a Subdivision Certificate for the relevant Stage (ie the stage in which the land is included).

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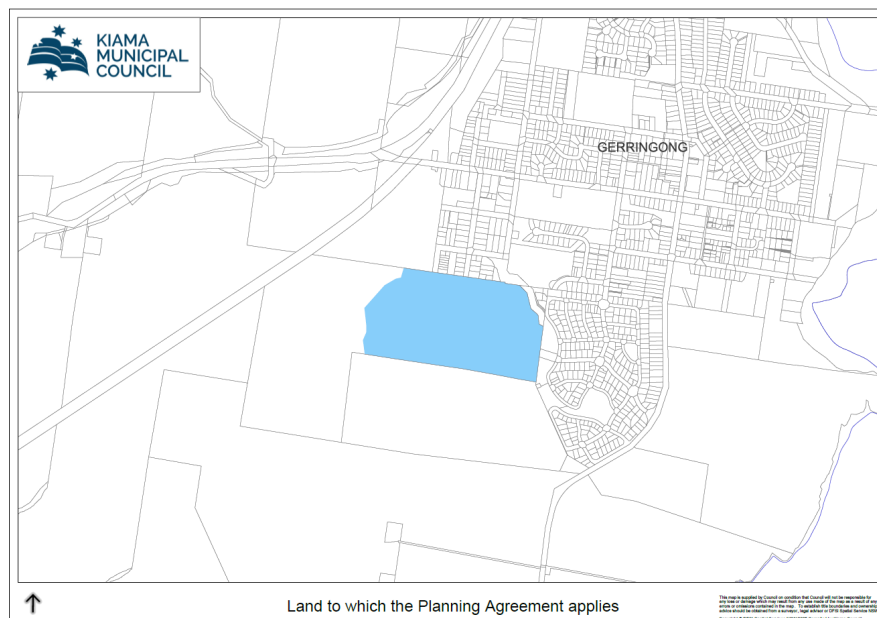
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Schedule 3

(Clause 1 and Item 1 of Schedule 1)

Map of the Land

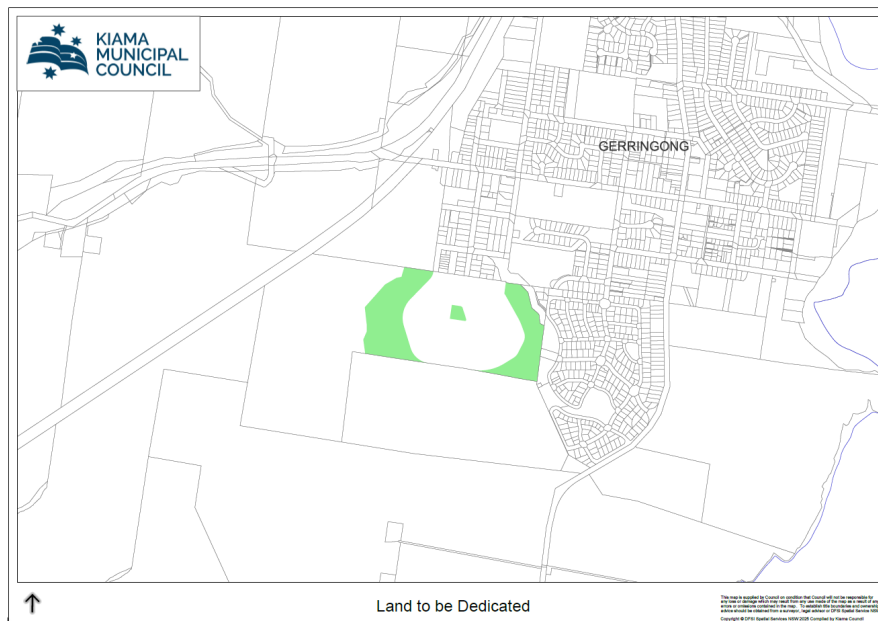
Enclosure 2



Schedule 4

(Clause 9 and Schedule 2)

Land to be dedicated



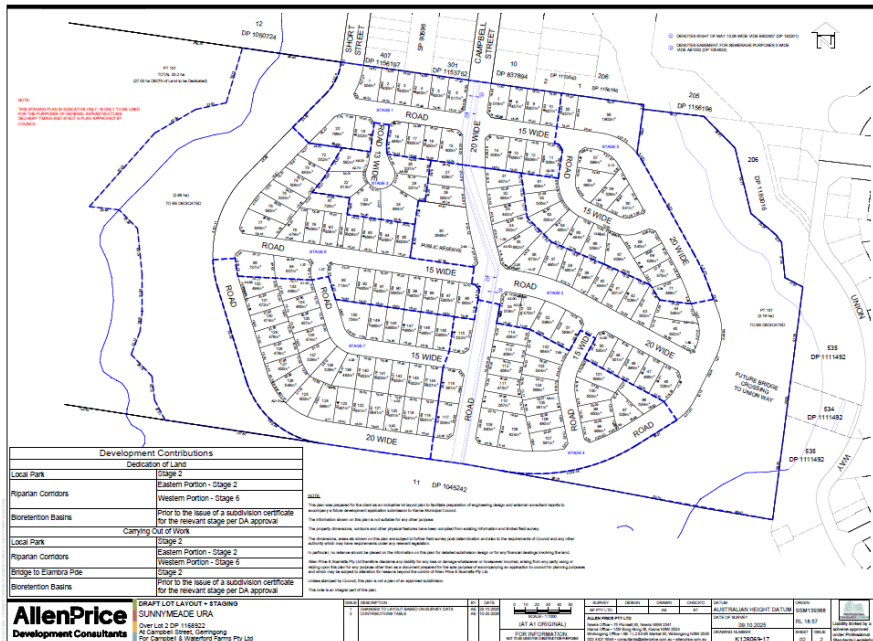
Note: Land for stormwater basis are not shown on this map.

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Schedule 5

(Schedule 2)

Indicative Staging Plan



Note: The Staging Plan is indicative only and is provided for the purpose of the timing of items in this Agreement. The staging plan and Development is subject to a future approval with a Development Application. Where there are changes to the order or boundary of staging, Council will advise the revised Timing (by stage) that the Item of Land or Works in Schedule 2 must be completed.

Planning Agreement - 48 Campbell Street, Gerringong

Execution

Executed as an Agreement

Dated:

Signed on behalf of **Kiama Municipal Council** (ABN 22 379 679 108) pursuant to delegation of the Council dated 18 November 2025 (25/3700C).

Signature of authorised delegate

Signature of Witness

Name of authorised delegate

Name of Witness

Position of authorised delegate

Signed on behalf of **SMG Property Holdings Pty Ltd** (ABN 11 655 534 473) in accordance with s127(1) of the Corporations Act (Cth) 2001.

Signature

Name

Position

Item 14.4

Enclosure 2



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2025-61): to amend the Kiama Local Environmental Plan 2011 to modify development standards to facilitate residential development, environmental management, environmental conservation and public recreation on part of 48 Campbell Street, Gerringong (Lot 2 DP 1168922).

I, the Acting Director, Southern, Western and Macarthur Region, at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Kiama Local Environmental Plan (LEP) 2011 as described above should proceed subject to the following.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 28 April 2026.

Gateway Conditions

1. Prior to public exhibition, the planning proposal shall be updated to the satisfaction Council to:
 - (a) update the statement of objectives to replace references to the Kiama Local Strategic Planning Statement 2020 with the Kiama Local Housing Strategy 2025;
 - (b) ensure the planning proposal and relevant supporting technical studies are consistent in addressing the latest version of the proposal, proposed LEP controls and Structure Plan;
 - (c) include a more detailed assessment of how the planning proposal is consistent with key relevant objectives and strategies in the Illawarra Shoalhaven Regional Plan 2041;
 - (d) address consistency with:
 - o the Kiama Local Strategic Planning Statement – 2025 Update;
 - o the Kiama Local Housing Strategy 2025;
 - o State Environmental Planning Policy (Resources and Energy) 2021; and
 - o State Environmental Planning Policy (Primary Production) 2021.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:

Item 14.5

Enclosure 1

- (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 working days; and
- (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- Sydney Water;
 - NSW Department of Climate Change, Energy, the Environment and Water;
 - Natural Resources Access Regulator;
 - Heritage NSW;
 - Illawarra Local Aboriginal Land Council;
 - Sydney Water;
 - Endeavour Energy;
 - NSW State Emergency Service;
 - NSW Department of Primary Industries – Agriculture; and
 - NSW Rural Fire Service (prior to undertaking community consultation).
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 40 working days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 28 July 2025



Chantelle Chow
Acting Director, Southern, Western and Macarthur
Region
Local Planning and Council Support
Department of Planning, Housing and Infrastructure

Delegate of the Minister for Planning and Public
Spaces

PP-2025-61 (IRF No 25/1457)



Public Exhibition Engagement Report

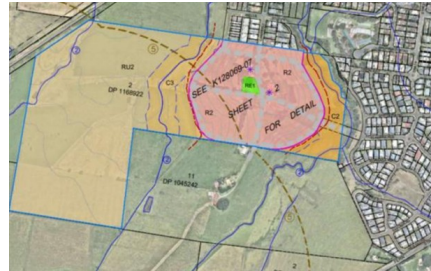
Planning Proposal: PP-2025-61

48 Campbell Street, Gerringong

Planning Proposal to rezone part of 48 Campbell Street, Gerringong (PP-2025-61)

This Planning Proposal seeks to amend the Kiama Local Environmental Plan (LEP) 2011 and to rezone part of 48 Campbell Street, (Lot 2 DP 1168922), Gerringong for residential development. The site will be identified as an Urban Release Area for approximately 147 lots, open space and associated infrastructure.

This report summarises both the community and state agency feedback received during the exhibition period.



Public exhibition period

8 August 2025 to 21 September 2025.

How community got involved



624
Website visitors



several
pop-up participants



27
submissions received

What we heard

Some submissions support well planned growth and the opportunities it provides such as coordinated planning and delivery of housing. Some submissions raised concern in relation to traffic, child / pedestrian safety, flooding and stormwater, contamination, environmental and agricultural impacts, and open space.

The comments received by State Agencies comments have been addressed by the applicant.

Outcome

The Floor Space Ratio (FSR) has been increased from 0.45:1 to 0.5:1. The traffic concerns will be further considered at DA stage. All issues raised by the state agencies have been satisfactorily resolved.

What's next

The Planning Proposal PP-2025-61 will be reported back to Council seeking endorsement for finalisation and to amend the Kiama Local Environmental Plan (LEP) 2011 accordingly.

Following finalisation of the Planning Proposal a site-specific Development Control Plan (DCP) will be prepared. All future applications will then be assessed in accordance with the LEP and DCP.



Summary table of feedback received and staff responses – Individual submissions

Note: All submissions have been read and considered in full. This report provides a high level summary of the key themes raised.

Feedback received	Response	Outcome
Traffic Impacts, Traffic Study and Child/Pedestrian Safety Child and pedestrian safety were a key concern of many submissions. Concerns were raised regarding traffic impacts and access issues within the existing road network. A summary of concerns include: 1. Belinda Street and Campbell Street Intersection: • Poor sight lines and sun glare when turning. • Increased traffic speed and congestion. • Concerns that Campbell Street will become a major thoroughfare. • No existing pedestrian infrastructure on Campbell Street i.e. footpaths and bike lanes. Children and young families are forced onto the road. • No traffic mitigation measures to slow traffic. 2. Elambra Parade: • The road only has space for one car to pass. • Concerns that Elambra Parade will become a major thoroughfare. • Increased traffic and speed causing a safety risk. 3. Concerns that the Bridge crossover impacts on: • Increasing traffic flow, speed and congestion through the existing Elambra Estate.	These comments are acknowledged. Traffic Counts contained within the TIA (Annexure C) were undertaken from the 6th to the 13th of November 2019, which pre-dates COVID lockdowns. Trip generation rates (vehicle movements) are estimated by land use type as published by TNSW (i.e. 7.4 daily vehicle trips per dwelling). The relationship of car ownership per dwelling has no bearing on estimated trip generation rates. The traffic counts included a tube counter located within Campbell Street north of the entry to the Gerringong Hotel, therefore vehicle movements associated with the hotel were included in the submitted count data. As part of the Subdivision Development Application (post rezoning) an updated Traffic Impact Report will be required which will need to include updated development specific traffic counts, current day scenario assessment and 10 background growth scenarios assessments. Should any additional traffic, road safety or pedestrian safety issues arise, this will need to be considered with the TIA and assessed concurrently with the future subdivision development application. The site-specific Development Control Plan will ensure that new roads (road design) within the URA are compliant, provision of pathways, pedestrian crossings, on-street parking and traffic treatment. Through the design process, focus will be placed on safety.	The Planning Proposal is supported to progress to finalisation to rezone part of the site. The developer is responsible for the provision of infrastructure, services and the bridge crossover within the URA. Council will work cooperatively with the applicant through the DCP process to ensure good and safe design is achieved. The community will have the opportunity to make submissions during public exhibition of the Draft DCP. Council's Strategic Planning and Engineering Teams will liaise to ensure the provision of appropriate traffic mitigation measures for existing roads, intersections, pathways and cycleways outside of the URA. Any traffic mitigation measures or upgrades outside of the URA may be funded by Council's

Feedback received	Response	Outcome
- Creates a safety risk for children who walk and ride to school unaccompanied. - The future southern site will utilise the same bridge crossover and cause further traffic impacts. 4. Pedestrian access: - There are no footpaths or bicycle paths for children and young families, and they are forced onto the road. - Lack of streetlights 5. Traffic Impact Assessment (TIA): - Concerns regarding the validity of the Traffic Impact Study being completed during Covid-19 lockdown when less vehicles were on the road. - The TIA assess impacts based on the subject site and the southern site. The amended TIA is based on 317 lots across both sites. The PP for the subject site proposes 147 lots. Other concerns: - Why was there no referral to Transport for NSW? - Existing roads are not suitable for heavy rigid vehicles entering/exiting during construction and for transportation of building materials. - Suitable roads for waste collection services, emergency services and other services. <i>Suggestions provided to improve access and safety included: Footpaths, speed humps, roundabout, traffic lights, road widening, alternative locations for the bridge crossover, and treatment at Belinda St and Campbell St intersection.</i>	It is noted that the subject site and the road reserve for the bridge crossover is indicated in the Gerringong Charette 1995. As part of the subdivision that created the existing Elambra Estate a road reserve was provided in the bridge cross-over location, to secure the future connection point. This is shown in the image below.  Figure 1: Subject site (black outline) as identified in the Gerringong Charette 1995 The Gateway Determination issued by the Department of Planning, Housing and Infrastructure (DPHI) did not require the PP to be referred to Transport for NSW as the traffic would predominantly impact local roads and intersections for which Council is the local roads authority.	Section 7.12 Development Contributions reserve.



Feedback received	Response	Outcome
Inadequate community infrastructure There was concern that the development is not receiving sufficient community infrastructure, and specifically that there is: a) No neighbourhood store b) No childcare facility c) No active open space (ie sports fields) d) Poor public transport	The development is providing adequate community infrastructure through the delivery of one (1) local park, footpaths, and the enhancement of environmental land (i.e informal open space). The development will also provide section 7.12 contributions towards off site community infrastructure (i.e when dwellings are built). a) There are services available in Gerringong, Kiama and surrounding suburbs, Council's Draft Employment Lands Strategy also identifies additional employment lands in the vicinity of this site which will provide additional services and employment opportunities. b) Childcare facilities are permissible in the R2 zone. The planning controls enable this outcome on this site. c) The site is not suitable for the location of formal sports fields, however a local park will be delivered and contributions will be collected towards off site facilities. d) A public and active transport network will be designed as part of the DCP preparation.	The Planning Proposal is supported to progress to finalisation to rezone part of the site.
Public Open Space and Landscaping Submissions include concerns for the following: 1. Green space deficit: Concerns that the proposed development includes only token green areas, with no clear commitment to public parks, playgrounds, or community gardens. The absence of usable green infrastructure will reduce liability and biodiversity. 2. Street-level amenity: Concerns that there is no mention of street tree planting, verge landscaping, or native vegetation	The Planning Proposal process is to rezone land to facilitate residential development. As part of the rezoning process land for public open space (a local park) and environmental management (riparian corridors) is being secured. The development is considered to be providing adequate community infrastructure through the delivery of one (1) local park, footpaths, and the enhancement of environmental land (i.e informal open space). The development will also provide section 7.12 contributions towards off site community infrastructure (i.e when dwellings are built).	The Planning Proposal is supported to progress to finalisation. Following finalisation of the Planning Proposal, the site-specific DCP will be prepared. The Draft DCP will be publicly exhibited, and the community will have the opportunity to provide comment.

Feedback received	Response	Outcome
corridors. These elements are essential to maintaining the character of Gerringong and supporting ecological health and reducing visibility of development. 3. Infrastructure clarity: Concerns that the proposal does not specify whether green spaces will include playground, dog off leash areas, seating, shade structures, or recreational facilities.	Elements such as street-tree planting, verge landscaping, tree canopy, embellishment of local parks etc will be addressed as part of the site specific Development Control Plan (DCP). The community will have the opportunity to provide feedback during future public consultation of the draft DCP.	
Housing needs / planning concerns Submissions raised concerns for the following: 1. Proposed Lot size: Some submissions reiterated the need for a diverse range of housing. Some supported the proposed lot sizes of 450-500sqm and others expressed that this was inconsistent with the lot sizes currently in Gerringong (i.e 650m² to 1,200m²). Concerns were raised that smaller blocks may result in overdevelopment. 2. Overdevelopment and land zoning Concerns we raised that the northern end of Campbell Street is currently zoned R3, and could create a serious risk of overdevelopment, with flow on affects to traffic and congestion. 3. Short term rental accommodation (STRA) Concerns were raised that the development would result in an increase in STRA.	The adjoining Elambra Estate and surrounding land has a minimum 450sqm lot size, so the PP is consistent in terms of the planning controls. The URA does not propose any R3 zoning. The URA area proposes R2 low density residential zoning only. Development within the R2 zone must comply with the relevant LEP controls such as: • Maximum building heights of 8.5m • Floor space ratio of 0.5:1 • Minimum lot size of 450sqm The proposed planning controls will enable single dwellings, dual occupancies and secondary dwellings to be constructed, and the site-specific Development Control Plan (DCP) will include a concept master plan that may identify where any multi dwelling housing may be suitable. It is noted that STRA is exempt development under the State Environmental Planning Policy and therefore is therefore permissible.	The Planning Proposal is supported to progress to finalisation. The site is proposed to have an FSR of 0.5:1 which will ensure that a variety of dwelling types may be provided. The concept master plan and subdivision layout will be further considered through the DCP and subdivision development application.



Feedback received	Response	Outcome
Contamination Issues / On-site Encapsulation Cell Concerns were raised over the remediation process and volume of contaminants on the site. Concerns included asbestos, the proposed on-site encapsulation cell and the impacts on Agricultural land. - Public safety during remediation works: - How this will be managed to ensure public safety. - Airborne dust concerns. - On-site encapsulation cell - Who will be responsible for the cell? - What if the cell fails and the impacts this will have on livestock and public safety? - How will there be assurance of 'lifetime in-perpetuity'? - Why are there no funds allocated in the VPA for the cell? - Why is all the contamination and asbestos not just removed off site instead of the cell? - It appears there is no definitive location for the cell.	Comments are welcome and taken on board. The applicant has engaged Environment and Natural Resource Solutions. Concerns raised by the NSW EPA and NSW DPIRD about impacts of the cell on Agriculture and livestock have been addressed by the applicant. The following design elements will be utilised during the refined encapsulation cell design to ensure the ongoing maintenance requirements of the cell area achievable, and the finished product is designed specifically to both promote, and sustain, the ongoing agricultural productivity of the subject land: Capping layer construction: To ensure the capping layer can withstand ongoing agricultural land use such as livestock grazing, the design of the capping layer will utilize suitably constructed engineered layers to ensure the long-term stability of the encapsulation cell beyond that of a standard typical encapsulation cell construction. This may include features such as rock bridging layers and/or increased cap thicknesses, as well as overlying geotextile marker layers. Capping layer designs will ensure that in the unlikely event overlying material is disturbed to the point where the capping layer is revealed, damage to the cap or exposure of emplaced materials is prevented; Intermediate warning layers: In addition to the regular marker layer place on top of the capping material, a secondary intermediate warning layer will be installed within the clean material reinstated on top of the capping layer. This will facilitate any continued "top up" maintenance of the overlying soil materials (if required) as regular maintenance works by the landowner, that is works not required to be conducted by an asbestos removal contractor.	The finalised encapsulation cell design will be prepared by an appropriately qualified engineer and is capable of being constructed in a manner which protects the agricultural productivity of the land. At all stages the NSW EPA Accredited Site Auditor will be involved to provide further Interim Audit Advice endorsement throughout the project. To address concerns about ongoing management, the Long Term Environmental Management Plan (LTEMP) for the Site will be legally enforceable under the relevant legislation and developed to include protocols for the ongoing maintenance of the encapsulation cell capping layer integrity. Supported by the encapsulation cell design, the LTEMP will outline procedures which help facility ongoing maintenance by the landowner. This will be a requirement of the future development application.



Feedback received	Response	Outcome
Agricultural lands and Visual impacts Some submissions raised concerns about the impacts on Agricultural land, scenic landscape and views. These included: • The need to protect agricultural land highlighted the significant scenic contribution that our rural land makes to the unique character of the area. • Impacts of the on-site encapsulation cell on Agricultural land and livestock. • Concerns that no Agricultural assessment was provided. • The important contribution of our green rolling hills. Visual impacts • Impacts on the visual landscape and visual intrusion on existing houses. • Significant environmental values and visual landscape amenity and this should be protected.	3. <i>Topsoil reinstatement:</i> Topsoil excavated from the encapsulation cell construction will be stockpiled on Site for reinstatement overlying the intermediate marker layer. This will help ensure the current agricultural productivity of the land is maintained throughout the future of the Site. The value of environmental and open space land and community concern about the loss of and impact to environmental lands is acknowledged. All rezoning applications consider the agricultural value of the land and aim to ensure that appropriate buffers exist between urban areas and on-going agricultural uses on rural farmland in order to minimise potential land use conflicts. The applicant prepared a LUCRA assessment as requested by DPI. The applicant has addressed comments provide by the EPA and DPI regarding the on-site encapsulation cell and reducing impacts on the Agriculture land and livestock. The proposal is supported by a Visual Impact Analysis (VIA) which generally concludes the proposed residential development will not significantly diminish the rural landscape amenity any more than the existing Gerringong township. The VIA finds impacts can be mitigated through perimeter and watercourse landscape plantings. The site has both strategic and site-specific merit to be rezoned for residential purposes. 48 Campbell Street, Gerringong has been identified as a greenfield urban expansion area in the Gerringong Charrette 1995, Kiama Local Strategic Planning Statement 2020, Illawarra and Shoalhaven Regional Plan 2041, and the Kiama Local Housing Strategy 2025.	The Planning Proposal is supported to progress to finalisation to rezone part of the site. See also comments provided above on the contamination/on-site cell.



Feedback received	Response	Outcome
Flooding, Run-off and Wastewater impacts Concerns were raised over existing flooding and run-off of the subject site and Union Creek. Concerns included: - Flooding of the site and Union Creek. - Impacts on riparian corridors and biodiversity. - Increased water run-off from new developments. - Impacts on wastewater infrastructure and capacity. - Emergency evacuation.	For the site to be supported for rezoning it must demonstrate safe full flood free access of the whole site, without relying on any shelter-in-place. The site has been able to demonstrate with the bridge crossover that emergency evacuation can be achieved. Road design must ensure that emergency services vehicles are able to enter and exit the site. The URA must also demonstrate that the site can be serviced by water and wastewater. This infrastructure must be in place for each lot prior to any subdivision. Refer also to the Sydney Water and DCCCEW comments. The creek and riparian corridors will be managed through a Vegetation Management Plan (VMP) which will be implemented through the development application process and delivered through the Planning Agreement.	Delivery of the bridge and the riparian corridor works have been secured through the Planning Agreement that is associated to this PP. The DCP and DA processes will further ensure appropriate infrastructure, roads and flooding controls.
Infill development / Gerringong Town Centre Study Some submissions encouraged the use of infill development to meet our housing supply targets, others raised concern of a lack of supporting infrastructure for the proposed development. Some submissions raised the absence of the Gerringong Town Centre Study in determining suitable locations for housing supply. Other concerns included: visual impacts, urban sprawl, and development in isolation without broader planning context.	The Local Housing Strategy acknowledges that a mix of infill and greenfield development is needed to support the expected population growth and ensure the housing targets are met. The Gerringong Town Centre study will focus on the town centre and opportunities for high density infill development the city centre, which will complement greenfield development. The site has both strategic and site-specific merit to be rezoned for residential purposes. 48 Campbell Street, Gerringong has been identified as an urban expansion area in the Gerringong Charrette 1995, Kiama Local Strategic Planning Statement 2020, Ilawarra and Shoalhaven Regional Plan 2041, and the Kiama Local Housing Strategy 2025.	The planning proposal has both site specific and strategic merit to be rezoned for residential purposes. The PP is supported to progress to finalisation.



Summary table of feedback received and staff responses – State Agencies

Feedback received	Response	Outcome
Sydney Water Trade wastewater requirement - If this proposed development is anticipated to generate trade wastewater, the developer must submit an application requesting permission to discharge trade wastewater to Sydney Water's wastewater system. Applicant must wait for approval and issue of a permit before any business activities can commence. The proponent should complete and return a Growth Data Form to their Sydney Water case manager under CN220551. The Growth Data Form should be updated promptly with Sydney Water in case of changes. The development servicing advice provided is not formal approval of servicing requirements and is based on the best available information at the time of referral (e.g. planning proposal). It is important to note that this information can evolve over time with the progression of other developments, changes within the local systems and receiving works. This is particularly important in systems with limited capacity.	The applicant provided a feasibility analysis to Sydney Water which demonstrate capacity to service the 147 lots. The applicant contacted the Case Manager as requested in Sydney Water's referral advice. There are no outstanding issues with Sydney Water.	The Planning Proposal is supported to progress to finalisation.
NSW Department of Climate Change, Energy, Environment and Water (DCCEEW) DCCEEW have provided satisfactory referral advice. Some matter raised previously that have now been satisfied included: - No shelter-in-place is supported, the site must demonstrate safe full flood free emergency evacuation. - Updates to the FIRA to address public safety, adverse impacts and climate change. - Ecological constraints report to include the bridge location. - Consideration for riparian corridors.	The applicant provided an addendum FIRA, ecological report and made minor adjustments to the bridge concept plan to address outstanding matters raised by DCCEEW. DCCEEW provided satisfactory referral advice that sufficient information has been provided to enable appropriately informed advice from the SES on emergency management planning and subsequently for the PPA to establish the consistency of the proposal with all elements of the Section 9.1 (2) Local Planning	The Planning Proposal is supported to progress to finalisation. The bridge design will occur as part of the subdivision development application and will be delivered by the Developer through the Planning Agreement.



Feedback received	Response	Outcome
	Direction - Focus Area 4: Resilience and Hazards 4.1 Flooding. Ecoplanning has outlined the considerations of with the bridge location and that the PP can proceed in light of discussions with Council on a bridge location.	
NSW State Emergency Services The SES notes that the updated FIRA identifies that the proposed bridge enables flood free access for all existing residential development between Belinda Street and the site, in all events up to and including the PMF. The FIRA indicates that the proposed development will not result in adverse off-site impacts on people, property or the environment in all events up to and including the PMF. SES notes that shelter-in-place is no longer required as the bridge will provide an additional entry/exit route. Consideration has been given to the full range of flooding and including climate change, as larger floods may pose significant risk to the development. The SES recommends designing the site and stormwater management to reduce the impact of flooding and minimise any risk to the community. Any improvements that can be made to reduce flood risk will benefit the community.	As per above (Refer to DCCEEW response).	The Planning Proposal is supported to progress to finalisation.
Department of Industries – Agriculture 1. Impacts to Agriculture The Department recommended that the applicant undertake a Land Use Conflict Risk Assessment (LUCRA) to identify potential impacts the proposal may impose on or experience from, lawful agricultural land uses and activities. The LUCRA will help to inform any land use conflict mitigation measures such as any buffer requirements. The LUCRA should follow the Department's	Council met with DPI and EPA to discuss their referral comments in relation to impacts on Agricultural land and livestock and the proposed on-site contamination cell. 1. The applicant prepared a LUCRA assessment as requested by DPI. The applicant has addressed comments provide by the EPA and DPI regarding the on-site encapsulation cell and reducing impacts on Agriculture and livestock.	The Planning Proposal is recommended to be finalised. Conditions will be included on the consent with regards to the on-site encapsulation cell and the Long Term Environmental



Feedback received	Response	Outcome
LUCRA guidelines and demonstrate in detail appropriate consultation with all stakeholders. The Department notes that C3 Environmental Management zoning is proposed at the interface between the residential development and the residual agricultural land. This is supported and will provide a separation distance between the future residential area and the remaining agricultural land. The LUCRA will assist in identifying further risk mitigation measures and importantly consider measures to manage the interface with the future residential area and the agricultural land to the south. Any broader risks to agriculture in the locality will also need to be addressed. Council should also ensure that the proposal enables flood refuge should livestock grazing be undertaken on the residual RU2 land. It is unclear whether this remains available post development. 2. Contaminated Waste The Department is concerned with the potential risks to agricultural resources and implications for continued agricultural production on the residual RU2 Rural Landscape land should onsite encapsulation of a portion of the identified contaminated waste be approved. The Department considers that the contaminated waste matter should be addressed prior to the development application stage to ensure there is a clear plan for mitigating the risks associated with this matter prior to approval and a clear understanding of the implications for future agricultural use of the residual RU2 land. Should encapsulation through the above assessment be identified as the preferred site remediation method, it is understood that the encapsulation cell will require a Site Management Plan, NSW EPA Site Auditor engagement and sign off (Site Audit Statement).	It is noted and agreed that the proposed C3 Environmental Management land will provide a buffer between the residential and rural land. 2. It is noted and agreed that the contaminated waste will need to be resolved prior to development application stage. The applicant has provided sufficient information to demonstrate that there are suitable options. The proposal is also supported by a Visual Impact Analysis (VIA) which generally concludes the proposed residential development will not significantly diminish the rural landscape amenity any more than the existing Gerringong township. The VIA finds impacts can be mitigated through perimeter and watercourse landscape plantings.	Management Plan (LTEMP) of the cell.



Feedback received	Response	Outcome
Environmental Protection Authority Feedback included: - Noise and water quality - A containment cell is proposed to be placed on RU2 land where livestock grazing is likely. The EPA notes that the RAP does not specifically consider the likelihood that livestock will be allowed to graze on top of the capped areas, but section 18.9 of the RAP outlines that the containment cell will need to be managed under an Environmental Management Plan (EMP) which outlines protocols for managing and monitoring the capped area. Based on the protocols included in the RAP, it does not appear that the containment cell has been specifically designed to consider livestock grazing on the capped areas. - A failure to maintain the integrity of the capped areas increases risks of asbestos and other contaminants contained in the cell being exposed. - Any containment cell must be managed via an EMP that is both legally enforceable and publicly notified. - An NSW accredited site auditor has reviewed the RAP but it is unclear whether they were aware livestock may graze on the capped areas. - Similar NSW development with encapsulated asbestos in a containment cell - Activities that could take place on RE1 land are considered less likely to pose a risk to containment cell capping that those likely to occur under a RU2 land use. - Future rezoning of the Site – The cell location should consider whether future rezoning of RU2 land might occur. - Wastewater Management - The EPA note that Sydney Water has advised in their Wastewater Feasibility Letter that	The recommendations provided by the EPA have been taken on board by the applicant. Council will incorporate these recommendations as conditions on any future development consent. Council met with DPI and EPA to discuss the on-site contamination cell and impacts on Agricultural land and livestock. The finalised encapsulation cell design will be prepared by an appropriately qualified engineer and is capable of being constructed in a manner which protects the agricultural productivity of the land, and at all stages the NSW EPA Accredited Site Auditor will be involved to provide further Interim Audit Advice endorsement throughout the project. Long Term Environmental Management Plan (LTEMP): To address concerns about ongoing management, the LTEMP for the Site will be legally enforceable under the relevant legislation and developed to include protocols for the ongoing maintenance of the encapsulation cell capping layer integrity. Supported by the encapsulation cell design, the LTEMP will outline procedures which help facility ongoing maintenance by the landowner. Conditions would be imposed on future development approvals. Council do not support the on-site encapsulation cell being located within the R2 or RE1 zones within the urban release area. Council supports the cell being located in the residual RU2 zoned land and this will be included in the DCP controls for the site and enforced through the development application process.	The Planning Proposal is supported to progress to finalisation. The recommendations provided by EPA will be implemented as conditions on any future consent. The Long Term Environmental Management Plan (LTEMP) of the cell will ensure it is appropriately managed.



Feedback received	Response	Outcome
upgrades will likely be required to the local sewer network to accommodate the Proposal. Recommendation: The EPA recommends that the PPA consider whether the RU2 land is the most appropriate area to locate the proposed containment cell, when considering proposed and potentially future land use zoning. Where the PPA finalises the Proposal, the EPA recommends that the PPA utilise an Environmental Planning Instrument or Development Control Plan to ensure that: - any containment cell utilised is designed by a suitably qualified engineer and that the activities likely to take place to the capped areas (such as livestock grazing) are considered as part of the design. - any remediation is carried out by suitably qualified persons. - post-remediation validation reporting and an Environmental Management Plan for the containment cell is: - o prepared, or reviewed and approved, by consultants certified under either: - the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)); or - the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme; and - o be prepared in accordance with Consultants Reporting on Contaminated Land: Contaminated Land Guidelines (EPA, 2020) and relevant guidelines made or approved by the EPA under section 105 of the Contaminated Land Management Act 1997. - the EMP is both legally enforceable and publicly notified. Where the capped areas of a containment cell are permitted to be used	Internal consultation with Council's waste management team is ongoing.	



