



Douglas Partners

Geotechnics | Environment | Groundwater

Report on
Preliminary Site Investigation for Contaminated Land

Proposed Residential Subdivision
Lot 1 DP707300, Lot 5 DP740252 &
Part Lots 101 & 102 DP1077617, Lot 8 DP258605 &
Part of Unnamed Road Reserve, South Kiama

Prepared for
White Constructions (NSW) Pty Ltd

Project 89260.01
January 2020

Integrated Practical Solutions



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The undersigned, on behalf of Douglas Partners Pty Ltd, confirm that this document and all attached drawings, logs and test results have been checked and reviewed for errors, omissions and inaccuracies.



Signature	Date
Author 	6 January 2020
Reviewer  For J. M. Nash.	6 January 2020



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Report on Preliminary Site Investigation for Contaminated Land

Proposed Residential Subdivision

**Lot 1 DP707300, Lot 5 DP740252, Part Lots 101 & 102 DP1077617,
Lot 8 in DP258605 and Part of Unnamed Road Reserve, South Kiama**

1. Introduction

This report presents the results of a preliminary site investigation for contaminated land undertaken for a proposed residential subdivision at South Kiama. The work was requested by White Constructions (NSW) Pty Ltd, potential purchasers and developers of the site and undertaken in liaison with Unicom Development Services Pty Ltd, project managers for the development.

It is understood that the construction of a residential subdivision is proposed. A preliminary site investigation (PSI) of contaminated land issues is required by the client for 'due-diligence' purposes and for submission to Kiama Council with a Rezoning Application. The PSI was undertaken to provide information on the potential for contamination at the site and the compatibility of the site for the proposed development from the contaminated land perspective.

The PSI was undertaken concurrently with a preliminary geotechnical investigation (DP Project 89260.00), the results of which are reported separately.

2. Scope of Works

The scope of work for the PSI comprised:

- A review of readily available site information, comprising geological and topographical maps and groundwater bores registered with the NSW Department of Primary Industries, Water;
- A review of readily available site history information, comprising:
 - o Current and historic title deeds;
 - o Historical and current aerial photographs;
 - o Public databases held under the Contaminated Land Management Act 1997 and the Protection of the Environment Operations Act 1997;
 - o Records held in the SafeWork NSW Stored Chemical Information Database (SCID); and
 - o Readily accessible Council Records and the Section 149 (2&5) certificate;
- A site walkover to identify conditions that may indicate a potential for contamination and determine associated environmental receptors;
- The preparation of this report detailing the methodology and the findings of the PSI, commenting on the potential for contamination at the site; identifying observed areas of environmental concern and associated potential contaminants; providing comment on the compatibility of the site for its proposed usage; and recommendations for further assessment.

3. Site Description and Regional Geology

The site, which includes Lot 1 in DP 707300, Lot 5 in DP 740252, Part Lots 101 & 102 in DP 10777617, Lot 8 in DP 258605 and Part of an Unnamed Road Reserve, is an irregular-shaped area of approximately 40 ha with maximum plan dimensions of 360 m and 1550 m (refer Drawing 1). It is bounded to the north by Saddleback Mountain Road, to the east by the Princes Highway, to the south by residential dwellings and rural land, and to the west by rural land. An existing historic cemetery (Lot 3 DP 258605) is located approximately in the centre of the site, with pedestrian access from the highway via the "unnamed road reserve".

Surface levels fall predominantly in the easterly direction (i.e. towards the Princes Highway) at grades of 1 in 4 to 1 in 40 (with locally steeper sections adjacent to creek lines and drainage depressions). The overall difference in level is estimated to be about 80 m from the highest part of the site to the lowest.

The Kiama 1:50 000 Geological Series Sheet indicates that the site is underlain by an almost horizontally bedded sequence of rocks of the Shoalhaven Group of Permian age. The typical lithologies comprise the Blow Hole Latite Member, a mid-grey, typically aphanitic latite which underlies the Budgong Sandstone (known locally as Kiama Sandstone), a red brown to grey volcanic sandstone. Both formations typically weather to form clays of high plasticity. In the lower sections of the site within the creek lines and drainage depressions, the rock sequence can be overlain by colluvium or alluvium of recent (in geological terms) age.

The results of the geotechnical assessment were consistent with the broadscale mapping with extensive areas of latite outcrop observed in the lower slopes and in the South Kiama Drive and Princes Highway cuttings to the south east of the site. Sandstone (consistent with the Budgong/Kiama Member) was observed in the Princes Highway cutting at Saddleback Mountain Road to the north-east of the site. Reference to web-based mapping indicates that the site is in an area of *"no known occurrence of acid sulfate materials"*.

A search of the NSW Department of Primary Industries Water registered groundwater works was undertaken on 2 March 2017, with a search radius of 500 m of the site. Two groundwater bores were located approximately 200 m to the east of the site indicated as being for stock purposes. The available information indicated that water bearing zones existed from 11.5 m bgl to 11.6 m bgl, 24 m bgl to 26 m bgl and 30.7 m bgl to 31 m bgl.

Surface water receptors were present within three creek lines running west to east through the site. One of the creeks is identified as Munna Munnora Creek. Based on the regional topography, local groundwater is considered to flow towards the nearest creek line within the site. Regional groundwater is anticipated to flow generally to the east towards the Pacific Ocean.

4. Site History

4.1 Title Deeds

A title deeds search was conducted by Scott Ashwood Pty Ltd, Settlement Agents and Legal Searchers. Title information can assist in the identification of previous land uses through the recorded

occupation of individual land owners, or by a descriptive company name and may establish potentially contaminating activities which have occurred or are occurring at the sites. A number of registered owners were identified with the inferred land use associated to each being unused, agricultural or rural residential. The full results of the searches are provided in Appendix C.

4.2 Historical Aerial Photography

Aerial photographs were examined to identify any changes to the site and surrounding area which may include potentially contaminating land activities or significant environmental features. Eight aerial photographs were examined from the years 1949, 1963, 1979, 1984, 1993, 2006, 2010 and. Copies are included in Appendix D. A summary of the findings is given below.

1949: The majority of the site is vacant and cleared land. A number of creek lines are visible running in a general west to east directions across the site. A cluster of objects are visible in the central portion of the site, understood to be the Kendall's Cemetery. It is noted that Kendall's Cemetery is not included in the proposed development footprint and is therefore not within the site boundary. Several fence lines are visible running through the site, some of which appear to be partially vegetated. A pocket of vegetation is visible on the eastern boundary towards to the southern extent of the site.

The land surrounding the site appears largely vacant and undeveloped with the exception of a few likely residential dwellings; and South Kiama Drive and the South Coast train line to the east of the site.

1963: The aerial photograph has limited clarity, however, the site and surrounding land appears relatively unchanged.

1979: The site and surrounding land appear relatively unchanged. Thicker vegetation appears to be present along lineaments likely associated with fence lines.

1984: The site appears relatively unchanged. A new residential development is visible to the east of the northern portion of the site.

1993: The site appears relatively unchanged with the exception of a white circular object and a possible structure visible on the eastern boundary of the site. A road is also visible running east-west through the southern portion of the site. A road (the Princes Highway) is now present adjacent to the eastern boundary of the site and new residential development is visible beyond.

2006: It is noted that the southern portion of the site is not visible in this aerial photograph. The portion of the site that is visible appears relatively unchanged with the exception of a small cluster of objects adjacent to the Kendall Cemetery. It is noted that the white circular object and possible structure visible in the previous aerial photograph are no longer visible with that area of the site now appearing either vegetated or with new tracks visible. The surrounding land appears relatively unchanged.

2010: The site appears relatively unchanged with the exception of some vegetation clearance on the eastern boundary of the site. The surrounding land appears relatively unchanged.

2015: The site and surrounding land appear relatively unchanged.

4.3 NSW EPA Public Registers

A search undertaken on 2 March 2017 for current Statutory Notices issued under the *Contaminated Land Management Act, 1997* and *Protection of the Environment Operations Act, 1997* available on the NSW EPA website showed that there were no notices or licenses issued for the site.

4.4 SafeWork NSW Search

A search of the SafeWork NSW Stored Chemical Information Database (SCID) was conducted for the site with no records relating to any licenses to keep dangerous goods.

A copy of the search results, dated 21 February 2017, is included in Appendix E.

4.5 Council Records

A search of Kiama Municipal Council records for the site was undertaken by council staff with a number of files located relating to dwellings, a gravel road and dwelling additions / garage. However Kiama Municipal Council did not permit access to the files for DP to review the contents.

As such it is unclear to the type of council files (i.e. applications, notices or orders etc.), the contents of the files or even if the files are relevant to activities undertaken within the site boundary.

It is noted that based on the existing and former land use of the site and the brief description of the subject files, DP considers it unlikely that any indication of potential contamination further to that discussed in Section 6.1 would have been identified in the files withheld by council.

4.6 Section 149 (2&5) Certificates

The Section 149 Planning Certificates was obtained, dated 3 August 2016, 8 August 2016, 8 August 2016 and 30 January 2017 with copies included in Appendix F.

The certificates indicate that the zone applied to the site is as follows:

- RU2 Rural Landscape

There are no matters listed under Section 59(2) of the *Contaminated Land Management Act 1997* which should be specified on the certificates. Section 59(2) concerns matters that must be included within a Section 149 Planning Certificate in relation to the land being significantly contaminated, regulatory orders applying and the existence of a site audit statement or site audit report pertaining to the property.

Information provided in the Section 149(5) states that Council has no records indicating that the land has been filled or may be contaminated based on the previous use of the site.

5. Site Walkover

A site walkover was undertaken by DP personnel on 2 February 2017. The following main site features were noted:

- The northern portion of the site was grass covered, vacant land; refer to Photographs 1 and 2, Appendix G;
- A dam was present in the northern portion of the site; refer to Photograph 3, Appendix G. No obvious signs of filling were observed in the construction of the dam, however, thick grass prevented a thorough inspection;
- Creek lines were present in the northern portion of the site; refer to Photograph 4, Appendix G. No signs of fill were observed within the two creek lines in the northern portion of the site, however, long grass and dense vegetation precluded a thorough investigation of the entirety of the creek lines;
- A grass covered stockpile was observed adjacent to one of the northern creek lines; refer to Photograph 5, Appendix G;
- The central portion of the site was primarily vacant and grass covered; refer to Photographs 6 and 7, Appendix G with the exception of some dry stone walls, a concrete cubic like structure (likely an empty water tank), two dams, and some small structures;
- Three creek lines were present in the central portion of the site as highlighted on Drawing 1, Appendix B; refer to Photographs 8-10, Appendix G. Evidence of potential fill was observed in one the central creek lines, refer to Photograph 11, Appendix G. A dump site was also observed on the creek line with potential fill with various anthropogenic items (brick, concrete, ceramic pipe, scrap metal and a lounge); refer to Photographs 12 and 13, Appendix G;
- Within the concrete cubic like structure were various anthropogenic items including pieces of fibrous cement; refer to Photographs 14-16, Appendix G.
- A portion of thick vegetation was present on the western site boundary in the central portion of the site; refer to Photograph 17, Appendix G;
- Two dams were present in the central portion of the site and the dam embankments were covered with thick grass; refer to Photographs 18 and 19, Appendix G;
- A small cluster of structures was located adjacent to the Kendall Cemetery in the central portion of the site. The structures comprised animal enclosures (stock yards) / pens and associated sheds. The structures were typically constructed of timber and corrugated iron and in a generally dilapidated condition; refer to Photographs 20-22, Appendix G. Various items (timber, scrap metal, empty drums) were stored around the structures; refer to Photographs 23-25, Appendix G;
- An additional animal enclosure was present in the central portion of the site; refer to Photographs 26 and 27, Appendix G. The enclosure was generally constructed of metal and timber. Stockpiles of various items (timber, metal, empty unlabelled drums) were located around the enclosure; refer to Photographs 28 and 29, Appendix G. An overgrown stockpile with visible demolition waste (scrap metal and fibrous cement sheeting) was observed adjacent to the enclosure; refer to Photographs 30 and 31, Appendix G;
- The southern portion of the site was primarily vacant and grass covered (refer to Photographs 32 and 33, Appendix G) with exception of two main creek lines, dry stone walls, and a small stockpile of wood (refer to Photograph 34, Appendix G);
- Evidence of potential fill was observed in one of the southern creek lines associated with an internal road; refer to Photograph 35, Appendix G.

6. Preliminary Conceptual Site Model

A conceptual site model (CSM) is a representation of site-related information regarding contamination sources, receptors and exposure pathways between those sources and receptors. The CSM provides the framework for identifying how the site became contaminated and how potential receptors may be exposed to contamination either in the present or the future i.e. it enables an assessment of the potential source – pathway – receptor linkages (complete pathways).

6.1 Potential Contamination Sources and Contaminants of Concern

Based on the findings of the site history investigation and site walkover it is considered that the site has a low to moderate risk for potential contamination to exist primarily through the agricultural usage of the site and the presence of fibrous cement material potentially containing asbestos.

Based on the findings of the site history and site walkover, the potential sources (S) of contamination comprise:

- S1-Potential for filling to be present from an unknown origin in the creeks, stockpiles and dam embankments;
- S2-Stockpiles of anthropogenic items and dumped materials around the structures and in the creek;
- S3-Hazardous building materials (HBM) associated with the structures and in the anthropogenic items and dumped materials; and
- S4-Former agricultural use including possible storage of chemicals maintenance of agricultural equipment

The above potential sources of contamination have been summarised on Drawing 1, Appendix B as the following areas of environmental concern (AEC):

- AEC 1: The northern-most major creek line including the adjacent grass covered stockpile (S1 and S2);
- AEC 2: The dam embankments associated with the dam in the northern portion of the site (S1);
- AEC 3: The creek line with evidence of filling and a dump site (S1 and S2);
- AEC 4: The dam embankments associated with the dam just south of AEC 3 (S1);
- AEC 5: The cluster of structures adjacent to Kendalls Cemetery (S2, S3 and S4);
- AEC 6: The dam embankments associated with the dam just south of Kendalls Cemetery (S1);
- AEC 7: The animal enclosure area to the south of AEC 6 (S2, S3 and S4); and
- AEC 8: The southern-most creek line with potential filling (S1).
- AEC 9: The concrete cubic like structure with potential filling underneath and HBM within (S1 and S3).

Common contaminants of concern associated to the above identified potential sources include heavy metals, total recoverable hydrocarbons (TRH), benzene, ethylbenzene, toluene and xylene (BTEX), polycyclic aromatic hydrocarbons (PAH), polychlorinated biphenyls (PCB), organochlorine pesticides (OCP), organophosphorous pesticides (OPP), phenols, asbestos, lead based paint and other hazardous building materials.

6.2 Potential Receptors

Receptors (R) that potentially could be influenced by the potential contaminants at this site include:

- Human health receptors:
 - o R1 – Construction workers during the development.
 - o R2 – End users (residential, visitors, commercial).
 - o R3 – Adjacent users (residential).
- Environmental receptors:
 - o R4 – Groundwater.
 - o R5 – Surface Water (creek lines within the site).
 - o R6 – Ecology.

6.3 Potential Pathways

Potential pathways (P) for contaminants to come into contact with identified receptors, with consideration to the site's proposed end use, current condition, and geological, topographical and hydrogeological characteristics, include:

- P1 – Direct contact with soil (ingestion and dermal).
- P2 – Inhalation of dust and/or vapours.
- P3 – Leaching of contaminants and vertical migration into groundwater.
- P4 – Surface water run-off from hardstand areas during heavy rainfall.
- P5 – Lateral migration of groundwater providing base flow to watercourses.
- P6 – Direct contact of contaminated ground with ecological receptors.

6.4 Summary of Preliminary CSM

A 'source–pathway–receptor' approach has been used to assess the potential risks to human and environmental receptors from contamination sources on or in the vicinity of the site, via exposure pathways.

The possible pathways between the sources and receptors are provided in Table 1.

Table 1: Potential Complete Pathways

Source	Transport Pathway	Receptor	Action Recommended
S1- Potential for filling of unknown origin S2-Stockpiles of anthropogenic items and dumped materials. S3-Hazardous building materials (HBM) associated with structures and in anthropogenic items and dumped materials. S4-Former agricultural use.	P1 - Ingestion and dermal contact	R1 - Current Users (Residential) R2 – Construction and Maintenance Workers R3 - End users (Residential)	An intrusive investigation is required to assess possible contamination including chemical testing of the soils.
	P2 - Inhalation of dust / vapours	R4 - Adjacent users (Residential)	
	P2 - Inhalation of dust / vapours	R4 - Adjacent users (Residential)	An intrusive investigation is required to assess possible contamination including chemical testing of the soils as a screen for potential groundwater contamination.
	P5 - Leaching of contaminants	R6 – Groundwater	
	P3 - Surface water run-off	R5 - Surface water	An intrusive investigation is required to assess possible contamination including chemical testing of the soils as a screen for potential surface water contamination.
	P4 - Lateral migration of groundwater		
	P6 - Contact with terrestrial ecology	R7 - Terrestrial ecology	An intrusive investigation is required to assess possible contamination including chemical testing of the soils.

7. Conclusions Recommendations

Based on the findings of the PSI it is considered that there is a low likelihood of substantial widespread contamination at the site, although where present contamination levels may pose a moderate risk. Accordingly there is potential for localised contamination to exist that requires further investigation to assess whether the site is compatible with its proposed residential development and what remediation works may be required.

The further investigation would comprise intrusive investigation of the identified AEC. A hazardous building materials survey should also be undertaken in addition to the intrusive investigation to assess the potential for the presence of hazardous building materials such as asbestos on the site both in remnant structures and in stockpiles on the site surface.

It is considered that the site can be made compatible with its proposed residential land use.

8. Limitations

Douglas Partners (DP) has prepared this report for this project at Lot 1 DP707300, Lot 5 DP740252 & Part Lots 101&102 in DP1077617 in accordance with DP's proposal dated 16 January 2017 and acceptance received White Constructions (NSW) Pty Ltd dated 24 January 2017. The work was carried out under DP's Conditions of Engagement. This report is provided for the exclusive use of White Constructions (NSW) Pty Ltd for this project only and for the purposes as described in the report.

It should not be used by or relied upon for other projects or purposes on the same or other site or by a third party. Any party so relying upon this report beyond its exclusive use and purpose as stated above, and without the express written consent of DP, does so entirely at its own risk and without recourse to DP for any loss or damage. In preparing this report DP has necessarily relied upon information provided by the client and/or their agents.

The results provided in the report are indicative of the sub-surface conditions on the site only at the specific sampling and/or testing locations, and then only to the depths investigated and at the time the work was carried out. Sub-surface conditions can change abruptly due to variable geological processes and also as a result of human influences. Such changes may occur after DP's field testing has been completed.

DP's advice is based upon the conditions encountered during this investigation. The accuracy of the advice provided by DP in this report may be affected by undetected variations in ground conditions across the site between and beyond the sampling and/or testing locations. The advice may also be limited by budget constraints imposed by others or by site accessibility.

This report must be read in conjunction with all of the attached and should be kept in its entirety without separation of individual pages or sections. DP cannot be held responsible for interpretations or conclusions made by others unless they are supported by an expressed statement, interpretation, outcome or conclusion stated in this report.

This report, or sections from this report, should not be used as part of a specification for a project, without review and agreement by DP. This is because this report has been written as advice and opinion rather than instructions for construction.

The contents of this report do not constitute formal design components such as are required, by Health and Safety Legislation and Regulations, to be included in a Safety Report specifying the hazards likely to be encountered during construction of all works (not just geotechnical components) and the controls required to mitigate risk. This report does, however, identify hazards associated with the geotechnical aspects of development and presents the results of risk assessment associated with the management of these hazards. It is suggested that the developer's principal design company may wish to include the geotechnical hazards and risk assessment information contained in this report, in their own Safety Report. If the principal design company, in the preparation of its project Design Report, wishes to undertake such inclusion by use of specific extracts from this subject DP report, rather than by appending the complete report, then such inclusion of extracts should only be undertaken with DP's express agreement, following DP's review of how any such extracts are to be utilised in the context of the project Safety Report. Any such review shall be undertaken either as an extension to contract for the works associated with this subject DP report or under additional conditions of engagement, with either option subject to agreement between DP and the payee.

Douglas Partners Pty Ltd

Appendix A

About this Report

About this Report

Douglas Partners



Introduction

These notes have been provided to amplify DP's report in regard to classification methods, field procedures and the comments section. Not all are necessarily relevant to all reports.

DP's reports are based on information gained from limited subsurface excavations and sampling, supplemented by knowledge of local geology and experience. For this reason, they must be regarded as interpretive rather than factual documents, limited to some extent by the scope of information on which they rely.

Copyright

This report is the property of Douglas Partners Pty Ltd. The report may only be used for the purpose for which it was commissioned and in accordance with the Conditions of Engagement for the commission supplied at the time of proposal. Unauthorised use of this report in any form whatsoever is prohibited.

Borehole and Test Pit Logs

The borehole and test pit logs presented in this report are an engineering and/or geological interpretation of the subsurface conditions, and their reliability will depend to some extent on frequency of sampling and the method of drilling or excavation. Ideally, continuous undisturbed sampling or core drilling will provide the most reliable assessment, but this is not always practicable or possible to justify on economic grounds. In any case the boreholes and test pits represent only a very small sample of the total subsurface profile.

Interpretation of the information and its application to design and construction should therefore take into account the spacing of boreholes or pits, the frequency of sampling, and the possibility of other than 'straight line' variations between the test locations.

Groundwater

Where groundwater levels are measured in boreholes there are several potential problems, namely:

- In low permeability soils groundwater may enter the hole very slowly or perhaps not at all during the time the hole is left open;

- A localised, perched water table may lead to an erroneous indication of the true water table;
- Water table levels will vary from time to time with seasons or recent weather changes. They may not be the same at the time of construction as are indicated in the report; and
- The use of water or mud as a drilling fluid will mask any groundwater inflow. Water has to be blown out of the hole and drilling mud must first be washed out of the hole if water measurements are to be made.

More reliable measurements can be made by installing standpipes which are read at intervals over several days, or perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be advisable in low permeability soils or where there may be interference from a perched water table.

Reports

The report has been prepared by qualified personnel, is based on the information obtained from field and laboratory testing, and has been undertaken to current engineering standards of interpretation and analysis. Where the report has been prepared for a specific design proposal, the information and interpretation may not be relevant if the design proposal is changed. If this happens, DP will be pleased to review the report and the sufficiency of the investigation work.

Every care is taken with the report as it relates to interpretation of subsurface conditions, discussion of geotechnical and environmental aspects, and recommendations or suggestions for design and construction. However, DP cannot always anticipate or assume responsibility for:

- Unexpected variations in ground conditions. The potential for this will depend partly on borehole or pit spacing and sampling frequency;
- Changes in policy or interpretations of policy by statutory authorities; or
- The actions of contractors responding to commercial pressures.

If these occur, DP will be pleased to assist with investigations or advice to resolve the matter.

About this Report

Site Anomalies

In the event that conditions encountered on site during construction appear to vary from those which were expected from the information contained in the report, DP requests that it be immediately notified. Most problems are much more readily resolved when conditions are exposed rather than at some later stage, well after the event.

Information for Contractual Purposes

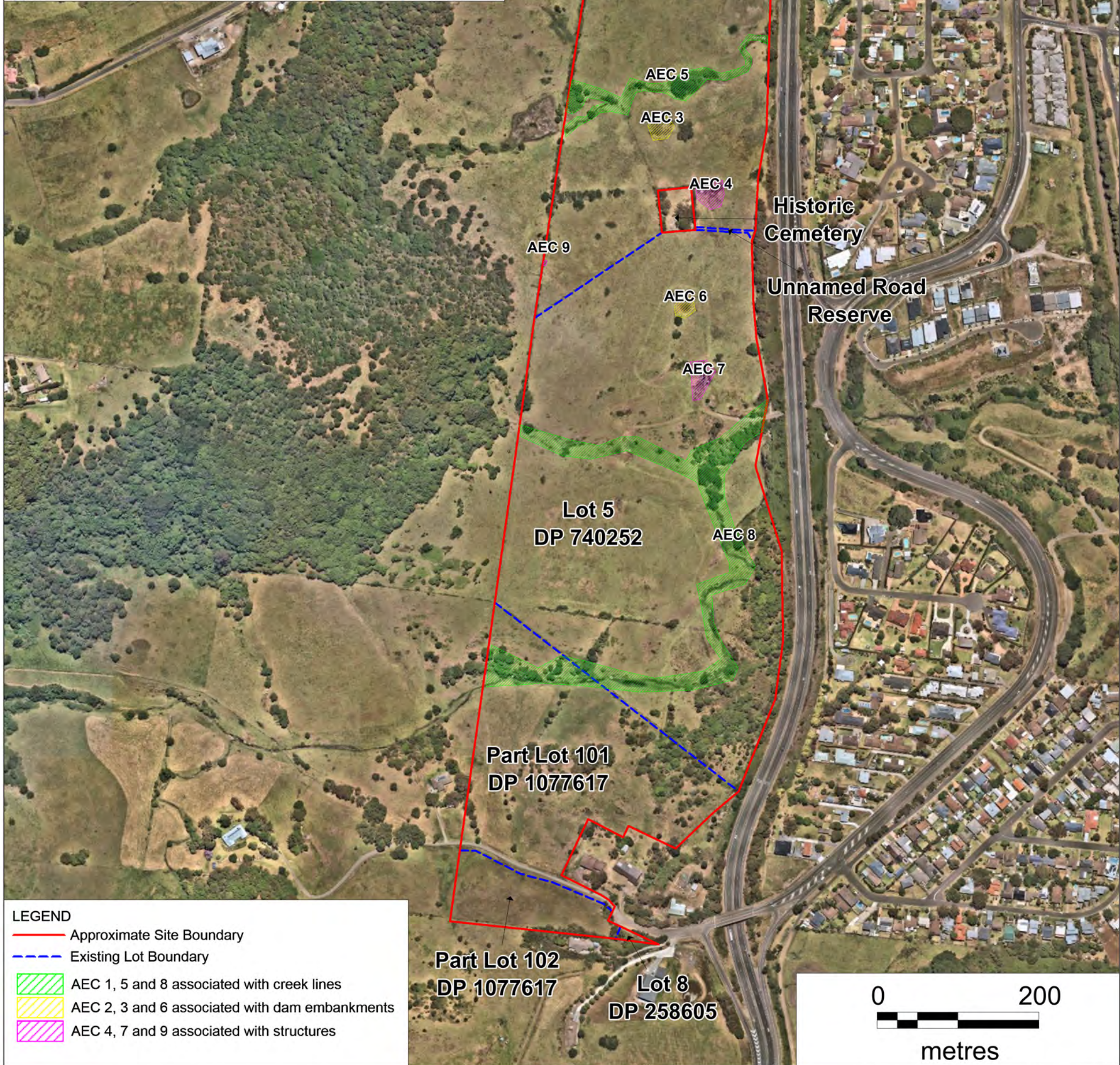
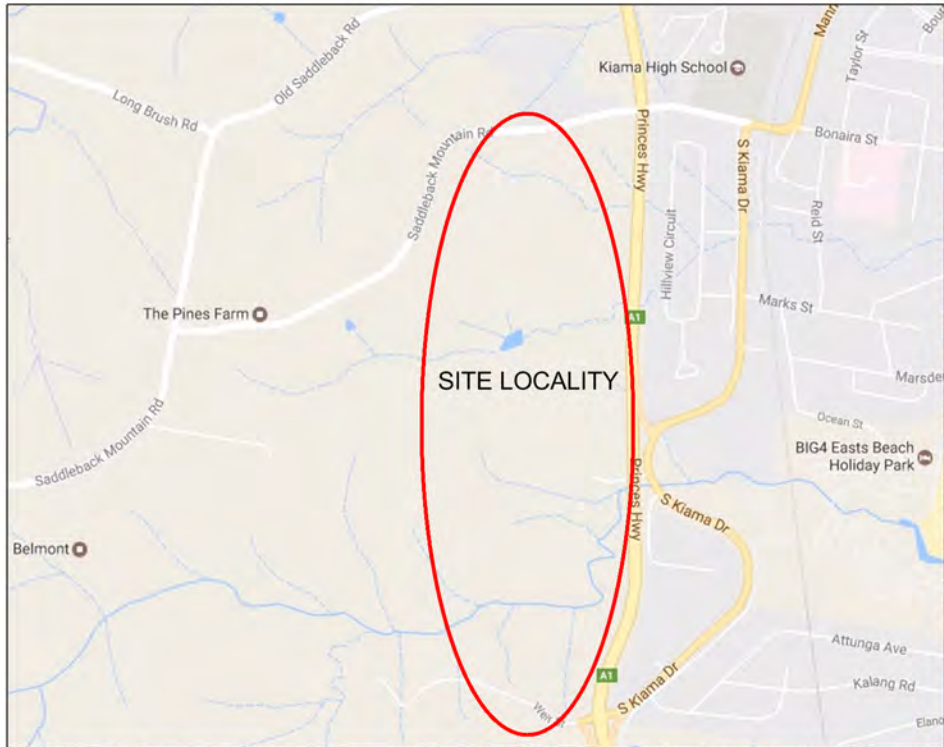
Where information obtained from this report is provided for tendering purposes, it is recommended that all information, including the written report and discussion, be made available. In circumstances where the discussion or comments section is not relevant to the contractual situation, it may be appropriate to prepare a specially edited document. DP would be pleased to assist in this regard and/or to make additional report copies available for contract purposes at a nominal charge.

Site Inspection



The company will always be pleased to provide engineering inspection services for geotechnical and environmental aspects of work to which this report is related. This could range from a site visit to confirm that conditions exposed are as expected, to full time engineering presence on site.

