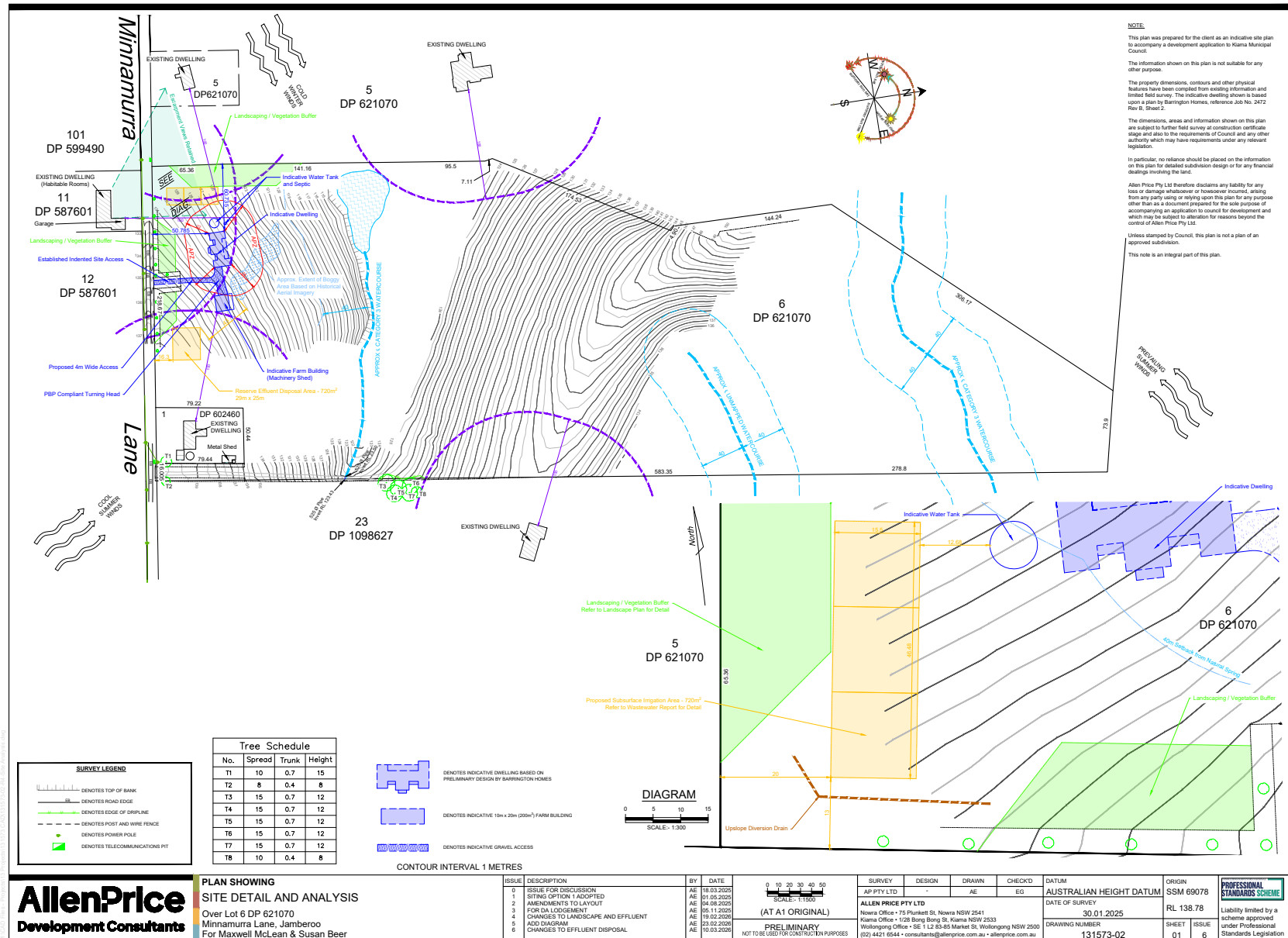
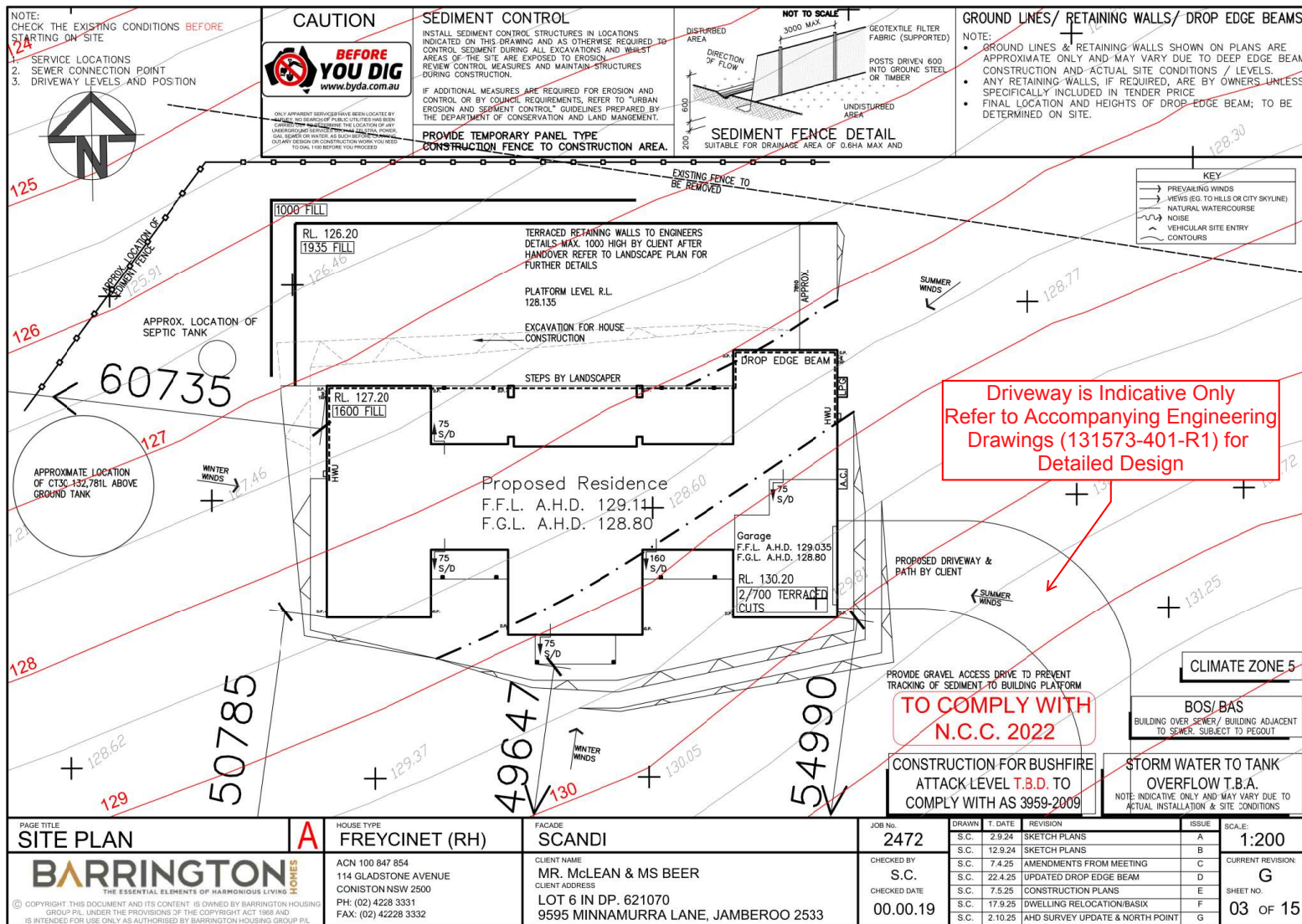
