



SECTION 4.15 ASSESSMENT REPORT

Environmental Planning & Assessment Act, 1979

Conflict of interest declaration The assessing officer and peer review officer have considered the potential for a conflict of interest under the Code of Conduct and to the best of our knowledge no pecuniary and/or significant non-pecuniary conflict of interest exists. <i>Note: If you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide a written explanation of why you consider that the conflict does not require further action in the circumstances. This statement should then be reviewed by the Manager.</i>		
DA Number	10.2026.28.1	
PAN	PAN-616347	
Applicant(s)	TCW Consulting Pty Ltd	
Property Title	LOT: 100 DP: 1175715	
Property Address	1215 Jamberoo Road CURRAMORE NSW 2533	
Development Description	Change of use - Use of portion of existing car parking for the parking of light vehicles not associated with the recreation facility (major).	
Assessing Officer	Peter Woodworth	31/03/2026
Peer Review Officer	Cheryl Lappin	21/08/2026
Affiliations and Pecuniary Interests	Have any affiliations or pecuniary interests been identified by the Applicant in the Portal lodgement form? <i>Note: For Council-related development, or applications lodged by Council staff or Councillors refer to the Development Assessment Policy. Certain management controls and strategies, and management statement may be required.</i>	No
Delegation Level Required	Elected Council	
Report Recommendation	Refusal	
Development Type	Local Development <i>Note: Integrated development is set out in section 4.46 of the Environmental Planning and Assessment Act, 1979.</i> <i>Note: Nominated integrated development is set out in Schedule 1 Part 1 Division 2 Section 8A of the Environmental Planning and Assessment Act, 1979.</i> <i>Note: Regionally significant development is set out in Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.</i> <i>Note: Designated development is set out in Schedule 3 Part 2 of the Environmental Planning and Assessment Regulation 2021 or in other environmental planning instruments.</i>	

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Owner's consent provided?	Yes						
Estimated Development Cost (EDC)	\$ 43,442.00 The EDC is <\$100,000 and the development cost has been appropriately estimated by the applicant or a suitably qualified person. <i>Note: Planning Circular PS24-002 provides the methodology for calculating estimated development cost (EDC) and the definition of a suitably qualified person.</i>						
Variations Proposed	☐ DCP departure ☐ Clause 4.6 exception <table border="1"> <tr> <td>Clause number</td><td></td></tr> <tr> <td>Percentage variation</td><td></td></tr> <tr> <td>Brief justification for the variation</td><td></td></tr> </table>	Clause number		Percentage variation		Brief justification for the variation	
Clause number							
Percentage variation							
Brief justification for the variation							
Date Lodged	6/03/2026						
Date of site inspection	21/08/2026						
Date clock stopped	31/3/2026						
Date clock started	30/4/2026						
Related Application in NSW Planning Portal?	☒ Concurrence and/or external agency referral (CNR) ☐ HPC Contributions (CON) ☐ Planning Panel (PPSSTH)						
Number of submissions	12 x submissions (11 x within exhibition period and 1 x outside of exhibition period) <i>Note: Where submissions are received Council must give notice of the determination decision to all submitters.</i> <i>Note: Where >12 objections are received the application must be reported to Council for determination.</i>						

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1. Detailed Proposal

The proposal includes:

- Use of the existing car park area for car parking of light sized vehicles not associated with Jamberoo Action Park activities.
 - Entire car parking area excluding staff parking will be utilised for the long-term parking/storage of light vehicles during “non-operational days” for Jamberoo Action Park
 - Area 1 and Area 2 will be utilised for the long-term parking/storage of light vehicles during “operational days” for Jamberoo Action Park

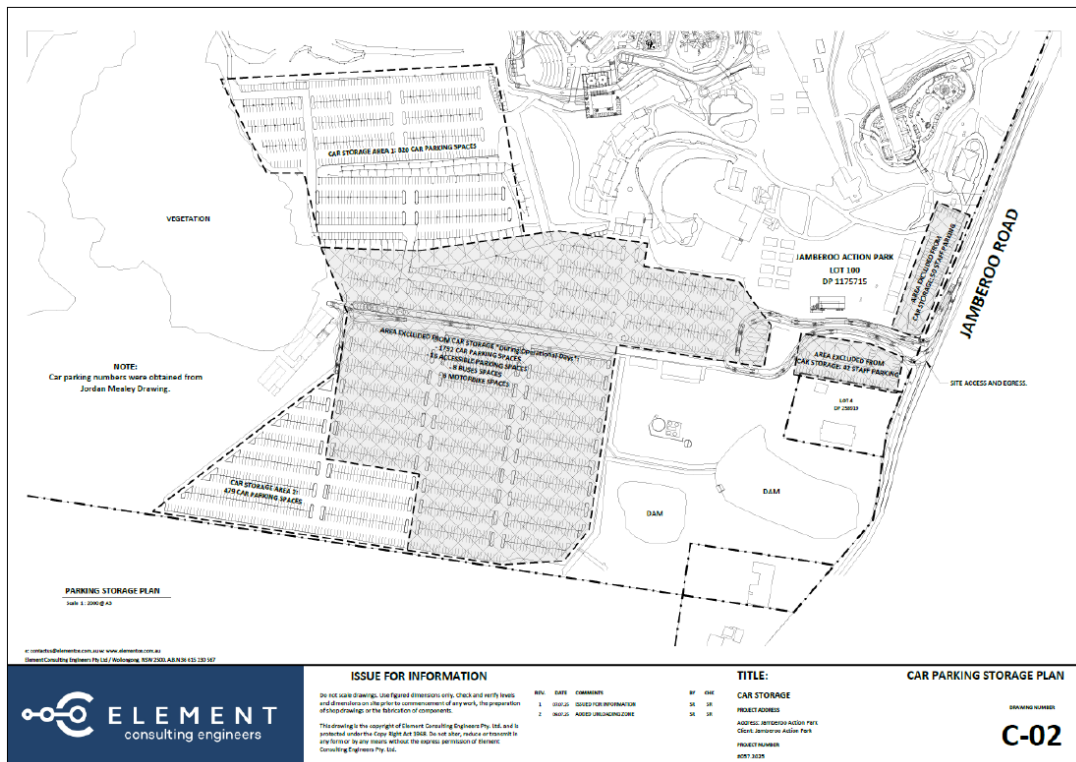


Figure 1: Car parking storage plan

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The application proposes that light vehicles will be stored within the existing at-grade car park area, although not within designated parking spaces. Vehicles will not require individual access and as such will be stored with reduced clearance in tandem arrangements up to four cars deep. In this regard, the application suggests that *"The development proposes long-term car parking areas and not regular car parking areas and hence an assessment against AS2890.1:2004 is not required."* (Section 3.5 of Traffic and parking Impact Assessment Report)

The application does not nominate a total amount of vehicles to be stored and the response to Council's request for information, applicant has noted that the quantity of vehicles is not known until delivery.

All light vehicles will be brought to the site via 20m long articulated vehicle (AV) and will be unloaded by staff on-site in the designated loading area at the western end of the car park. The vehicles will then be moved into a tandem parking arrangement by staff and stored until required to be retrieved.

Vehicles will be moved by truck from Port Kembla on a cyclical nature when a ship containing vehicles arrives in port. The Traffic and Parking Impact Assessment Report suggests that on peak days 60 truck movements are anticipated per day with up to 6 truck movements per hour predicted during peak hours. On an average day the Traffic and Parking Impact Assessment Report expects that it would be more likely to expect 10 trucks per day.

The Traffic and Parking Impact Assessment Report assumes that all traffic associated with the long-term car parking / storage operation will travel to/from the site north via Jamberoo Road.

The car park area will be utilised for the long-term parking/storage of light vehicles on both "operational days" and "non-operational days" (i.e. winter months) of Jamberoo Action Park. The operations for these periods are as follows:

"Operational days"

Area 1 (820 spaces) and Area 2 (479 parking spaces) comprising a total of 1299 car parking spaces will be utilised for the long-term parking/storage of light vehicles.

On operational days where less than 2400 amusement park guests are expected, trucks will arrive and leave the site at any time of the day for the purposes of delivering or retrieving vehicles. On operational days where more than 2400 amusement park guests are expected, trucks will not be permitted to enter or exit the site from 30-minutes prior to opening for the public to 30-minutes after closing to the public (i.e. 9:30am – 5:30pm); trucks would be permitted to arrive and leave the site at any other time of the day for the purposes of delivering or retrieving vehicles.

Temporary barriers will be installed on the aisles of long-term car parking areas separating the long-term car parking areas from the theme park. The barriers can be moved during loading and unloading operations and are to be replaced when no loading/unloading activities are occurring.



Figure 2: Example of temporary barrier

“Non-operational days” (i.e. winter months)

Full car park area comprising 3091 car parking spaces, 16 accessible car parking spaces, 8 bus spaces and 6 motorbike parking spaces, and excluding the 92 car parking spaces reserve for staff will be utilised for the long-term parking/storage of light vehicles.

On non-operational days, trucks will arrive and leave the site at any time of the day for the purposes of delivering or retrieving vehicles.

Plans and Information

The plans and information referred to are as follows:

Plans				
Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan
C-01	2	Overall Site Plan	Element Consulting Engineers	9/7/2025
C-02	2	Car Parking Storage Plan	Element Consulting Engineers	9/7/2025
C-03	2	Truck Movement Plan	Element Consulting Engineers	9/7/2025
C-04	2	Truck Movement Plan – Loading Zone 2	Element Consulting Engineers	9/7/2025

Documents			
Document title	Version number	Prepared by	Date of document
Statement of Environmental Effects	#2543	TCW Consulting	February 2026
Plan of Management	Version 2026/1	Jamberoo Action Park	-
Emergency Management Plan	Version 2025/2	Jamberoo Action Park – General Manager	December 2025
Traffic and Parking Impact Assessment	250721.01FA	McLaren Traffic Engineering & Road Safety Consultants	9/12/2025
Bushfire Protection Assessment	3	EcoLogical	9/1/2026
Addendum to Bushfire Protection Assessment	-	EcoLogical	18/5/2026

Quarantine letter	-	Wollongong Car Carriers	-
Legal opinion	AK:25/686	Foundation Law Group	10/11/2025
Cost Estimate	-	TCW Consulting	23/2/2026

2. Subject Site and Surrounds

Site Description

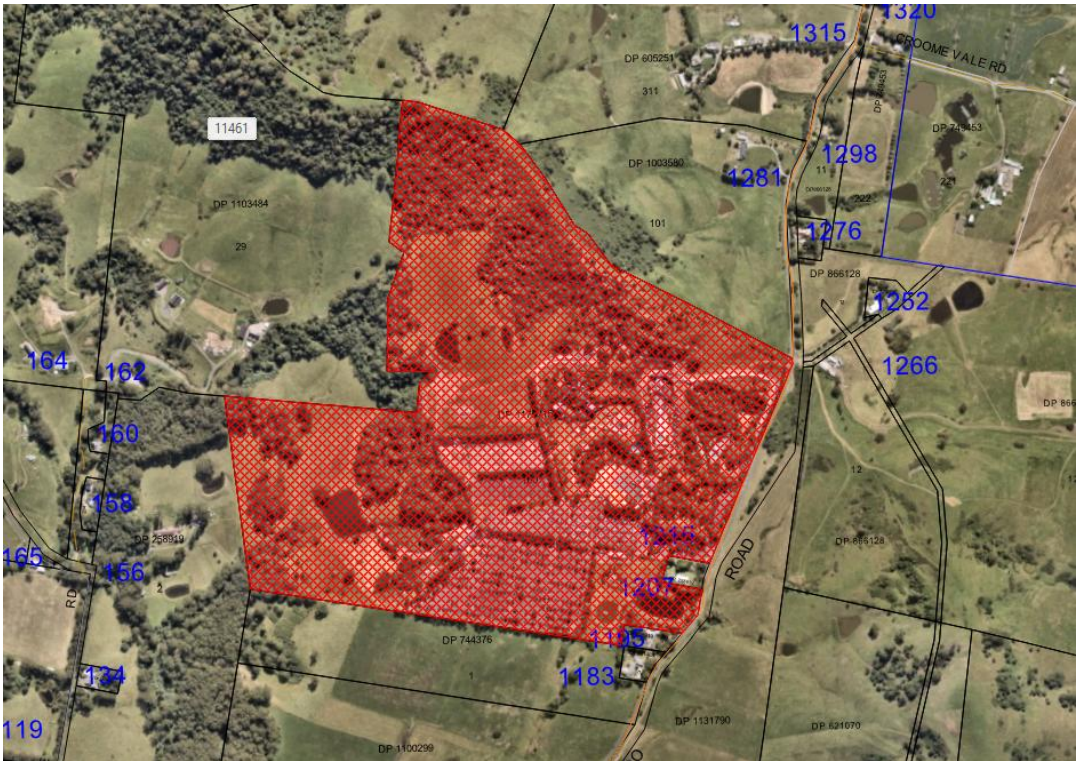
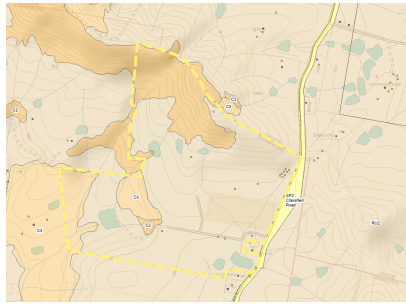


Figure 3: Aerial imagery of subject site

The subject site has a frontage to Jamberoo Road and is located approximately 3km north of the Jamberoo township and 2km south of Albion Park. The site contains an amusement park (Jamberoo Action Park) and associated infrastructure and car parking.

The surrounding area is rural in character and the site is adjoined by rural residential development to the north, south, east and west.