Appendix B

Drawing 1



LEGEND	
—	Approximate Site Boundary
---	Existing Lot Boundary
	AEC 1, 5 and 8 associated with creek lines
	AEC 2, 3 and 6 associated with dam embankments
	AEC 4, 7 and 9 associated with structures

 Douglas Partners Geotechnics Environment Groundwater	TITLE: Site Location and Features Proposed Residential Subdivision Saddleback Mtn Road, South Kiama				OFFICE: Wollongong
	CLIENT: White Constructions (NSW) Pty Ltd	PROJECT No: 89260.01	DRAWING No: 1	REVISION: B	DRAWN BY: KGH DATE: 1.6.2020 SCALE: As shown

Appendix C

Title Deeds

ABN: 42 166 543 255
Ph: 02 9099 7400
Fax: 02 9232 7141

Level 14, 135 King Street, Sydney 2000
GPO Box 4103 Sydney NSW 2001
DX 967 Sydney

Summary of Owners Report

LPI

Sydney

Address: 51 South Kiama Drive & 40 Saddleback Mountain Road, Kiama

Description: - Lot 5 D.P. 740252 & Lot 1 D.P 707300

Search as regards Lot 5 D.P 740252

As regards the part tinted purple on the attached Cadastre A

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
09.04.1907 (1907 to 1944)	Elizabeth Stewart (Married Woman) & her deceased estate	Book 824 No. 601
22.11.1944 (1944 to 1951)	Edward William Johnston Stewart (Retired)	Book 1955 No. 289
18.01.1951 (1951 to 1958)	Charles Henry Chittick (Farmer)	Book 2158 No. 101
03.03.1958 (1958 to 1971)	C.R. Chittick & Sons Pty Limited Now Muskfield Pty Limited	Book 2439 No. 870
12.02.1971 (1971 to 1971)	Culmone properties Pty Limited	Book 3003 No. 522
15.02.1971 (1971 to 1979)	Kiama Dairy & Pastoral Co Pty Limited	Book 3003 No. 523 Now Vol 13951 Fol 206

As regards the part tinted yellow on the attached Cadastre A

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
13.07.1909 (1909 to 1938)	David Ernest Weir & his deceased estate	Book 885 No. 542
08.10.1938 (1938 to 1952)	Harman Allan Weir (Farmer)	Book 1828 No. 381
04.11.1952 (1952 to 1958)	Charles Robert Chittick (Farmer)	Book 2231 No. 439
03.03.1958 (1958 to 1971)	C.R. Chittick & Sons Pty Limited Now Muskfield Pty Limited	Book 2439 No. 868
12.02.1971 (1971 to 1971)	Culmone properties Pty Limited	Book 3003 No. 522
15.02.1971 (1971 to 1979)	Kiama Dairy & Pastoral Co Pty Limited	Book 3003 No. 523 Now Vol 13951 Fol 206

ABN: 42 166 543 255
Ph: 02 9099 7400
Fax: 02 9232 7141

Level 14, 135 King Street, Sydney 2000
GPO Box 4103 Sydney NSW 2001
DX 967 Sydney

As regards the part tinted green on the attached Cadastre A

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
14.08.1903 (1903 to 1942)	Edward Stewart (Baker) & his deceased estate	Book 741 No. 746
16.07.1942 (1942 to 1951)	Edward William Johnston Stewart (Farmer now Retired Farmer)	Book 1916 No. 967
18.01.1951 (1951 to 1958)	Charles Robert Chittick (Farmer)	Book 2158 No. 100
03.03.1958 (1958 to 1971)	C.R. Chittick & Sons Pty Limited Now Muskfield Pty Limited	Book 2439 No. 868 Now Vol 11507 Fol 59
12.02.1971 (1971 to 1971)	Culmone properties Pty Limited	Vol 11507 Fol 59
15.02.1971 (1971 to 1979)	Kiama Dairy & Pastoral Co Pty Limited	Vol 11507 Fol 59 Now Vol 13951 Fol 206

As regards the part tinted blue on the attached Cadastre A

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
13.01.1911 (1911 to 1942)	Edward Stewart (Freeholder)	Book 925 No. 77
16.07.1942 (1942 to 1951)	Edward William Johnston Stewart (Farmer now Retired Farmer)	Book 1916 No. 967
18.01.1951 (1951 to 1958)	Charles Robert Chittick (Farmer)	Book 2158 No. 100
03.03.1958 (1958 to 1971)	C.R. Chittick & Sons Pty Limited Now Muskfield Pty Limited	Book 2439 No. 868 Now Vol 11507 Fol 59
12.02.1971 (1971 to 1971)	Culmone properties Pty Limited	Vol 11507 Fol 59
15.02.1971 (1971 to 1979)	Kiama Dairy & Pastoral Co Pty Limited	Vol 11507 Fol 59 Now Vol 13951 Fol 206

Continued as to the whole of Lot 5 D.P 740252

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
05.12.1979 (1979 to 1995)	John Graham Pty Limited	Vol 13951 Fol 206 Now 5/740252
05.07.1995 (1995 to 2000)	Jamshid Fanaian Mahnaz Fanaian Massoud Fanaieyan Ziba Fanaieyan	5/740252
27.09.2000 (2000 to Date)	# Jamshid Fanaian # Mahnaz Fanaian	5/740252

Denotes Current Registered Proprietors

Easements: -

- 21.05.1974 (Book 3261 No. 457) – Easement for Water Supply 4.57 Metre (s) Wide – not currently shown on the current title

Leases: -NIL

ABN: 42 166 543 255
Ph: 02 9099 7400
Fax: 02 9232 7141

Level 14, 135 King Street, Sydney 2000
GPO Box 4103 Sydney NSW 2001
DX 967 Sydney

Search as regards Lot 1 D.P 707300

As regards the part tinted yellow on the attached Cadastre B

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
13.01.1911 (1911 to 1942)	Edward Stewart (Freeholder)	Book 925 No. 77
16.07.1942 (1942 to 1951)	Edward William Johnston Stewart (Farmer now Retired Farmer)	Book 1916 No. 967
18.01.1951 (1951 to 1958)	Charles Robert Chittick (Farmer)	Book 2158 No. 100
03.03.1958 (1958 to 1971)	C.R. Chittick & Sons Pty Limited Now Muskfield Pty Limited	Book 2439 No. 868 Now Vol 11507 Fol 59

As regards the part tinted green on the attached Cadastre B

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
13.01.1911 (1911 to 1937)	Robert Hamilton Wilson (Farmer)	Book 925 No. 79
27.11.1937 (1937 to 1951)	Alfred Thomas Wright (Farmer) George Wright (Farmer)	Book 1800 No. 477
21.05.1951 (1951 to 1958)	Charles Robert Chittick (Farmer)	Book 2175 No. 91
03.03.1958 (1958 to 1971)	C.R. Chittick & Sons Pty Limited Now Muskfield Pty Limited	Book 2439 No. 868 Now Vol 11507 Fol 59

As regards the part tinted blue on the attached Cadastre B

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
13.01.1911 (1911 to 1937)	Robert Hamilton Wilson (Farmer)	Book 925 No. 79
27.11.1937 (1937 to 1951)	Alfred Thomas Wright (Farmer) George Wright (Farmer)	Book 1800 No. 477
21.05.1951 (1951 to 1958)	Charles Robert Chittick (Farmer)	Book 2175 No. 91
03.03.1958 (1958 to 1971)	C.R. Chittick & Sons Pty Limited Now Muskfield Pty Limited	Book 2439 No. 868 Now Vol 11507 Fol 59

ABN: 42 166 543 255
Ph: 02 9099 7400
Fax: 02 9232 7141

Level 14, 135 King Street, Sydney 2000
GPO Box 4103 Sydney NSW 2001
DX 967 Sydney

Continued as to the whole of Lot 1 D.P 707300

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
12.02.1971 (1971 to 1971)	Culmone Properties Pty Limited	Vol 11507 Fol 59
15.02.1971 (1971 to 1980)	Kiama Dairy & Pastoral Co Pty Limited	Vol 11507 Fol 59 Now Vol 13951 Fol 204
30.01.1980 (1980 to 1982)	Frank West Herbert (Farmer)	Vol 13951 Fol 204
21.09.1982 (1982 to 1984)	Roslyn Irene Jones Maria Adell Singleton (Transmission Application not investigated)	Vol 13951 Fol 204
18.07.1984 (1984 to 1999)	Maria Adell Singleton	Vol 13951 Fol 204 Now 1/707300
29.01.1999 (1999 to 2005)	Arthur James Singleton	1/707300
10.08.2005 (2005 to Date)	# Lee James Singleton (Transmission Application not investigated)	1/707300

Denotes Current Registered Proprietor

Easements & Leases: -NIL

Yours Sincerely
James McDonnell
2 February 2017



Cadastral Records Enquiry Report

Requested Parcel : Lot 1 DP 707300

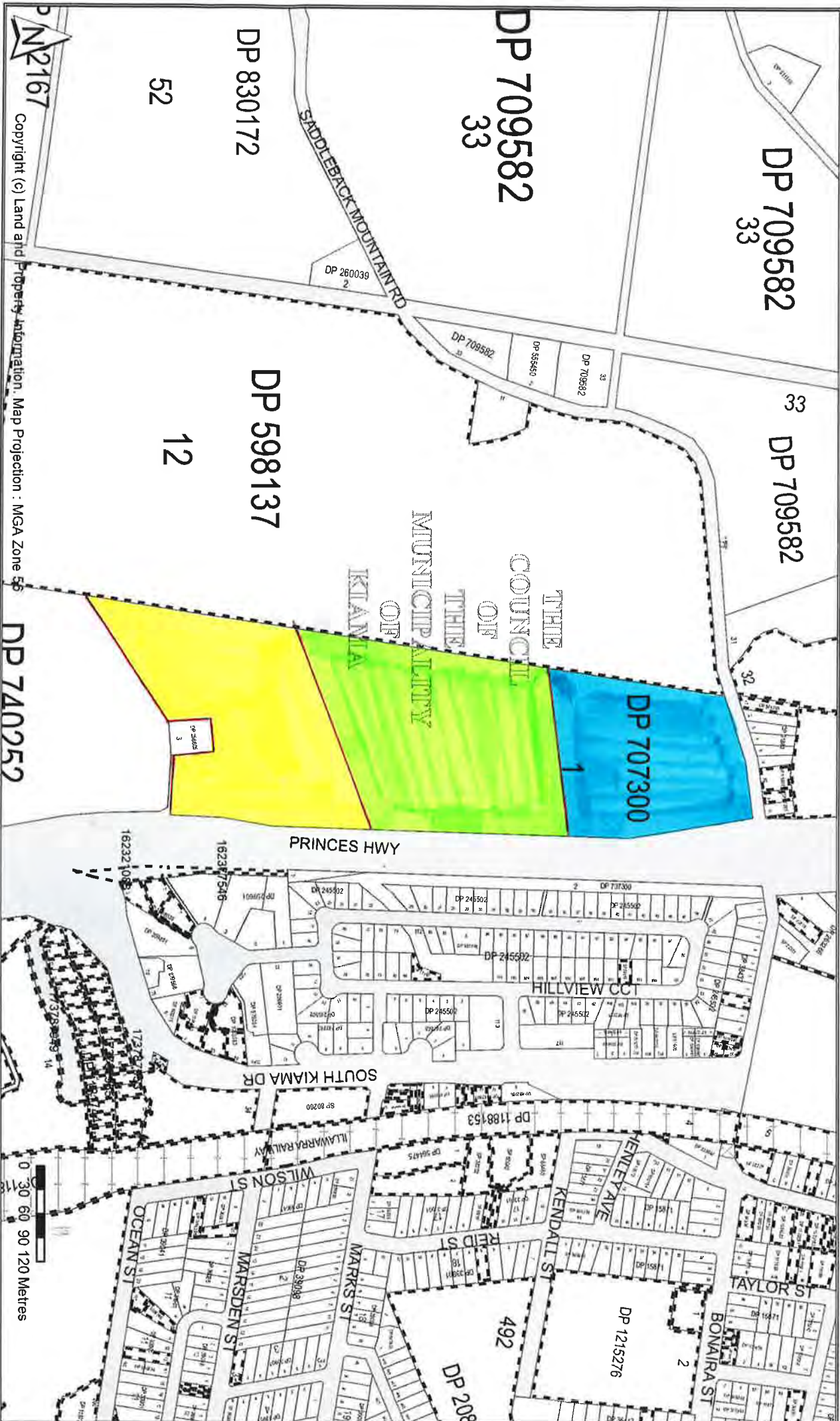
LGA : KIAMA

Parish : KIAMA

Identified Parcel : Lot 1 DP 707300

County : CAMDEN

Ref : JAMES



Copyright (c) Land and Property Information. Map Projection : MGA Zone 56

DP 740252

This negative is a photograph made as a personnel record of a document in the custody of the Registrar General, this day, 20th February, 1937

D P 740252

1987

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PLAN FORM 3A

TO be used in conjunction with Form Form 2

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

DP 740252

10-2-1987

Revised 9-10-86 to 9-80

CD 11. 6441 5-1-1987

Supervisor Engineer, Water Services, 2nd 1820

2/87

DP 740252

10-2-1987

Revised 9-10-86 to 9-80

CD 11. 6441 5-1-1987

Supervisor Engineer, Water Services, 2nd 1820

2/87

DP 740252

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Revised 9-10-86 to 9-80

CD 11. 6441 5-1-1987

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DP 740252

10-2-1987

Revised 9-10-86 to 9-80

CD 11. 6441 5-1-1987

Supervisor Engineer, Water Services, 2nd 1820

2/87

DP 740252

10-2-1987

Revised 9-10-86 to 9-80

CD 11. 6441 5-1-1987

Supervisor Engineer, Water Services, 2nd 1820

2/87

DP 740252

10-2-1987

Revised 9-10-86 to 9-80

CD 11. 6441 5-1-1987

Supervisor Engineer, Water Services, 2nd 1820

2/87

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Plan Drawing only to appear in this space

OFFICE USE ONLY

SHORT LINES	
1	77 31 40
2	76 04 30
3	77 01
4	70 08 40
5	20 06
6	23 02 12
7	24 01 20
8	24 01 20
9	24 01 10
10	24 01 00
11	23 39
MATHANAY 3 WIDE	
12	30 31 30 40
13	24 01
14	30 31 30
15	77 03 30
16	34 03 30
17	77 03 30
18	10 03 30
19	24 01 30
20	24 01
MATHANAY	
21	30 31
22	30 31
23	30 31
24	30 31
25	30 31
26	30 31
27	30 31
28	30 31
29	30 31
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RECEIVED MAR 19

A	C10H16O	140	17.0	1.05	0.80	0.90	0.90
B	C10H16	140	17.0	1.05	0.80	0.90	0.90
C	C10H16O	140	17.0	1.05	0.80	0.90	0.90
D	C10H16O	140	17.0	1.05	0.80	0.90	0.90
E	C10H16O	140	17.0	1.05	0.80	0.90	0.90
F	C10H16O	140	17.0	1.05	0.80	0.90	0.90
G	C10H16O	140	17.0	1.05	0.80	0.90	0.90
H	C10H16O	140	17.0	1.05	0.80	0.90	0.90
I	C10H16O	140	17.0	1.05	0.80	0.90	0.90
J	C10H16O	140	17.0	1.05	0.80	0.90	0.90
K	C10H16O	140	17.0	1.05	0.80	0.90	0.90
L	C10H16O	140	17.0	1.05	0.80	0.90	0.90
M	C10H16O	140	17.0	1.05	0.80	0.90	0.90
N	C10H16O	140	17.0	1.05	0.80	0.90	0.90
O	C10H16O	140	17.0	1.05	0.80	0.90	0.90
P	C10H16O	140	17.0	1.05	0.80	0.90	0.90
Q	C10H16O	140	17.0	1.05	0.80	0.90	0.90
R	C10H16O	140	17.0	1.05	0.80	0.90	0.90
S	C10H16O	140	17.0	1.05	0.80	0.90	0.90
T	C10H16O	140	17.0	1.05	0.80	0.90	0.90
U	C10H16O	140	17.0	1.05	0.80	0.90	0.90
V	C10H16O	140	17.0	1.05	0.80	0.90	0.90
W	C10H16O	140	17.0	1.05	0.80	0.90	0.90
X	C10H16O	140	17.0	1.05	0.80	0.90	0.90
Y	C10H16O	140	17.0	1.05	0.80	0.90	0.90
Z	C10H16O	140	17.0	1.05	0.80	0.90	0.90

(X) SUBJECT TO REGS & COMOS IN CROWN GRANT

AMENDMENTS MADE BY ME 13.79
28.1.79

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

COMMENTS ON ALLEGATIONS NOTED ON PAGE 1:
IN NATIONAL CAPITAL'S OFFICE.

I, Bruce Richard Davies, Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this 21st day of November, 1979.

SUPERVISED RELEASE 11302

(ENROUTE THE AIRWAY)
 WROTE TO THE PUBLIC
 OBJECT TO THE STEAMER
 FOR WATER SUPPLY
 OBTAINED BY DEALING
 WITH THE 4 THE
 CARGEMENT FOR
 TRANSMISSION LINE
 CREATED BY COLV BRIDGE
 1962
 APPROX OF LOT 8 AND
 ACCORDING TO THE
 OF THE STATE OF
 1962

Advertisement for the new, improved, 1974
Peugeot 204 (1974) 1300 cc. 115 hp. 1500 cc. 130 hp. 1600 cc. 150 hp. 1700 cc. 170 hp. 1800 cc. 180 hp. 1900 cc. 190 hp. 2000 cc. 200 hp. 2100 cc. 210 hp. 2200 cc. 220 hp. 2300 cc. 230 hp. 2400 cc. 240 hp. 2500 cc. 250 hp. 2600 cc. 260 hp. 2700 cc. 270 hp. 2800 cc. 280 hp. 2900 cc. 290 hp. 3000 cc. 300 hp. 3100 cc. 310 hp. 3200 cc. 320 hp. 3300 cc. 330 hp. 3400 cc. 340 hp. 3500 cc. 350 hp. 3600 cc. 360 hp. 3700 cc. 370 hp. 3800 cc. 380 hp. 3900 cc. 390 hp. 4000 cc. 400 hp. 4100 cc. 410 hp. 4200 cc. 420 hp. 4300 cc. 430 hp. 4400 cc. 440 hp. 4500 cc. 450 hp. 4600 cc. 460 hp. 4700 cc. 470 hp. 4800 cc. 480 hp. 4900 cc. 490 hp. 5000 cc. 500 hp. 5100 cc. 510 hp. 5200 cc. 520 hp. 5300 cc. 530 hp. 5400 cc. 540 hp. 5500 cc. 550 hp. 5600 cc. 560 hp. 5700 cc. 570 hp. 5800 cc. 580 hp. 5900 cc. 590 hp. 6000 cc. 600 hp. 6100 cc. 610 hp. 6200 cc. 620 hp. 6300 cc. 630 hp. 6400 cc. 640 hp. 6500 cc. 650 hp. 6600 cc. 660 hp. 6700 cc. 670 hp. 6800 cc. 680 hp. 6900 cc. 690 hp. 7000 cc. 700 hp. 7100 cc. 710 hp. 7200 cc. 720 hp. 7300 cc. 730 hp. 7400 cc. 740 hp. 7500 cc. 750 hp. 7600 cc. 760 hp. 7700 cc. 770 hp. 7800 cc. 780 hp. 7900 cc. 790 hp. 8000 cc. 800 hp. 8100 cc. 810 hp. 8200 cc. 820 hp. 8300 cc. 830 hp. 8400 cc. 840 hp. 8500 cc. 850 hp. 8600 cc. 860 hp. 8700 cc. 870 hp. 8800 cc. 880 hp. 8900 cc. 890 hp. 9000 cc. 900 hp. 9100 cc. 910 hp. 9200 cc. 920 hp. 9300 cc. 930 hp. 9400 cc. 940 hp. 9500 cc. 950 hp. 9600 cc. 960 hp. 9700 cc. 970 hp. 9800 cc. 980 hp. 9900 cc. 990 hp. 10000 cc. 1000 hp. 10100 cc. 1010 hp. 10200 cc. 1020 hp. 10300 cc. 1030 hp. 10400 cc. 1040 hp. 10500 cc. 1050 hp. 10600 cc. 1060 hp. 10700 cc. 1070 hp. 10800 cc. 1080 hp. 10900 cc. 1090 hp. 11000 cc. 1100 hp. 11100 cc. 1110 hp. 11200 cc. 1120 hp. 11300 cc. 1130 hp. 11400 cc. 1140 hp. 11500 cc. 1150 hp. 11600 cc. 1160 hp. 11700 cc. 1170 hp. 11800 cc. 1180 hp. 11900 cc. 1190 hp. 12000 cc. 1200 hp. 12100 cc. 1210 hp. 12200 cc. 1220 hp. 12300 cc. 1230 hp. 12400 cc. 1240 hp. 12500 cc. 1250 hp. 12600 cc. 1260 hp. 12700 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2320 hp. 23300 cc. 2330 hp. 23400 cc. 2340 hp. 23500 cc. 2350 hp. 23600 cc. 2360 hp. 23700 cc. 2370 hp. 23800 cc. 2380 hp. 23900 cc. 2390 hp. 24000 cc. 2400 hp. 24100 cc. 2410 hp. 24200 cc. 2420 hp. 24300 cc. 2430 hp. 24400 cc. 2440 hp. 24500 cc. 2450 hp. 24600 cc. 2460 hp. 24700 cc. 2470 hp. 24800 cc. 2480 hp. 24900 cc. 2490 hp. 25000 cc. 2500 hp. 25100 cc. 2510 hp. 25200 cc. 2520 hp. 25300 cc. 2530 hp. 25400 cc. 2540 hp. 25500 cc. 2550 hp. 25600 cc. 2560 hp. 25700 cc. 2570 hp. 25800 cc. 2580 hp. 25900 cc. 2590 hp. 26000 cc. 2600 hp. 26100 cc. 2610 hp. 26200 cc. 2620 hp. 26300 cc. 2630 hp. 26400 cc. 2640 hp. 26500 cc. 2650 hp. 26600 cc. 2660 hp. 26700 cc. 2670 hp. 26800 cc. 2680 hp. 26900 cc. 2690 hp. 27000 cc. 2700 hp. 27100 cc. 2710 hp. 27200 cc. 2720 hp. 27300 cc. 2730 hp. 27400 cc. 2740 hp. 27500 cc. 2750 hp. 27600 cc. 2760 hp. 27700 cc. 2770 hp. 27800 cc. 2780 hp. 27900 cc. 2790 hp. 28000 cc. 2800 hp. 28100 cc. 2810 hp. 28200 cc. 2820 hp. 28300 cc. 2830 hp. 28400 cc. 2840 hp. 28500 cc. 2850 hp. 28600 cc. 2860 hp. 28700 cc. 2870 hp. 28800 cc. 2880 hp. 28900 cc. 2890 hp. 29000 cc. 2900 hp. 29100 cc. 2910 hp. 29200 cc. 2920 hp. 29300 cc. 2930 hp. 29400 cc. 2940 hp. 29500 cc. 2950 hp

[illegible]

Mail/Zip Box	NAME
LAO 177	SOUTH KAMA
PA 6	KAMA
CHRY	CAMDEN

PLAN
OF SUBDIVISION OF
LOT 1 ON DP 570811,
LOT 1 ON DP 594271
PART OF CONVEYANCE
BET 190341075 AND
190341076
DATED APRIL 1, 2000

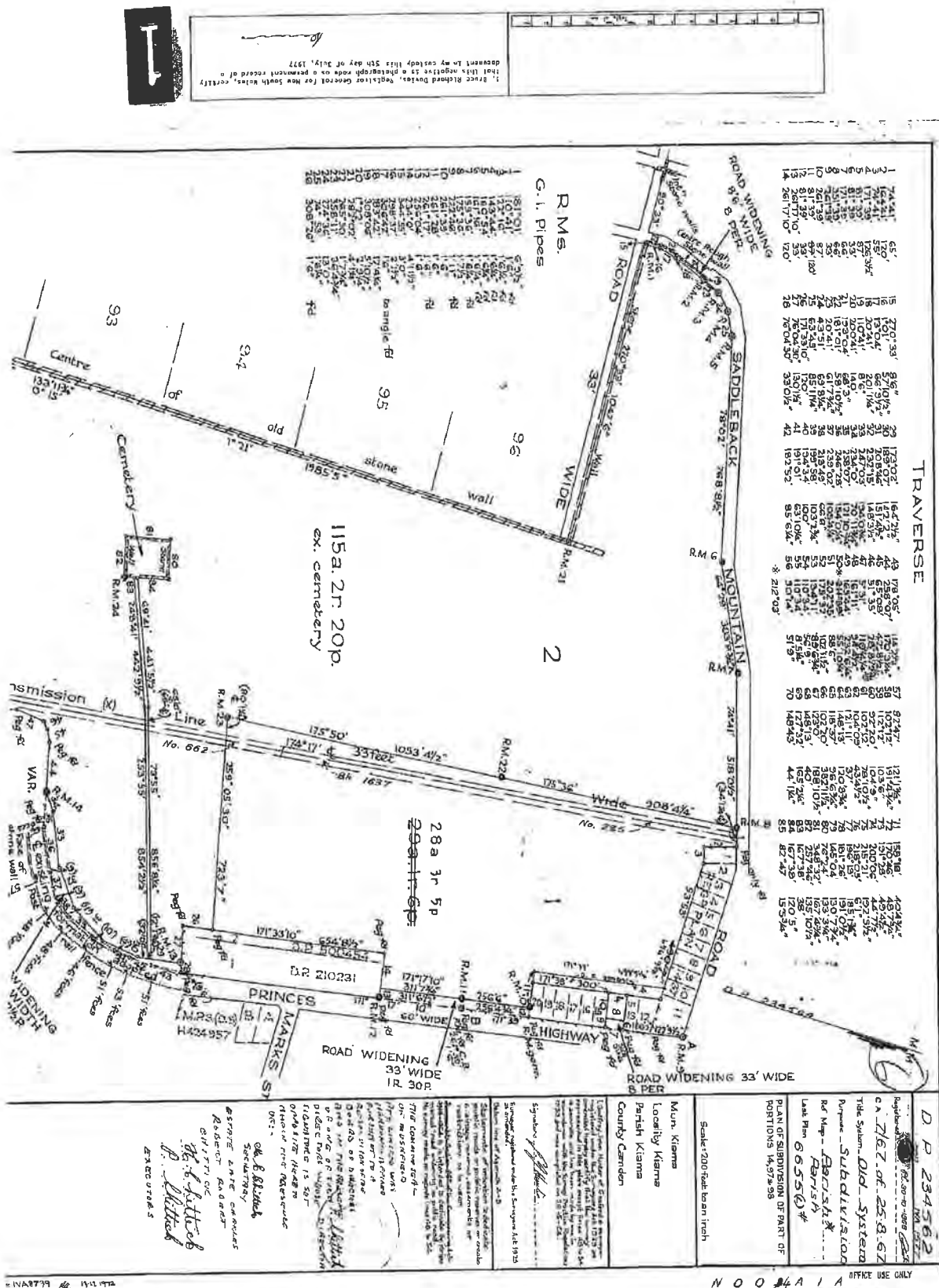
RAJ: [REDACTED] 3 4 1979
 CA NO 67/78 OF 27-10-1977
 TIDE SWIM TIRENS FOLD SYSTEM
 PAPER SUBDIVISION
 REL MID KAMA SH 20 *
 DP 8793 * DP 84962
 LIT PLO NO 57871 DBS 01-272

D.P. 258605

• OFFICE USE ONLY

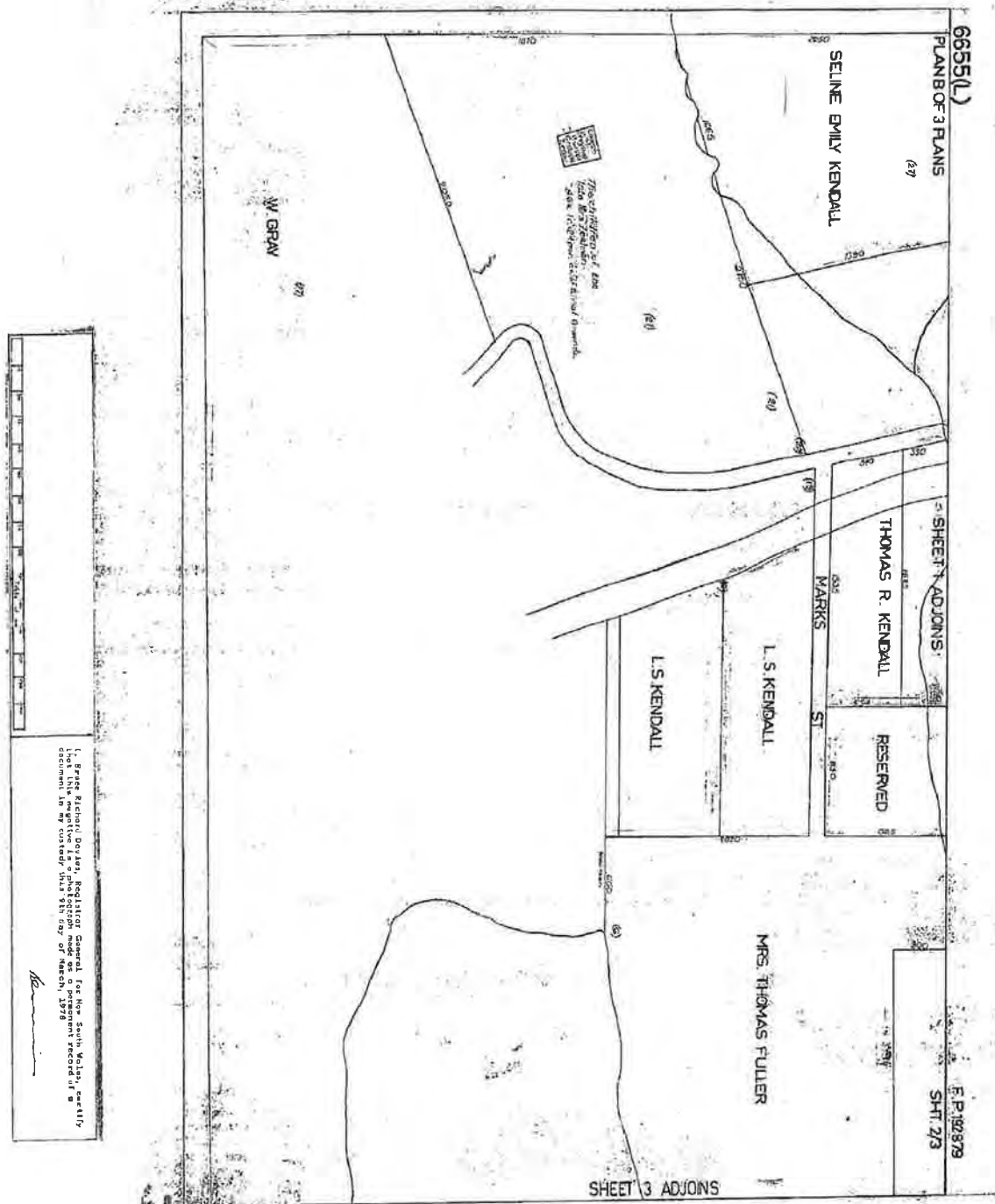
[illegible]

[illegible]



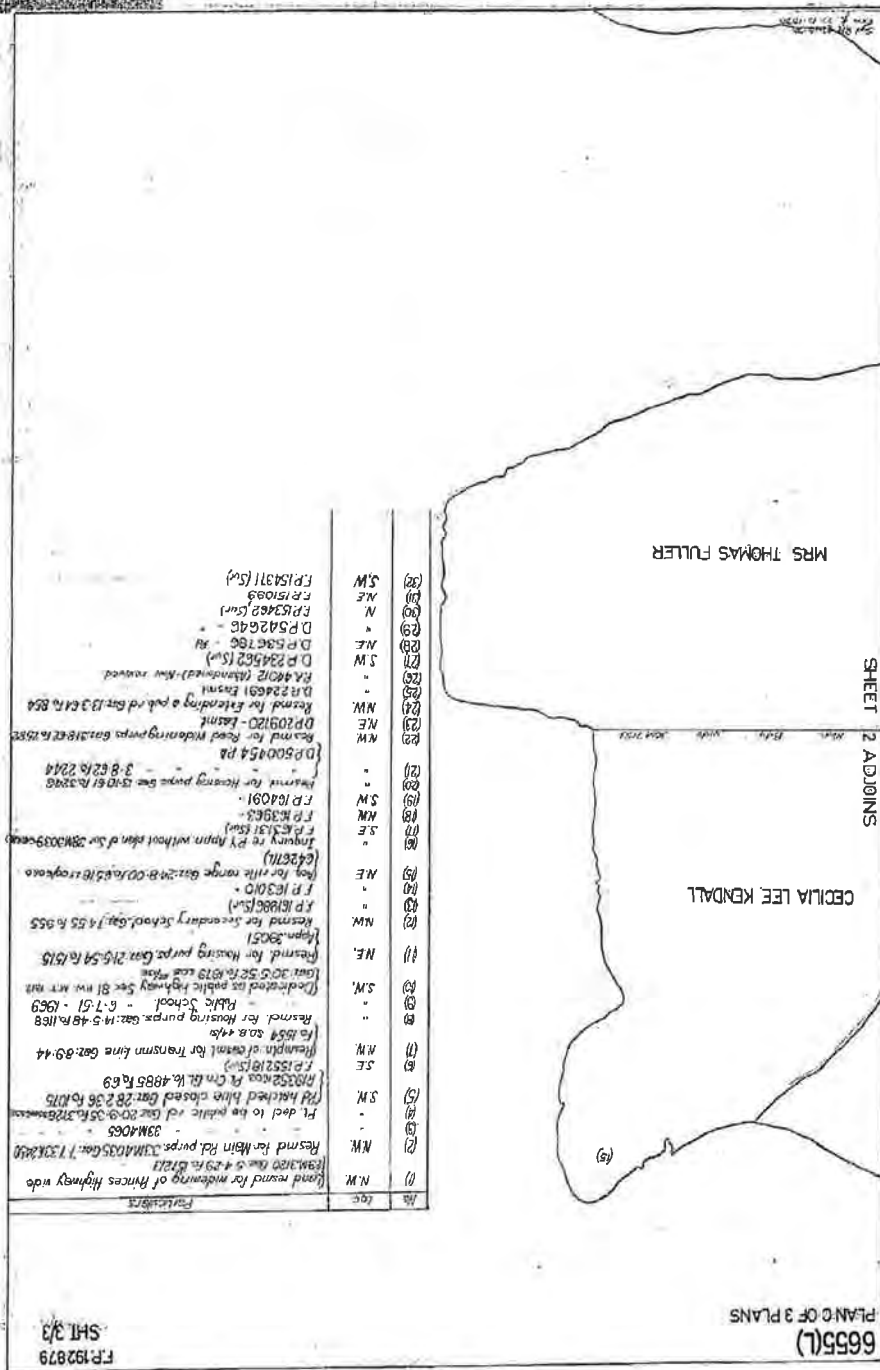
[illegible]





CONGRESSIONAL TALENT ACQUISITION PROGRAMS DISPATCHES BY NUMBER	
DP 192379 SH 2/3	
LINCS	METRIS
370	0-3935
340	10-6301
340	1-1-867
300	1-6-923
830	14-4-923
950	181-001
1395	227-583
1390	30-6-424
1325	30-6-793
1325	35-4-908
1665	35-4-908
1870	37-4-184
2042	40-0-359
2650	53-1-995
2750	53-1-12
2820	53-1-924

I, the undersigned, certify that the map is a true and correct copy of the original map as shown to me by the person who submitted it, and that the same is a true and correct copy of the original map as shown to me by the person who submitted it, and that the same is a true and correct copy of the original map as shown to me by the person who submitted it.



COMMISSIONER OF LANDS
DEPARTMENT OF LANDS
DP 192879 SH 3/3
AC RO P SO M
1 - 4047

NEW SOUTH WALES

CERTIFICATE OF TITLE
PROPERTY ACT, 1900, as amended.



EN

Vol. **11000** Fol. **15**

Edition issued 5-5-1969

CANCELLED

1VA No. 1577

I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

Witness *M. Flint*

J. Watson
Registrar General.



ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 2 in Deposited Plan 234562 at Kiama in the Municipality of Kiama Parish of Kiama and County of Camden being part of Portion 14 granted to Thomas Rendell on 8-3-1831 and part of Portions 97 and 98 separately granted to George Gray on 16-4-1855.

FIRST SCHEDULE

MUSEFIELD PTY. LIMITED.

J. Watson
Registrar General.

SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grants above referred to.
2. CAPTION No. L328016 pursuant to Section 283 of the Real Property Act, 1900.
3. Easement for Transmission Line affecting the strip of land noted "Easement for Transmission Line 33 feet Wide" in the plan hereon created by Deed Book 1507 No. 662.

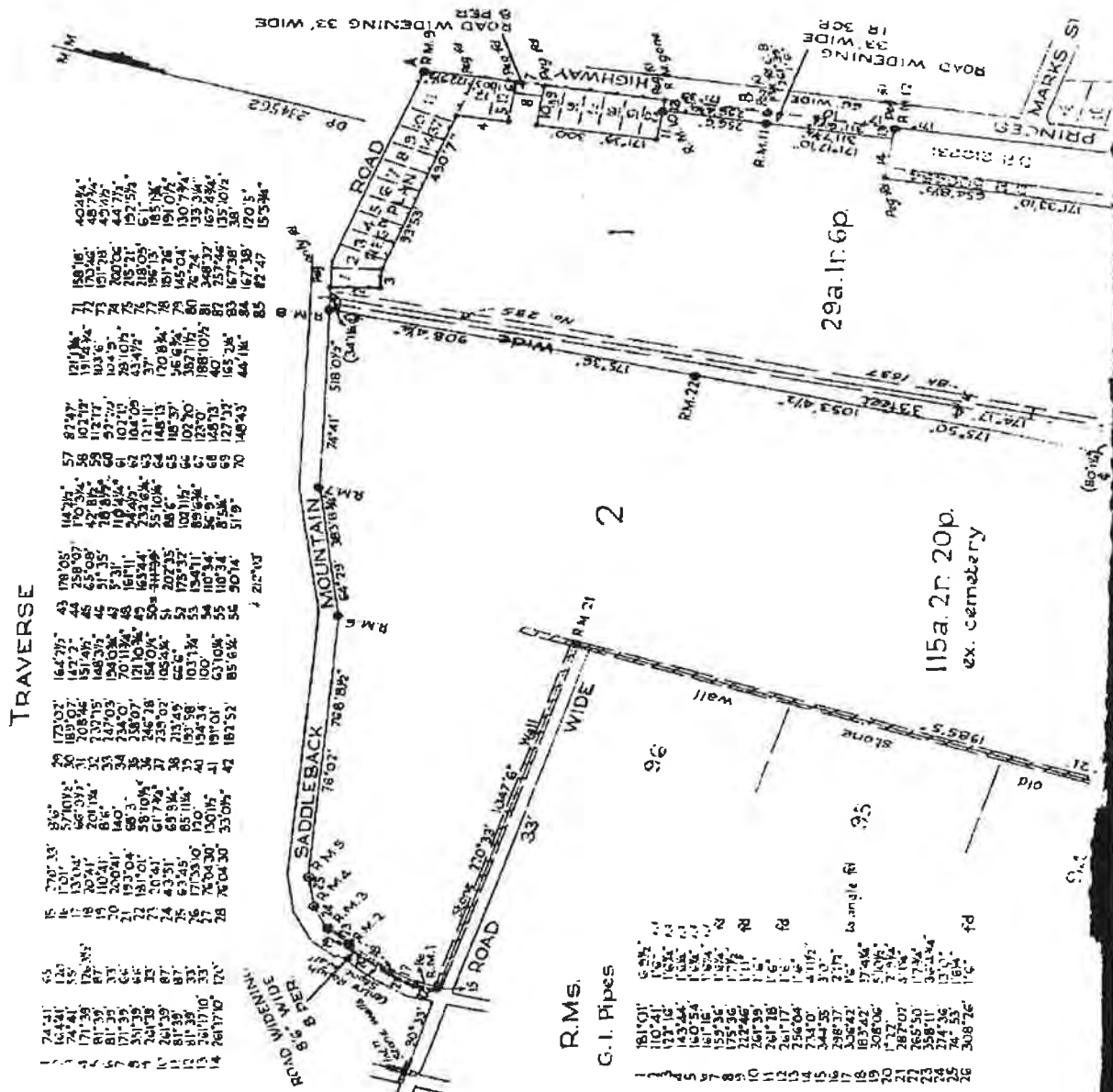
J. Watson
Registrar General.