Feedback received	Response	Outcome
for livestock grazing, the integrity of the cap will require monitoring on a regular basis and any repairs to be undertaken in a timely manner. This must be clearly outlined in the EMP. - an NSW accredited site auditor be engaged to complete a section A2 Site Audit Statement which confirms that, following remediation and validation, that the various land uses proposed by the rezoning are suitable for use, including the land which is proposed to include the containment cell. - prior to the site auditor completing their audit, ensure it is clearly communicated to the auditor what the proposed site activities will be (such as the livestock grazing) so they can consider this accordingly. - Depending on the nature and scale of upgrades required, a new Environment Protection Licence (EPL) or variation to an existing EPL may be required; we recommend early engagement with the EPA. - Proposed increases in residential land use will increase the volume of waste generated in the area and potentially impact existing waste management facilities. The EPA encourages the PPA to engage early with waste management operators to plan for increased volumes of waste resulting from the expected growth in waste volume.		
NSW Rural Fire Service (RFS) Based upon an assessment of the information provided, NSW RFS raises no objections to the proposal subject to a requirement that the future subdivision/development of the land complies with Planning for Bush Fire Protection 2019. The RFS endorses the recommendations contained within section 10.1 of the Strategic Bushfire Study prepared by prepared by Bushfire & Evacuation Solutions, ref pp-23001. Dated 17 November 2023 and recommends that they be adopted and	The comments from NSW RFS are welcomed. All development applications will consider any bush fire constraints on the land and comply with Planning for Bushfire Protection 2019.	The Planning Proposal is supported to progress to finalisation.



Feedback received	Response	Outcome
referenced in any subsequent submissions. Additionally it should be noted that; - a strategic plan of this nature should demonstrate that appropriately specified water supply can be provided prior to any residential development of the site. - all APZs should be supported by a suitable legal mechanism that ensures they are maintained for the life of the development. - any areas that may be re-vegetated should be assessed for the potential hazard they present when fully established. - any areas of public open space that may be relied upon as managed land should be supported by a suitable vegetation management plan. - any traffic management study for the proposal should consider the proposed road networks capacity to support the evacuation of the subject site and surrounding community in the event of an emergency.		
Heritage NSW and Aboriginal Heritage An Aboriginal Cultural Heritage Assessment Report (ACHAR) provides the best opportunity to identify and protect Aboriginal cultural heritage values and should be completed as part of any Planning Proposal. Heritage NSW reviewed the ACHAR and requested that the applicant further address: Update ACHAR to consider the overall significance of the site, assessed through the five principles: Social or cultural value (assessed only by Aboriginal people), Historical value, Scientific / archaeological value, Aesthetic value and Spiritual value. The social or cultural value and spiritual significance of the Aboriginal cultural heritage on site has not been assessed.	The applicant amended the ACHAR to address the outstanding matters raised by NSW Heritage. Council is satisfied that the matters have been addressed. The ACHAR recommendations includes: It is recommended that the Proponent continues to inform the Aboriginal stakeholders about the management of Aboriginal cultural heritage within the study area throughout the completion of the project. The consultation outlined as part of the ACHAR is valid for six months and must be maintained by the proponent for it to remain continuous. If a gap of more than six months occurs, then the consultation will not be suitable to support an AHIP for the project.	The Planning Proposal is supported to progress to finalisation.



Feedback received	Response	Outcome
- Moderate Archaeological Significance – It is recommended that the ACHAR is amended to assess all areas area. - Aboriginal Cultural Heritage Induction - Previously, Heritage NSW has recommended that an Aboriginal cultural heritage induction, which includes the identification of Aboriginal objects, is incorporated into the induction process for all workers on the future development of the site. This will provide information on what Aboriginal objects and sites might look like, which will assist workers in identifying these objects. This will also complement the Unexpected Finds Protocol. An unexpected finds protocol would be required when applying for an Aboriginal Heritage Impact Permit (AHIP). We recommend that the ACHAR is updated to include Aboriginal cultural heritage induction and an unexpected finds protocol recommendation. The Site does not contain any local or state heritage items. The subject site is not heritage listed; however, it is near several locally listed items. Heritage NSW would support a Statement of Heritage Impact assessment be prepared for this listing. In relation to historic archaeology, the proponent should undertake their own investigation to assess the likelihood of 'relics' and any subsequent management required under the Heritage Act 1977.	The Aboriginal Cultural Heritage Induction and Unexpected Finds Protocol will be developed as part of applying for the AHIP. Aboriginal cultural heritage will continue to be considered and assessed through the Development Control Plan (DCP) and future development applications.	
Endeavour Energy Endeavour Energy provide Standard Conditions for Development Applications and Planning Proposals. The Conditions provided are Version 10, dated January 2025. These conditions are provided as a standard response for Planning Proposals and Development Applications.	The comments from Endeavour Energy are welcomed and standard conditions would be imposed on future Consent.	The Planning Proposal is supported to progress to finalisation.



Planning Proposal

Sunnymede Urban Release Area

For
SMG Property Holdings Pty Ltd

Site address
**Lot 2 DP 1168922, No. 48 Campbell Street,
Gerringong**

Date
29/04/2026

Project Reference: K128069

Allen Price

Item 14.5

Enclosure 3



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Table of Revisions

Initial	Rev	Date	Details
JH	0	02/12/2020	Document completed for Kiama Municipal Council consideration
JH	1	25/02/2022	Document updated to incorporate Gateway Determination requirements
JH	2	18/03/2022	Document updated to incorporate DPIE feedback
JH	3	04/04/2022	Document updated to incorporate KLEP 2011 mapping feedback
ST	4	26/05/2023	Document updated to address authority pre-exhibition comments
ST	5	22/11/2023	Document updated in response to new bushfire mapping
ST	6	17/12/2024	Document updated in response to new flooding requirements
ST	7	05/08/2025	Document updated in response to Gateway Determination
ST	8	29/04/2026	Document updated to clarify development standard

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INTRODUCTION

This proponent-led Planning Proposal (PP) has been prepared in accordance with Section 3.32 and 3.33 of the Environmental Planning and Assessment Act 1979 and the following relevant documents:

- Department of Planning, Housing and Infrastructure's "Local Environmental Plan Making Guideline"; and,
- Kiama Municipal Council's Planning Proposal Policy.

The PP seeks to amend the Kiama Local Environmental Plan (LEP) 2011 and to extend the Gerringong residential zone from Campbell Street to align with the southern boundary of 48 Campbell Street, (Lot 2 DP 1168922), Gerringong. This extension is consistent with the Gerringong Charrette and the Kiama Local Strategic Planning Statement (KLSPS) 2025 as well as strategic outcomes identified in Illawarra – Shoalhaven Regional Plan and Illawarra Shoalhaven Urban Development Program Update. The outcome of this rezoning process will result in the creation of the Elambra West Urban Release Area (URA).

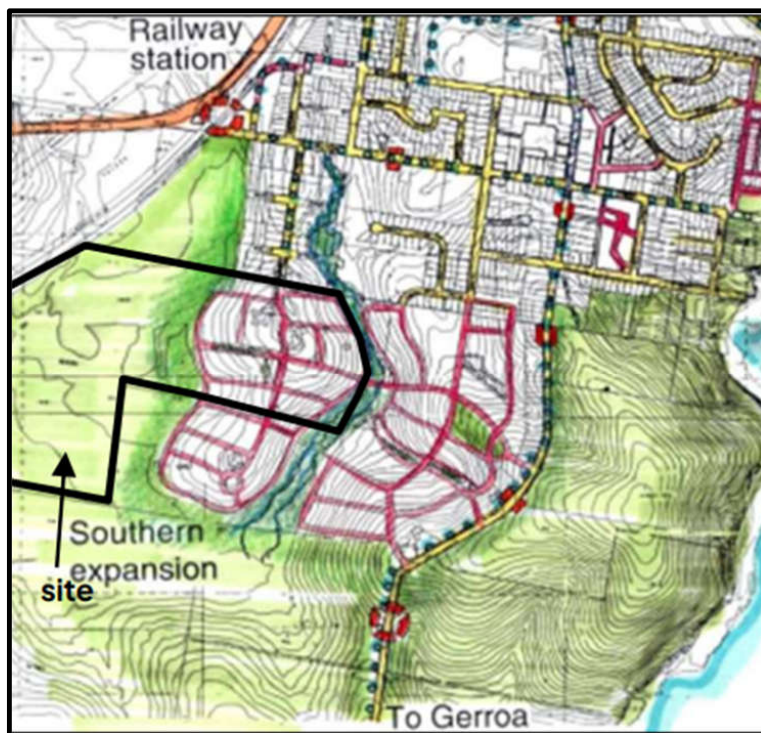


Figure 1: Subject site (black outline) as identified in the Gerringong Charrette 1995

As outlined in this PP, this rezoning will facilitate an extension to the existing township of Gerringong in a south-westerly direction that will be carefully integrated with the existing surrounding urban area. The PP also continues to provide legal access for the existing two rural

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dwelling and associated agricultural farming on adjacent Lot 11 DP 1045242 (zoned RU1 – Primary Production and RU2 Rural Landscape zoned land).

To assist Kiama Municipal Council (KMC) to support this PP and formally progress it to the Department of Planning, Housing and Infrastructure (DPHI), this document provides Council with the majority of the background information it requires to demonstrate the strategic justification for this proposal.

Overall, the aim of the PP is to implement part of the vision that was accepted by the community in the Gerringong Charrette to meet the future residential housing and associated recreation supply for this coastal village and to make efficient use of adjacent surrounding land that is not flood affected. The justification and quantum of the rezoning area is explained in this PP which informs subsequent related amendments for the KLEP 2011.



Figure 2: Site Photo looking from site to adjacent Elambra Estate



BACKGROUND

Subject Land / Proposal

This PP has been prepared following the discontinuation of the previous planning proposal for the site on 22 June 2022 in response to pre-exhibition agency comments and issuance of KMC's consolidated pre-exhibition comments into a 'Planning Proposal Requirements' checklist (Appendix A).

The proposed URA was first identified in the Gerringong Charrette and subsequent planning documents which are explained in this PP such as the recent Council adopted KLSPS.

The coastal town of Gerringong is approximately 10km south of Kiama and 3.6km north of Gerroa. The township in general is bordered by the Pacific Ocean to the east, Werri Beach and Werri Lagoon to the north, the Princes Highway and the Illawarra Railway corridor to the west and the existing Elambra Estate. Rural land is situated to the east, west and south of Elambra Estate.

The proposed URA is located adjacent to the south-western edge of the existing Gerringong urban area and is located approximately 1.2km via the road network to the town centre. As shown in the images below, the land which is the subject of this PP is approximately 45.83 hectares(ha) in area with a proposed urban area of 13.91ha which is generally cleared, zoned RU2 and is not flood affected.

The site generally continues the same natural land elevation/form as existing residential developed land to the north and slopes gradually both on the eastern and western sides of the site to lower flood prone land. There are also two existing rural dwellings located on the site.

Lot 2 DP 1168922 provides legal access for the existing two rural dwellings as related agricultural farming operations on adjacent Lot 11 DP 1045242. Lot 11 has legal access across Lot 2, via a Right of Access.

A survey plan of the site showing these lots, general landform and easements is provided as **Appendix B**. In addition, a larger proportion of Lot 2 will continue to support agricultural farming operations on the lower flood affected land and which is a higher class of agricultural graded farming land.

The URA is in close proximity to the existing Gerringong township to the east and north which has the land zoning R2 – Low Density Residential which has a minimum lot size of 450m². The land to the west and south of the URA is zoned RU1 – Primary Production and RU2–Rural Landscape.

Union Creek partly dissects the URA, and a proposed outcome of the PP will be to revegetate and rehabilitate this creek line / riparian area adjacent to the site. Union Creek extends from the main Gerringong urban area into Crooked River at Gerroa. Further, it is anticipated that landscape revegetation will continue on the URA interface with the adjacent rural area.

Whilst only to be used as a guide to identify site potential, initial scoping investigations of the URA indicate a yield of approximately 166 residential lots (based on 12 dwelling/ha) could be developed in a number of stages and in a similar form to that at the adjacent Elambra Estate. Developable residential land is limited by the flooding potential on parts of the site which in some

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aspect's mirrors the same developable land height in the adjacent Elambra Estate. The URA does not consist of any bushfire prone land.

In summary, the site is relatively unconstrained and can be well serviced by the infrastructure necessary to support efficient delivery of an attractive urban neighbourhood that would provide a logical southwestern extension to the Gerringong township with a transitional landscaped interface to the adjacent rural land. The outcomes of the PP results in the following land use zone outcomes.

- R2 - Low Density Residential with an area of approximately 12.37ha
- C2 - Environmental Conservation Reserve with an area of approximately 3.19ha
- C3- Environmental Management 4.74ha
- RE1 - Public Recreation 0.25ha
- RU2 - Rural Landscape residual land with an area of approximately 25.27ha

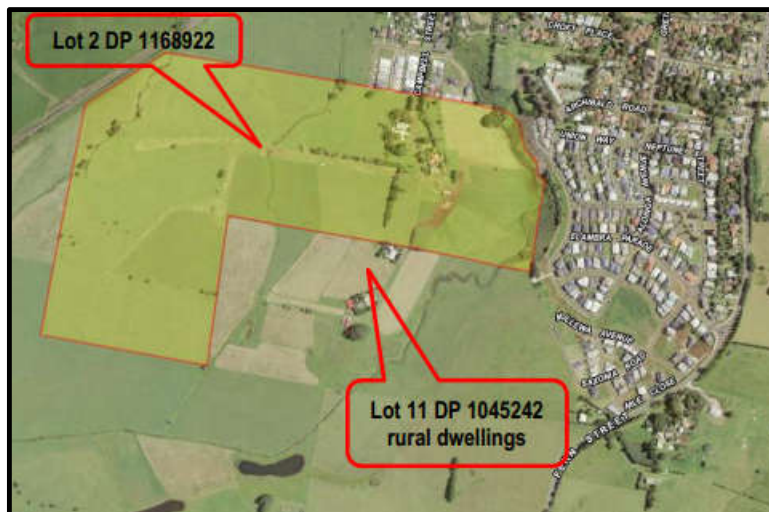


Figure 3: Site Locality Plan (Source: SIX Maps)

Current Land Use Zones

Current land use zones affecting the URA site is shown in Figure 4.

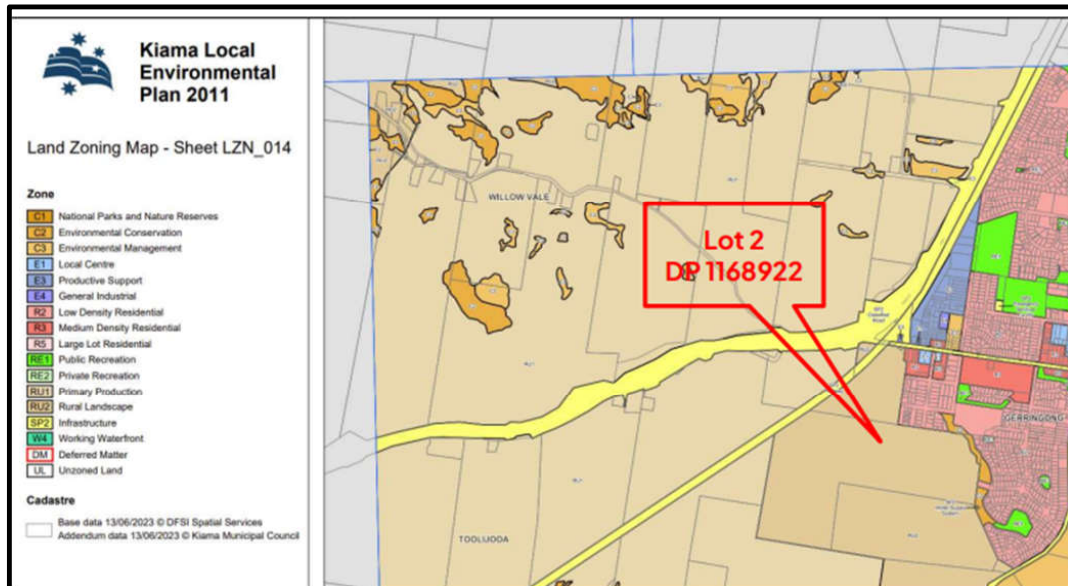


Figure 4: Current Land Zones affecting the URA site (Source: KLEP 2011)

As shown above, the proposed URA is located immediately adjacent to Union Creek which is zoned C2 – Environmental Conservation and in close proximity to the existing residential land use zone (R2) and forms a logical extension of the existing Gerringong township with planned connections into existing road system. The remaining land to the south and west of the site is zoned for rural use (RU1 and RU2).

Other KLEP 2011 / Site Considerations

In addition to the current land use zone controls, other KLEP 2011 and site considerations are shown in Figures 5–9 and include acid sulfate soils, minimum lot size, riparian land / watercourses, known heritage items, bushfire prone lands and site access.

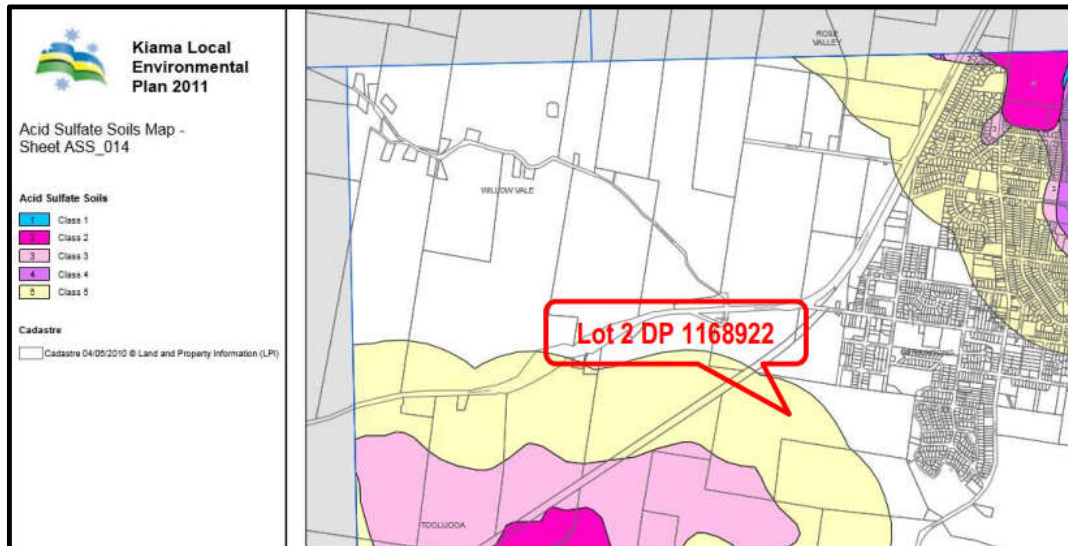


Figure 5: Class 5 Acid sulfate soils affecting the URA site (Source: KLEP 2011)

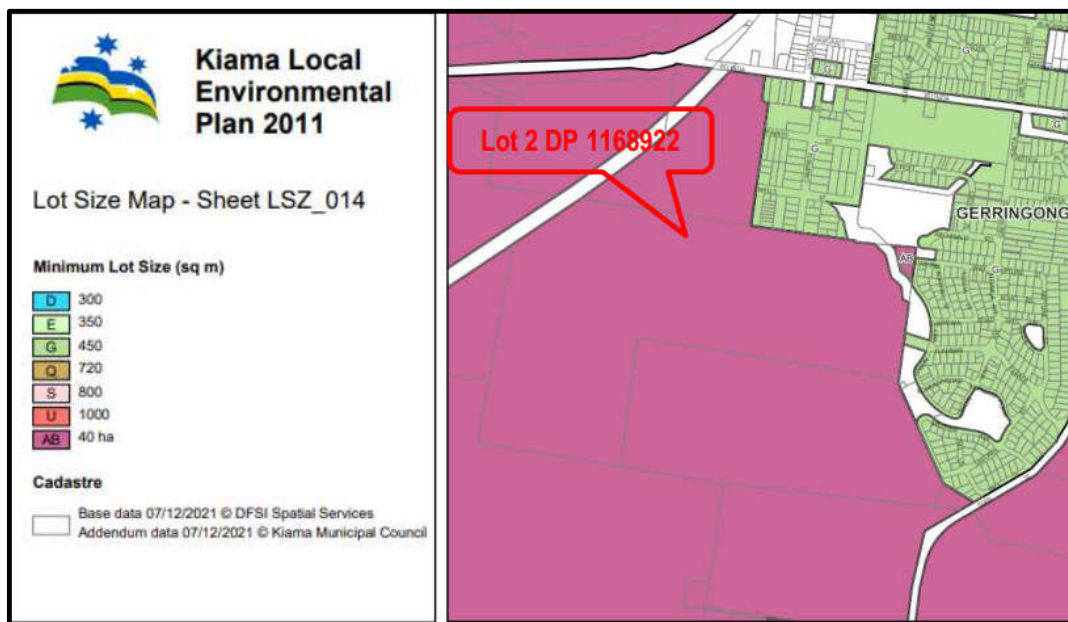


Figure 6: 40ha minimum lot size affecting the URA site (Source: KLEP 2011) – note minimum areas were updated on the 17/12/2021

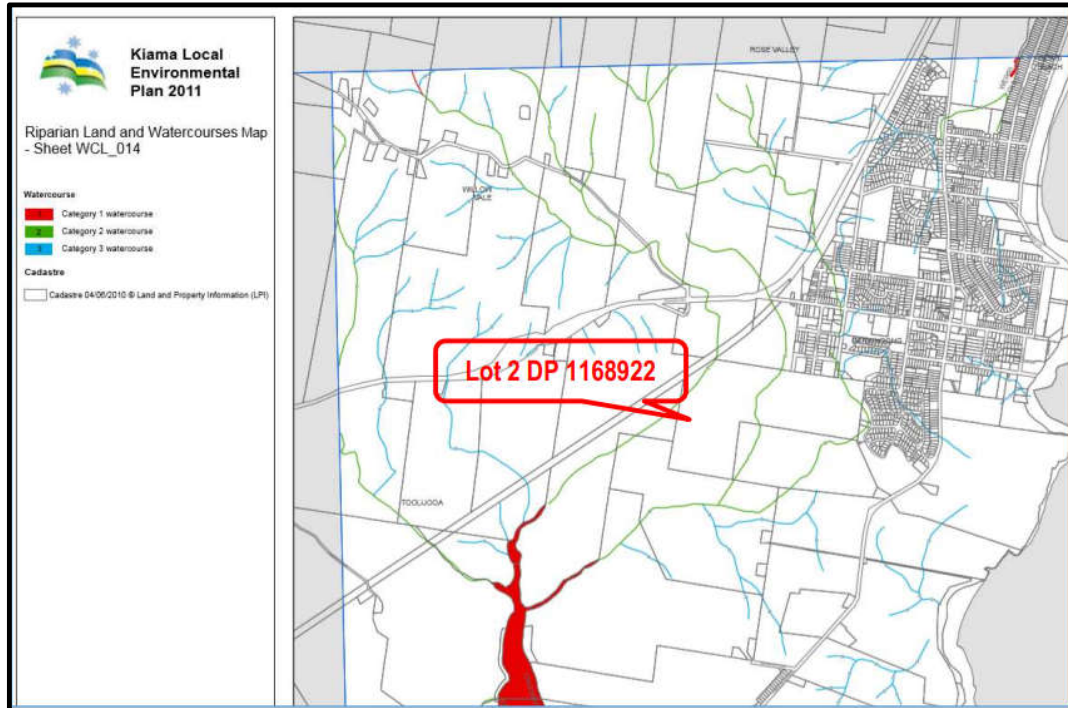


Figure 7: Riparian Land and Watercourses affecting the URA site (Source: KLEP 2011)

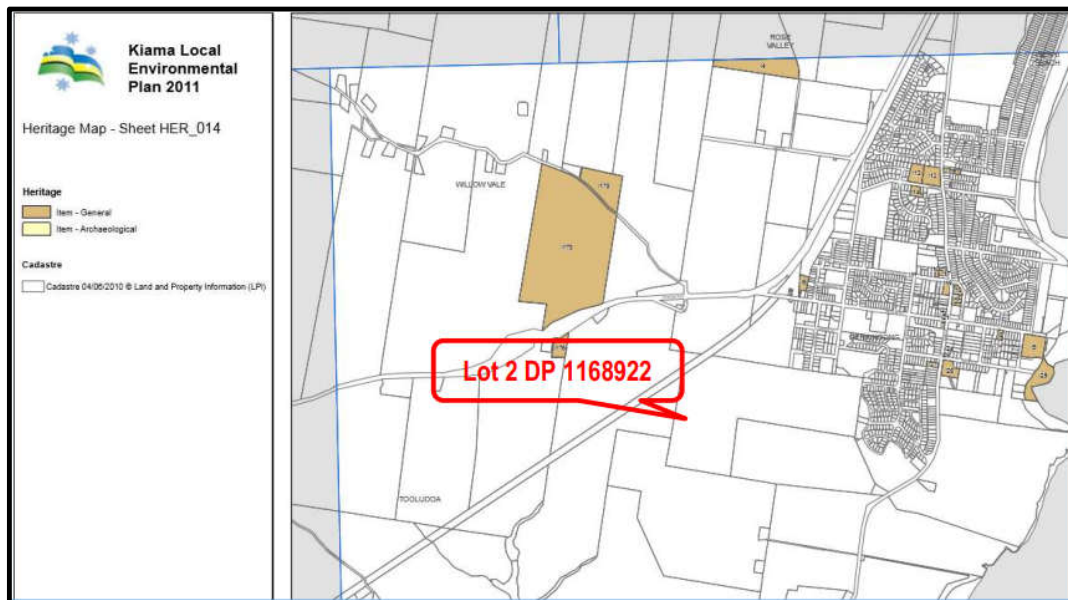


Figure 8: Heritage items in proximity to the URA site (Source: KLEP 2011). Note – No heritage items are located on or in proximity to the URA site.

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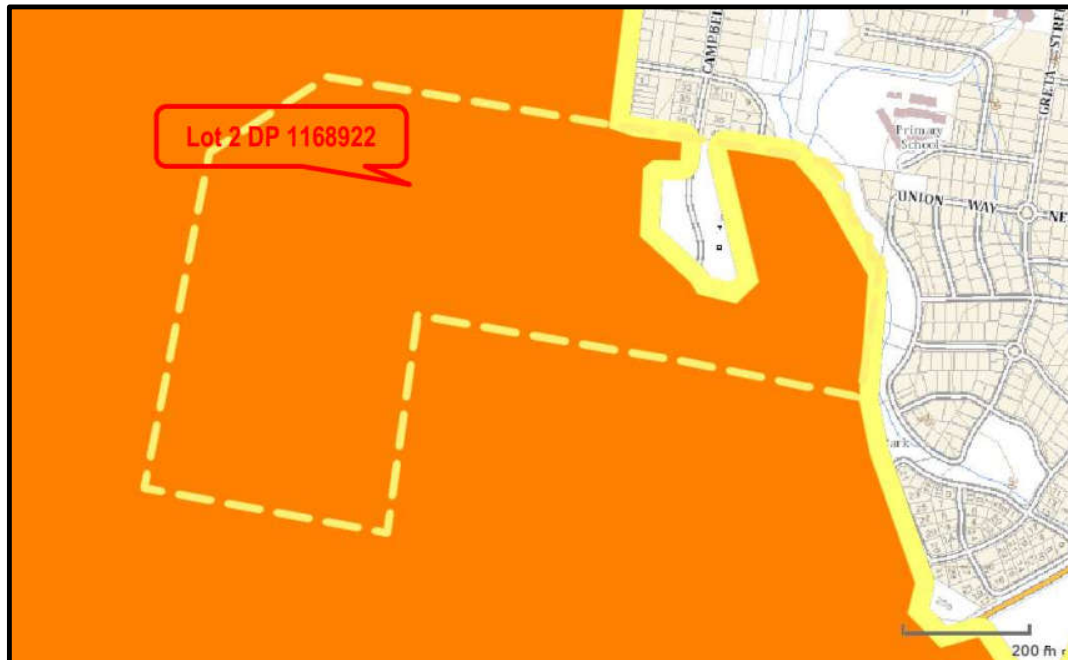


Figure 9: Bushfire prone land mapping of the URA site (Source: NSW Spatial Viewer)

Access to the site is provided from Campbell Street.

Preliminary investigation – 2020

Building on the identification of the URA in the Gerringong Charrette and KLSPS, and in response to initial PP feedback from KMC staff in September 2019, the following initial assessments were prepared for the site:

- Aboriginal Heritage Diligence Assessment – November 2020
- Agriculture Assessment – November 2020
- Ecological Constraints Assessment – November 2020
- Residential Land Supply & Demand Analysis – November 2020
- Traffic & Parking Assessment – December 2020
- Visual Impact Analysis – November 2020

Key findings of these investigations are summarised in Table 1 and the resulting updated URA structure plan with zoning information is shown in Figure 10 (larger version of plan is shown in **Appendix C**). This structure plan could be supported with a site specific Development Control Plan to establish design and character controls.

The outcomes of the PP results in the following land use zone outcomes:

- R2 – Low Density Residential with an area of approximately 12.37ha
- C2 – Environmental conservation reserve with an area of approximately 3.19ha
- C3 – Environmental Management 4.74ha
- RE1 – Public Recreation 0.25ha
- RU2 – Rural Landscape residual land with an area of approximately 25.27ha

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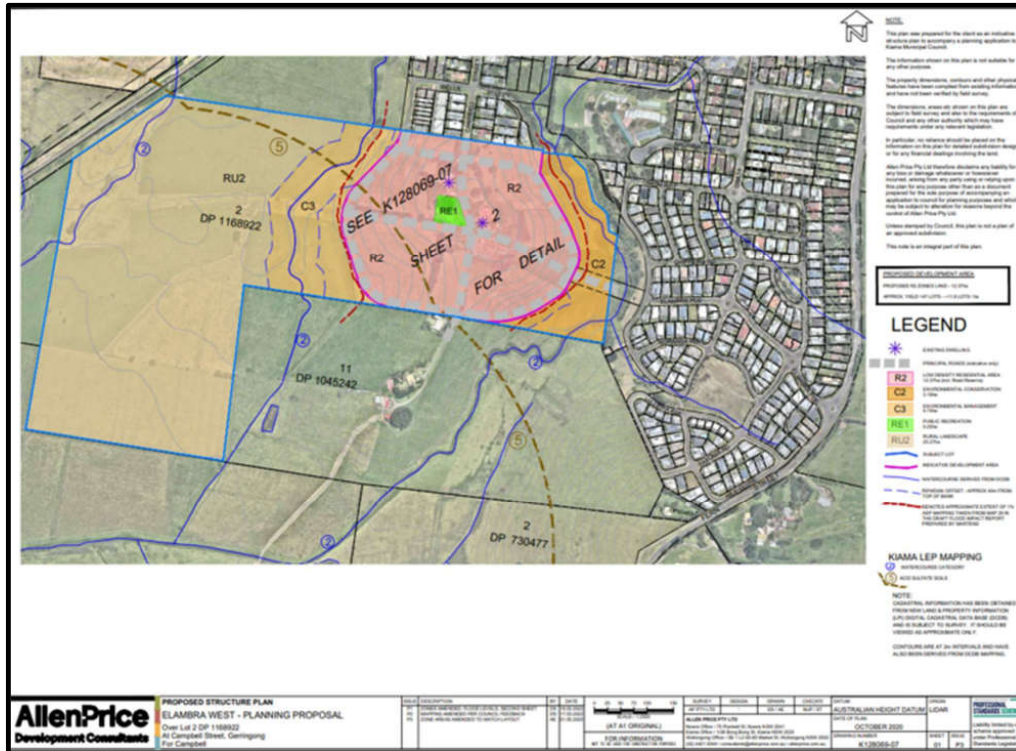


Figure 10: URA Structure Plan

Discontinued Planning Proposal - 2022

On 24 June 2021 the PP received a gateway determination to proceed to public exhibition subject to conditions which required pre-exhibition consultation with state agencies. This Gateway determination required the plan to be made within 12 months. On 22 June 2022 due to agency consultation identifying the need for further information and revisions to the PP, the Gateway determination was altered to not proceed and KMC was asked to submit an updated planning proposal once the agency issues and revisions had been completed.

Pre-Exhibition Comments by State Agencies - 2022

Council undertook pre-exhibition consultation with state agencies as required under the previously issued Gateway determination. Of the eight state agencies consulted, five (5) requested additional information. In response, Council consolidated the state agency pre-exhibition comments into a 'Planning Proposal Requirements' checklist (**Appendix A**) which was issued to the proponent on 19 August 2022.

Following a meeting with KMC and state agency staff on 17 November 2022, KMC provided points of clarification on various aspects of the Planning Proposal requirements checklist – on the basis of these discussions had with the proponent and state agencies. These points of



clarification are summarised in Table 1 (below) which are accompanied with the proponent's response.

Table 1: KMC Points of Clarification on Planning Proposal Requirements & Proponent Response

Issue/Requirement	Proponent Response
Flood and Risk Assessment	
- Update planning proposal to address access for emergency services and emergency evacuation method during flood (i.e. shelter in place) including flood duration and avoiding impacts on adjoining properties. - It is noted that no additional flood modelling is considered to be required following discussions with Council	Refer to updated Local Planning Direction Discussion (Direction 4.3 Flood Prone Land - Section 3.2.4) For consistency, a Flood Assessment was prepared using ARR2019 methodology as adopted by KMC in the Gerringong & Jamberoo Flood Investigation 2022. Storm frequencies are adopted in accordance Section 2.3 of the NSW DPE Flood Impact and Risk Assessment Guide LU01. Rezoning is proposed to be limited to land above the PMF such that any future DCP will have minimal/nil impact to the existing flood regime.
Water cycle and Stormwater Management Assessment	
- Update planning proposal to further consider higher level implications of rezoning on Illawarra - Shoalhaven Regional Plan, Minnamurra River Coastal Zone Management Plan and Council's Water Sensitive Urban Design Policy. - Update planning proposal to commit to adopting water controls as part of a future site specific DCP post rezoning based on the above stormwater requirements	Refer to updated Strategic Planning Framework Discussion (Section 3.2.1)
Agricultural Land Assessment	
Update agricultural assessment to address impacts to agricultural viability, as a result of onsite encapsulation, and ongoing environmental management responsibility. This will need to outline the minimum encapsulation cover depth requirement	Refer to accompany Agriculture Assessment (Update), SEPP (Primary Production 2019 discussion (Section 3.2.3) and Local Planning Direction Discussion (Direction 9.2 Rural Land - Section 3.2.4).
Land Contamination Assessment	

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Update the planning proposal (including relevant local planning direction discussion) to discuss the 3 different contamination options recommended by the Detailed Site Investigation report.	Refer to Local Planning Direction Discussion (Direction 4.4 Contaminated Land - Section 3.2.4)
Utilities and Infrastructure Assessment	
- Prepare a detailed Utilities and Infrastructure Assessment that addresses hydraulic modelling considerations on the existing - Gerringong water and wastewater system. - Update planning proposal to address findings of Utilities and Infrastructure Assessment	Refer to accompanying Utilities and Infrastructure Assessment, and Local Planning Direction Discussion (Direction 6.1 Residential Zones - Section 3.2.4).