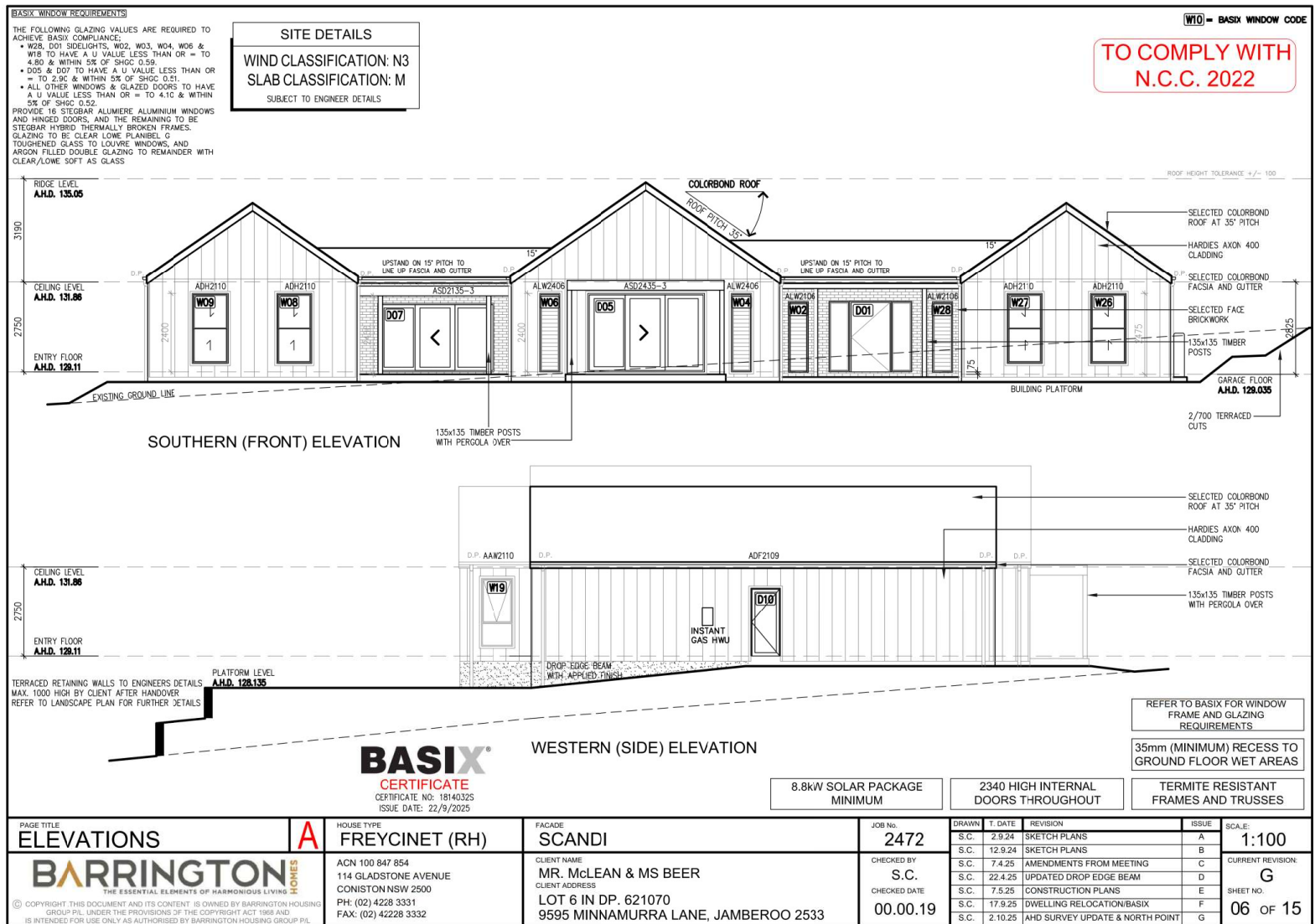




