



Douglas Partners
Geotechnics | Environment | Groundwater

Report on
Preliminary Contamination Assessment

Stage 2 Cedar Grove Estate
Jamberoo Road, Kiama

Prepared for
White Constructions Pty Ltd

Project 38319.07
May 2012

Integrated Practical Solutions





Douglas Partners

Geotechnics | Environment | Groundwater

Document History

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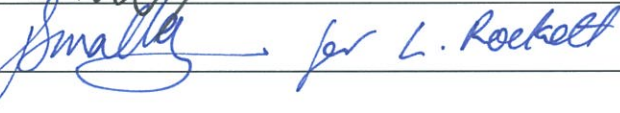
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REV0	1		Mr Trevor Unicomb, UDS Pty Ltd
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The undersigned, on behalf of Douglas Partners Pty Ltd, confirm that this document and all attached drawings, logs and test results have been checked and reviewed for errors, omissions and inaccuracies.

	Signature	Date
Author		25/5/12
Reviewer	 per L. Rockett	25/5/12



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Executive Summary

This report presents the results of a preliminary contamination assessment conducted by Douglas Partners Pty Ltd (DP) at the proposed residential subdivision area, designated Stage 2 Cedar Grove Estate, Jamberoo Road, Kiama. The assessment was undertaken in accordance with DPs' proposal dated 14 February 2012 with acceptance received by Mr Trevor Unicomb of Unicomb Development Services Pty Ltd acting on behalf of White Constructions Pty Ltd (the client) in a letter dated 9 March 2012.

This assessment comprises a review of readily available site history information, a site inspection and provision of a report detailing the results of the assessment and recommendations

Information available from the site history review indicated that the site had been vacant and probably used for grazing.

The site inspection indicated that the site was overgrown with grass and vegetation in the northern portion of site and recently slashed grass in the southern portion. Latite boulders and outcroppings were also observed across the entire site. The site boundary was intermittently fenced with a stone wall.

Based on the obtained information, it is considered that the potential for contamination at the site is low and appears compatible with a residential use. Due to dense vegetation access was not available to the north eastern portion of the site (approximately 0.3 Ha). It is considered that the likelihood of stockpiles or dumping in this area is low as the vegetated nature means that access for dumping would be inhibited.

It is also recommended that an unexpected finds protocol be included in the site's Construction Environmental Management Plan during earthworks and construction. The unexpected finds protocol should cover any fill or stockpiles that may be encountered during clearing, earthworks and construction that would require assessment for disposal or reuse.

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Report on Preliminary Contamination Assessment

Stage 2 Cedar Grove Estate

Jamberoo Road, Kiama

1. Introduction

This report presents the results of a preliminary contamination assessment conducted by Douglas Partners Pty Ltd (DP) at the proposed residential subdivision area, designated Stage 2 Cedar Grove Estate, Jamberoo Road, Kiama. The assessment was undertaken in accordance with DPs' proposal dated 14 February 2012 with acceptance received from Mr Trevor Unicomb of Unicomb Development Services Pty Ltd acting on behalf of White Constructions Pty Ltd (the client) in a letter dated 9 March 2012.

The aim of the assessment was to provide information on the contamination status of the site. The assessment comprises a review of readily available site history information, a site inspection and provision of a report detailing the results of the assessment.

2. Scope of Works

The scope of the assessment included the following works:

- A site history investigation to determine potential areas of environmental concern (PAEC) for the site including:
 - o Search of the NSW Office of Water (NOW) groundwater bore database;
 - o Review of historical aerial photography obtained through the Land Information Section of the Department of Finance and Planning;
 - o Review of previous site ownership conducted through land titles obtained through the Land Titles Office;
 - o Search of the NSW Environmental Protection Agency (EPA) public registers established under the *Contaminated Land Management Act* (CLM)1997 and the *Protection of the Environment Operations* (POEO) Act 1997; and
 - o Review of readily accessible Council Records and Section 149 (2&5) certificates.
- A site inspection for PAEC and to identify actual areas of environmental concern (AEC).
- The provision of a report detailing the results of the assessment.

3. Site Identification

The site is described as Lots 1, 2, 3 and 4 Section 67 in Deposited Plan 758563 and Lots 1 and 2 in Deposited Plan 797732 and is an irregular shaped area of approximately 8 ha with maximum plan

dimensions of approximately 190 m (east-west) and 540 m (north-south), refer to Drawing 1, Appendix B, and is accessed from Jamberoo Road, Kiama. The local government authority is Kiama Municipal Council.

The site is currently vacant and grassed.