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED.

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE.

(Page 1) Vol. 11000 Fol. 15



Vol

11000

Fol.

15

(Page 3 of 4 pages)

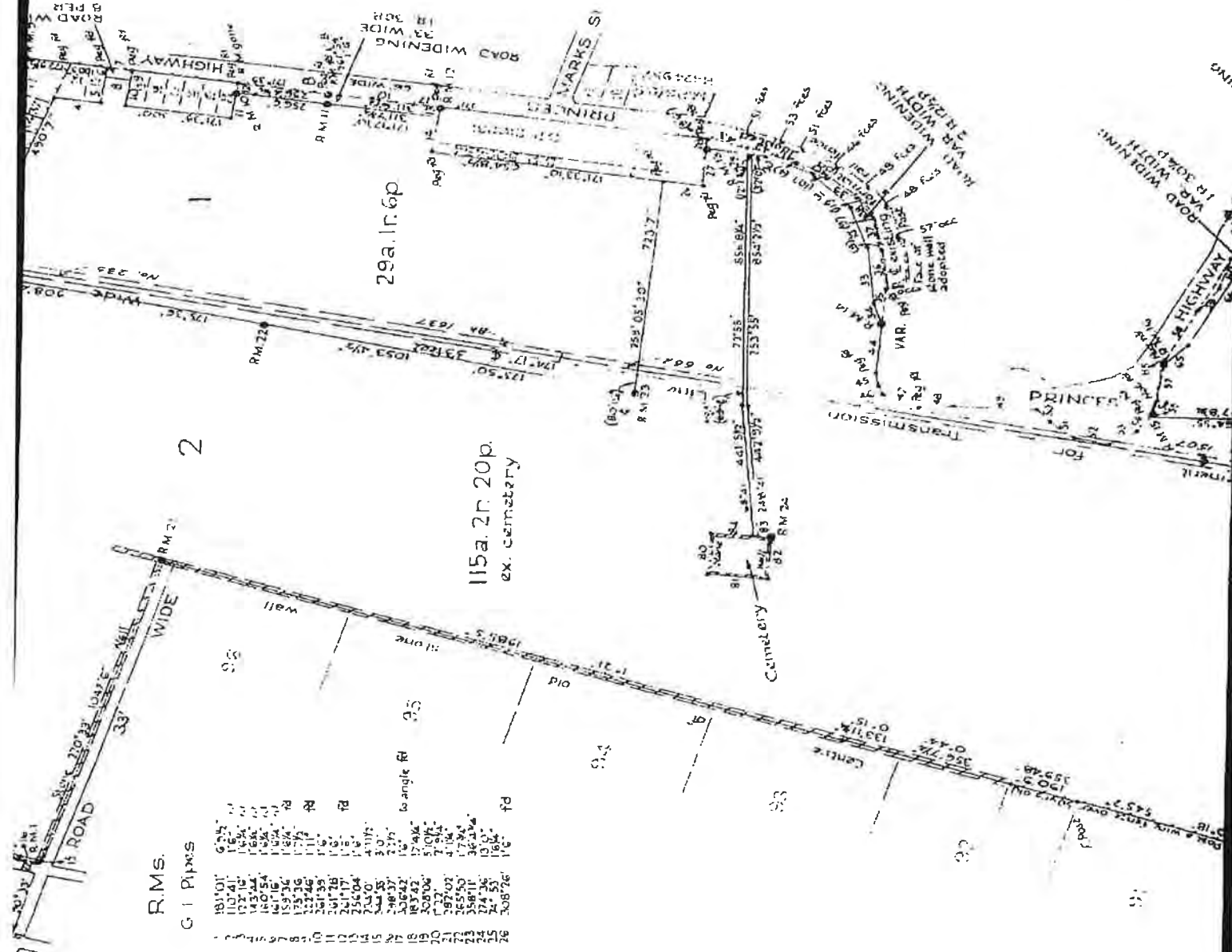
R.Ms.

G I Pikes

1	193101	6.25	1.5
2	110741	1.5	1.5
3	113115	1.5	1.5
4	143242	1.5	1.5
5	140554	1.5	1.5
6	159136	1.5	1.5
7	175136	1.5	1.5
8	122146	1.5	1.5
9	251139	1.5	1.5
10	201128	1.5	1.5
11	251117	1.5	1.5
12	25604	1.5	1.5
13	7310	1.5	1.5
14	24837	1.5	1.5
15	20642	1.5	1.5
16	20542	1.5	1.5
17	20702	1.5	1.5
18	26550	1.5	1.5
19	35811	1.5	1.5
20	27436	1.5	1.5
21	2455	1.5	1.5
22	30876	1.5	1.5

115a.2n.20p.
ex. cemetery

29a.1n.6p



FIRST SCHEDULE (continued)

REGISTERED PROPRIETOR

NATURE INSTRUMENT NUMBER DATE



ENTERED Signature of Registrar General

This deed is cancelled as to whole

New Certificates of Title have issued on 15-1-1973.

for lots in deposited Plan No. 5115377 as follows:

Lots 1 and 2 Vol. 11000 Fol. 14 and 15 respectively.


 REGISTRAR GENERAL
 

SECOND SCHEDULE (continued)

NATURE INSTRUMENT NUMBER DATE

PARTICULARS

ENTERED

Signature of Registrar General

CANCELLATION

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

NEW SOUTH WALES

IVA No. 1577

Prior Title Vol.11000 Fol. 15

STATE OF TITLE
CERTIFICATE OF TITLE ACT, 1900, as amended.



Vol. **11507** Fol. **59**

Edition issued 15-1-1971

CANCELLED

I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

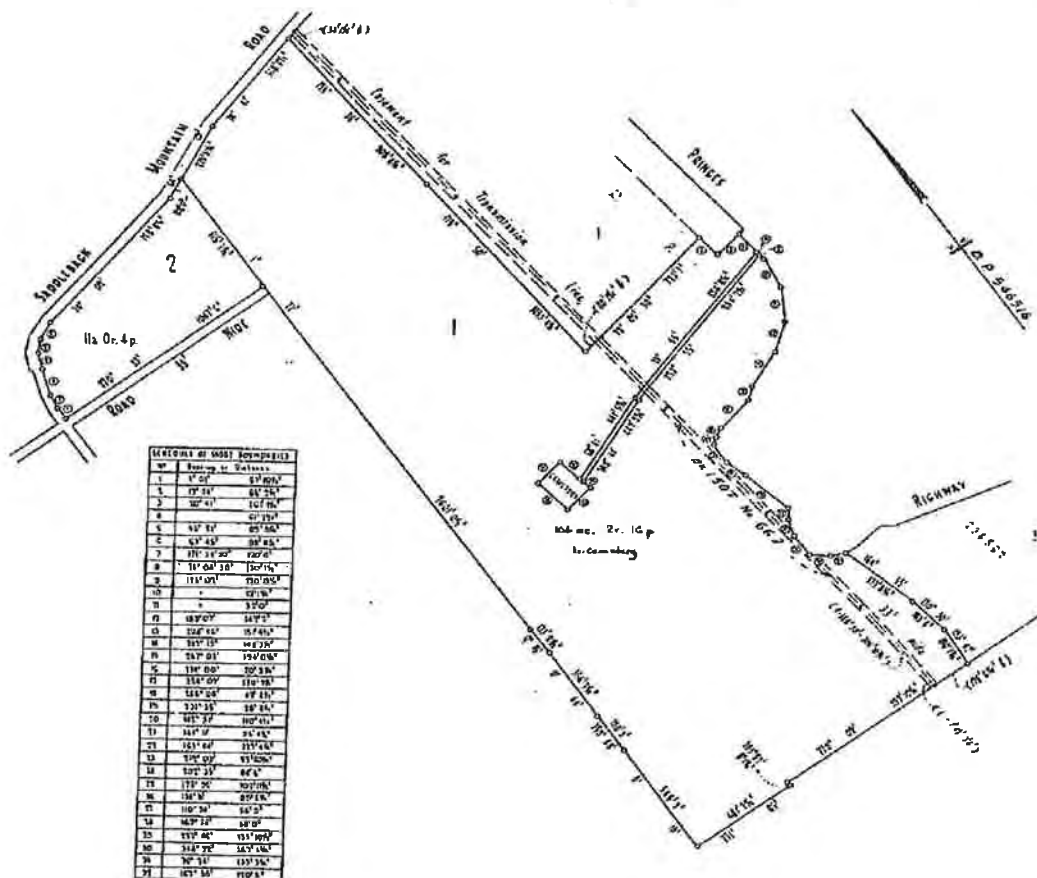
Witness

Barnes

Jaulatson
Registrar General.



PLAN SHOWING LOCATION OF LAND



ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 1 in Deposited Plan 546516 at Kiama in the Municipality of Kiama Parish of Kiama and County of Camden being part of Portion 14 granted to Thomas Kendall on 8-3-1831.

FIRST SCHEDULE

MUSKFIELD PTY. LIMITED.

SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.
2. CAUTION No. L328016 pursuant to Section 26J Real Property Act, 1900.
3. Easement for Transmission Line created by Deed Book 1507 No. 662 affecting the piece of land shown as "Easement for Transmission Line 33' wide" in the plan hereon.

Jaulatson
Registrar General.

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED.

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE LAND TITLES OFFICE.

FIRST SCHEDULE (continued)

2

REGISTERED PROPRIETOR

Dinner Pasquetto Pay 5000
 Maria Mary & Robert Conway Pay 5000

NEW CERTIFICATES OF TITLE ISSUING ON DP 594271
NO DEALING TO BE ENGAGED WITHOUT REFERENCE TO

This card is cancelled as to Michael
New certificate Title here issued on 17-3-78

for lots in	degraded	59427
	1353	115 116
lots	12	133154
	7369	

REGISTRAR GENERAL

SECOND SCHEDULE (continued)

NAME	INSTRUMENT NUMBER	DATE	PARTICULARS	ENTERED	Signature of Registrar-General	CANCELLATION
Transfer	N883654	21.5.1974	Easement for water supply as more fully set out in the said instrument affecting that part of the land within described above as "Proposed Easement 15 feet wide" in DP 545388	13.3.1975	<i>James</i>	

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR-GENERAL ARE CANCELLED

NEW SOUTH WALES

B



CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



13592115

IVA No.1577

Prior Title Vol.11507 Fol. 59

Vol. 13592 Fol. 115



CANCELLED

EDITION ISSUED

11 4 1978

I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

[Signature]

Registrar General.

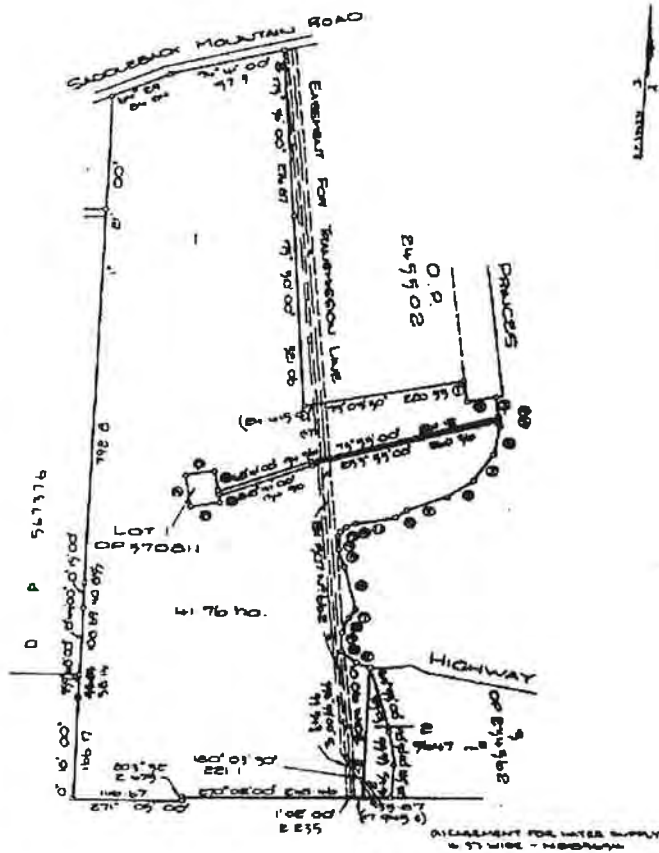


PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES

SCHEDULE OF SHORT BOUNDARIES

LINE	BEARING	DISTANCE
1	7° 55' 00"	76.779
2	10° 00' 00"	79.660
3	175° 08' 00"	36.149
4	175° 08' 00"	7.700
5	175° 08' 00"	5.799
6	180° 00' 00"	49.99
7	80° 15' 00"	1.2
8	84° 05' 00"	59.15
9	84° 05' 00"	21.699
10	84° 05' 00"	91.9
11	84° 05' 00"	15.08
12	84° 05' 00"	8.79
13	84° 05' 00"	33.699
14	84° 05' 00"	88.709
15	84° 05' 00"	70.87
16	84° 05' 00"	17.089
17	84° 05' 00"	88.979
18	84° 05' 00"	9.98
19	84° 05' 00"	87.9
20	84° 05' 00"	17.899
21	84° 05' 00"	11.98
22	84° 05' 00"	11.499
23	84° 05' 00"	7.108
24	84° 05' 00"	10.62
25	84° 05' 00"	76.709



ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 1 in Deposited Plan 594271 at Kiama in the Municipality of Kiama Parish of Kiama and County of Camden being part of Portion 14 granted to Thomas Kendall on 8-3-1831.

FIRST SCHEDULE

KIAMA DAIRY & PASTORAL COMPANY, LTD., LIMITED.

SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.
2. ~~Caution No. 1328016 pursuant to Section 28J Real Property Act, 1900, Cancelled R7262~~
3. Deed Book 1507 No.662. Easement for Transmission Line affecting the part of the land above described shown so burdened in Deposited Plan 594271.
4. N883654 Easement for Water Supply affecting the part of the land above described shown so burdened in Deposited Plan 594271.

20946:541(75)

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

13592 115
(Page 1) Vol. 13592 Fol. 115

NEW SOUTH WALES

IWA Nos.1577 and 31108

Prior Title Vol.13592 Fol.115
(Part)

CERTIFICATE OF TITLE

PROPERTY ACT, 1900



13951206

Vol. 13951 Fol. 206

EDITION ISSUED
13 9 1979

I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

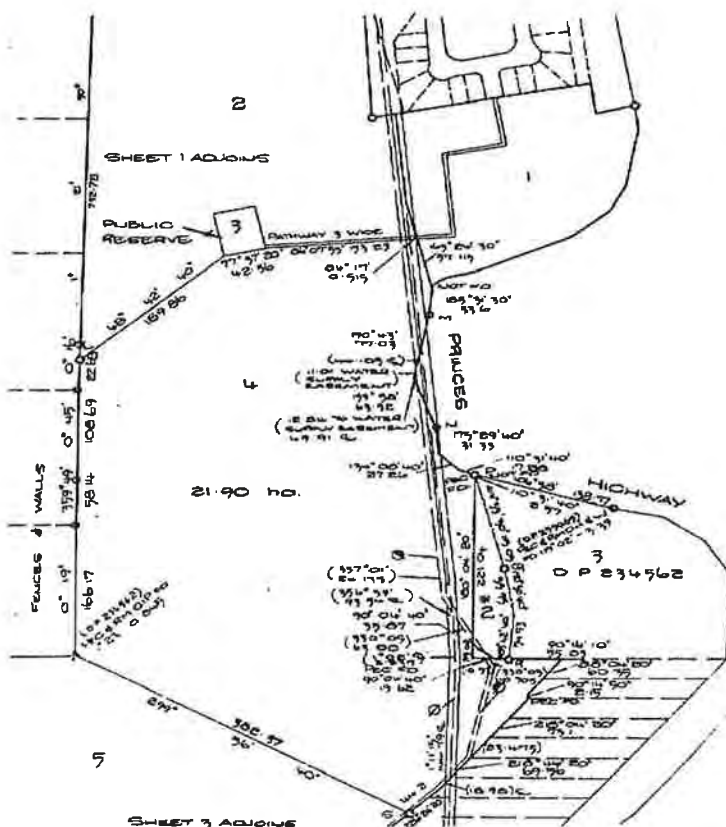
[Signature]
Registrar General.



PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES

CANCELLED



REFERENCE MARKS	
L	QIP 220° 42' 3"
M	QIP (50) 150° 51' 11.9 (DP 239903)
L	CHW (50) 2° 00' 16" 11' 5 4 (DP 239903)
P	QIP 150° 00' 20" 0.5
Q	QIP (50) 74° 54' 0 465 (DP 234562)
R	QIP (50) 103° 43' 5 29 (DP 234562)
S	QIP 119° 56' 40" 1.51

- 1 EASEMENT FOR WATER SUPPLY 1/883654
- 2 EASEMENT FOR TRANSMISSION LINE 10.00 WDS CREATED BY DEED BK 1507 LP 462
- 3 EASEMENT FOR TRANSMISSION LINE 10.00 WDS CREATED BY DEED BK 1507 LP 462
- 4 EASEMENT FOR TRANSMISSION LINE 10.00 WDS CREATED BY DEED BK 1507 LP 462
- 5 EASEMENT FOR TRANSMISSION LINE 10.00 WDS CREATED BY DEED BK 1507 LP 462
- 6 EASEMENT FOR TRANSMISSION LINE 10.00 WDS CREATED BY DEED BK 1507 LP 462

1979M7

[Signature]
Reg. Gen.
18-10-1979

ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 4 in Deposited Plan 258605 at Kiama in the Municipality of Kiama Parish of Kiama and County of Camden being part of Portion 13 granted to William Montague Manning on 23-8-1839 and part of Portion 14 granted to Thomas Kendall on 8-3-1831.

FIRST SCHEDULE

KIAMA DAIRY & PASTORAL CO. PTY. LIMITED.

SECOND SCHEDULE

- Reservations and conditions, if any, contained in the Crown Grants above referred to.
- CAUTION. The land within described is held subject to any subsisting interest (as defined in section 28A of the Real Property Act, 1900, as regards the part comprised in Deed Book 3293 No. 774.
- ~~R340653~~ ~~Granted by the Registrar General as regards the part comprised in Deed Book 3293 No. 774. Withdrawn R504851~~
- ~~Book 1507 No. 662 Easement for Transmission Line affecting the land shown so burdened in the plan hereon.~~
- ~~N883654 Easement for Water Supply affecting the land shown so burdened in the plan hereon.~~
- ~~Book 3261 No. 457 Easement for Water Supply affecting the land shown so burdened in the plan hereon.~~

1979M7

[Signature]
Reg. Gen.
17-10-1979

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE REGISTRAR GENERAL'S OFFICE.

13951 Fol. 206
(Page 1) Vol.

1979M7

[Signature]
Reg. Gen.
18-10-1979

RG 2/62

[illegible]

REFR SDS
11/27/02 (wv)
504451 T/L
DP 740252
W912830 T/L
1 T/L
(Late 7, 8, 90 CH)
D0700052

[illegible]

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

13/1/2017 2:11PM

FOLIO: 5/740252

First Title(s): OLD SYSTEM

Prior Title(s): VOL 13951 FOL 206

Recorded	Number	Type of Instrument	C.T. Issue
-----	-----	-----	-----
19/2/1987	DP740252	DEPOSITED PLAN	LOT RECORDED FOLIO NOT CREATED
30/7/1987	W912831	TRANSFER	FOLIO CREATED EDITION 1
5/7/1995	0356941	TRANSFER	EDITION 2
28/4/1999	5778925	DEPARTMENTAL DEALING	
27/9/2000	7112744	TRANSFER	
27/9/2000	7112745	MORTGAGE	EDITION 3
28/10/2016	AK877132	CAVEAT	

*** END OF SEARCH ***

TRANSFER

Real Property Act, 1900



0
356941 G



Office of State Revenue and Utility

OFFICE OF STATE REVENUE
1994/95 **STAMP DUTY (N.S.W. TREASURY) W8**
DUTY \$ 2 - 1ST REC NO 90021392

(A) LAND TRANSFERRED

Show no more than 20 References to Title.
If appropriate, specify the share transferred.

FOLIO IDENTIFIER 5/740252

(B) LODGED BY

L.T.O. Box

Name, Address or DX and Telephone

46X

M. J. ARMSTRONG

REFERENCE (max. 15 characters):

MARTINS - FANAIAIAN

(C) TRANSFEROR

JOHN GRAHAM PTY LIMITED ACN 000 466 080

(D) acknowledges receipt of the consideration of \$350,000.00

and as regards the land specified above transfers to the Transferee an estate in fee simple

(E) subject to the following **ENCUMBRANCES**

1. 2. 3.

(F) TRANSFEE

T
TS
(s713 LGA)
TW
(Sheriff)

JAMSHID FANAIAIAN and MAHNAZ FANAIAIAN as Joint Tenants as to a one-half share AND MASSOUD FANAIEYAN and (ZIBA FANAIEYAN) as Joint Tenants as to a one-half share
ZIBA FANAIEYAN

(G) **TENANCY:** TENANTS IN COMMON

(H) We certify this dealing correct for the purposes of the Real Property Act, 1900. **DATED** 15 July 1995

Signed in my presence by the Transferor who is personally known to me.

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address of Witness

The Common Seal of John Graham Pty Limited was hereunto affixed with the authority of the Board of Directors and in the presence of:-

Director



Signature of Transferor Secretary

Signed in my presence by the Transferee who is personally known to me.

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address of Witness

Peter John Martin

Signature of Transferee's Solicitor

INSTRUCTIONS FOR FILLING OUT THIS FORM ARE AVAILABLE FROM THE LAND TITLES OFFICE

CHECKED BY (office use only)

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 5/740252

SEARCH DATE	TIME	EDITION NO	DATE
27/1/2017	11:53 AM	3	27/9/2000

LAND

LOT 5 IN DEPOSITED PLAN 740252
AT KIAMA
LOCAL GOVERNMENT AREA KIAMA
PARISH OF KIAMA COUNTY OF CAMDEN
TITLE DIAGRAM DP740252

FIRST SCHEDULE

JAMSHID FANAIAAN
MAHNAZ FANAIAAN
AS JOINT TENANTS (T 7112744)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 W912831 COVENANT
- 3 7112745 MORTGAGE TO WESTPAC BANKING CORPORATION
- * 4 AK877132 CAVEAT BY WHITE CONSTRUCTIONS PTY LIMITED

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: LX AK966831.

*** END OF SEARCH ***

kiama

PRINTED ON 27/1/2017



13951204

NEW SOUTH WALES



CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900

IVA No.1577

Appln. No.54228

Prior Title Vol.13592 Fol.115
(Part)

Vol. 13951 Fol. 204

CANCELLED

EDITION ISSUED

13 9 1979



SEE AUTO FOLIO

I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

[Signature]

Registrar General.



PLAN SHOWING LOCATION OF LAND

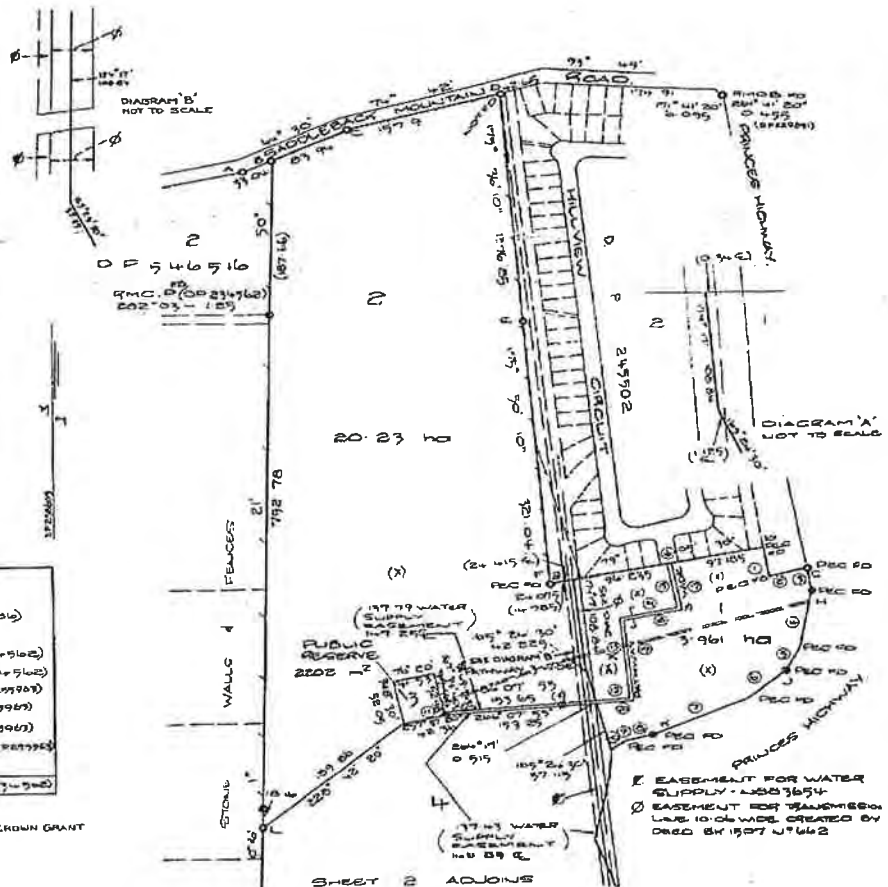
LENGTHS ARE IN METRES

SHORT LINES		
1	171' 35' 10"	36 57
2	76' 04' 30"	39 60.5
3	173' 01'	30 01.5
4	190' 26' 40"	70 7
5	200' 42'	20 60.5
6	230' 15' 20"	72 65
7	245' 44' 20"	106 74
8	230' 00' 10"	21 07
9	245' 00'	13 08
10	231' 35'	8 75
PATHWAY 3 WIDE		
11	94' 34' 40"	32.5
12	84' 17'	33 52
13	75' 17'	96 04
14	77' 05' 30"	79 11.5
15	94' 05' 30"	76 10.5
16	77' 05' 30"	3
17	169' 05' 30"	59 10.5
18	259' 05' 30"	57 38
19	170' 17'	98 3
20	204' 17'	30 09.5

REFERENCE MARKS

A	C.P. (20) 10' 7" 0 465 (DP 10986)
B	C.P. 18' 22' 0 5
C	C.P. (FD) 199' 37' 0 465 (DP 10986)
D	C.P. 175' 34' 0 5 PLACED
E	C.P. (FD) 265' 51' 0 5 (DP 2345102)
F	C.P. (FD) 350' 11' 11 095 (DP 2345102)
G	C.B. (FD) 199' 33' 0 415 (N883654)
H	C.P. (FD) 265' 05' 22.5 (DP 2345102)
I	C.P. (FD) 265' 05' 22.5 (DP 2345102)
J	C.B. (FD) 265' 05' 22.5 (DP 2345102)
K	C.B. (FD) 265' 05' 22.5 (DP 2345102)
L	C.P. 265' 42' 3
M	C.P. (FD) 265' 00' 7 785 (DP 2345102)

(N) SUBJECT TO REBNS & CONDS IN CROWN GRANT



ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 2 in Deposited Plan 258605 at Kiama in the Municipality of Kiama Parish of Kiama and County of Camden being part of Portion 14 granted to Thomas Kendall on 8-3-1831.

FIRST SCHEDULE

KIAMA DAIRY & PASTORALS CO., PTY., LIMITED.

SECOND SCHEDULE

- GRN
AA
1. Reservations and conditions, if any, contained in the Crown Grant above referred to as regards the land shown so burdened in the plan hereon. **TITLE DIAGRAM**
 2. Book 1507 No.662 Easement for Transmission Line affecting the land shown so burdened in the plan hereon. **ET(SB)**
 3. N883654 Easement for Water Supply affecting the land shown so burdened in the plan hereon. **EF(SB)**

REGISTERED PROPRIETOR		INSTRUMENT		REGISTERED	Signature of Registrar General
		NATURE	NUMBER		
First & Alfred Herbert of Karama, Farmer					
Position from Jones in 1 share and Maria Adell Singleton in 1 share as tenants in common by Transmission T394567. Registered 21-9-1962.					
Maria Adell Singleton by Transfer V233400. Registered 18-7-1961					
Maria Adell Singleton as to lot 1 in DP 707300 and the Commissioner for Main Roads as to lot 5 in DP 707300 (proposed motorway) by Transfer V494566. Registered 8-2-1985					
Maria Adell Singleton as to lots 1 and 4 in D.P. 707300 and the Commissioner for Main Roads as regards the residue being lot 5 in D.P. 707300 (proposed motorway) by Transfer V484566. Registered 8-2-1985.					

W22 D. Folmar

Ref: 5106
D-775404
Ref: Klamath
R611058715
7230567715
V233404R
DP 7071300
C-M-E
1503 11-9-04
CT 6 NOV 1984
V450566T
C-21 R33

[illegible]

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

13/1/2017 2:11PM

FOLIO: 1/707300

First Title(s): OLD SYSTEM

Prior Title(s): VOL 13951 FOL 204

Recorded	Number	Type of Instrument	C.T. Issue
11/9/1984	DP707300	DEPOSITED PLAN	LOT RECORDED FOLIO NOT CREATED
27/6/1985	V484566	TRANSFER	FOLIO CREATED EDITION 1
29/1/1999	5554371	TRANSMISSION APPLICATION	EDITION 2
10/8/2005	AB685012	TRANSMISSION APPLICATION	EDITION 3

*** END OF SEARCH ***

Ref:kiama /Src:M

97-03 TA



① TRANSMISSION APPLICATION

Section 93 Real Property Act 1900

5554371T



OFFICE OF STATE REVENUE (N.S.W. TREASURY)	
CLIENT No. 36891	STAMP No. 212
STAMP DUTY \$10.00	SIGNATURE <i>[Signature]</i>
TRANSACTION No. 12	DATE 22-1-99
ASSESSMENT DETAILS:	

(A) **LAND**

Show no more than 20 References to Title.

IDENTIFIER 1/707300

(B) **REGISTERED DEALING**

If applicable.

(C) **LODGED BY**

L.T.O. Box 35D	Name, Address or DX and Telephone MORRIS, HAYES & EDGAR LAW STATIONERS 74 CASTLEREAGH ST., SYDNEY DX 420 9232 2411 REFERENCE (max. 15 characters): 1 BH 0283 MAGUIRE
------------------------------	---

(D) **DECEASED REGISTERED PROPRIETOR**

MARIA ADELL SINGLETON

(E) **APPLICANT**

TA	<u>ARTHUR JAMES SINGLETON</u>
-----------	-------------------------------

(F) I, the Applicant, being entitled as beneficiary of the will/estate of the Deceased Registered Proprietor (who died on 22nd June 1998) pursuant to Probate/Letters of Administration No. 119865/98 granted on 24th December 1998 to me, apply to be registered as proprietor of the estate or interest of the Deceased Registered Proprietor in the Land/Registered Dealing specified above.

(G) Certified correct for the purposes of the Real property Act 1900.

DATE 5th January 1999

Signed in my presence by the Applicant who is personally known to me.

[Signature of Witness]
Signature of Witness

F.M. WERNET
Name of Witness (BLOCK LETTERS)

72 Church St. Wollongong
Address of Witness **Solicitor**

[Signature of Applicant]
Signature of Applicant

EVIDENCE SIGHTED & RETURNED (office use only)

☐

CHECKED BY (office use only)

☐

STAT DEC, N/SALE & PBTE

Evidence is CN Signed by

(H)

CONSENT OF EXECUTOR OR ADMINISTRATOR

I, Executor of the will /Administrator of the estate
of the Deceased Registered Proprietor, hereby consent to this application.

.....
Signature of Witness

.....
Name of Witness (BLOCK LETTERS)

.....
Address of Witness

.....
Signature of Executor/Administrator

INSTRUCTIONS FOR COMPLETION

STAMP DUTY: If the Applicant is a devisee, beneficiary, next-of-kin or otherwise beneficially entitled or if the Deceased Registered Proprietor died prior to 31 December 1981 the application must be presented to the Office of State Revenue prior to lodgment at the Land Titles Office.

1. The Application must be completed clearly and legibly in permanent, dense, black or dark blue non-copying ink. If using a dot-matrix printer the print must be letter-quality.
2. Do not use an eraser or correction fluid to make alterations: rule through rejected material. Initial each alteration in the left-hand margin.
3. If the space provided at any point is insufficient, you may annex additional pages. These must be the same size as the form; paper quality, colour, etc, must conform to the requirements set out in Land Titles Office Information Bulletin No. 19. All pages of any annexure must be signed by the person executing the Application and any attesting witness.
4. The following instructions relate to the marginal letters on the application.

(A) LAND

Show the relevant Reference to Title. If there are more than 20 show none in this panel. Place ALL of them on an annexure (see 3 above) with 20 per sheet.

(B) REGISTERED DEALING

Show the registration number of any lease, mortgage or charge in regard to which the Applicant is applying to be registered as a proprietor.

(C) LODGED BY

This section relates to the person or firm lodging the Application at the Land Titles Office.

Reference (max. 15 characters) This is optional. Any slashes, dots, blank spaces, etc, will be counted as characters.

(D) DECEASED REGISTERED PROPRIETOR

Show the name in full. Address and occupation need not be shown.

(E) APPLICANT

Show the name in full. Address and occupation need not be shown.

(F) WILL/ESTATE, etc

Amend "will/estate", "Probate/Letters of Administration" and "Land/Registered Dealing" as appropriate.

In the relevant spaces show the capacity (executor, devisee, etc) in which the Applicant is entitled to apply, the number and date of grant of the Probate or Letters of Administration pursuant to which the application is made, and the name of the person to whom the grant was made.

(G) EXECUTION

General The application must be executed by or on behalf of the Applicant.

By the Applicant Personally The application must be signed in the presence of an adult witness who is not an Applicant and who knows the party executing personally. The witness should complete the appropriate section of the application.

By the Applicant's Attorney The Power of Attorney must be registered in the General Register of Deeds at the Land Titles Office. The execution should take the form, "AB by her attorney XY [full name] pursuant to Power of Attorney Book 1234 Number 567".

