



New South Wales

## **Kiama Local Environmental Plan 1996 (Amendment No 25)**

under the

**Environmental Planning and Assessment Act 1979**

I, the Minister for Urban Affairs and Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*.  
(W97/00101/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Urban Affairs and Planning

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## **2001 No 604**

Clause 1                      Kiama Local Environmental Plan 1996 (Amendment No 25)

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# **Kiama Local Environmental Plan 1996 (Amendment No 25)**

## **1 Name of plan**

This plan is *Kiama Local Environmental Plan 1996 (Amendment No 25)*.

## **2 Aims of plan**

This plan aims to make further provision with respect to the circumstances in which land filling works may be carried out (with or without development consent) on certain land in the local government area of Kiama so as to ensure that the works do not have an adverse impact on the landscape, vegetation, soil resources and stability and water resources within that area.

## **3 Land to which plan applies**

This plan applies to all land situated in the local government area of Kiama.

## **4 Relationship to other environmental planning instruments**

This plan amends *Kiama Local Environmental Plan 1996* in the manner set out in Schedule 1.

## Schedule 1 Amendments

(Clause 4)

### [1] Clause 6 Definitions

Insert “or filling” at the end of the definition of *agriculture* in clause 6 (1).

### [2] Clause 53

Omit the clause. Insert instead:

#### 53 Filling of land

- (1) This clause applies to land within Zone No 1 (a), 2 (a), 2 (b), 3 (a), 3 (b), 3 (c), 3 (d), 4 (c), 5 (a), 6 (a), 6 (b), 6 (c), 7 (d), 7 (e) or 7 (f).
- (2) Except as otherwise provided by this clause, a person must not fill land to which this clause applies except with the consent of the Council.
- (3) The Council is not to grant consent to fill land to which this clause applies unless it has considered the likely environmental impact of the fill on the land and on adjoining land, including the following:
  - (a) visual impact on the surrounding land,
  - (b) the likely effect on the stability of the land,
  - (c) the potential for the fill to alter drainage patterns or flood levels to the detriment of adjoining property owners,
  - (d) the implications of changing land surface levels and subsequent development and its potential impact on adjoining or nearby property owners, including their privacy and views,
  - (e) measures to be taken to stabilise and landscape the filling to prevent erosion,
  - (f) measures to be taken to prevent sedimentation of waterways,
  - (g) the impact on existing vegetation, particularly mature trees on the land,

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- (h) the nature of the fill material and the potential for that material to contain contaminated substances,
  - (i) the potential for the fill to adversely affect water quality,
  - (j) the duration of the filling works, the likely traffic movements generated and the impact on the local road network as a result of those works.
- (4) A person may fill land to which this clause applies without the consent of the Council if the fill:
- (a) has previously been considered as part of a development application in respect of which the Council has granted consent, or
  - (b) is intended for terracing or contouring the ground surface by means of retaining walls or mounds and:
    - (i) the walls or mounds do not exceed a height of 600 millimetres above natural ground level, and
    - (ii) the walls or mounds are not located closer than 1 metre from an adjoining property boundary, and
    - (iii) the fill does not take place within 40 metres of a watercourse, and
    - (iv) the fill does not take place within the dripline of any existing vegetation.
- (5) Additionally, a person may fill land within Zone No 1 (a), 6 (a), 6 (b), 6 (c), 7 (d), 7 (e) or 7 (f) without the consent of the Council if the fill:
- (i) is not to a depth of greater than 600 millimetres above natural ground level at any point, and
  - (ii) does not take place within 1m of any adjoining property boundary, and
  - (iii) does not take place within 40 metres of a watercourse, and
  - (iv) does not take place within the dripline of any existing vegetation, and
  - (v) does not involve an area of more than 2 hectares or the depositing of more than 30 tonnes of material.

(6) In this clause:

***natural ground level*** means the existing ground level of the land before any filling, excavation or building work has been undertaken.

***vegetation*** means any plant to which Council's Tree Preservation Order applies.