The site is bounded to the north by residential houses, to the east by trees and vegetation, to the south by tree and residential houses, and to the west by trees, vegetation and rural land.

4. Regional Geology, Site Topography and Hydrogeology

Reference to the 1:50 000 Kiama Geological Series Sheet indicates that the site is located close to the boundary between sandstone, siltstone and shale belonging to the Shoalhaven Group and latite belonging to the Gerringong Volcanic Group, both of Permian age. Both formations weather to form clays of high plasticity. Latite was observed to outcrop on the site. The work undertaken in the current geotechnical investigation (DP Project 38319.08) confirmed the mapping.

Site levels fall generally in the north-easterly direction (i.e. towards Jamberoo Road) at grades of 1:3 to 1:10 with an overall difference in level estimated to be about 20 m. Site levels ranged from approximately 40 – 70 m AHD based on a contour map of the site.

It is expected the groundwater would flow in an easterly direction given the local topography and proximity of the site to the Tasman Sea.

Acid sulphate soils (ASS) were not mapped on the site and given the site levels and geology there is considered to be a negligible likelihood of occurrence.

5. Review of Site History Information

The site history investigation is undertaken to identify the current and former uses and activities which occurred and which have the potential to have contaminated the site, and to identify the potential areas of environmental concern and the associated contaminants of concern. The following sections summarise the results of the investigation undertaken for the site.

5.1 Groundwater Bore Search

A search of the groundwater bore database administered by NSW Office of Water indicated that 12 bores are located within a 2 km radius of the site with defined uses being for irrigation, domestic stock, general domestic use or monitoring.

The monitoring bores were all located adjacent to the railway line running approximately 500 m east of the site. No further information was available with respect to the purpose of the monitoring, however the monitoring bores are located down-gradient of the site.

5.2 Historical Aerial Photography

Aerial photographs were examined with a view to identifying potentially contaminating land uses or significant environmental features. Six aerial photographs were examined from the years 1949, 1963, 1979, 1984, 1993 and 2006 and copies are included in Appendix C. A summary of the findings is given below.

1949: The site was cleared with grass growing over the majority of the site. No structures were visible. The site appeared to be unused as there were no visible signs of paddocks or disturbance with the land. Some vegetation was observed along the eastern and western boundaries adjacent to the site.

1963: The site appeared to have remained relatively unchanged. The northern paddock appeared to be slightly lighter than the southern paddock being possibly indicative of slashing (grass cutting).

1979: The site appeared to have remained relatively unchanged and the grass appeared to have been slashed over the majority of the site.

1984: The site appeared to have remained relatively unchanged.

1993: The site appeared to have remained relatively unchanged with the exception of some possible minor clearing or grass dieback in the southern portion of the site. A low lying area was observed adjacent to the northern boundary which looked as if it could potentially lead into a creek.

2006: The site appeared to have remained relatively unchanged with the exception of what appeared to be some sporadic grass dieback over the majority of the site or possibly outcropping rock. Significant earthworks for Stage 1 of the Cedar Grove development had occurred immediately north of the site with sections of land cleared and roads constructed.

The aerial photographs indicate the site has been vacant and probably used for grazing.

5.3 Title Deeds Search

A title deeds search was conducted through Service First Registration Pty Ltd, Legal Agents. The 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. This may, therefore establish potentially contaminating activities occurring at the site. A summary of the results of the site history and title deeds search is shown in Table 1. The full results of the search are given in Appendix D.

Table 1: Previous site ownership

Term Held	Owner and Occupation	Inferred Land Use
1868 – 1935	William King (Farmer)(and his deceased estate)	rural/grazing
1934 – 1946	Edgar William Cooke (Farmer)	rural/grazing
1946 – 1950	Owen Tremayne Marriott (Poultry Farmer)	rural/vacant
1950 – 1980	Clarence Raymond Milne (Dairy Farmer) (and his deceased estate)	rural/grazing
1980 – 2009	John William Milne (Farmer)	rural/grazing
2009 – Date	John William Milne (Farmer)Marie Elaine Milne	rural/grazing

The previous site ownership suggests that the only historic use of the site has been for farming and probably for grazing from as early as 1868. There was no evidence of use as a poultry farm (1946-1950) in the aerial photographs. The title deed search concurs with the aerial photograph review that the use of the site was for farming and probably grazing in particular.

5.4 NSW EPA registers

A search on the NSW EPA website on 12 March 2012 for Statutory Notices current under the *Contaminated Land Management Act 1997* and *Protection of the Environment Operation (POEO) Act 1997* showed that no Notices have been issued on the subject site.