Updated Flooding Requirements 2023-2024

Following resubmission of the PP in November 2023 KMC undertook pre-gateway consultation with state agencies and on 7 December 2023 issued its Key Issues Document – **Appendix D** which required updating of flood, riparian and stormwater requirements to meet additional information requirements raised by the Department of Planning and Environment – Biodiversity and Conservation Division (BCD), and NSW State Emergency Services (SES).

We understand these key issues for updating were primarily identified to address the new risk policy settings established by the Flood Risk Management Manual which was released by the NSW Government in June 2023. Hence, the flood assessment requirements have increased substantially since lodging the original planning proposal which has had knock on impacts for related riparian and stormwater updates.

Following a meeting with the BCD, NSW SES, Department of Planning – Southern Region and Council on 14 February 2024, and upon review of the actions from this meeting (**Appendix B – Meeting Actions**), we engaged Martens and Associates (Martens) who are specialised expert consultants in flood engineering to review the current TUFLOW Flood Model prepared for the planning proposal.

The engagement of Martens facilitated a separate parallel engagement which independently reviewed and supplemented the AP flood modelling work carried out for the project and also mapped the top of bank for Union Creek to inform riparian mapping of Union Creek.

In December 2024 Martens finalised their Flood Impact and Risk Assessment (FIRA) in support of the planning proposal. The FIRA assessed the current Probable Maximum Flood applied to the planning proposal showing full extent of where and when flood isolation occurs in relation to the site and related isolation period periods (including longest period of isolation) including road closures on Belinda Street and recommend off-site solutions to prevent extended periods of flooding. The FIRA also assessed access for emergency services and emergency evacuation method during flood (i.e. shelter in place) including flood duration and avoiding impacts on adjoining properties (if required).

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Table 2 (below) provides an overview of how the FIRA has now addressed the new requirements of the Flood Risk Management Manual in response to KMC and agency requirements.

Table 2:- KMC/Agency Issues on Planning Proposal and Proponent Response

Item	KMC/Agency Requirement	Proponent Response
	BCD – Flood & Coastal Management	
1	As the proposal involves the rezoning of flood prone land section 9.1 local planning direction 4.1 Flood applies and the matter should be considered in accordance with the Flood Risk Management Manual, 2023. To address flood risk management issues the planning proposal should be supported by a Flood Impact and Risk Assessment (FIRA) and guidance for preparing a FIRA can be found at: Flood Impact and Risk Assessment [NSW Environment and Heritage]	Martens has prepared a FIRA and supplementary assessment related to a proposed access road and bridge crossing over Union Creek to Union Way southeast of the site in accordance with the Flood Risk Management Manual 2023. The FIRA and supplementary assessment accompany this planning proposal submission.
2	The referred flood assessment and planning proposal indicate that the proposed development area will be limited to an area above Probable Maximum Flood (PMF) extents and that no development or earthworks are proposed within the floodplain. This has not been reflected in the proposed zoning boundary and should be updated or clarified. Any proposed modification to the floodplain should be assessed and adverse impacts addressed as part of the FIRA.	Section 5.6.2 of the FIRA and supplementary assessment demonstrates the proposed URA is located above the PMF level and will therefore not result in offsite impacts. No modification of the floodplain is Proposed.
3	To establish the safe occupation and efficient evacuation requirements of the planning direction further assessment of the potential period of flood isolation of the site is required. This should include an assessment over the full range of possible floods to address the frequency and duration of access roads being cut-off by floodwaters. The frequency of flood related road closures on Belinda Street contributes to the flood isolation issue and off-site solutions may need to be considered.	Refer to Sections 5.6.4 and 6 Modelling of the FIRA and supplementary assessment which has considered the full range of flood events up to and including the PMF event, including the full range of flood durations up to 96 hours. Modelling demonstrates that the proposed development will not result in offsite impacts on the floodplain environment in all flood events due to being located above the PMF level and will not impact existing flood emergency response or pose an increased risk to the community. Modelling indicates that the proposed URA, southeast access

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		road and bridge are flood free in all events up to and including the PMF. Hence there will be no adverse effects on the safe occupation, evacuation or capacity of evacuation routes for existing developments and no increased flood risk to life.
4	Council should seek advice from the NSW State Emergency Service (SES) on the adequacy of the proposed Shelter in Place approach for a planned flood isolated community.	This table includes responses to SES comments. Modelling has considered the full range of flood events up to the worst case PMF event and demonstrated that the proposed development will not adversely impact existing flood emergency response or pose an increased risk to the community. The FIRA is to be submitted for consideration by Council, SES and BCD. It is recommended that any further comments from Council and state agencies in relation to flooding be addressed as part of the public exhibition process.
5	NRAR and DPI-Fisheries should also be consulted on appropriate riparian buffer requirements to ensure that vegetated riparian zones are adequately provided for with C2 zoning. Following this consultation, Council should confirm that the FIRA flood modelling adequately accounts for the proposed future design conditions in the waterway, vegetated riparian corridors, stormwater management infrastructure and climate change etc.	Refer to Section 5.6.2 and 5.6.3 of the FIRA. No modification of the floodplain is proposed and proposed riparian zones will not result in a significant change to the hydraulic characteristics of flood prone land either side of the proposed URA and will not have a significant impact on existing flood characteristics or cause offsite impacts. Changes to overland flows as a result of the proposed development are expected to be minor and can be easily managed through appropriate design of internal site grading, stormwater systems and roads, including possible OSD, which can be undertaken at the DA stage to eliminate any potential runoff or conveyance issues. Section 5.6.5 of the FIRA indicates that climate change has been



		considered by way of modelling the 0.2% AEP as a surrogate for climate change in accordance with FRM guide FB01. Results show there is no significant change to flood characteristics, levels, velocities, or hazards as a result of climate change and there is no increased risk to the site posed by climate change.
6	A Water Cycle and Stormwater Management Assessment has not been provided but rather is proposed to be completed at the development application stage. An assessment of potential impacts of the altered land-use on water quality prior as part of the planning proposal at the rezoning stage is required to ensure adequate spatial provisions for water quality management assets and riparian treatments are incorporated in the proposed land-use zone boundaries and are consistent with Strategy 11 of the Illawarra Shoalhaven Regional Plan and council's certified Crooked River Coastal Zone Management Plan (CZMP).	An Integrated Water Cycle Management Strategy (Allen Price Pty Ltd) has been prepared which assesses the potential water quality impacts of the proposed rezoning and accompanies the planning proposal.
7	As detailed in our previous advice (DCO22/401496, 24/05/22) the planning proposal involves the rezoning of flood prone land. It should therefore be considered in accordance with section 9.1 (2) Local Planning Direction - Focus Area 4: Resilience and Hazards 4.1 Flooding and the NSW Government's Flood Prone Land Policy as set out in the Flood Risk Management Manual, 2023 (FRMM).	A compliance assessment against the relevant provisions of the Direction 4.1 - Flooding of the Section 9.1 Ministerial Local Planning Directions (2022) was previously provided in Section 8.1 of the 2024 FIRA. Selected responses affected by the proposed southeast access road and bridge has been updated. The assessment demonstrates that all applicable flood planning requirements for the proposed development site are effectively addressed and that compliance with the Ministerial Direction is achieved. Therefore, the MA flood study is consistent with the principles of the FPLP.
8	The flood assessment has not adequately considered the flood related public safety risks associated with the proposed development. It notes that the development will be isolated for 5 hours, however the FIRA has only considered events up to 6 hours	The updated flood modelling results show that the proposed southeast access road and bridge enhances the site evacuation strategy by providing a new flood free evacuation route. The route is shown in Attachment C,



	duration, which has not considered the full range of potential durations or frequency of flood isolation. To understand the potential period of isolation, longer duration PMF events need to be modelled, such that the range of potential isolation periods (including longest period of isolation) has been considered. To confirm that the safe occupation and efficient evacuation and flood access requirements of the Local Planning Direction are met, it is recommended that the determining authority seek clarification from the SES on the adequacy of the stay in place approach that the proponent has proposed for this future community. The watercourse lines presented in the proposal have not been surveyed and appear to differ significantly from what is on ground. The top of bank of the watercourse has not been established and the presented riparian corridors appear to be too small and should be reviewed.	Map L1. In the event of a flood, site occupants can evacuate to the Gerringong town centre by travelling southeast via the proposed access road and bridge, east along Elambra Parade, and north along Fern Street. The proposed access road and bridge are located above the PMF level and remain flood-free in all events up to and including the PMF. The offsite evacuation route also remains trafficable in all flood events, including the PMF. There is therefore no need for any site residents to shelter-in-place (SIP) for any period of time. Further, the proposed bridge enables flood free access for all existing residential development between Belinda Street and the site, thereby conferring a large reduction in flood risk to the existing community. To assist in informing their evacuation residents should be aware of weather forecasts and warnings by subscribing to SES, BOM, Early Warning Network and other relevant warning systems.
9	No consideration appears to have been given to the dynamic nature of the waterway, the associated vegetation and its impact on flood levels. The planning proposal should include consultation with NRAR and DPI Fisheries on vegetated riparian buffer requirements and to establish any geomorphic assessment requirements as part of the planning proposal, including consideration of waterway health and watercourse stability. There is potential to provide public open space and recreation areas adjacent to the waterways on the floodplain providing opportunities to promote the development.	Refer to responses 13, 14 and 15.
10	This revised planning proposal relates to earlier flood risk management advice and is supported by a Flood Impact Risk Assessment (FIRA), however there remains unaddressed issues, particularly assumptions regarding flood event	Refer to responses 1, 7, 8 and 9.



	modelling leading to a 6-hour isolation duration.	
11	This emergency management issue warrants further consideration by the SES, council and BCD specialist flood staff to ensure the PP is supported by a FIRA that is consistent with the objectives of the section 9.1 local planning direction 4.1 Flood and the principles of the Flood Risk Management Manual.	Refer to responses 1, 2, 3 and 13.
12	The consent authority will need to ensure that the planning proposal is considered against the relevant Ministerial Section 9.1 Directions, including 4.1 – Flooding and is consistent with the NSW Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023 (the Manual) and supporting guidelines, including the Support for Emergency Management Planning. Key considerations relating to emergency management.	Refer to Table 14 in the FIRA for compliance assessment against the 7 principles for emergency management which shows the PP is consistent with the principles of the FRM guide EM01 (2022).
13	In summary we: Note the proposed site at 48 Campbell St becomes isolated by frequent flooding.	As discussed elsewhere, in the event of a flood, site occupants can evacuate to Gerringong town centre by travelling southeast via the proposed access road and bridge, east along Elambra Parade, and north along Fern Street.
	Recommend that the building footprint reflects the flood assessment and planning proposal to ensure development area will be limited to above the Probable Maximum Flood (OMF)	As discussed above elsewhere, the URA will be above the PMF.
14	Recommend clarifying the frequency and maximum duration of isolation for the site, to better understand the potential emergency management risks.	Refer to responses 8 and 9.
15	- Recommend investigating the provision of safe access and egress during floods (for example to a 1 in 500-year flooding) to reduce the secondary risks associated with isolation. You may also find the following Guidelines, originally developed for the Hawkesbury Nepean Valley and available on the NSW SES website useful: - Reducing Vulnerability of Buildings to Flood Damage	Section 5.6.4. Modelling in FIRA has considered the full range of events up to the PMF including 0.2% AEP flood. Results show that in existing conditions, safe access and egress is available up to and including the FMF flood event.



	II. Designing Safer Subdivisions	
	III. Managing Flood Risk Through Planning Opportunities	

Item 14.5

Enclosure 3



STATEMENT OF OBJECTIVES OR INTENDED OUTCOMES

(s.3.33(2)(a) A statement of the objectives or intended outcomes of the proposed instrument)

The objective of the PP is to amend KLEP 2011 and to extend the Gerringong residential zone from Campbell Street to the southern boundary of 48 Campbell Street, (Lot 2 DP 1168922), Gerringong which is consistent with the Gerringong Charrette and KLSPS. The URA property description and current land use zone as outlined in Table 3.

Table 3: Property description and current URA land use zone

Lot DP / Property Address	Current KLEP 2011 Land Use Zone
Lot 2 DP 1168922, No. 48 Campbell Street, Gerringong	RU2 - Rural Landscape, C3 Environmental Management

Outcomes of the PP include:

- Additional residential lots that will deliver additional dwellings and residential population with close proximity to existing schools, shops and community facilities;
- Urban development that is consistent with the adjacent existing residential development area;
- Urban development that is a logical southern extension to the Gerringong township with a transitional landscaped interface to adjacent rural land;
- Meeting projected housing needs of Kiama and the wider area as identified in strategic planning documentation.
- Provide a dedicated riparian within the PP site along Union Creek.

The proposed land use zone amendments are shown in Figure 15 (larger version of plan is shown in Appendix C) and Part 3 of this document. Beyond the proposed residential, riparian corridor reserve and public recreation reserve, the residual land of Lot 2 which consists of flood affected and higher agricultural class land will remain zoned RU2.



Figure 11: Site Photo looking from Wingewah Road to the proposed URA site

EXPLANATION OF PROVISIONS

(s.3.33(2)(b) An explanation of the provisions that are to be included in the proposed instrument)

The PP will be achieved by amending the following KLEP 2011 maps (outlined Table 4 and also shown in Part 4) to allow residential and open space land use changes to occur as outlined in the Structure Plan (shown in Figure 9 and larger version of plan is shown in **Appendix C**).

Table 4: Proposed KLEP 2011 Map amendments

Map type	Map sheet (identification numbers)	Reasoning amendment	for Proposed change
Land Zoning – LZN 014	4400_COM_ LZN_014_020_20211207	Site is currently RU2 –Rural Landscape.	Part site mapped R2- Low Density Residential, RU1- Public Recreation, C3 Environmental Management and C2 – Environmental Conservation
Lot Size – LSZ 014	4400_COM_ LSZ_014_020_20211207	Minimum lot size is currently 40ha.	Part site mapped with a minimum lot size of 450m ²

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Floor Space Ratio (FSR)- FSR 014	4400_COM_ FSR_014_020_20211207	No FSR current applies.	Part site mapped with a FSR of 0.5:1.
Height of Buildings - HOB 014	4400_COM_ HOB_014_020_20211207	Not mapped with a maximum building height.	Part site mapped with a maximum building height of 8.5m.
Urban Release Area - URA 014	4400_COM_ HOB_014_020_20211207	Not mapped as Urban Release Area.	Part site mapped as Urban Release Area.

The above URA Clause will allow provisions around ensuring works related to past agricultural use of the site and any related contamination are carried out as per an agreed Remediation Action Plan (RAP) before a subdivision development application can be lodged. Therefore, a separate DA would need to be lodged to carry out the remediation works. This point is discussed further in Part 3 of this document.

These amendments are required so the URA meets the aims of the KLEP 2011, as outlined below:

- (1) This Plan aims to make local environmental planning provisions for land in Kiama in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.
- (2) The particular aims of this Plan are as follows—
 - a) to provide planning controls for the Kiama area to achieve ecologically sustainable development principles while recognising the economic, environmental and social impacts and risks associated with climate change,
 - b) to maintain, protect and improve the natural environment including native vegetation, endangered ecological communities, natural habitat corridors, riparian land, groundwater dependent ecosystems and wetlands for their biodiversity values,
 - c) to conserve and protect the area's water resources, groundwater, waterways, and water quality for their biodiversity, ecological, health and recreational values,
 - d) to protect agricultural land and restrict its fragmentation for purposes other than primary production,
 - e) to protect and enhance the coastal and rural character of Kiama's rural towns, neighbourhoods and villages, and the characteristic scenic landscapes that contribute to its liveability and identity,
 - f) to consolidate future population growth and medium density housing primarily in locations near shops and public transport,
 - g) to cater for housing choice including affordable rental housing, affordable housing for first home buyers and housing for the aged and disabled and independent seniors,
 - h) to protect and maintain land used or to be used for employment in rural and urban areas,
 - i) to promote and co-ordinate the orderly and economic use and development of land,
 - j) to maintain, protect and enhance environmentally sensitive land for its biodiversity and ecological values,
 - k) to protect Kiama's cultural heritage.

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Part 3: Justification of Objectives, Outcomes and Process

(s.3.33(2)(c) Justification for those objectives, outcomes and provisions and the process for their implementation)

3.1 – Need for the Planning Proposal

3.1.1 Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The PP is the result of the following KMC endorsed strategic studies identified in Table 5 recommending either part or all of the URA (i.e. Lot 11 DP 1045242 is not included in all studies). Also provided are initial site investigation findings of the various accompanying assessments as outlined in Table 5 and as recommended in early feedback received from KMC staff in September 2019

Table 5: Summary of URA supporting strategic studies

Study	Key findings summary
Gerringong Charrette 1995	- Identifies the proposed URA (Lot 2 DP 1168922) for proposed residential use which is shown in the mapping extract provided as Appendix I. - In terms of forecasting residential land supply at Gerringong and the immediate surrounding area, the document makes the following related points: - Estimated 4% annual population growth with a population of roughly 7,730 people in the year 2020. - The proposed URA proposes approximately 148 lots at a rate of 12 dwellings per Ha. - The Gerringong southern expansion area is identified as a green field site of two gentle hills with Union Creek flowing between them and is roughly bordered by Fern Street to the east, the flood plain and farmland to the west and south, and existing town to the north. - The Charrette has played a significant role in the development outcomes, land supply and related community / business development that has been realised throughout the township of Gerringong since its inception. - A lack of greenfield residential land supply has meant that the Charrette population and dwelling supply predictions have not been achieved.
Kiama Local Strategic Planning Statement 2020	- Sets out the following strategic outcomes: 20-year vision for land use in the local area

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	- o special characteristics which contribute to local identity - o shared community values to be maintained and enhanced - o how growth and change will be managed into the future • Identifies Gerringong as a local town centre providing a range of business and retail uses, including supermarket, health and other services. • Identifies urban growth area (future housing opportunities) for the Gerringong southern expansion area - as outlined on pages 23 and 25.
Aboriginal Heritage Diligence Assessment	• Aboriginal objects are likely to occur in identified areas of moderate potential within the study area which are generally in proximity to the existing fig tree site. • The preparation of an Aboriginal Cultural Heritage Assessment is recommended to determine the complete impact on archaeological resource. • Archaeological sites in this area occur primarily on the crests of low spurs, on elevated topographies adjacent to major creek lines, in or near riparian corridors and on major ridge crests. • Foothills contain many paleochannels, and the current creek alignments should not be relied upon in order to determine the location of archaeological sites. • No previously recorded Aboriginal archaeological sites will be impacted by the proposed works. • The location of the study area was likely used as a travel route between the Illawarra escarpment and the coast. Archaeological deposits within the study area, if present, would most likely be represented by artefacts, isolated artefacts or potential archaeological deposits.
Agriculture Assessment	• The land is partly mapped as: - o Class 2 land and generally comprises the more fertile alluvial creek flats which are subject to occasional flooding. - o Class 3 land (lower valued land) and comprises the hilly grazing land above the flood line. • All the proposed urban residential development will be on Class 3 land.



	- The majority of higher quality Class 2 land will continue to be used for agriculture. - Lot 2 DP 1168922 agricultural changes involve an approximate area of 16 ha excised from a property of 45.83 ha (total residential & riparian land) that results in a 34% reduction in carrying capacity from 58 to 43 cows. At this reduced level of production, it can continue as a viable part-time primary production enterprise. - The township of Gerringong is surrounded by prime agricultural land and if it expands outwards, there is no poor quality agricultural land which could be utilised. This proposal's residential development is fortuitously confined to Class 3 land and allows the continued use of the Class 2 land for agriculture. - There will only be a minor loss in agricultural production resulting from the proposed rezoning. - From this initial assessment, an Aboriginal Cultural Heritage Assessment has now been prepared to address Ministerial Direction 3.2 which identified and assessed 5 artefacts found on the site. Further, this onsite work identified that no further assessment or works are required to be undertaken for the study area. However, before any works can occur on the site, the proponent will need to apply to Heritage NSW for an Aboriginal Heritage Impact Permit to destroy artefacts found on the site.
Agriculture Assessment (Supplementary)	- The proposed encapsulation cell is planned to be located on prime Class 2 agricultural land which requires a route across prime agricultural land which will be difficult to rehabilitate. - The Agricultural Assessment (Supplementary) examines the impacts of the proposed encapsulation site recommended by ENRS and an alternative encapsulation site immediately west of the proposed residential zone at the foot of the hillside. - This report compares the implications for agriculture and concludes that both encapsulation site options are feasible on a strategic-level subject to site-specific issues being addressed as part of a future development application.
Ecological Constraints Assessment	The presence of a mature fig tree within the study area poses a 'High' constraint. This tree may be remnants of an endangered ecological community. Hollows are present, which are important habitat for native fauna, particularly microbats, many of which are threatened. It is recommended that this tree be given protection via re-zoning surrounding land to retain the ecological value it holds.



	- Riparian land is also present within and around the site, and these have been deemed to require a riparian setback as required by Natural Resources Access Regulator, - Union Creek as a third-order stream contains permanent water with dense vegetation, and thus potentially important habitat for threatened microbats and possibly the endangered Green and Gold Bell Frog. - From this initial assessment, additional Flora & Fauna Assessment has now been prepared to address Ministerial Direction 2.1 which accompanies the proposal as an addendum assess to the previous assessment which in part recommends the following requirements: - The fig tree reserve to be zoned RE1 -Public Recreation. However, this land zone change to RE1 requires further consideration and agreement by KMC and the fig tree will in the short term remain on land zoned R2. - Union Creek riparian corridor (reserve) to be zoned C2 – Environmental Conservation. - Establishment of a Vegetation Riparian Zone. - Guidelines for future embellishment of the riparian reserve. - A 40 metre (average) riparian buffer from the top of bank for Union Creek and where appropriate applies a watercourse alignment averaging for a distance of up of 15m. This assessment has also assumed a generous creek width of Union Creek to be up to 10m wide (as shown on the accompanying Structure Plan). - A Vegetation Management Plan be prepared as a requirements of a future subdivision plan application.
Residential Land Supply & Demand Analysis	- The findings of the residential land supply and demand analysis at Gerringong conclude that current land supply is not adequate to meet current needs. Strategic supply analysis identifies available land for release which forms the Elambra West Urban Release Area which is potentially overdue and associated land supply shortage is influencing market choices. - Key factors driving demand for land release in Gerringong include: - Steady population growth; - Demand to live in such a coastal location; - Preference for green field development over infill development; - Limited feasible areas / opportunities for infill development; - Proximity and improved travelling options to Wollongong & Sydney; - Limited vacant land supply on the market;

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	○ Gerringong Charrette 1995 forecasting further residential land supply at Gerringong; ○ KLSPS has identified urban growth area (future housing opportunities) for the Gerringong southern expansion area - as outlined on pages 23 and 25 ○ Illawarra Shoalhaven Regional Plan 2041 identifying Gerringong to provide future land and housing supply; ○ Land supply in the Kiama LGA is already identified in supporting strategies (via Planning Proposal process) can be re-zoned to reduce current demand. ○ Available new release land in the Kiama LGA appears to be in short supply since 2012/13 and greenfield dwelling potential in Elambra Estate, was exhausted in 2016/17. ○ dwelling approvals for the Kiama LGA in general are increasing every year. ○ Only 86 greenfield residential lots are zoned for potential release to service the whole Kiama LGA. ○ Average dwelling completions for the 20 years is 143 which is an indication of a strong local housing market in the Kiama LGA. ○ High infill dwelling development in the Kiama LGA is a reflection of the limited capacity for greenfield housing. ○ Greenfield dwelling forecasts have identified potential supply of 617 future lots for the whole Kiama LGA of which more than the 148 dwellings identified at Elambra West. • The Sunnymede Planning Proposal offers KMC and the surrounding/wider community the opportunity to deliver residential land to meet part of current supply shortfall.
Traffic & Parking Assessment	• Access to the site continues via Campbell Street to the north. • Access to the adjacent Elambra Parade is not required. • The intersection of Campbell Street / Belinda Street requires the implementation of LATM devices to lower speeds along Belinda Street on the approach to Campbell Street which addresses an existing intersection sightline issue. • The detailed design of the internal road network should be assessed at the DA Stage. • It is expected that waste collection will be completed by Council's waste collection service along the internal road network. • Courier and removalist vehicles can utilise on-street parking for deliveries as these types of deliveries will be infrequent. • The internal road network must be assessed against the relevant sections of Council's standard engineering drawings at the DA Stage. • The traffic generated by the development is not expected to adversely affect the traffic flow efficiency and performance of nearby critical intersections or the existing road network either in the existing conditions or in the 10-year growth scenarios. • The traffic flow and parking impacts of the URA proposal are supportable though further detailed assessment.

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Visual Analysis	Impact	- The assessment recognises the visual amenity of the rural landscape surrounding the Gerringong township and in particular the view lines both from the urban area and views from the rural land to the town and Elambra West site. - The assessment recognises that both views to and from the Elambra West site are compromised by existing surrounding development which has occurred overtime and associated visual impacts cannot be fully mitigated. - The urban setting proposed by the URA is mostly visible from adjacent dwellings in Elambra Estate. This visual impact can be mitigated with use of perimeter and watercourse landscape plantings. - The urban setting proposed by the URA is not likely to significantly compromise existing view lines from surrounding dwellings from the adjacent Elambra site which is generally at the same landform height or higher than the proposal site. - The existing view lines from the surrounding rural landscape is already compromised by visual impacts of the Gerringong township and the URA does not necessarily add a further significant compromise in this visual setting. This visual impact can be mitigated with use of perimeter and watercourse landscape plantings. - The visual impact to the URA is in a compromised setting with existing surrounding residential development and therefore the site (when developed) won't necessarily be obvious on its own when looking from a distance to the site. This visual impact can be mitigated with use of perimeter and watercourse landscape plantings. - The URA site is not located within an existing "Scenic Protection Area". - The URA does not visually affect a surrounding heritage site. - The URA proposes to retain the existing large fig tree which can enhance the future visual interest of the site as part of a public reserve system with use of perimeter and watercourse landscape plantings. - Embellishment of Union Creek and its incorporation into a public reserve system can significantly increase the visual amenity of this watercourse. - The extension of the urban setting in general does not significantly reduce existing public viewpoints and the new urban / rural interface can be mitigated and transitioned where possible through perimeter and watercourse landscape plantings.
Preliminary European Heritage assessment		- Preliminary European Heritage assessment has relied on a walk over of the URA site and cross referencing with KLEP 2011 heritage mapping. As shown in Figure 7, no heritage items are located on or in proximity to the URA site. - A site walkover did not find any significant items however; it was noted that the site has an original farm dwelling.
Flood Impact Risk Assessment		- The proposed development is not subject to flood hazards in all events up to and including the PMF due to being located above the PMF level and outside the flood planning area (FPA). - The proposed development will not result in offsite impacts due to being located above the PMF.

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	- Flood risk to life is managed via an evacuation strategy which is available via the existing road network to Gerringong town centre in flood events up to and including the 1 in 500 AEP flood. Safe shelter-in-place (SIP) within the site above the PMF level is also available as a backup strategy in larger flood events. - The proposed development can become isolated due to flooding on Belinda Street in events larger than the 1 in 500 AEP, with a maximum isolation period for site residents of 3.8 hours in the PMF event. This duration is less than the maximum SIP period of 6 hours recommended in the draft SIP guideline and is considered acceptable for residents sheltering in their homes. - Secondary risks associated with isolation are acceptable as the site is cut off from emergency services less than once every 500 years on average, for a maximum duration of approximately 2 hours in the PMF event. - The proposed development will not increase risks for the existing community as it will not change the frequency and duration of offsite flooding and will not impact existing safe occupation, efficient evacuation and evacuation route capacities. - There is a negligible change to flood characteristics and site flood risks including isolation period as a result of climate change. - The proposed development is compatible with the existing floodplain environment. - Compliance with Ministerial Directions, FRMM and draft SIP guide flood planning requirements are achieved. - Flood related comments provided by Council and other state agencies have been effectively addressed.
Supplementary Flood Modelling Report	- Martens and Associates was engaged to prepare the accompanying Supplementary Flood Modelling Report to evaluate the potential impacts of the proposed bridge crossing via Elambra Parade. As part of this additional modelling work, the 2024 Flood Impact Risk Assessment hydraulic model was updated to include the proposed southeast access road and bridge, associated earthworks and riparian planting to assess whether the southeast access road can provide a flood emergency evacuation route for the proposed development. - This model was used to assess flooding for the full range of events up to and including PMF to determine site flood conditions under both existing and proposed conditions. - The Assessment concluded that: - The proposed southeast access road and bridge provides flood free access for residents and the surrounding community in all events up to and including the PMF, enhancing the evacuation capability and reducing the flood risk of the area. - The proposed development will not result in unacceptable or materially adverse on-site impacts on people, property or the environment in all events up to and including the PMF. - Compliance with the Ministerial Local Planning Directions and FRMM flood planning requirements and principles are achieved.

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Preliminary Service Infrastructure Assessment	- Preliminary service infrastructure assessment is based on the findings of the Illawarra Shoalhaven Urban Development Program Update 2018. The report is based on information gathered during the annual developer forum held in 2016 and 2017, which was attended by Sydney Water, Councils, and relevant developers to discuss historical housing supply and forecast lot production. It provides the estimates of land supply as at the end of financial year 2016/17 and short-term forecasts until 2021/22 and identified the following points specific to the URA: - Greenfield dwelling forecasts have identified potential supply of 617 future lots for the whole Kiama LGA of which more than the 148 dwellings identified at Sunnymede. - Sunnymede has capacity within the water and wastewater systems as well as electricity network for servicing and presents an additional housing opportunity if required. - Preliminary feedback from Endeavour Energy has also been sought.
Utilities and Infrastructure Assessment	- The proposed residential site is within the Gerringong Reduced 1 Pressure Zone. Based on the number of dwellings, preliminary assessment shows that the water infrastructure system has capacity to service the developments. There are several DN100 water mains adjacent to the site and a DN200 water main at Fern Street. - The topography will not allow for a single loading point for gravity wastewater servicing. New pump/s will be required to service the development, transferring flows to the existing network. If new pumped flows from the development are discharged to either SPO683 or SP1141, these stations may require pump capacity upgrades.
Contamination assessment	- As a condition of Gateway Determination, a Stage 1 Land Contamination Assessment was required to address Ministerial Direction 2.6. Findings from the Stage 1 Assessment concluded that some soil contamination was present on the PP site and that additional Stage 2 Assessment was required. Key findings of this stage 2 assessment (Detailed Site Investigation) that accompany the proposal and in summary makes the following conclusions: - Restrict access to a significantly contaminated area and where appropriate make them safe in general accordance with the SafeWork NSW Code of Practice (2019). - Disturbance of materials with potential to disturb friable asbestos should be appropriately supervised - Avoid disturbance of any area containing non-friable asbestos materials. - Preparation of a RAP to meet Ministerial Direction 4.4 - Remediation of Contaminated Land by a suitably qualified environmental consultant. - As outlined above, the RAP recommends a series of works and processes to make contaminated areas of the site safe and environmentally acceptable for related land uses which includes offsite disposal and onsite encapsulation



PP for land from Saddleback Mountain Road to south of Weir Street, South Kiama – NSW Planning Panels – Rezoning Review – Record of Decision

Further to the above justification, we provide as Appendix F the Record of Decision (19 June 2019) for land from Saddleback Mountain Road to south of Weir Street, South Kiama and note the following key points:

1. The Kiama Urban Strategy 2011 was not approved formally by the DPE (noted, now repealed by KLSPPS 2025).
2. Under action 2.5.1 of the Illawarra Shoalhaven Strategic Plan, projections of land availability and monitoring of progress under the Illawarra Urban Development Program have consistently assumed that the Elambra West site would be developed and would contribute 355 lots. However, this site has not been rezoned, and rezoning does not appear to be imminent.
3. The Panel was not convinced that other initiatives being pursued by Council would meet projected housing needs identified in the Illawarra Shoalhaven Regional Plan – particularly given existing projections rely heavily on progressing development of the Elambra West site which has not been rezoned to date.

The comments made by the Southern Regional Planning Panel outlines the urgent need to progress rezoning of the proposed Sunnymede area.

In the absence of this PP, the delivery of the URA could not be achieved with the current land zoning, lot size, floor space ratio and height of buildings requirements of KLEP 2011.



Figure 12: Site Photo showing existing condition of the Union Creek watercourse.

3.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The PP is the only planning mechanism of achieving the intended URA re-zonings and related outcomes.

3.2 – Relationship to Strategic Planning Framework

3.2.1 Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The PP is consistent with the following regional strategic planning framework.

Illawarra Shoalhaven Regional Plan 2041.

The Planning Proposal would be consistent with the Illawarra Shoalhaven Regional Plan 2041, which provides a long-term strategic vision to guide sustainable growth across the region. The Plan applies to the LGAs of Kiama, Shellharbour and Wollongong, and represents a strategic vision and direction for planning for the region's future housing over the next 20 years.