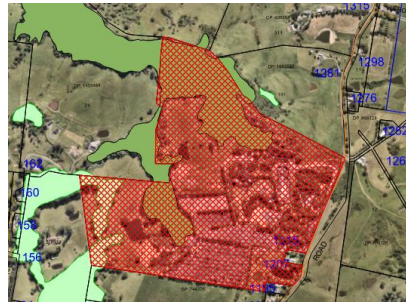
Summary of Site and Constraints

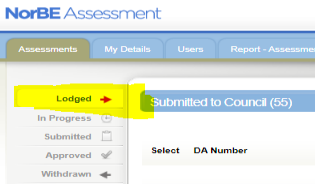
	Mapping Overlay	Commentary
Site Characteristics	Lot Area	63.99ha
	Zone	Part RU2 Rural Landscape Part C2 Environmental Conservation Part C3 Environmental Management 
	Does the land have a dwelling entitlement? <i>Note: for rural land refer to clause 4.2A of Kiama LEP 2011.</i>	Yes
	Does the property adjoin Council, Crown, National Parks, or other public reserve? <i>Note: Consideration should be given to if the development requires or implies access from the adjoining land.</i> <i>Note: Consideration should be given to the potential environmental impact and the site's proximity to NPWS land (see Developments adjacent to National Parks and Wildlife Services lands guidelines) and other natural areas that may contain threatened species, vulnerable or endangered ecological communities or other vulnerable habitats.</i>	No
	Has appropriate survey information been provided?	N/A - Survey information not required.
	Fall direction of land	Undulating
	Coincidental practical and legal vehicular access?	Yes
Infrastructure	Works within proximity to electricity infrastructure?	No
	Is the development adjacent to a classified road ?	Yes - Referral to TfNSW required. • The development is traffic generating development.
	Is the development adjacent to a rail corridor?	No

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	Site within proximity to the high pressure pipelines? Mapping layer: Misc Boundary > APGA Australian Pipeline Database <i>Note: The High Pressure Pipeline (License No 26 - Jemena) traverses through the Kiama LGA.</i> <i>Note: Proximity to a gas high pressure pipeline is defined in SEPP (Transport and Infrastructure) 2021 as:</i> • Within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the Pipelines Act 1967, or • within 20m of the centreline (measured radially) of a relevant pipeline, or • within 20m of land the subject of an easement for a relevant pipeline.	No
	Access to reticulated sewer?	No - The site is serviced via on site treatment system.
	Access to reticulated water?	No
	Does the proposal require a s73 Compliance Certificate from Sydney Water? <i>Note: Attachment 2 in the Sydney Water guidelines identifies types of development that do not require a s73 Certificate.</i>	No
	Access to electricity supply network?	Yes
	Is the development located suitably away from any effluent management areas (EMA) or effluent disposal areas (EDA)?	Yes - Buildings and structures are located outside of OSSM areas.
Constraints	Flood	No
	Filled land	No
	Slip land	No
	Sydney Water Capacity Restrictions	N/A – The proposal does not increase water or sewer demand.
	Interim Heritage Order	No
	Road Widening	No
	Bush Fire Prone Land Map	Yes
	Potentially Contaminated Land	No
	Biodiversity and Conservation Agreements or Vegetation Management Plans	No
	Strategic Agricultural Land	No
	Aboriginal Cultural Heritage	No - There are no aboriginal sites recorded in the area.

Planning Layers	Note: An AHIMS basic search can be used to identify recorded aboriginal sites in the nearby area. Do not use the AHIMS extensive search function unless you have discussed this with your supervisor as this incurs a fee.	
	Development on waterfront land (i.e. within 40m of a watercourse) Note: A Controlled Activity Approval (CAA) may be required for works within 40m of a watercourse. The Waterfront land e-tool can be used to determine if a CAA is required.	No
	Lot Size Area	AB - 40ha
	Floor Space Ratio	N/A
	Height of Buildings	N/A
	Foreshore Building Line (FSBL)	N/A
	Heritage	No
	Active Street Frontages	No
	Terrestrial Biodiversity	Yes – The proposal does not include any works on land mapped as Terrestrial Biodiversity 
	Riparian Land and Watercourses Note: Clause 6.5 applies to land identified as Category 1, 2 and 3 watercourses and a) 40m from the top of the bank of a Category 1 watercourse b) 20m from the top of the bank of a Category 2 watercourse c) 10m from the top of the bank of a Category 3 watercourse Note: The IFM constraints mapping layer overlays 45m, 25m and 15m buffers to Category 1, 2 and 3 watercourses respectively.	Yes – The proposal does not include any works within or in the buffer area of any mapped watercourses
	Acid Sulfate Soils	No
	Development in Local Centers – Area C	No

BV Map	SEPP (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments - Sydney Drinking Water Catchment Area (e.g. NorBE) <i>Note: NorBE Assessments submitted to Council can be viewed from the "Lodged" tab in the NorBE online assessment tool shown below.</i> 	No
	SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management	No
	Biodiversity Values Map  Parts of the site identified as "Hazard separation - minimum 10m" in the Bushfire Protection Assessment are within the BV mapped area. 	Yes

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Site Inspection Observations

Refer to site inspection report.

Deposited Plan and Restrictions on Title

There are no identified restrictions on the use of the land that would limit or prohibit the proposed development.

3. Background

Pre-Lodgement Information

The site previously subject to a similar DA10.2025.137.1 which related to the use of portion of the car park for parking for vehicles not associated with Jamberoo Action Park and was refused, noting that Council identified that the proposal was a prohibited form of development on the site.

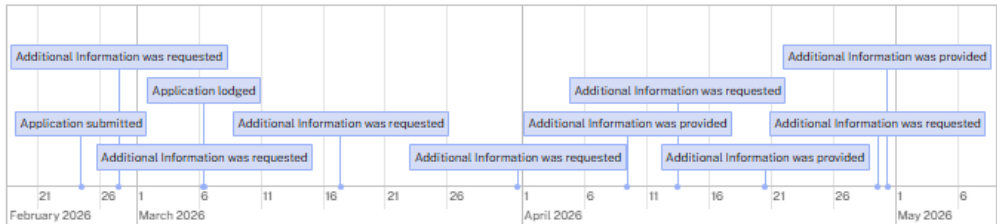
Council officers have consistently identified that the proposal for the storage of vehicles on the site in the format proposed does not satisfy the definition of a *car park*.

Post-Lodgement Information

DA10.2026.28.1 was “called in” for determination by the elected Council on 31/3/2026, see TRIM 26/31126.

Reference number	Milestone	Date
1	Application submitted	24/02/2026
2	Additional Information was requested	27/02/2026
3	Additional Information was requested	06/03/2026
4	Application lodged	06/03/2026
5	Additional Information was requested	17/03/2026
6	Additional Information was requested	31/03/2026
7	Additional Information was provided	09/04/2026
8	Additional Information was requested	13/04/2026
9	Additional Information was provided	20/04/2026
10	Additional Information was requested	29/04/2026
11	Additional Information was provided	30/04/2026

Timeline



Item 15.1 - Determination of DA 10.2026.28.1: Lot 100, 1215 Jamberoo Road Curramore - Use of portion of existing car park for parking of light vehicles not associated with the recreation facility

Enclosures 1 - 10.2026.28.1 - Section 4.15 Assessment Report

Site History and Previous Approvals

Formatted Account	External Reference	Precis	Determination Date	Determination
010.2026.00000028.001	PAN-616347	Change of use		
010.2025.00000137.001	PAN-563322	Change of use and new structure	20/10/2025	Refused
010.2025.00000012.001	PAN-505750	Addition to recreation facility (major)	12/12/2025	Approved
010.2024.00000006.001	PAN-404456	Erection of a new structure	30/05/2024	Approved
010.2019.00000112.005	PAN-286716	modified - demolition of existing water slides and	25/08/2023	Approved
010.2019.00000112.004	PAN-200660	modified - demolition of existing water slides and	15/03/2022	Approved
010.2021.00000041.002	PAN-141848	Demolition & construction of new sheds	12/11/2021	Approved
010.2019.00000112.003		modified - demolition of existing water slides and	29/10/2021	Approved
010.2021.00000041.001		Demolition & construction of new sheds	10/05/2021	Approved
010.2019.00000112.002		modified - demolition of existing water slides and	15/12/2020	Approved by Council
010.2019.00000112.001		demolition of existing water slides and pool & co	17/12/2019	Approved by Council
010.2011.00000002.004		modification - expansion & upgrade to jamberoo	12/03/2015	Approved
010.2013.00000114.001		ticket sales building, toilet block & toboggan tra	31/07/2013	Approved
010.2011.00000002.003		expansion & upgrade of jamberoo action park	19/09/2012	Approved
010.2012.00000170.001		use of sealed carpark	15/10/2012	Approved
010.2011.00000002.005	PAN-405984	modification - expansion & upgrade to jamberoo	12/07/2024	Returned
010.2024.00000181.001	PAN-497974	Addition to recreation facility (major)	28/01/2025	Returned
005.1996.00000123.001	D960123	tourist accommodation		Approved
006.1985.00000065.001	B850065		08/03/1985	Approved
006.1983.00000274.001	B830274	stable	23/09/1983	Approved
006.1982.00000385.001	B820385	storage shed	10/11/1982	Approved
006.1981.00000196.001	B810196	dwelling addition	01/05/1981	Approved
010.2005.00000145.002		addition to existing entry building & ten (10) shac	10/05/2012	Rejected
010.2011.00000002.002		expansion & upgrade to jamberoo action park	12/03/2012	Approved by JRFP
010.2011.00000303.001		extensions to existing sewage reticulation syste	19/04/2012	Withdrawn
010.2011.00000002.001		expansion & upgrade of jamberoo action park	14/07/2011	Approved by JRFP
010.2009.00000273.001		hut	19/11/2009	Approved
010.2009.00000126.001	1BOX	addition to recreation park	27/08/2010	Refused
010.2008.00000336.001		locker shade	19/11/2008	Approved
010.2007.00000212.001		construction of two (2) helipads, access pathwa	08/01/2008	Withdrawn
010.2007.00000098.002		eight (8) shade sail structures & one (1) shop	24/08/2007	Approved
010.2007.00000098.001		eight (8) shade sail structures & one (1) shop	07/06/2007	Approved
010.2007.00000065.001		mammoth river ride	24/05/2007	Approved
010.2004.00000078.003		subdivision	10/05/2007	Approved
010.2001.00000081.004		additions to recreation park including office, sh	21/02/2007	Staged Consent by S
010.2006.00000325.001		change of location of approved mammoth river	08/11/2006	Withdrawn
010.2004.00000078.002		two (2) lot subdivision	18/05/2006	Approved
010.2005.00000145.001		addition to existing entry building & ten (10) shac	13/07/2005	Approved
010.2005.00000013.001		additions to existing recreation park including a	18/04/2005	Approved
010.2001.00000081.003		additions to recreation park including office, sh	01/03/2005	Staged Consent by S

Is the proposed development compatible with any relevant previous approvals?	No - The proposed development is not consistent with other approvals of the site which indicate that the car park is to operate in conjunction with Jamberoo Action Park and certain areas of overflow parking are only to be used once all other car parks on the site are completely occupied see for example <i>Condition (1) – Post Issue of Occupation</i> in DA10.2012.170.1.
Are there any orders applying to the property?	Yes 41.2025.4915.1 – NOI – Stop use order for storage of vehicles within car park
Does the proposal appear to include/relate to any unauthorised building work or activities? <i>Note: A DA can only approve prospective works and uses. Any unauthorised or retrospective works must be dealt with under a separate Building Information Certificate process.</i>	Yes - It is noted that from June 2025 - November 2025 parts of the site were used for the storage of electric vehicles (EVs) in a similar fashion as proposed in this DA. As of the date of the site inspection,

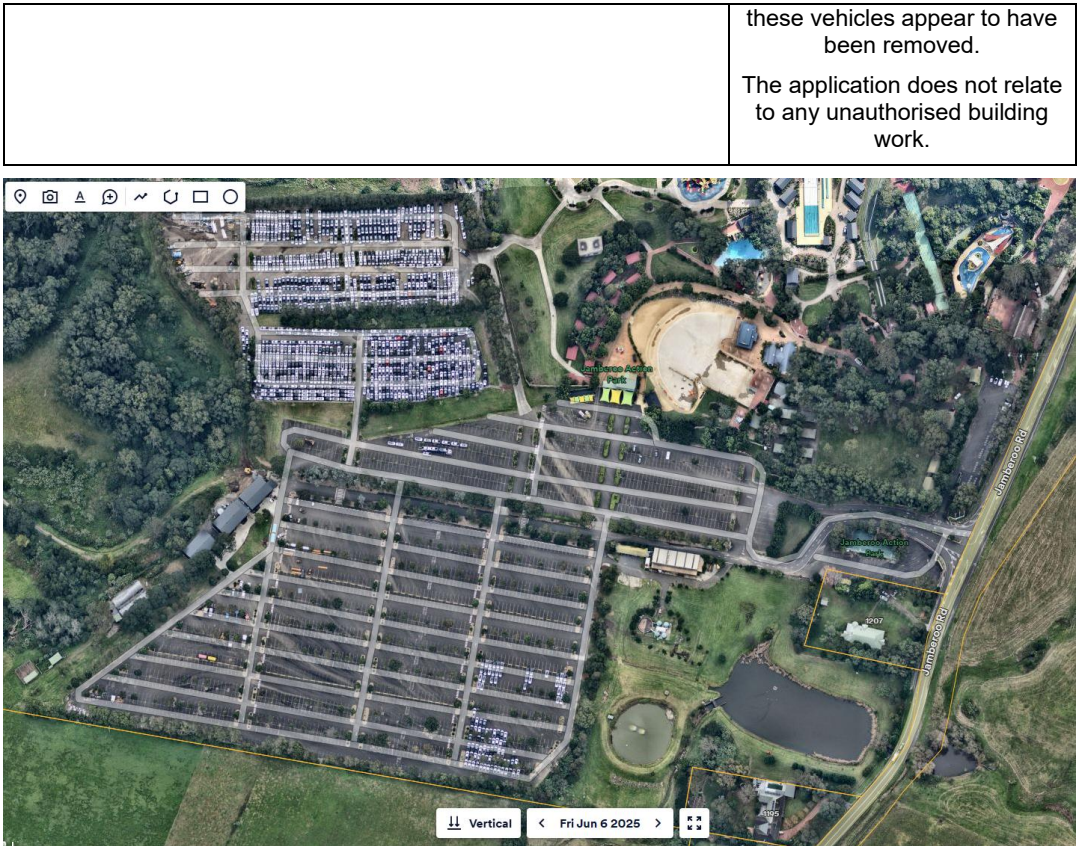


Figure 4: Aerial imagery of subject site 6/6/2025 noting storage of vehicles within existing Jamberoo Action Park car park

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Figure 5: Aerial imagery of subject site 31/8/2025 noting storage of vehicles within existing Jamberoo Action Park car park



Figure 6: Aerial imagery of subject site 11/11/2025 noting storage of vehicles within existing Jamberoo Action Park car park

4. Consultation and Referrals

Internal Referrals	
Referral	Comments
Strategic Planning	Objection raised with regard to proper characterisation of development and other traffic, road suitability and biosecurity issues (TRIM 26/24002).
Environment/ Sustainability Officer	No response received.
Development Engineer	Objection raised with regard to traffic and parking impacts (TRIM26/24003).