A search of the POEO Public Register for licences, applications and notices in Kiama and neighbouring suburbs (Bombo, Jamberoo, Kiama Downs and Kiama Heights) yielded 33 results all within Bombo. The results are summarised below:

- Boral Resources (NSW) Pty Ltd, Panama Street, Bombo, NSW, 2533 had a POEO licence (number 313) issued December 1999. Boral Resources operates a quarry located approximately 2 km north east and down-gradient of the site. A recorded non-compliance on the licence limits was for ground vibration in 2003.
- Cleary Bros (Bombo) Pty Ltd, Lot 97 Princes Highway, Bombo, NSW, 2533 had a POEO licence (number 1916) issued in September 2000 and is no longer in force. Cleary Bros operates a ready-mixed concrete supply facility located approximately 1 km north east and down-gradient of the site. No non-compliances were recorded.
- Permian Resources Pty Limited, Panama Street, Bombo, NSW, 2533 has a POEO licence (number 6456) issued September 2000. Permian Resources is an earthworks and earth moving contractor located approximately 2 km north east and down-gradient of the site. No non-compliances were recorded.
- Rail Corporation NSW, Panama Street, Bombo, NSW, 2533 had a POEO licence (number 79) issued March 2000. Rail Corporation operates a quarry located approximately 2 km north east and down-gradient of the site. Non-compliances included missed samples due to vandalism; monitoring equipment not properly calibrated and ground vibrations exceeding licensed limits.

- Sydney Water Corporation, Darrien Avenue, Bombo, NSW, 2533 had a POEO licence (number 2269) issued May 2000. Sydney Water Corporation operates a waste water treatment plant located approximately 2.5 km north east and down-gradient of the site. Non-compliances included samples being collected on the wrong dates, samples being discarded, odour complaints, samples being missed, blockages causing system overflows and maximum flow rates being exceeded.

A search of the register of NSW contaminated sites recorded on the NSW EPA web site resulted in two sites being identified within Kiama. These were:

- Former Gasworks, 105 to 109 and 113 Shoalhaven Street, Kiama, located approximately 1.5 km south east and down-gradient of the site; and
- Former Mobil Service Station, 9 South Kiama Drive, Kiama, located approximately 3.5 km south and down-gradient of the site.

Given that the site location being greater than 1 km away from all of the identified sites, the topography of Kiama and the groundwater flow direction being east towards the Tasman Sea it is considered that the risk of contamination migration from any of these sites is negligible.

No PAEC were identified from the search of the NSW EPA contaminated land register.

5.5 Council Records

A review of readily available Council records was undertaken. The only file located by Council and made available to DP was a copy of Deposited Plan 797732 as registered on 1 August 1989.

No PAEC were identified from the Council records.

5.6 Section 149 Planning Certificates

A review of the Section 149 Planning Certificates for the Site, dated 14 March 2012 (Appendix E) indicated that there are no matters listed under the Section 59(2) of the *Contaminated Land Management Act* 1997 which should be specified on the certificate.

Information under Section 149(5) specifies that Council has no records to indicate whether the site has been filled or partially filled.

Council had not indicated any likelihood of acid sulphate soils (ASS).

No PAEC were identified from the Section 149 Planning Certificates.

6. Site Inspection

A site inspection was carried out by an Environmental Engineer on 23 March 2012. The following were noted:

- Across the entire site latite boulders and outcroppings were observed; refer to Photos 1 and 2, Appendix F.
- A stone wall constructed of latite boulders (most likely sourced from the site) was observed surrounding large portions of both the eastern and western boundaries of the site; refer to Photo 3, Appendix F.
- The northern portion of the site was overgrown with long (c. 0.3 m – 0.8 m) grass, shrubs and small trees; refer to Photo 4, Appendix F. The north eastern corner of the site was overgrown with very thick vegetation that was impenetrable, limiting further investigation; refer to Photo 5, Appendix F.
- Some cow bones were observed approximately 50 m south along the eastern boundary of the site; refer to Photo 6, Appendix F. It appeared that the bones belonged to one animal only which possibly could have been trapped in barbed wire fencing. It is considered unlikely that the site would contain any animal burial pits given the amount of latite present.
- Approximately half way along the eastern boundary of the site a water logged area was observed measuring approximately 10 m by 10 m; refer to Photo 7, Appendix F. The area had ponded stagnant water and showed signs of being spring fed given the geology and topography of the site.
- The southern portion of the site was covered with recently slashed grass and latite boulders and rock outcroppings; refer to Photo 8, Appendix F.
- In the south eastern corner of the site there was a stockpile of cut down trees, refer to Photo 9, Appendix F. The stockpile measured approximately 5 m by 4 m by 3 m.
- An overgrown stockpile of latite boulders was observed approximately 50 m south along the western boundary; refer to Photo 10, Appendix F. The stockpile measured approximately 4 m by 7 m by 3 m and consisted of latite boulders and one visible piece of concrete (appeared to be left over from the construction of the nearby barbed wire fence).