The Plan identifies 15 regionally significant precincts which includes Kiama as a "Strategic Centre" that will drive job creation, housing diversity and vibrant communities. These places contain more than 2,300 hectares for employment, hubs for recreation, culture, housing and

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innovation, as well as almost 45,000 jobs, and growth areas that provide land for almost 30,000 new homes.

Key inputs to the Plan have included:

- A Regional Approach to Sustainability in the Illawarra Shoalhaven 2020 – embeds sustainability into the Regional Plan identifying regional collaborative opportunities
- Public Spaces in the Illawarra Shoalhaven Region 2020 – investigates and analyses access to public spaces in the Region and identifies opportunities to improve access
- Councils' 2020 Local Strategic Planning Statements and their current Community Strategic Plans. It is noted the URA is consistent with the KLSPS.
- The NSW Government's State Infrastructure Strategy 2018–2038, Future Transport 2056, A 20-year Economic Vision for Regional NSW, and regional economic development strategies for Kiama, Shellharbour and Shoalhaven.

The Planning Proposal advances the Plan's vision by encouraging well-located, sustainable housing that supports the economic and social vitality of Kiama, aligns with broader State and regional infrastructure strategies, and ensures that development respects environmental and established character-based constraints.

In summary the proposal would be consistent with the following objectives and strategies identified in the Plan:

Objective 11: Protect important environmental assets

Strategy 11.4 in part recognises the need to protect biodiversity values in urban release areas by incorporating validated, up-to-date environmental data into local strategic planning and local plans.

The Planning Proposal has incorporated detailed site-specific studies and mapping to ensure the conservation of biodiversity values and the protection of riparian areas. Sensitive site design and retention of environmental corridors also align with this objective.

Objective 12: Build resilient places and communities

Strategy 12.1 in part recognises the need to promote economic diversity and prosperity, improving liveability and strengthening the health, wellbeing and social cohesion of a place which the URA can facilitate.

The Planning Proposal will facilitate housing diversity that can accommodate a range of household types, supports local services, and enhances community wellbeing by integrating open space, walkability, and access to local facilities.

Strategy 12.2 in part recognises the need to locate development, including urban release areas, away from areas of known high bushfire risk, flooding hazards or high coastal erosion/inundation to reduce the community's exposure to natural hazards which the URA is consistent with.

Detailed hazard assessments have informed the layout and development footprint of the proposal, which avoids areas subject to flooding or bushfire risks and incorporates appropriate mitigation measures to enhance community safety.

Objective 14: Enhance and connect parks, open spaces and bushland with walking and cycling paths

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Strategy 14.1 in part recognises the need to plan for urban release areas to supply a sufficient quantity and quality of new accessible open space which the URA can facilitate.

The proposal incorporates a well-connected green network of parks, riparian corridors and shared paths that improve recreational access and contribute to healthy, active lifestyles, while also enhancing ecological linkages across the site.

Objective 17: Secure water resources

Strategy 17.1 in part seeks to locate, design, construct and manage new developments to minimise impacts on water catchments and seeks to incorporate water sensitive urban design particularly where development is likely to impact water catchments, water quality and flows.

The Planning Proposal includes water-sensitive urban design (WSUD) features such as bio-retention swales, vegetated buffers and stormwater management infrastructure to protect downstream water quality and maintain the integrity of nearby catchments.

Objective 18: Provide housing supply in the right locations

Strategy 18.1 identifies urban growth boundaries and facilitates opportunities to create an ongoing supply of housing in local strategic planning and local plans. In particular, the Plan identifies Kiama as making more housing available in existing urban areas is a sustainable option as it takes advantage of existing investments into infrastructure and services.

The Planning Proposal aligns with the identified growth expansion of Kiama by facilitating appropriately scaled residential development within the established urban footprint, close to existing transport, services and infrastructure, thereby supporting sustainable settlement patterns.

Objective 19: Deliver housing that is more diverse and affordable

Strategy 19.1 in part recognises the need for a mix of housing types and lot sizes including small lots in urban release areas which the URA can facilitate.

The proposal provides for a variety of housing forms, including smaller lots and opportunities for attached dwellings and secondary dwellings, to better cater for changing demographic needs, including downsizers, key workers, and young families.

Objective 22: Embrace and respect the region's local character

Strategy 22.1 in part recognises the need to explore flexibility and supporting a mix of land uses so that local streets and spaces can be adapted to new uses and user needs over time which the URA can facilitate.

The design of the proposal is sensitive to the character of Kiama, with built form and landscaping strategies that reflect local topography, heritage context, and rural-urban interfaces. Flexibility is embedded into the planning controls to allow the neighbourhood to evolve while maintaining a strong sense of place.

Illawarra Shoalhaven Urban Development Program Update 2018

The PP is consistent with the Illawarra-Shoalhaven Urban Development Program (UDP) which is the State Government's program for managing land and housing supply in the Illawarra-Shoalhaven. The UDP monitors the planning, servicing and development for new urban areas in

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Wollongong, Shellharbour, Kiama and Shoalhaven LGA's as well as the provision of housing in existing urban areas.

The UDP enables the DPH and I to:

- Monitor take up rates, land supply and dwelling production;
- Coordinate release and rezoning of land; and,
- Strategically plan to ensure the sustainable supply of housing to meet the Region's needs.

The UDP is based on information gathered during the annual developer forum held in 2016 and 2017, which was attended by Sydney Water, Councils, and relevant developers to discuss historical housing supply and forecast lot production. It provides the estimates of land supply as at the end of financial year 2016/17 and short-term forecasts until 2021/22.

Key points from the UDP data shown in this report indicates:

- Available new release land appears to be in short supply in the Kiama LGA since 2012/13, when dwelling completions fell after peaking at 89 to an average of 23 per year to 2016/17. At the same time in-fill dwelling completion was 77 and continued to grow to an average of 81 per year to 2016/17.
- Dwelling approvals in the Kiama LGA reached a ten year high in 2015/16 with 210 approvals.
- Detached dwellings (higher on greenfield sites) is preferable over multi-units in the Kiama LGA.
- The proportion of multi-unit approvals in the Kiama LGA has increased over the last ten years, accounting for 18% in the first five years to 2011/12 then increasing to 38% of all approvals for the last 5 years (2012/13 to 2016/17) which could be attributed to limited greenfield land available.
- The greenfield dwelling potential in Elambra Estate was exhausted in 2016/17 with the construction of the final subdivision stages and registration of lots.
- Only 86 greenfield residential lots are zoned for potential release to service the whole Kiama LGA.
- Average dwelling completions for the last 20-years is 143 per annum which is an indication of a strong local housing market in the Kiama LGA.
- High infill dwelling development in the Kiama LGA is a reflection of the limited capacity for greenfield housing.
- Greenfield dwelling forecasts have identified potential supply of 617 future lots for the whole Kiama LGA of which more than the 148 dwellings identified at Sunnymede.
- Sunnymede has capacity to be integrated with the water and wastewater systems as well as electricity network for servicing and presents an additional housing opportunity if required.

The above analysis concludes that the PP is consistent with relevant planning strategy hence meets strategic merit test requirements.

Kiama Local Strategic Planning Statement 2025

Council has adopted the Kiama Local Strategic Planning Statement (LSPS) to establish:

- a 20-year vision for land use in our local area
- the special characteristics that contribute to local identity
- shared community values to be maintained and enhanced
- how growth and change will be managed into the future.

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The site is listed and mapped for potential urban expansion. The LSPS states that 'these areas have been identified through the Kiama Urban Strategy and have been the subject of community consultation and discussion.

Kiama Growth and Housing Strategy –2025

The Kiama Growth and Housing Strategy seeks to set a path of action for growth and housing in the Kiama area through to 2041. The strategy includes actions and proposes a land use framework to improve housing choice, diversity and affordability to meet the current and future needs of the community.

The subject site is identified under the draft strategy as a “Tier: 3 Land under consideration for rezoning” – see Figure 13 below



Figure 13: Site Section under Kiama Growth and Housing Strategy

The Strategy states that all proposals for land identified as a “Potential New Greenfield Opportunity” is to be considered on their merit in accordance with Council's Non-negotiable Principles for Greenfield Development.

In response to these Non-Negotiable Principles for Greenfield Development, Table 6 provides comment in the context of the subject planning proposal.

Table 6: Non-negotiable Principles for Greenfield Development

Non-Negotiable Principles	Response Comment
Urban expansion areas are master planned to ensure each area has appropriate connections to the existing road and public transport networks.	To ensure connectivity of existing road and public transport networks, the planning proposal is supported by: - A Subdivision Concept Plan - Traffic and Transport Assessment
Engagement with State Government to ensure state infrastructure and services can be planned and delivered for each urban expansion areas has occurred.	Engagement with relevant state infrastructure agencies and authorities will be undertaken in the preparation of the planning proposal and the following specialist reports: - Sydney Water Feasibility Advice - Traffic and Transport Assessment
The Sydney Water system has capacity to provide sewer and water connectivity to each urban expansion area.	The planning proposal is accompanied by Sydney Water Feasibility Assessment

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	confirming the availability of water and sewer services for the site.
Each urban expansion area is provided with mix of land use zones to ensure a diversity of housing typologies, employment lands, open space and natural areas.	As indicated in the accompanying concept development layout, a diverse mix of land uses promotes a diversity of housing typologies, open space and natural areas.
Employment lands are provided within each urban expansion to ensure local services are provided to new residents and to minimise traffic impacts and movement.	Employment lands are expected to be provided in other areas of LGA.
Financial liability to council is minimised – where land such as riparian corridors and stormwater management lands and infrastructure are proposed to be dedicated to Council, these are dedicated free of cost following rehabilitation and/or construction works, with a maintenance period and with in-perpetuity funding.	The proposal would minimise financial burdens on the council through sustainable delivery and management of public assets by way of a commitment to enter into a voluntary planning agreement for: - Bridge Connection - Local Park (Land dedication and embellishment) - Riparian Corridors (Land dedication, restoration, and maintenance period, as required) - Stormwater Drainage
Each urban expansion area is provided with useable public open space which meets both quantum and quality standards.	The planning proposal is consistent with the following public open space principles: - Targets for walkable access to parks (e.g., within 400m of all residences). - Urban canopy cover targets and green grid connections. - Minimum hectares of open space per 1,000 people (e.g. 2.83 ha/1,000 people as a benchmark from historical standards).
Heritage Items and values are identified and preserved.	The planning proposal is accompanied by an assessment of heritage informed by the following consultant reports: - Aboriginal Cultural Assessment Report
Areas of high environmental significance are appropriately retained and managed within urban expansion areas.	The planning proposal is accompanied by an assessment of biodiversity values and recommended strategies informed by the following consultant reports: Biodiversity Constraints Report.

The subject land is well-located in relation to existing urban services and infrastructure demanded by new residential development, including the Gerringong Town Centre, Gerringong Train Station, roads, nearby schools, and shops making it a logical and efficient extension of the existing urban footprint.

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To frame future discussions about growth within the URA a series of master plan principles have been prepared and supplied at **Appendix J**. Amongst other items, the master plan principles take into account the following main opportunities and constraints:

- Requirements for bushfire hazard protection including reinforcing the existing perimeter road concept which separates the riparian areas from the developable parts of the land.
- The riparian areas containing existing landscaped setbacks to Union Creek and the unnamed waterway to the west.
- The topography of the site with expansive western escarpment view lines from the middle of the site being substantially higher
- Maximising community benefit (New central park reserve) and publicly accessible
- green spaces along riparian areas.
- The urban design approach responding to site accessibility to Gerringong train station (<800m) by adopting the following future development areas:
 - Medium Density Area: 15-25 dwellings/ha
 - Low Density Area: 10-15 dwellings/ha

On 28 April 2025 Kiama Council completed exhibition of their draft local housing strategy and intend to report back to council by mid-2025.

Minnamurra River Coastal Zone Management Plan

As shown in Figure 14, the subject site does not fall within the Minnamurra River Coastal Zone Management Plan (MRCZMP) catchment. However, as indicated in Council's 'Planning Proposal Requirements' checklist (Appendix A) and pre-lodgement discussions with Council is understood that Council requires the proponent to prepare suitable measures to manage impacts to coastal waterways and the MRZCMP should be considered as a basis for ongoing pollutant and nutrient runoff management.

The MRCZMP identifies catchment-wide management issues and addresses state government requirements for coastal zones including the following actions for Council to develop as part of its Urban Stormwater Asset Management Plan:

- Collection of data including asset condition;
- Identification of stormwater management issues and rectification actions;
- Identification of the need for stormwater treatment and pollution controls including gross pollutant traps;
- Development of a renewal strategy;
- Development of guidelines for maintenance and asset rectification; and
- Training of Council staff

To ensure the future development minimises pollutant and nutrient runoff to coastal waterways, the proponent intends to incorporate the above stormwater treatment requirements as guiding actions for adopting water controls as part of a future site specific DCP post rezoning.

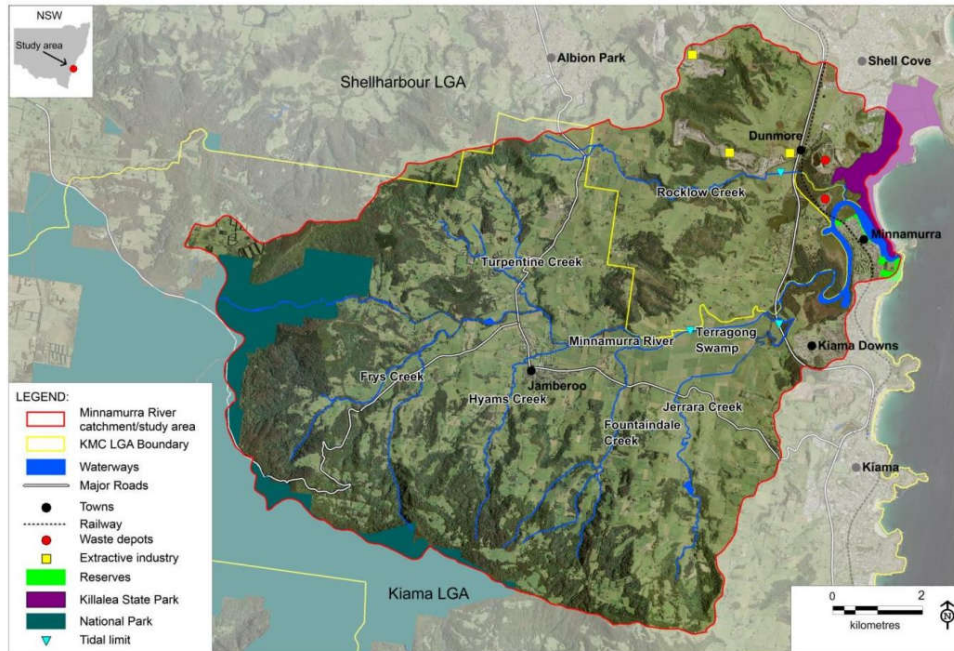


Figure 14: The Minnamurra River CZMP study area (Minnamurra River Catchment) and key features (Source: NSW DPIE)

Kiama Water Sensitive Urban Design Policy

The Kiama Water Sensitive Urban Design Policy (KWSUDP) outlines requirements for large scale development proposals for the subdivision of land 10 lots and over. For Large Scale Development the quality of stormwater discharging from the development shall meet the following targets unless locally specific “sustainable load targets”, or in the case of extremely sensitive environments, a “neutral or beneficial” pollutant load target may be requested.

Table 7: Water Quality Targets

Pollutant	Target
Gross Pollutants	70% retention of baseline annual load
Total Suspended Solids (TSS)	80% retention of baseline annual load
Total Phosphorous (TP)	45% retention of baseline annual load
Total Nitrogen	45% retention of baseline annual load*

To address the above water quality targets an Integrated Water Cycle Management Strategy (IWCMS) (Allen Price Pty Ltd) for the site has been prepared to accompany the future residential subdivision development application in accordance with the above water quality targets and acceptable solutions. The IWCMS assesses the proposed rezoning to approximate the extent of water quality and quantity treatment devices that would be required for an eventual future subdivision. The IWCMS concludes that sufficient area had been indicated for water quality treatment devices around the east, west and south perimeters of the site.

3.2.2 Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

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As outlined in the above Section 3.1, the URA is endorsed in part or in full the following local strategic planning reports:

- Gerringong Charrette 1995;
- KLSPS 2020; and

Further to the above, the PP is broadly consistent with the Kiama Council Community Strategic Plan's objectives of:

1. A healthy, safe and inclusive community.
2. Well planned and managed spaces, places and environment.
3. A diverse, thriving economy.
4. Responsible civic leadership that is transparent, innovative and accessible.

3.2.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The PP is considered generally consistent with applicable State Environmental Planning Policies (SEPP) which are assessed in Table 7 and relevant SEPPs summarised in the following subsections.

Table 8: SEPP Summary

SEPPs relevant to the Site	Relevant to PP	Relevant to PP
State Environmental Planning Policy (Biodiversity and Conservation) 2021		x
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008: Land Application		x
State Environmental Planning Policy (Housing) 2021		x
State Environmental Planning Policy (Industry and Employment) 2021		x
State Environmental Planning Policy (Planning Systems) 2021		x
State Environmental Planning Policy (Precincts – Central River City) 2021		x
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021		x
State Environmental Planning Policy (Precincts – Regional) 2021		x

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State Environmental Planning Policy (Precincts – Western Parkland City) 2021		x
State Environmental Planning Policy (Primary Production) 2021	Chapter 2 Primary production and rural development	✓
State Environmental Planning Policy (Sustainable Buildings) 2022		x
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 2: Coastal Management	✓
Chapter 4: Remediation of Land		x
State Environmental Planning Policy (Resources and Energy) 2021		x

SEPP (Primary Production) 2019

SEPP (Primary Production) 2019 does apply to the URA and the following assessment in Table 9 is made against the aims of the policy.

Table 9: SEPP (Primary Production) 2019- Aims

Policy Aim	Assessment Comment
(a) to facilitate the orderly economic use and development of lands for primary production.	The proposal is located outside land with the highest primary production value, and will not compromise existing or potential agricultural activities on these lands. The development supports orderly land use by locating residential uses away from productive rural land.
(b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources.	The development is sited to avoid land use conflict by being located outside significant agricultural areas and sensitive environmental features. The balance between rural land use and residential development is maintained.
(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations.	The site is not identified as State significant agricultural land. As such, the development does not affect the viability or availability of such land for ongoing agricultural use.
(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts.	This aim is not applicable to the proposal, as the development does not involve artificial waterbodies or occur within an irrigation area or district.



(e) to encourage sustainable agriculture, including sustainable aquaculture.	The development does not inhibit sustainable agricultural or aquacultural activities. By being located outside agricultural zones, the proposal avoids impacting land that may otherwise be used for those purposes.
(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,	The site is not located near coastal waterways or estuarine environments used for oyster aquaculture. There is no likely impact on aquaculture operations.
(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.	The proposal is not related to aquaculture and does not trigger designated development under this aim. Therefore, this provision is not relevant to the assessment.

The PP is consistent with the above objectives of the SEPP (Primary Production and Rural Development) and as outlined in the accompanying Agriculture Assessment, residual land will continue be used as sustainable Class 2 land (higher agricultural valued land).

SEPP (Resilience and Hazards) 2021 – Chapter 2: Coastal Management

As shown in Figure 15, the SEPP (Resilience and Hazards) 2021 – Chapter 2: Coastal Management mapping does not apply to the URA site.

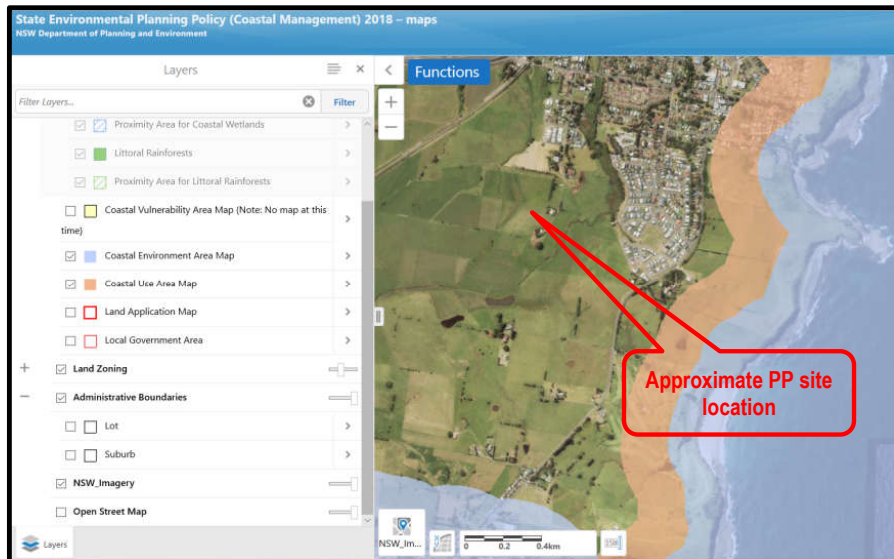


Figure 15: SEPP Coastal Management 2018 mapping (Source: NSW DPIE)

SEPP (Resilience and Hazards) 2021- Chapter 4: Remediation of Land

SEPP (Resilience and Hazards) 2021- Chapter 4: Remediation of Land applies to the PP and relates to remediation of contaminated land and requires amongst other things, investigations

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to be undertaken as part of the development assessment process, to determine whether the subject land is likely to be contaminated and if so, what remediation work is required.

Preliminary investigations note the URA is used for grazing, bulky agriculture items, machinery sheds and stockyards and identified shallow asbestos soil contamination requiring remediation prior to the lodgement of a subdivision application – as shown in the Figure 16.



Figure 16: Site Photo of onsite machinery sheds

As a requirement of Gateway Determination Stage 1 and 2 Land Contamination Assessment and a subsequent Remediation Actin Plan (RAP) has been prepared as per SEPP (Resilience and Hazards) 2021- Chapter 4: Remediation of Land requirements. The RAP identifies the following remediation options:

- Excavation and offsite disposal;
- Excavation and onsite encapsulation; or
- Manual emu picking of asbestos fragments

The appropriate site remediation method will not be finalised until the validation testing and clearance certification (if required) of quantum of contaminated material to be removed and/or encapsulated is confirmed. However, remediation works, as specified in the RAP, are to be completed and validated prior to the submission of the Subdivision Development Application to KMC.

Should encapsulation through the above assessment be identified as the preferred site remediation method, the final size of the encapsulation cell will not be finalised until the early site works phase commences, when contaminated soil containing asbestos material is excavated and stockpiled. Therefore, the RAP specifies that the encapsulation cell will require a Site

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Management Plan, NSW EPA Site Auditor engagement and sign off (Site Audit Statement. The RAP will be assessed and approved as part of the future development application for early site works post-rezoning.

Refer to Direction 4.4 Remediation of Contaminated Land (below) regarding suitability of the site for rezoning.

3.2.4 Is the Planning Proposal consistent with applicable Local Planning Directions?

A summary of the PP consistency with relevant Section 9.1 Ministerial Directions (2) of the Environmental Planning and Assessment Act 1979 is provided in **Appendix H** and relevant directions discussed below.

Direction 1.1 Implementation of Regional Plans

This direction applies as the PP meets the following requirements:

This direction applies to a relevant planning authority when preparing a planning proposal for land to which a Regional Plan has been released by the Minister for Planning.

Table 10: Implementation of Regional Plans Directions Assessment

Direction Requirement	Assessment Comment
(1) Planning Proposals must be consistent with a Regional Plan released by the Minister for Planning.	Whilst not specifically identified, the PP is generally consistent with the overall intent of the Illawarra Shoalhaven Regional Plan 2041 and outcomes such as increasing housing supply and opportunity.

Direction 1.3 Approval and Referral Requirements

This direction applies as the PP meets the following Clause 1 requirements:

This direction applies when a relevant planning authority when preparing a planning proposal.

Table 11: Approval and Referral Requirements

Direction Requirement	Assessment Comment
(1) A planning proposal must: a. Minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and	It is expected that Kiama Council will be the plan making authority for the PP site and planning standards would be the same or similar as provisions as within KLEP 2011 that has been applied similar residential such as the existing Elambra Estate that the PP in part mirrors.
b. not contain provisions requiring concurrence, consultation or referral of a Minister or public	The PP is not inconsistent with this direction.

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authority unless the relevant planning authority has obtained approval of:	
i. The appropriate Minister of public authority and ii. The Planning Secretary (or an officer of the Department nominated by the Planning Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 of the EP&A Act, and	
c. not identify development as designated development unless the relevant planning authority: i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Planning Secretary), that the class of development is likely to have a significant impact on the environment, and ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Planning Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 of the EP&A Act.	

Direction 3.1 Conservation Zones

(as requested by DPIE the following Direction 3.1 Conservation Zones as effective of 1 March 2022 has been addressed)

The objective of this direction is to protect and conserve environmentally sensitive areas.



Table 12: Conservation Zones Direction Assessment

Direction Requirement	Assessment Comment
(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.	The PP is consistent with this requirement and facilitates the protection of the Union Creek riparian area.
(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands".	The PP is consistent with this requirement and the proposed C2 zoned land that covers the Union Creek riparian area does not reduce the conservation standards that apply to the land or does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands".

The PP is not inconsistent with this direction.

Direction 3.2 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

This direction applies when a relevant planning authority prepares a planning proposal.

Table 13: Heritage Conservation Direction Assessment

Direction Requirement	Assessment Comment
(1) A planning proposal must contain provisions that facilitate the conservation of:	Noted.
a. Items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.	The accompanying Aboriginal Heritage Diligence Assessment – November 2020 and Aboriginal Heritage Assessment – January 2022 has examined the site and not identified any items of significance.

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b. Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act, and	Noted and this is considered in the Aboriginal Heritage Diligence Assessment – November 2020 and Aboriginal Cultural Heritage Assessment – January 2022.
c. Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.	Cultural Heritage Assessment – January 2022 has examined the site and not identified any items of significance.

The PP is not inconsistent with this direction.

Direction 4.1 Flooding

The objectives of this direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 and ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.

This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.

Table 14: Flooding

Direction Requirement	Assessment Comment
1) A planning proposal must include provisions that give effect to and are consistent with: a) the NSW Flood Prone Land Policy, b) the principles of the Floodplain Development Manual 2005, c) the Considering flooding in land use planning guideline 2021, and d) any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.	The proposed R2 land zoning area and flood line for the URA has been informed by the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 which are detailed in the accompanying flood assessment.



(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones.	The proposed Urban Release Area is located above the PMF and outside the flood planning area and hence is capable of being rezoned from rural to residential land use.
3) A planning proposal must not contain provisions that apply to the flood planning area which: a) permit development in floodway areas, b) permit development that will result in significant flood impacts to other properties, c) permit development for the purposes of residential accommodation in high hazard areas, d) permit a significant increase in the development and/or dwelling density of that land, e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate, f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent, g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.	The PP intends to take a conservative approach by rezoning only areas above the PMF to residential with a view of carrying out more detailed flood modelling for the proposed development layout (as part of developing the future site-specific DCP prior to lodgement of any future DA). As all proposed R2 areas would be flood-free during PMF event, the proposal is not likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures. Therefore, the PP is not in conflict with these flood planning requirements and is has considered relevant development controls for the future residential land use.



4) A planning proposal must not contain provisions that apply to areas between the flood planning area and probable maximum flood to which Special Flood Considerations apply which: a) permit development in floodway areas, b) permit development that will result in significant flood impacts to other properties, c) permit a significant increase in the dwelling density of that land, d) permit the development of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate, e) are likely to affect the safe occupation of and efficient evacuation of the lot, or f) are likely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, which can include but not limited to road infrastructure, flood mitigation infrastructure and utilities.	
5) For the purposes of preparing a planning proposal, the flood planning area must be consistent with the principles of the Floodplain Development Manual 2005 or as otherwise determined by a Floodplain Risk Management Study or Plan adopted by the relevant council.	

Direction 4.3 Planning for Bushfire Protection

The objective of this direction is to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas and encourage sound management of bush fire prone areas.

This direction applies when a relevant planning authority prepares a planning proposal where land is mapped as bushfire prone land. This direction is relevant as the subject site is mapped as bushfire prone land.

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Table 15: Planning for Bushfire Protection Assessment

Direction Requirement	Assessment Comment
1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.	It is expected the planning proposal will be referred to the RFS for comment during public exhibition.
2) A planning proposal must: (a) Have regard to Planning for Bushfire Protection 2019, (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and (c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).	A Bush Fire Strategic Study (Study) has been prepared by Bushfire & Evacuation Solutions which accompanies this proposal. The Study has been undertaken in accordance with the information requirements and assessment methodology prescribed under Planning for Bushfire Protection 2019 (PBP) and recommends APZs appropriate to future residential and SFPP development.
(3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:	The Study recommends APZs (managed in accordance with Inner protection Area standards) commensurate with the bushfire risk and associated development type and in accordance with the acceptable solutions of the PBP.
(a) provide an Asset Protection Zone (APZ) incorporating at a minimum: i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and ii. an Outer Protection Area managed for hazard reduction and located on	N/A

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the bushland side of the perimeter road, (b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for firefighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area	The Study makes reference to the Acceptable Solutions of PBP and are relevant for future planning for the Sunnymede URA in relation to provision for public access roads, reticulated water supplies for firefighting and utility installations. The hazard areas affecting the site are assessed as a low to medium risk. The primary access to the site via the existing public access roads is to the north through the existing urban landscape and away from the primary bushfire threat to the south, west and east.
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Direction 4.4 Remediation of Contaminated land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. The direction refers to considering assessment of development for residential use.

This direction applies when a relevant planning authority prepares a planning proposal where land is proposed for residential use. This direction is relevant as past agricultural use of the site has resulted in partial contamination of the site.

Table 16: Remediation of Contaminated Land Assessment

Direction Requirement	Assessment Comment
(1) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:	Detailed contamination assessments have been prepared for the site which have identified partial contamination of the site as a result of historical agricultural use which is proposed for remedial in the RAP accompanying the PP.

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a) The planning proposal authority has considered whether the land is contaminated and	Based on the results of environmental sampling including the collection of soil and representative material samples, the RAP estimates a combined total volume of 3,345m³ or 5,686 tonnes of asbestos impacted soil within the site and has concluded that the final remedial strategy for the project appropriate for the current concentrations and volumes of contaminated soil present at the site to be a combination of: • Off-Site Disposal • Onsite Encapsulation The RAP outlines how the site will be made for residential use if an encapsulation cell is the preferred disposal option this would occur on the residual rural land and exportation of some soil off the URA site which will be overseen by an accredited site auditor. It is considered that sufficient information has been provided to demonstrate the suitability of the site for rezoning, and that further site assessment and the RAP can be subject to detailed assessment as part of any future development application.
b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and	
c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.	
In order to satisfy itself as to paragraph (4)(c), the planning proposal authority may need to include certain provisions in the local environmental plan.	
2) Before including any land to which this direction applies in particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.	

Direction 4.5 Acid Sulfate Soils

This direction applies as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

Table 17: Acid Sulfate Soils Directions Assessment

Direction Requirement	Assessment Comment
1) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid	As shown in Figure 5, Class 4 and 5 acid sulfate soils have been identified in close proximity the URA site and primarily located on the lower flood prone which are not proposed be disturbed. When considering the Acid Sulfate Soils Planning Guidelines, future

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sulfate soils being present.	development the URA site is unlikely to significantly disturb these soils.
(2) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with: (a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or (b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.	If deemed necessary, a future subdivision application can be conditioned to undertake these acid sulfate soil investigations.
(3) A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act.	If deemed necessary, a future subdivision application can be conditioned to undertake these acid sulfate soil investigations.
(4) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5)	If deemed necessary, a future subdivision application can be conditioned to undertake these acid sulfate soil investigations.

This direction applies as the PP is located on land mapped as having part Class 4 & 5 acid sulfate soils. The PP and subsequent later subdivision will consider the Acid Sulfate Soils Planning Guidelines.

The PP is not inconsistent with this direction.

Direction 5.1 Integrating Land Use and Transport

This direction applies as the PP meets the following Clause 3 requirements:

The direction applies when a relevant planning authority prepares a planning

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proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

Table 18: Integrating Land Use and Transport Directions Assessment

Direction Requirement	Assessment Comment
1) A planning proposal must locate zones for urban purposes and include provisions that give effect to an are consistent with the aims, objectives and principles of:	The Guidelines for planning and development have been considered in the structure plan design.
a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and	The Right Place for Business and Services – Planning Policy have been considered in the structure plan design.
b) The Right Place for Business and Services (DUAP 2001).	

This direction applies as the PP URA is proposed to be serviced by pedestrian Infrastructure and public transport which should reduce car dependency and increase the viability of public transport services. However, due to proximity and frequency of public transport services, Gerringong in general is heavily dependent on private vehicles and the related land zone adjustments on their own are not anticipated to change this public transport service demand or supply. Traffic impacts would be considered as part of the development assessment process.

The PP is not inconsistent with this direction.

Direction 5.2 Reserving Land For Public Purposes

This direction applies as the PP meets the following Clause 3 requirements:

This direction applies when a relevant planning authority prepares a planning proposal.

Table 19: Reserving Land for Public Purposes

Direction Requirement	Assessment Comment
(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or officer of the Department nominated by the Secretary).	The proposal is consistent with this requirement, and it does not create, alter or reduce existing zonings or reservations of land for public purposes. However, the PP proposes to increase the network of public land through the dedication of public reserves for recreation and riparian corridors.
(2) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:	



(a) reserve the land in accordance with the request, and (b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and (c) identify the relevant acquiring authority for the land.	
(3) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must: (a) include the requested provisions, or (b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.	
(4) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.	

The PP is not inconsistent with this direction.



Direction 6.1 Residential Zones

This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.

Table 20: Residential Zones Directions Assessment

Direction Requirement	Assessment Comment
(1) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design	The PP which is proposing a R2 land use zone and minimum lot area of 450m ² will also for good planning design and allows for a mixture of large lots and for a varying housing mix which is consistent with state and Council design requirements to provide an efficient use outcome in proximity to existing infrastructure and services. The PP is subject to future subdivision approval that will provide services and infrastructure to the PP site. The proposal does not contain provisions which will reduce the permissible residential density of land. As such, the PP is consistent with this Direction.
(2) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	

The PP is not inconsistent with this direction.