External Referrals	
Referral	Comments
Transport for NSW (TfNSW)	TfNSW have advised that Jamberoo Road is a regional classified road, managed by Council, and that it is more appropriate for Council to consider and determine if proposed arrangements for the development are acceptable from a network perspective in terms of safety and efficiency (TRIM26/74396).
Rural Fire Service (RFS)	Objection raised with regard to insufficient details and potential fire risks (TRIM26/31954).

5. Other Approvals

Integrated Development and Concurrences – N/A
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6. Statutory Considerations

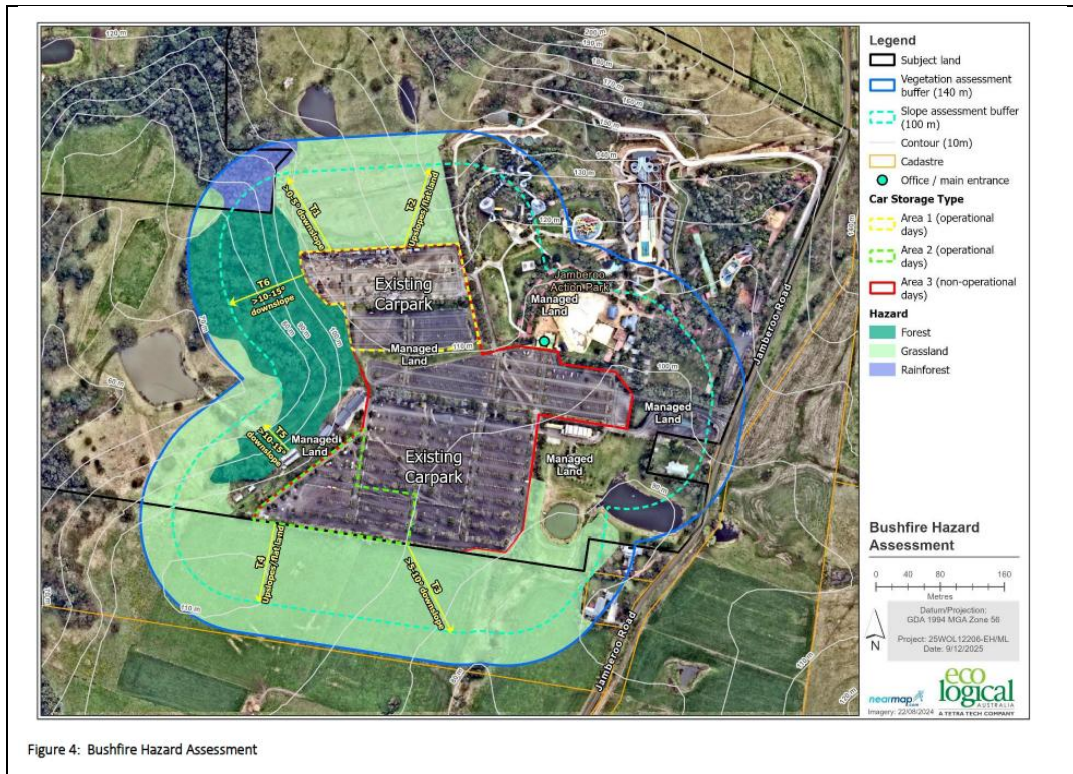
Environmental Planning and Assessment Act 1979

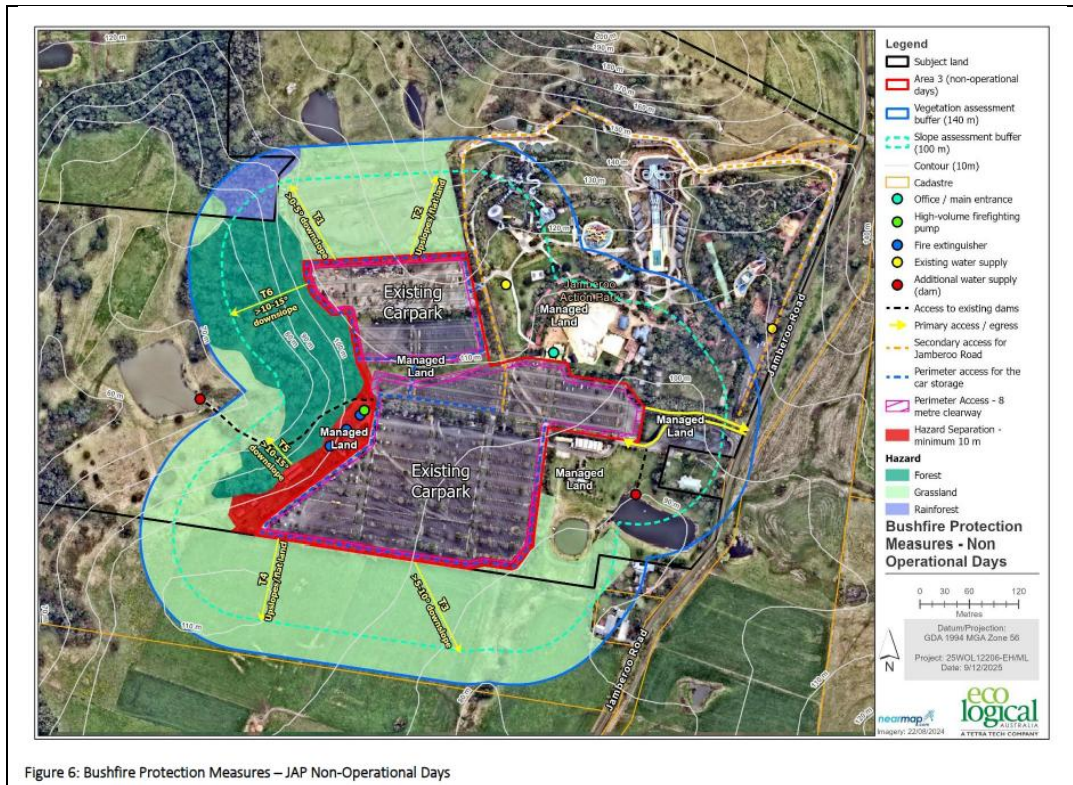
Section 4.14 Consultation and development consent – certain bush fire prone land

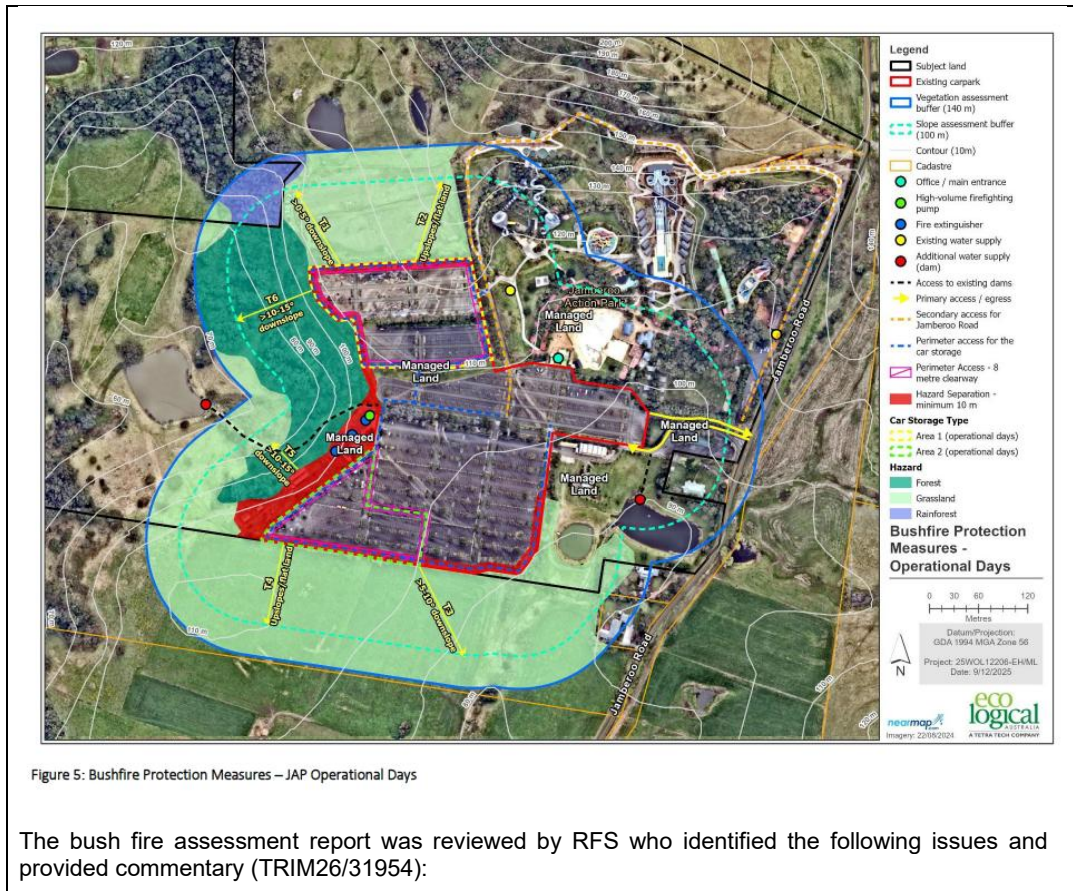
Is the development site mapped as bush fire prone land?	Yes - Assessment against Planning for Bush Fire Protection required.
Is there vegetation within 100m of the proposed development that would form a bush fire hazard as identified in Planning for Bush Fire Protection?	Yes - Consideration of Planning for Bush Fire Protection required.
Is the development subject to a performance-based solution or a BAL-FZ? <i>Note: As per Appendix 2 of PBP 2019, performance-based solutions should be undertaken and fully justified by a qualified consultant BPAD practitioner.</i>	No

<i>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.</i>	
Does the application involve subdivision of bush fire prone land for a residential or rural residential purpose? <i>Note: Clause 46 of the Rural Fires Regulation 2022 excludes strata subdivision of a building from obtaining a BFSA, but only if the development consent for the erection of the building was granted in accordance with s4.14 of the EP&A Act 1979 (i.e. where a strata subdivision application has been received separate from the building application it may not require a BFSA)</i>	No
Does the application involve development of bush fire prone land for a special fire protection purpose as identified in s100B of the Rural Fires Act 1997?	No

The application has been supported by a bush fire assessment report prepared by a BPAD accredited practitioner which provides the following assessment and suggested bush fire protection measures Table 3: Bushfire hazard assessment, proposed APZs and BALs <table> <tr> <th>Transect #</th><th>Slope</th><th>Vegetation Formation</th><th>Proposed Defendable Space</th><th>Comments</th></tr> <tr> <td>1</td><td>>0°-5° downslope</td><td>Grassland</td><td>≥10 m</td><td>Hazard separation provided by existing carpark.</td></tr> <tr> <td>2</td><td>All upslope and flat lands</td><td>Grassland</td><td>≥10 m</td><td>As above.</td></tr> <tr> <td>3</td><td>>5°-10° downslope</td><td>Grassland</td><td>≥10 m</td><td>As above.</td></tr> <tr> <td>4</td><td>All upslope and flat lands</td><td>Grassland</td><td>≥10 m</td><td>As above.</td></tr> <tr> <td>5</td><td>>10°-15° downslope</td><td>Forest</td><td>≥10 m</td><td>Up to 25 m hazard separation provided by existing managed land (to be maintained at IPA standards), and existing car park.</td></tr> <tr> <td>6</td><td>>10°-15° downslope</td><td>Forest</td><td>≥10 m</td><td>Hazard separation provided by existing carpark.</td></tr> <tr> <td colspan="5">Managed land in all other directions</td></tr> </table>					Transect #	Slope	Vegetation Formation	Proposed Defendable Space	Comments	1	>0°-5° downslope	Grassland	≥10 m	Hazard separation provided by existing carpark.	2	All upslope and flat lands	Grassland	≥10 m	As above.	3	>5°-10° downslope	Grassland	≥10 m	As above.	4	All upslope and flat lands	Grassland	≥10 m	As above.	5	>10°-15° downslope	Forest	≥10 m	Up to 25 m hazard separation provided by existing managed land (to be maintained at IPA standards), and existing car park.	6	>10°-15° downslope	Forest	≥10 m	Hazard separation provided by existing carpark.	Managed land in all other directions				
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**RFS**



The Council of the Municipality of Kiama
PO Box 75
KIAMA NSW 2533

Your reference: (CNR-93919) 10.2026.28.1
Our reference: DA20260331001113-Original-1

ATTENTION: Peter Woodworth

Date: Wednesday 8 April 2026

Dear Sir/Madam,

Development Application
s4.14 - Other - Recreation Facility
1215 JAMBEROO RD CURRAMORE NSW 2533, 100//DP1175715

I refer to your correspondence dated 31/03/2026 seeking advice regarding bush fire protection for the above Development Application.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the information provided and advises the following:

- The proposal appears to involve the storage of a substantial number of vehicles, including electric vehicles (EVs). Please provide detailed information on the total number of vehicles proposed, the proportion of EVs, and the proposed layout and separation distances between vehicles to minimise fire risk.
- There is a recognised risk associated with EV fires, including those arising from both bushfire events and non-bushfire related causes, with the potential for fire spread between vehicles. Please provide a detailed risk assessment addressing EV fire scenarios, including potential ignition sources, fire propagation mechanisms, and proposed mitigation measures.
- EV battery fires may result in hazardous conditions and can require a significant emergency services response. Please provide a draft Emergency Management Plan outlining procedures for fire detection, incident containment, evacuation, and coordination with emergency services.
- The site is located in proximity to Jamberoo Action Park, where large numbers of people may be present at any given time. Please address how potential risks associated with the proposed development will be managed in the context of this nearby high-occupancy land use.
- Access to the site appears to be limited to a one-way entry and exit arrangement. Please provide further detail regarding site access arrangements, including how emergency vehicles will safely and efficiently access and egress the site under emergency conditions. Consideration should be given to the provision of an alternative access point, potentially from the south-east of the site, where feasible.
- Adequate water supply is critical for firefighting operations. The current water supply arrangement is not considered sufficient to support the proposed use. Please provide a detailed plan demonstrating the provision of an adequate and reliable water supply for firefighting purposes, located in close proximity to the proposed vehicle storage areas.