Item 15.1 - Determination of Development Application
10.2025.201.1 - Lot 6 DP 621070 Minnamurra Lane, Jamberoo
- Dwelling House, detached farm building and driveway

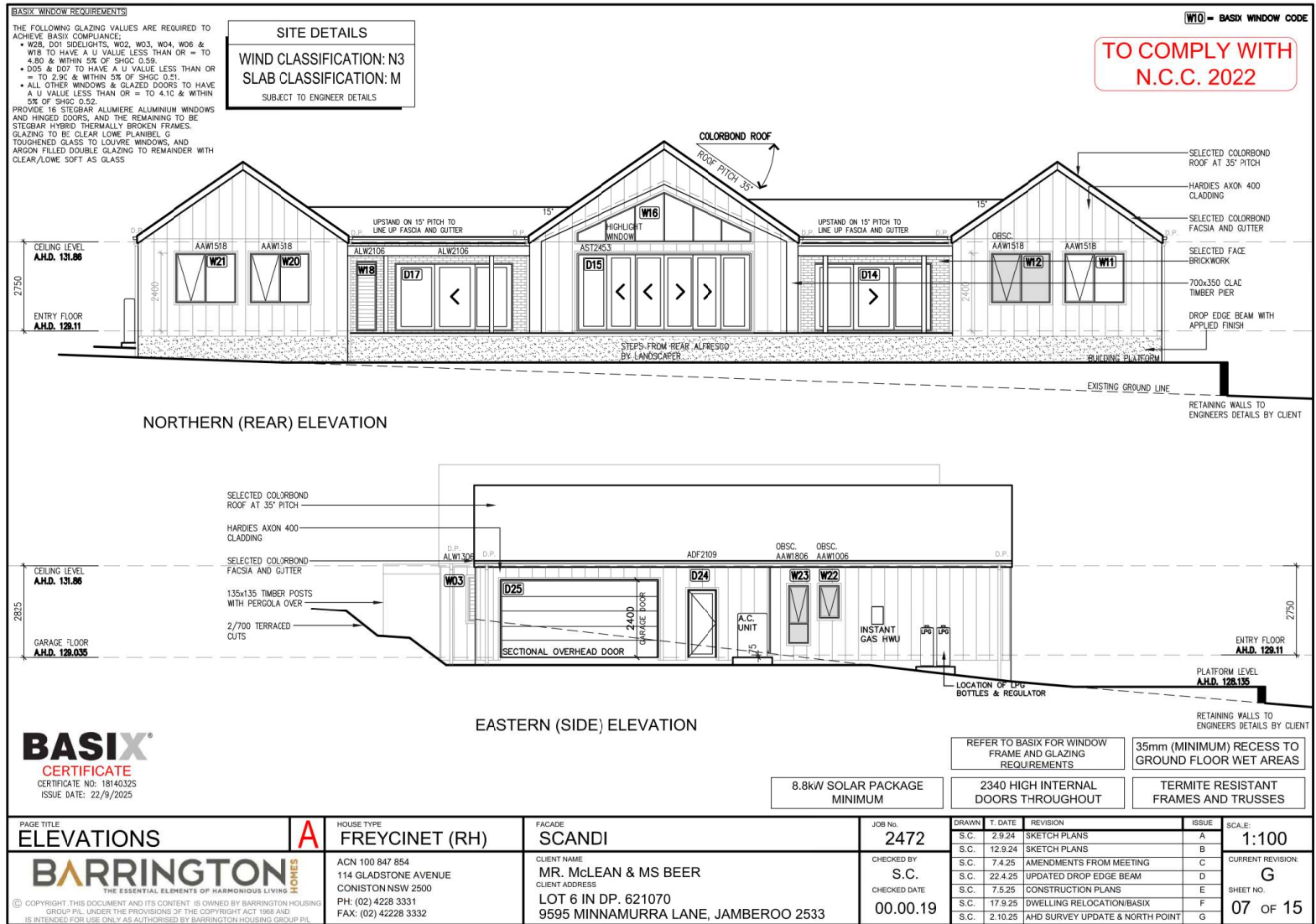
Enclosures 1 - 10.2025.201.1 - PAN-
590655 - Plans