Direction 9.2 Rural Lands

This direction applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the Greater Sydney Commission Act 2015) other than Wollondilly and Hawkesbury, that:

- (a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary) or
- (b) changes the existing minimum lot size on land within a rural or conservation zone.



Table 21: Rural Lands Directions Assessment

Direction Requirement	Assessment Comment
(1) A planning must: (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement	The PP is consistent with the following strategic plans: - Gerringong Charrette 1995 - KLSPS 2020 - Illawarra Shoalhaven Regional Plan 2041 - Illawarra Shoalhaven Urban Development Program Update 2018
(b) consider the significance of agriculture and primary production to the State and rural communities	All future residential development will be on the Class 3 land and the Class 2 land will continue to be used for agriculture. The significance of agriculture and primary production of the Class 2 land has been a key factor in determining a possible site for relocation of the future contaminated soil encapsulation cell from the Class 2 land. This is a recommendation of the accompanying agricultural assessment update which on the basis of this change being made supports the URA.
(c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources	The accompanying structure plan and this assessment identifies the need to protect native vegetation, cultural heritage, and the importance of water resources through rehabilitating the Union Creek watercourse.
(d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions	The accompanying agricultural assessment update supports the URA and identifies that all the residential development will be on the Class 3 land and the Class 2 land on the flood plain will continue to be used for agriculture.
(e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities	The accompanying agricultural assessment update recognises the opportunity of Class 2 land to continue for agriculture use and provide opportunities for investment in productive and sustainable rural economic activities.
(f) support farmers in exercising their right to farm	The accompanying agricultural assessment update recognises the opportunity of Class 2 land to continue to support farming.
(g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses	The accompanying agricultural assessment update and structure plan design recognises the opportunity to minimise the fragmentation of rural land, consolidation of residual agriculture land and reduce the risk of land use conflict.

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(h) consider State significant agricultural land identified in State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of ensuring the ongoing viability of this land.	Not applicable as no State significant agricultural land identified on the URA site.
(i) consider the social, economic and environmental interests of the community	The PP has initially considered social, economic and environmental interests of the community and further investigation can be considered through the Gateway assessment process.
(2) A planning proposal that changes the existing minimum lot size on land within a rural or conservation zone must demonstrate that it:	N/A
(a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses	The accompanying agricultural assessment update and structure plan design recognises the opportunity to minimise the fragmentation of rural land, consolidation of residual agriculture land and reduce the risk of land use conflict.
(b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains	The accompanying agricultural assessment update recognises the opportunity of Class 2 land to continue for agriculture use and provide opportunities for investment in productive and sustainable rural economic activities.
(c) where it is for rural residential purposes: - is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres - is necessary taking account of existing and future demand and supply of rural residential land.	As shown in the accompanying structure plan, the URA design has considered the availability of human services, utility infrastructure, transport and proximity to existing centres and accompanying studies have taken account of existing and future demand and supply of rural residential land.

The PP is not inconsistent with this direction.

3.3 – Environmental, Social and Economic Impact

3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A preliminary ecological constraints assessment and additional assessment has identified the biodiversity value of the landscape in the proposed URA which is specifically related to:

- a mature fig tree;
- riparian land and a third-order stream; and,

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- tree canopy forming native vegetation around the dwellings at the site.

The PP will not adversely affect any critical habitat or threatened species, populations or ecological communities, or their habitats as it involves a rezoning of land which is already predominately cleared and has been used for cattle grazing for some time.

The PP provides for a 40 metre riparian buffer from the top of bank for Union Creek (assumes a generous creek width of up to 10m wide) and where appropriate applies watercourse alignment averaging for a distance of up to 15m.

The Natural Resources Access Regulator (NRAR) requires approval for development on waterfront land (i.e. within 40m of top of bank). A Vegetated Riparian Zone (VRZ) either side of mapped drainage lines are also required (NRAR 2018).

The proposed rezoning represents an opportunity to rehabilitate and improve the VRZ either side of Union Creek which treats and carries largely untreated stormwater from the adjacent Gerringong township to Crooked River. Most of the subject site does not intersect with waterfront land and thus avoids direct impact to watercourses. There are two certain areas that do have direct impacts to the riparian area, both along the eastern perimeter of the subject site, these are the intended road crossings/entrance ways. As above, necessary approvals for controlled activities on waterfront land will be needed from NRAR.

An outcome of the PP will then result in the proposed riparian protection and planting of this adjacent watercourse and an overall improved biodiversity outcome which will be facilitated via a Vegetation Management Plan as a requirement of subdivision consent. No site-specific Development Control Plan (DCP) currently applies to the site. However, the proponent commits to water quality controls which minimise adverse impacts on the natural water cycle (where post development conditions mimic the natural hydrologic regime for the broadest range of storm events practicable).

3.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

In recognition of the requirement to resolve soil contamination from past use of the site, related assessments and the RAP will involve moving most of any soil contamination to an encapsulation cell to be created on the residual rural land. Some soil will also be exported from the site. The outcome of resolving this soil contamination will need to be assessed, approved and managed via development consent to minimise any associated environmental effects.

As outlined above, the PP site is proposed to be related to the new Part 7 URA Clauses which has been recently added in the KLEP 2011. The URA Clause will allow provisions around ensuring works related to past agricultural use of the site and any related contamination are carried out as per the RAP before a subdivision development application can be lodged. In addition, the site will be mapped under this Part 7 Clause. To ensure the future development incorporates sufficient stormwater treatment controls as part of a future site specific DCP post rezoning, the proponent commits to preparing a Comprehensive Water Cycle Strategy for the site in accordance with the KWSUDP water quality targets and acceptable solutions.

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3.3.3 Has the Planning Proposal adequately addressed any social and economic effects?

The social and economic impacts related to the PP and associated land zone adjustments are considered minimal in the context of the proximity of the proposed URA to the adjacent Gerringong township and existing services.

The associated land rezoning is likely to add to the economic viability of the township, including the business community in Gerringong town centre. The overall increased residential opportunities of the URA will have positive social impacts for the community with additional housing supply and associated housing affordability.

3.4 – State and Commonwealth Interests

3.4.1 Is there adequate public infrastructure for the planning Proposal?

As a requirement of the PP and Gateway process, re-confirmation of capacity to connect to existing services and the process of negotiating connection to necessary public infrastructure, including sewer treatment, water, electricity, telecommunications and stormwater drainage will be undertaken.

3.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Consultation with State and Commonwealth public authorities will be subject to the Gateway process and based on current assessment it is unlikely that the PP has any impacts which require significant input of State or Commonwealth public authorities.

MAPPING

(s.3.33(2)(d) Maps to be adopted by the proposed instrument)

The PP proposes amendments to the maps are shown in Table 22 (larger scale of proposed KLEP 2011 mapping modifications shown in Appendix F). At the conclusion of the PP process, it is expected KMC will prepare mapping associated with this amendment in accordance with the Standard Technical Requirements for KLEP 2011 Maps.

Table 22: Proposed amendments to KLEP mapping

Map Type	Map Sheet (identification numbers)
Land Zoning – LZN 014	4400_COM_ LZN_014_020_20211207
Lot Size – LSZ 014	4400_COM_ LSZ_014_020_20211207
Floor Space Ratio (FSR)–FSR 014	4400_COM_ FSR_014_020_20211207
Height of Buildings – HOB 014	4400_COM_ HOB_014_020_20211207
Urban Release Area – URA 014	New sheet to be created and numbered

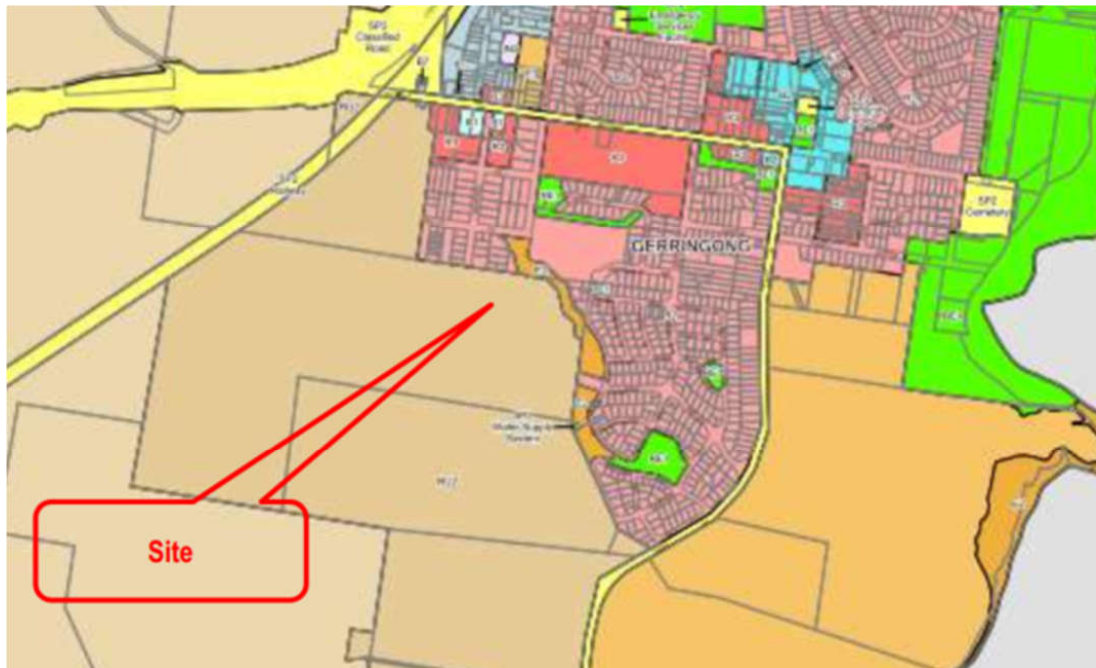


Figure 17: Existing Land Zoning Map (LZN 014)

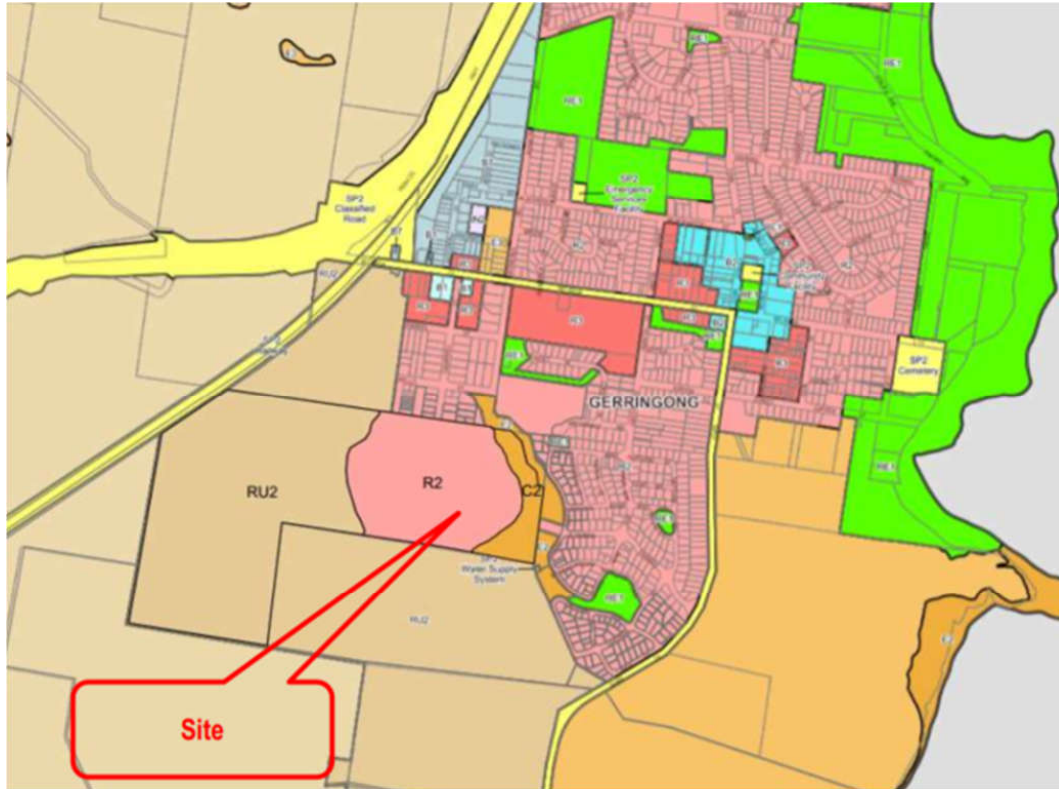


Figure 17: Modified Land Zoning Map (LZN 014)

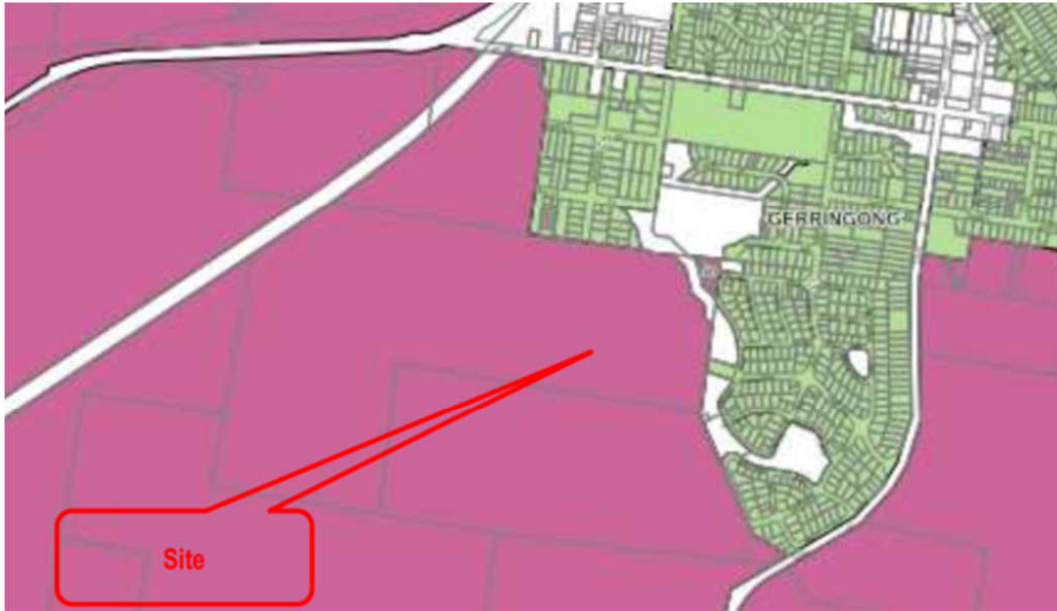


Figure 18: Existing Minimum Lot Size (LSZ_014)



Figure 19: Modified Minimum Lot Size (LSZ_014)

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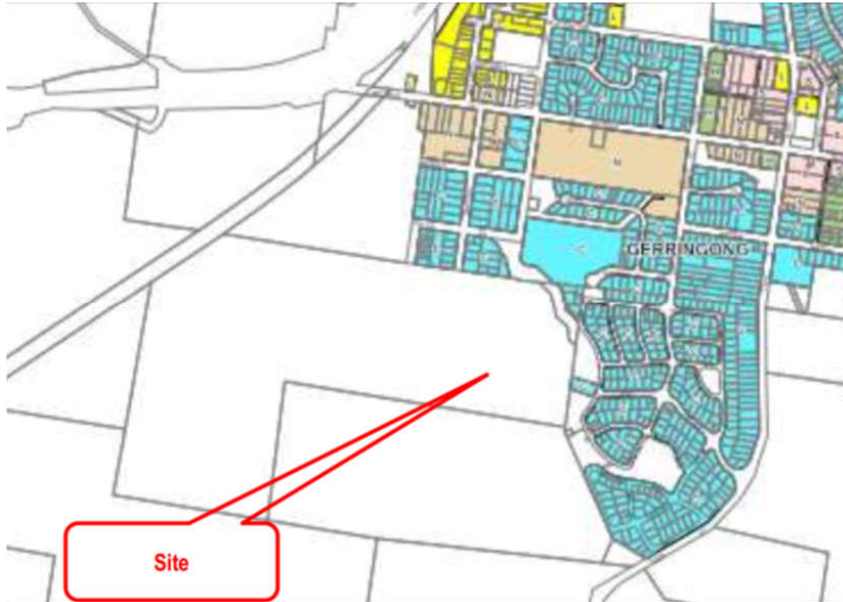


Figure 20: Existing Floor Space Ratio Map (FSR 014)

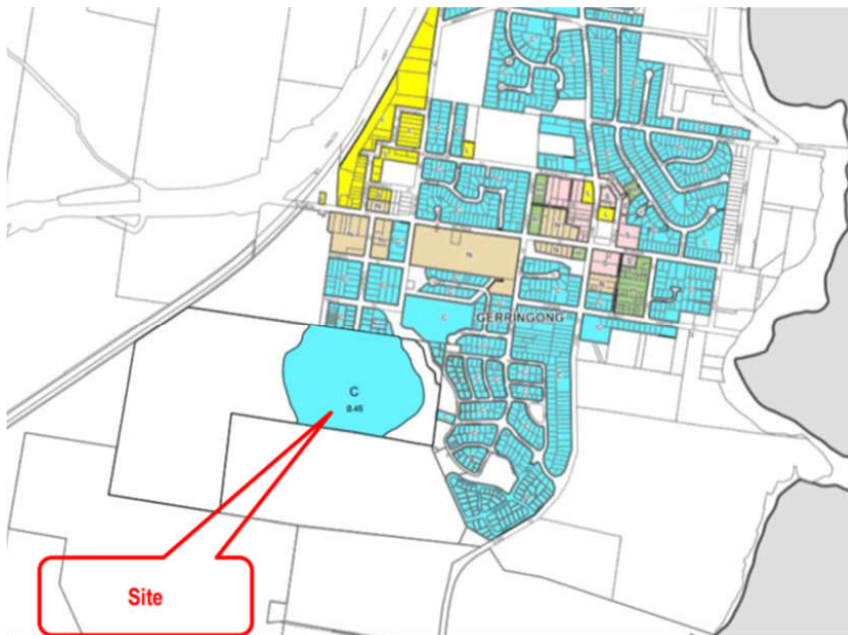


Figure 21: Modified Floor Space Ratio Map (FSR 014)



Figure 22: Existing Height of Buildings Map (HOB 014)



Figure 23: Proposed Height of Buildings Map (HOB 014)

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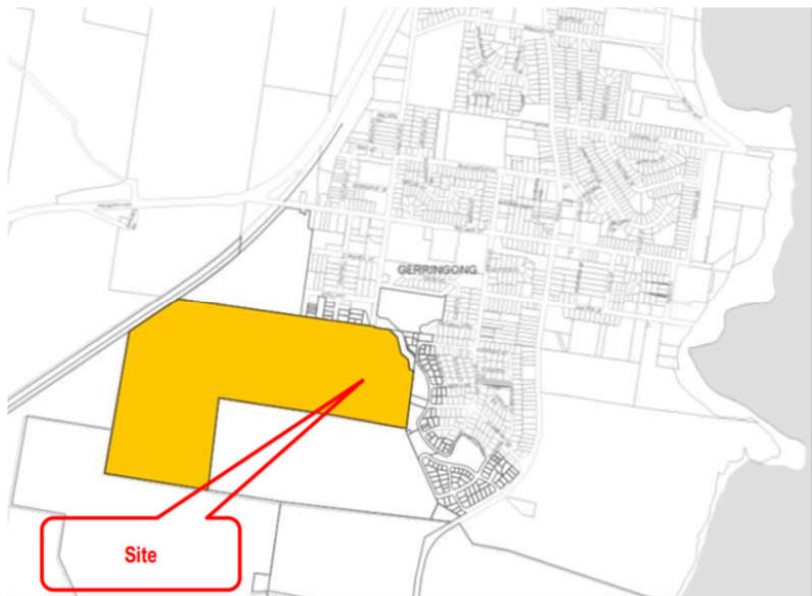


Figure 24: Modified Urban Release Area Map (URA 014) – Note no existing map relates to the site

COMMUNITY CONSULTATION

(s.3.33(2)(e) Detailed of the community consultation)

In accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979, KMC will require the PP to be made publicly available for a minimum of 28 days.

The exhibition would involve:

- Notices in the local newspaper;
- Exhibition material and all relevant documents will be available at KMC’s Office; and
- Exhibition material and all relevant documents will be available on KMC’s website.

Any further consultation required by the Gateway process can also be undertaken.

PROJECT TIMELINE

In accordance with the DPIE guidelines, the following estimated timeline is provided in Table 22, which includes the tasks deemed necessary for the making of this local environmental plan.

Table 23: Estimate project timeline

Task	Responsibility	Estimated Timeframe	Date (approx.)
PP submitted on NSW Planning Portal	Proponent	Not relevant	December 2024
Council resolution to support the PP	KMC	16 weeks*	June 2025*

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Lodgement of PP for Gateway Determination	KMC	4 weeks	June 2025
Gateway Determination issued	DPE	4 weeks	July 2025
Public Exhibition of PP	KMC	Minimum of 28 days	August 2025
Report to Council to finalise PP and adopt LEP changes	KMC	8 weeks	October 2025

* On 20 April 2021 KMC Resolved to support the PP.

CONCLUSION

The land which is subject to this PP is 48 Campbell St, Gerringong (Lot 2 DP 1168922) and results in the opportunity for only 148 lots. Beyond the proposed residential and public reserve areas, the residual land of Lot 2 which consists of flood affected and higher agricultural class land will remain zoned RU2. Further, the PP continues to provide legal access for the existing two rural dwellings and associated agricultural farming on adjacent Lot 11 DP 1045242.

This PP provides sound planning justification for an amendment to KLEP 2011 to extend the Gerringong residential zone in a south-westerly direction from Campbell Street and parallel to the adjacent Elambra Estate. The PP is consistent with the Gerringong Charrette and the KLSPS 2020 as well as strategic outcomes identified in Illawarra Shoalhaven Regional Plan and Illawarra Shoalhaven Urban Development Program Update and hence meets strategic merit test requirements. Further, the PP demonstrated meeting KMC's Site-Specific Merit test requirements as reported to the Ordinary Meeting of 20 April 2021.

The Sunnymede URA which results from the PP provides a long-awaited urban expansion and complements the existing urban area south-west corner of Gerringong. This urban expansion includes providing an urban expansion footprint which will allow for improved integration with the urban/rural/riparian interface. Further, this proposal does not extend the Gerringong urban area further south (i.e. closer to Gerroa) which has been a long-time concern for the local community.

Significant site analysis has informed the URA design with consideration of the environmental, economic and social values/impacts and accordingly we seek KMCs support to continue this PP Gateway assessment. This includes providing a longer-term planning outcome which incorporates:

- an urban expansion solution for the Gerringong township;
- additional riparian improved lands and protection of significant trees in public reserves;
- use of non-flood prone land adjacent and connect to the Gerringong township; and
- protection of any identified significant aboriginal heritage sites.

The PP provides for an overall residential strategic need and demonstrates a positive planning / urban design outcome. This outcome is demonstrated in the accompanying structure plan design that allows for the integration and minimises impacts to the adjacent agriculture lands with a landscaped public road or public reserve interface. In achieving this, the Class 2 land will continue to be used for agriculture.

The PP also recognises the opportunity for continued residential and economic growth in the Gerringong area which builds on the growth achievements of the last 20 years which has

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provided a small supermarket, a number of new bars, restaurants and café's and additional retail and other commercial uses. It should be expected that a similar scale of changes will occur over the next 20 years in the way residents and visitors of Gerringong live, work and recreate.

This PP identifies and addresses key site considerations to a suitable level, including resolving soil contamination via a RAP, to allow this application to proceed through the DPIE's Gateway assessment process. In doing this, the PP then responds to those constraints to develop a holistic and integrated outcome for the proposed URA.

In summary, the site is relatively unconstrained and well serviced by the infrastructure necessary to support efficient delivery of an attractive urban neighbourhood and community facilities that would provide a logical south-westerly extension to the Gerringong township with a transitional landscaped interface to adjacent rural land.

Item 14.5

Enclosure 3



APPENDICES

Appendix A – Planning Proposal Checklist



Phone enquiries:
Suzi Stojcevska
4232 0444

Reference:
Council: SC3807

19 August 2022

James Harris
Allen Price & Scarrats
Via: jamesharris@allenprice.com.au

Dear Applicant

Planning Proposal Requirements

Property Description: LOT: 2 DP: 1168922
48 Campbell Street, Gerringong
Proposed Development: Planning Proposal to rezone part of 48 Campbell Street Gerringong to facilitate residential development.

As you are aware the NSW Department of Planning and Environment (DPE) has terminated this Proposal as the Gateway timeframe has elapsed.

Five of the Eight state agencies, consulted with as part of the terminated Gateway, requested additional information. Council has met with several of the State agencies to better understand their concerns and has engaged with the NSW Planning Delivery Unit to ensure all agencies provide efficient and effective comments.

Council has consolidated that State agencies' concerns/requests below for your convenience. The following information will need to be submitted to Council as part of a new Planning Proposal, via the NSW Planning Portal. There will be no additional Council lodgement fees as part of submitting this new Planning Proposal.

Water cycle and stormwater management

Contamination and Acid Sulphate Soils

Utilities and Infrastructure

Agricultural Land Assessment

Checklist:

In addition to the documents previously submitted, Technical Information is to be submitted upon the re-lodgement of the Planning Proposal;

All correspondence Chief Executive Officer PO Box 75 Kiama NSW 2533 11 Manning Street Kiama NSW 2533
Contacts P (02) 4232 0444 E council@kiama.nsw.gov.au W www.kiama.nsw.gov.au ABN 22 379 679 108
RESPECT • INTEGRITY • INNOVATION • TEAMWORK • EXCELLENCE •





SC3908	
Technical Information	Required
Flood & Risk Assessment	
A detailed Flood & Impact Risk Assessment that addresses and/or incorporates the following: • ARR87 methodology, • The following Standard Scenarios, in accordance with section 2.3 of the Flood Impact and Risk Assessment Guide LU01: ◦ 5 Years, ◦ 20 Years, ◦ 100 Years ◦ PMF ◦ Climate Change Scenarios ◦ Modification to flood plain for cut/fill balance demonstrated along with management measures ◦ The developed case is modelled to establish the FPA and rezoning footprint including consideration of the final landform and vegetated extents of the riparian corridor in accordance with NRAR guidelines • Access for emergency services and emergency evacuation, having regard to impacts of flooding on Belinda Street. • Rain grid models including losses and volume loss addressed (a volume comparison as a minimum) • Flood hazards analysed in accordance with the Manual and Australian Institute for disaster resilience guideline 7-3 (current industry best practice) • A standard detailed survey upstream/downstream and within site needs to be undertaken. In accordance with Ministerial Direction 4.1 Flooding, areas identified as being within the flood planning area must not be rezoned from Rural Zones to a Residential, Business, Industrial or Special Purposes. The re-submitted Proposal should propose the rezoning of areas identified as being within the flood planning area are to either C3 Environmental Management or remain as rural. The riparian corridors and associated buffers, as contained within the Department of Planning & Environment's, riparian corridor guidelines must be adopted. Consideration is also to be given to need for any watercourse crossings, either permanently over Union Creek or temporarily over lower order drainage lines to the proposed onsite encapsulation cell.	
Water cycle & Stormwater Management Assessment	
A detailed Water cycle & Stormwater Management Assessment that addresses and/or incorporates the following: ◦ Suitable controls implemented to manage impacts to the waterway from the proposal consistent with the Illawarra Shoalhaven Regional Plan (ISRP), the certified Minnamurra River Coastal Zone Management Plan (CZMP) and Councils WSUD Policy (2005).	
Agricultural Land Assessment	
A detailed Agricultural Land Assessment that addresses and/or incorporates the following: • The Proposal's impact on the agricultural viability of adjoining rural zoned lands. • The impact of the encapsulation cell on the agricultural viability of the site (refer to Contamination Assessment requirements)	
Land Contamination Assessment	



SC3908

Technical Information	Required
A detailed Land Contamination Assessment that addresses and/or incorporates the following: - If a contamination encapsulation cell is proposed, - a detailed design for the containment cell for placement of asbestos impacted soils is provided. The design must be undertaken by a suitably qualified engineer and be approved by a site auditor prior to its construction. - An EMP provided. Engagement of an accredited site auditor to provide a Site Audit Statement will ensure that the EMP is appropriate and can be enforced. - RAP report prepared, or reviewed and approved, by a certified contaminated land consultant. It is noted that a NSW EPA-accredited Site Auditor will need to be engaged by the Applicant throughout the duration of works. And that ongoing management, in perpetuity, of the encapsulation cell will be the legal responsibility of the landowner or any future landowner/s. Alternatively, offsite disposal will not require the above.	
Utilities and Infrastructure Assessment	
A detailed Utilities and Infrastructure Assessment that addresses and/or incorporates the following: - Hydraulic modelling, undertaken by a Water Servicing Coordinator, to investigate the impact of the proposed development on the existing Gerringong water and wastewater system and determine appropriate connection points and servicing arrangements including any upgrade requirements to our infrastructure. This work can be done in consultation with Sydney Water under the feasibility application process. has been conducted to note potential impacts on the local network. - A Wastewater servicing strategy which identifies connection points.	



SC3908

Next Steps

The information needs to be uploaded to the NSW ePlanning Portal (Portal) as a new planning proposal.

Council will then undertake an evaluation of the Planning Proposal to check that:

- the scope of the proposal is clearly articulated
- the planning proposal addresses any comments and/or study requirements sought by council, authorities and government agencies
- that all studies and supporting documentation is included with the planning proposal
- all section 9.1 Directions and SEPPs have been adequately addressed
- relevant regional/district plans and LSPS (if relevant) have been addressed

If all necessary information has been submitted, Council will forward the Planning Proposal to the Department of Planning & Environment and request a Gateway Determination.

Should you have any queries regarding your application, please contact me on 4232 0444.

Yours faithfully

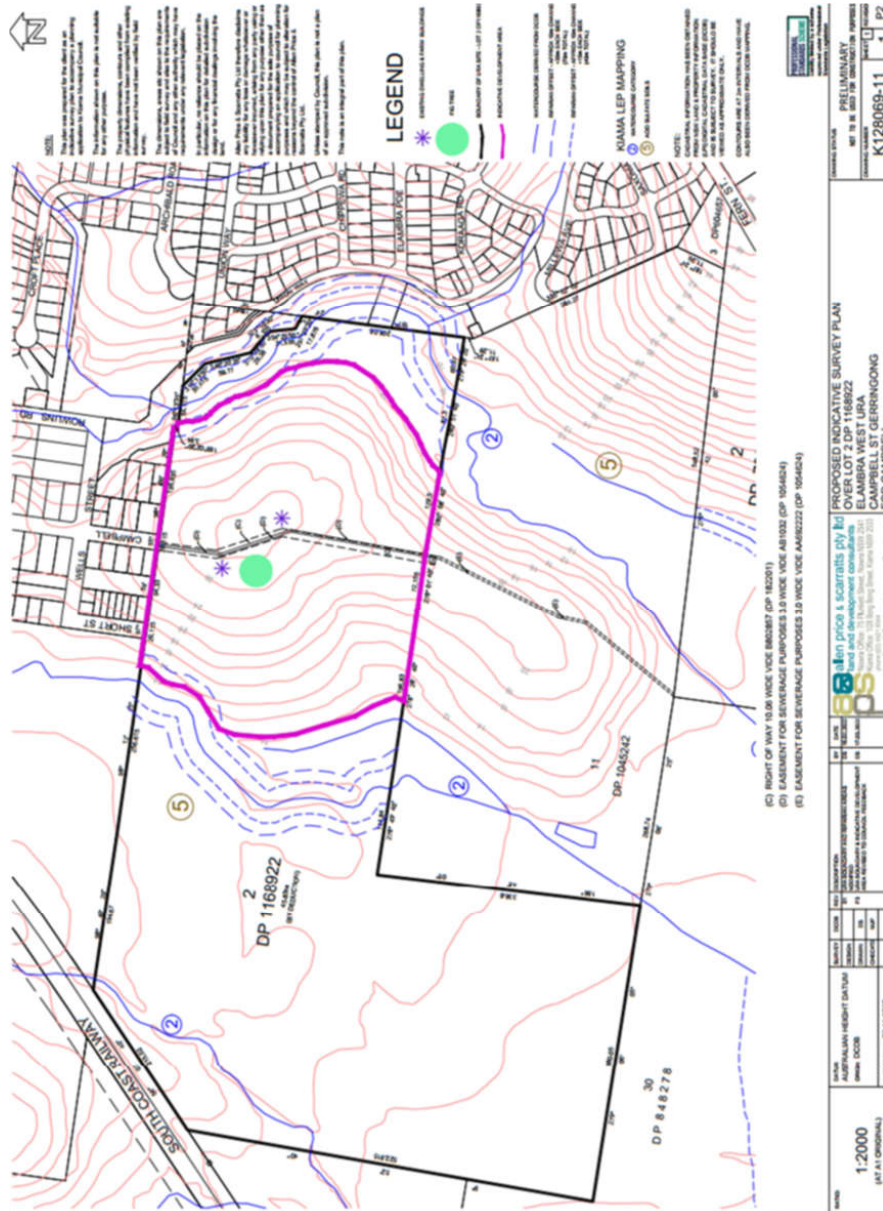
A handwritten signature in black ink, appearing to be 'Suzi Stojcevska', written in a cursive style.