No dumping was observed under trees or adjacent to boundaries. Only the two stockpiles were observed, however, the vegetation in the north eastern portion of the site (approximately 0.3 Ha) precluded access to these areas. It is considered that the likelihood of stockpiles or dumping in this area is low as the vegetated nature meant that access for dumping would also be inhibited.

A PAEC was identified as being the 0.3 ha north eastern portion of the site where access was unavailable. There is a low potential that illegal dumping or filling could have occurred in this area but this will need to be confirmed.

7. Discussion

The site history investigation was undertaken to identify the current and former uses and activities which occurred and which have the potential to have contaminated the site, and to identify the potential areas of environmental concern and the associated contaminants of concern. The following summarises the results of the investigation undertaken for the site.

A search of the groundwater bore database indicated that 12 bores were located within a 2 km radius of the site with defined uses being for irrigation, domestic stock, general domestic use, or monitoring. The monitoring wells were all located adjacent to a railway line and were down-gradient of the site.

Six aerial photographs were examined from the years 1949, 1963, 1979, 1984, 1993 and 2006. The aerial photographs indicated that the site had been used for grazing purposes.

A title deeds search was conducted and indicated that the only historic use of the site was for agricultural purposes from as early as 1868.

A search for Statutory Notices available on the NSW EPA website yielded 33 results, all within Bombo, for two quarries, a ready-mixed concrete supplier, an earthworks and earthmoving contractor and a waste water treatment plant. Various non-compliances were recorded, however, it was noted that all of these sites were at least 2 km away and down-gradient from the site and the nature of the non-compliances would not have an adverse effect on the site.

A search of the register of NSW contaminated sites resulted in two sites being identified within Kiama. These were a former Gasworks (1.5 km south east of the site) and a former Mobile Service Centre (3 km south of the site). Both of these contaminated sites are down-gradient and a significant distance from the site.

A review of readily available Council records was undertaken and the only file was located which was a copy of Deposited Plan 797732 as registered on 1 August 1989.

A review of the Section 149 Planning Certificates for the site indicated that there were no matters listed under the Section 59(2) of the *Contaminated Land Management Act 1997* which should be specified on the certificate. There was no information to indicate whether the site had been filled or partially filled. There was also no information in the Certificates to indicate the presence of ASS and the site topography and geology also reduce the overall likelihood of occurrence.

A site inspection was carried out by an Environmental Engineer on 23 March 2012. The site was overgrown with grass and vegetation in the northern portion of site and recently slashed grass in the southern portion. Latite boulders and outcroppings were also observed across the entire site. The site boundary was intermittently fenced with a stone wall.

Approximately 50 m along the eastern boundary cow bones, likely from one animal, were observed. It is considered unlikely that the site would contain any animal burial pits given the amount of latite present.

A water logged area was also noted approximately half way along the eastern boundary, showing signs of being spring fed.

Two stockpiles were observed on the site; one of fallen trees and the other of boulders with one visible piece of concrete.

Based on the information provided in the site history review and following the site inspection it appears that the site has historically been used for farming, specifically grazing.

There is a very low potential for unidentified illegal dumping or filling in the north eastern portion of the site. The area is densely vegetated which limited the inspection; however, this also limits access for dumping.

8. Conclusion and Recommendations

Based on the obtained information, it is considered that the potential for contamination at the site is low and appears compatible with a residential use.

It is also recommended that an unexpected finds protocol be included in the site's Construction Environmental Management Plan during earthworks and construction. The unexpected finds protocol should cover any fill or stockpiles that may be encountered during clearing, earthworks and construction that would require assessment for disposal or reuse.

9. Limitations

Douglas Partners Pty Ltd (DP) has prepared this report for this project at Stage 2 Cedar Grove Estate in accordance with DP's proposal dated 14 February 2012 and acceptance received from Mr Trevor Unicomb, Unicomb Development Services Pty Ltd dated 9 March 2012 on behalf of White Constructions Pty Ltd. The work was carried out under DP's Conditions of Engagement. This report is provided for the exclusive use of White Constructions 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. In preparing this report DP has necessarily relied upon information provided by the client and/or their agents.

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.