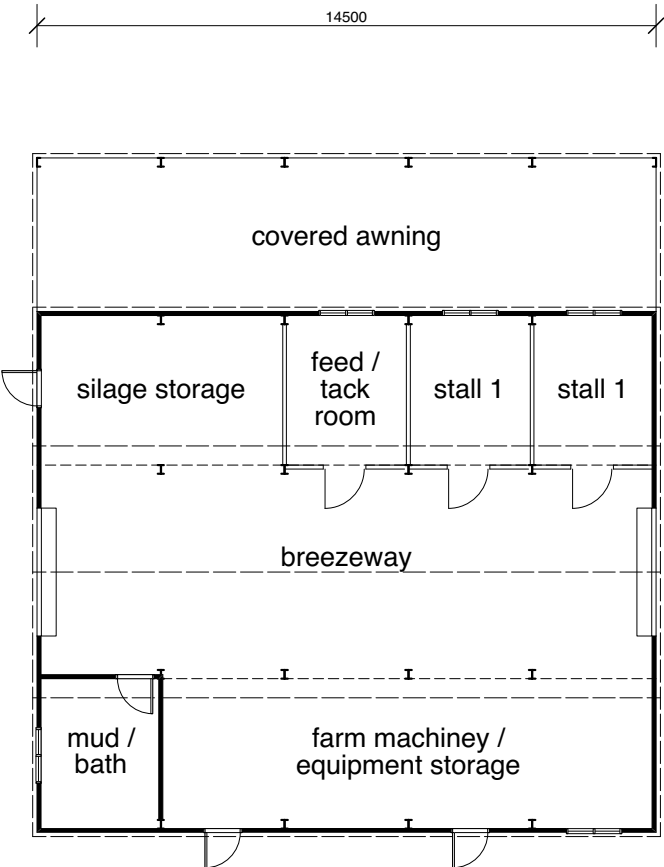
Item 15.1 - Determination of Development Application
10.2025.201.1 - Lot 6 DP 621070 Minnamurra Lane, Jamberoo
- Dwelling House, detached farm building and driveway

Enclosures 1 - 10.2025.201.1 - PAN-
590655 - Plans



Item 15.1 - Determination of Development Application
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Enclosures 1 - 10.2025.201.1 - PAN-
590655 - Plans



floor
PLAN

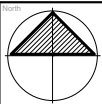


DESIGN MATTERS
BUILDING DESIGNERS
PRACTICE BUILDING DESIGNERS
PRACTICE BUILDING DESIGNERS

All dimensions and floor areas are to be verified by the Builder prior to the commencement of any building work.
Any discrepancies are to be brought to the attention of the designer.
Levels shown are approximate unless accompanied by reduced levels.
Figured dimensions must be taken in preference to scaling.
All boundary clearances must be verified by the surveyor prior to the commencement of any building work.
Where engineering drawings are required such must take preference to this drawing.
All services to be located and verified by the Builder with relevant authorities before any building work commences.
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Issue	Date	Revision / Submission

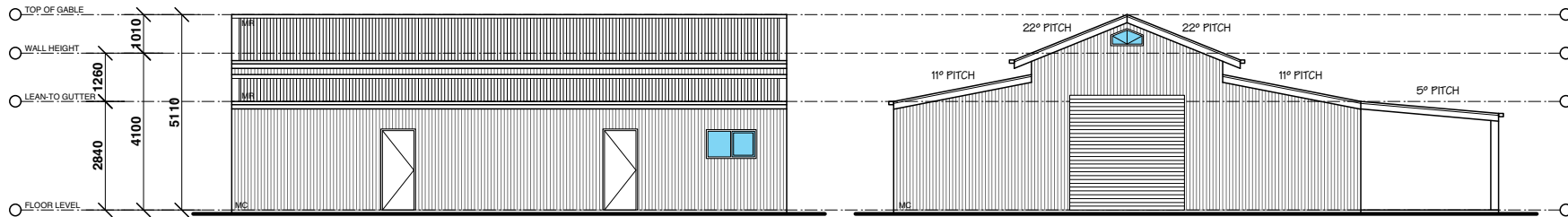
**PROPOSED SHED
AT LOT 6 MINNAMURRA LANE
JAMBEROO
FOR SUSAN**



North

Site Number 25.23	Drawn MS	Sheet No. 01
Scale 1:100	Page Size A3 Sheet	No. of Sheets 02
Date 20 August 2025		Rev. A
Floor Plan		



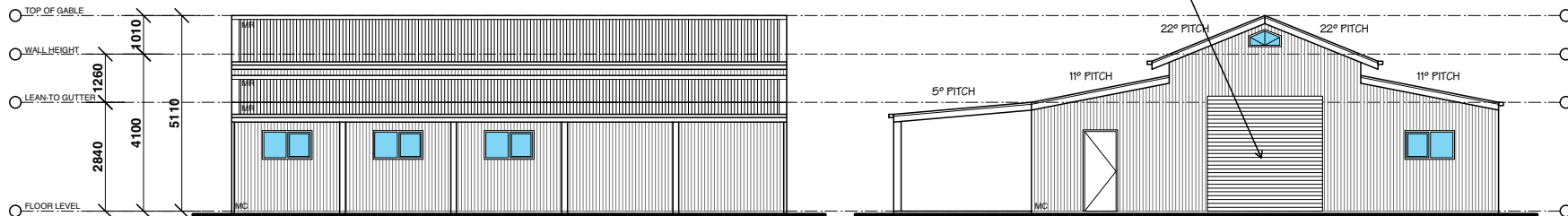


south elevation

east elevation

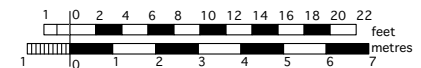


Western Door to be confirmed at CC stage, roller door shown may be substituted for sliding barn doors. Refer to indicative example.