Suzi Stojcevska

Strategic Planner



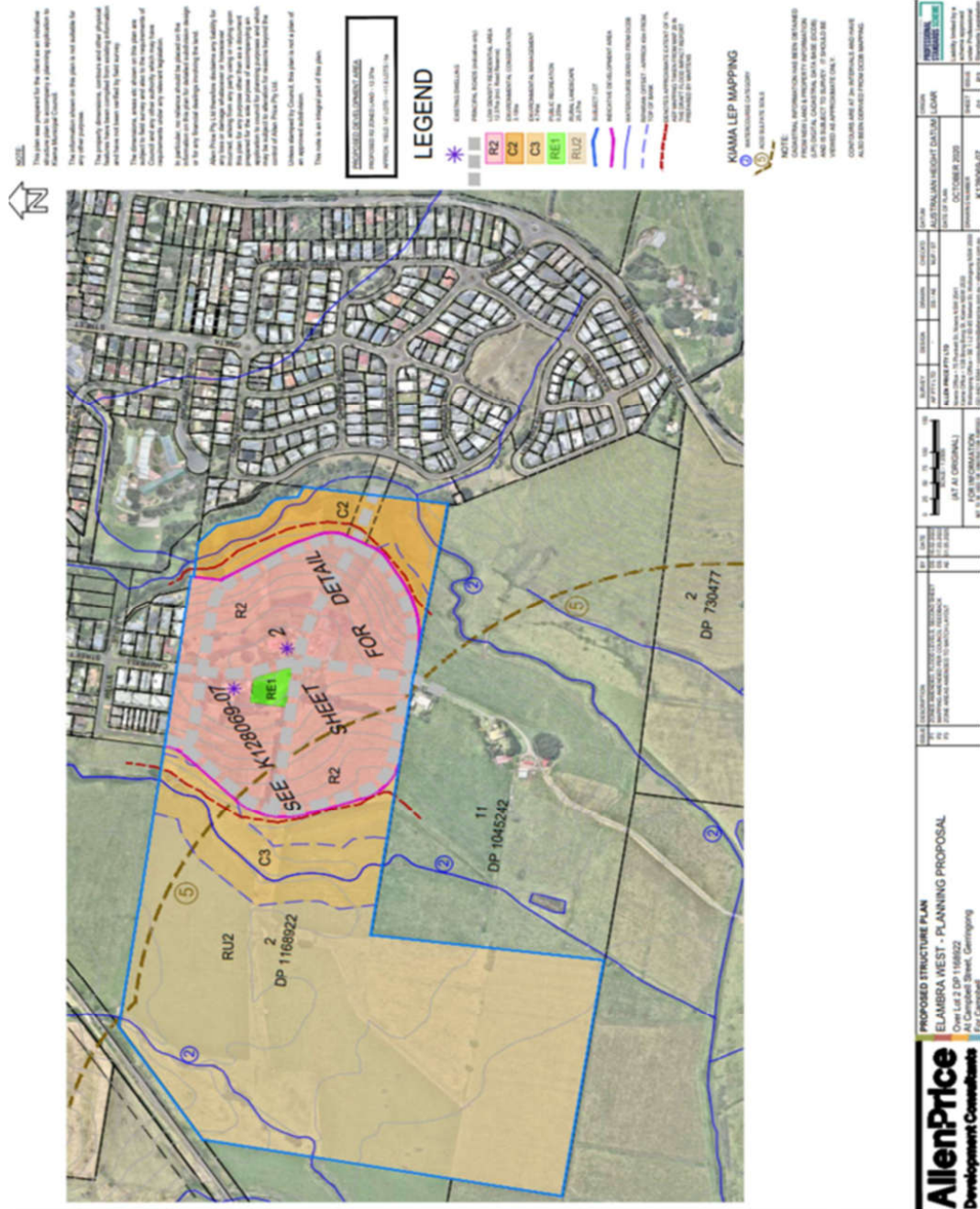
Appendix B – Survey Plan of Site

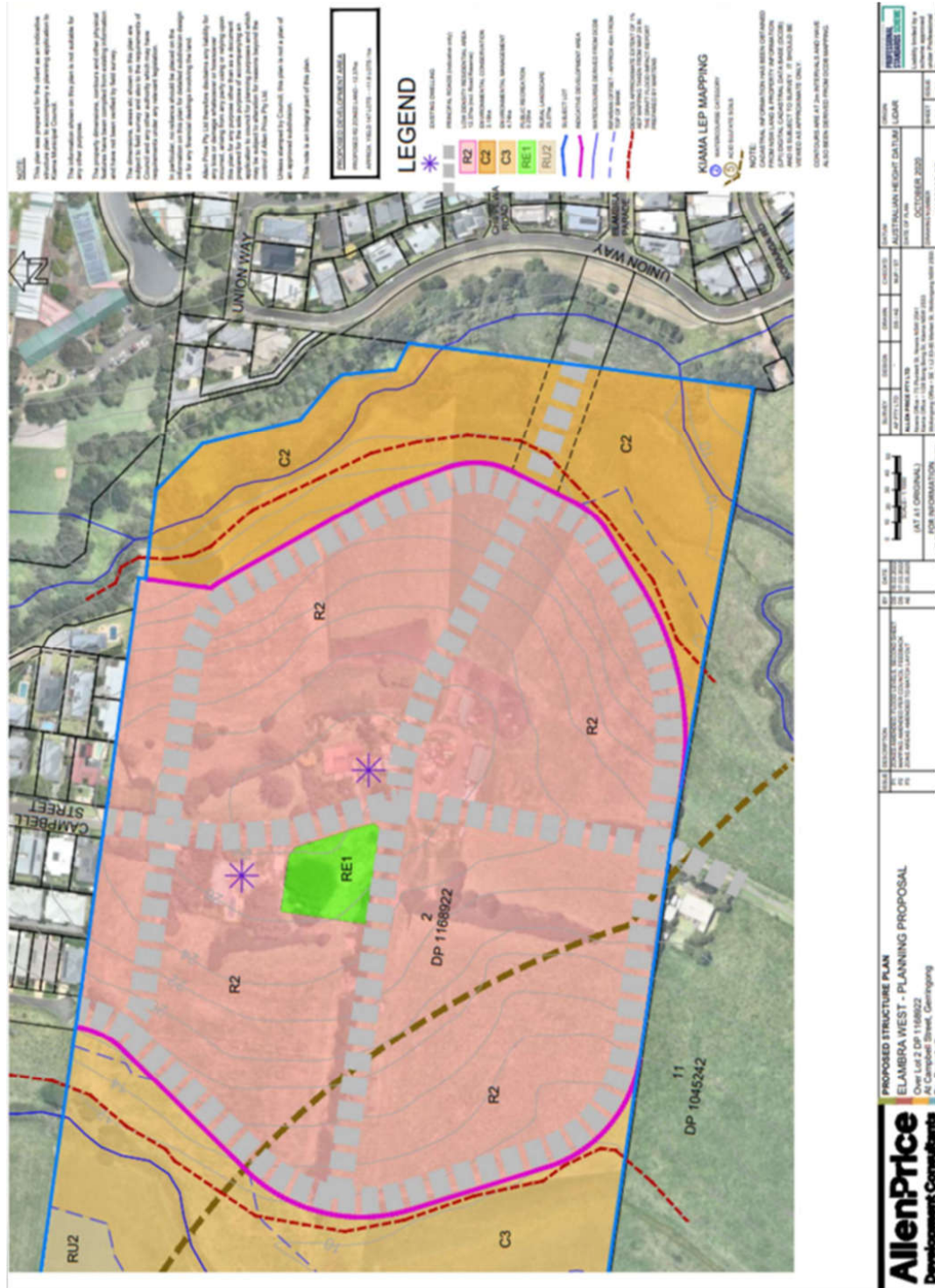


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Appendix C – Structure Plan







Appendix D – Key Issues Document

BCD – Flood & Coastal Management

DPE - Biodiversity and Conservation Division (BCD) has reviewed the updated information for the Elambra West Urban Release Area (26 May 2023) and the Supplementary Flood Assessment (APS, Feb 2022) regarding flood and coastal management issues associated with a revised Planning Proposal and offers the following advice for consideration by council.

Summary:

- As the proposal involves the rezoning of flood prone land the section 9.1 local planning direction 4.1 Flood applies and the matter should be considered in accordance with the Flood Risk Management Manual, 2023. To address flood risk management issues the planning proposal should be supported by a Flood Impact and Risk Assessment (FIRA) and guidance for preparing a FIRA can be found at: [Flood Impact and Risk Assessment \(NSW Environment and Heritage\)](#)
- The referred flood assessment and planning proposal indicate that the proposed development area will be limited to an area above Probable Maximum Flood (PMF) extents and that no development or earthworks are proposed within the floodplain. This has not been reflected in the proposed zoning boundary and should be updated or clarified. Any proposed modification to the floodplain should be assessed and adverse impacts addressed as part of the FIRA.
- To establish the safe occupation and efficient evacuation requirements of the planning direction further assessment of the potential period of flood isolation of the site is required. This should include an assessment over the full range of possible floods to address the frequency and duration of access roads being cut-off by floodwaters. The frequency of flood related road closures on Belinda Street contributes to the flood isolation issue and off-site solutions may need to be considered.
- Council should seek advice from the NSW State Emergency Service (SES) on the adequacy of the proposed shelter in place approach for a planned flood isolated community.
- NRAR and DPI-Fisheries should also be consulted on appropriate riparian buffer requirements to ensure that vegetated riparian zones are adequately provided for with C2 zoning. Following this consultation, Council should confirm that the FIRA flood modelling adequately accounts for the proposed future design conditions in the waterway, vegetated riparian corridors, stormwater management infrastructure and climate change etc.
- A Water Cycle and Stormwater Management Assessment has not been provided, but rather is proposed to be completed at the development application stage. An assessment of potential impacts of the altered land-use on water quality prior as part of the planning proposal at the rezoning stage is required to ensure adequate spatial provisions for water quality management assets and riparian treatments are incorporated in the proposed land-use zone boundaries and are consistent with Strategy 11 of the Illawarra Shoalhaven Regional Plan and council's certified Crooked River Coastal Zone Management Plan (CZMP).

Floodplain Risk Management :

As detailed in our previous advice (DCO22/401496, 24/05/22) the planning proposal involves the rezoning of flood prone land. It should therefore be considered in accordance with section 9.1 (2) Local Planning Direction - Focus Area 4: Resilience and Hazards 4.1 Flooding and the NSW Government's Flood Prone Land Policy as set out in the Flood Risk Management Manual, 2023 (FRMM).



The policy aims to reduce the impact of flooding and flood liability on individual owners and occupiers, and to reduce private and public losses resulting from flooding utilising ecologically positive methods wherever possible.

The flood assessment has not adequately considered the flood related public safety risks associated with the proposed development. It notes that the development will be isolated for 5 hours, however the FIRA has only considered events up to 6 hours duration, which has not considered the full range of potential durations or frequency of flood isolation. To understand the potential period of isolation, longer duration PMF events need to be modelled, such that the range of potential isolation periods (including longest period of isolation) has been considered. To confirm that the safe occupation and efficient evacuation and flood access requirements of the Local Planning Direction are met, it is recommended that the determining authority seek clarification from the SES on the adequacy of the stay in place approach that the proponent has proposed for this future community.

The watercourse lines presented in the proposal have not been surveyed and appear to differ significantly from what is on ground. The top of bank of the watercourse has not been established and the presented riparian corridors appear to be too small and should be reviewed.

No consideration appears to have been given to the dynamic nature of the waterway, the associated vegetation and its impact on flood levels. The planning proposal should include consultation with NRAR and DPI-Fisheries on vegetated riparian buffer requirements and to establish any geomorphic assessment requirements as part of the planning proposal, including consideration of waterway health and watercourse stability. There is potential to provide public open space and recreation areas adjacent to the waterways on the floodplain providing opportunities to promote the development.

Coastal Management and Water Quality:

As detailed in previous advice (DCO22/401496, 24/05/22), the development is not located within the coastal zone. However, the potential impacts of water quality on the downstream Crooked River estuary should be considered as part of the assessment of this planning proposal consistent with the certified Crooked River Coastal Zone Management Plan (CZMP) and Strategy 11 of the Illawarra Shoalhaven Regional Plan.

The updated Planning Proposal dated 26 May 2023 (Rev 4) has been reviewed. There is no evidence that comments previously raised regarding the current watercourse mapping and vegetated riparian zone boundaries have been addressed. It is unclear if any consultation with NRAR and DPI has occurred to help resolve these concerns. NRAR and DPI-Fisheries should be consulted to inform vegetated riparian buffer requirements and the adequacy of proposed C2 zoning to achieve suitable waterway management objectives as part the planning proposal process.

A Water Cycle and Stormwater Management Assessment has not been provided as recommended. Rather the documentation indicates this can be undertaken during the development application stage with consideration of Councils WSUD Policy and the development of a site specific DCP post rezoning. An assessment of potential impacts is considered an important element of the rezoning process to ensure adequate spatial provisions are incorporated into the planning proposal and by demonstrating the impacts of the proposed development on water quality and the health of the downstream estuary can be managed.

Strategy 11.5 of the Illawarra Shoalhaven Regional Plan to Protect coastal lakes and estuaries by implementing the NSW Government's Risk Based Framework for considering waterway health outcomes in Strategic Land-Use Planning decisions has not yet been addressed.

Strategy 11.6 of the ISRP promotes the alignment of local plans with any certified Coastal Zone Management Plan (CZMP) or certified Coastal Management Program. The Crooked River CZMP (rather than the Minnamurra River CMP) supports strict controls on runoff from new developments in the Crooked River catchment and this should be addressed in assessing development suitability and best



practice WSUD initiatives to minimise future water quality, volume and velocity impacts to the estuary.

Other Comments

- This revised planning proposal relates to earlier flood risk management advice and is supported by a Flood Impact Risk Assessment (FIRA), however there remains unaddressed issues, particularly assumptions regarding flood event modelling leading to a 6 hour isolation duration.
- This emergency management issue warrants further consideration by the SES, council and BCD specialist flood staff to ensure the PP is supported by a FIRA that is consistent with the objectives of the section 9.1 local planning direction 4.1 Flood and the principles of the Flood Risk Management Manual.
- It would also benefit from consultation from DPE-Planning to establish consistency with the land use planning element of the Flood Prone Land Package, including the proposed Shelter in Place approach.

SES

The NSW State Emergency Service (NSW SES) is the agency responsible for dealing with floods, storms and tsunamis in NSW. This role includes, planning for, responding to and coordinating the initial recovery from floods. As such, the NSW SES has an interest in the public safety aspects of the development of flood prone land, particularly the potential for changes to land use to either exacerbate existing flood risk or create new flood risk for communities in NSW.

The consent authority will need to ensure that the planning proposal is considered against the relevant Ministerial Section 9.1 Directions, including 4.1 – Flooding and is consistent with the NSW Flood Prone Land Policy as set out in the Flood Risk Management Manual 2023 (the Manual) and supporting guidelines, including the Support for Emergency Management Planning. Key considerations relating to emergency management.

In summary, we:

- **Note** the proposed site at 48 Campbell Street becomes isolated by frequent flooding¹.
- **Recommend** that the building footprint reflects the flood assessment and planning proposal to ensure development area will be limited to above the Probable Maximum Flood (PMF).
- **Recommend** clarifying the frequency and maximum duration of isolation for the site, to better understand the potential emergency management risks.
- **Recommend** investigating the provision of a safe access and egress during floods (for example to a 1 in 500 year flooding) to reduce the secondary risks associated with isolation.

You may also find the following Guidelines, originally developed for the Hawkesbury Nepean Valley and available on the NSW SES website useful:

- i. Reducing Vulnerability of Buildings to Flood Damage
- ii. Designing Safer Subdivisions
- iii. Managing Flood Risk Through Planning Opportunities

**Attachment A attached to email



Appendix E – Gerringong Charrette 1995 URA Map Extract



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Appendix F – Kiama Local Strategic Planning Statement 2020

Greenfield opportunities Map 2: Gerringong/Gerroa



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Appendix G – Southern Regional Planning Panel Record of Decision



REZONING REVIEW RECORD OF DECISION SOUTHERN REGIONAL PLANNING PANEL

DATE OF DECISION	19 June 2019
PANEL MEMBERS	Pam Allan (Chair), Alison McCabe and Renata Brooks
APOLOGIES	None
DECLARATIONS OF INTEREST	Andrew Sloan, Michael Forsythe and Mark Honey declared conflicts of interest due to involvement in Kiama Municipal Council's consideration of the rezoning review.

REZONING REVIEW

20195TH006 – Kiama – RR_2019_KIAMA_002_00 – at land from Saddleback Mountain Road to south of Weir Street, South Kiama (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has:
- ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was unanimous.

REASONS FOR THE DECISION

Overview

The Panel has been requested to undertake a Rezoning Review of Planning Proposal RR_2019_KIAMA_002_00 on land between Saddleback Mountain Road and Weir Street, Kiama. The land comprises 5 lots currently zoned RU2 rural landscape (majority), E3 Environmental Management and E2 Environmental Conservation. It is proposed to rezone the land to R2 low density residential and E2 environmental conservation. Minimum lot sizes are proposed to range from 300 – 450 sqm for the residential lots with an approximate yield of 455 lots.

The Panel had the benefit of a verbal report from officers of the Department of Planning, Council's written report and resolution and the applicant's Planning Proposal.

A written report from the Department of Planning was received on the 24th June 2019 and was reviewed by the Panel before determining this proposal.

The Panel also undertook a site visit and is familiar with the Kiama area. The Panel met with the representatives of the applicant, Council and the Department.



Mitigation of environmental impact

The Panel noted concerns expressed in Council's letter to the Department underpinning its refusal of the proposal, and advice on the outcome of general community consultation on desires and values in the context of the preparation of the Local Strategic Planning Statement.

It is the Panel's view that the current layouts and lot configuration have not been properly informed by an assessment of the visual and landscape qualities of the site and a proper urban design analysis that responds to the site's context and character. Further detailed analysis of the site is required before specific zonings, heights and densities can be determined.

The Panel recommends the Gateway process require:

- Additional constraints analysis that overlays environmental and heritage constraints over indicative subdivision – including identification of dry stone walls to be retained/removed.
- Further urban design analysis reflected in a structure plan that:
 - Identifies key principles for development of the site
 - Identifies appropriate interface with adjoining agricultural and environmental land
 - Landscape interface along the Princes Highway
 - Allows for implementation of a landscape buffer around the site
 - Reviews densities, lot and road layout to accommodate constraints and minimise visual impacts
 - Identifies and locates public reserves to service the new population
- Visual analysis from the Princes Highway and measures to ensure that the views from the highway are of landscape
- Broad identification of cut and fill and where, if any, retaining walls will be located – ensuring heights are minimised
- Amendments to layout that ensure no acoustic wall is required along the Princes Highway to mitigate noise impact
- A site specific Development Control Plan that identifies the future character of the area and the important attributes

The work will require a review of the extent of the R2 zoned land, lot yields and identification of a range of zonings that reflect the outcome of the studies.

The Panel does not endorse the subdivision layout or lot yield submitted with this proposal.

Recommendations

1. That the Planning Proposal proceed to a Gateway Determination
2. That the following additional requirements as outlined in this report be provided and considered as part of the Gateway Determination:
 - a) Further urban design analysis
 - b) Additional constraints analysis in terms of environmental, visual, landscape and heritage outcomes
 - c) Site specific Development Control Plan controls
 - d) Provision of zoning and controls that reinforces the outcomes of the urban design, visual and landscape analysis of the site



Strategic Merit

In considering the strategic merit the Panel noted advice regarding the local strategic planning framework for the subject lands and surrounding areas. In particular it was noted that:

- The 2011 Kiama Urban Strategy (KUS) is the most recent definitive document identifying future greenfield sites and this document identifies the subject lands as "to be considered if insufficient dwelling numbers are available". Notwithstanding the fact that this strategy was not approved formally by the Department, the Panel was advised that it has guided consideration of proposals by the Department and was provided with evidence to support this.
- Under action 2.5.1 of the Illawarra Shoalhaven Strategic Plan, projections of land availability and monitoring of progress under the Illawarra Urban Development Program have consistently assumed that the West Elambra site would be developed and would contribute 355 lots. However this site has not been rezoned and rezoning does not appear to be imminent.
- Kiama Council has work on a Local Strategic Planning Statement well underway, with a draft due for completion by the end of 2019. This will encompass consideration of key themes including housing and growth, agriculture and resources.

The Panel noted Council's advice on the outcome of community consultation undertaken to date to inform development of the Local Strategic Planning Statement and considered the option of not supporting the proposal to allow consideration of the future of this site to take place in the context of the Statement. On balance, however, the Panel considered that the proposal has strategic merit given:

- The site is identified in the Kiama Urban Strategy "if insufficient dwelling numbers are available"
- The Panel was not convinced that other initiatives being pursued by Council would meet projected housing needs identified in the Illawarra Shoalhaven Regional Strategy – particularly given existing projections rely heavily on progressing development of the West Elambra site which has not been rezoned to date. The Panel is therefore not convinced that "sufficient dwellings will be available" consistent with the KUS caveat on progressing development of this site.
- Gateway consideration can proceed in parallel with development of the LSPS, with the Council ultimately in a position to make a final decision in the context of directions articulated in the LSPS.

Site specific merit

The characteristics of the site which support the Planning Proposal include:

- Consistency with the Kiama Urban Strategy and broad Departmental endorsement for progressing Planning Proposals identified within it
- Capacity to address medium term housing supply and better meet market demand
- Presence of a natural buffer of E2 zoned land between most of the site and RU2 zoned land useable for agricultural purposes
- Constrained potential for commercial agricultural use due to topography and soil quality
- Alignment with the current western boundary of the town to the north

Constraints on the site include:

- The significant visual and landscape qualities of the site and its surrounds
- Significant Aboriginal and European heritage items on the site including the cemetery and dry stone walls
- Topography and associated service access challenges (water and sewerage)
- The need to establish the limits of the town and what that should look like.

On balance, the Panel considers the proposal has site specific merit provided the constraints are able to be addressed through further refinement and reduction in initial yields identified.



PANEL MEMBERS	
 Pam Allan (Chair)	 Alison McCabe
 Renata Brooks	

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Enclosure 3



Appendix H – Summary of the PP consistency against s9.1 Directions

	Direction	Applicable	Relevant	Not
1 Planning Systems				
1.1	Implementation of Regional Plans	ü	ü	See Section 3.2.4
1.2	Development of Aboriginal Land Council Land	ü	ü	n/a
1.3	Approval and Referral Requirements	ü	ü	See Section 3.2.4
1.4	Site Specific Provisions	ü	ü	n/a
1 Planning Systems – Place Based				
1.5	Parramatta Road Corridor Urban Transformation Strategy	ü	ü	n/a
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	ü	ü	n/a
1.7	Implementation of Greater Parramatta Priority Growth Area Interim	ü	ü	n/a
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and	ü	ü	n/a
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	ü	ü	n/a
1.10	Implementation of the Western Sydney Aerotropolis Plan	ü	ü	n/a
1.11	Implementation of Bayside West Precincts 2036 Plan	ü	ü	n/a
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	ü	ü	n/a
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	ü	ü	n/a
1.14	Implementation of Greater Macarthur 2040	ü	ü	n/a
1.15	Implementation of the Pyrmont Peninsula Place Strategy	ü	ü	n/a
1.16	North West Rail Link Corridor Strategy	ü	ü	n/a
1.17	Implementation of the Bays West Place Strategy	ü	ü	n/a
1.18	Implementation of the Macquarie Park Innovation Precinct	ü	ü	n/a
1.19	Implementation of the Westmead Place Strategy	ü	ü	n/a
1.20	Implementation of the Camellia-Rosehill Place Strategy	ü	ü	n/a
1.21	Implementation of South West Growth Area Structure Plan	ü	ü	n/a
1.22	Implementation of the Cherrybrook Station Place Strategy	ü	ü	n/a
2 Design and Place				
3 Biodiversity and Conservation				

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	Direction	Applicable	Relevant	Not
3.1	Conservation Zones	ü	ü	See Section 3.2.4
3.2	Heritage Conservation	ü	ü	See Section 3.2.4
3.3	Sydney Drinking Water Catchments	ü	û	n/a
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	ü	û	n/a
3.5	Recreation Vehicle Areas	ü	û	n/a
3.6	Strategic Conservation Planning	ü	û	n/a
3.7	Public Bushland	ü	û	n/a
3.8	Willandra Lakes Region	ü	û	n/a
3.9	Sydney Harbour Foreshores and Waterways	ü	û	n/a
3.10	Water Catchment Protection	ü	û	n/a
4 Resilience and Risk				
4.1	Flooding	ü	ü	See Section 3.2.4
4.2	Coastal Management	ü	û	n/a
4.3	Planning for Bushfire Protection	ü	ü	See Section 3.2.4
4.4	Remediation of Contaminated Soils	ü	ü	See Section 3.2.4
4.5	Acid Sulfate Soils	ü	ü	See Section 3.2.4
4.6	Mine Subsidence and Unstable Land	ü	û	n/a
5 Transport and Infrastructure				
5.1	Integrating Land Use and Transport	ü	ü	See Section 3.2.4
5.2	Reserving Land for Public Purposes	ü	ü	See Section 3.2.4
5.3	Development Near Regulated Airports and	ü	û	n/a
5.4	Shooting Ranges	ü	û	n/a
6 Housing				
6.1	Residential Zones	ü	ü	See Section 3.2.4
6.2	Caravan Parks and Manufactured Home Estates	ü	û	n/a
7 Industry and Employment				
7.1	Employment Zones	ü	û	n/a
7.2	Reduction in non-hosted short-term rental accommodation period	ü	û	n/a
7.3	Commercial and Retail Development along the Pacific Highway, North	û	û	n/a

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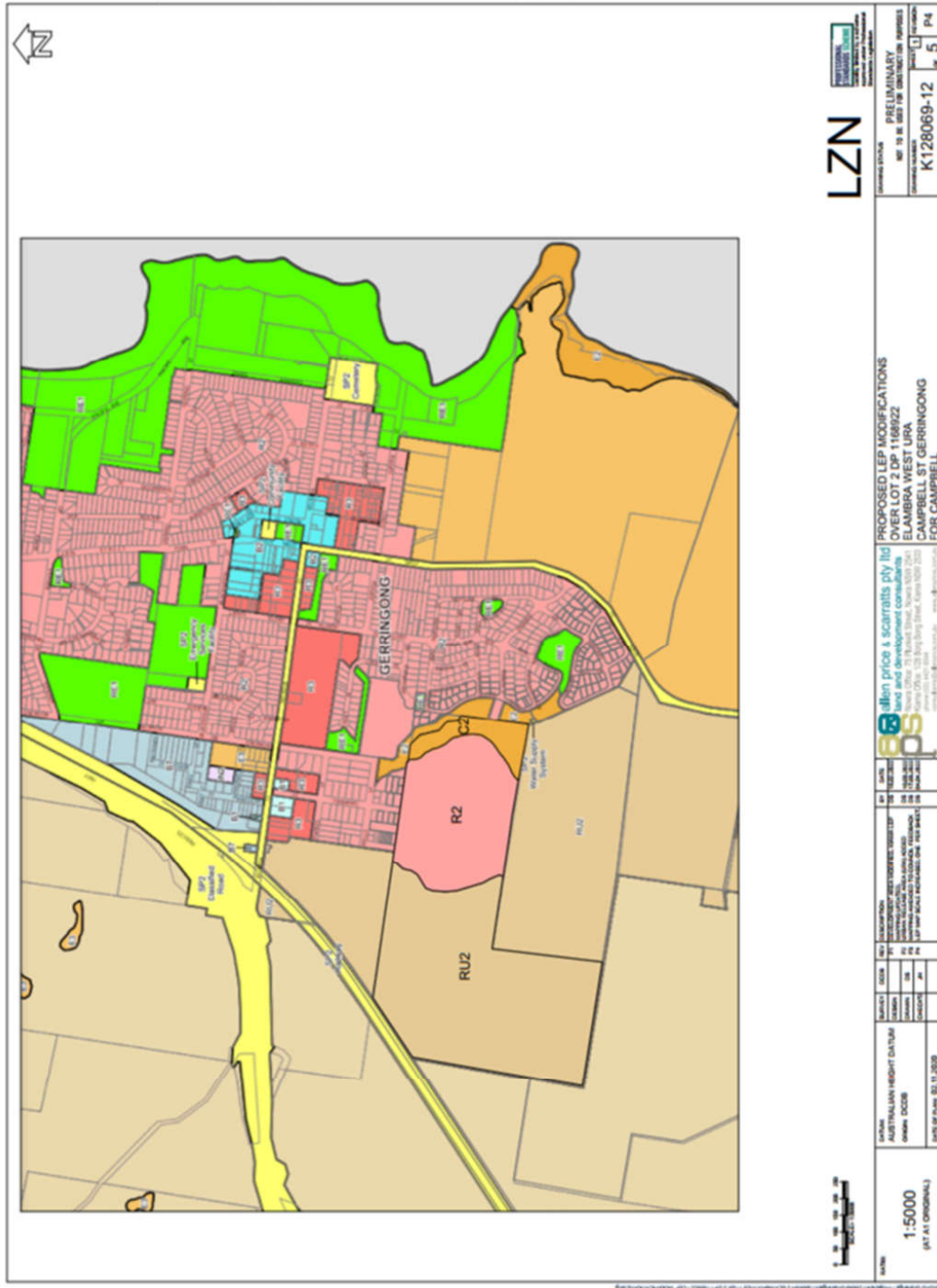
Direction		Applicable	Relevant	Not
8 Resources and Energy				
8.1	Mining, Petroleum Production and Extractive Industries	ü	ü	n/a
9 Primary Production				
9.1	Rural Zones	ü	ü	n/a
9.2	Rural Lands	ü	ü	See Section 3.2.4
9.3	Oyster Aquaculture	ü	ü	n/a
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	ü	ü	n/a

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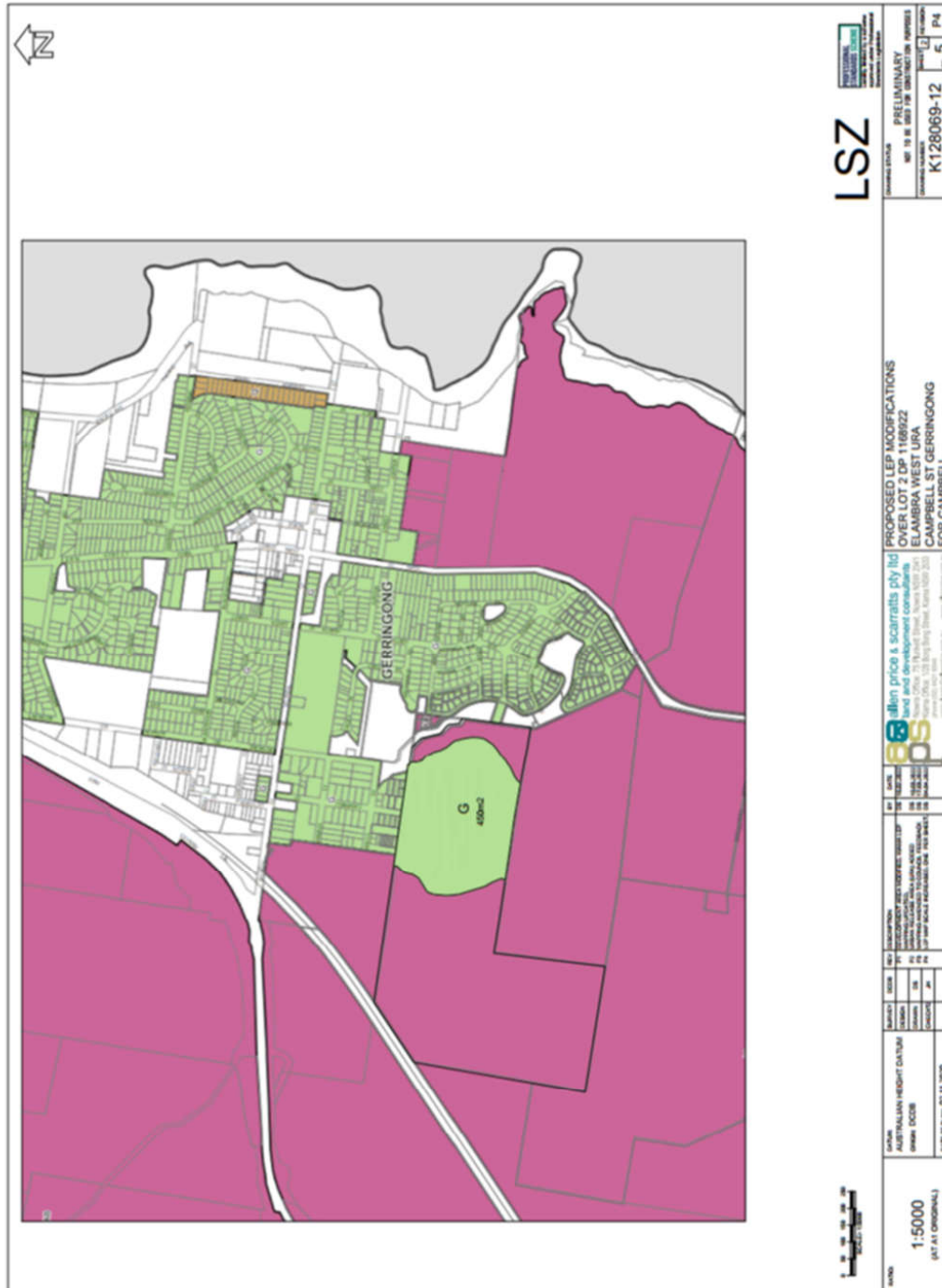
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Appendix I – larger scale of proposed KLEP 2011 mapping modifications