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

The NSW RFS would be willing to host an online teams meeting with relevant stakeholders to develop an appropriate outcome for this proposal. If additional information is not received within 21 days the application will be refused on the basis of Requested Information not provided. A formal request for re-assessment would be required after this time. For any queries regarding this correspondence, please contact Kurt Bowman on 1300 NSW RFS. Yours sincerely, Martha Dotter Supervisor Development Assessment & Plan Built & Natural Environment	
In response to the RFS commentary, the Applicant provided a response TRIM 26/46523. It is noted that this response/addendum to the bush fire assessment report did not propose any changes or bush fire protection measures, rather responded to the RFS comments and provided further "proposed actions" / recommendations to the proponent (<i>N.B. as per the response letter, items 2, 3, 4, 5, 6, and BV mapping are suggested by EcoLogical Australia Pty Ltd for further action or follow up by the proponent. Council is not aware that any of these further proposed actions have been undertaken</i>). Given the proposal is not recommended for approval, the application has not been referred back to RFS for comment. Council is not satisfied that the application includes sufficient detail or is satisfactory with regard to bush fire hazards and impacts.	

Section 4.15 Evaluation

Section 4.15 is considered under Section 7 of this Report.

Division 4.6 Crown Development

<i>Is the proposal a Crown development application?</i> <i>Note: A Crown development application means a development application made by or on behalf of the Crown and includes public authorities prescribed by the EP&A Regulations 2021 e.g. NSW Land & Housing Corporation, Landcom etc.</i> <i>Note: Planning Circular PS25-002 provides guidance on Crown development applications.</i>	No
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Division 7.1 Development Contributions

State Contributions	
Does the proposed development trigger the Housing and Productivity Contribution (HPC)? <i>Note: If the development triggers an HPC, then a corresponding Contribution (CON) case is created as a related case in the Portal.</i>	No
Local Contributions	

Does the proposed development levy s7.12 contributions? <i>Note: the Kiama Municipal Council Section 7.12 Contributions Plan applies to land within the Kiama Local Government Area.</i>	No – The proposed cost of works does not exceed \$100,000.
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Biodiversity Conservation Act 2016

Does the application include works or vegetation removal within the Biodiversity Values mapped area ?	Yes – see commentary below										
Does the application involve clearing of native vegetation above the area clearing threshold? 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 (Plan)), 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	No
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 Biodiversity Conservation Act 2016 (i.e. 'test of significance')?	No										
If the application exceeds the Biodiversity Offsets Scheme Threshold (i.e. if yes to <u>any</u> of the above), has the application been supported by a Biodiversity Development Assessment Report (BDAR)?	No – The application has not demonstrated that the proposal does not trigger entry into the BOSET and the application has not been supported by a BDAR.										

Parts of the site identified as "Hazard separation - minimum 10m" in the Bushfire Protection Assessment are within the Biodiversity Values (BV) mapped area.



Figure 6: Bushfire Protection Measures – JAP Non-Operational Days

Figure 7: Extract of Bushfire Protection Measures plan from Bush Fire Protection Assessment noting area “Hazard Separation – Minimum 10m”



Figure 8: Extract from Biodiversity Values (BV) map

The bush fire assessment report notes that where defensible space is provided on the area of managed land, this can be provided and maintained as an IPA. Noting the hazard separation area to the north-west of Area 2 includes buildings and large trees with overlapping canopies, it is unclear if the application seeks to remove or trim vegetation to provide and maintain this area as an IPA.

The application has not demonstrated that the application does not trigger entry into the Biodiversity Offset Scheme Entry Threshold (BOSET) and has not been supported by an appropriate Biodiversity Development Assessment Report (BDAR).

Coastal Management Act 2016

Does the proposal include coastal protection works? <i>Note: Where a DA includes coastal protection works the consent authority must consider Part 5 Section 27 of the Coastal Management Act 2016.</i>	No
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Fisheries Management Act 1994

Is the proposed development likely to significantly affect threatened species under Part 7A of the Fisheries Management Act 1994? <i>Note: Spatial data of some fisheries data is available on the Fisheries Spatial Data Portal.</i>	No - The proposed development is satisfactory with regard to the considerations set out in Part 7A of the Fisheries Management Act 1994.
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Local Government Act 1993

Do the proposed works require approval under Section 68 of the Local Government Act 1993?	No
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- ☐ Operation of a system of sewage management (i.e. 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 (i.e. a fireplace)?

Sydney Water Act 1994

Does the proposed development increase demand on Sydney Water Corporation's water and sewer services, or interfere with or affect the Corporation's works or operations? <i>Note: A section 73 Compliance Certificate is required to be obtained where a development will increase demand on or potentially affect water and sewer services. The Sydney Water guidelines identify types of development that do not require a s73 Compliance Certificate. <i>Note: As per Sydney Water guidance, a section 73 Compliance Certificate is not required for secondary dwellings ≤60m².</i></i>	No
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7. Section 4.15 Evaluation

The following provides an assessment of the submitted application against the matters for consideration under [Section 4.15](#) of the *Environmental Planning and Assessment Act, 1979*.

Any planning instrument, draft instrument, DCP and regulations that apply to the land

Environmental planning instrument

The following environmental planning instruments and controls apply to the proposed development.

Note: DA10.2026.28.1 was lodged 6/3/2026 before the commencement of State Environmental Planning Policy Amendment (Concurrences and Consultations) 2026. In accordance with s4.46 of SEPP

Environmental Planning Instrument	Relevant?
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 (Planning Systems) 2021	☒
State Environmental Planning Policy (Precincts—Central River City) 2021	☐
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	☐
State Environmental Planning Policy (Precincts—Regional) 2021	☐
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	☐

State Environmental Planning Policy (Primary Production) 2021	☐
State Environmental Planning Policy (Resilience and Hazards) 2021	☒
State Environmental Planning Policy (Sustainable Buildings) 2022	☐
State Environmental Planning Policy (Transport and Infrastructure) 2021	☒
Kiama Local Environmental Plan 1996	☒
Kiama Local Environmental Plan 2011	☒

State Environmental Planning Policy (Planning Systems) 2021

Chapter 2 Concurrences and consultations

DA10.2026.28.1 was lodged 6/3/2026 before the commencement of State Environmental Planning Policy Amendment (Concurrences and Consultations) 2026. In accordance with the savings provisions set out in s4.46 of SEPP (Planning Systems) 2021, the application will be determined as if that policy had not commenced.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Question	Yes	No
1. Does the proposal result in a new land use being a residential, educational, recreational, hospital, childcare or other use that may result in exposure to contaminated land?	☐ Proceed to Question 2	☒ Assessment under Chapter 4 is not required.
2. Are there any previous investigations about contamination on the land?	☐ Preliminary site investigation (PSI) required.	☐ Proceed to Question 3
3. Was the site previously used or is the site currently used for an activity listed in Table 1 of the Managing Land Contamination Planning Guidelines?	☐ Preliminary site investigation (PSI) required.	☐ Proceed to Question 4
4. Are there any land use restrictions on the land relating to possible contamination (e.g. notices issued by EPA or other regulatory authority)?	☐ Preliminary site investigation (PSI) required.	☐ Proceed to Question 5
5. Did the site inspection suggest that the site may have been associated with any activities listed in Table 1 of the Managing Land Contamination Planning Guidelines or were any potential sources of contamination observed on site?	☐ Preliminary site investigation (PSI) required.	☐ Proceed to Question 6

6. Are there any identified sources of contamination on land immediately adjoining the subject site which could affect the subject land?	☐	Preliminary site investigation (PSI) required.	☐	Proceed to Question 7
7. Does Council have sufficient information to be satisfied that the proposed land use will not expose contaminants that might be present in soil or groundwater?	☐	Proposal is satisfactory with regard to the Chapter 4 requirements.	☐	Preliminary site investigation (PSI) required.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

Part 2.3 Division 17 - Roads and traffic

Note: Planning Circular [PS21-018](#) and the [Development Near Rail Corridors and Busy Roads – Interim Guideline](#) provides additional context and detail when considering development in proximity to rail corridors and busy roads.

Subdivision 2 – Development in or adjacent to road corridors and road reservations	
Development on proposed classified road	
Is the proposed development to be located on a classified road or land reserved for the purposes of a classified road?	No – The proposal does not involve development or work on the classified road.
Development with frontage to classified road	
Where practicable and safe, is vehicular access to the land provided by a road other than a classified road?	The site is only accessible from Jamberoo Road which is a classified regional road.
Does the proposed development suitably maintain the safety, efficiency, and ongoing operation of the classified road?	No – The proposed development increases heavy vehicles accessing the site and is proposed to operate throughout the entire year, including times when Jamberoo Action Park is also in operation. The increased conflicts between the proposed car storage operation, the ongoing operation of Jamberoo Action Park, adjoining rural residential land uses and the broader road network is not considered appropriate.
Where the development is a type sensitive to traffic noise or vehicle emissions has it been appropriately designed and located to ameliorate potential traffic noise and vehicle emissions?	N/A – The proposal is not a development type that is sensitive to traffic noise or vehicle emissions.
Impact of road noise or vibration on non-road development	
Note: applies to land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW)	

Item 15.1

Enclosure 1

Is the proposed development appropriate with regard to road noise and vibration? <i>Note: If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</i> a) <i>in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,</i> b) <i>anywhere else in the residential accommodation (other than a garage, kitchen, bathroom, or hallway)—40 dB(A) at any time.</i>	Yes
Traffic-generating development	
Is the proposed considered traffic generating development?	TfNSW have advised that Jamberoo Road is a regional classified road, managed by Council, and that it is for Council to consider and determine if proposed arrangements for the development are acceptable from a network perspective in terms of safety and efficiency. As noted in this assessment report, Council considers the proposed development to be correctly characterised as a <i>storage premises</i>. Despite this, the Applicant contends that the application should be characterised as a <i>car park</i> and that up to 3107 car parking spaces will be utilised for storage of cars, noting that as identified in the application it identifies that more than this amount of vehicles will actually be stored “<i>The cars to be parking long-term do not require individual access and are all managed by the operators of the long-term parking facility. Hence, the cars are parked with reduced clearances and in tandem arrangements to make more efficient use of the available space. Typically, the cars are parked in tandem up to four (4) cars deep.</i>” (p.7). The application indicates that on peak days up to 60 truck movements could be expected per day. The increased conflicts between the proposed car storage operation, the ongoing operation of Jamberoo Action Park, adjoining rural residential land uses and the broader road network is not considered appropriate and would result in adverse traffic and parking impacts.

Item 15.1

Enclosure 1

Kiama Local Environmental Plan 1996

Although *Kiama Local Environmental Plan 1996* is not applicable to the proposed development, it must be noted that due to an administrative error in the adoption of *Kiama Local Environmental Plan 2011*, the “Area A - vertical bars” and “Area B - cross hatching” mapping referred to as “1” in Schedule 1 of KLEP 2011, was not included on the Additional Permitted Uses Map.

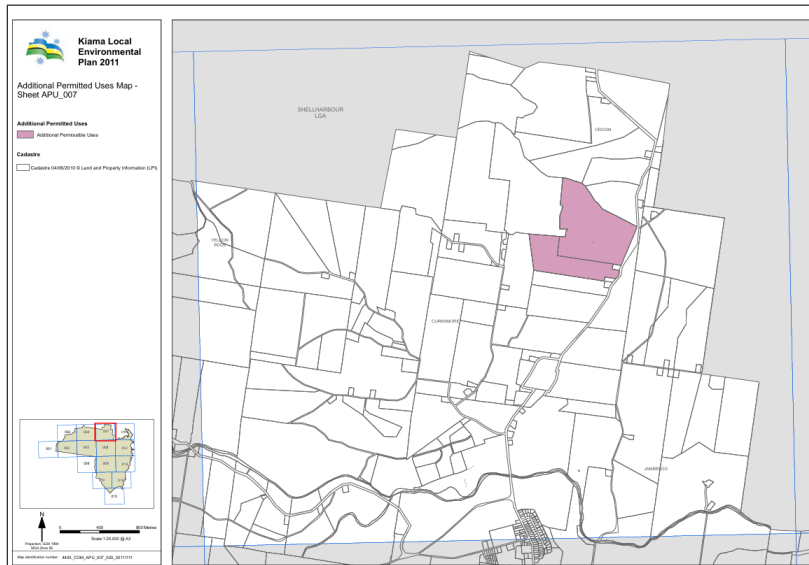


Figure 9: Extract from APU_007 from Kiama LEP 2011 noting Area A and Area B are not identified as suggested in Schedule 1 of Kiama LEP 2011.