Under Authority If the application is made pursuant to any statutory, judicial or other authority, except a Power of Attorney (see above), the nature of the authority should be disclosed.

By a Corporation under Seal The execution should include a statement that the seal has been properly affixed, for example, "... pursuant to a resolution of the board of directors ...". Alternatively, all those attesting the affixing of the seal must state their position in the corporation.

(H) CONSENT OF EXECUTOR OR ADMINISTRATOR

This is required only where the Applicant claims to be entitled other than as executor, administrator or trustee.

The completed Application must be lodged by hand at the LAND TITLES OFFICE, Queen's Square, Sydney, together with the Certificate of Title, the probate or letters of administration (or a copy thereof certified by a solicitor to be a true copy) and a completed Notice of Sale.

If you have any questions about filling out the form, please call 228-6666 and ask for our Customer Services Branch.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/707300

SEARCH DATE	TIME	EDITION NO	DATE
27/1/2017	11:53 AM	3	10/8/2005

LAND

LOT 1 IN DEPOSITED PLAN 707300
AT KIAMA
LOCAL GOVERNMENT AREA KIAMA
PARISH OF KIAMA COUNTY OF CAMDEN
TITLE DIAGRAM DP707300

FIRST SCHEDULE

LEE JAMES SINGLETON

(TA AB685012)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 V484566 COVENANT

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

kiama

PRINTED ON 27/1/2017

ABN: 42 166 543 255
Ph: 02 9099 7400
Fax: 02 9232 7141

Level 14, 135 King Street, Sydney 2000
GPO Box 4103 Sydney NSW 2001
DX 967 Sydney

Summary of Owners Report

LPI

Sydney

Address: 8 & 11 Weir Street, Kiama Heights

Description: - Lots 102 & 101 D.P. 1077617

Search as regards Lot 102 D.P. 1077617

As regards the part tinted blue on the attached Cadastre

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
09.04.1907 (1907 to 1944)	Elizabeth Stewart (Married Woman) & her deceased estate	Book 824 No. 601
22.11.1944 (1944 to 1951)	Edward William Johnston Stewart (Retired)	Book 1955 No. 289
18.01.1951 (1951 to 1958)	Charles Henry Chittick (Farmer)	Book 2158 No. 101
03.03.1958 (1958 to 1971)	C.R. Chittick & Sons Pty Limited Now Muskfield Pty Limited	Book 2439 No. 870
12.02.1971 (1971 to 1971)	Culmone Properties Pty Limited	Book 3003 No. 522
15.02.1971 (1971 to 1979)	Kiama Dairy & Pastoral Co Pty Limited	Book 3003 No. 523
11.05.1979 (1979 to Date)	# Alexander Meadows Rendel (Solicitor) # Diana Iris Rendel (Married Woman)	Book 3366 No. 961 Now 102/1077617

Denotes Current Registered Proprietors

Easements: -

- 14.01.2005 (DP1077617) – Easement for Water Supply System Over Existing Tank and Line of Pipes
- 14.01.2005 (DP1077617) – Easement for Cattle Yards Variable Width

Leases: -NIL

ABN: 42 166 543 255
Ph: 02 9099 7400
Fax: 02 9232 7141

Level 14, 135 King Street, Sydney 2000
GPO Box 4103 Sydney NSW 2001
DX 967 Sydney

As regards the part tinted pink on the attached Cadastre

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
13.07.1909 (1909 to 1938)	David Ernest Weir & his deceased estate	Book 885 No. 542
08.10.1938 (1938 to 1952)	Harman Allan Weir (Farmer)	Book 1828 No. 381
04.11.1952 (1952 to 1958)	Charles Robert Chittick (Farmer)	Book 2231 No. 439
03.03.1958 (1958 to 1971)	C.R. Chittick & Sons Pty Limited Now Muskfield Pty Limited	Book 2439 No. 868
12.02.1971 (1971 to 1971)	Culmone Properties Pty Limited	Book 3003 No. 522
15.02.1971 (1971 to 1979)	Kiama Dairy & Pastoral Co Pty Limited	Book 3003 No. 523
11.05.1979 (1979 to Date)	# Alexander Meadows Rendel (Solicitor) # Diana Iris Rendel (Married Woman)	Book 3366 No. 961 Now 102/1077617

Denotes Current Registered Proprietors

Easements: -

- 14.01.2005 (DP1077617) – Easement for Water Supply System Over Existing Tank and Line of Pipes

Leases: - NIL

As regards the part tinted red on the attached Cadastre

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
09.04.1907 (1907 to 1944)	Elizabeth Stewart (Married Woman) & her deceased estate	Book 824 No. 601
22.11.1944 (1944 to 1951)	Edward William Johnston Stewart (Retired)	Book 1955 No. 289
18.01.1951 (1951 to 1958)	Charles Henry Chittick (Farmer)	Book 2158 No. 101
03.03.1958 (1958 to 1971)	C.R. Chittick & Sons Pty Limited Now Muskfield Pty Limited	Book 2439 No. 870
12.02.1971 (1971 to 1971)	Culmone Properties Pty Limited	Book 3003 No. 522
15.02.1971 (1971 to 1979)	Kiama Dairy & Pastoral Co Pty Limited	Book 3003 No. 523
29.05.1979 (1979 to 2005)	Terence John McGill (Solicitor) Patricia Ann McGill (Married Woman)	Book 3367 No. 670 Now 102/1077617
19.05.2005 (2005 to Date)	# Alexander Meadows Rendel (Solicitor) # Diana Iris Rendel (Married Woman)	102/1077617

Denotes Current Registered Proprietors

Easements & Leases: -NIL

ABN: 42 166 543 255
Ph: 02 9099 7400
Fax: 02 9232 7141

Level 14, 135 King Street, Sydney 2000
GPO Box 4103 Sydney NSW 2001
DX 967 Sydney

As regards the part tinted green on the attached Cadastre

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
13.07.1909 (1909 to 1938)	David Ernest Weir & his deceased estate	Book 885 No. 542
08.10.1938 (1938 to 1952)	Harman Allan Weir (Farmer)	Book 1828 No. 381
04.11.1952 (1952 to 1958)	Charles Robert Chittick (Farmer)	Book 2231 No. 439
03.03.1958 (1958 to 1971)	C.R. Chittick & Sons Pty Limited Now Muskfield Pty Limited	Book 2439 No. 868
12.02.1971 (1971 to 1971)	Culmone Properties Pty Limited	Book 3003 No. 522
15.02.1971 (1971 to 1979)	Kiama Dairy & Pastoral Co Pty Limited	Book 3003 No. 523
29.05.1979 (1979 to 2005)	Terence John McGill (Solicitor) Patricia Ann McGill (Married Woman)	Book 3367 No. 670 Now 102/1077617
19.05.2005 (2005 to Date)	# Alexander Meadows Rendel (Solicitor) # Diana Iris Rendel (Married Woman)	102/1077617

Denotes Current Registered Proprietors

Easements: -

- 14.01.2005 (DP1077617) – Easement for Water Supply System Over Existing Tank and Line of Pipes

Leases: -NIL

Search as regards Lot 101 D.P. 1077617

As regards the part tinted purple

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
09.04.1907 (1907 to 1944)	Elizabeth Stewart (Married Woman) & her deceased estate	Book 824 No. 601
22.11.1944 (1944 to 1951)	Edward William Johnston Stewart (Retired)	Book 1955 No. 289
18.01.1951 (1951 to 1958)	Charles Henry Chittick (Farmer)	Book 2158 No. 101
03.03.1958 (1958 to 1971)	C.R. Chittick & Sons Pty Limited Now Muskfield Pty Limited	Book 2439 No. 870
12.02.1971 (1971 to 1971)	Culmone Properties Pty Limited	Book 3003 No. 522
15.02.1971 (1971 to 1979)	Kiama Dairy & Pastoral Co Pty Limited	Book 3003 No. 523
29.05.1979 (1979 to Date)	# Terence John McGill (Solicitor) # Patricia Ann McGill (Married Woman)	Book 3367 No. 670 Now 101/1077617

Denotes Current Registered Proprietors

Easements: -

- 14.01.2005 (DP1077617) – Right of Access 6, 8 Metre (s) Wide and Variable

Leases: -NIL

ABN: 42 166 543 255

Ph: 02 9099 7400

Fax: 02 9232 7141

As regards the part tinted yellow on the attached Cadastre

Level 14, 135 King Street, Sydney 2000

GPO Box 4103 Sydney NSW 2001

DX 967 Sydney

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) & Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
13.07.1909 (1909 to 1938)	David Ernest Weir & his deceased estate	Book 885 No. 542
08.10.1938 (1938 to 1952)	Harman Allan Weir (Farmer)	Book 1828 No. 381
04.11.1952 (1952 to 1958)	Charles Robert Chittick (Farmer)	Book 2231 No. 439
03.03.1958 (1958 to 1971)	C.R. Chittick & Sons Pty Limited Now Muskfield Pty Limited	Book 2439 No. 868
12.02.1971 (1971 to 1971)	Culmone Properties Pty Limited	Book 3003 No. 522
15.02.1971 (1971 to 1979)	Kiama Dairy & Pastoral Co Pty Limited	Book 3003 No. 523
29.05.1979 (1979 to Date)	# Terence John McGill (Solicitor) # Patricia Ann McGill (Married Woman)	Book 3367 No. 670 Now 101/1077617

Denotes Current Registered Proprietors

Easements: -

- 21.05.1974 (Book 3261 No. 457) – Easement for Water Supply 4.57 Metre (s) Wide
- 14.01.2005 (DP1077617) – Right of Access 6, 8 Metre (s) Wide and Variable

Leases: -NIL

Yours Sincerely
James McDonnell
2 February 2017

Locality : KIAMA HEIGHTS

Cadastral Records Enquiry Report

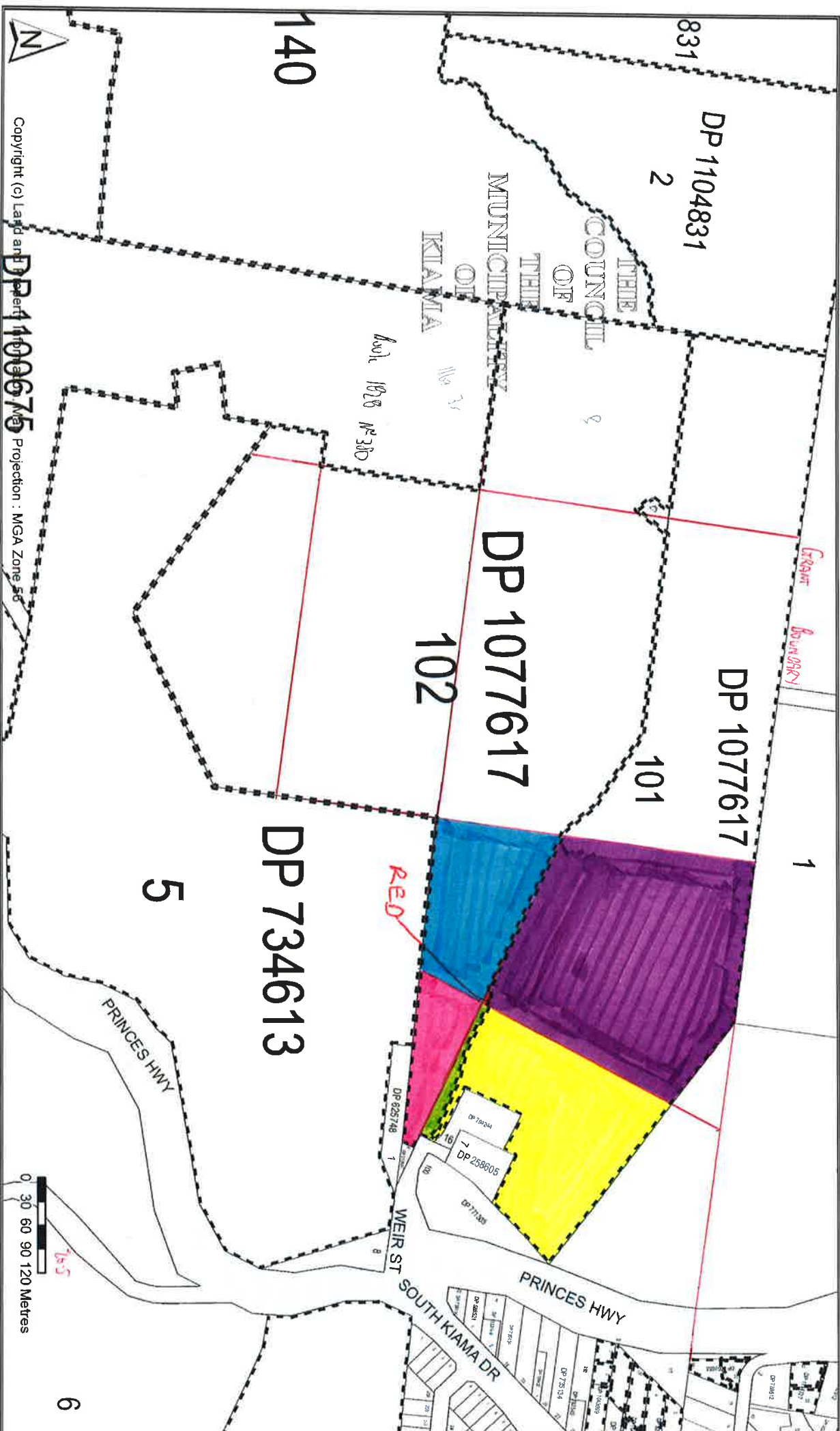
Requested Parcel : Lot 102 DP 1077617

LGA : KIAMA

Parish : KIAMA

Identified Parcel : Lot 102 DP 1077617

County : CAMDEN



Copyright (c) Land and Property Information NSW Projection : MGA Zone 56

Man Drawing only to appear in this space

14-1-2006

Leaflet Film: DP788985, DP794244

NAME OF CLIENT

LOT 9 D.P. 789985

Lengths are in metres Reflection Ratio ≥ 500

Locality **KIAMA HEIGHTS**

This is sheet 1 of my plan

Surveying Regulation 2001

SCARFATT & ASSOC., PO BOX 209,
STIEFEN LESLIE THOMAS

has been made in accordance with the foregoing requirements.

THE COMMON BOND

Have already the last results accepted, a third of the
the plan that is not the subject of the report.

8/11/2008

Surveyor Registered under the Surveying Act 1908
 Datum Line: A-B (SHEET 2) From

Phases used in preparation of survey/comp.

DP 258605
DP 769985

DP 794294

FOR USE ONLY for statements of income

the ongoing review, assessments, restrictions
of kind of positive comments

PURSUANT TO SECTION 88B OF

INTENDED:-

1) TO CREATE:-

1) EASEMENT FOR WATER SUPPLY

LINE OF PIPES:

2) EASEMENT FOR CATTLE YARD.

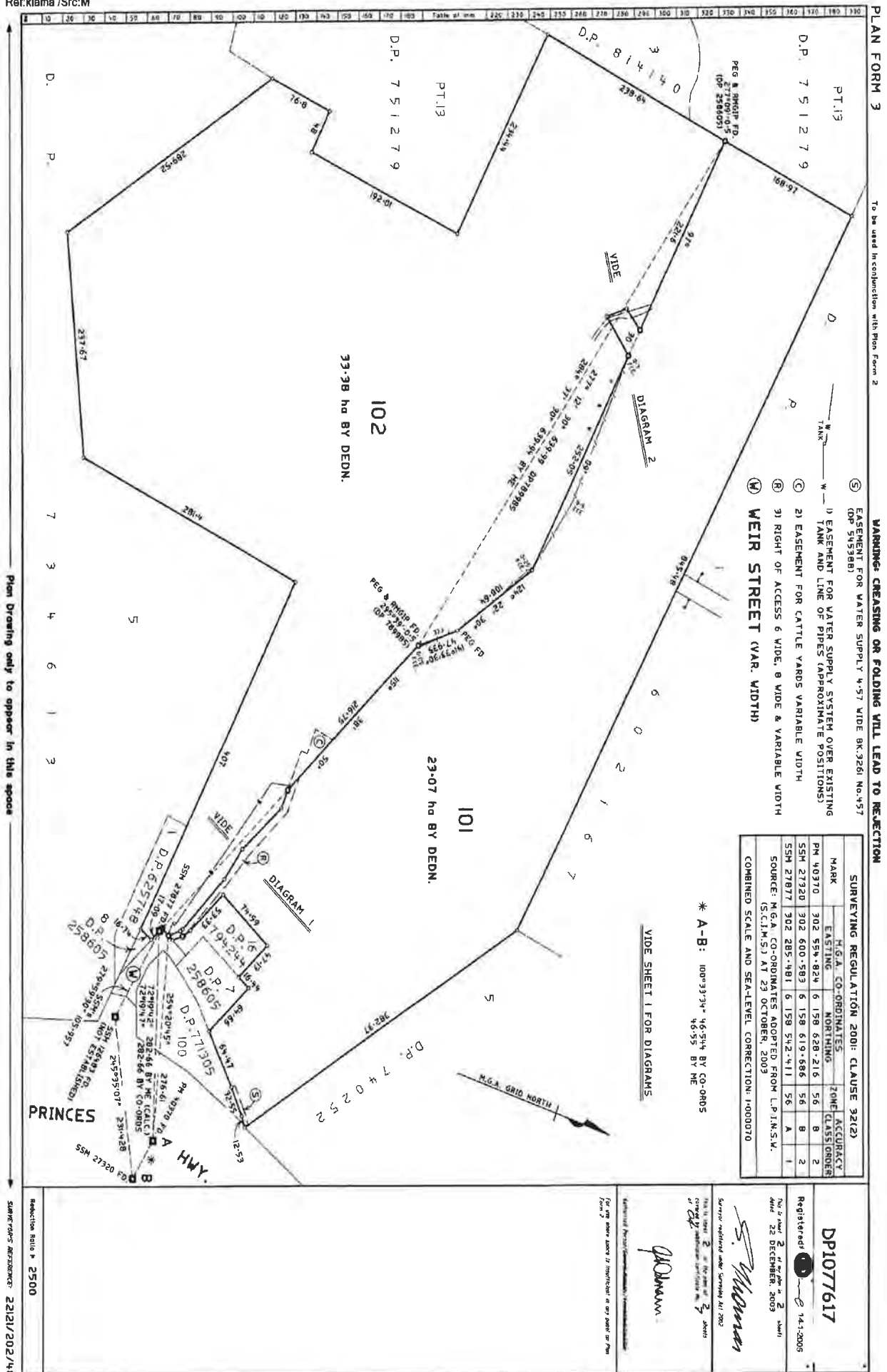
100

5 VARIABLE WIDTH:

ALL TO RELEASE:-

1) RIGHT OF CARRIAGE WAY 6 W

0
1
2
3
4



• OFFICE USE ONLY



NEW SOUTH WALES

PA
061263 U

PRIMARY APPLICATION

SECTION 14, REAL PROPERTY ACT, 1900

\$ 70

Typewriting and hand-writing should be clear, legible and in permanent black non-copying ink. No alterations should be made by erasure; the words corrected must be ruled through and verified by signature or initials in the margin.

(a) Full name and address of person or corporation entitled to the land.
If a person is entitled, the occupation should also be stated.

(b) Give an adequate description of the land, e.g. "Lot 10 in Deposited Plan 1234". If an important statement is claimed, the deed creating it should be disclosed and an adequate description of its location should be given; its location should also be shown on the plan.

The application should be accompanied by a plan of survey unless the Registrar General has previously dispensed therewith. A plan is not normally required where the application relates to land in a qualified certificate of title; in such case it will be sufficient to describe the land by reference to the volume and folio number of the qualified certificate of title.

(c) Delete whichever is inapplicable.
(d) Insert reference to portion or allotment, or if none, to number of acres granted.

(e) Name of grantee.

(f) If the certificate of title is required to issue in favour of the applicant, insert "the applicant"; otherwise here insert the full name of the person or corporation in whose name the certificate of title is to issue. In the case of a person, the full address and occupation should also be stated.

If more than one person, state whether as joint tenants or tenants in common, and, if as tenants in common, the shares in which they take.

(g) Full name, address and occupation of declarant.

(h) If a lesser estate, alter accordingly.

(i) Delete whichever is inapplicable.

(j) Should any transaction affecting the land in this application be entered into or any alterations in the buildings or fixtures be made subsequent to the date of the application, but prior to the issue of the certificate of title, the Registrar General should be informed immediately, and all documents evidencing such transaction should be lodged.

(k) The declaration may be qualified, e.g. by inserting the words "commencing with conveyance dated _____ registered Book _____ No. _____ or as the case may be. See also notes on back page hereof.

CAUTION.—Severe penalties are provided by the Crimes Act, 1900, and the Real Property Act, 1900, for procuring a certificate of title through fraud.

(a) ALEXANDER MEADOWS RENDEL and DIANNE IRIS RENDEL both of "Bonaira Vale" Weir Street, Kiama South, Farmers

herein referred to as the APPLICANT

hereby applies to have the undermentioned land brought under the provisions of the Real Property Act, 1900

All that piece of land situated at Kiama in the
County of Camden Parish of Kiama being Lot 9 in
Plan of surveyor R.J. Douglas lodged herewith
and being the whole of (a) Portion 13 granted to William Montague Manning
by Crown grant dated the 23rd day of August, 1839

and requests that the certificate of title issue in the name of

(b) ALEXANDER MEADOWS RENDEL as to two-thirds and DIANNE IRIS RENDEL as to one-third as tenants in common

and in support of this application I/We Alexander Meadows Rendel and Dianne Iris Rendel

solemnly and sincerely declare that—

1. The applicant is seized for an estate in fee simple of the abovescribed land.
2. There is no person in possession or occupation of the said land or any part thereof adversely to the estate or interest therein of the applicant.
3. The said land is now occupied by the persons specified in the First Schedule as occupiers.
~~unoccupied.~~
4. There does not exist any lease or agreement for lease of the said land for any term exceeding a tenancy for one year, or from year to year, except as set out in the First Schedule.
5. There does not exist any right of way, right of drainage or other easement or any restrictive covenant affecting the said land, except as disclosed in the First Schedule.
6. There does not exist any mortgage, lien, writ of execution, order, charge, encumbrance, will, settlement, deed, writing, contract, or dealing giving any right, claim or interest in the said land, or any part thereof, to any person other than the applicant except as set out in the First Schedule; nor, to the best of my knowledge and belief, is there any action, proceeding or suit pending which affects or could affect the said land, or any person other than the applicant who has or claims any estate, right, title or interest therein, except as disclosed in the First Schedule.
7. There is no resumption or instrument whereby minerals or substrata have been excepted or reserved to any person, except as disclosed in the First Schedule.
8. The Second Schedule contains a full and correct list commencing with Conveyance dated 18th January, 1951 registered Book 2158 No. 101.

of all settlements, deeds, documents, instruments, maps, plans and papers relating to the said land so far as I have any means of ascertaining them. All such documents as are in my possession or under my control are lodged herewith; the whereabouts of all other documents listed, so far as is known to me, is stated in such list.

9. The applicant has not become bankrupt or assigned his estate for the benefit of creditors.

H. I have been authorised by power of attorney dated the _____ day of _____ 19____
 to make this application on behalf of the applicant, and I have received no notice of revocation of such authority.^(b)

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths Act, 1900,^(c) and certify this application to be correct for the purposes of the Real Property Act, 1900,^(c) and I hereby undertake to notify the Registrar General promptly of any further interest in the said land created after the making of this my declaration and before issue of the certificate of title.

(b) Delete this clause if inapplicable. The relevant power of attorney or other such authority should be lodged with the application.
 (c) If made outside N.S.W., strike out Oaths Act, 1900 and insert reference to local Act.
 (c) Any person falsely or negligently certifying is liable to the penalties provided by section 117 of the Real Property Act, 1900.

DATE 14th December 1987

 Signature of witness
 Name of witness (BLOCK LETTERS)
P. V. MOGGACH
SOLICITOR KIAMA
 Qualification of witness


 Applicant, or authorised agent of applicant^(d)

(d) This application is a statutory declaration and must be made before a prescribed functionary. Attention is drawn to the penalties provided by law for any false statement therein.

CONSENT OF MORTGAGEE

AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED, being the mortgagee
 under mortgage registered Book 3366 Number 962, hereby joins in and consents to this application subject to:-



- (i) entry on the folio of the register to be created and on the certificate of title to issue of a notification relating to such mortgage;^(e)
 AND and Sealed by the said AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED
 at Sydney by its Attorney INCORPORATING ANZ BANK AND ESWA BANK
 by its Attorney
 (ii) delivery to me of the certificate of title. KEITH ALEXANDER CRAWFORD and I, the said Attorney state that I have not received
 who is personally known to me any notice of the revocation of the Power of Attorney
 registered in the Office of the Registrar General Sydney
 as No. 263 Book 3403 under which this document is
 executed.

(e) See section 29A of the Real Property Act, 1900. If desired this clause may be deleted and the words "registration of a mortgage under the Real Property Act, 1900, in substitution for such mortgage" inserted in lieu.

Witness 
 BANK OFFICER ACTING/AREA MANAGER FOR THE TIME BEING OF
 AUSTRALIA AND NEW ZEALAND BANKING GROUP
 LIMITED. Mortgagee

FIRST SCHEDULE

PARTICULARS OF SUBSISTING INTERESTS (LEASES, EASEMENTS, MORTGAGES AND OTHER MATTERS REFERRED TO IN CLAUSES 3 TO 7 INCLUSIVE OF DECLARATION)

Full name and address (of occupier, lessee, mortgagee, etc.)	Nature of entitlement ("occupier", "lessee", "mortgagee", etc.)	Particulars of instrument (if any) by which entitlement created ^(f)
Alexander Meadows, Rendel and Dianne Iris Rendel 	Occupiers 	Conveyance Book 3366 No. 961

(f) Where the whole or any part of the land is occupied by a tenant state also the nature and duration of the tenancy.

Ref:kiama /Src:M

RECEIVED into the Office of the Registrar General at Sydney the undermentioned Deeds and Documents deposited permanently for custody under Section (2) 53 (2) (e) of the Conveyancing Act, 1919, from (1) RYAN, WATKINS, KEARNS & GARSIDE,

of 31 Bong Bong Street, Kiama.

Date	No.	Book	Nature of Deed	Parties to unregistered instruments
1) 13.7.1909	542	885	Conveyance	S.E. Caird 1st part, M.S. Terrey & co 2nd part, D. Weir 3rd part. ✓
2) 24.8.1909	---	---	Stat.Dec.	David Weir
3) 17.9.1912	655	976	Conveyance	D. Weir to D.E. Weir. ✓
4) 8.10.1938 ✓	381	1828	Conveyance	F.A. Weir & anor. 1st part, F.A. Weir & anor. 2nd part and H.A. Weir 3rd part. ✓
5) 8.10.1938 ✓	---	---	Stat.Dec.	Eva May Weir
6) 8.10.1938 ✓	---	---	Stat.Dec.	Ethel Jane Weir
7) 8.10.1938 ✓	---	---	Stat.Dec.	Alice Maud Weir
8) 8.10.1938 ✓	---	---	Stat.Dec.	Frederick Albert Weir
9) ²⁵ 8.10.1938 ✓	---	---	Stat.Dec.	John Weir ✓
10) 8.10.1938 ✓	---	---	Stat.Dec.	Harman Allan Weir
11) 8.10.1938 ✓	---	---	Stat.Dec.	Harman Allan Weir
12) 8.10.1938 ✓	212	1857	Mortgage	H.A. Weir to the Commercial Banking Company of Sydney Limited. ✓
13) 5.1.1943 ✓	823	1923	Endorsed Discharge	
14) 31.12.1942 ✓	824	1923	Mortgage	H.A. Weir to the English Scottish and Australian Bank Limited ✓
15) 20.5.1952 ✓	263	2215	Endorsed Discharge	
✓ 16) 4.11.1952 ✓	439	2231	Conveyance	H.A. Weir to G.R. Chittick } ✓
✓ 17) 4.11.1952 ✓	440	2231	Mortgage	G.R. Chittick to H.A. Weir }
✓ 18) 30.12.1953 ✓	132	2276	Endorsed Discharge	

Fee paid \$9-00

Date of receipt 30.6.1966

1966 M 2192

J.H. Watson.

Registrar General.



NOTE.—To be furnished in duplicate if a full interim receipt is required.

THIS RECEIPT IS ISSUED SUBJECT ONLY TO THE CHEQUE ON ACCOUNT OF WHICH IT IS GIVEN BEING DULY CLEARED

No. 35334Deeds Registration Branch,
Registrar General's Office,
Prince Albert Road, Sydney, N.S.W. 2000

Received the amount printed by cash register

Lodging party's reference.

Cashier

00 5264520 00 100 00

Receipt for documents deposited under Section 64 of the Conveyancing Act, 1919,

from R.E. SANDERS SIMPSON & FREED

(Name of firm or individual depositing)

of 5 PRESIDENT AVENUE CARINGBAH (D.X. 11014 CARINGBAH)

(Address of firm or individual depositing)

St 2129 3/76 D. West, Government Printer

Date	No.	Book	Nature of document	Parties to unregistered instruments
12.2.1971	522	3003	Conveyance	
3.3.1958	870	2439	Conveyance	
18.1.1951	101	2158	Conveyance	
22.11.1944	289	1955	Conveyance	
9.4.1907	601	824	Conveyance	
3.3.1958	872	2439	Mortgage	
18.1.1951				
25.5.1967	910	2833	Discharge/ Mortgage	
18.1.51	295	2165	Mortgage	
28.2.1958	869	2439	Discharge/ Mortgage	
1950			Abstract	of the Title of Edward William Johnston Stewart.
1951			Abstract	of the Title of Alfred Thomas Wright and George Wright
1951			Abstract	of the Title of Edward William Johnston Stewart
1954			Abstract	of the Title of Charles Robert Chittick
1958			Abstract	of the Title of Charles Robert Chittick
1960			Supplemental Abstract	of the Title of C.R. Chittick & Sons Pty. Limited
1960			Supplemental Abstract	of the Title of C.R. Chittick & Sons Pty. Limited
1969			Supplemental Abstract	of the Title of Muskfield Pty. Limited

Note—Particulars of documents for deposit should be typewritten.

Except in the case of endorsements and annexures,
documents should be recorded in order of date.

RECEIVED

5-12-79




(See notes on back page hereof)

DOCUMENTS REFERRED TO IN CLAUSE 8 OF DECLARATION

To be completed by declarant

Documents Nos.	hereunder LODGED HEREWITH
Documents Nos. 7 and 12	hereunder WHEREABOUTS UNKNOWN
Documents Nos. 4, 5 and 6	hereunder PERMANENTLY LODGED
1, 2, 3, 8, 9, 10 and 11	Receipt No. 25277 Receipt Nos. 35334
Documents Nos. 13, 14, 15, 16 and 17	hereunder TO BE LODGED BY: ANZ BANKING GROUP LIMITED KIAMA

No.	Date	Nature of document	Parties	Registration		FOR OFFICE USE ONLY
				Book	No.	By whom produced
1.	18/1/1951	Conveyance	E.W.J. Stewart to C.H. Chittick	2158	101	
2.	18/1/1951	Mortgage	C.H. Chittick to C.R.Chittick	2165	295	
3.			Memorandum of discharge endorsed on above mortgage	2439	869	
4.	4/11/1952	Conveyance	H.A.Weir to C.R.Chittick	2231	439	
5.	4/11/1952	Mortgage	C.R.Chittick to H.A.Weir	2231	440	
6.	30/12/1953		Memorandum of discharge endorsed on above mortgage	2276	132	
7.	3/3/1958	Conveyance	C.R.Chittick to C.R.Chittick & Sons Pty. Limited	2439	868	
8.	3/3/1958	Conveyance	C.H.Chittick to C.R.Chittick & Sons Pty. Limited	2439	870	
9.	3/3/1958	Mortgage	C.R.Chittick & Sons Pty. Limited to E.S. & A. Bank Pty. Limited	2439	872	
10.	25/5/1967		Memorandum of discharge endorsed on the above mortgage	2838	910	
11.	12/2/1971	Conveyance	Muskfield Pty. Limited (formerly C.R.Chittick & Sons Pty. Limited) to Culmone Properties Pty. Limited	3003	522	
12.	15/2/1971	Conveyance	Culmone Properties Pty. Limited to Kiama Dairy & Pastoral Co. Pty. Limited	3003	523	
13.	11/5/1979	Conveyance	Kiama Dairy & Pastoral Co. Pty. Limited to A.M. & D.I. Rendel	3366	961	///
14.	23/1/1980	Mortgage	Re-Registered	3396	493	
15.	15/5/1979		A.M. & D.I. Rendel to Australia & New Zealand Banking Group Limited	3366	962	
15.	1951		Abstract of title of E.W.J. Stewart with 1954 Abstract of title of C.R.Chittick attached.			
16.	1979		Abstract of title of Kiama Dairy & Pastoral Co. Pty. Limited.			
17.			Search papers.			


 Docs 13 to 16 Attached 14p
 Docs 13-16 DELIVERED TO A.N.Z. 84-1011

If space is insufficient, add annexure sheet(s)

<p>PRIMARY APPLICATION</p> <p>PA 61263</p>	<p>Lodged by</p> <p>RPS Law Stationers</p> <p>Box 756 P</p> <p>Delivery Box Number</p>	<p></p>
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NOTES

Documents to be scheduled

This application should be marked by the Commissioner of Stamp Duties before lodgment by hand at the Registrar General's Office. Where an applicant claims an estate in fee simple by virtue of a documentary title the Second Schedule should commence with a good root of title at least thirty years old or with a later deed which has already been accepted by the Registrar General in an earlier application. Clause 8 of the declaration should be suitably amended.

Where the applicant claims title by possession the devolution of the documentary title of the person(s) against whom possession is asserted should be shown in the Second Schedule.

Where the applicant claims the benefit of an appurtenant easement the Second Schedule should contain a reference to:

- * the deed by which the grantor of the easement acquired title to the servient tenement, and
- * the deed by which the easement was created.

The applicant will be required to establish (e.g., by production of searches) that (i) the grantor of the easement had a good title to the servient tenement; and (ii) the easement has not been determined by surrender, union of tenements or otherwise.

Documents to be lodged

Upon lodgment the application should be accompanied by:

- * all deeds and other documents evidencing the devolution of title from the abovementioned commencing point;
Deeds and other documents which relate to the period prior to the selected commencing point should not be scheduled in or lodged with this application but should be retained in case their subsequent production should be required.
- * any abstract(s) of title in the applicant's possession covering the relevant period; and
- * searches showing the result of searches in the general register of deeds, the register of causes, writs and orders, the register of resumptions and the bankruptcy registers.