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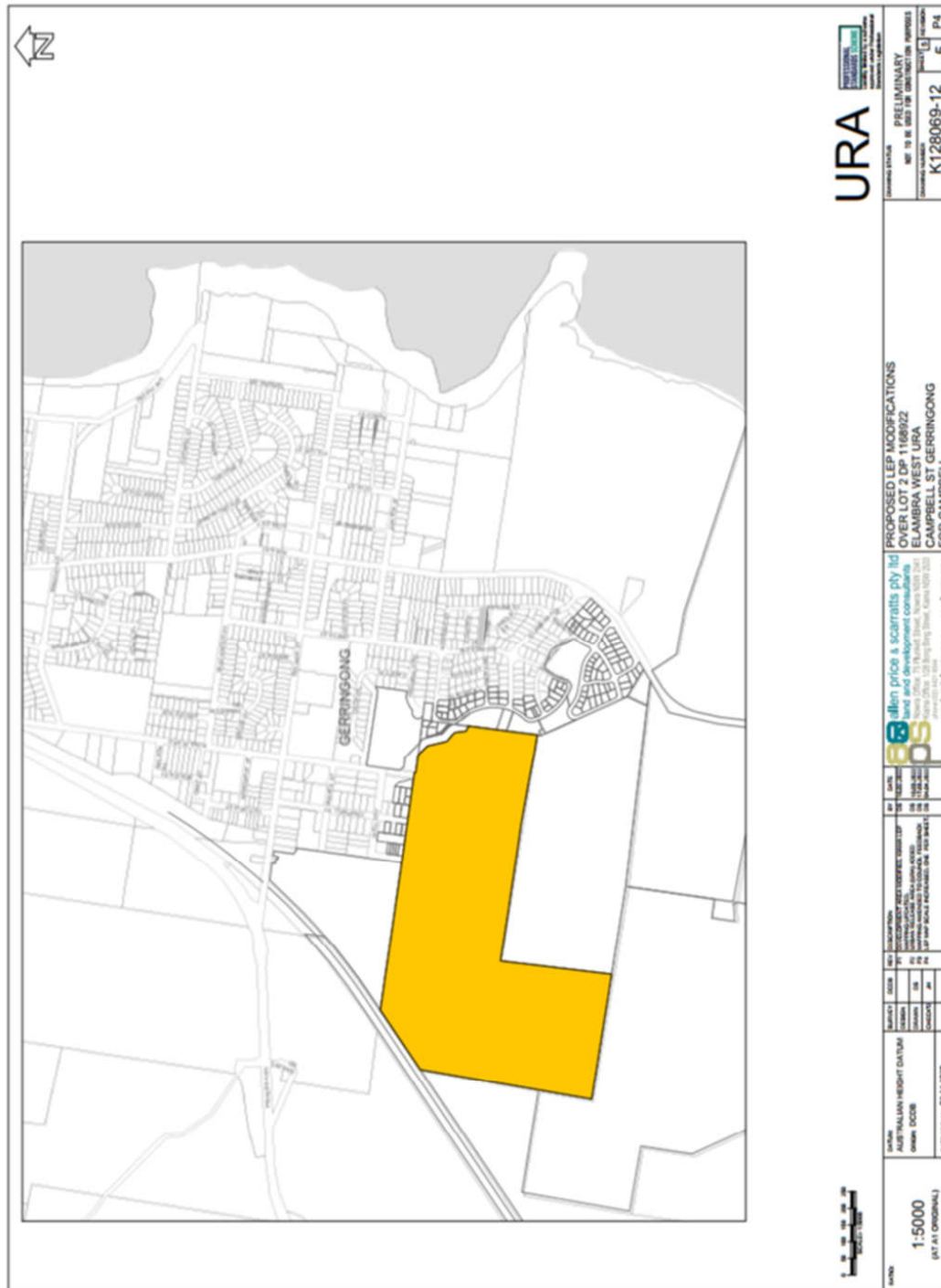


FSR



PROPOSED LEP MODIFICATIONS OVER LOT 2 DP 116922 ELAMBRA WEST URA CAMPBELL ST GERRINGONG FOR CAMPBELL		PRELIMINARY NOT TO BE USED FOR CONSTRUCTION PURPOSES K128069-12		5	P4
DATE	11/11/2025	SCALE	1:5000 (AT A1 ORIGINAL)	DATE OF PLAN	11/11/2025
AUTHOR	PLANNING AND DEVELOPMENT DEPARTMENT	DATE	11/11/2025	DATE OF PLAN	11/11/2025
DRAWN	PLANNING AND DEVELOPMENT DEPARTMENT	DATE	11/11/2025	DATE OF PLAN	11/11/2025
CHECKED	PLANNING AND DEVELOPMENT DEPARTMENT	DATE	11/11/2025	DATE OF PLAN	11/11/2025
APPROVED	PLANNING AND DEVELOPMENT DEPARTMENT	DATE	11/11/2025	DATE OF PLAN	11/11/2025

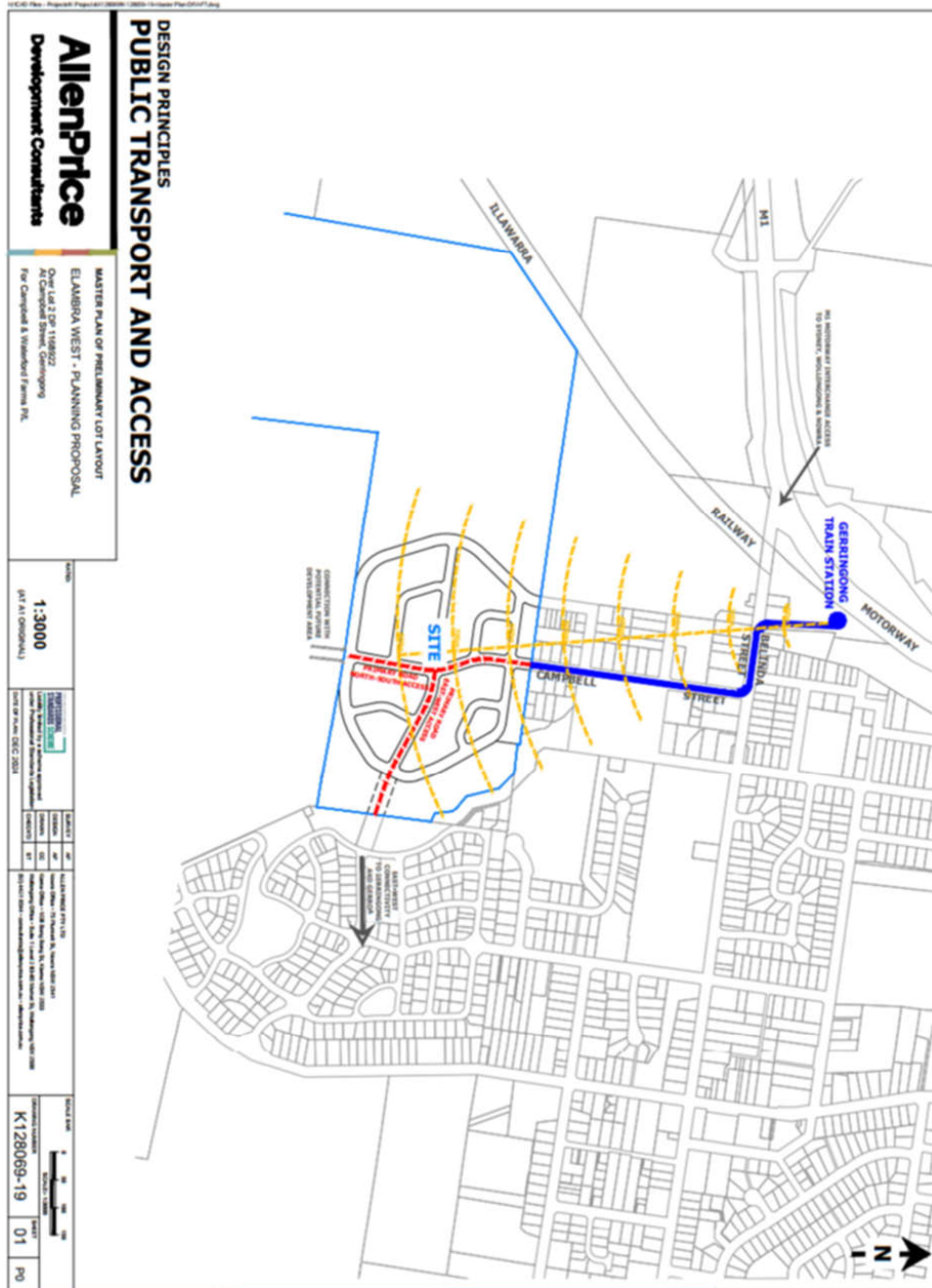
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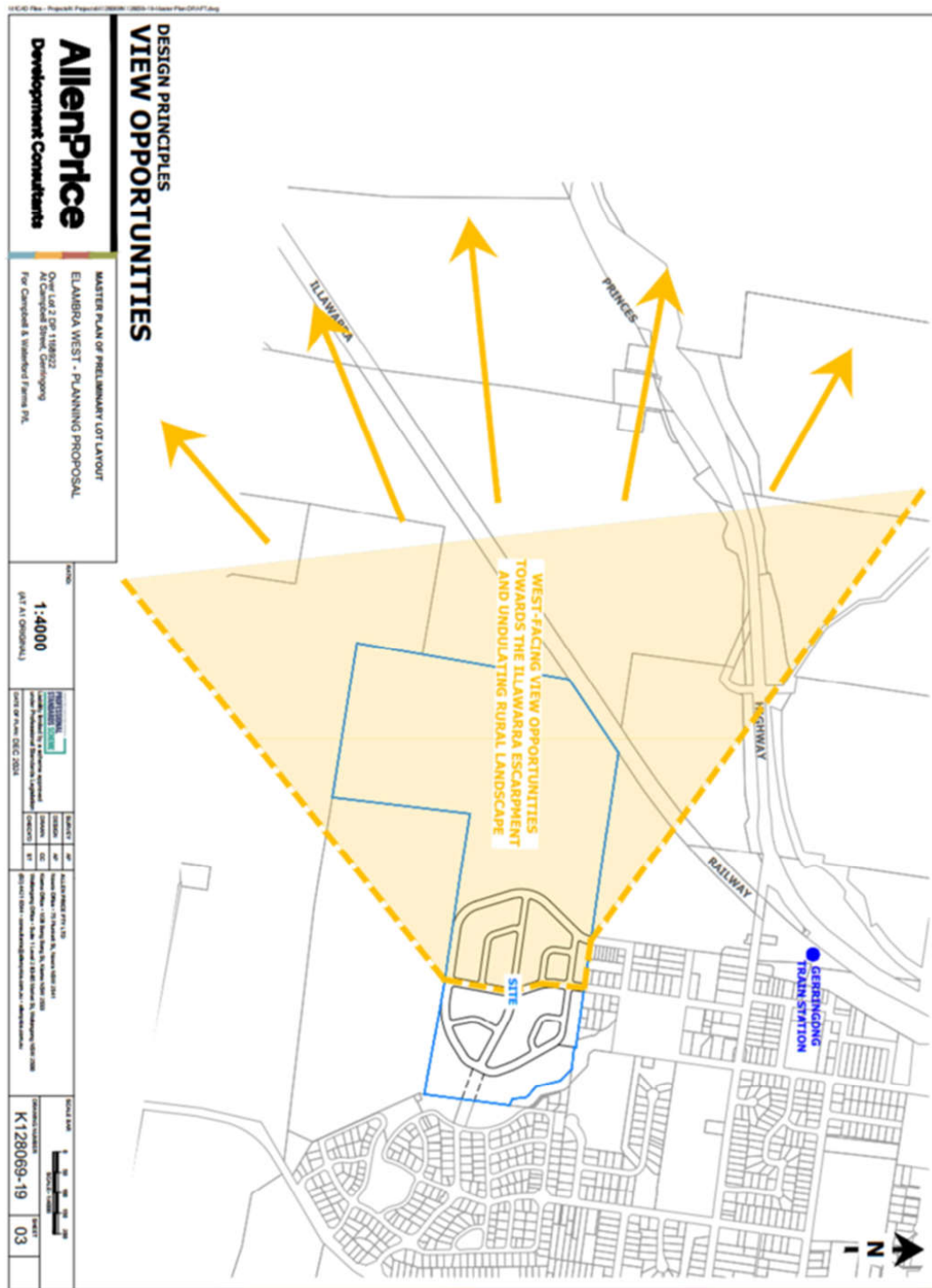
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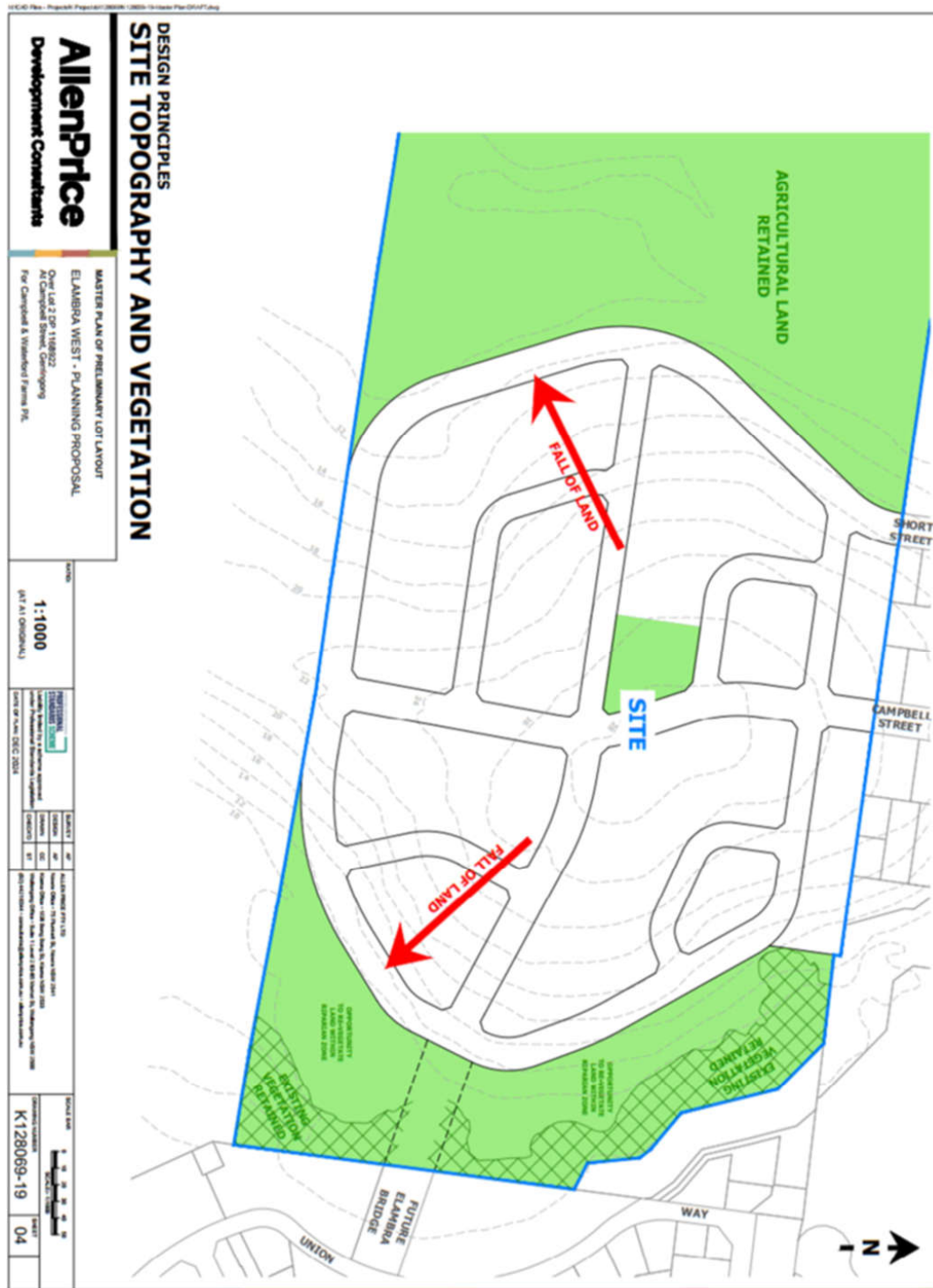
Appendix J – Master Plan Principles



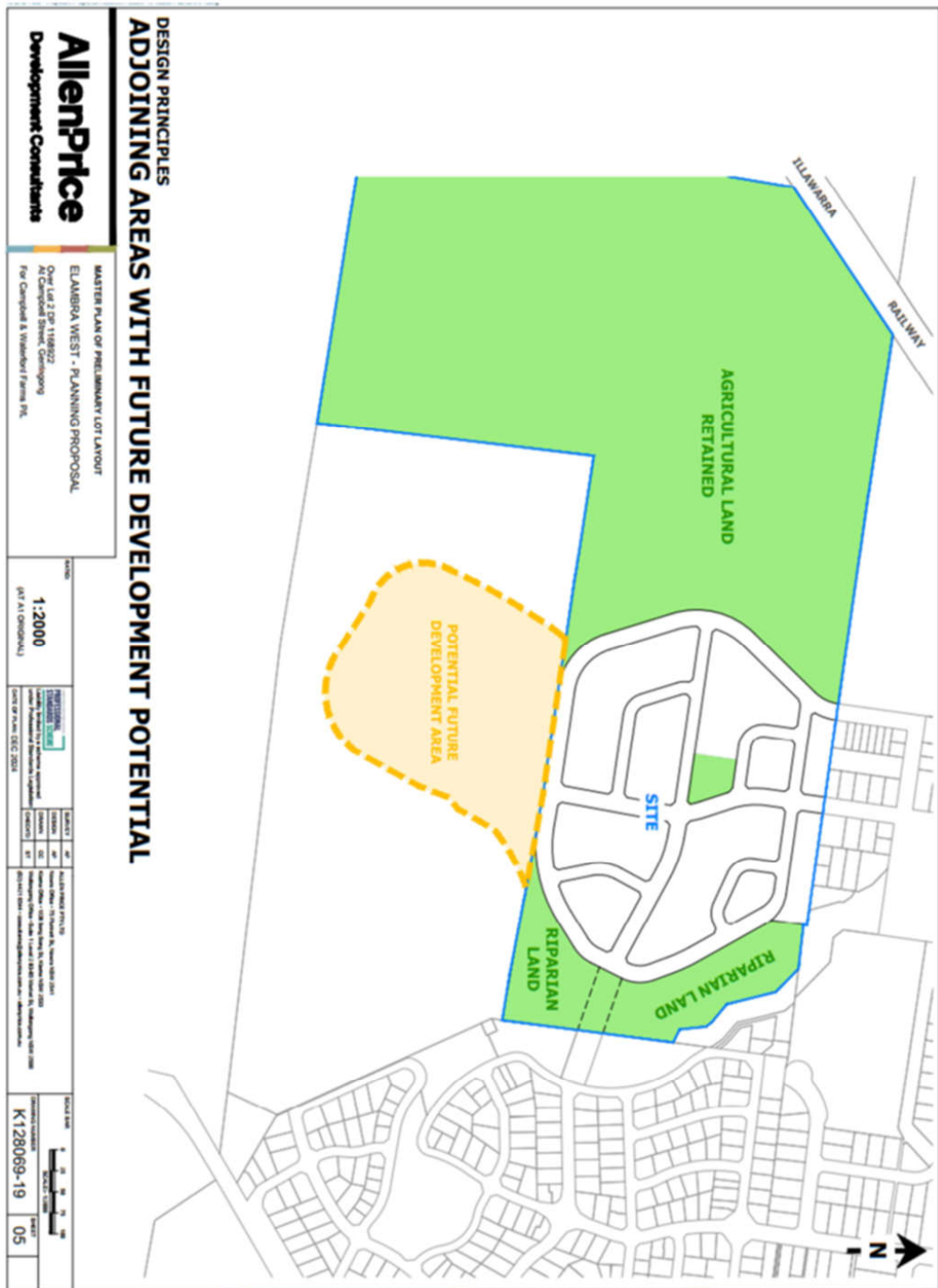
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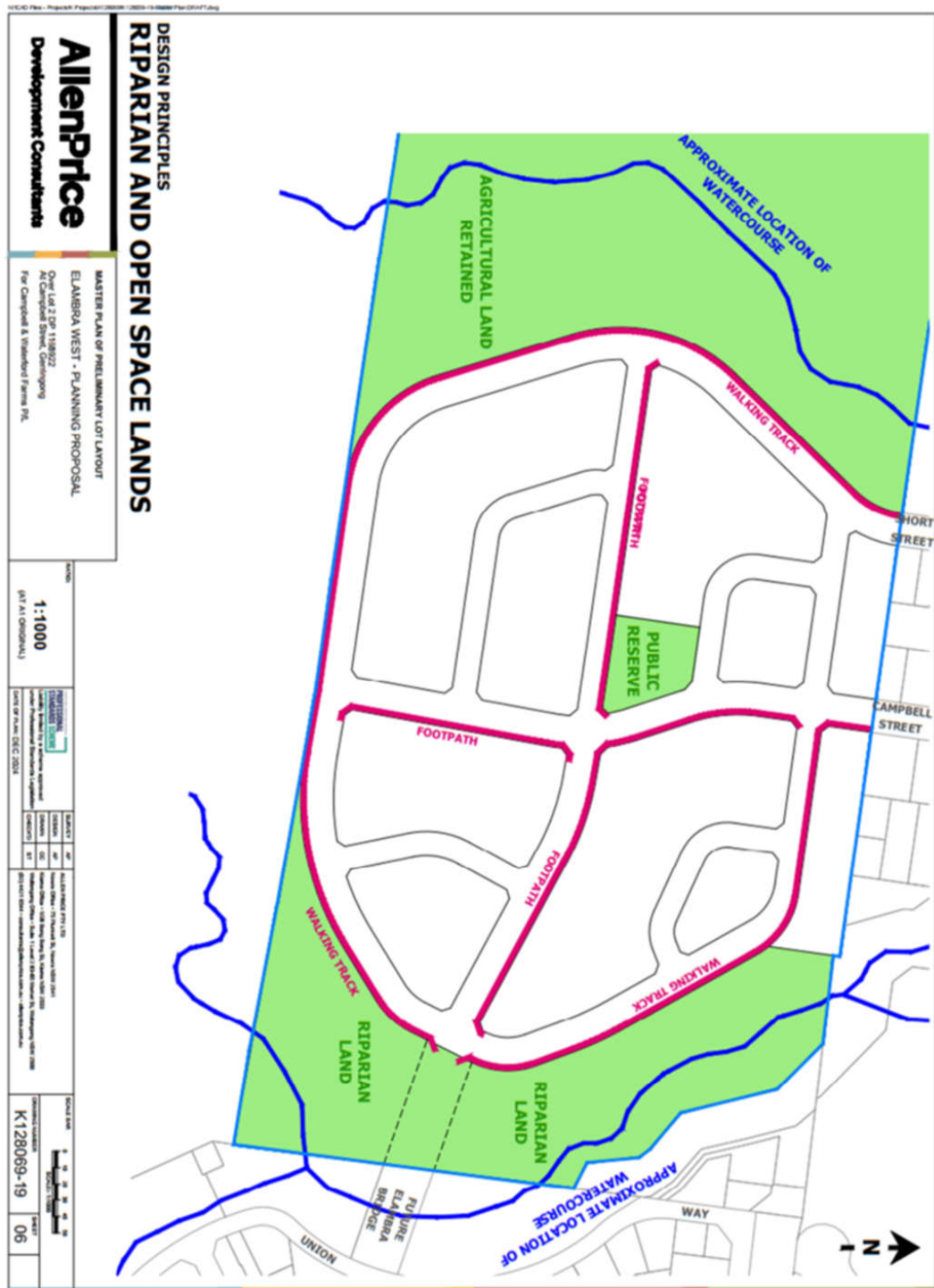
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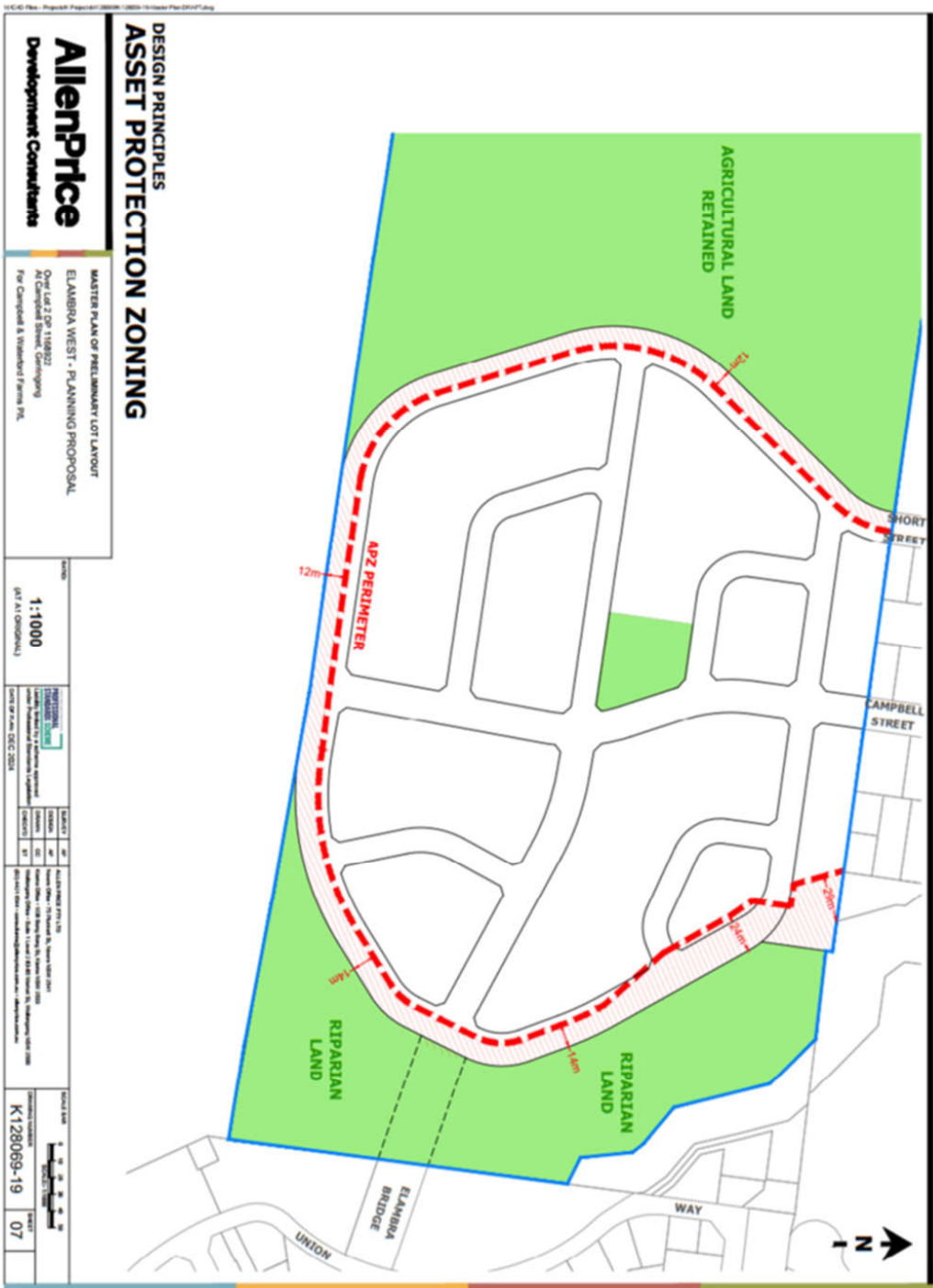
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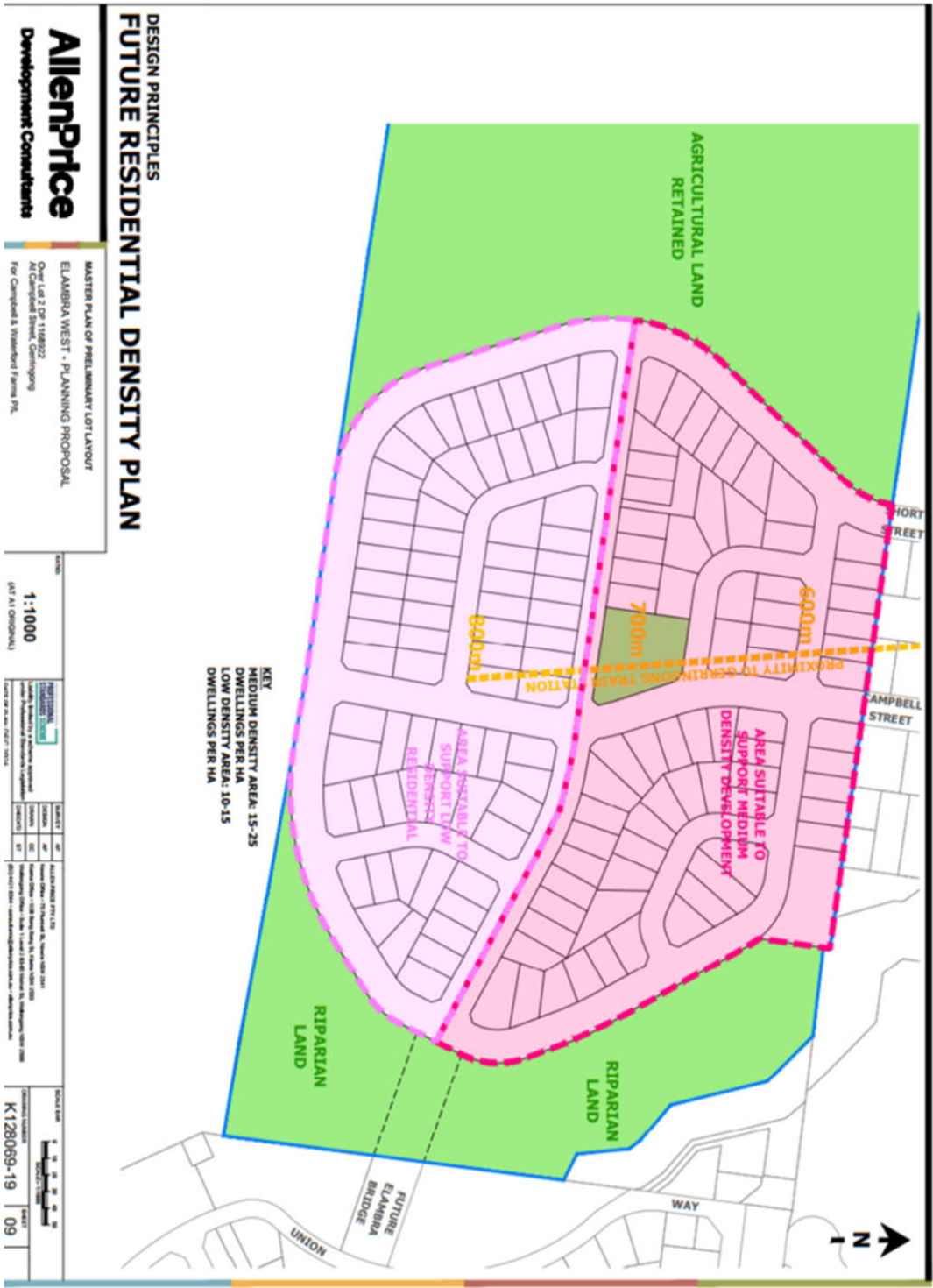


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Department of Planning, Housing and Infrastructure

Alteration of Gateway Determination

Planning proposal (Department Ref: PP-2025-61)

I, the Manager, Southern, Western and Macarthur Region, at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination (PP-2025-61) dated 28 July 2025 for the proposed amendment to the Kiama Local Environmental Plan 2011 as follows:

1. Delete the words:

"The LEP should be completed on or before 28 April 2026."

and replace with:

"The LEP should be completed on or before 31 July 2026."

Dated tenth day of April 2026.

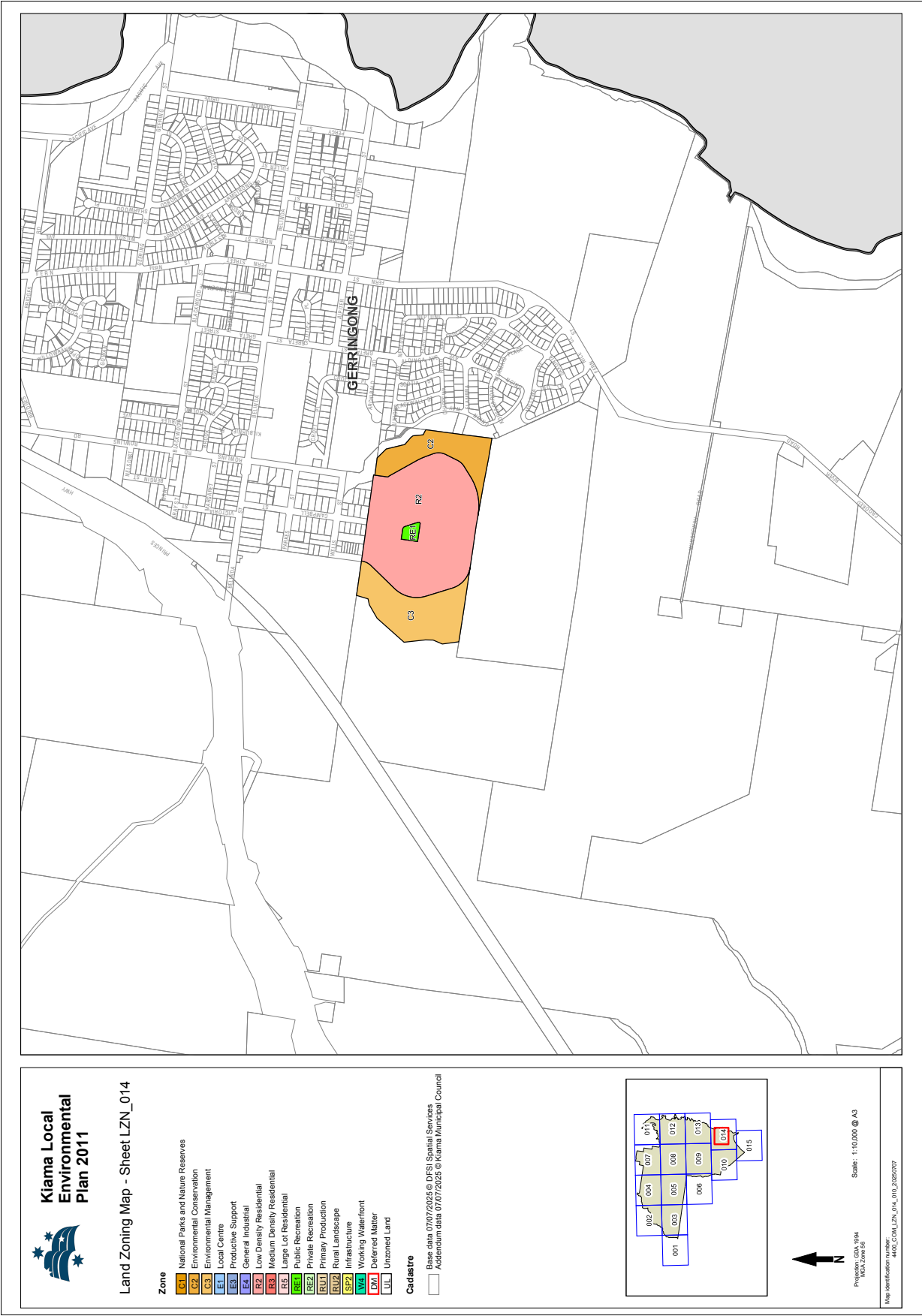
A handwritten signature in black ink that reads "Gm Towers".