north elevation

west elevation



 DESIGN MATTERS BUILDING DESIGNERS PROFESSIONAL DESIGNERS 10/100	All dimensions and floor areas are to be verified by the Builder prior to the commencement of any building work. Any discrepancies are to be brought to the attention of the designer. Levels shown are approximate unless accompanied by reduced levels. Figured dimensions must be taken in preference to scaling. All boundary clearances must be verified by the surveyor prior to the commencement of any building work. Where engineering drawings are required such must take preference to this drawing. All services to be located and verified by the Builder with relevant authorities before any building work commences. Copyright: This design and the associated documents is subject to copyright laws and may not be reproduced in any form without written consent from Design Matters.	<table><tr><th>Issue</th><th>Date</th><th>Revision / Submission</th></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></table>	Issue	Date	Revision / Submission													PROPOSED SHED AT LOT 6 MINNAMURRA LANE JAMBEROO FOR SUSAN		25.23	MS	Sheet No	02
			Issue	Date	Revision / Submission																		
scale	1:100	Paper Size	A3 Sheet	No. of Sheets	02																		
Date	20 August 2025																						
Project Name	Elevations				A																		



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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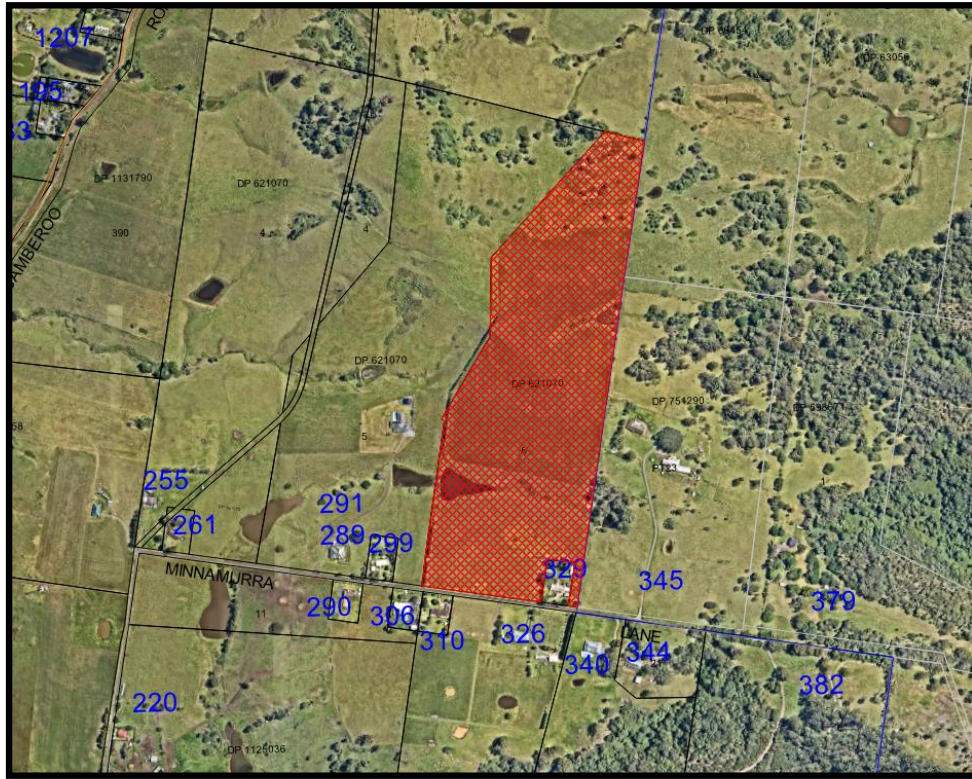


Figure 1 – Aerial image

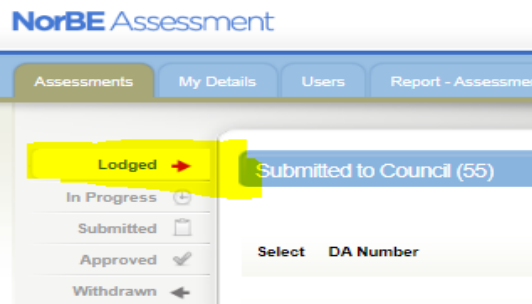
THE SITE IS SUBJECT TO THE FOLLOWING CONSTRAINTS:

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? 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	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 Note: consider adjoining properties.	NA
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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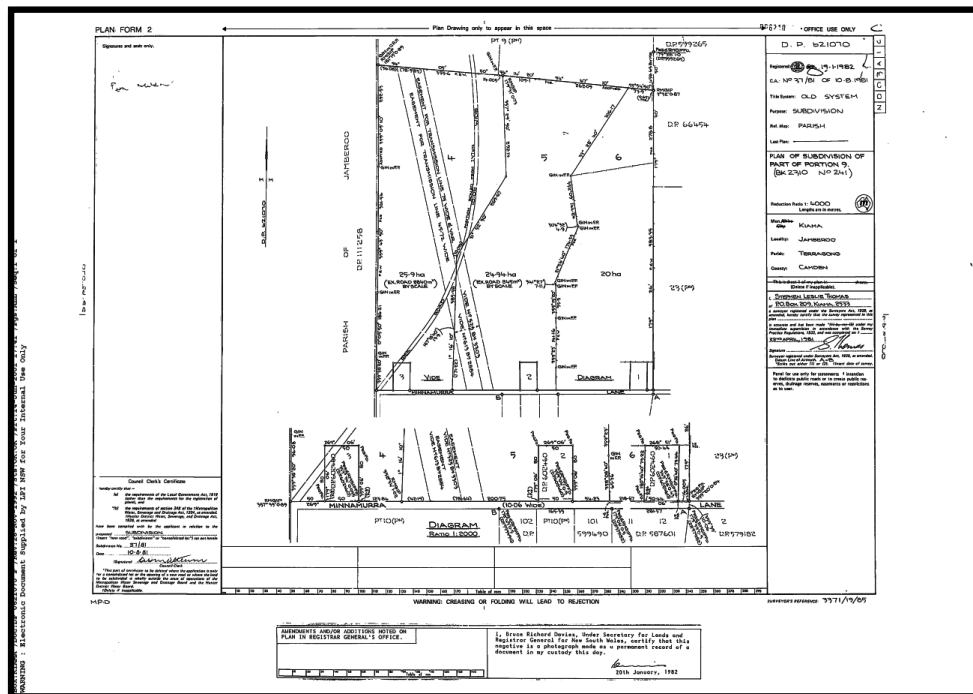


Figure 2 – DP extract

10.2025.201.1

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.