Searches

The searches obtained when the applicant or a predecessor in title acquired the land in the application will suffice provided that they commence with a good root of title at least thirty years old or with a later deed already accepted by the Registrar General in an earlier application and, in either case, have been brought up to date or to a recent date. In the case of an application based on possession the searches should show not only the devolution of the documentary title (which in most cases will need to be traced from the Crown grant) but also the result of searches against the applicant and his predecessors in possession.

Applicants based upon possession

There is available upon request at the Title Conversion Branch a departmental circular containing directions for the guidance of applicants who claim title by possession.

Destruction of documents lodged with the application

Upon the issue of the certificate of title the Registrar General will as a general rule destroy those documents which exclusively affect the land in the application (and which accordingly will be totally cancelled pursuant to Section 23A (2), Real Property Act, 1900). However, documents which would otherwise be destroyed may be returned upon request to interested persons. The request (in writing) should specify the documents to be returned and should be made before the processing of the application has been completed.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

13/1/2017 2:13PM

FOLIO: 9/789985

First Title(s): OLD SYSTEM

Prior Title(s): PA61263

Recorded	Number	Type of Instrument	C.T. Issue
14/7/1989	PA61263	PRIMARY APPLICATION	FOLIO CREATED EDITION 1
16/3/1990	Y771123	TRANSFER RELEASING EASEMENT	
16/3/1990	DP794244	DEPOSITED PLAN	EDITION 2
23/7/1990	Z124244	MORTGAGE	EDITION 3
5/9/1991	Z898081	DISCHARGE OF MORTGAGE	
5/9/1991	Z898082	DISCHARGE OF MORTGAGE	
5/9/1991	Z898083	MORTGAGE	EDITION 4
12/3/1997	2897607	DISCHARGE OF MORTGAGE	
12/3/1997	2897608	MORTGAGE	EDITION 5
10/2/1999	5588111	DEPARTMENTAL DEALING	
14/1/2005	DP1077617	DEPOSITED PLAN	FOLIO CANCELLED

*** END OF SEARCH ***

NEW SOUTH WALES



CATE OF TITLE

PROPERTY ACT, 1900



13951207

IVA No. 31702

Vol. 13951 Fol. 207

EDITION ISSUED

13 9 1979

I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

CANCELLED

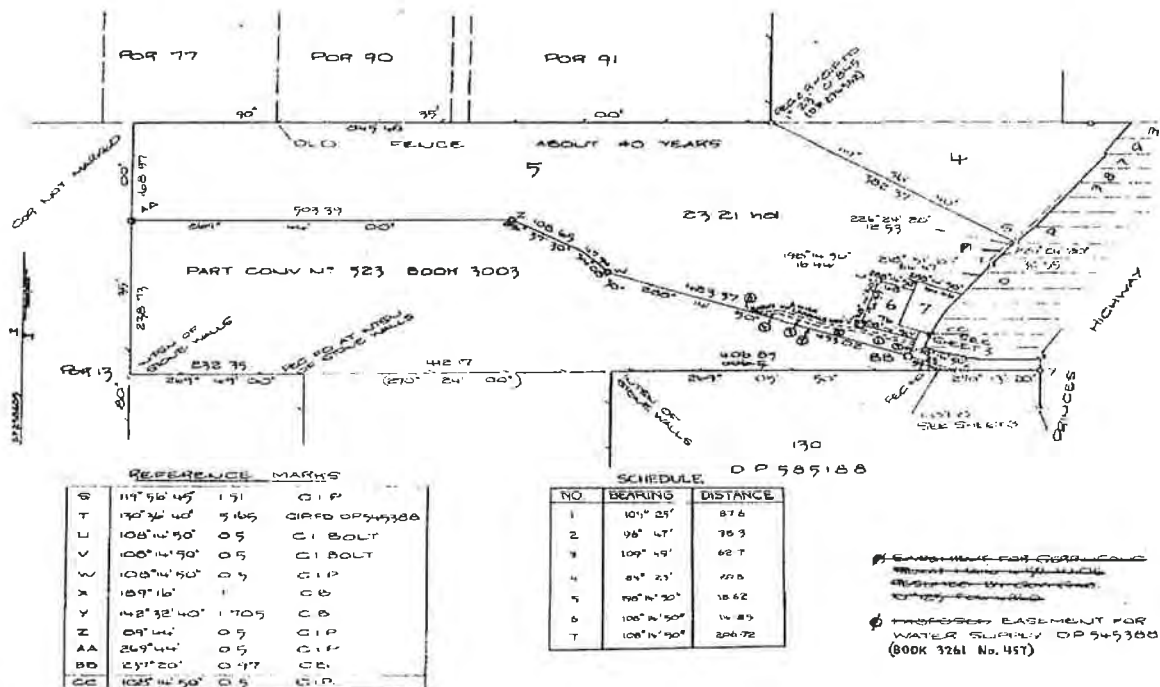
Registrar General.

SEE AUTO FOLIO



PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES



ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 5 in Deposited Plan 258605 at Kiama in the Municipality of Kiama Parish of Kiama and County of Camden being part of Portion 13 granted to William Montague Manning on 23-8-1839.

FIRST SCHEDULE

BANK OF NEW SOUTH WALES.

SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grant above referred to.
2. CAUTION. The land within described is held subject to any subsisting interest (as defined in section 28A of the Real Property Act, 1900).
3. Q160000 Caveat by the Registrar General. Mortgages Terrence John McGill and Patricia Ann McGill Book 3367 No. 671.
4. DP258605 Right of Carriageway affecting the land shown so burdened in the plan hereon.
5. Book 3261 No. 457 Easement for Water Supply affecting the land shown so burdened in the plan hereon.

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON

WARNING: THIS DOCUMENT MUST NOT BE REMOVED FROM THE REGISTRAR GENERAL'S OFFICE.

(260)

REGISTERED PROPRIETOR

[illegible]

SECOND SCHEDULE (continued)

[illegible]

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR GENERAL ARE CANCELLED

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

13/1/2017 2:14PM

FOLIO: 5/258605

First Title(s): SEE PRIOR TITLE(S)

Prior Title(s): VOL 13951 FOL 207

Recorded	Number	Type of Instrument	C.T. Issue
5/6/1987		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
28/9/1987		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
16/3/1990	DP794244	DEPOSITED PLAN	FOLIO CANCELLED

*** END OF SEARCH ***

kiam

PRINTED ON 13/1/2017

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

13/1/2017 2:13PM

FOLIO: 15/794244

First Title(s): OLD SYSTEM

Prior Title(s): 5/258605

Recorded	Number	Type of Instrument	C.T. Issue
16/3/1990	DP794244	DEPOSITED PLAN	FOLIO CREATED EDITION 1
12/9/1990	Z128274	DEPARTMENTAL DEALING	
12/9/1990	Z37811	TRANSFER	EDITION 2
21/6/1995	O321376	DEPARTMENTAL DEALING	
30/6/1995	O347232	TRANSFER	EDITION 3
14/1/2005	DP1077617	DEPOSITED PLAN	FOLIO CANCELLED

*** END OF SEARCH ***

Ref:kiama /Src:M

-- STAMP DUTY



OFFICE OF STATE REVENUE
(N.S.W. TREASURY)
1988/83
6/10/90
STAMP
DUTY

RELODGED

10 JUL 1990
3-50RELODGED
28 AUG 1990
11.007
037811DESCRIPTION
OF LAND
Note (a)TRANSFEROR
Note (b)ESTATE
Note (c)TRANSFeree
Note (d)TENANCY
Note (e)PRIOR
ENCUMBRANCES
Note (f)EXECUTION
Note (g)Torrens Title Reference
Folio Identifier
15/794244

If Part Only, Delete Whole and Give Details

~~WHOLE~~
PART being that part formerly
contained in Folio Identifier
6/258605

Location

South Kiama

IGOR OLECH VASEO and BEVERLEY LORRAINE VASEO
Weir Street, Kiama

(the abovenamed TRANSFEROR) hereby acknowledges receipt of the consideration of \$ 1.00
and transfers an estate in fee simple
in the land above described to the TRANSFeree

TERRENCE JOHN MCGILL and PATRICIA ANN MCGILL
Weir Street, Kiama

OFFICE USE ONLY

JT2.

as joint tenants/tenants in common

subject to the following PRIOR ENCUMBRANCES 1. m/gc BK 3367 No 677

DATE 11th April 1990

We hereby certify this dealing to be correct for the purposes of the Real Property Act, 1900.

Signed in my presence by the transferor who is personally known to me

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address and occupation of Witness

Signed in my presence by the transferee who is personally known to me

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address and occupation of Witness

P. V. MOGGACH
SOLICITOR KIAMA

LOCATION OF DOCUMENTS

CT

OTHER

Herewith,

In L.I.D. with

Produced by 374.

Secondary
DirectionsDelivery
Directions

CT 1374

TO BE COMPLETED
BY LODGING PARTY
Notes (h)
and (i)

LODGED BY

RPS LAW STATIONERS
140 Phillips St.,
Sydney N.S.W. 2001
DX327 - LTO 766P.

Ref

Delivery Box Number

Checked

Passed

REGISTERED

-19

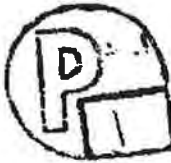
Signed

Extra Fee

12 SEP 1990

OFFICE USE ONLY

Ref:kiama /Src:M
97-011



TRANSFER

Real Property Act, 1900



0
347232 P

Office of Str

107929226002 40 5270 569022

(A) LAND TRANSFERRED

Show no more than 20 References to Title.
If appropriate, specify the share transferred.

15/794244

(B) LODGED BY

L.T.O. Box

Name, Address or DX and Telephone

1077F

M & W LEGALS

88 CRONULLA STREET

CRONULLA NSW 2230

TEL: (02) 527 3019

REFERENCE (max. 15 characters):

P.O. Box 537

CRONULLA

2230

PM

* 97-011

774

(C) TRANSFEROR

TERRENCE JOHN MCGILL and PATRICIA ANN MCGILL
WEIR STREET KIAMA

(D) acknowledges receipt of the consideration of \$1.00

and as regards the land specified above transfers to the Transferee an estate in fee simple

(E) subject to the following ENCUMBRANCES 1BK 3367 NO. 671

2

3

* OFF & C.

(F) TRANSFEE

T

TERENCE JOHN MCGILL

PATRICIA ANN MCGILL

TENANCY: JOINT TENANTS

5771

(H) We certify this dealing correct for the purposes of the Real Property Act, 1900.

DATED 22-June 1995

Signed in my presence by the Transferor who is personally known to me.

[Signature]

Signature of Witness

SANDRA BOLACK

Name of Witness (BLOCK LETTERS)

88 JOHNSON STREET KIAMA DOWNS

Address of Witness

[Signature]

Signature of Transferor

Signed in my presence by the Transferee who is personally known to

[Signature]

Signature of Witness

SANDRA BOLACK

Name of Witness (BLOCK LETTERS)

88 JOHNSON STREET KIAMA DOWNS

Address of Witness

[Signature]

Signature of Transferee

INSTRUCTIONS FOR FILLING OUT THIS FORM ARE AVAILABLE FROM THE LAND TITLES OFFICE

CHECKED BY (office use only)

[Signature]

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

13/1/2017 2:11PM

FOLIO: 102/1077617

First Title(s): OLD SYSTEM

Prior Title(s): 9/789985 15/794244

Recorded	Number	Type of Instrument	C.T. Issue
14/1/2005	DP1077617	DEPOSITED PLAN	FOLIO CREATED EDITION 1
19/5/2005	AB489188	DISCHARGE OF MORTGAGE	
19/5/2005	AB489189	TRANSFER	EDITION 2

*** END OF SEARCH ***

Ref:kiama /Src:Mf

Licence: 01-08-067
Licensee: Midware Systems
Kearns & Garside

TRANSFER
New South Wales
Real Property Act 1900



AB489189S

PRIVACY NOTE: this information is legally required and will t

STAMP DUTY

Office of State Revenue
NSW Treasury
Client No: 1405261 294
VENDOR DUTY
ENDORSED
Trans No: *Not liable*

NSW Treasury
Client No: 1405261 294
Duty: *02* Trans No: *2610738*
Asst details:

(A) TORRENS TITLE

That part of Folio Identifier 102/1077617
as was formerly comprised in Folio Identifier 15/794244

(B) LODGED BY

Delivery Box <i>3814</i>	Name, Address or DX and Telephone <i>MAZ LETS 123257W</i>	CODE T TW (Sheriff)
Reference (optional): <i>KANDG: Rendel</i>		

(C) TRANSFEROR

TERENCE JOHN MCGILL and PATRICIA ANN MCGILL

(D) CONSIDERATION The transferor acknowledges receipt of the consideration of \$ exchange of lands and as regards

(E) ESTATE the land specified above transfers to the transferee an estate in fee simple.

(F) SHARE TRANSFERRED

(G) Encumbrances (if applicable):

(H) TRANSFEE **ALEXANDER MEADOWS RENDEL in 2/3 share and DIANNE IRIS RENDEL in 1/3 share as tenants in common**

(I) **TENANCY:**

(J) DATE

21/4/05

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Signature of witness:

Name of witness: *Shane Norton*

Address of witness: *9/78 Brighton Blvd Nth Bondi*

Certified correct for the purposes of the Real Property Act 1900 by the transferor.

Signature of transferor:

I certify that the person(s) signing opposite, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this instrument in my presence.

Signature of witness:

Name of witness: *Susan Gordon*

Address of witness: *6 Price Avenue, Kiama*

Certified correct for the purposes of the Real Property Act 1900 by the transferee.

Signature of transferee:

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 102/1077617

SEARCH DATE	TIME	EDITION NO	DATE
27/1/2017	11:53 AM	2	19/5/2005

LAND

LOT 102 IN DEPOSITED PLAN 1077617
AT KIAMA HEIGHTS
LOCAL GOVERNMENT AREA KIAMA
PARISH OF KIAMA COUNTY OF CAMDEN
TITLE DIAGRAM DP1077617

FIRST SCHEDULE

ALEXANDER MEADOWS RENDEL

IN 2/3 SHARE

DIANNE IRIS RENDEL

IN 1/3 SHARE

AS TENANTS IN COMMON

(T AB489189)

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 2897608 MORTGAGE TO AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED OF THE PART FORMERLY IN 9/789985
- 3 DP1077617 EASEMENT FOR WATER SUPPLY SYSTEM OVER EXISTING TANK AND LINE OF PIPES AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 4 DP1077617 EASEMENT FOR CATTLE YARDS VARIABLE WIDTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 5 DP1077617 RIGHT OF ACCESS 6, 8 METRE(S) WIDE AND VARIABLE APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

kiama

PRINTED ON 27/1/2017

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

13/1/2017 2:11PM

FOLIO: 101/1077617

First Title(s): OLD SYSTEM

Prior Title(s): 9/789985 15/794244

Recorded	Number	Type of Instrument	C.T. Issue
14/1/2005	DP1077617	DEPOSITED PLAN	FOLIO CREATED EDITION 1
19/5/2005	AB489215	DISCHARGE OF MORTGAGE	
19/5/2005	AB489216	TRANSFER	EDITION 2
16/8/2005	AB696850	DISCHARGE OF MORTGAGE	
16/8/2005	AB696851	MORTGAGE	EDITION 3

*** END OF SEARCH ***

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 101/1077617

SEARCH DATE	TIME	EDITION NO	DATE
27/1/2017	11:53 AM	3	16/8/2005

LAND

LOT 101 IN DEPOSITED PLAN 1077617
AT KIAMA HEIGHTS
LOCAL GOVERNMENT AREA KIAMA
PARISH OF KIAMA COUNTY OF CAMDEN
TITLE DIAGRAM DP1077617

FIRST SCHEDULE

TERENCE JOHN MCGILL
PATRICIA ANN MCGILL
AS JOINT TENANTS

(T AB489216)

SECOND SCHEDULE (6 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 BK 3261 NO 457 EASEMENT FOR WATER SUPPLY 4.57 METRE(S) WIDE
AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE
DIAGRAM
- 3 DP1077617 EASEMENT FOR WATER SUPPLY SYSTEM OVER EXISTING TANK
AND LINE OF PIPES APPURTENANT TO THE LAND ABOVE
DESCRIBED
- 4 DP1077617 EASEMENT FOR CATTLE YARDS VARIABLE WIDTH APPURTENANT
TO THE LAND ABOVE DESCRIBED
- 5 DP1077617 RIGHT OF ACCESS 6, 8 METRE(S) WIDE AND VARIABLE
AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE
DIAGRAM
- 6 AB696851 MORTGAGE TO WESTPAC BANKING CORPORATION

NOTATIONS

UNREGISTERED DEALINGS: NIL

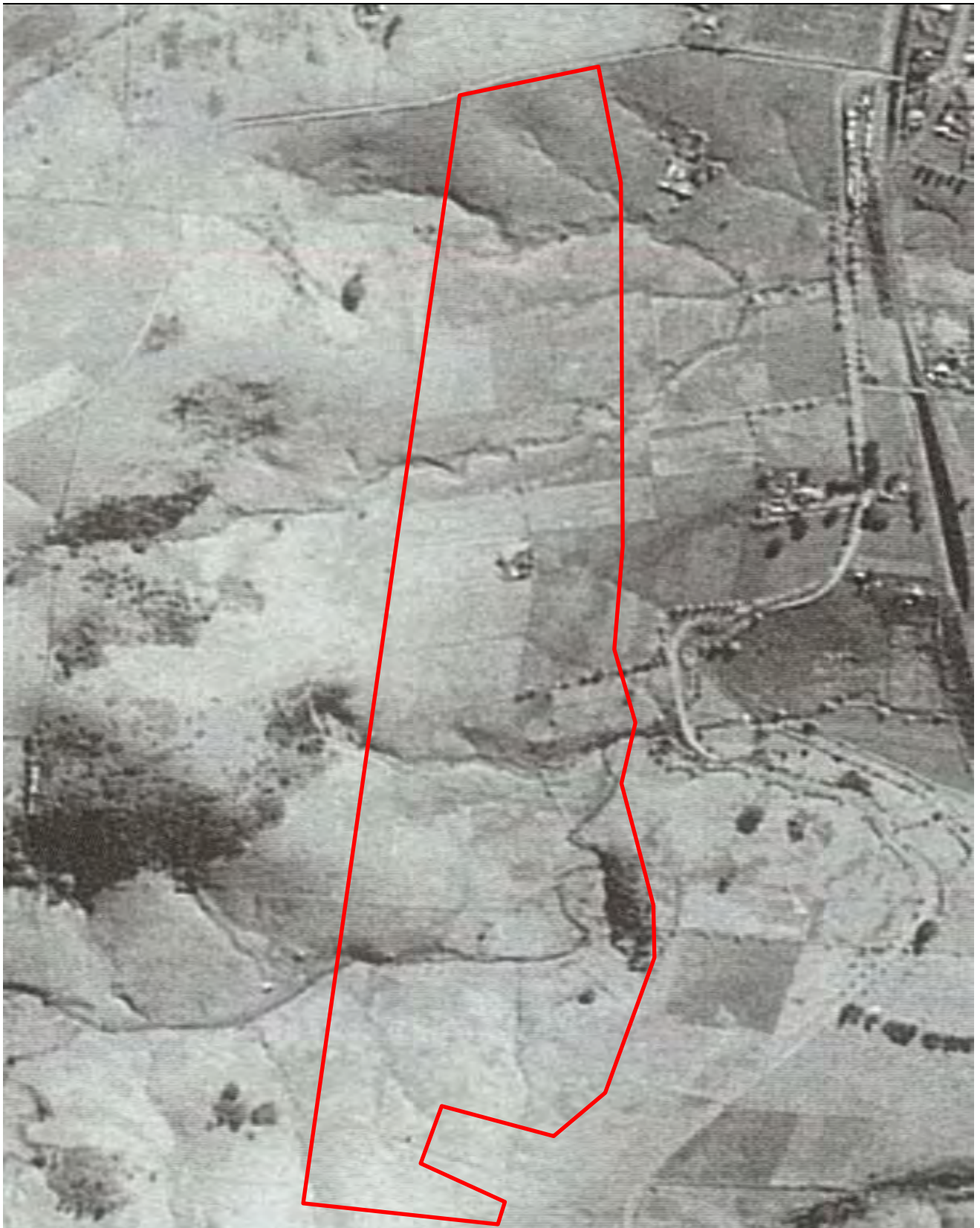
*** END OF SEARCH ***


kiama

PRINTED ON 27/1/2017

Appendix D

Historical Aerial Photographs



 Approximate Site Location



Aerial Photograph - 1951

Preliminary Site Investigation

Proposed Residential Subdivision

CLIENT: White Constructions Pty Ltd


PROJECT: 89260.01

DWG No: 1

REV: A

DATE: 25-Jan-17



 Approximate Site Location



Aerial Photograph - 1963

Preliminary Site Investigation

Proposed Residential Subdivision

CLIENT: White Constructions Pty Ltd

PROJECT: 89260.01

DWG No: 1

REV: A

DATE: 25-Jan-17



Approximate Site Location



Aerial Photograph - 1979

Preliminary Site Investigation

Proposed Residential Subdivision

CLIENT: White Constructions Pty Ltd

PROJECT: 89260.01

DWG No: 1

REV: A

DATE: 25-Jan-17



 Approximate Site Location



Aerial Photograph - 1984

Preliminary Site Investigation

Proposed Residential Subdivision

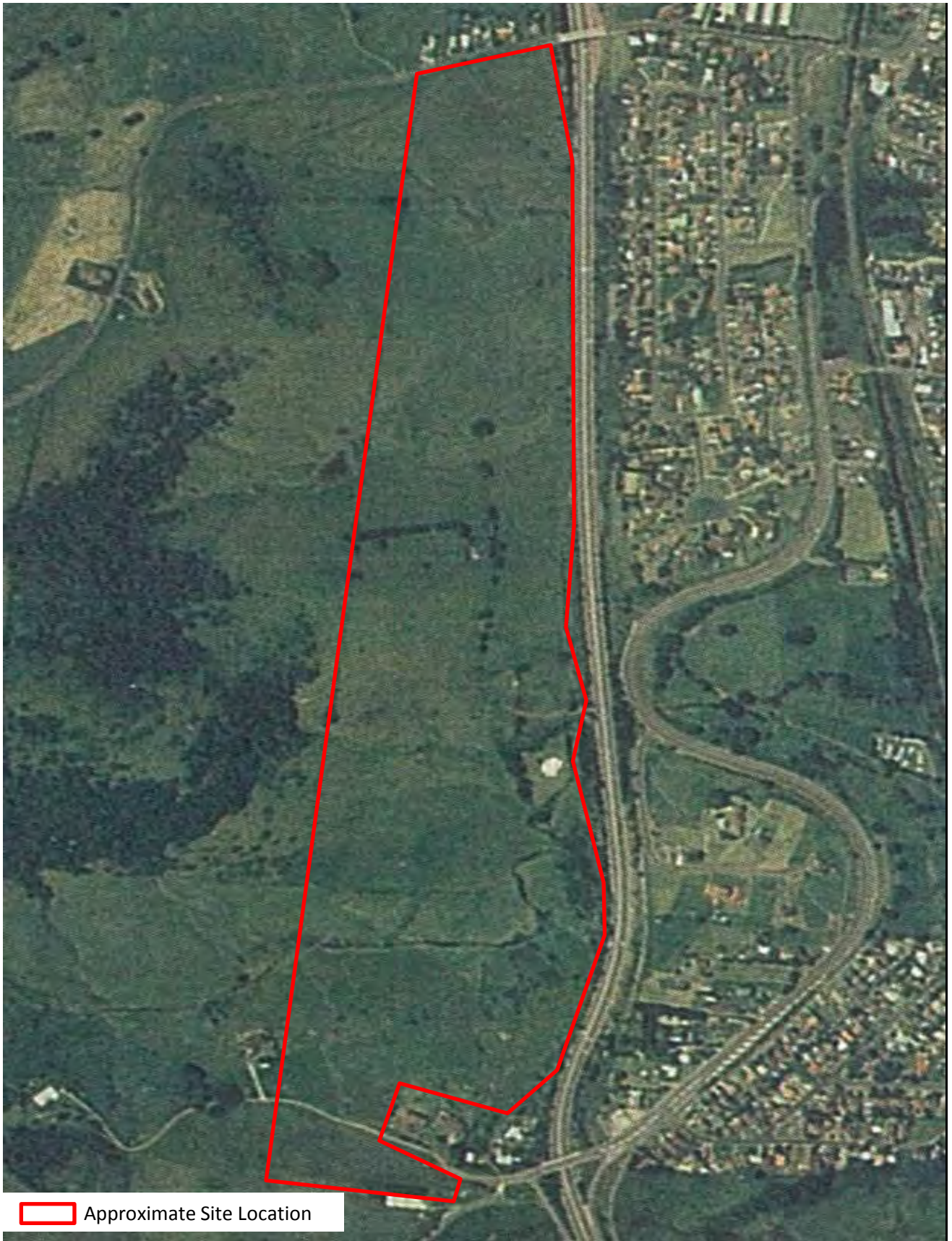
CLIENT: White Constructions Pty Ltd


PROJECT: 89260.01

DWG No: 1

REV: A

DATE: 25-Jan-17



 Approximate Site Location



Aerial Photograph - 1993

Preliminary Site Investigation

Proposed Residential Subdivision

CLIENT: White Constructions Pty Ltd

PROJECT: 89260.01

DWG No: 1

REV: A

DATE: 25-Jan-17



 Approximate Site Location



Aerial Photograph - 2006

Preliminary Site Investigation

Proposed Residential Subdivision

CLIENT: White Constructions Pty Ltd


PROJECT: 89260.01

DWG No: 1

REV: A

DATE: 25-Jan-17



 Approximate Site Location



Aerial Photograph - 2010

Preliminary Site Investigation

Proposed Residential Subdivision

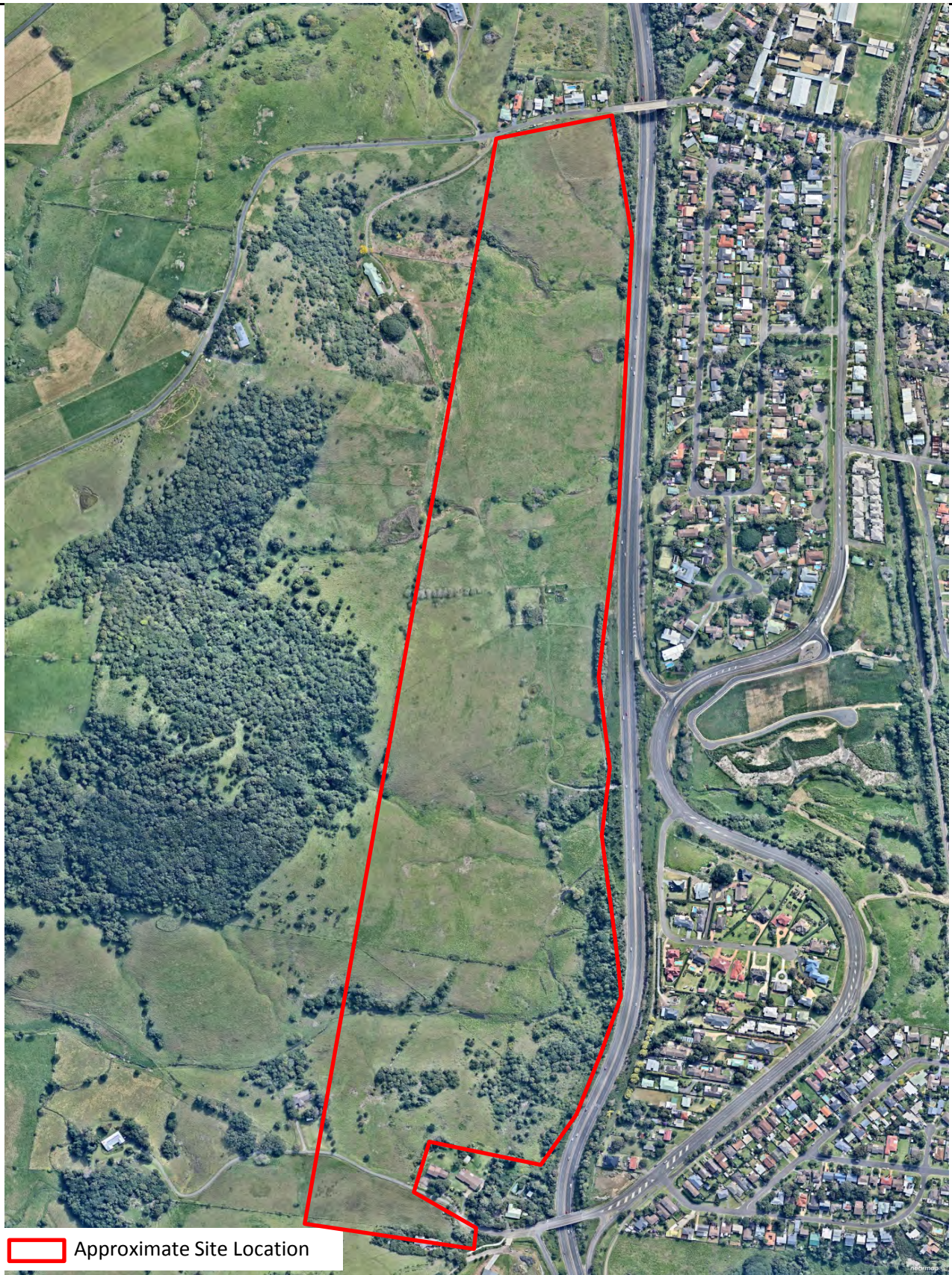
CLIENT: White Constructions Pty Ltd


PROJECT: 89260.01

DWG No: 1

REV: A

DATE: 25-Jan-17



 Approximate Site Location



Aerial Photograph - 2016 Preliminary Site Investigation Proposed Residential Subdivision CLIENT: White Constructions Pty Ltd	PROJECT:	89260.01
	DWG No:	1
	REV:	A
	DATE:	25-Jan-17

Appendix E

SafeWork NSW Search



SafeWork NSW

Locked Bag 2906, Lisarow NSW 2252

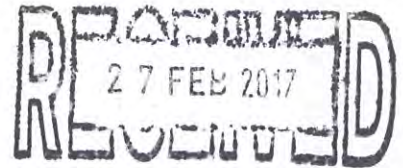
Customer Experience 13 10 50

ABN 81 913 830 179 | www.safework.nsw.gov.au

Our Ref: D17/076357
Your Ref: Kenton Horslye

21 February 2017

Attention: Kenton Horslye
Douglas Partners Pty Ltd
PO BOX 486
Unanderra NSW 2526



Dear Mr Horslye,

**RE SITE: 40 Saddleback Mountain Rd & 51 South Kiama Dr Kiama & 8 & 11 weir St Kiama Heights
NSW**

I refer to your site search request received by SafeWork NSW on 17 February 2017 requesting information on Storage of Hazardous Chemicals for the above site.

A search of the records held by SafeWork NSW has not located any records pertaining to the above mentioned premises.

For further information or if you have any questions, please call us on 13 10 50 or email licensing@safework.nsw.gov.au

Yours sincerely,


Customer Service Officer
Customer Experience - Operations
SafeWork NSW

Appendix F

Section 149 (2&5) Certificates

SECTION 149 (2) & (5) PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

APPLICANT DETAILS:

Douglas Partners
PO Box 486
UNANDERRA NSW 2526

REFERENCE: 89260.01

Certificate No: 12268
Receipt number: 703737

Certificate date: 30/01/2017
Property Number: 11164

PROPERTY DESCRIPTION:

Property Title: LOT: 102 DP: 1077617
Property Address: 8 Weir Street KIAMA HEIGHTS 2533

SECTION 149 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

1 Names of relevant planning instruments and DCPs

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

Kiama Local Environmental Plan 2011.

SEPP No 21 – Caravan Parks

This Policy aims to ensure that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwelling, as defined in the Local Government Act 1993, are also permitted.

SEPP No 30 – Intensive Agriculture

This Policy aims to require development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs.

SEPP No 33 – Hazardous and Offensive Development

This Policy aims to provide definitions for 'hazardous industry', 'hazardous storage establishments', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of the proposal.

SEPP No 50 – Canal Estate Developments

This Policy aims to ban new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.

SEPP No 55 – Remediation of Land

This Policy aims to introduce state-wide planning controls for the remediation of contaminated land.

SEPP No 62 – Sustainable Aquaculture

This Policy aims to encourage the sustainable expansion of the industry in NSW. The policy implements the regional strategies already development by creating a simple approach to identity and categorise aquaculture development on the basis of its potential environmental impact

SEPP No 64 – Advertising and Signage

This Policy aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

SEPP No 65 – Design Quality of Residential Apartment Development

This Policy aims to raise the design quality of residential apartment development across the State through the application of a series of design principles.

SEPP (Affordable Rental Housing) 2009

This Policy aims to establish a consistent planning regime for the provision of affordable rental housing. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

SEPP (Building Sustainability Index: BASIX) 2004

This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW.

SEPP (Exempt and Complying Development Codes) 2008

This Policy aims to streamline assessment processes for development that complies with specific development standards.

SEPP (Infrastructure) 2007

This Policy aims to provide a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.

SEPP (State Significant Precincts) 2005

This Policy aims to provide planning provisions for State significant sites.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Rural Lands) 2008

This Policy aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes.

SEPP (Miscellaneous Consent Provisions) 2007

This Policy aims to provide for the erection of temporary structures and the use of places of public entertainment while protecting public safety and public amenity.

SEPP (State and Regional Development) 2011

The aims of this Policy are to identify development that is State significant development or State significant infrastructure and critical State significant infrastructure and to confer functions on joint regional planning panels to determine development applications.

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).**

DRAFT STATE ENVIRONMENTAL PLANNING POLICY (Coastal Management) 2016

The land is PARTLY affected by the Draft State Environmental Planning Policy (Coastal Management) 2016. Refer to the NSW Legislation website for further information www.legislation.nsw.gov.au

Kiama Local Environmental Plan 2011 - Planning Proposal (PP_2016_KIAMA_003_00).

- (3) The name of each development control plan that applies to the carrying out of development on the land.**

Kiama Development Control Plan 2012

This plan is a consolidated Development Control Plan (DCP) giving an added level of guidance for development in the Kiama Municipality.

- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.**

2 Zoning and land use under relevant LEPs

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

- (a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2(a))",**
- (b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,**
- (c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,**
- (d) the purposes for which the instrument provides that development is prohibited within the zone,**

KIAMA LOCAL ENVIRONMENTAL PLAN 2011:

- (a) ZONE RU2 RURAL LANDSCAPE**

- (b) Permitted without consent:**

Environmental protection works; Extensive agriculture; Home occupations

- (c) Permitted with consent:**

Agricultural produce industries; Air transport facilities; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dairies (restricted); Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Industrial retail outlets; Information and education facilities; Intensive plant agriculture; Recreation areas; Roads; Roadside stalls; Secondary dwellings; Water supply systems

(d) Prohibited:

Any development not specified in item (b) or (c)

KIAMA LOCAL ENVIRONMENTAL PLAN 2011:

(a) ZONE E2 ENVIRONMENTAL CONSERVATION

(b) Permitted without consent:

Environmental protection works

(c) Permitted with consent:

Environmental facilities; Recreation areas; Roads

(d) Prohibited:

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item (b) or (c)

KIAMA LOCAL ENVIRONMENTAL PLAN 2011 - PLANNING PROPOSAL (PP_2016_KIAMA_003_00):

The Planning Proposal does NOT propose to change the existing Land Zoning or associated land use table under Kiama LEP 2011.

(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,

There ARE development standards applying to the land in Zone RU2 Rural Landscape under Kiama Local Environmental Plan 2011 that fix minimum land dimensions for the erection of a dwelling house. Refer to clauses 4.1, 4.1AA and 4.2A of Kiama Local Environmental Plan 2011.

There are NO development standards applying to the land in Zone E2 Environmental Conservation under Kiama Local Environmental Plan 2011 that fix minimum land dimensions for the erection of a dwelling house.

Kiama Local Environmental Plan 2011 - Planning Proposal (PP_2016_KIAMA_003_00) seeks to introduce a new clause 4.1C under Kiama LEP 2011 for exceptions to minimum subdivision lot sizes to allow subdivision of allotments with multiple zones and minimum lot sizes and to enable residential development. Refer to Council's website for more information.

(f) whether the land includes or comprises critical habitat,

The land does NOT include or comprise "critical habitat" under Kiama Local Environmental Plan 2011.

The land does NOT propose to include or comprise "critical habitat" under Kiama Local Environmental Plan 2011 - Planning Proposal (PP_2016_KIAMA_003_00).

(g) whether the land is in a conservation area (however described),

The land HAS BEEN identified on Kiama LEP 2011 Terrestrial Biodiversity Map see clause 6.4 Terrestrial Biodiversity of the Kiama LEP 2011 instrument. To view the affected land and clauses see the Terrestrial Biodiversity maps that are accessible via the Kiama LEP 2011 Council's website www.kiama.nsw.gov.au.

The land is NOT proposed to be in a conservation area under Kiama Local Environmental Plan 2011 - Planning Proposal (PP_2016_KIAMA_003_00).

(h) whether an item of environmental heritage (however described) is situated on the land.

A heritage item is NOT situated on the land under Kiama Local Environmental Plan 2011, unless a dry stone wall is situated on the land and the land is within the locality of Dunmore, Foxground, Jamberoo or Kiama, then a heritage item IS situated on the land under Kiama Local Environmental Plan 2011.

A heritage item is NOT proposed to be situated on the land under Kiama Local Environmental Plan 2011 - Planning Proposal (PP_2016_KIAMA_003_00).

2A Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006

This clause does not apply to land in the Municipality of Kiama

3 Complying development

Complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Code SEPP) may be carried out on the land except where the land is *excluded by an environmental planning instrument* or affected by a *general land exemption* or a *specific land exemption* under the Code SEPP.

Disclaimer:

Clause 3 "Complying Development" addresses the provisions of Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – more commonly referred to as the Code SEPP.

There are other provisions in the Code SEPP that may prevent development being carried out on the land as complying development. Therefore persons wishing to carry out complying development on the land should read and understand all the provisions of the Code SEPP.

In determining whether complying development is subject to a general or a specific land exemption under Clauses 1.17A, 1.18 and 1.19, Council relies in some cases on information provided by State Government departments and public authorities. As Council cannot verify the accuracy of information supplied by other organizations, it does not accept any responsibility for any inaccuracies, errors or omissions in this Planning Certificate arising from information supplied by third parties where it is used for the purpose of disclosing information under Clause 3.

If land the subject of this certificate is affected by a specific land exemption referred to in clause 1.19(1)(c) and 1.19(5)(c) or 1.19(1)(j) and 1.19(4)(a) and 1.19(5)(i), a person will need to obtain further information from the appropriate State Government agencies to determine where complying development may be carried out in accordance with clause 1.19(1).

It is the responsibility of any person relying on this Planning Certificate for the purposes of complying development to ensure that all the requirements of the Code SEPP are met. Failure to comply with all the provisions of the Code SEPP may result in the issue of an invalid Complying Development Certificate.

Any person relying on this Planning Certificate for the purpose of carrying out complying development on the land should also ensure that the land is not affected by a restriction on the land title that may prevent complying development.

Note:

If a specified land exemption under clauses 1.17A, 1.18, 1.19(1) and 1.19(5) of the Code SEPP applies to the land, it may apply to the whole or part of the land. Council is unable to ascertain the extent of the affectation for the purposes of this Planning Certificate. If the specific land exemption applies to only part of the land, complying development may be able to be carried out on the unaffected part of the land.

To determine whether complying development may be carried out on part of the land under clause 1.17A, 1.18, 1.19(1) and 1.19(5), a person will need to consult with the appropriate public authority responsible for maps identifying the land affected by the specific land exemption. The specific land exemptions are applied by maps prepared by public authorities including Kiama Municipal Council. However, Council disclaims responsibility for the accuracy of map data prepared and supplied by other public authorities. Council itself may provide mapping derived from its own mapping data with restrictions on its use and reliability.

- *For land partly affected by Acid Sulfate Soils Class 1 or 2, the [Department of Planning](#) is the public authority that should be consulted to determine what part of the land complying development under clauses 1.17A, 1.19(1) and 1.19 (5) may be carried out in accordance with clause 1.19(1)(c) and 1.19(5)(c).*
- *For land partly affected by [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#), the [Sydney Catchment Authority](#) is the public authority that should be consulted to determine what part of the land complying development in accordance with clause 1.19(1).*
- *For all other land partly affected by a specific land exemption under clause 1.17A, 1.18, 1.19(1) and 1.19(5), [Kiama Council](#) is the public authority that should be consulted to determine what part of the land complying development may be carried out in accordance with this clause.*
- *The Rural Housing Code only applies to land in Zone RU1, RU2 and R5.*
- *For the purposes of this certificate council has used definition of "environmentally sensitive area" from the Code SEPP and where appropriate Kiama Local Environmental Plan 2011 to refer to "environmentally sensitive land".*

1.17A Requirements for complying development for all environmental planning instruments

(1) To be complying development for the purposes of any environmental planning instrument, the development must not:

- (a) *be development for which development consent cannot be granted except with the concurrence of a person other than:*
 - (i) *the consent authority, or*
 - (ii) *the Director-General of the Department of Environment, Climate Change and Water as referred to in [section 79B](#) (3) of [the Act](#), or*
- (b) *be on land that is critical habitat, or*
- (c) *be on land that is, or is part of, a wilderness area (within the meaning of the [Wilderness Act 1987](#)), or*
- (d) *be carried out on land that:*
 - (i) *comprises an item that is listed on the State Heritage Register under the [Heritage Act 1977](#) or on which such an item is located, or*
 - (ii) *is subject to an interim heritage order under that Act or on which is located an item that is so subject, or*
 - (iii) *is identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified, or*
- (e) *except as otherwise provided by this Policy, be on land that is within an environmentally sensitive area.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH AN ENVIRONMENTAL PLANNING INSTRUMENT BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.17A (1)?

NO This land is affected by one or more of the following exemptions:

- (e) within an environmentally sensitive area.

If a dry stone wall is situated on the land and the land is within the locality of Dunmore, Foxground, Jamberoo or Kiama, then complying development MAY NOT be carried out under Clause 1.17A (1) as the land is affected by the following exemption:

- (d) (iii) identified as an item of environmental heritage or a heritage item.

(2) Despite subclause (1) (d), if development meets the requirements and standards specified by this Policy and that development:

- (a) *has been granted an exemption under section 57 (2) of the [Heritage Act 1977](#), or*
- (b) *is subject to an exemption under section 57 (1A) or (3) of that Act, the development is complying development under this Policy.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.17A (2)?

YES

(3) If an item listed on the State Heritage Register is not located on, or does not comprise, the whole of the relevant land, subclause (1) (d) applies only to the part of the land that is described and mapped on that register.

Please Refer to NOTE above.

- (4) If an item not listed on the State Heritage Register but identified as an item of environmental heritage in an environmental planning instrument does not comprise, or is not located on, the whole of the relevant land, subclause (1) (d) applies only to the part of the land that is described and mapped on that instrument.

Please Refer to NOTE above.

1.18 General requirements for complying development for this Policy

- (1) To be complying development for the purposes of this Policy, the development must:

- (a) not be exempt development under this Policy, and
- (b) be permissible, with consent, under an environmental planning instrument applying to the land on which the development is carried out, and
- (c) meet the relevant provisions of the Building Code of Australia, and
 - (c1) must not require an environment protection licence within the meaning of the [Protection of the Environment Operations Act 1997](#), and
 - (c2) must not be designated development, and

Note: Designated development is defined in [section 77A](#) of [the Act](#) as development that is declared to be designated development by an environmental planning instrument or the regulations.

- (c3) not be carried out on land that comprises, or on which there is, a draft heritage item, and
- (d) before the complying development certificate is issued, have an approval, if required by the [Local Government Act 1993](#), for:
 - (i) an on-site effluent disposal system if the development is undertaken on unsewered land, and
 - (ii) an on-site stormwater drainage system, and
- (e) before the complying development certificate is issued, have written consent from the relevant roads authority (if required under [section 138](#) of the [Roads Act 1993](#)) for the building of any kerb, crossover or driveway, and
- (f) if it is the alteration or erection of improvements on land in a mine subsidence district within the meaning of the [Mine Subsidence Compensation Act 1961](#), have the prior approval of the Mine Subsidence Board, and

Note: Other consents may be required under [section 138](#) of the [Roads Act 1993](#) before carrying out other works in relation to roads.

Note: Information about mine subsidence is information that is a prescribed matter for the purpose of a planning certificate under [section 149](#) (2) of [the Act](#), but the information is not included in a certificate issued under clause 279 (2) of [Environmental Planning and Assessment Regulation 2000](#).

- (g) not be the construction or installation of a skylight or roof window on land to which Orana Regional Environmental Plan No 1-Siding Spring applies, and
- (h) if it involves the removal or pruning of a tree or other vegetation that requires a permit or development consent to which clause 3.6A, 3A.7 or 5A.3 does not apply-before the complying development certificate is issued, have a permit or development consent for that removal or pruning.

Note: A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the [Native Vegetation Act 2003](#). Paragraph (h) may not apply to certain trees or vegetation near complying development under this Policy (see clauses 3.6A, 3A.7 and 5A.3).

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH GENERAL REQUIREMENTS BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.18 (1)?

YES

- (2) The erection of a new dwelling house or an addition to a dwelling house on land in the 20-25 ANEF contours is complying development for this Policy, if the development is constructed in accordance with AS 2021-2000, Acoustics-Aircraft noise intrusion-Building siting and construction.
- (3) A complying development certificate for complying development under this Policy is subject to the conditions specified in this Policy in respect of that development.

Note: Clause 136A of the Environmental Planning and Assessment Regulation 2000 requires a complying development certificate to be issued subject to the conditions specified in that clause.

1.19 Land on which complying development may not be carried out

(1) Specific land exemptions for General Housing Code and Rural Housing Code

To be complying development specified for the General Housing Code or the Rural Housing Code, the development must not be carried out on:

- (a) land within a heritage conservation area or a draft heritage conservation area, unless the development is a detached outbuilding or swimming pool, or
- (b) land that is reserved for a public purpose by an environmental planning instrument, or
- (c) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or
- (d) land that is subject to a biobanking agreement under Part 7A of the [Threatened Species Conservation Act 1995](#) or a property vegetation plan approved under the [Native Vegetation Act 2003](#), or
- (e) land identified by an environmental planning instrument as being:
 - i. within a buffer area, or
 - ii. within a river front area, or
 - iii. within an ecologically sensitive area, or
 - iv. environmentally sensitive land, or
 - v. within a protected area, or
- (f) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by:
 - i. a coastline hazard, or
 - ii. a coastal hazard, or
 - iii. a coastal erosion hazard, or
- (g) land in a foreshore area, or
- (h) land that is in the 25 ANEF contour or a higher ANEF contour, unless the development is only for the erection of ancillary development, the alteration of or an addition to ancillary development or the alteration of a dwelling house, or
- (i) land that is declared to be a special area under the [Sydney Water Catchment Management Act 1998](#), or

(j) *unsewered land:*

- i. *to which [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#) applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m², or*
- ii. *in any other drinking water catchment identified in any other environmental planning instrument.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE GENERAL HOUSING CODE AND RURAL HOUSING CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (1)?

NO This land is affected by one or more of the following exemptions under clause 1.19 (1):

(e) land identified by an environmental planning instrument as being:

- (iii) within an ecologically sensitive area
- (iv) environmentally sensitive land
- (v) within a protected area

(2) Development specified in the General Housing Code is not complying development under that code if it is carried out on land described or otherwise identified on a map specified in Schedule 5.

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE GENERAL HOUSING CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (2)?

YES

(3) This subclause does not apply to Kiama LGA.

(4) Specific Land Exemptions for Housing Alterations Code and General Development Code

To be complying development specified for the Housing Alterations Code or the General Development Code, the development must not be carried out on unsewered land:

- (a) *to which [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#) applies, if that development will result in an increase to the number of bedrooms on the site or in a site disturbance area of more than 250m², or*
- (b) *in any other drinking water catchment identified in any other environmental planning instrument.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE HOUSING ALTERATIONS CODE AND GENERAL DEVELOPMENT CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (4)?

YES

(5) Specific Land Exemptions for Commercial and Industrial (New Buildings and Additions) Code

To be complying development specified for the Commercial and Industrial (New Buildings and Additions) Code, the development must not be carried out on:

- (a) *land within a heritage conservation area or a draft heritage conservation area, or*
- (b) *land that is reserved for a public purpose in an environmental planning instrument, or*
- (c) *land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or*
- (d) *land that is significantly contaminated land within the meaning of the [Contaminated Land Management Act 1997](#), or*

- (e) *land that is subject to a biobanking agreement under Part 7A of the [Threatened Species Conservation Act 1995](#) or a property vegetation plan approved under the [Native Vegetation Act 2003](#), or*
- (f) *land identified by an environmental planning instrument as being:*
 - (i) *within a buffer area, or*
 - (ii) *within a river front area, or*
 - (iii) *within an ecologically sensitive area, or*
 - (iv) *environmentally sensitive land, or*
 - (v) *within a protected area, or*
- (g) *land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by:*
 - (i) *a coastline hazard, or*
 - (ii) *a coastal hazard, or*
 - (iii) *a coastal erosion hazard, or*
- (h) *land in a foreshore area, or*
- (i) *unsewered land:*
 - (i) *to which [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#) applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m², or*
 - (ii) *in any other drinking water catchment identified in any other environmental planning instrument.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS AND ADDITIONS) CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (5) OF THE CODE SEPP?

NO This land is affected by one or more of the following exemptions under clause 1.19 (5):

- (f) land excluded by an environmental planning instrument:
 - (iii) within an ecologically sensitive area
 - (iv) within environmentally sensitive land
 - (v) within a protected area

4 Coastal protection

Whether or not the land is affected by the operation of section 38 or 39 of the *Coastal Protection Act 1979*, but only to the extent that the council has been so notified by the Department of Finance, Services and Innovation.

Council has NOT been notified that the land is affected by the operation of Section 38 or Section 39 of the *Coastal Protection Act 1979*.

4A Certain information relating to beaches and coasts

- (1) In relation to a coastal council – whether and order has been made under Part 4D of the *Coastal Protection Act 1979* in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land), except where the council is satisfied that such an order has been fully complied with.

Council has NOT been notified that the land (or adjacent public land) is affected by an order made under Part 4D of the *Coastal Protection Act 1979*.

- (2) In relation to a coastal council:

- (a) whether the council has been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land), and
- (b) if works have been so placed – whether the council is satisfied that the works have been removed and the land restored in accordance with that Act.

Council has NOT been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal works have been placed on the land (or on adjacent public land).

4B Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council – whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. “Existing coastal protection works” are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the *Local Government Act 1993*.

The owner of the land has NOT consented to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to any existing coastal protection works within the meaning of section 553B of that Act.

5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the *Mine Subsidence Compensation Act 1961*.

The land has NOT been proclaimed to be a Mine Subsidence District within the meaning of section 15 of the *Mine Subsidence Compensation Act, 1961*.

6 Road widening and road realignment

Whether or not the land is affected by any road widening or realignment under:

- (a) Division 2 of Part 3 of the *Roads Act 1993*,

Council is NOT aware that the land is subject to any road widening or realignment under Division 2 of Part 3 of the *Roads Act 1993*.

- (b) any environmental planning instrument,

The land is NOT affected by any road widening or realignment under any environmental planning instrument.

(c) any resolution of the council

The land is NOT affected by any road widening or realignment under any resolution of the council.

7 Council and other public authority policies on hazard risk restrictions

Whether or not the land is affected by a policy:

- (a) adopted by the council, or
- (b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council, that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

Council has NOT adopted a policy to restrict development of the land because of the likelihood of landslip. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of slip.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of subsidence. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of subsidence.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of bushfire. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of bushfire. Where applicable, Council applies State Government policy contained in the two NSW Rural Fire Services publications titled Planning for Bush Fire Protection and Building in Bush Fire Prone Areas - Single dwellings to development in a bushfire prone area.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of tidal inundation. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of tidal inundation.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of acid sulfate soils. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of acid sulfate soil. However, where land is affected by acid sulfate soils, development may be affected by Clause 6.1 of Kiama Local Environmental Plan 2011.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of any other risk. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of any other risk.

7A Flood related development controls information

- (1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.
- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.

(3) Words and expressions in this clause have the same meaning as in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) if permitted on the land MAY BE subject to flood related development controls. These controls can be found in Chapter 29 of Development Control Plan 2012 - Flood Liable Land.

Development on the land or part of the land for any other purpose if permitted on the land MAY BE subject to flood related development controls. These controls can be found in Chapter 29 of Development Control Plan 2012 - Flood Liable Land.

8 Land reserved for acquisition

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

The land is NOT affected by the provisions of Kiama Local Environmental Plan 2011 for the acquisition of the land by a public authority, as referred to in Section 27 of the Act.

The land is NOT proposed to be affected by the provisions of Kiama Local Environmental Plan 2011 - Planning Proposal (PP_2016_KIAMA_003_00) for the acquisition of the land by a public authority, as referred to in Section 27 of the Act.

9 Contributions plans

The name of each contributions plan applying to the land.

The land MAY BE affected by Section 94A (Indirect Contributions) Plan.

The land IS affected by Section 94 Contributions Plan Nos 1 and 2.

9A Biodiversity certified land

If the land is biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*), a statement to that effect.

Council IS UNAWARE of any biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*).

10 Biobanking agreements

If the land is land to which a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* relates, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).

Council IS UNAWARE of any biobanking agreement made under Part 7A of the *Threatened Species Conservation Act 1995*.

11 Bush fire prone land

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.

If none of the land is bush fire prone land, a statement to that effect.

The land is shown as PARTLY affected bush fire prone land according to the Bush Fire Prone Land Map 2008 supplied by the NSW Rural Fire Service.

12 Property vegetation plans

If the land is land to which a property vegetation plan under the *Native Vegetation Act 2003* applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

Council has NOT been notified of the existence of a property vegetation plan under the Native Vegetation Act 2003 applying to the land.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

Council has NOT been notified that an Order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

14 Directions under Part 3A

This section of the Act has been repealed.

15 Site compatibility certificates and conditions for seniors housing

If the land is land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies:

- (a) a statement of whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:
 - (i) the period for which the certificate is current, and
 - (ii) that a copy may be obtained from the head office of the Department, and
- (b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

Council is NOT aware of a site compatibility certificate (seniors housing) applying to the land.

16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department.

Council is NOT aware of a site compatibility certificate (infrastructure) applying to the land.

17 Site compatibility certificates and conditions for affordable rental housing

- (1) A statement of whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:
 - (a) the period for which the certificate is current, and
 - (b) that a copy may be obtained from the head office of the Department.
- (2) A statement setting out any terms of a kind referred to in clause 17 (1) or 38 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

Council is NOT aware of a site compatibility certificate (affordable rental housing) applying to the land.

18 Paper subdivision information

- (1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.
- (2) The date of any subdivision order that applies to the land.
- (3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.

Council is NOT aware of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.

19 Site verification certificates

A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include:

- (a) the matter certified by the certificate, and

Note. A site verification certificate sets out the Secretary's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

- (b) the date on which the certificate ceases to be current (if any), and
- (c) that a copy may be obtained from the head office of the Department.

Council is NOT aware of any current site verification certificate applying to this land.

20 Loose-fill asbestos insulation

If the land includes any residential premises (within the meaning of Division 1A of Part 8 of the *Home Building Act 1989*) that are listed on the register that is required to be maintained under that Division, a statement to that effect.

Council has NOT been notified that the land is listed on the Loose-Fill Asbestos Insulation Register.

Land subject to Section 59 (2) of the Contaminated Land Management Act 1997

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act – if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act – if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act – if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act – if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act – if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

For the purposes of section 59(2) of the Contaminated Land Management Act 1997, Council is NOT aware of the land being:

- (a) significantly contaminated land within the meaning of that Act as at the date when this certificate is issued,
- (b) subject to a management order within the meaning of that Act as at the date when this certificate is issued,
- (c) the subject of an approved voluntary management proposal within the meaning of that Act as at the date when this certificate is issued,
- (d) subject to an ongoing maintenance order within the meaning of that Act as at the date when this certificate is issued,
- (e) the subject of a site audit statement within the meaning of that Act as at the date when this certificate is issued.

ADDITIONAL INFORMATION PURSUANT TO SECTION 149 (5) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

Minimum area for the erection of a dwelling-house

Where the application for the Certificate states the land is vacant, state whether the erection of a dwelling-house on the land is prohibited by a reason of a development standard relating to the minimum area on which a dwelling-house may be erected?

Reply: YES/NO

Resolutions to prepare a planning proposal or a draft Local Environmental Plan that applies to the land:

Council at its meeting of 27 June 2016 resolved to support a rezoning of Part of Lot 100 DP1157883, 26 Drualla Road and Lot 101 DP1157883, 2A Downes Place, Jamberoo to R2 Low Density Residential under Kiama Local Environmental Plan 2011. In addition to the rezoning of the specific land at Jamberoo, it is proposed to allow subdivision of allotments with multiple zones and minimum lot sizes across the LGA.

Information regarding loose-fill asbestos insulation

Some residential homes have been identified as containing loose-fill asbestos insulation, for example in the roof space. NSW Fair Trading maintains a Register of homes that are affected by loose-fill asbestos insulation.

You should make your own enquiries as to the age of the buildings on the land to which this certificate relates and, if it contains a building constructed prior to 1980, the council strongly recommends that any potential purchaser obtain advice from a licensed asbestos assessor to determine whether loose-fill asbestos is present in any building on the land and, if so, the health risk (if any) this may pose for the building's occupants.

Contact NSW Fair Trading for further information.

Miscellaneous matters

KIAMA DEVELOPMENT CONTROL PLAN 2012 - DRAFT REVISION OF CHAPTER 32 - CEDAR GROVE - STAGE 2 - SITE SPECIFIC CONTROLS:

Council at its meeting of 27 September 2016 resolved to exhibit the draft revision of Kiama Development Control Plan (DCP) 2012 - Chapter 32 - Cedar Grove - Stage 2. The draft changes propose to bring the front boundary setback in line with that of Stage 1 and amend some other minor issues that have arisen since the chapter was adopted. Full details can be found on Council's website or by contacting Council.

Due to the presence of riparian lands and watercourses on site, under certain circumstances portions of this property MAY experience flooding.

For further information, please contact Council's Strategic Planning Department on 02 4232 0444.

All correspondence should be directed to the General Manager, PO Box 75, KIAMA, NSW 2533.

M Forsyth

General Manager

Per:

A handwritten signature in dark ink, appearing to read 'M Forsyth', is written over a light grey rectangular background.

SECTION 149 (2) PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

APPLICANT DETAILS:

InfoTrack Pty Ltd
GPO Box 4029
SYDNEY NSW 2001

REFERENCE: KI-W016

Certificate No: 11884
Receipt number: 671060

Certificate date: 8/08/2016
Property Number: 4520

PROPERTY DESCRIPTION:

Property Title: LOT: 1 DP: 707300
Property Address: 40 Saddleback Mountain Road KIAMA 2533

SECTION 149 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

1 Names of relevant planning instruments and DCPs

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

Kiama Local Environmental Plan 2011.

SEPP No 21 – Caravan Parks

This Policy aims to ensure that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwelling, as defined in the Local Government Act 1993, are also permitted.

SEPP No 30 – Intensive Agriculture

This Policy aims to require development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs.

SEPP No 33 – Hazardous and Offensive Development

This Policy aims to provide definitions for 'hazardous industry', 'hazardous storage establishments', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of the proposal.

SEPP No 50 – Canal Estate Developments

This Policy aims to ban new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.

SEPP No 55 – Remediation of Land

This Policy aims to introduce state-wide planning controls for the remediation of contaminated land.

SEPP No 62 – Sustainable Aquaculture

This Policy aims to encourage the sustainable expansion of the industry in NSW. The policy implements the regional strategies already development by creating a simple approach to identity and categorise aquaculture development on the basis of its potential environmental impact

SEPP No 64 – Advertising and Signage

This Policy aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

SEPP No 65 – Design Quality of Residential Apartment Development

This Policy aims to raise the design quality of residential apartment development across the State through the application of a series of design principles.

SEPP (Affordable Rental Housing) 2009

This Policy aims to establish a consistent planning regime for the provision of affordable rental housing. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

SEPP (Building Sustainability Index: BASIX) 2004

This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW.

SEPP (Exempt and Complying Development Codes) 2008

This Policy aims to streamline assessment processes for development that complies with specific development standards.

SEPP (Infrastructure) 2007

This Policy aims to provide a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.

SEPP (State Significant Precincts) 2005

This Policy aims to provide planning provisions for State significant sites.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Rural Lands) 2008

This Policy aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes.

SEPP (Miscellaneous Consent Provisions) 2007

This Policy aims to provide for the erection of temporary structures and the use of places of public entertainment while protecting public safety and public amenity.

SEPP (State and Regional Development) 2011

The aims of this Policy are to identify development that is State significant development or State significant infrastructure and critical State significant infrastructure and to confer functions on joint regional planning panels to determine development applications.

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

There are NO exhibited proposed environmental planning instruments applying to the land.

- (3) The name of each development control plan that applies to the carrying out of development on the land.

Kiama Development Control Plan 2012

This plan is a consolidated Development Control Plan (DCP) giving an added level of guidance for development in the Kiama Municipality.

- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

2 Zoning and land use under relevant LEPs

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

- (a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2(a)"),
- (b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,
- (c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,
- (d) the purposes for which the instrument provides that development is prohibited within the zone,

(a) ZONE RU2 RURAL LANDSCAPE

(b) Permitted without consent:

Environmental protection works; Extensive agriculture; Home occupations

(c) Permitted with consent:

Agricultural produce industries; Air transport facilities; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dairies (restricted); Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Industrial retail outlets; Information and education facilities; Intensive plant agriculture; Recreation areas; Roads; Roadside stalls; Secondary dwellings; Water supply systems

(d) Prohibited:

Any development not specified in item (b) or (c)

- (e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,

There ARE development standards applying to the land in Zone RU2 Rural Landscape that fix minimum land dimensions for the erection of a dwelling house. Refer to clauses 4.1, 4.1AA and 4.2A of Kiama Local Environmental Plan 2011.

(f) whether the land includes or comprises critical habitat,

The land does NOT include or comprise "critical habitat".

(g) whether the land is in a conservation area (however described),

The land is NOT in a conservation area.

(h) whether an item of environmental heritage (however described) is situation on the land.

A heritage item is NOT situated on the land, unless a dry stone wall is situated on the land and the land is within the locality of Dunmore, Foxground, Jamberoo or Kiama, then a heritage item IS situated on the land.

2A Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006

This clause does not apply to land in the Municipality of Kiama

3 Complying development

Complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Code SEPP) may be carried out on the land *except* where the land is *excluded by an environmental planning instrument* or affected by a *general land exemption* or a *specific land exemption* under the Code SEPP.

Disclaimer:

Clause 3 "Complying Development" addresses the provisions of Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – more commonly referred to as the Code SEPP.

There are other provisions in the Code SEPP that may prevent development being carried out on the land as complying development. Therefore persons wishing to carry out complying development on the land should read and understand all the provisions of the Code SEPP.

In determining whether complying development is subject to a general or a specific land exemption under Clauses 1.17A, 1.18 and 1.19, Council relies in some cases on information provided by State Government departments and public authorities. As Council cannot verify the accuracy of information supplied by other organizations, it does not accept any responsibility for any inaccuracies, errors or omissions in this Planning Certificate arising from information supplied by third parties where it is used for the purpose of disclosing information under Clause 3.

If land the subject of this certificate is affected by a specific land exemption referred to in clause 1.19(1)(c) and 1.19(5)(c) or 1.19(1)(j) and 1.19(4)(a) and 1.19(5)(i), a person will need to obtain further information from the appropriate State Government agencies to determine where complying development may be carried out in accordance with clause 1.19(1).

It is the responsibility of any person relying on this Planning Certificate for the purposes of complying development to ensure that all the requirements of the Code SEPP are met. Failure to comply with all the provisions of the Code SEPP may result in the issue of an invalid Complying Development Certificate.

Any person relying on this Planning Certificate for the purpose of carrying out complying development on the land should also ensure that the land is not affected by a restriction on the land title that may prevent complying development.

Note:

If a specified land exemption under clauses 1.17A, 1.18, 1.19(1) and 1.19(5) of the Code SEPP applies to the land, it may apply to the whole or part of the land. Council is unable to ascertain the extent of the affectation for the purposes of this Planning Certificate. If the specific land exemption applies to only part of the land, complying development may be able to be carried out on the unaffected part of the land.

To determine whether complying development may be carried out on part of the land under clause 1.17A, 1.18, 1.19(1) and 1.19(5), a person will need to consult with the appropriate public authority responsible for maps identifying the land affected by the specific land exemption. The specific land exemptions are applied by maps prepared by public authorities including Kiama Municipal Council. However, Council disclaims responsibility for the accuracy of map data prepared and supplied by other public authorities. Council itself may provide mapping derived from its own mapping data with restrictions on its use and reliability.

- For land partly affected by Acid Sulfate Soils Class 1 or 2, the [Department of Planning](#) is the public authority that should be consulted to determine what part of the land complying development under clauses 1.17A, 1.19(1) and 1.19 (5) may be carried out in accordance with clause 1.19(1)(c) and 1.19(5)(c).
- For land partly affected by [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#), the [Sydney Catchment Authority](#) is the public authority that should be consulted to determine what part of the land complying development in accordance with clause 1.19(1).
- For all other land partly affected by a specific land exemption under clause 1.17A, 1.18, 1.19(1) and 1.19(5), [Kiama Council](#) is the public authority that should be consulted to determine what part of the land complying development may be carried out in accordance with this clause.
- The Rural Housing Code only applies to land in Zone RU1, RU2 and R5.
- For the purposes of this certificate council has used definition of "environmentally sensitive area" from the Code SEPP and where appropriate Kiama Local Environmental Plan 2011 to refer to "environmentally sensitive land".

1.17A Requirements for complying development for all environmental planning instruments

- (1) **To be complying development for the purposes of any environmental planning instrument, the development must not:**
- (a) *be development for which development consent cannot be granted except with the concurrence of a person other than:*
 - (i) *the consent authority, or*
 - (ii) *the Director-General of the Department of Environment, Climate Change and Water as referred to in [section 79B](#) (3) of [the Act](#), or*
 - (b) *be on land that is critical habitat, or*
 - (c) *be on land that is, or is part of, a wilderness area (within the meaning of the [Wilderness Act 1987](#)), or*
 - (d) *be carried out on land that:*
 - (i) *comprises an item that is listed on the State Heritage Register under the [Heritage Act 1977](#) or on which such an item is located, or*
 - (ii) *is subject to an interim heritage order under that Act or on which is located an item that is so subject, or*
 - (iii) *is identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified, or*
 - (e) *except as otherwise provided by this Policy, be on land that is within an environmentally sensitive area.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH AN ENVIRONMENTAL PLANNING INSTRUMENT BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.17A (1)?

YES, unless a dry stone wall is situated on the land and the land is within the locality of Dunmore, Foxground, Jamberoo or Kiama, then complying development MAY NOT be carried out under Clause 1.17A (1) as the land is affected by the following exemption:

- (d) (iii) identified as an item of environmental heritage or a heritage item.

- (2) **Despite subclause (1) (d), if development meets the requirements and standards specified by this Policy and that development:**

- (a) *has been granted an exemption under section 57 (2) of the [Heritage Act 1977](#), or*
- (b) *is subject to an exemption under section 57 (1A) or (3) of that Act, the development is complying development under this Policy.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.17A (2)?

YES

- (3) **If an item listed on the State Heritage Register is not located on, or does not comprise, the whole of the relevant land, subclause (1) (d) applies only to the part of the land that is described and mapped on that register.**

Please Refer to NOTE above.

- (4) If an item not listed on the State Heritage Register but identified as an item of environmental heritage in an environmental planning instrument does not comprise, or is not located on, the whole of the relevant land, subclause (1) (d) applies only to the part of the land that is described and mapped on that instrument.

Please Refer to NOTE above.

1.18 General requirements for complying development for this Policy

- (1) To be complying development for the purposes of this Policy, the development must:

- (a) not be exempt development under this Policy, and
- (b) be permissible, with consent, under an environmental planning instrument applying to the land on which the development is carried out, and
- (c) meet the relevant provisions of the Building Code of Australia, and
 - (c1) must not require an environment protection licence within the meaning of the [Protection of the Environment Operations Act 1997](#), and
 - (c2) must not be designated development, and

Note: Designated development is defined in [section 77A](#) of [the Act](#) as development that is declared to be designated development by an environmental planning instrument or the regulations.

- (c3) not be carried out on land that comprises, or on which there is, a draft heritage item, and
- (d) before the complying development certificate is issued, have an approval, if required by the [Local Government Act 1993](#), for:
 - (i) an on-site effluent disposal system if the development is undertaken on unsewered land, and
 - (ii) an on-site stormwater drainage system, and
- (e) before the complying development certificate is issued, have written consent from the relevant roads authority (if required under [section 138](#) of the [Roads Act 1993](#)) for the building of any kerb, crossover or driveway, and

Note: Other consents may be required under [section 138](#) of the [Roads Act 1993](#) before carrying out other works in relation to roads.