Item 15.1

Enclosure 1

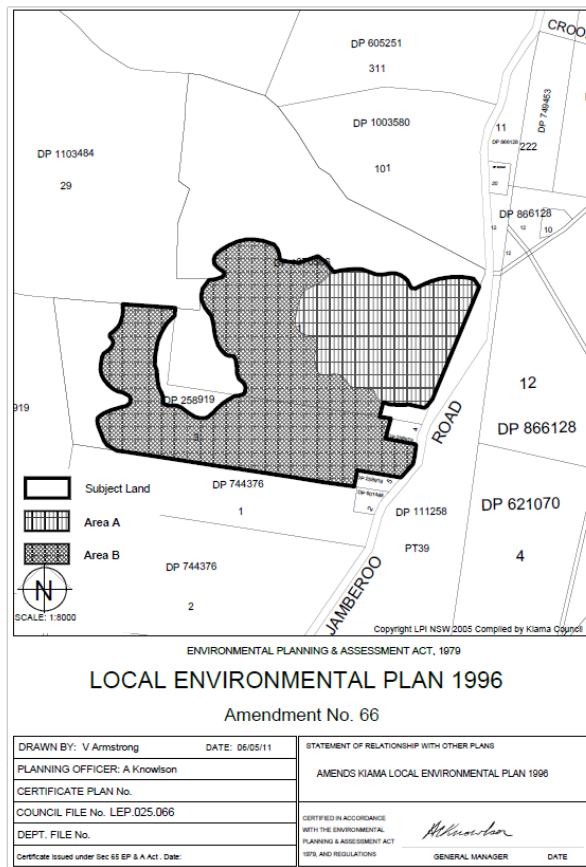


Figure 10: Extract from Kiama LEP 1966 (amendment no. 66) map referred to in Schedule 4 of Kiama LEP 1966

Kiama Local Environmental Plan 2011

Land Zoning

The land is zoned RU2 Rural Landscape C2 Environmental Conservation and C3 Environmental Management under the *Kiama Local Environmental Plan 2011* with the development area contained within the RU2 Rural Landscape zoned land.

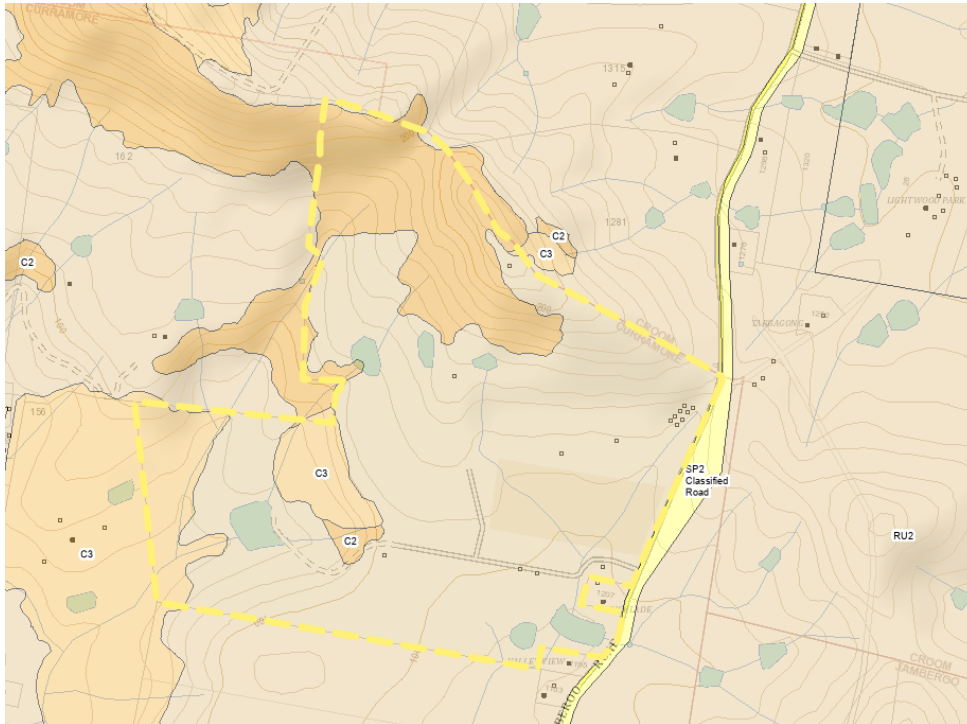


Figure 11: Land zoning map (subject site outlined in dashed)

Characterisation and Permissibility

The applicant contends that the proposal is characterised as a *car park* which is an additional permitted use referred to for the site in Schedule 1 of KLEP 2011, further information provided by the Applicant suggest that the portion of land used for access to the development site that is not identified within Area A of B as shown in Figure 6 (above) should be characterised as a *road* which is permitted with consent in the RU2 zone, see TRIM 26/31879.

Notwithstanding the broader permissibility issues with the Additional Permitted Uses maps in KLEP 2011, Council disagrees with the characterisation asserted by the Applicant, and instead considers that the proposal is best characterised as *storage premises* under KLEP 2011. *Storage premises* are prohibited within the zone and the proposal is not a permitted form of development.

KLEP 2011 defines “car park” and “storage premises” as follows:

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment, local distribution premises or a warehouse or distribution centre.

The application does not propose that vehicles will be brought to and parked at the site because people have travelled somewhere and need somewhere to leave their cars. Rather, the application proposes that the unregistered vehicles will be brought to the site by truck and stored as inventory awaiting future distribution. The parking is merely the physical method by which that inventory is stored in the storage premises.

In forming its view, Council has considered the legal opinion submitted by the applicant in support of the application prepared by Foundation Law Group (TRIM 26/17031), however, this opinion does not convince Council that the proposed development can be characterised as a "car park".

KLEP 2011 does not provide a definition for "parking" and the word "parking" should be given its ordinary meaning, that is, ordinarily, people park registered vehicles while attending work, while shopping, while visiting, while recreating, while accessing an amusement park, or while accessing another use. Parking has a temporary and ancillary quality.

KLEP 2011 does not define a car park simply by reference to the physical presence of parked cars. It requires that the building or place be "*primarily used for the purpose of parking motor vehicles*". That directs attention to the purpose of the use, not merely the physical characteristics of the land or the fact that motor vehicles will be placed there.

The proposal is correctly characterised as a *storage premises* because:

- a) vehicles arrive by transporter;
- b) vehicles are unloaded by employees;
- c) vehicles remain on site until commercially required;
- d) vehicles are reloaded onto transporters for delivery elsewhere; and
- e) no end user parks or retrieves their own vehicle.

The fact that vehicles are stationary while being stored does not transform the primary commercial purpose of the land into a "car park". Characterisation should focus on the overall purpose and operation of the development, which is the commercial storage of vehicles awaiting future distribution.

To this point, the documents submitted in support of the application describe an activity that would be ordinarily understood as storage and specify that the proposal involves long-term parking, car storage, storage arrangements and vehicles awaiting collection. The characteristics of the proposed operation are inconsistent with the operational model of a car park, in that in the proposal, access is controlled by the operator, vehicles are arranged to maximise storage density and the tandem parking arrangement prevents independent access, and vehicles cannot simply be driven away without moving other vehicles and being loaded on to a freight transport vehicle.

The proposed development is prohibited in the zone under KLEP 2011 and cannot be approved.

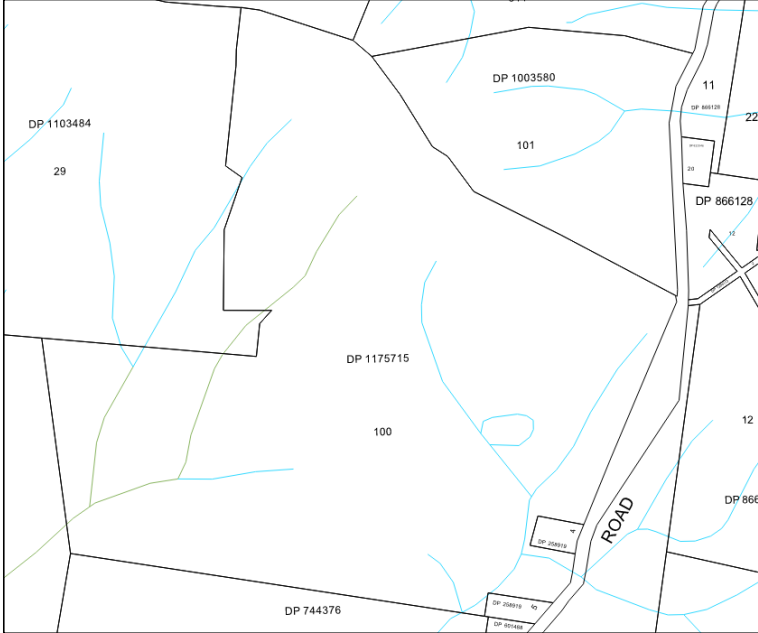
Zone objectives

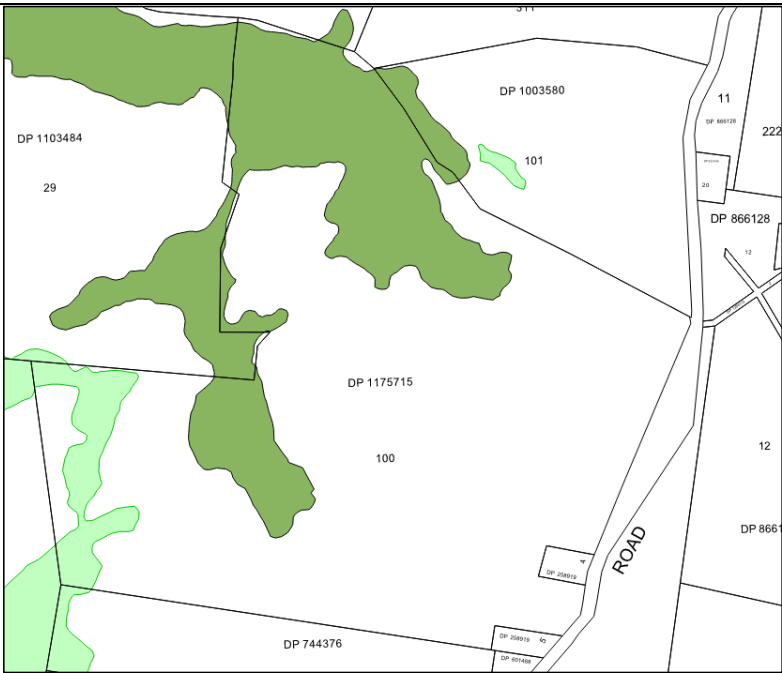
The land is zoned RU2 Rural Landscape C2 Environmental Conservation and C3 Environmental Management with the development area wholly contained within the RU2 Rural Landscape zoned land.

RU2 Rural Landscape	
Objective	Comment
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	The proposal is not consistent with the objectives of the zone. Specifically, the proposal results in a storage land use that does not maintain the rural landscape character of the land; the transport of vehicles to the site via articulated vehicle (AV) and long-term storage of vehicles is not consistent with the current use of the site as a longstanding established amusement park within the rural landscape
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.	The proposed storage premises for light vehicles is not a compatible land use within the rural context or the existing established use of the land as an amusement park and associated car parking area.
To provide opportunities for employment-generating development that adds value to local agricultural production through food and	

beverage processing and integrates with tourism.	
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Applicable Clauses

Commentary	Compliance
Part 5 Miscellaneous provisions	
5.21 - Flood planning The subject site is not located on flood mapped land, however, areas of the site proposed to be used for storage or access to the vehicle storage areas are within 40m of mapped watercourses. As per Chapter 2 of Kiama DCP 2020, flooding impacts should be considered.  <i>Figure 12: GIS mapping showing mapped watercourses</i> The proposal seeks to utilise areas of an existing car park for the storage of vehicles and will not result in any significant flood impacts. The proposed development is considered satisfactory with regard to the considerations set out in clause 5.21.	Complies
Part 6 Additional local provision	
6.4 - Terrestrial biodiversity Parts of the subject land is mapped as "Biodiversity land" on the Terrestrial Biodiversity Map.	Complies

 <i>Figure 13: GIS imagery showing terrestrial biodiversity overlays</i> The application does not propose any works or uses within the terrestrial biodiversity mapped land. It is considered that the proposed development will not have a significant adverse impact on terrestrial biodiversity and the proposal is considered satisfactory with regard to the considerations set out in clause 6.4.	
<u>6.5 - Riparian land and watercourses</u> 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
<u>6.12 - Essential services</u> There is suitable vehicle access to the site. The proposal does not require access to any other essential services.	Complies

Draft Environmental Planning Instrument

The proposal is not inconsistent with any draft environmental planning instruments (EPIs).

Note: Draft plans and policies and planning proposals are exhibited on the [NSW Government webpage](#).

Any Development Control Plan

Kiama Development Control Plan 2020

The following DCP chapters apply to the proposed development.

DCP Chapters	Relevant?
Chapter 1: Introduction and Administration	☒
Chapter 2: Site Considerations	☒
Chapter 3: Common Requirements	☒
Chapter 4: Heritage and Cultural Conservation	☒
Chapter 5: Subdivision, Consolidation and Boundary Adjustment	☐
Chapter 6: Residential Accommodation	☐
Chapter 7: Commercial Premises	☐
Chapter 8: Rural Uses	☐
Chapter 9: Industrial Uses	☐
Chapter 10: Visitor Accommodation and Tourism	☐
Chapter 11: Early Education and Care Facilities	☐
Chapter 12: Location Specific Controls	☐
Chapter 13: Agritourism	☐

Chapter 1: Introduction and Administration

This assessment has considered the aims of the DCP, as well as principles of Ecologically Sustainable Development (ESD) and urban design, and the impact from potential and projected climate change is noted.