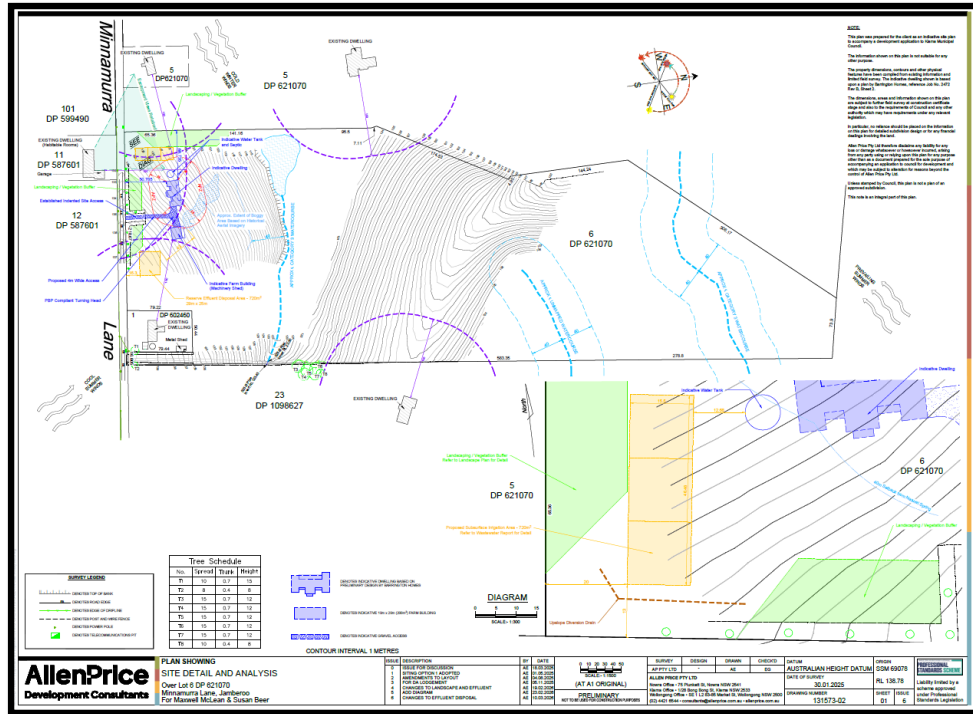


Figure 3 – Site analysis plan

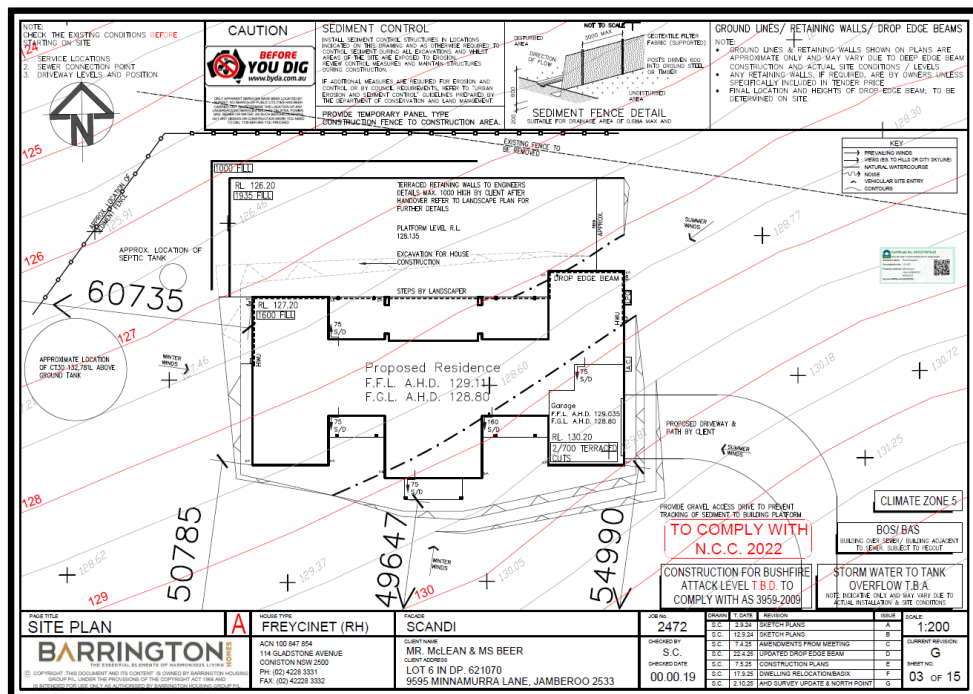


Figure 4 – Proposed site plan

10.2025.201.1

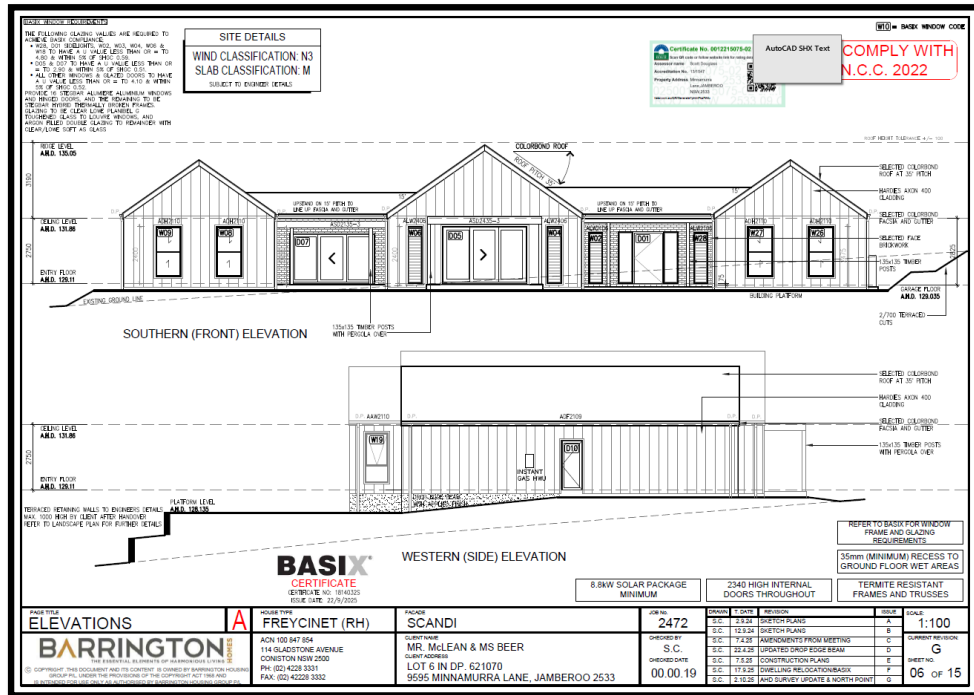


Figure 5 – Elevations

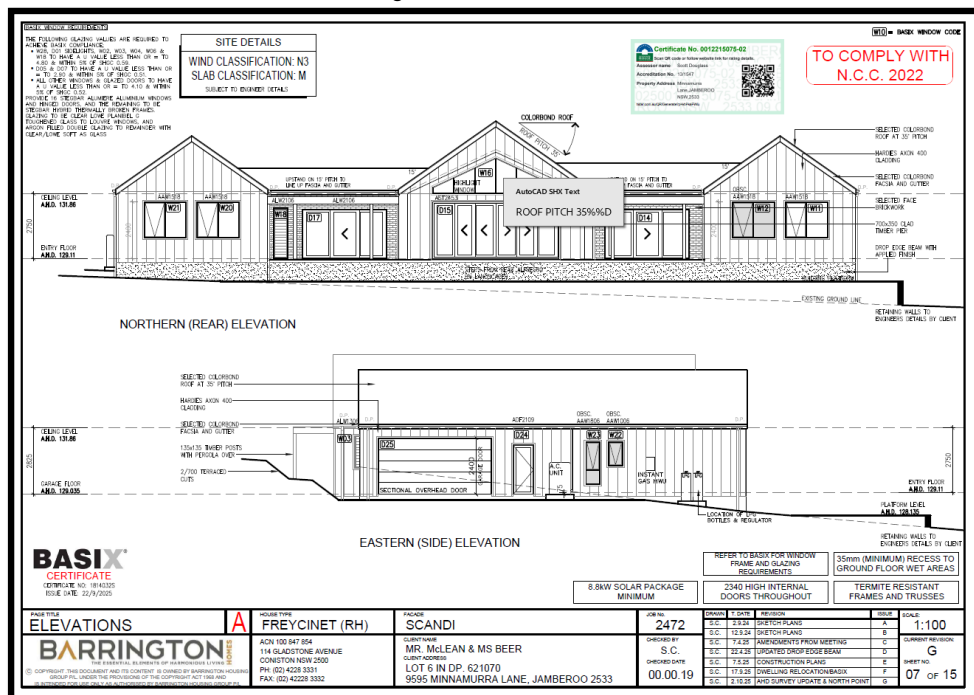


Figure 6 – Elevations

10.2025.201.1

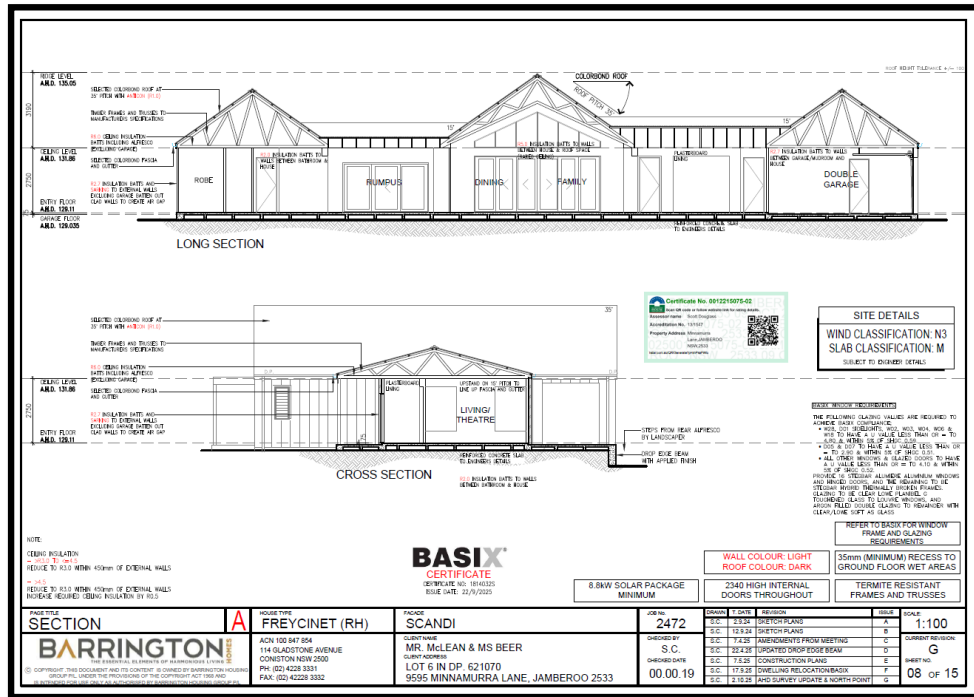


Figure 7 – Sections

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.

In this instance of DA10.2025.201.1 has not been made within 5 years of the commencement of the Kiama LEP 2011 (i.e. 16 December 2016) and therefore cannot rely on the provisions of clause 4.2A(3)(b) – (d). Despite this, it is 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.

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 engaging with clause 4.2A because the approval of DA10.2011.121.1 predates the commencement of Kiama LEP 2011 by 3 months, it is considered that this approval of a dwelling house is evidence of a planned development outcome for the site, at least at the time of determination.

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 objectives of clause 4.2A to minimise unplanned rural residential development.

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.

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).

Sufficient Environmental Planning Grounds

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 *Environmental Planning and Assessment Act 1979*, 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 Environmental

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Planning and Assessment Act 1979 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 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.	Complies
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.	Complies

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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.	
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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.
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

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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
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

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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.
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.

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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.											
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										

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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 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.	Yes - Complies
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

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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	

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:			

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For 3.3.1:	
<i>"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.</i> <i>The proposed works do not impact surrounding environmentally sensitive land or the land use, amenity and privacy of adjoining developments."</i>	