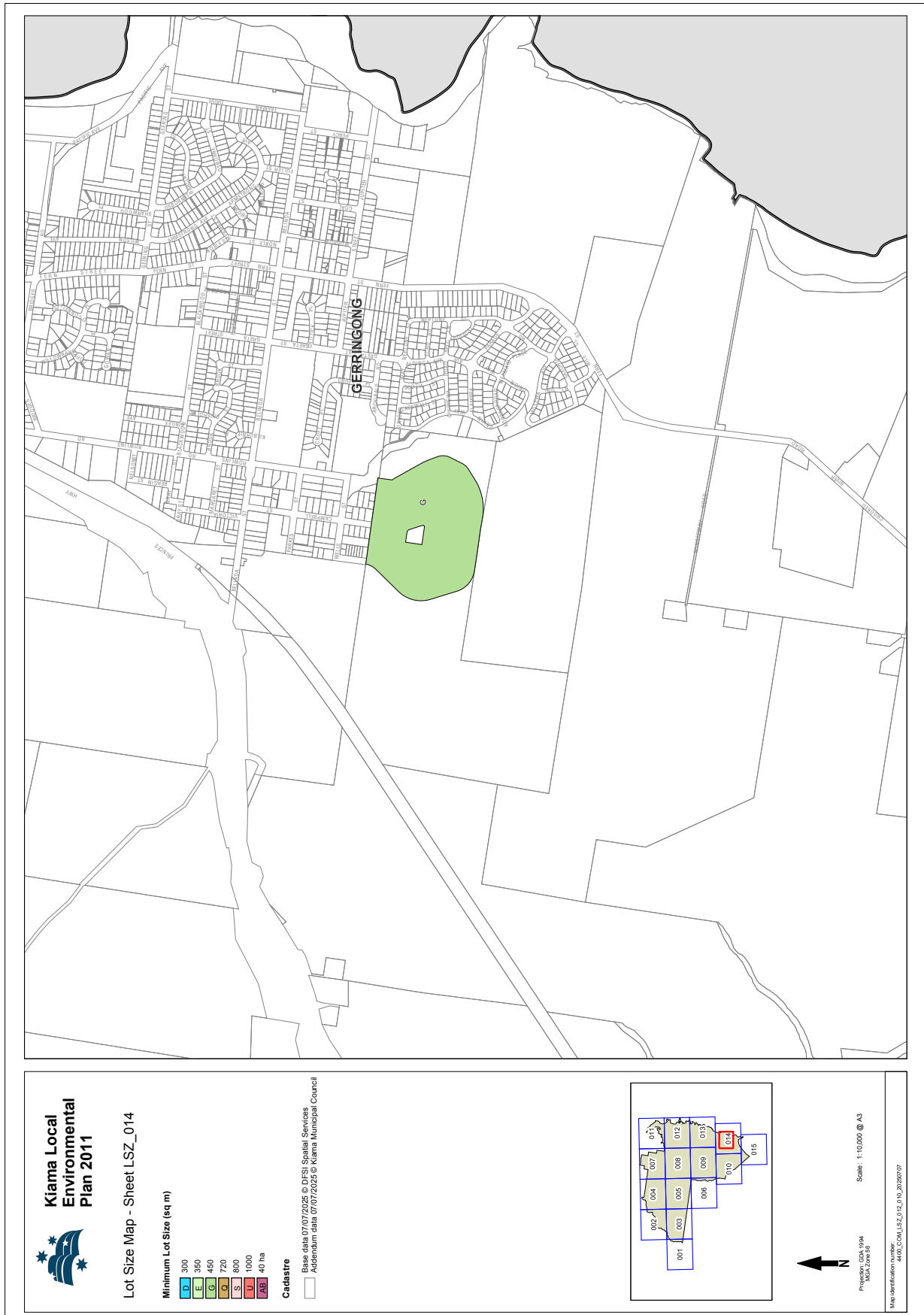
Graham Towers
Manager, Southern, Western and
Macarthur Region
Department of Planning, Housing and
Infrastructure

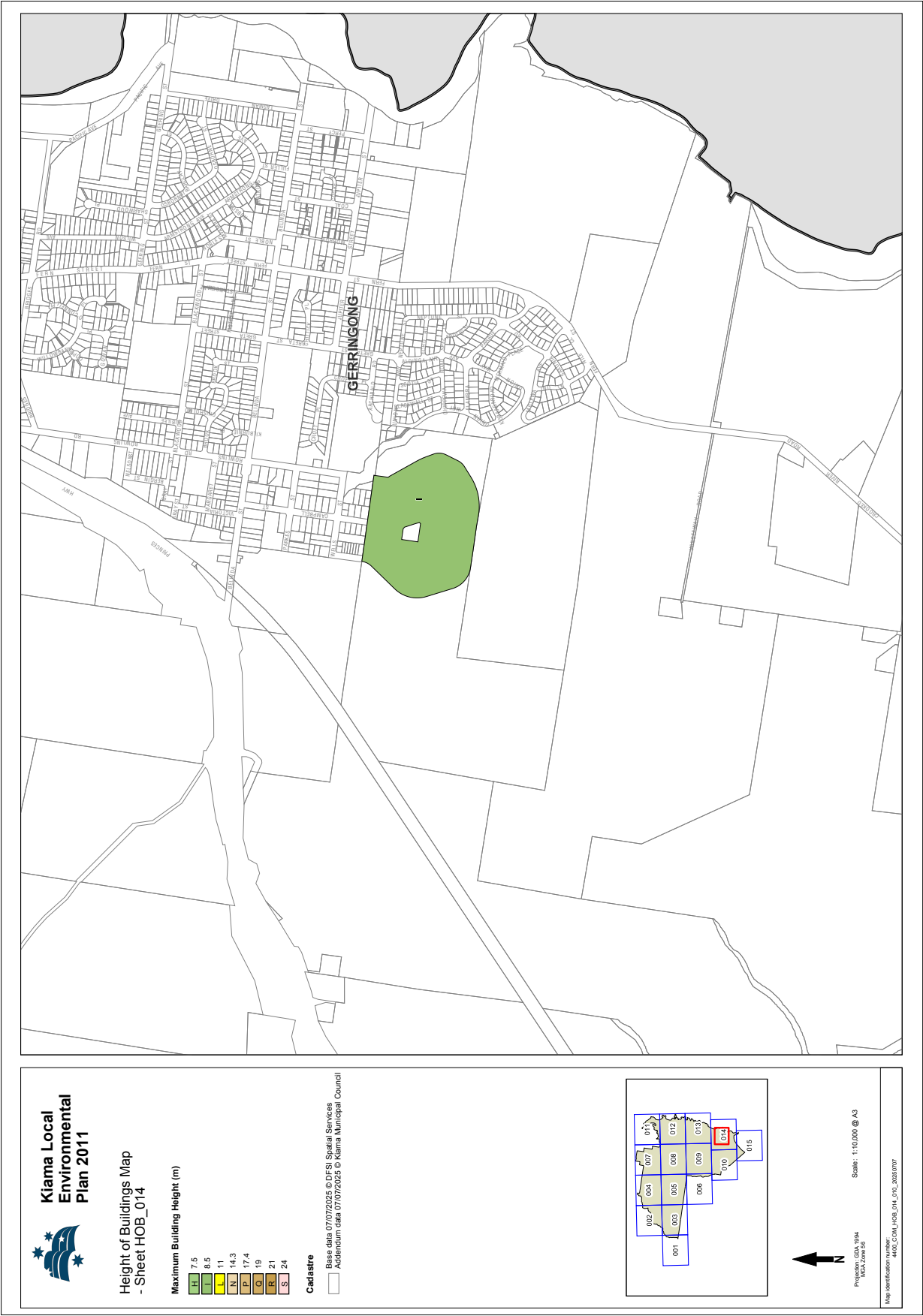
Delegate of the Minister for Planning and
Public Spaces

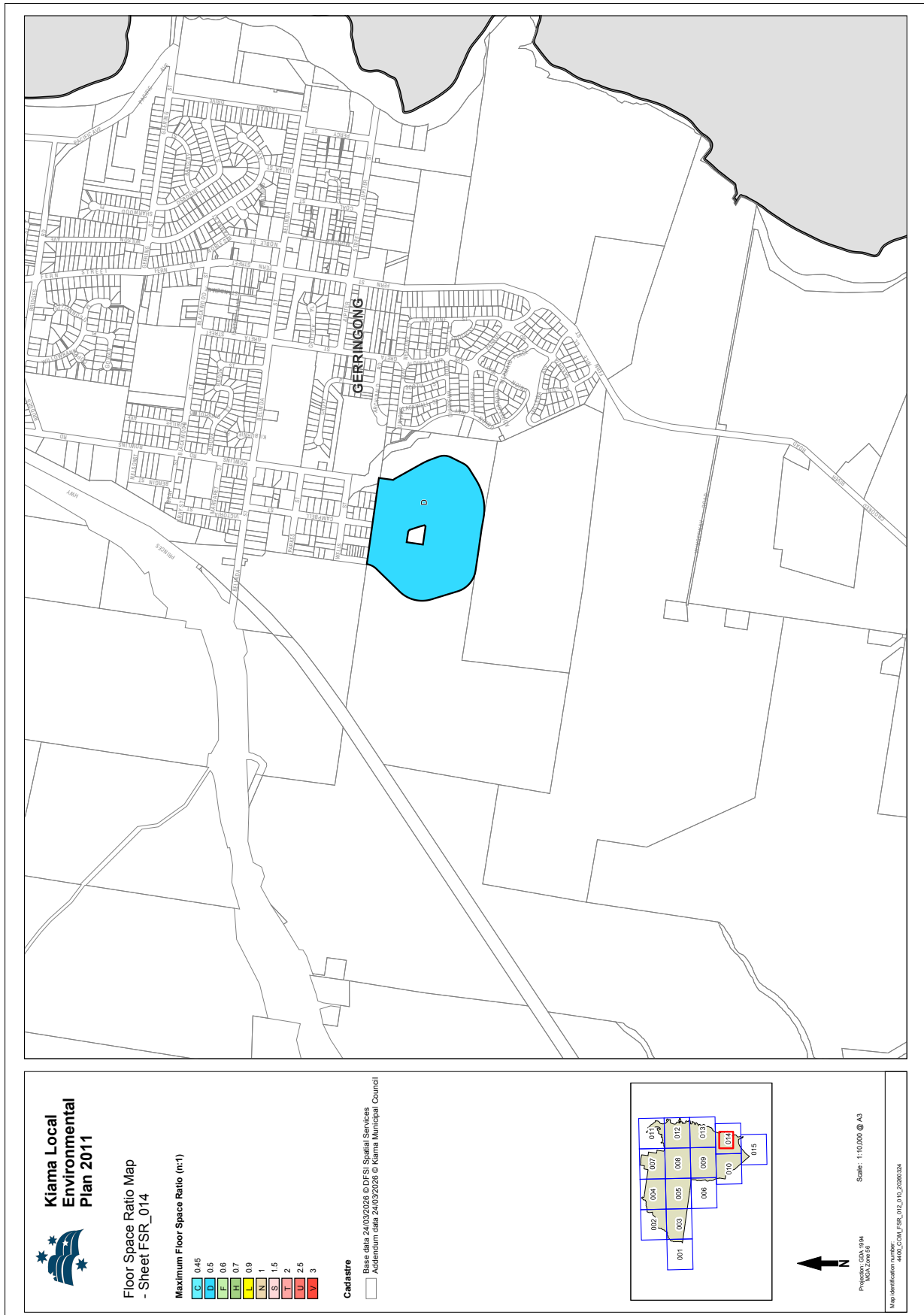
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Enclosure 4



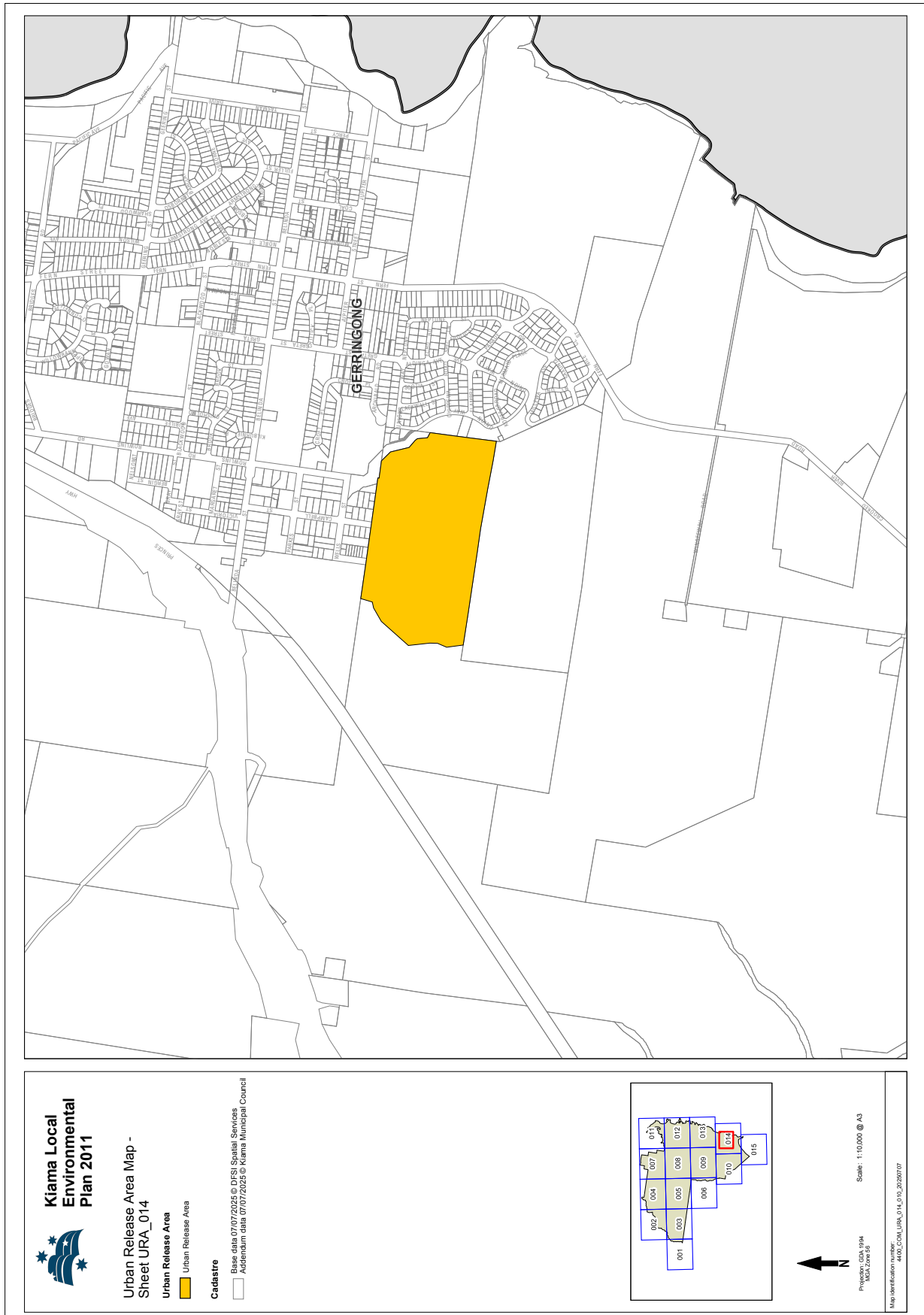






Item 14.5

Enclosure 8



Item 14.5

Enclosure 9



Phone enquiries:
(02) 4232 0444

Reference:
26/40900

4 May 2026

Ms Kiersten Fishburn
Secretary
Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Via: Submission on NSW Planning Portal

Dear Ms Fishburn

Submission - Proposed Statewide Community Participation Plan

Thank you for the opportunity to provide a submission on the proposed statewide Community Participation Plan (CPP) that is currently on public exhibition.

This submission has been prepared by Kiama Council's Planning and Development team and was **endorsed by the Council at the Ordinary Meeting on 19 May 2026**.

Kiama Council adopted its CPP in 2019 and was due to review it last year but deferred this review given the ongoing NSW Government Planning Reform Program. Council's CPP can be viewed on Council's website here: <https://www.kiama.nsw.gov.au/Council/Plans-and-strategies/Community-Participation-Plan>.

Kiama Council has concerns that the proposed Statewide CPP does not contain the mandatory community participation requirements as prescribed by Part 1 of Schedule 1 of the *Environmental Planning & Assessment Act 1979*, and is inconsistent with the requirements of the *Local Government Act 1993* and the NSW Government's 'Integrated Planning & Reporting Guidelines' and 'Local Environmental Plan Making Guideline'.

The published CPP Discussion Paper indicates that the standardised requirements aim to provide certainty for stakeholders and assist in making the planning system faster, fairer and more outcomes focused.

Kiama Council has concerns that the draft Statewide CPP will have the opposite effect to those published.

The enclosed submission has been prepared to aid the Department in the finalisation of the Statewide CPP.

If you have any questions regarding our submission, please contact Cheryl Lappin, Manager Planning and Development, or myself on 4232 0444, or email council@kiama.nsw.gov.au.

Yours faithfully

Ed Paterson
Director Strategies & Communities

Enclosed

This submission has been prepared by Kiama Council's Planning and Development team and was **endorsed by the Council at the Ordinary Meeting on 19 May 2026**.

This submission has been prepared to aid the Department in the finalisation of the Statewide CPP with feedback focused on:

1. General Feedback
 - a. *Environmental Planning and Assessment Act 1979*
 - b. *Local Government Act 1993*
 - c. IAP2
 - d. Definition of 'days'
2. Content Specific Feedback
 - a. State planning framework
 - b. Strategic planning
 - c. Development assessment
 - d. Complying development.

1. General Feedback

Upon reviewing the exhibited draft Statewide CPP, council is concerned that in its current form the draft is inconsistent with the current legislative framework, best-practice engagement principles and contains inconsistencies within itself and to other Departmental guidelines.

Environmental Planning and Assessment Act 1979

Section 2.22 of the *Environmental Planning & Assessment Act 1979* (the EP&A Act) prescribes that the mandatory community participation requirements set out in Part 1 of Schedule 1 of the EP&A Act must be included in community participation plans prepared under Division 2.6 of the EP&A Act, including the draft Statewide CPP.

It is noted that the draft Statewide CPP is generally consistent with and contains the mandatory requirements contained in Divisions 1 and 2 of Part 1 of Schedule 1 and with the exception of clause 17 the requirements of Division 3 of Part 1 of Schedule 1.

However, the mandatory requirements contained in Division 4 and clause 17 of Part 1 of Schedule 1 are not included in draft Statewide CPP. It is particularly concerning that the requirements to provide notification of the determination by a consent authority, including the Minister, are not included in the draft Statewide CPP. The *Environmental Planning and Assessment Amendment Bill 2025* does not make any changes to Division 4 of Part 1 of Schedule 1.

Council therefore considers that the draft Statewide CPP is inconsistent with Section 2.22 of the EP&A Act and ought not to be made in its current format.

Council's CPP and CES set out *how* and *when* Council will engage with its community, but this is not included in the proposed Statewide CPP which will result in further inconsistencies across the State. The final Statewide CPP should provide clearer guidance to ensure Statewide consistency on the following details:

- *who* should be notified (i.e. adjoining landowners, 50m buffer, community groups, other stakeholders etc.)
- *how* should they be notified (i.e. email, posted letter, Council website)

- *what* should be notified (i.e. there are a number of documents submitted as part of a Development Application, so the CPP should clarify *which* documents are required to be on notification, and if any information should be redacted having consideration to the *Government Information (Public Access) Act 2009*)

The proposed Statewide CPP could be strengthened by providing stronger guidance on engagement with First Nations communities, culturally linguistic diverse populations, people with disabilities, young people, and people with limited digital access, rather than requiring each Council to include this in their individual CESs.

The "Getting Involved" section should be strengthened to clarify the practical implementation. For example:

- Notification - the sentence "if you are directly impacted.." and clearly articulate *who* this is referring to. Adjoining landowner? Community group? Stakeholder? Landowners within a proximity to the site?
- "This notification may include.." means that direct (individual) notification is not required, and an on-site notice is sufficient.
- '..all relevant documentation' requires clarification and further guidance.
- 'How to write a submission' – clarify if these will be made public.

Local Government Act 1993

On page 6 of the draft Statewide CPP it is stated that "An engagement strategy prepared by a planning authority must be consistent with the Community Participation Plan...". Councils are required to prepare Community Engagement Strategies (CESs) as per section 402A of the *Local Government Act 1993* (LG Act). Section 406 of the LG Act outlines that, via the regulations, CESs are to be prepared in accordance with the NSW Government's 'Integrated Planning and Reporting Guidelines'. Section 2.5 of these Guidelines states:

Where a council has community engagement requirements under other legislation or regulations, these should, wherever practical, be integrated into the Community Engagement Strategy.

CESs are prepared under the LG Act and the informing Guidelines do not require that a CES must be consistent with the CPP only that councils should, wherever practical, integrate the CPP into the CES. Council therefore considers that this statement in the draft Statewide CPP overreaches its legal standing and influence.

International Association for Public Participation

It is noted that, while the draft Statewide CPP includes objectives to engage and consult in meaningful upfront ways, the draft seeks only to inform the community and stakeholders on planning matters.

Council's current CPP is based on the Internal Association for Public Participation (IAP2) Spectrum and seeks to collaborate with and involve stakeholders on strategic planning functions and to consult and inform stakeholders on plan making and development assessment functions.

The draft Statewide CPP would be greatly improved if it aligned itself with the IAP2 spectrum.

Definition of days

There are inconsistencies between tables 5 and 8 of the draft Statewide CPP. Specifically, in 'Table 5: Mandatory minimum public exhibition timeframes in the EP&A Act' draft regional or district strategic plans need to be exhibited for a minimum of 45 days. While in 'Table 8: Non-legislative public exhibition timeframes' it is stated that minimum exhibition period is 60 days. It is noted that the draft CPP notes that the 45 day period is the statutory period and that the Department will exhibit draft strategic plans for 60 days. This inconsistency, and included explanatory notes, is unnecessary. The EP&A Act sets the minimum statutory exhibition requirement. The draft CPP should simply set a minimum 60 day exhibition period, thus ensuring that the CPP is not inconsistent with the EP&A Act and avoiding the unnecessary confusion.

In addition to this, there are inconsistencies in the use of the word 'days' and therefore notification periods across the NSW planning framework including legislation, proposed Statewide CPP, and LEP Making Guideline.

The legislation uses the term 'days' with the only definition being in the *Interpretation Act 1987*. The proposed Statewide CPP notes that "*timeframes are measured in calendar days and include weekends*" which indicates that public holidays are included in the timeframe. For a 14-day notification period over the 4 day Easter weekend this would result in a 8 business days timeframe which is not considered to be reasonable. This level of unreasonableness is acknowledged in both the EP&A Act and draft CPP which confirm that the period between 20 December and 10 January is to be excluded from the calculation of a public exhibition period.

In table 1 of the NSW Government's Local Environmental Plan Making Guideline' days are defined as working days, excluding public holidays and the period between 20 December and 10 January. Strangely, table 1 outlines that for Rezoning Reviews "days" means calendar days.

It is recommended that a consistent definition for "days" be used across all NSW planning matters and that this be based on the *Interpretation Act 1987* and the Christmas / New Year exclusion period as per Schedule 1 cl 16 of the EP&A Act.

Council offers the following suggested definition of 'day' for the purposes of any planning notification period

'days' means a day that is not—

- (a) a Saturday or Sunday, or
- (b) a public holiday or bank holiday throughout the State, or
- (c) between 20 December and 10 January (inclusive)

As a result of these recommended changes to the definition, the current '28 calendar day' notification period would become '20 days' and the current 14 calendar day would become 10 days, and so on.

2. Content Specific Feedback

The following feedback is provided on the specific 'planning function' sections of the draft Statewide CPP.

Item 14.6

Enclosure 1

State planning framework

It is noted that Explanations of Intended Effects (EIEs) are not draft Environmental Planning Instruments (EPIs) and therefore have no minimum exhibition requirement. It also means that they are not required to be considered during the assessment of a Development Application or included in a Planning Certificate issued under section 10.7 of the EP&A Act. It is suggested that EIEs should be included in the CPP under 'non-legislative public exhibition requirements'.

Strategic planning

As part of the NSW Planning Reforms, the objects of the EP&A Act were updated in November 2025 and embed proportionality into planning processes and decision-making, ensuring that assessment efforts respond to the scale and impact of development proposals. This means that there will be a greater emphasis on community participation earlier in the planning process, ie at strategic land use planning phase, and reduced community participation at Development Application stage.

This is now being implemented through the proposed Statewide CPP which proposes to increase the timeframes for strategic planning as follows:

Strategic Plan	EP&A Act Schedule 1	Kiama Council CPP 2019	Proposed Statewide CPP
Local Strategic Planning Statement (LSPS)	Minimum 28 days	Minimum 28 days	Minimum 60 days
Precinct plans / Master plans / Structure plans	Not legislated	Not specified	42 days (can be varied)
Planning Proposals (PPs)	As per Gateway, or 28 days	As per Gateway, or 28 days	As per Gateway, or 28 days
Development Control Plan (DCP)	Minimum 28 days	Minimum 28 days	Minimum 28 days
Contributions Plan	Minimum 28 days	Minimum 28 days	Minimum 28 days

Note: see comments below on the definition of 'days'.

The Statewide CPP proposes to extend the minimum requirements for exhibition of a LSPS, which will have an impact on Council's project completion timeframes. For comprehensive LSPS reviews a timeframe of 45 days is considered sufficient, and for minor amendments (ie minor reviews) the current 28 days is considered adequate. For example, as part of exhibiting the Draft Local Housing Strategy a minor amendment to the LSPS was proposed to remove completed actions, and these were both exhibited for 28 days. In this instance it would have been impractical and unnecessary to exhibit the minor amendments to the existing LSPS for longer than the draft Local Housing Strategy

The proposed Statewide CPP proposes to shorten or remove the notification period for Planning Proposals (PPs) where consultation has already occurred on a master plan. This is not supported. The masterplan process sets out a high-level vision for the site, while a PP considers the detailed environmental land use impacts and proposed planning controls. The CPP should incorporate the LEP Making Guideline categories for PPs and the minimum notification periods.

The CPP should also include a timeframe for non-legislated notifications for other planning policies, strategies and documents (ie Local Housing Strategy, Rural Lands Strategy).

It is noted that the proposed Statewide CPP may be inconsistent with the LEP Making Guideline and an update to the Guideline is being considered. Should the Guideline be updated, it is suggested that the “days” be updated to be consistent (see comment on the definition of ‘days’ below).

It is noted that these timeframes may be varied on occasions where a governance priority or administrative requirement requires immediate action. No clarity has been provided in the draft CPP on what would constitute a priority, therefore this appears to contradict the CPP’s objective for transparency. The ability to vary (ie reduce or remove) public exhibition is not supported, as all planning processes should be notified for the minimum consultation period.

To ensure consistency across the state and clarity for the community, further guidance should be included in the CPP on *who* should be notified of strategic planning projects and *how* they should be notified.

Development Assessment

The main differences to current notification processes will be for local Development Applications. Although Schedule 1 of the Act sets out minimum timeframes for the exhibition of certain applications, councils have discretion on how local applications for low impact development are notified. It is acknowledged that this has resulted in inconsistencies across the State as what constitutes ‘low impact’ differs across the State, as it should.

Although Kiama Council’s current CPP lists circumstances where certain development is exempt from having to be publicly exhibited, this is limited to the following:

- Single storey residential outbuildings and single storey residential additions and alterations that comply with the relevant height, floor space ratio, setback and cut & fill requirements.
- Subdivision of existing buildings (i.e. the subdivision of an existing dual occupancy etc.).
- Changes from one commercial use to another, excluding changes for licensed premises.
- Modification applications fixing a minor error (i.e. wrong plan numbers, error in approval etc.).
- Modification applications involving minor environmental impact where no public submission/s was received to the original development application.
- Review of planning decision where no public submission/s was received to the original development application.

The proposed Statewide CPP however, proposes that a significantly greater range of developments be exempt from notification. An extract of the proposed Statewide CPP is provided below for Residential development:

Exemptions apply for certain development types, listed in Table 6, where the development:

- *is permissible in the relevant zone;*
- *meets the relevant planning controls in a local environmental plan, development control plan and/or state environmental planning policy; and*
- *does not include a 4.6 variation.*

The exemptions are intended to apply where '*... the development is permissible and meets the relevant planning controls in a local environmental plan, development control plan and/or state environmental planning policy*' however notification needs to occur immediately following lodgment of an application. This means that a Council has not yet assessed the application to determine if it does or does not '*...meet the relevant planning controls...*' and therefore the proposed exemptions will be difficult to implement from a practical sense. It is therefore suggested that the exemption be based on 'development types' so that this is easily identifiable upon application lodgement. In Council's experience it is common for DAs to seek a variation of DCP controls. Identifying if a DA includes a DCP variation often involves a full assessment of a DA to determine if there are any variations proposed.

Council's general practice is to issue the fee request as part of the DA lodgement fees. Therefore, the notification requirements need to be determined as part of the application lodgement process. As noted above, it will be unclear if an application is fully compliant, and therefore whether an exemption does or does not apply until the assessment has been completed.

In a practical sense to comply with the draft CPP if a DCP variation is identified later in the assessment, this would have the effect of prolonging the assessment timeline due to the impact of Council raising notification fees after lodgement and the exhibition period not occurring in the early stages of the assessment. It is suggested that the exemptions be revised and granted on the following basis:

- *is permissible in the relevant zone;*
- *meets the principal development standards in a local environmental plan, setback guidelines in a DCP and/or relevant state environmental planning policy;*
- *does not include a 4.6 variation.*

The proposed changes may result in a significant reduction in the number of development applications that are notified. This will reduce the overall community participation in planning matters, which may be contradictory to the object of the Act. The proposed changes may result in an increased development application lodgement timeframe as the application will need to be reviewed to determine if it needs to be notified or not.

There may be a benefit to Councils in the reduced notification requirements. The administrative process of notifying applications includes identifying if the application requires notification and if so the timeframe, identify adjoining landowners who need to be notified, generating letters and sending this in the post, ensuring that the required documentation is publicly available (ie on a Council's website), receiving and acknowledging submissions, considering submissions, notifying submission makers of the outcome and any further modification or review applications. This would therefore result in efficiency and cost savings for Councils, and a more streamlined assessment process as there are no submissions to consider.

It is expected that there will be community opposition to the proposed notification exemptions, as neighbouring property owners will not have an opportunity to comment on the impacts that a proposed development may have on their property and amenity, or offer any suggestions in regards to shadowing, view loss, and overall design outcomes. It is suggested that this be further considered to ensure that any statewide CPP meets the object of the Act: *The community has a right to be informed about planning matters that affect it.*

The proposed exemption from notification for residential flat buildings and shop top housing is not supported. This type of development warrants community consultation based on the size and scale of the development and potential impact to neighbours and community. Multi dwelling housing development is also not identified as exempt from notification which is illogical if denser development such as residential flat buildings and shop top housing development are.

Table 6 of the draft CPP outlines that a 'pre-commencement of works notification' is required for both residential flat buildings and shop top housing development. It is not clear how the draft CPP expects this to occur. The CPP only applies to planning authorities and not Principal Certifying Authorities issuing Construction Certificates or Subdivision Works Certificates.

The draft CPP is unclear as to how it would be applied in some circumstances. For example, mixed use development consisting of shop top housing (exempt under the draft CPP) which by definition requires ground level commercial or health services development (not exempt under the draft CPP).

The draft CPP is unclear as to how it would be applied to various development types. For example, demolition, works to a heritage item, strata and stratum subdivision and tree removal where they are related to residential and related land uses appears to be exempt, however it is unclear if these same exemptions are applicable to the same development if it were related to commercial, industrial or other development. Similarly, signage related to commercial development appears to be exempt but is not expressly exempt where it relates to industrial or other development. The exemption provisions also apply to the following development types.

The draft CPP is unclear about the intended effect of exempting "change of use" applications for commercial and industrial development. The draft CPP does not detail how first/establishing use DAs should be notified and does not clarify if there are any non-exempt change of use applications i.e. land uses that have been excluded from the notification exemption would in fact be exempt if they were made pursuant to a change of use application.

The proposed exemptions include s4.55(1), s4.55(1A) and s4.56 modifications, but do not include s4.55(2) modifications. The draft CPP would result in an inconsistent public exhibition outcome whereby an original development application may have been exempt from exhibition, however a subsequent s4.55(2) modification would now trigger public exhibition. A similar outcome would occur for 8.2 review applications amended pursuant to s8.3(3) of the EP&A Act, and it is unclear if an s8.2 review for a DA that originally required notification would require re-notification. The draft CPP appears to result in inconsistent and illogical public notification and exhibition outcomes for DAs. The draft CPP is unclear about how notification should occur and where exemptions are applicable in various situations which would lead to varied interpretations and outcomes between Councils defeating the purpose of the Statewide CPP.

The draft CPP does not provide any guidance on the extent of public notification of DAs. Different Council's adopt different notification extents and without clear guidance on this, the draft Statewide CPP would result in varied notification outcomes across LGAs. The draft CPP does not provide detail as to the range or what extent notification should be given or in what format. The 'Getting involved – Notification' section of the draft CPP identifies that notification may include a letter, an email and/or on-site notice, but does not provide further clarity. It is unclear if Council's would require a further policy to establish how the draft Statewide CPP would be applied in terms of notification extent and format.

Complying development

The proposed changes to Complying Development notification have no impact on the Kiama Municipality.