Chapter 2: Site Considerations

Topic 2.1 – Site Analysis	
Has the application been supported by a suitable site / site analysis plan?	Yes
Topic 2.2 – Biodiversity	
Does the development avoid significant adverse environmental impacts to riparian land and protect riparian corridors?	Yes
Are dwellings and associated areas (e.g. APZs, vehicular access) sited to minimise environmental impact and minimise clearing of native vegetation?	Yes
Does the application involve the clearing of significant native vegetation? <i>Note: Vegetation removal (including vegetation removal required to construct buildings, access, and other infrastructure and also to establish APZs) must be clearly shown on the Site Plan.</i>	The application indicates that part of the site mapped as BV mapped land will be used as “hazard separation”. It is unclear if the proposal includes clearing/management of native vegetation.

Is the submitted ecological assessment report / flora and fauna assessment report appropriate?	As the proposal involves work on BV mapped land a BDAR may be required. The application has not been supported by sufficient information in this regard.
Has the application been supported by a landscape plan?	N/A
Topic 2.3 – Natural Resources	
Is the subject site within the Sydney Drinking Water Catchment area?	No
Topic 2.4 – Tree Preservation and Vegetation Management	
Have any trees proposed to be removed been clearly shown on the site plan (where required)?	The bush fire assessment report notes that where defensible space is provided on the area of managed land, this can be provided and maintained as an IPA. Noting the hazard separation area to the north-west of Area 2 includes buildings and large trees with overlapping canopies, it is unclear if the application seeks to remove or trim vegetation to provide and maintain this area as an IPA.
Does the development encroach into the Tree Preservation Zone (TPZ) or Structural Root Zone (SRZ) of any trees to be retained, including trees on adjoining properties and within the road reserve? <i>Note: TPZ and SRZ encroachments can be calculated using the AS4970-2009 calculator. Note: Where there are major encroachments into the TPZ or the SRZ an arborist report (prepared by a level 5 consulting arborist) demonstrating that the development will ensure that the tree remains viable should be required.</i>	No
Topic 2.5 – Risk Minimisation and Management	
Does the proposal suitably respond to site constraints including potential contamination, flood planning, bush fire, acid sulfate soils and land instability?	No – concerns

Chapter 3: Common Requirements

Topic 3.1 – Waste Minimisation and Management	
Has the application been supported by an appropriately prepared Waste Minimisation and Management Plan (WMMP)?	N/A

Where demolition is proposed, has the application been supported by a Hazardous Materials Assessment Report?	N/A
Does the proposal provide suitable bin storage areas? <i>Note: External bin storage areas must have sufficient space for 3 waste collection bins for each dwelling and should be screened from the public domain.</i>	N/A
Does the proposal provide suitable bin collection arrangements? <i>Note: Where roadside bin collection is proposed, the site must have adequate road frontage to allow for efficient bin collection and provide adequate path of travel from bin storage areas to the roadside collection point.</i>	N/A
For mixed use development, has appropriate separation been provided between commercial and residential uses?	N/A
Topic 3.2 – Amenity	
<u>Solar Access</u>	
Does the proposed development maintain appropriate solar access to adjoining properties? <i>Note: Where possible at least 3 hours of direct sunlight between 9am and 3pm on June 22nd should be maintained to at least 50% of living room windows and principal private open space areas.</i> <i>Note: Solar panels may operate on string inverters where the series of solar panels match energy output to the lowest performing solar panel. With this system, if part of any solar panel is overshadowed consistently throughout the day it reduces the overall performance of all solar panels in the array.</i>	Yes
Does the proposal incorporate appropriate solar efficiencies?	N/A
<u>Privacy</u>	
Does the proposed development maintain adequate visual and acoustic privacy to adjoining properties?	Yes
<u>Views and Visual Impacts</u>	
Is the proposed development suitable with regard to view sharing principles?	Yes
<u>Landscaping</u>	
Is existing/proposed landscaping suitable?	Yes
<u>Universal Design</u>	
Does the proposed development consider universal design principles?	N/A
Topic 3.3 – Earthworks and Retaining Walls	
Are earthworks limited to 0.9m of cut or fill?	N/A
Do proposed buildings appropriately respond to site topography? <i>Note: Terracing on site may be permissible if earthworks are retained by engineer designed walls and stepped at minimum of 1 metre horizontal intervals.</i>	N/A

Is the development situated on land with a gradient >20%?	N/A
Are all proposed batters provided at a gradient of not more than 1:4 (25%) and to be revegetated appropriately?	N/A
Where retaining walls are located on the boundary does the application propose boundary fencing on top of the retaining wall?	N/A
Are impacts to neighbouring properties from retaining walls and boundary fencing appropriate? <i>Note: Where boundary fencing is proposed on top of a retaining wall on the boundary, there may be additional overshadowing and amenity impacts on the low side neighbour.</i> <i>Note: Where fill and retaining walls are proposed abutting boundary fencing (i.e. boundary fencing is not on top of boundary retaining walls) the effective height of boundary fencing is reduced and may result in privacy and overlooking impacts on the low side neighbour.</i>	N/A
Are retaining walls of an appropriate height and scale? <i>Note: The visual impact of retaining walls should also consider any fencing (e.g. boundary fencing, pool fencing) or other structures on top of the retaining walls.</i>	N/A
Topic 3.4 – Utilities and Infrastructure	
<u>Utilities</u>	
Are electricity works designed and located to minimise impacts on the natural environment and adjoining residences?	N/A
<u>On Site Sewage Management (OSSM)</u> <i>Note: where a proposal relies on OSSM, the application must be supported by a suitable Water Cycle Management Study / OSSM assessment.</i>	
Does the proposed/existing OSSM system have sufficient capacity to cater for the proposed development?	N/A
Is the proposed OSSM system and associated effluent management areas appropriately located?	N/A
Topic 3.5 – Water Management (Quality and Quantity)	
<u>Controls for Domestic Water Supply</u>	
Does the proposal provide suitable potable water to the development? <i>Note: Rural dwellings must each have domestic water storage facilities capable of storing at least 100,000 litres of potable water for a principal dwelling and 40,000 litres for a secondary dwelling or ancillary development used for tourist accommodation purposes.</i>	N/A
Are water storage tanks appropriately designed and located?	N/A
<u>Controls for Water Supply for Rural Fire Service</u>	
Does the proposal provide suitable static water supply for firefighting in accordance with Planning for Bushfire Protection 2019?	No – RFS have identified concerns with adequate and reliable water supply for fire fighting purposes located in

	close proximity to the proposed vehicles storage areas.
Topic 3.6 – Transport Access and Parking	
As indicated in the application, vehicles will be stored to maximise storage density in a tandem arrangement up to four cars deep with reduced clearances. The proposed development would not comply with AS2890.1:2004 which establishes the specifications and requirements for parking facilities and off-street car parking. In this regard the application notes that compliance with AS2890.1:2004 is not required as individual access to cars is not required as vehicles are only delivered to and removed from the site via an articulated vehicle and will be managed by the operators of the facility, therefore parking within designated parking bays or compliance with parking bay dimensions specified in AS2890.1:2004 is not required. To this point, this reaffirms the intent and operation as proposed is for storage of light vehicles as a <i>storage premises</i>, not a <i>car park</i>.	
Topic 3.7 – Character and Design	
<u>Character</u>	
Does the proposed development compatible with the existing and desired future character of the area?	The proposal does not propose any new buildings or permanent structures.
<u>Crime Prevention Through Environmental Design (CPTED)</u>	
Is the proposal consistent with CPTED principles?	No – The proposal involves the long-term storage of a large amount to light vehicles. Although there are gates and fences generally restricting access to Jamberoo Action Park, the application indicates that trucks can enter and exit the site at any time of day. It is therefore assumed that the access gates will not be closed. The vehicle storage areas will only be isolated from the rest of the car park using temporary barriers. Property boundaries around the car park areas are otherwise secured through stake-and-wire / post-and-wire. The submitted Statement of Environmental Effects (SEE) suggests that the development is designed to incorporate opportunities for effective natural surveillance, however this statement is

	unfounded, and that CCTV will be installed at entry and exit points. The application is unclear how storage of the vehicles will occur and whether keys will be stored with the vehicles. The application does not include adequate crime prevention measures as would generally be expected for a vehicle storage premises; the vehicles storage areas appear to be generally open to the public without suitable security fencing.  <i>Figure 14: Front access gates at Jamberoo Action Park</i>  <i>Figure 15: Example of stake-and-wire fencing adjoining Area 2 car park</i>
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Chapter 4: Heritage and Cultural Conservation

Topic 4.2 – Aboriginal Cultural Heritage Management

Is the site suitable with regard to aboriginal cultural heritage? <i>Note: The Aboriginal Cultural Heritage Management Development Assessment Toolkit sets out a development assessment pathway in relation to Aboriginal cultural heritage values. The Toolkit provides additional advice and context to the below checklist.</i> <i>Note: The Office of Environment & Heritage (OEH) Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW and the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales provide a framework for considering Aboriginal cultural heritage impacts.</i> <i>Note: Where a Due Diligence report concludes further investigation is required an Aboriginal Cultural Heritage Assessment Report (ACHAR) should be prepared.</i>		Yes	
Question	Yes	No	
1. Is the site a declared Aboriginal Place or known cultural place/landscape? <i>Note: Aboriginal place of heritage significance is defined in the Dictionary of Kiama LEP 2011</i>	☐	Aboriginal Cultural Heritage Assessment Report (ACHAR) required. Referral to Local Aboriginal Land Council (LALC) required under clause 5.10(8) of Kiama LEP 2011.	☒ Proceed to Question 2
2. Does the site contain, or is within the curtilage of an AHIMS listed site, or a site recorded from other local archaeological studies? <i>Note: curtilage of 50m around isolated finds and 100m around all other listed/recorded sites. This includes both destroyed and extant sites</i>	☐	Aboriginal Cultural Heritage Assessment Report (ACHAR) required.	☒ Proceed to Question 3
3. Can the proponent demonstrate substantial prior disturbance of the development site/footprint with no likelihood of remnant heritage materials?	☒	Satisfactory - Conditions of consent for unexpected finds to be imposed.	☐ Proceed to Question 4
4. Is the proposal exempt or complying development?	☐	Satisfactory – Proponent to proceed with caution.	☐ Proceed to Question 5
5. Is the site within an environmentally sensitive area that otherwise require an SEE or REF?	☐	Due Diligence Report required.	☐ Proceed to Question 6
6. Is the site classed as a totally or grossly disturbed landscape? <i>Note: This excludes areas which have only been subject to filling over natural land surfaces.</i>	☐	Satisfactory - Conditions of consent for unexpected finds to be imposed.	☐ Proceed to Question 7

7. Does the site contain mature trees that may be over 150 years old and so have the potential for aboriginal scarring?	☐	Due Diligence Report required.	☐	Proceed to Question 8
8. Does the proposal (in its entirety) constitute prescribed low impact acts as defined in the s58 of the National Parks and Wildlife Regulation 2019?	☐	Satisfactory - Proponent to proceed with caution.	☐	Proceed to Question 9
9. Does the proposal involve ground disturbance or excavation?	☐	Proceed to Question 11	☐	Proceed to Question 10
10. Does the site contain micro-features with the potential for extant aboriginal sites/features?	☐	Due Diligence Report required.	☐	Satisfactory - Conditions of consent for unexpected finds to be imposed.
11. Is the site within a "sensitive setting" of medium to high archeological potential?	☐	Due Diligence Report required.	☐	Satisfactory - Conditions of consent for unexpected finds to be imposed.
Topic 4.3 – European Cultural Heritage Management				
Does the proposed development impact on a listed heritage item or draft heritage item?				No
Does the site contain any dry stone walls as listed in Schedule 5 of the Kiama LEP 2011?				No
Topic 4.4 – Heritage Conservation Areas (HCAs)				
Is the site within a heritage conservation area (HCA)?				No

Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements applying to this application.

Environmental Planning and Assessment Regulation 2021

Clause 62	Does the application result in a change of use of an existing building but does not propose any building works?	No
Clause 64 <i>Partial Upgrade</i>	Does the application involve alterations or additions to an existing building?	No

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Enclosure 1

Clause 64 Total Upgrade	Does the application involve building works and result in conversion of a building or part of a building from non-habitable to a habitable use?	No
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The proposal ensures compliance with the applicable requirements within the Regulations subject to recommended conditions of consent.

The significant likely impacts of that development, including environmental impacts on the natural and built environments, and social and economic impacts in the locality

Head of Consideration	Comment
Natural Environment	<u>Biosecurity risk</u> The application has been supported by a statement from Wollongong Car Carriers that any vehicles stored on site will have passed quarantine requirements. 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	<u>Storage operations, transport and deliveries</u> The application indicates that vehicles and deliveries will be brought to the site via articulated vehicle at any time of the day, except between 9:30am – 5:30pm on days where more than 2400 guests attend the site. The site is located within a rural area with a number of residential dwellings in proximity to the site. Loading and unloading activities and truck movements as suggested in this application would have an adverse impact on the amenity of nearby residential receivers in terms of noise, vibration and traffic impacts. <u>Crime opportunities</u> The application does not include suitable crime prevention measures. The proposed operations may present risks in terms of vandalism, theft and destruction of property. <u>Vermin</u> The long-term storage of vehicles, especially in a way that seeks to maximise storage density may attract vermin and result in undesirable impacts. <u>Compatibility with Jamberoo Action Park operations</u> The proposal is not compatible with the approved Jamberoo Action Park operations. The storage of vehicles is not consistent with relevant conditions of consent applying to the car park, for example <i>Condition (1) – Post Issue of Occupation</i> in DA10.2012.170.1 which restricts the use of the overflow car park except where other car parks are fully occupied. The proposal seeks to store vehicles throughout the whole year and with deliveries occurring at times when Jamberoo Action Park is also operating. These uses are not compatible with the ongoing operation of the amusement park and would result in parking and

Head of Consideration	Comment
	vehicle conflicts between the proposed vehicle storage operation and park attendees. The proposed development will have a negative social impact in the locality.
Economic Impacts	The proposed development will not have a negative economic impact in the locality.