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.
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

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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.
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.

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Head of consideration	Comment
	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.																																																																						
	<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>Job: 2472 1 of 15</td><td>Rev G</td><td>Cover Page</td><td>Barington Homes</td><td>02/10/2025</td></tr><tr><td>131573-02 Sheet 01</td><td>Issue 6</td><td>Site Detail and Analysis</td><td>Allen Price</td><td>10/03/2026</td></tr><tr><td>Job: 2472 3 of 15</td><td>Rev G</td><td>Site Plan</td><td>Barington Homes</td><td>02/10/2025</td></tr><tr><td>Job: 2472 4 of 15</td><td>Rev G</td><td>Floor Plan</td><td>Barington Homes</td><td>02/10/2025</td></tr><tr><td>Job: 2472 5 of 15</td><td>Rev G</td><td>Floor Plan</td><td>Barington Homes</td><td>02/10/2025</td></tr><tr><td>Job: 2472 6 of 15</td><td>Rev G</td><td>S+W Elevations</td><td>Barington Homes</td><td>02/10/2025</td></tr><tr><td>Job: 2472 7 of 15</td><td>Rev G</td><td>N=E Elevations</td><td>Barington Homes</td><td>02/10/2025</td></tr><tr><td>Job: 2472 8 of 15</td><td>Rev G</td><td>Sections</td><td>Barington Homes</td><td>02/10/2025</td></tr><tr><td>Job: 2472 14 of 15</td><td>Rev G</td><td>BASIX</td><td>Barington Homes</td><td>02/10/2025</td></tr><tr><td>Job: 2472 15 of 15</td><td>Rev G</td><td>BASIX</td><td>Barington Homes</td><td>02/10/2025</td></tr><tr><td>Pages 1 and 2</td><td>-</td><td>Colour and Material Schedule</td><td>-</td><td>-</td></tr><tr><td>131573-401</td><td>Rev 1</td><td>Concept Engineering Layout Plan</td><td>Allen Price</td><td>16/03/2026</td></tr></table>	Approved Plans					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 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	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 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
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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.

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		

	<table><tr><td>Total Contribution Amount:</td><td>\$ 14,547.00</td></tr></table> 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.	Total Contribution Amount:	\$ 14,547.00	
Total Contribution Amount:	\$ 14,547.00			
	Condition Reason: To ensure contributions are levied toward the provision of public infrastructure.			
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.			
	Condition Reason: To require details of measures that will protect the public and the surrounding environment, during site works and construction.			
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.

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

	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

	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.

	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.

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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