- (f) if it is the alteration or erection of improvements on land in a mine subsidence district within the meaning of the [Mine Subsidence Compensation Act 1961](#), have the prior approval of the Mine Subsidence Board, and

Note: Information about mine subsidence is information that is a prescribed matter for the purpose of a planning certificate under [section 149](#) (2) of [the Act](#), but the information is not included in a certificate issued under clause 279 (2) of Environmental Planning and Assessment Regulation 2000.

- (g) not be the construction or installation of a skylight or roof window on land to which Orana Regional Environmental Plan No 1-Siding Spring applies, and
- (h) if it involves the removal or pruning of a tree or other vegetation that requires a permit or development consent to which clause 3.6A, 3A.7 or 5A.3 does not apply-before the complying development certificate is issued, have a permit or development consent for that removal or pruning.

Note: A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the [Native Vegetation Act 2003](#). Paragraph (h) may not apply to certain trees or vegetation near complying development under this Policy (see clauses 3.6A, 3A.7 and 5A.3).

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH GENERAL REQUIREMENTS BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.18 (1)?

YES

- (2) The erection of a new dwelling house or an addition to a dwelling house on land in the 20-25 ANEF contours is complying development for this Policy, if the development is constructed in accordance with AS 2021-2000, Acoustics-Aircraft noise intrusion-Building siting and construction.
- (3) A complying development certificate for complying development under this Policy is subject to the conditions specified in this Policy in respect of that development.

Note: Clause 136A of the Environmental Planning and Assessment Regulation 2000 requires a complying development certificate to be issued subject to the conditions specified in that clause.

1.19 Land on which complying development may not be carried out

(1) Specific land exemptions for General Housing Code and Rural Housing Code

To be complying development specified for the General Housing Code or the Rural Housing Code, the development must not be carried out on:

- (a) land within a heritage conservation area or a draft heritage conservation area, unless the development is a detached outbuilding or swimming pool, or
- (b) land that is reserved for a public purpose by an environmental planning instrument, or
- (c) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or
- (d) land that is subject to a biobanking agreement under Part 7A of the [Threatened Species Conservation Act 1995](#) or a property vegetation plan approved under the [Native Vegetation Act 2003](#), or
- (e) land identified by an environmental planning instrument as being:
 - i. within a buffer area, or
 - ii. within a river front area, or
 - iii. within an ecologically sensitive area, or
 - iv. environmentally sensitive land, or
 - v. within a protected area, or
- (f) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by:
 - i. a coastline hazard, or
 - ii. a coastal hazard, or
 - iii. a coastal erosion hazard, or
- (g) land in a foreshore area, or
- (h) land that is in the 25 ANEF contour or a higher ANEF contour, unless the development is only for the erection of ancillary development, the alteration of or an addition to ancillary development or the alteration of a dwelling house, or
- (i) land that is declared to be a special area under the [Sydney Water Catchment Management Act 1998](#), or
- (j) unsewered land:
 - i. to which [State Environmental Planning Policy \(Sydney Drinking Water Catchment\)](#)

2011 applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m², or

- ii. in any other drinking water catchment identified in any other environmental planning instrument.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE GENERAL HOUSING CODE AND RURAL HOUSING CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (1)?

NO This land is affected by one or more of the following exemptions under clause 1.19 (1):

- (e) land identified by an environmental planning instrument as being:

- (iii) within an ecologically sensitive area

- (iv) environmentally sensitive land

- (v) within a protected area

- (2) Development specified in the General Housing Code is not complying development under that code if it is carried out on land described or otherwise identified on a map specified in Schedule 5.**

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE GENERAL HOUSING CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (2)?

YES

- (3) This subclause does not apply to Kiama LGA.**

- (4) Specific Land Exemptions for Housing Alterations Code and General Development Code**

To be complying development specified for the Housing Alterations Code or the General Development Code, the development must not be carried out on unsewered land:

- (a) to which [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#) applies, if that development will result in an increase to the number of bedrooms on the site or in a site disturbance area of more than 250m², or*

- (b) in any other drinking water catchment identified in any other environmental planning instrument.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE HOUSING ALTERATIONS CODE AND GENERAL DEVELOPMENT CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (4)?

YES

- (5) Specific Land Exemptions for Commercial and Industrial (New Buildings and Additions) Code**

To be complying development specified for the Commercial and Industrial (New Buildings and Additions) Code, the development must not be carried out on:

- (a) land within a heritage conservation area or a draft heritage conservation area, or*
- (b) land that is reserved for a public purpose in an environmental planning instrument, or*
- (c) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or*
- (d) land that is significantly contaminated land within the meaning of the [Contaminated Land Management Act 1997](#), or*
- (e) land that is subject to a biobanking agreement under Part 7A of the [Threatened Species Conservation Act 1995](#) or a property vegetation plan approved under the [Native Vegetation Act 2003](#), or*

- (f) *land identified by an environmental planning instrument as being:*
- (i) *within a buffer area, or*
 - (ii) *within a river front area, or*
 - (iii) *within an ecologically sensitive area, or*
 - (iv) *environmentally sensitive land, or*
 - (v) *within a protected area, or*
- (g) *land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by:*
- (i) *a coastline hazard, or*
 - (ii) *a coastal hazard, or*
 - (iii) *a coastal erosion hazard, or*
- (h) *land in a foreshore area, or*
- (i) *unsewered land:*
- (i) *to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m², or*
 - (ii) *in any other drinking water catchment identified in any other environmental planning instrument.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS AND ADDITIONS) CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (5) OF THE CODE SEPP?

NO This land is affected by one or more of the following exemptions under clause 1.19 (5):

- (f) land excluded by an environmental planning instrument:
- (iii) within an ecologically sensitive area
 - (iv) within environmentally sensitive land
 - (v) within a protected area

4 Coastal protection

Whether or not the land is affected by the operation of section 38 or 39 of the *Coastal Protection Act 1979*, but only to the extent that the council has been so notified by the Department of Finance, Services and Innovation.

Council has NOT been notified that the land is affected by the operation of Section 38 or Section 39 of the *Coastal Protection Act 1979*.

4A Certain information relating to beaches and coasts

- (1) In relation to a coastal council – whether and order has been made under Part 4D of the *Coastal Protection Act 1979* in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land), except where the council is satisfied that such an order has been fully complied with.

Council has NOT been notified that the land (or adjacent public land) is affected by an order made under Part 4D of the *Coastal Protection Act 1979*.

(2) In relation to a coastal council:

- (a) whether the council has been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land), and
- (b) if works have been so placed – whether the council is satisfied that the works have been removed and the land restored in accordance with that Act.

Council has NOT been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal works have been placed on the land (or on adjacent public land).

4B Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council – whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the *Local Government Act 1993*.

The owner of the land has NOT consented to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to any existing coastal protection works within the meaning of section 553B of that Act.

5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the *Mine Subsidence Compensation Act 1961*.

The land has NOT been proclaimed to be a Mine Subsidence District within the meaning of section 15 of the *Mine Subsidence Compensation Act, 1961*.

6 Road widening and road realignment

Whether or not the land is affected by any road widening or realignment under:

- (a) Division 2 of Part 3 of the *Roads Act 1993*,

Council is NOT aware that the land is subject to any road widening or realignment under Division 2 of Part 3 of the *Roads Act 1993*.

- (b) any environmental planning instrument,

The land is NOT affected by any road widening or realignment under any environmental planning instrument.

- (c) any resolution of the council

The land is NOT affected by any road widening or realignment under any resolution of the council.

7 Council and other public authority policies on hazard risk restrictions

Whether or not the land is affected by a policy:

- (a) adopted by the council, or
- (b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council,
that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

Council has NOT adopted a policy to restrict development of the land because of the likelihood of landslip. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of slip.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of subsidence. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of subsidence.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of bushfire. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of bushfire. Where applicable, Council applies State Government policy contained in the two NSW Rural Fire Services publications titled Planning for Bush Fire Protection and Building in Bush Fire Prone Areas - Single dwellings to development in a bushfire prone area.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of tidal inundation. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of tidal inundation.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of acid sulphate soils. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of acid sulphate soil. However, where land is affected by acid sulfate soils, development may be affected by Clause 6.1 of Kiama Local Environmental Plan 2011.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of any other risk. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of any other risk.

7A Flood related development controls information

- (1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.
- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.
- (3) Words and expressions in this clause have the same meaning as in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) if permitted on the land MAY BE subject to flood related development controls. These controls can be found in Chapter 29 of Development Control Plan 2012 - Flood Liable Land.

Development on the land or part of the land for any other purpose if permitted on the land MAY BE subject to flood related development controls. These controls can be found in Chapter 29 of Development Control Plan 2012 - Flood Liable Land.

8 Land reserved for acquisition

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

The land is NOT affected by the provisions of an environmental planning instrument or a proposed environmental planning instrument which provides for the acquisition of the land by a public authority as referred to in Section 27 of the Act.

9 Contributions plans

The name of each contributions plan applying to the land.

The land MAY BE affected by Section 94A (Indirect Contributions) Plan.

The land IS affected by Section 94 Contributions Plan Nos 1 and 2.

9A Biodiversity certified land

If the land is biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*), a statement to that effect.

Council IS UNAWARE of any biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*).

10 Biobanking agreements

If the land is land to which a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* relates, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).

Council IS UNAWARE of any biobanking agreement made under Part 7A of the *Threatened Species Conservation Act 1995*.

11 Bush fire prone land

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.

If none of the land is bush fire prone land, a statement to that effect.

The land is NOT shown as bush fire prone land according to the Bush Fire Prone Land Map 2008 supplied by the Rural Fire Service.

The Bush Fire Prone Land Map 2008 is accessible on Council's website www.kiama.nsw.gov.au

12 Property vegetation plans

If the land is land to which a property vegetation plan under the *Native Vegetation Act 2003* applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

Council has NOT been notified of the existence of a property vegetation plan under the *Native Vegetation Act 2003* applying to the land.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

Council has NOT been notified that an Order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

14 Directions under Part 3A

This section of the Act has been repealed.

15 Site compatibility certificates and conditions for seniors housing

If the land is land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies:

- (a) a statement of whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:
 - (i) the period for which the certificate is current, and
 - (ii) that a copy may be obtained from the head office of the Department, and
- (b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

Council is NOT aware of a site compatibility certificate (seniors housing) applying to the land.

16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department.

Council is NOT aware of a site compatibility certificate (infrastructure) applying to the land.

17 Site compatibility certificates and conditions for affordable rental housing

- (1) A statement of whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:
 - (a) the period for which the certificate is current, and
 - (b) that a copy may be obtained from the head office of the Department.
- (2) A statement setting out any terms of a kind referred to in clause 17 (1) or 38 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

Council is NOT aware of a site compatibility certificate (affordable rental housing) applying to the land.

18 Paper subdivision information

- (1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.
- (2) The date of any subdivision order that applies to the land.
- (3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.

Council is NOT aware of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.

19 Site verification certificates

A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include:

- (a) the matter certified by the certificate, and

Note. A site verification certificate sets out the Secretary's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

- (b) the date on which the certificate ceases to be current (if any), and
- (c) that a copy may be obtained from the head office of the Department.

Council is NOT aware of any current site verification certificate applying to this land.

20 Loose-fill asbestos insulation

If the land includes any residential premises (within the meaning of Division 1A of Part 8 of the *Home Building Act 1989*) that are listed on the register that is required to be maintained under that Division, a statement to that effect.

Council has NOT been notified that the land is listed on the Loose-Fill Asbestos Insulation Register.

Land subject to Section 59 (2) of the Contaminated Land Management Act 1997

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act – if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act – if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act – if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act – if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act – if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

For the purposes of section 59(2) of the Contaminated Land Management Act 1997, Council is NOT aware of the land being:

- (a) significantly contaminated land within the meaning of that Act as at the date when this certificate is issued,
- (b) subject to a management order within the meaning of that Act as at the date when this certificate is issued,
- (c) the subject of an approved voluntary management proposal within the meaning of that Act as at the date when this certificate is issued,
- (d) subject to an ongoing maintenance order within the meaning of that Act as at the date when this certificate is issued,
- (e) the subject of a site audit statement within the meaning of that Act as at the date when this certificate is issued.

For further information, please contact Council's Strategic Planning Department on 02 4232 0444.

All correspondence should be directed to the General Manager, PO Box 75, KIAMA, NSW 2533.

M Forsyth
General Manager
Per:



SECTION 149 (2) PLANNING CERTIFICATE

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

APPLICANT DETAILS:

InfoTrack Pty Ltd
GPO Box 4029
SYDNEY NSW 2001

REFERENCE: KI-W014

Certificate No: 11885
Receipt number: 671060

Certificate date: 8/08/2016
Property Number: 4716

PROPERTY DESCRIPTION:

Property Title: LOT: 5 DP: 740252
Property Address: 51 South Kiama Drive KIAMA 2533

SECTION 149 (2) PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

1 Names of relevant planning instruments and DCPs

- (1) The name of each environmental planning instrument that applies to the carrying out of development on the land.

Kiama Local Environmental Plan 2011.

SEPP No 21 – Caravan Parks

This Policy aims to ensure that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwelling, as defined in the Local Government Act 1993, are also permitted.

SEPP No 30 – Intensive Agriculture

This Policy aims to require development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs.

SEPP No 33 – Hazardous and Offensive Development

This Policy aims to provide definitions for 'hazardous industry', 'hazardous storage establishments', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of the proposal.

SEPP No 50 – Canal Estate Developments

This Policy aims to ban new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.

SEPP No 55 – Remediation of Land

This Policy aims to introduce state-wide planning controls for the remediation of contaminated land.

SEPP No 62 – Sustainable Aquaculture

This Policy aims to encourage the sustainable expansion of the industry in NSW. The policy implements the regional strategies already development by creating a simple approach to identity and categorise aquaculture development on the basis of its potential environmental impact

SEPP No 64 – Advertising and Signage

This Policy aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

SEPP No 65 – Design Quality of Residential Apartment Development

This Policy aims to raise the design quality of residential apartment development across the State through the application of a series of design principles.

SEPP (Affordable Rental Housing) 2009

This Policy aims to establish a consistent planning regime for the provision of affordable rental housing. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

SEPP (Building Sustainability Index: BASIX) 2004

This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW.

SEPP (Exempt and Complying Development Codes) 2008

This Policy aims to streamline assessment processes for development that complies with specific development standards.

SEPP (Infrastructure) 2007

This Policy aims to provide a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.

SEPP (State Significant Precincts) 2005

This Policy aims to provide planning provisions for State significant sites.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Rural Lands) 2008

This Policy aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes.

SEPP (Miscellaneous Consent Provisions) 2007

This Policy aims to provide for the erection of temporary structures and the use of places of public entertainment while protecting public safety and public amenity.

SEPP (State and Regional Development) 2011

The aims of this Policy are to identify development that is State significant development or State significant infrastructure and critical State significant infrastructure and to confer functions on joint regional planning panels to determine development applications.

- (2) The name of each proposed environmental planning instrument that will apply to the carrying out of development on the land and that is or has been the subject of community consultation or on public exhibition under the Act (unless the Secretary has notified the council that the making of the proposed instrument has been deferred indefinitely or has not been approved).

There are NO exhibited proposed environmental planning instruments applying to the land.

- (3) The name of each development control plan that applies to the carrying out of development on the land.

Kiama Development Control Plan 2012

This plan is a consolidated Development Control Plan (DCP) giving an added level of guidance for development in the Kiama Municipality.

- (4) In this clause, proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

2 Zoning and land use under relevant LEPs

For each environmental planning instrument or proposed instrument referred to in clause 1 (other than a SEPP or proposed SEPP) that includes the land in any zone (however described):

- (a) the identity of the zone, whether by reference to a name (such as "Residential Zone" or "Heritage Area") or by reference to a number (such as "Zone No 2(a)"),
- (b) the purposes for which the instrument provides that development may be carried out within the zone without the need for development consent,
- (c) the purposes for which the instrument provides that development may not be carried out within the zone except with development consent,
- (d) the purposes for which the instrument provides that development is prohibited within the zone,

- (a) ZONE RU2 RURAL LANDSCAPE

- (b) Permitted without consent:

Environmental protection works; Extensive agriculture; Home occupations

- (c) Permitted with consent:

Agricultural produce industries; Air transport facilities; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dairies (restricted); Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Industrial retail outlets; Information and education facilities; Intensive plant agriculture; Recreation areas; Roads; Roadside stalls; Secondary dwellings; Water supply systems

- (d) Prohibited:

Any development not specified in item (b) or (c)

(a) ZONE E2 ENVIRONMENTAL CONSERVATION

(b) Permitted without consent:

Environmental protection works

(c) Permitted with consent:

Environmental facilities; Recreation areas; Roads

(d) Prohibited:

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item (b) or (c)

(a) ZONE E3 ENVIRONMENTAL MANAGEMENT

(b) Permitted without consent:

Environmental protection works; Home occupations

(c) Permitted with consent:

Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Dwelling houses; Environmental facilities; Extensive agriculture; Farm buildings; Farm stay accommodation; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Kiosks; Recreation areas; Roads; Roadside stalls; Secondary dwellings; Viticulture

(d) Prohibited:

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item (b) or (c)

(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed,

There ARE development standards applying to the land in Zone RU2 Rural Landscape that fix minimum land dimensions for the erection of a dwelling house. Refer to clauses 4.1, 4.1AA and 4.2A of Kiama Local Environmental Plan 2011.

There are NO development standards applying to the land in Zone E2 Environmental Conservation that fix minimum land dimensions for the erection of a dwelling house.

There ARE development standards applying to the land in Zone E3 Environmental Management that fix minimum land dimensions for the erection of a dwelling house. Refer to clauses 4.1, 4.1AA and 4.2A of Kiama Local Environmental Plan 2011.

(f) whether the land includes or comprises critical habitat,

The land does NOT include or comprise "critical habitat".

(g) whether the land is in a conservation area (however described),

The land has been identified on Kiama LEP 2011 Terrestrial Biodiversity Map see clause 6.4 Terrestrial Biodiversity of the Kiama LEP 2011 instrument. To view the affected land and clauses see the Terrestrial Biodiversity maps that are accessible via the Kiama LEP 2011 Council's website www.kiama.nsw.gov.au.

(h) whether an item of environmental heritage (however described) is situation on the land.

A heritage item is NOT situated on the land, unless a dry stone wall is situated on the land and the land is within the locality of Dunmore, Foxground, Jamberoo or Kiama, then a heritage item IS situated on the land.

2A Zoning and land use under State Environmental Planning Policy (Sydney Region Growth Centres) 2006

This clause does not apply to land in the Municipality of Kiama

3 Complying development

Complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Code SEPP) may be carried out on the land *except* where the land is *excluded by an environmental planning instrument* or affected by a *general land exemption* or a *specific land exemption* under the Code SEPP.

Disclaimer:

Clause 3 "Complying Development" addresses the provisions of Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – more commonly referred to as the Code SEPP.

There are other provisions in the Code SEPP that may prevent development being carried out on the land as complying development. Therefore persons wishing to carry out complying development on the land should read and understand all the provisions of the Code SEPP.

In determining whether complying development is subject to a general or a specific land exemption under Clauses 1.17A, 1.18 and 1.19, Council relies in some cases on information provided by State Government departments and public authorities. As Council cannot verify the accuracy of information supplied by other organizations, it does not accept any responsibility for any inaccuracies, errors or omissions in this Planning Certificate arising from information supplied by third parties where it is used for the purpose of disclosing information under Clause 3.

If land the subject of this certificate is affected by a specific land exemption referred to in clause 1.19(1)(c) and 1.19(5)(c) or 1.19(1)(j) and 1.19(4)(a) and 1.19(5)(i), a person will need to obtain further information from the appropriate State Government agencies to determine where complying development may be carried out in accordance with clause 1.19(1).

It is the responsibility of any person relying on this Planning Certificate for the purposes of complying development to ensure that all the requirements of the Code SEPP are met. Failure to comply with all the provisions of the Code SEPP may result in the issue of an invalid Complying Development Certificate.

Any person relying on this Planning Certificate for the purpose of carrying out complying development on the land should also ensure that the land is not affected by a restriction on the land title that may prevent complying development.

Note:

If a specified land exemption under clauses 1.17A, 1.18, 1.19(1) and 1.19(5) of the Code SEPP applies to the land, it may apply to the whole or part of the land. Council is unable to ascertain the extent of the affectation for the purposes of this Planning Certificate. If the specific land exemption applies to only part of the land, complying development may be able to be carried out on the unaffected part of the land.

To determine whether complying development may be carried out on part of the land under clause 1.17A, 1.18, 1.19(1) and 1.19(5), a person will need to consult with the appropriate public authority responsible for maps identifying the land affected by the specific land exemption. The specific land exemptions are applied by maps prepared by public authorities including Kiama Municipal Council. However, Council disclaims responsibility for the accuracy of map data prepared and supplied by other public authorities. Council itself may provide mapping derived from its own mapping data with restrictions on its use and reliability.

- For land partly affected by Acid Sulfate Soils Class 1 or 2, the [Department of Planning](#) is the public authority that should be consulted to determine what part of the land complying development under clauses 1.17A, 1.19(1) and 1.19 (5) may be carried out in accordance with clause 1.19(1)(c) and 1.19(5)(c).
- For land partly affected by [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#), the [Sydney Catchment Authority](#) is the public authority that should be consulted to determine what part of the land complying development in accordance with clause 1.19(1).
- For all other land partly affected by a specific land exemption under clause 1.17A, 1.18, 1.19(1) and 1.19(5), [Kiama Council](#) is the public authority that should be consulted to determine what part of the land complying development may be carried out in accordance with this clause.
- The Rural Housing Code only applies to land in Zone RU1, RU2 and R5.
- For the purposes of this certificate council has used definition of "environmentally sensitive area" from the Code SEPP and where appropriate Kiama Local Environmental Plan 2011 to refer to "environmentally sensitive land".

1.17A Requirements for complying development for all environmental planning instruments

- (1) **To be complying development for the purposes of any environmental planning instrument, the development must not:**
- (a) *be development for which development consent cannot be granted except with the concurrence of a person other than:*
 - (i) *the consent authority, or*
 - (ii) *the Director-General of the Department of Environment, Climate Change and Water as referred to in [section 79B](#) (3) of [the Act](#), or*
 - (b) *be on land that is critical habitat, or*
 - (c) *be on land that is, or is part of, a wilderness area (within the meaning of the [Wilderness Act 1987](#)), or*
 - (d) *be carried out on land that:*
 - (i) *comprises an item that is listed on the State Heritage Register under the [Heritage Act 1977](#) or on which such an item is located, or*
 - (ii) *is subject to an interim heritage order under that Act or on which is located an item that is so subject, or*
 - (iii) *is identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified, or*
 - (e) *except as otherwise provided by this Policy, be on land that is within an environmentally sensitive area.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH AN ENVIRONMENTAL PLANNING INSTRUMENT BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.17A (1)?

NO This land is affected by one or more of the following exemptions:

- (e) within an environmentally sensitive area.

If a dry stone wall is situated on the land and the land is within the locality of Dunmore, Foxground, Jamberoo or Kiama, then complying development MAY NOT be carried out under Clause 1.17A (1) as the land is affected by the following exemption:

- (d) (iii) identified as an item of environmental heritage or a heritage item.

- (2) **Despite subclause (1) (d), if development meets the requirements and standards specified by this Policy and that development:**

- (a) *has been granted an exemption under section 57 (2) of the [Heritage Act 1977](#), or*
- (b) *is subject to an exemption under section 57 (1A) or (3) of that Act, the development is complying development under this Policy.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.17A (2)?

YES

- (3) **If an item listed on the State Heritage Register is not located on, or does not comprise, the whole of the relevant land, subclause (1) (d) applies only to the part of the land that is described and mapped on that register.**

Please Refer to NOTE above.

- (4) If an item not listed on the State Heritage Register but identified as an item of environmental heritage in an environmental planning instrument does not comprise, or is not located on, the whole of the relevant land, subclause (1) (d) applies only to the part of the land that is described and mapped on that instrument.

Please Refer to NOTE above.

1.18 General requirements for complying development for this Policy

- (1) To be complying development for the purposes of this Policy, the development must:

- (a) not be exempt development under this Policy, and
- (b) be permissible, with consent, under an environmental planning instrument applying to the land on which the development is carried out, and
- (c) meet the relevant provisions of the Building Code of Australia, and
 - (c1) must not require an environment protection licence within the meaning of the [Protection of the Environment Operations Act 1997](#), and
 - (c2) must not be designated development, and

Note: Designated development is defined in [section 77A](#) of [the Act](#) as development that is declared to be designated development by an environmental planning instrument or the regulations.

- (c3) not be carried out on land that comprises, or on which there is, a draft heritage item, and
- (d) before the complying development certificate is issued, have an approval, if required by the [Local Government Act 1993](#), for:
 - (i) an on-site effluent disposal system if the development is undertaken on unsewered land, and
 - (ii) an on-site stormwater drainage system, and
- (e) before the complying development certificate is issued, have written consent from the relevant roads authority (if required under [section 138](#) of the [Roads Act 1993](#)) for the building of any kerb, crossover or driveway, and

Note: Other consents may be required under [section 138](#) of the [Roads Act 1993](#) before carrying out other works in relation to roads.

- (f) if it is the alteration or erection of improvements on land in a mine subsidence district within the meaning of the [Mine Subsidence Compensation Act 1961](#), have the prior approval of the Mine Subsidence Board, and

Note: Information about mine subsidence is information that is a prescribed matter for the purpose of a planning certificate under [section 149](#) (2) of [the Act](#), but the information is not included in a certificate issued under clause 279 (2) of Environmental Planning and Assessment Regulation 2000.

- (g) not be the construction or installation of a skylight or roof window on land to which Orana Regional Environmental Plan No 1-Siding Spring applies, and
- (h) if it involves the removal or pruning of a tree or other vegetation that requires a permit or development consent to which clause 3.6A, 3A.7 or 5A.3 does not apply-before the complying development certificate is issued, have a permit or development consent for that removal or pruning.

Note: A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the [Native Vegetation Act 2003](#). Paragraph (h) may not apply to certain trees or vegetation near complying development under this Policy (see clauses 3.6A, 3A.7 and 5A.3).

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH GENERAL REQUIREMENTS BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.18 (1)?

YES

- (2) The erection of a new dwelling house or an addition to a dwelling house on land in the 20-25 ANEF contours is complying development for this Policy, if the development is constructed in accordance with AS 2021-2000, Acoustics-Aircraft noise intrusion-Building siting and construction.
- (3) A complying development certificate for complying development under this Policy is subject to the conditions specified in this Policy in respect of that development.

Note: Clause 136A of the Environmental Planning and Assessment Regulation 2000 requires a complying development certificate to be issued subject to the conditions specified in that clause.

1.19 Land on which complying development may not be carried out

(1) Specific land exemptions for General Housing Code and Rural Housing Code

To be complying development specified for the General Housing Code or the Rural Housing Code, the development must not be carried out on:

- (a) land within a heritage conservation area or a draft heritage conservation area, unless the development is a detached outbuilding or swimming pool, or
- (b) land that is reserved for a public purpose by an environmental planning instrument, or
- (c) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or
- (d) land that is subject to a biobanking agreement under Part 7A of the [Threatened Species Conservation Act 1995](#) or a property vegetation plan approved under the [Native Vegetation Act 2003](#), or
- (e) land identified by an environmental planning instrument as being:
 - i. within a buffer area, or
 - ii. within a river front area, or
 - iii. within an ecologically sensitive area, or
 - iv. environmentally sensitive land, or
 - v. within a protected area, or
- (f) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by:
 - i. a coastline hazard, or
 - ii. a coastal hazard, or
 - iii. a coastal erosion hazard, or
- (g) land in a foreshore area, or
- (h) land that is in the 25 ANEF contour or a higher ANEF contour, unless the development is only for the erection of ancillary development, the alteration of or an addition to ancillary development or the alteration of a dwelling house, or
- (i) land that is declared to be a special area under the [Sydney Water Catchment Management Act 1998](#), or
- (j) unsewered land:
 - i. to which [State Environmental Planning Policy \(Sydney Drinking Water Catchment\)](#)

2011 applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m², or

- ii. in any other drinking water catchment identified in any other environmental planning instrument.

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE GENERAL HOUSING CODE AND RURAL HOUSING CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (1)?

NO This land is affected by one or more of the following exemptions under clause 1.19 (1):

- (e) land identified by an environmental planning instrument as being:

- (iii) within an ecologically sensitive area
- (iv) environmentally sensitive land
- (v) within a protected area

- (2) Development specified in the General Housing Code is not complying development under that code if it is carried out on land described or otherwise identified on a map specified in Schedule 5.

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE GENERAL HOUSING CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (2)?

YES

- (3) This subclause does not apply to Kiama LGA.

- (4) Specific Land Exemptions for Housing Alterations Code and General Development Code

To be complying development specified for the Housing Alterations Code or the General Development Code, the development must not be carried out on unsewered land:

- (a) to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, if that development will result in an increase to the number of bedrooms on the site or in a site disturbance area of more than 250m², or
- (b) in any other drinking water catchment identified in any other environmental planning instrument.

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE HOUSING ALTERATIONS CODE AND GENERAL DEVELOPMENT CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (4)?

YES

- (5) Specific Land Exemptions for Commercial and Industrial (New Buildings and Additions) Code

To be complying development specified for the Commercial and Industrial (New Buildings and Additions) Code, the development must not be carried out on:

- (a) land within a heritage conservation area or a draft heritage conservation area, or
- (b) land that is reserved for a public purpose in an environmental planning instrument, or
- (c) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or
- (d) land that is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997, or
- (e) land that is subject to a biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995 or a property vegetation plan approved under the Native Vegetation Act 2003, or

- (f) land identified by an environmental planning instrument as being:
- (i) within a buffer area, or
 - (ii) within a river front area, or
 - (iii) within an ecologically sensitive area, or
 - (iv) environmentally sensitive land, or
 - (v) within a protected area, or
- (g) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by:
- (i) a coastline hazard, or
 - (ii) a coastal hazard, or
 - (iii) a coastal erosion hazard, or
- (h) land in a foreshore area, or
- (i) unsewered land:
- (i) to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m², or
 - (ii) in any other drinking water catchment identified in any other environmental planning instrument.

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS AND ADDITIONS) CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (5) OF THE CODE SEPP?

NO This land is affected by one or more of the following exemptions under clause 1.19 (5):

- (f) land excluded by an environmental planning instrument:
- (iii) within an ecologically sensitive area
 - (iv) within environmentally sensitive land
 - (v) within a protected area

4 Coastal protection

Whether or not the land is affected by the operation of section 38 or 39 of the *Coastal Protection Act 1979*, but only to the extent that the council has been so notified by the Department of Finance, Services and Innovation.

Council has NOT been notified that the land is affected by the operation of Section 38 or Section 39 of the *Coastal Protection Act 1979*.

4A Certain information relating to beaches and coasts

- (1) In relation to a coastal council – whether and order has been made under Part 4D of the *Coastal Protection Act 1979* in relation to temporary coastal protection works (within the meaning of that Act) on the land (or on public land adjacent to that land), except where the council is satisfied that such an order has been fully complied with.

Council has NOT been notified that the land (or adjacent public land) is affected by an order made under Part 4D of the *Coastal Protection Act 1979*.

(2) In relation to a coastal council:

- (a) whether the council has been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal protection works (within the meaning of that Act) have been placed on the land (or on public land adjacent to that land), and
- (b) if works have been so placed – whether the council is satisfied that the works have been removed and the land restored in accordance with that Act.

Council has NOT been notified under section 55X of the *Coastal Protection Act 1979* that temporary coastal works have been placed on the land (or on adjacent public land).

4B Annual charges under Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

In relation to a coastal council – whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works (within the meaning of section 553B of that Act).

Note. “Existing coastal protection works” are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the *Local Government Act 1993*.

The owner of the land has NOT consented to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to any existing coastal protection works within the meaning of section 553B of that Act.

5 Mine subsidence

Whether or not the land is proclaimed to be a mine subsidence district within the meaning of section 15 of the *Mine Subsidence Compensation Act 1961*.

The land has NOT been proclaimed to be a Mine Subsidence District within the meaning of section 15 of the *Mine Subsidence Compensation Act, 1961*.

6 Road widening and road realignment

Whether or not the land is affected by any road widening or realignment under:

- (a) Division 2 of Part 3 of the *Roads Act 1993*,

Council is NOT aware that the land is subject to any road widening or realignment under Division 2 of Part 3 of the *Roads Act 1993*.

- (b) any environmental planning instrument,

The land is NOT affected by any road widening or realignment under any environmental planning instrument.

- (c) any resolution of the council

The land is NOT affected by any road widening or realignment under any resolution of the council.

7 Council and other public authority policies on hazard risk restrictions

Whether or not the land is affected by a policy:

- (a) adopted by the council, or
- (b) adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council, that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

Council has NOT adopted a policy to restrict development of the land because of the likelihood of landslip. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of slip.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of subsidence. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of subsidence.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of bushfire. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of bushfire. Where applicable, Council applies State Government policy contained in the two NSW Rural Fire Services publications titled Planning for Bush Fire Protection and Building in Bush Fire Prone Areas - Single dwellings to development in a bushfire prone area.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of tidal inundation. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of tidal inundation.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of acid sulphate soils. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of acid sulphate soil. However, where land is affected by acid sulfate soils, development may be affected by Clause 6.1 of Kiama Local Environmental Plan 2011.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of any other risk. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of any other risk.

7A Flood related development controls information

- (1) Whether or not development on that land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls.
- (2) Whether or not development on that land or part of the land for any other purpose is subject to flood related development controls.
- (3) Words and expressions in this clause have the same meaning as in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) if permitted on the land MAY BE subject to flood related development controls. These controls can be found in Chapter 29 of Development Control Plan 2012 - Flood Liable Land.

Development on the land or part of the land for any other purpose if permitted on the land MAY BE subject to flood related development controls. These controls can be found in Chapter 29 of Development Control Plan 2012 - Flood Liable Land.

8 Land reserved for acquisition

Whether or not any environmental planning instrument or proposed environmental planning instrument referred to in clause 1 makes provision in relation to the acquisition of the land by a public authority, as referred to in section 27 of the Act.

The land is NOT affected by the provisions of an environmental planning instrument or a proposed environmental planning instrument which provides for the acquisition of the land by a public authority as referred to in Section 27 of the Act.

9 Contributions plans

The name of each contributions plan applying to the land.

The land MAY BE affected by Section 94A (Indirect Contributions) Plan.

The land IS affected by Section 94 Contributions Plan Nos 1 and 2.

9A Biodiversity certified land

If the land is biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*), a statement to that effect.

Council IS UNAWARE of any biodiversity certified land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*).