Suitability of the site for the development

The site is not considered suitable for the proposed development.

- The development is not permissible within the zone or under the applicable additional permitted use for the site.
- The proposal is not consistent zoning objectives.
- The proposal is not suitable with regard to the considerations set out in *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
- The proposal is consistent with the objectives and requirements of the *Kiama Development Control Plan 2020*.
- The intended use is not compatible with the established use of the site as an amusement park or surrounding/adjoining land uses.

Submissions made in accordance with the Act or the regulations

The DA was notified in accordance with Council's Community Consultation Policy for Development Applications. 12 x submissions were received by Council objecting to the proposal. The concerns raised are outlined below:

Summary of Public Submissions	
Objection Raised	Reasons for Determination
Traffic impacts	Concerns related to traffic impacts are noted and agreed with.
Heavy vehicle movements through broader road network and degradation of roads	Concerns related to heavy vehicle movements and potential road degradation are noted. Council's Development Engineer has noted that the application does not include details of total weight of fully loaded articulated vehicles (AVs) and further information would be required to adequately assess the impacts of additional heavy vehicles on the pavement life of Jamberoo Road.
Sight lines at entry/exit points and traffic safety	The proposal does not seek to relocate access to the site and it is considered that adequate sight lines are maintained.
Permissibility and zoning	Council considers that the correct characterisation of the development is a storage premises. Storage premises are not a permitted form of development within the RU2 zone or under the additional permitted uses applicable to the site.

Bush fire impacts	Concerns related to bush fire impacts are noted. The application does not include sufficient information in this regard or satisfactory bush fire protection measures.
Impact on parking availability for operation of the amusement park	Concerns related to parking availability are noted. The proposed storage operation is not considered compatible with the approved and ongoing operations of Jamberoo Action Park.
Deliveries	Concerns related to deliveries and associated amenity impacts are noted and agreed with.
Air quality	The proposed operations are not considered to have an unreasonable impact on air quality.
Wildlife collisions	The proposed operations are not considered result in a significant or intolerable increase in wildlife collisions.

The public interest

The public interest has been taken into consideration, including assessment of the application with consideration of relevant policies and process. The proposal is not considered to be in the public interest.

Any coastal zone management plan

The proposed development is not inconsistent with the applicable [Coastal Management Program](#).

Other plans, policies and considerations

Nil

Note: Other considerations may include [Planning Circulars](#), [LEC Planning Principles](#), [Ministerial Orders](#) or other [Council Policies](#).

8. Delegations

Variations

Are any clause 4.6 variations proposed?	No
Are any DCP variations proposed?	No

Guidelines for use of Delegated Authority

Note: Council's Delegations Register is maintained in Pulse, and your delegations can be reviewed in your [Pulse](#) account.

Level of Delegation	Staff under delegated authority	Elected Council
Estimated Development Cost (EDC)	≤\$10 million	>\$10 million
Subdivisions	≤50 lots	>50 lots
Objections to DA	≤12 objections	>12 objections
Extent of clause 4.6 exception	Nil or <10%	≥10% or non-numerical development standard

Level of Peer Review	Development Assessment Officer	Development Assessment Coordinator / Manager / Director
Extent of DCP variation	Nil or Minor	Major

DA10.2026.28.1 was "called in" for determination by the elected Council on 31/3/2026. Therefore, the DA cannot be determined by staff and must be reported to the elected Council for determination.

9. Recommendation

This application has been assessed in accordance with s4.15 of the *Environmental Planning and Assessment Act, 1979*. It is recommended that the application be refused for the following reasons:

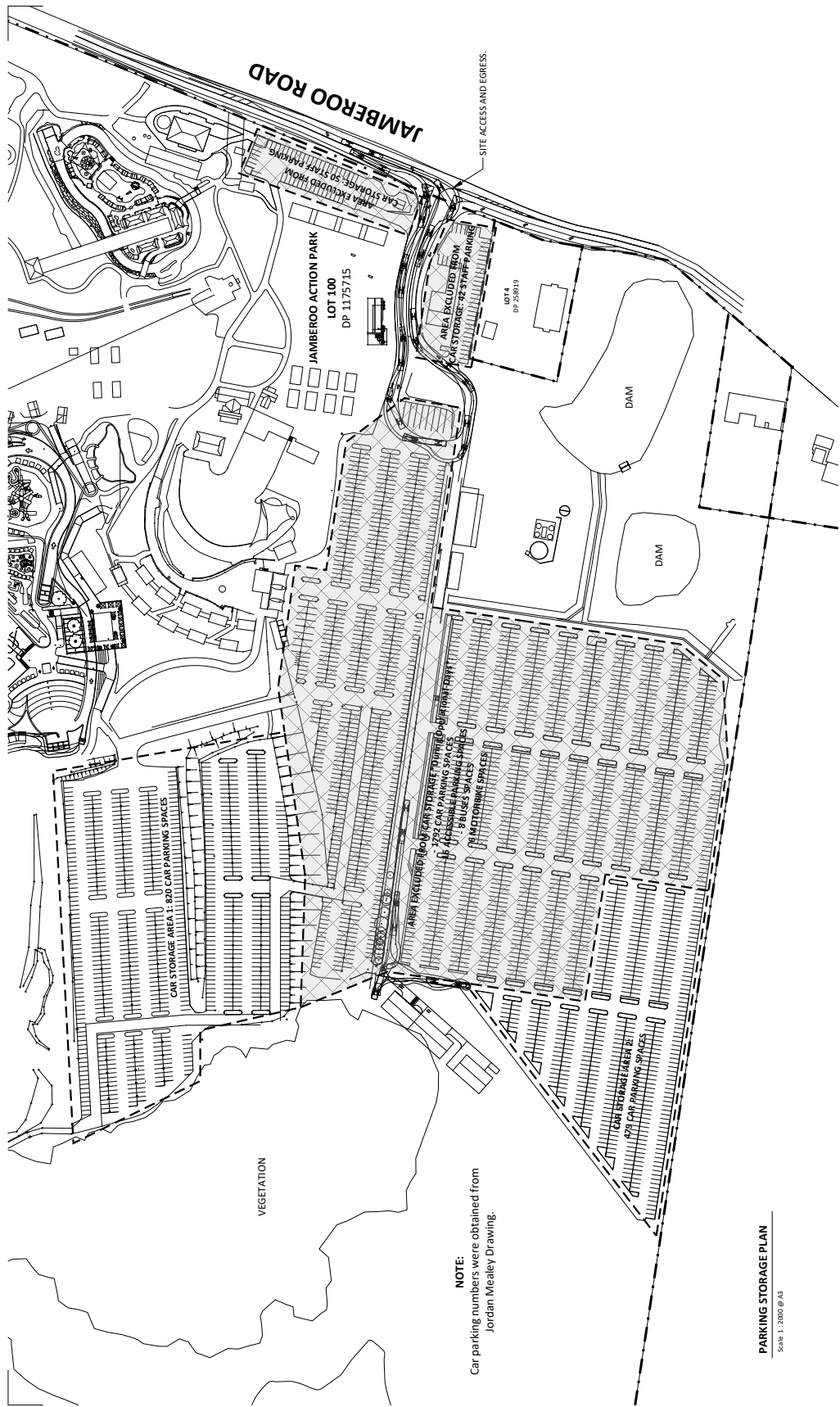
Reasons for Refusal	
a)	Pursuant to S.4.15(1)(a)(i) of the <i>Environmental Planning and Assessment Act 1979</i> , the proposed development is correctly characterised as a <i>storage premises</i> which is not permissible within the RU2 Rural Landscape Zone or under the additional permitted uses for the site set out in <i>Kiama Local Environmental Plan 2011</i> .
b)	Pursuant to S.4.15(1)(a)(i) of the <i>Environmental Planning and Assessment Act 1979</i> , the proposed development is not consistent with the RU2 Rural Landscape zone objectives as set out in <i>Kiama Local Environmental Plan 2011</i> .
c)	Pursuant to S.4.15(1)(a)(i) of the <i>Environmental Planning and Assessment Act 1979</i> , the application has not demonstrated that the proposal is suitable with regard to the considerations set out in Chapter 2, Part 2.3, Division 17 Subdivision of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> with regard to development with a frontage to a classified road and traffic-generating development.
d)	Pursuant to S.4.15(1)(a)(iii) of the <i>Environmental Planning and Assessment Act 1979</i> , application does not include clear or sufficient information regarding tree clearing, pruning or clearing of native vegetation for Council to be satisfied of a suitable biodiversity outcome in accordance with Topic 2.2 in Chapter 2 of <i>Kiama Development Control Plan 2020</i> .
e)	Pursuant to S.4.15(1)(a)(iii) of the <i>Environmental Planning and Assessment Act 1979</i> , the application has not been supported by sufficient information with regard to traffic and parking. The proposed development does not comply with parking specifications and requirements in Australian Standards AS2890.1:2004 and is not considered suitable with regard to Topic 3.6 in Chapter 3 of <i>Kiama Development Control Plan 2020</i> .
f)	Pursuant to S.4.15(1)(a)(iii) of the <i>Environmental Planning and Assessment Act 1979</i> , the proposed development does not include suitable crime prevention measures and is not considered suitable with regard to Topic 3.7 in Chapter 3 of <i>Kiama Development Control Plan 2020</i> .
g)	Pursuant to S.4.15(1)(b) of the <i>Environmental Planning and Assessment Act 1979</i> , the application has not demonstrated that the proposal will not have a significant social impact with regard to operations and amenity impacts, potential crime opportunities, potential harboring of vermin and compatibility with other existing land uses on site and in the surrounding area.
h)	Pursuant to S.4.15(1)(c) of the <i>Environmental Planning and Assessment Act 1979</i> , the site is not suitable for the proposed development.

i)	Pursuant to S.4.15(1)(d) of the <i>Environmental Planning and Assessment Act 1979</i> , Council is not satisfied that the issues and concerns raised in public submissions have been suitably addressed in the application, specifically with regard to concerns relating to permissibility, traffic and parking, bush fire and fire fighting facilities, and amenity impacts.
j)	Pursuant to S.4.15(1)(e) of the <i>Environmental Planning and Assessment Act 1979</i> , the proposed development is not considered to be in the public interest.
k)	Pursuant to S.4.14 of the <i>Environmental Planning and Assessment Act 1979</i> , the application has not demonstrated a suitable outcome in regard to compliance with Planning for Bush Fire Protection 2019.
l)	Pursuant to the <i>Biodiversity Conservation Act 2016</i> , the application has not demonstrated that the proposal does not trigger entry into the Biodiversity Offset Scheme Entry Threshold (BOSET) and the application has not been supported by an appropriate Biodiversity Development Assessment Report (BDAR).
m)	The proposed development is not consistent with the approved parking arrangement for the site and is not consistent with other approvals benefiting the site including DA10.2012.170.1.

Peter Woodworth
Development Assessment Coordinator
12/08/2026

Item 15.1

Enclosure 1



ELEMENT consulting engineers

ISSUE FOR INFORMATION

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REV.	DATE	COMMENTS	BY	CHK
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2	09/07/25	ADDED UNLOADING ZONE	S.R.	S.R.

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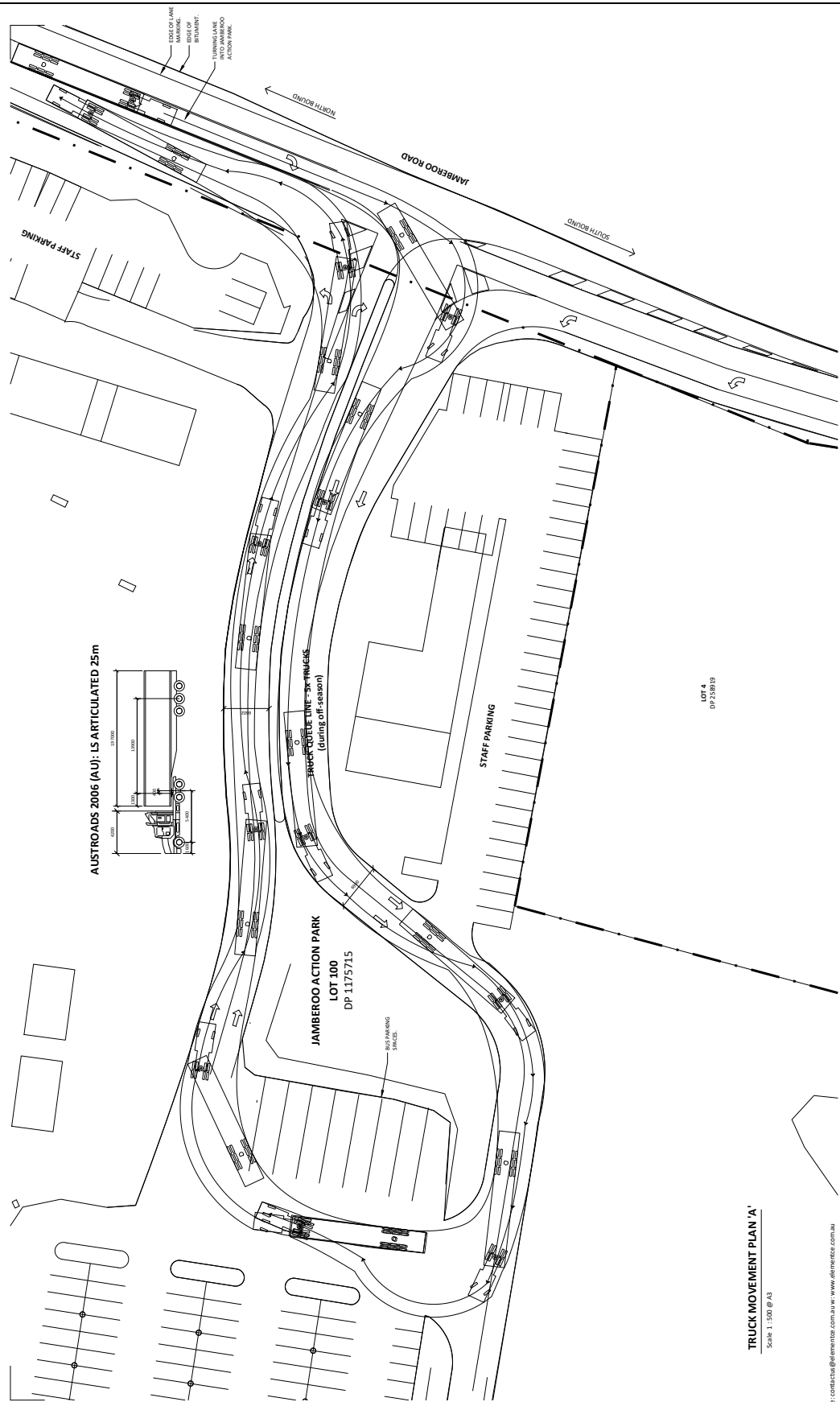
CAR STORAGE

PROJECT ADDRESS
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Client: Jamberoo Action Park

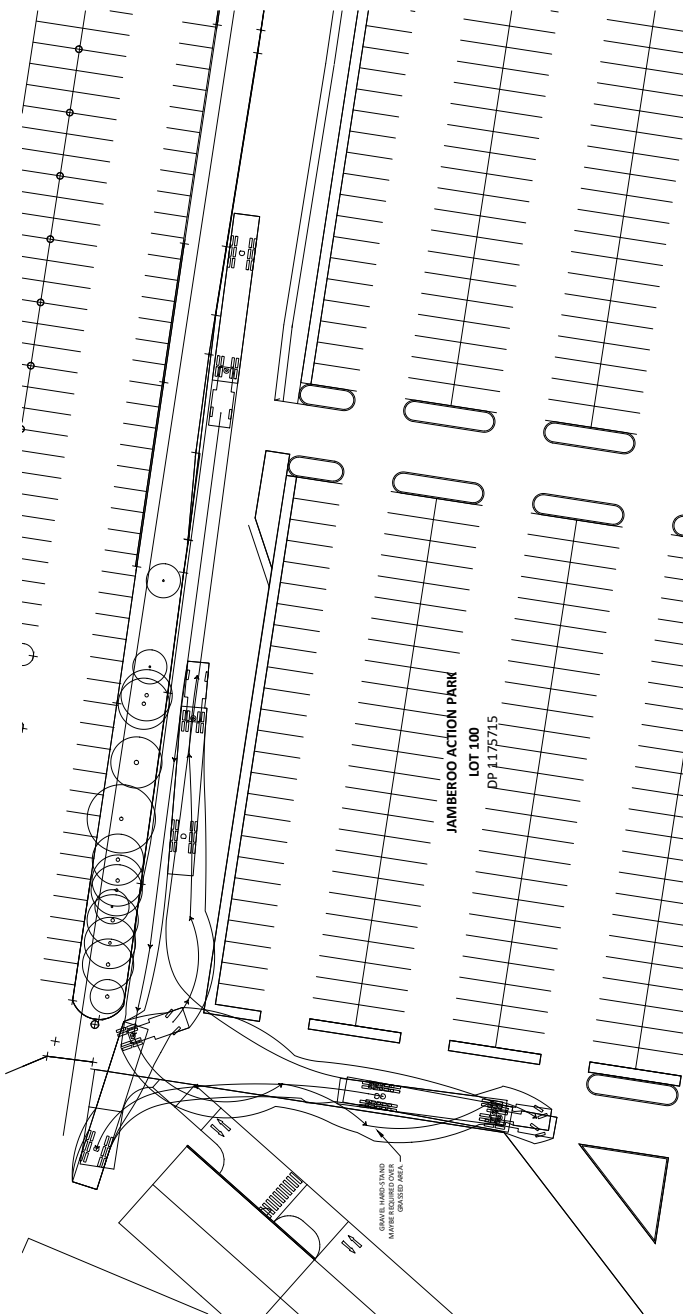
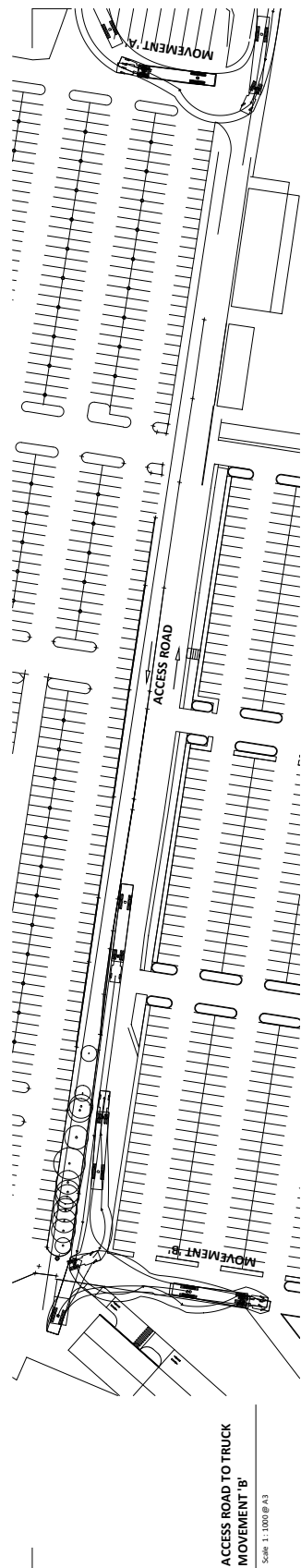
PROJECT NUMBER
A057_2025

CAR PARKING STORAGE PLAN

DRAWING NUMBER
C-02



TRUCK MOVEMENT PLA				DRAWING NUMBER	
C-03					
TITLE:				PROJECT ADDRESS	
CAR STORAGE				Address: Jamberoo Action Park	
				Client: Jamberoo Action Park	
				PROJECT NUMBER	
				MS7.2025	
ISSUE FOR INFORMATION				BY	
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2	09/07/25	ADDED UNLOADING ZONE	SR	SR	



TRUCK MOVEMENT PLAN 'B'

Scale: 1:500 @ A3

e: contact@element.com.au w: www.element.com.au
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NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	10.2026.28.1 PAN-616347
Applicant	TCW Consulting Pty Ltd 45 Eastern Avenue MANGERTON NSW 2500
Description of development	Change of use - Use of portion of existing car parking for the parking of light vehicles not associated with the recreation facility (major).
Property	1215 Jamberoo Road CURRAMORE NSW 2533 LOT: 100 DP: 1175715
Determination	Refused Consent Authority - Council
Date of determination	TBD

Under section 4.18(1)(a) of the EP&A Act, notice is given that the above development application has been determined by refusing consent using the power in section 4.16(1)(b) of the EP&A Act, for the reasons specified below:

Reasons for refusal

- Pursuant to S.4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is correctly characterised as a *storage premises* which is not permissible within the RU2 Rural Landscape Zone or under the additional permitted uses for the site set out in *Kiama Local Environmental Plan 2011*.
- Pursuant to S.4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not consistent with the RU2 Rural Landscape zone objectives as set out in *Kiama Local Environmental Plan 2011*.
- Pursuant to S.4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the application has not demonstrated that the proposal is suitable with regard to the considerations set out in Chapter 2, Part 2.3, Division 17 Subdivision of *State Environmental Planning Policy (Transport and Infrastructure) 2021* with regard to development with a frontage to a classified road and traffic-generating development.

- d) Pursuant to S.4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, application does not include clear or sufficient information regarding tree clearing, pruning or clearing of native vegetation for Council to be satisfied of a suitable biodiversity outcome in accordance with Topic 2.2 in Chapter 2 of *Kiama Development Control Plan 2020*.
- e) Pursuant to S.4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the application has not been supported by sufficient information with regard to traffic and parking. The proposed development does not comply with parking specifications and requirements in Australian Standards AS2890.1:2004 and is not considered suitable with regard to Topic 3.6 in Chapter 3 of *Kiama Development Control Plan 2020*.
- f) Pursuant to S.4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not include suitable crime prevention measures and is not considered suitable with regard to Topic 3.7 in Chapter 3 of *Kiama Development Control Plan 2020*.
- g) Pursuant to S.4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, the application has not demonstrated that the proposal will not have a significant social impact with regard to operations and amenity impacts, potential crime opportunities, potential harbouring of vermin and compatibility with other existing land uses on site and in the surrounding area.
- h) Pursuant to S.4.15(1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is not suitable for the proposed development.
- i) Pursuant to S.4.15(1)(d) of the *Environmental Planning and Assessment Act 1979*, Council is not satisfied that the issues and concerns raised in public submissions have been suitably addressed in the application, specifically with regard to concerns relating to permissibility, traffic and parking, bush fire and fire fighting facilities, and amenity impacts.
- j) Pursuant to S.4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not considered to be in the public interest.
- k) Pursuant to S.4.14 of the *Environmental Planning and Assessment Act 1979*, the application has not demonstrated a suitable outcome in regard to compliance with Planning for Bush Fire Protection 2019.
- l) Pursuant to the *Biodiversity Conservation Act 2016*, the application has not demonstrated that the proposal does not trigger entry into the Biodiversity Offset Scheme Entry Threshold (BOSET) and the application has not been supported by an appropriate Biodiversity Development Assessment Report (BDAR).
- m) The proposed development is not consistent with the approved parking arrangement for the site and is not consistent with other approvals benefiting the site including DA10.2012.170.1.

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 P Woodworth
Development Assessment Coordinator
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

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 Local Planning Panel.



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NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	10.2026.28.1 PAN-616347
Applicant	TCW Consulting Pty Ltd 45 Eastern Avenue MANGERTON NSW 2500
Description of development	Change of use - Use of portion of existing car parking for the parking of light vehicles not associated with the recreation facility (major).
Property	1215 Jamberoo Road CURRAMORE NSW 2533 LOT: 100 DP: 1175715
Determination	Approved Consent Authority - Council
Date of determination	TBD
Date on which the consent lapses	TBD
Date from which the consent operates	TBD

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 P Woodworth
Development Assessment Coordinator
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

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>C-01</td><td>2</td><td>Overall Site Plan</td><td>Element Consulting Engineers</td><td>9/7/2025</td></tr><tr><td>C-02</td><td>2</td><td>Car Parking Storage Plan</td><td>Element Consulting Engineers</td><td>9/7/2025</td></tr><tr><td>C-03</td><td>2</td><td>Truck Movement Plan</td><td>Element Consulting Engineers</td><td>9/7/2025</td></tr><tr><td>C-04</td><td>2</td><td>Truck Movement Plan – Loading Zone 2</td><td>Element Consulting Engineers</td><td>9/7/2025</td></tr></table> <table><tr><th colspan="4">Approved Documents</th></tr><tr><th>Document title</th><th>Version number</th><th>Prepared by</th><th>Date of document</th></tr><tr><td>Plan of Management</td><td>Version 2026/1</td><td>Jamberoo Action Park</td><td>-</td></tr><tr><td>Emergency Management Plan</td><td>Version 2025/2</td><td>Jamberoo Action Park – General Manager</td><td>December 2025</td></tr><tr><td>Traffic and Parking Impact Assessment</td><td>250721.01FA</td><td>McLaren Traffic Engineering & Road Safety Consultants</td><td>9/12/2025</td></tr></table>	Approved Plans					Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan	C-01	2	Overall Site Plan	Element Consulting Engineers	9/7/2025	C-02	2	Car Parking Storage Plan	Element Consulting Engineers	9/7/2025	C-03	2	Truck Movement Plan	Element Consulting Engineers	9/7/2025	C-04	2	Truck Movement Plan – Loading Zone 2	Element Consulting Engineers	9/7/2025	Approved Documents				Document title	Version number	Prepared by	Date of document	Plan of Management	Version 2026/1	Jamberoo Action Park	-	Emergency Management Plan	Version 2025/2	Jamberoo Action Park – General Manager	December 2025	Traffic and Parking Impact Assessment	250721.01FA	McLaren Traffic Engineering & Road Safety Consultants	9/12/2025
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C-02	2	Car Parking Storage Plan	Element Consulting Engineers	9/7/2025																																															
C-03	2	Truck Movement Plan	Element Consulting Engineers	9/7/2025																																															
C-04	2	Truck Movement Plan – Loading Zone 2	Element Consulting Engineers	9/7/2025																																															
Approved Documents																																																			
Document title	Version number	Prepared by	Date of document																																																
Plan of Management	Version 2026/1	Jamberoo Action Park	-																																																
Emergency Management Plan	Version 2025/2	Jamberoo Action Park – General Manager	December 2025																																																
Traffic and Parking Impact Assessment	250721.01FA	McLaren Traffic Engineering & Road Safety Consultants	9/12/2025																																																

	Bushfire Protection Assessment	3	EcoLogical	9/1/2026
	In the event of any inconsistency between the approved plans and documents, the approved documents 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.			
3.	Plan of Management The development must be managed in accordance with the approved Plan of Management for the life of the development. A copy of the plan of management is to be available upon request and held on site.			
	Condition Reason: To ensure the development will be used in accordance with the approved Plan of Management.			

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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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