10 Biobanking agreements

If the land is land to which a biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995* relates, a statement to that effect (but only if the council has been notified of the existence of the agreement by the Chief Executive of the Office of Environment and Heritage).

Council IS UNAWARE of any biobanking agreement made under Part 7A of the *Threatened Species Conservation Act 1995*.

11 Bush fire prone land

If any of the land is bush fire prone land (as defined in the Act), a statement that all or, as the case may be, some of the land is bush fire prone land.

If none of the land is bush fire prone land, a statement to that effect.

The land is NOT shown as bush fire prone land according to the Bush Fire Prone Land Map 2008 supplied by the Rural Fire Service.

The Bush Fire Prone Land Map 2008 is accessible on Council's website www.kiama.nsw.gov.au

12 Property vegetation plans

If the land is land to which a property vegetation plan under the *Native Vegetation Act 2003* applies, a statement to that effect (but only if the council has been notified of the existence of the plan by the person or body that approved the plan under that Act).

Council has NOT been notified of the existence of a property vegetation plan under the *Native Vegetation Act 2003* applying to the land.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the council has been notified of the order).

Council has NOT been notified that an Order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land.

14 Directions under Part 3A

This section of the Act has been repealed.

15 Site compatibility certificates and conditions for seniors housing

If the land is land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies:

- (a) a statement of whether there is a current site compatibility certificate (seniors housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:
 - (i) the period for which the certificate is current, and
 - (ii) that a copy may be obtained from the head office of the Department, and
- (b) a statement setting out any terms of a kind referred to in clause 18 (2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

Council is NOT aware of a site compatibility certificate (seniors housing) applying to the land.

16 Site compatibility certificates for infrastructure

A statement of whether there is a valid site compatibility certificate (infrastructure), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:

- (a) the period for which the certificate is valid, and
- (b) that a copy may be obtained from the head office of the Department.

Council is NOT aware of a site compatibility certificate (infrastructure) applying to the land.

17 Site compatibility certificates and conditions for affordable rental housing

- (1) A statement of whether there is a current site compatibility certificate (affordable rental housing), of which the council is aware, in respect of proposed development on the land and, if there is a certificate, the statement is to include:
 - (a) the period for which the certificate is current, and
 - (b) that a copy may be obtained from the head office of the Department.
- (2) A statement setting out any terms of a kind referred to in clause 17 (1) or 38 (1) of *State Environmental Planning Policy (Affordable Rental Housing) 2009* that have been imposed as a condition of consent to a development application in respect of the land.

Council is NOT aware of a site compatibility certificate (affordable rental housing) applying to the land.

18 Paper subdivision information

- (1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.
- (2) The date of any subdivision order that applies to the land.
- (3) Words and expressions used in this clause have the same meaning as they have in Part 16C of this Regulation.

Council is NOT aware of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.

19 Site verification certificates

A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include:

- (a) the matter certified by the certificate, and

Note. A site verification certificate sets out the Secretary's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*.

- (b) the date on which the certificate ceases to be current (if any), and
- (c) that a copy may be obtained from the head office of the Department.

Council is NOT aware of any current site verification certificate applying to this land.

20 Loose-fill asbestos insulation

If the land includes any residential premises (within the meaning of Division 1A of Part 8 of the *Home Building Act 1989*) that are listed on the register that is required to be maintained under that Division, a statement to that effect.

Council has NOT been notified that the land is listed on the Loose-Fill Asbestos Insulation Register.

Land subject to Section 59 (2) of the Contaminated Land Management Act 1997

Note. The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997* as additional matters to be specified in a planning certificate:

- (a) that the land to which the certificate relates is significantly contaminated land within the meaning of that Act – if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,
- (b) that the land to which the certificate relates is subject to a management order within the meaning of that Act – if it is subject to such an order at the date when the certificate is issued,
- (c) that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act – if it is the subject of such an approved proposal at the date when the certificate is issued,
- (d) that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act – if it is subject to such an order at the date when the certificate is issued,
- (e) that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act – if a copy of such a statement has been provided at any time to the local authority issuing the certificate.

For the purposes of section 59(2) of the Contaminated Land Management Act 1997, Council is NOT aware of the land being:

- (a) significantly contaminated land within the meaning of that Act as at the date when this certificate is issued,
- (b) subject to a management order within the meaning of that Act as at the date when this certificate is issued,
- (c) the subject of an approved voluntary management proposal within the meaning of that Act as at the date when this certificate is issued,
- (d) subject to an ongoing maintenance order within the meaning of that Act as at the date when this certificate is issued,
- (e) the subject of a site audit statement within the meaning of that Act as at the date when this certificate is issued.

For further information, please contact Council's Strategic Planning Department on 02 4232 0444.

All correspondence should be directed to the General Manager, PO Box 75, KIAMA, NSW 2533.

M Forsyth
General Manager
Per:



SECTION 149(2) PLANNING CERTIFICATE

InfoTrack Pty Ltd
GPO Box 4029
SYDNEY NSW 2001

Certificate date:	3/08/2016	Property Number:	11163
Receipt number:	670679		

PROPERTY DESCRIPTION

Property: 11 Weir Street KIAMA HEIGHTS 2533
Title: LOT: 101 DP: 1077617

PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE EP&A REGULATION 2000

1 Names of relevant planning instruments and DCPs

The principal environmental planning instruments applying to the land are listed below:

Kiama Local Environmental Plan 2011.

State Environmental Planning Instruments

The State environmental planning instruments applying to the land are:

SEPP No 21 – Caravan Parks

This Policy aims to ensure that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwelling, as defined in the Local Government Act 1993, are also permitted.

SEPP No 30 – Intensive Agriculture

This Policy aims to require development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs.

SEPP No 33 – Hazardous and Offensive Development

This Policy aims to provide definitions for 'hazardous industry', 'hazardous storage establishments', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of the proposal.

SEPP No 50 – Canal Estate Developments

This Policy aims to ban new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.

SEPP No 55 – Remediation of Land

This Policy aims to introduce state-wide planning controls for the remediation of contaminated land.

SEPP No 62 – Sustainable Aquaculture

This Policy aims to encourage the sustainable expansion of the industry in NSW. The policy implements the regional strategies already development by creating a simple approach to identity and categorise aquaculture development on the basis of its potential environmental impact

SEPP No 64 – Advertising and Signage

This Policy aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

SEPP No 65 – Design Quality of Residential Apartment Development

This Policy aims to raise the design quality of residential apartment development across the State through the application of a series of design principles.

SEPP (Affordable Rental Housing) 2009

This Policy aims to establish a consistent planning regime for the provision of affordable rental housing. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

SEPP (Building Sustainability Index: BASIX) 2004

This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW.

SEPP (Exempt and Complying Development Codes) 2008

This Policy aims to streamline assessment processes for development that complies with specific development standards.

SEPP (Infrastructure) 2007

This Policy aims to provide a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.

SEPP (State Significant Precincts) 2005

This Policy aims to provide planning provisions for State significant sites.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.

SEPP (Rural Lands) 2008

This Policy aims to facilitate the orderly and economic use and development of rural lands for rural and related purposes.

SEPP (Miscellaneous Consent Provisions) 2007

This Policy aims to provide for the erection of temporary structures and the use of places of public entertainment while protecting public safety and public amenity.

SEPP (State and Regional Development) 2011

The aims of this Policy are to identify development that is State significant development or State significant infrastructure and critical State significant infrastructure and to confer functions on joint regional planning panels to determine development applications.

Deemed State Environmental Planning Policy

Illawarra Regional Environmental Plan No 1.

Proposed Environmental Planning Instruments

There are NO exhibited proposed environmental planning instruments applying to the land.

Name of Development Control Plan applying to the land

Kiama Development Control Plan 2012

This plan is a consolidated Development Control Plan (DCP) giving an added level of guidance for development in the Kiama Municipality.

2 Zoning and Land Use Under Relevant LEPs

Zoning and land use under relevant LEPs

The following land use tables are copied from the current Kiama Local Environmental Plan 2011 instruments:

ZONE RU2 RURAL LANDSCAPE

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations

3 Permitted with consent

Agricultural produce industries; Air transport facilities; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoria; Dairies (restricted); Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Highway service centres; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Industrial retail outlets; Information and education facilities; Intensive plant agriculture; Recreation areas; Roads; Roadside stalls; Secondary dwellings; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3.

ZONE E2 ENVIRONMENTAL CONSERVATION

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Environmental facilities; Recreation areas; Roads

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Matters Prescribed by Clause 2 (e) - (h) of Schedule 4 of the EP&A Regulation 2000

The following information is provided in accordance with clause 2(e) – (h) of Schedule 4:

There ARE development standards applying to the land in Zone RU2 Rural Landscape that fix minimum land dimensions for the erection of a dwelling house. Refer to clauses 4.1, 4.1AA and 4.2A of Kiama Local Environmental Plan 2011.

There are NO development standards applying to the land in Zone E2 Environmental Conservation that fix minimum land dimensions for the erection of a dwelling house.

The land does NOT include or comprise "critical habitat".

The land has been identified on Kiama LEP 2011 Terrestrial Biodiversity Map see clause 6.4 Terrestrial Biodiversity of the Kiama LEP 2011 instrument. To view the affected land and clauses see the Terrestrial Biodiversity maps that are accessible via the Kiama LEP 2011 Council's website www.kiama.nsw.gov.au.

A heritage item is NOT situated on the land, unless a dry stone wall is situated on the land and the land is within the locality of Dunmore, Foxground, Jamberoo or Kiama, then a heritage item IS situated on the land.

3 Complying development

Complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Code SEPP) may be carried out on the land except where the land is *excluded by an environmental planning instrument* or affected by a *general land exemption* or a *specific land exemption* under the Code SEPP.

Disclaimer:

Clause 3 "Complying Development" addresses the provisions of Clause 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 – more commonly referred to as the Code SEPP.

There are other provisions in the Code SEPP that may prevent development being carried out on the land as complying development. Therefore persons wishing to carry out complying development on the land should read and understand all the provisions of the Code SEPP.

In determining whether complying development is subject to a general or a specific land exemption under Clauses 1.17A, 1.18 and 1.19, Council relies in some cases on information provided by State Government departments and public authorities. As Council cannot verify the accuracy of information supplied by other organizations, it does not accept any responsibility for any inaccuracies, errors or omissions in this Planning Certificate arising from information supplied by third parties where it is used for the purpose of disclosing information under Clause 3.

If land the subject of this certificate is affected by a specific land exemption referred to in clause 1.19(1)(c) and 1.19(5)(c) or 1.19(1)(j) and 1.19(4)(a) and 1.19(5)(i), a person will need to obtain further information from the appropriate State Government agencies to determine where complying development may be carried out in accordance with clause 1.19(1).

It is the responsibility of any person relying on this Planning Certificate for the purposes of complying development to ensure that all the requirements of the Code SEPP are met. Failure to comply with all the provisions of the Code SEPP may result in the issue of an invalid Complying Development Certificate.

Any person relying on this Planning Certificate for the purpose of carrying out complying development on the land should also ensure that the land is not affected by a restriction on the land title that may prevent complying development.

Note:

If a specified land exemption under clauses 1.17A, 1.18, 1.19(1) and 1.19(5) of the Code SEPP applies to the land, it may apply to the whole or part of the land. Council is unable to ascertain the extent of the affectation for the purposes of this Planning Certificate. If the specific land exemption applies to only part of the land, complying development may be able to be carried out on the unaffected part of the land.

To determine whether complying development may be carried out on part of the land under clause 1.17A, 1.18, 1.19(1) and 1.19(5), a person will need to consult with the appropriate public authority responsible for maps identifying the land affected by the specific land exemption. The specific land exemptions are applied by maps prepared by public authorities including Kiama Municipal Council. However, Council disclaims responsibility for the accuracy of map data prepared and supplied by other public authorities. Council itself may provide mapping derived from its own mapping data with restrictions on its use and reliability.

- For land partly affected by Acid Sulfate Soils Class 1 or 2, the [Department of Planning](#) is the public authority that should be consulted to determine what part of the land complying development under clauses 1.17A, 1.19(1) and 1.19 (5) may be carried out in accordance with clause 1.19(1)(c) and 1.19(5)(c).
- For land partly affected by [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#), the [Sydney Catchment Authority](#) is the public authority that should be consulted to determine what part of the land complying development in accordance with clause 1.19(1).
- For all other land partly affected by a specific land exemption under clause 1.17A, 1.18, 1.19(1) and 1.19(5), [Kiama Council](#) is the public authority that should be consulted to determine what part of the land complying development may be carried out in accordance with this clause.
- The Rural Housing Code only applies to land in Zone RU1, RU2 and R5.
- For the purposes of this certificate council has used definition of "environmentally sensitive area" from the Code SEPP and where appropriate Kiama Local Environmental Plan 2011 to refer to "environmentally sensitive land".

1.17A Requirements for complying development for all environmental planning instruments

(1) To be complying development for the purposes of any environmental planning instrument, the development must not:

- (a) *be development for which development consent cannot be granted except with the concurrence of a person other than:*
 - (i) *the consent authority, or*
 - (ii) *the Director-General of the Department of Environment, Climate Change and Water as referred to in [section 79B](#) (3) of [the Act](#), or*
- (b) *be on land that is critical habitat, or*
- (c) *be on land that is, or is part of, a wilderness area (within the meaning of the [Wilderness Act 1987](#)), or*
- (d) *be carried out on land that:*
 - (i) *comprises an item that is listed on the State Heritage Register under the [Heritage Act 1977](#) or on which such an item is located, or*
 - (ii) *is subject to an interim heritage order under that Act or on which is located an item that is so subject, or*
 - (iii) *is identified as an item of environmental heritage or a heritage item by an environmental planning instrument or on which is located an item that is so identified, or*
- (e) *except as otherwise provided by this Policy, be on land that is within an environmentally sensitive area.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH AN ENVIRONMENTAL PLANNING INSTRUMENT BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.17A (1)?

NO This land is affected by one or more of the following exemptions:

- (e) within an environmentally sensitive area.

If a dry stone wall is situated on the land and the land is within the locality of Dunmore, Foxground, Jamberoo or Kiama, then complying development MAY NOT be carried out under Clause 1.17A (1) as the land is affected by the following exemption:

- (d) (iii) identified as an item of environmental heritage or a heritage item.

(2) Despite subclause (1) (d), if development meets the requirements and standards specified by this Policy and that development:

- (a) *has been granted an exemption under section 57 (2) of the [Heritage Act 1977](#), or*
- (b) *is subject to an exemption under section 57 (1A) or (3) of that Act, the development is complying development under this Policy.*

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH ENVIRONMENTAL PLANNING INSTRUMENTS BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.17A (2)?

YES

- (3) If an item listed on the State Heritage Register is not located on, or does not comprise, the whole of the relevant land, subclause (1) (d) applies only to the part of the land that is described and mapped on that register.

Please Refer to NOTE above.

- (4) If an item not listed on the State Heritage Register but identified as an item of environmental heritage in an environmental planning instrument does not comprise, or is not located on, the whole of the relevant land, subclause (1) (d) applies only to the part of the land that is described and mapped on that instrument.

Please Refer to NOTE above.

1.18 General requirements for complying development for this Policy

- (1) To be complying development for the purposes of this Policy, the development must:

- (a) not be exempt development under this Policy, and
- (b) be permissible, with consent, under an environmental planning instrument applying to the land on which the development is carried out, and
- (c) meet the relevant provisions of the Building Code of Australia, and
 - (c1) must not require an environment protection licence within the meaning of the [Protection of the Environment Operations Act 1997](#), and
 - (c2) must not be designated development, and

Note: Designated development is defined in [section 77A](#) of [the Act](#) as development that is declared to be designated development by an environmental planning instrument or the regulations.

- (c3) not be carried out on land that comprises, or on which there is, a draft heritage item, and
- (d) before the complying development certificate is issued, have an approval, if required by the [Local Government Act 1993](#), for:
 - (i) an on-site effluent disposal system if the development is undertaken on unsewered land, and
 - (ii) an on-site stormwater drainage system, and
- (e) before the complying development certificate is issued, have written consent from the relevant roads authority (if required under [section 138](#) of the [Roads Act 1993](#)) for the building of any kerb, crossover or driveway, and

Note: Other consents may be required under [section 138](#) of the [Roads Act 1993](#) before carrying out other works in relation to roads.

- (f) if it is the alteration or erection of improvements on land in a mine subsidence district within the meaning of the [Mine Subsidence Compensation Act 1961](#), have the prior approval of the Mine Subsidence Board, and

Note: Information about mine subsidence is information that is a prescribed matter for the purpose of a planning certificate under [section 149](#) (2) of [the Act](#), but the information is not included in a certificate issued under clause 279 (2) of Environmental Planning and Assessment Regulation 2000.

- (g) not be the construction or installation of a skylight or roof window on land to which Orana Regional Environmental Plan No 1-Siding Spring applies, and

- (h) if it involves the removal or pruning of a tree or other vegetation that requires a permit or development consent to which clause 3.6A, 3A.7 or 5A.3 does not apply-before the complying development certificate is issued, have a permit or development consent for that removal or pruning.

Note: A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the [Native Vegetation Act 2003](#). Paragraph (h) may not apply to certain trees or vegetation near complying development under this Policy (see clauses 3.6A, 3A.7 and 5A.3).

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH GENERAL REQUIREMENTS BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.18 (1)?

YES

- (2) The erection of a new dwelling house or an addition to a dwelling house on land in the 20-25 ANEF contours is complying development for this Policy, if the development is constructed in accordance with AS 2021-2000, Acoustics-Aircraft noise intrusion-Building siting and construction.
- (3) A complying development certificate for complying development under this Policy is subject to the conditions specified in this Policy in respect of that development.

Note: Clause 136A of the Environmental Planning and Assessment Regulation 2000 requires a complying development certificate to be issued subject to the conditions specified in that clause.

1.19 Land on which complying development may not be carried out

(1) Specific land exemptions for General Housing Code and Rural Housing Code

To be complying development specified for the General Housing Code or the Rural Housing Code, the development must not be carried out on:

- (a) land within a heritage conservation area or a draft heritage conservation area, unless the development is a detached outbuilding or swimming pool, or
- (b) land that is reserved for a public purpose by an environmental planning instrument, or
- (c) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or
- (d) land that is subject to a biobanking agreement under Part 7A of the [Threatened Species Conservation Act 1995](#) or a property vegetation plan approved under the [Native Vegetation Act 2003](#), or
- (e) land identified by an environmental planning instrument as being:
 - i. within a buffer area, or
 - ii. within a river front area, or
 - iii. within an ecologically sensitive area, or
 - iv. environmentally sensitive land, or
 - v. within a protected area, or

- (f) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by:
 - i. a coastline hazard, or
 - ii. a coastal hazard, or
 - iii. a coastal erosion hazard, or
- (g) land in a foreshore area, or
- (h) land that is in the 25 ANEF contour or a higher ANEF contour, unless the development is only for the erection of ancillary development, the alteration of or an addition to ancillary development or the alteration of a dwelling house, or
- (i) land that is declared to be a special area under the [Sydney Water Catchment Management Act 1998](#), or
- (j) unsewered land:
 - i. to which [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#) applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m², or
 - ii. in any other drinking water catchment identified in any other environmental planning instrument.

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE GENERAL HOUSING CODE AND RURAL HOUSING CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (1)?

NO This land is affected by one or more of the following exemptions under clause 1.19 (1):

- (e) land identified by an environmental planning instrument as being:
 - (iii) within an ecologically sensitive area
 - (iv) environmentally sensitive land
 - (v) within a protected area

(2) Development specified in the General Housing Code is not complying development under that code if it is carried out on land described or otherwise identified on a map specified in Schedule 5.

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE GENERAL HOUSING CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (2)?

YES

(3) This subclause does not apply to Kiama LGA.

(4) Specific Land Exemptions for Housing Alterations Code and General Development Code

To be complying development specified for the Housing Alterations Code or the General Development Code, the development must not be carried out on unsewered land:

- (a) to which [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#) applies, if that development will result in an increase to the number of bedrooms on the site or in a site disturbance area of more than 250m², or
- (b) in any other drinking water catchment identified in any other environmental planning instrument.

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE HOUSING ALTERATIONS CODE AND GENERAL DEVELOPMENT CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (4)?

YES

(5) Specific Land Exemptions for Commercial and Industrial (New Buildings and Additions) Code

To be complying development specified for the Commercial and Industrial (New Buildings and Additions) Code, the development must not be carried out on:

- (a) land within a heritage conservation area or a draft heritage conservation area, or
- (b) land that is reserved for a public purpose in an environmental planning instrument, or
- (c) land identified on an Acid Sulfate Soils Map as being Class 1 or Class 2, or
- (d) land that is significantly contaminated land within the meaning of the [Contaminated Land Management Act 1997](#), or
- (e) land that is subject to a biobanking agreement under Part 7A of the [Threatened Species Conservation Act 1995](#) or a property vegetation plan approved under the [Native Vegetation Act 2003](#), or
- (f) land identified by an environmental planning instrument as being:
 - (i) within a buffer area, or
 - (ii) within a river front area, or
 - (iii) within an ecologically sensitive area, or
 - (iv) environmentally sensitive land, or
 - (v) within a protected area, or
- (g) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by:
 - (i) a coastline hazard, or
 - (ii) a coastal hazard, or
 - (iii) a coastal erosion hazard, or
- (h) land in a foreshore area, or
- (i) unsewered land:
 - (i) to which [State Environmental Planning Policy \(Sydney Drinking Water Catchment\) 2011](#) applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m², or
 - (ii) in any other drinking water catchment identified in any other environmental planning instrument.

CAN COMPLYING DEVELOPMENT IN ACCORDANCE WITH THE COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS AND ADDITIONS) CODE BE CARRIED OUT ON THE LAND UNDER CLAUSE 1.19 (5) OF THE CODE SEPP?

NO This land is affected by one or more of the following exemptions under clause 1.19 (5):

- (f) land excluded by an environmental planning instrument:
 - (iii) within an ecologically sensitive area
 - (iv) within environmentally sensitive land
 - (v) within a protected area

4 Coastal protection

Council has NOT been notified that the land is affected by the operation of Section 38 or Section 39 of the Coastal Protection Act 1979.

4A Certain information relating to beaches and coasts

- (1) Council has NOT been notified that the land is affected by an order made under Part 4D of the Coastal Protection Act 1979.
 - (2) Council has NOT been notified under section 55X of the Coastal Protection Act 1979 that temporary coastal works have been placed on the land.
 - (3) Council has NOT been notified of any information required by the regulations under section 56B of the Coastal Protection Act 1979 to be notified in this certificate.
-

4B Annual charges under the Local Government Act 1993 for coastal protection services that relate to existing coastal protection works

The owner of the land has NOT consented to the land being subject to annual charges under section 496B of the local Government Act 1993 for coastal protection services that relate to any existing coastal protection works within the meaning of section 553B of that Act.

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the Local Government Act 1993.

5 Mine subsidence

The land has NOT been proclaimed to be a Mine Subsidence District within the meaning of Section 15 of the Mine Subsidence Compensation Act, 1961

6 Road widening and road realignment

Whether or not the land is affected by any road widening or realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993,

Council is NOT aware that the land is subject to any road widening or realignment under Division 2 of Part 3 of the Roads Act 1993.

- (b) any environmental planning instrument,

The land is NOT affected by any road widening or realignment under any environmental planning instrument.

- (c) any resolution of the council

The land is NOT affected by any road widening or realignment under any resolution of the council.

7 Council and other public authority policies on hazard risk restrictions

Council has NOT adopted a policy to restrict development of the land because of the likelihood of landslip. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of slip.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of subsidence. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of subsidence.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of bushfire. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of bushfire. Where applicable, Council applies State Government policy contained in the two NSW Rural Fire Services publications titled Planning for Bush Fire Protection and Building in Bush Fire Prone Areas - Single dwellings to development in a bushfire prone area.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of tidal inundation. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of tidal inundation.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of acid sulphate soils. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of acid sulphate soil. However, where land is affected by acid sulfate soils, development may be affected by Clause 6.1 of Kiama Local Environmental Plan 2011.

Council has NOT adopted a policy to restrict development of the land because of the likelihood of any other risk. No public authority has notified Council (for the purpose of reference in planning certificates) that it has a policy to restrict development of the land because of the likelihood of any other risk.

7A Flood related development controls information

Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) if permitted on the land MAY BE subject to flood related development controls. These controls can be found in Chapter 29 of Development Control Plan 2012 - Flood Liable Land.

Development on the land or part of the land for any other purpose if permitted on the land MAY BE subject to flood related development controls. These controls can be found in Chapter 29 of Development Control Plan 2012 - Flood Liable Land.

8 Land reserved for acquisition

The land is NOT affected by the provisions of an environmental planning instrument or a proposed environmental planning instrument which provides for the acquisition of the land by a public authority as referred to in Section 27 of the Act.

9 Contributions plans

The land MAY BE affected by Section 94A (Indirect Contributions) Plan.

The land IS affected by Section 94 Contributions Plan Nos 1 and 2.

9A Biodiversity certified land

Council IS UNAWARE of any biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995)

10 Biobanking agreements

Council IS UNAWARE of any biobanking agreement made under Part 7A of the Threatened Species Conservation Act 1995

11 Bush fire prone land

The land is shown as PARTLY affected bush fire prone land according to the Bush Fire Prone Land Map 2008 supplied by the Rural Fire Service.

The Bush Fire Prone Land Map 2008 is accessible on Council's website www.kiama.nsw.gov.au

12 Property vegetation plans

Council has NOT been notified of the existence of a property vegetation plan under the Native Vegetation Act 2003 applying to the land.

13 Orders under Trees (Disputes Between Neighbours) Act 2006

Council has NOT been notified that an Order has been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land.

14 Directions under Part 3A

75A-75ZA has been repealed.

15 Site compatibility certificates and conditions for seniors housing

Council is NOT aware of a site compatibility certificate (seniors housing) applying to the land.

16 Site compatibility certificates for infrastructure

Council is NOT aware of a site compatibility certificate (infrastructure) applying to the land.

17 Site compatibility certificates and conditions for affordable rental housing

Council is NOT aware of a site compatibility certificate (affordable rental housing) applying to the land.

18 Paper subdivision information

- (1) The name of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.
- (2) The date of any subdivision order that applies to the land.
- (3) Words and expressions used in this clause have the same meaning as they have in Part 16C on this Regulation.

Council is NOT aware of any development plan adopted by a relevant authority that applies to the land or that is proposed to be subject to a consent ballot.

19 Site verification certificates

A statement of whether there is a current site verification certificate, of which the council is aware, in respect of the land and, if there is a certificate, the statement is to include:

- (a) the matter certified by the certificate, and

Note A site verification certificate sets out the Director-General's opinion as to whether the land concerned is or is not biophysical strategic agricultural land or critical industry cluster land—see Division 3 of Part 4AA of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

- (b) the date on which the certificate ceases to be current (if any), and
- (c) that a copy may be obtained from the head office of the Department of Planning and Infrastructure.

Council is NOT aware of any current site verification certificate applying to this land.

20 Loose-fill asbestos insulation

If the land includes any residential premises (within the meaning of Division 1A of Part 8 of the *Home Building Act 1989*) that are listed on the register that is required to be maintained under that Division, a statement to that effect.

Council has NOT been notified that the land is listed on the Loose-Fill Asbestos Insulation Register.

Section 149 Certificate

Certificate No.: 11880

Property: 11 Weir Street KIAMA HEIGHTS 2533

Certificate Date: 3/08/2016

Land subject to Section 59(2) of the Contaminated Land Management Act 1997

For the purposes of section 59(2) of the Contaminated Land Management Act 1997, Council is NOT aware of the land being:

- (a) significantly contaminated land within the meaning of that Act as at the date when this certificate is issued,
 - (b) subject to a management order within the meaning of that Act as at the date when this certificate is issued,
 - (c) the subject of an approved voluntary management proposal within the meaning of that Act as at the date when this certificate is issued,
 - (d) subject to an ongoing maintenance order within the meaning of that Act as at the date when this certificate is issued.
-

For further information, please contact Council's Strategic Planning Department on 02 4232 0444.

All correspondence should be directed to the General Manager, PO Box 75, KIAMA, NSW 2533.

M Forsyth
General Manager

Per:



Appendix G

Site Photographs



Photo 1 – Northern portion of the site looking north.



Photo 2 – Northern portion of the site looking south-west.


	Site Photographs	PROJECT: 89260.01
		PLATE No: 1
		REV:
	Proposed Residential Subdivision Saddleback Mountain Road, Kiama CLIENT: White Constructions (NSW) P/L	DATE: Feb 2017



Photo 3 –Dam in northern portion of the site.



Photo 4 – Creek in northern portion of the site.


 Douglas Partners Geotechnics Environment Groundwater	Site Photographs Proposed Residential Subdivision Saddleback Mountain Road, Kiama	PROJECT: 89260.01
		PLATE No: 2
		REV:
	CLIENT: White Constructions (NSW) P/L	DATE: Feb 2017



Photo 5 – Grass covered stockpile.



Photo 6 – Central portion of the site looking south


	Site Photographs Proposed Residential Subdivision Saddleback Mountain Road, Kiama	PROJECT: 89260.01
		PLATE No: 3
		REV:
	CLIENT: White Constructions (NSW) P/L	DATE: Feb 2017



Photo 7 – Central portion of site looking east.



Photo 8 – Creek in central portion of site.


 Douglas Partners Geotechnics Environment Groundwater	Site Photographs Proposed Residential Subdivision Saddleback Mountain Road, Kiama	PROJECT: 89260.01
		PLATE No: 4
		REV:
	CLIENT: White Constructions (NSW) P/L	DATE: Feb 2017



Photo 9 – Creek in central portion of site.



Photo 10 – Creek in central portion of site.


 Douglas Partners Geotechnics Environment Groundwater	Site Photographs Proposed Residential Subdivision Saddleback Mountain Road, Kiama	PROJECT: 89260.01
		PLATE No: 5
		REV:
	CLIENT: White Constructions (NSW) P/L	DATE: Feb 2017



Photo 11 – Potential fill in creek.



Photo 12 – Dump site in creek.


 Douglas Partners Geotechnics Environment Groundwater	Site Photographs	PROJECT: 89260.01
	Proposed Residential Subdivision	PLATE No: 6
	Saddleback Mountain Road, Kiama	REV:
	CLIENT: White Constructions (NSW) P/L	DATE: Feb 2017



Photo 13 – Dump site in creek line.



Photo 14 – Cube on western site boundary.


	Site Photographs Proposed Residential Subdivision Saddleback Mountain Road, Kiama	PROJECT: 89260.01
		PLATE No: 7
		REV:
	CLIENT: White Constructions (NSW) P/L	DATE: Feb 2017



Photo 15 – Interior of cube.



Photo 16 – Fibrous cement fragments in cube.


 Douglas Partners Geotechnics Environment Groundwater	Site Photographs Proposed Residential Subdivision Saddleback Mountain Road, Kiama	PROJECT: 89260.01
		PLATE No: 8
		REV:
	CLIENT: White Constructions (NSW) P/L	DATE: Feb 2017



Photo 17 – Thick vegetation on western site boundary.



Photo 18 – Farm dam in central portion of site.


 Douglas Partners Geotechnics Environment Groundwater	Site Photographs Proposed Residential Subdivision Saddleback Mountain Road, Kiama	PROJECT: 89260.01
		PLATE No: 9
		REV:
	CLIENT: White Constructions (NSW) P/L	DATE: Feb 2017



Photo 19 – Farm dam in central portion of site.



Photo 20 –Structures in central portion of site.


 Douglas Partners Geotechnics Environment Groundwater	Site Photographs Proposed Residential Subdivision Saddleback Mountain Road, Kiama	PROJECT: 89260.01
		PLATE No: 10
		REV:
		CLIENT: White Constructions (NSW) P/L
		DATE: Feb 2017



Photo 21 – Structures in central portion of site.



Photo 22 – Structures in central portion of site.


 Douglas Partners Geotechnics Environment Groundwater	Site Photographs Proposed Residential Subdivision Saddleback Mountain Road, Kiama	PROJECT: 89260.01
		PLATE No: 11
		REV:
	CLIENT: White Constructions (NSW) P/L	DATE: Feb 2017



Photo 23 – Materials stored adjacent to structures in central portion of site.



Photo 24 – Timber stored adjacent to structures in central portion of site.


 Douglas Partners Geotechnics Environment Groundwater	Site Photographs Proposed Residential Subdivision Saddleback Mountain Road, Kiama	PROJECT: 89260.01
		PLATE No: 12
		REV:
	CLIENT: White Constructions (NSW) P/L	DATE: Feb 2017



Photo 25 – Stored material in structures in central portion of site.



Photo 26 – Animal enclosure in central portion of site.


 Douglas Partners Geotechnics Environment Groundwater	Site Photographs Proposed Residential Subdivision Saddleback Mountain Road, Kiama	PROJECT: 89260.01
		PLATE No: 13
		REV:
	CLIENT: White Constructions (NSW) P/L	DATE: Feb 2017



Photo 27 – Animal enclosure in central portion of site.



Photo 28 – Animal enclosure in central portion of site and stored materials.


 Douglas Partners Geotechnics Environment Groundwater	Site Photographs		PROJECT: 89260.01
	Proposed Residential Subdivision		PLATE No: 14
	Saddleback Mountain Road, Kiama		REV:
	CLIENT: White Constructions (NSW) P/L	DATE:	Feb 2017



Photo 29 – Animal enclosure in central portion of site and stored materials.



Photo 30 – Overgrown stockpile in central portion of site.


 Douglas Partners Geotechnics Environment Groundwater	Site Photographs Proposed Residential Subdivision Saddleback Mountain Road, Kiama	PROJECT: 89260.01
		PLATE No: 15
		REV:
	CLIENT: White Constructions (NSW) P/L	DATE: Feb 2017



Photo 31 – Fibrous cement sheeting in overgrown stockpile.



Photo 32 – General view of southern portion of site looking north-west.


	Site Photographs Proposed Residential Subdivision Saddleback Mountain Road, Kiama	PROJECT: 89260.01
		PLATE No: 16
		REV:
	CLIENT: White Constructions (NSW) P/L	DATE: Feb 2017



Photo 33 – General view of southern portion of site looking north.



Photo 34 – Wood stockpile in southern portion of site.



	Site Photographs	PROJECT: 89260.01
	Proposed Residential Subdivision	PLATE No: 17
	Saddleback Mountain Road, Kiama	REV:
	CLIENT: White Constructions (NSW) P/L	DATE: Feb 2017



Photo 35 –Potential fill in creek line in southern portion of site.

	Site Photographs Proposed Residential Subdivision Saddleback Mountain Road, Kiama	PROJECT: 89260.01
		PLATE No: 18
		REV:
	CLIENT: White Constructions (NSW) P/L	DATE: Feb 2017