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

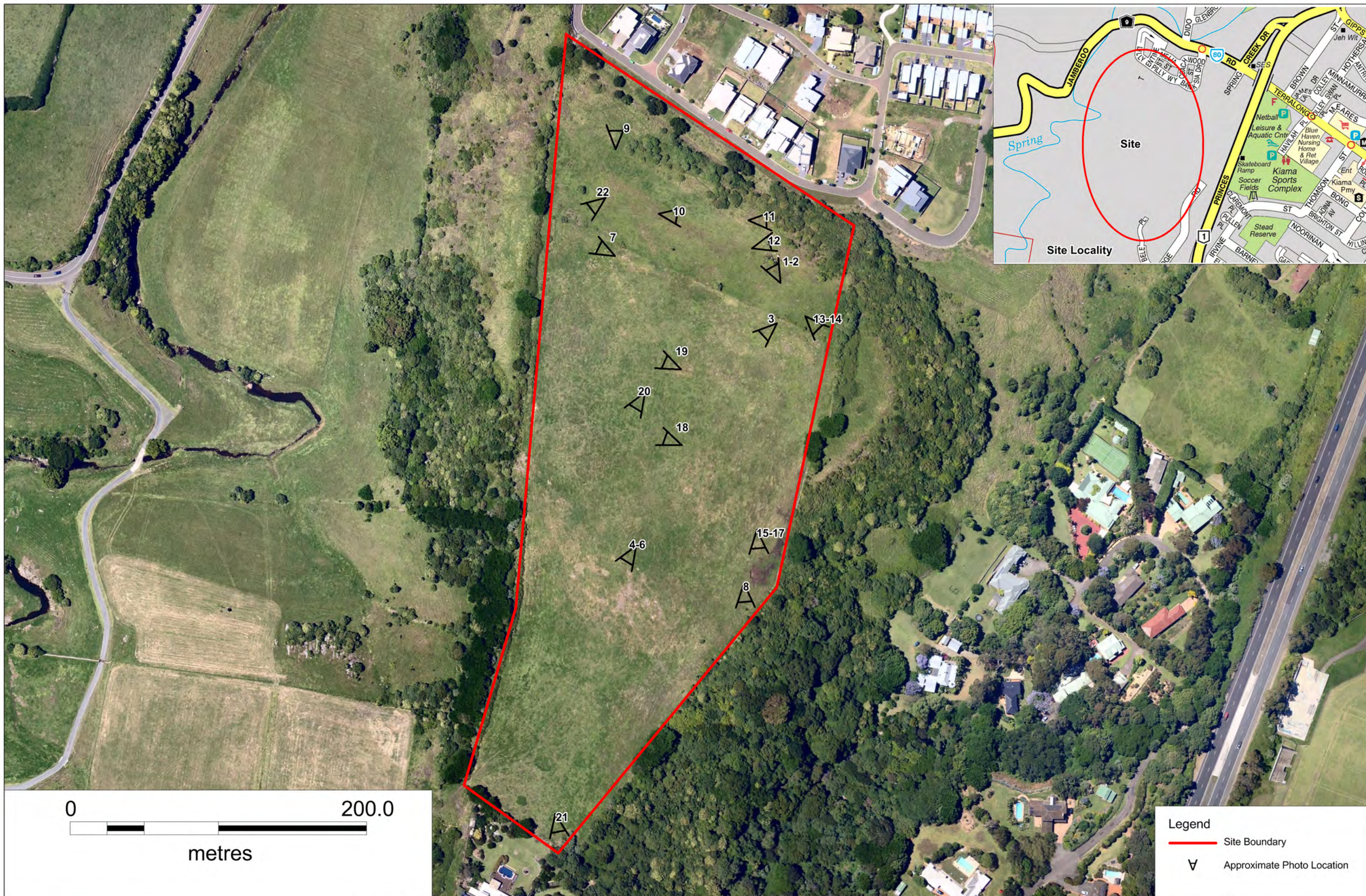
Where information obtained from this report is provided for tendering purposes, it is recommended that all information, including the written report and discussion, be made available. In circumstances where the discussion or comments section is not relevant to the contractual situation, it may be appropriate 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

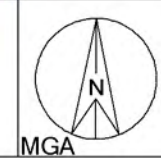


- Legend**
- Site Boundary
 - A Approximate Photo Location



CLIENT: White Construction (NSW) Pty Ltd	
OFFICE: Wollongong	DRAWN BY: KGH
SCALE: As shown	DATE: 29.03.2012

TITLE: **Site Location and Boundary**
Preliminary Contamination Assessment
Stage 2 Cedar Grove Estate, Kiama



PROJECT No: 38319.07
DRAWING No: 1
REVISION: A

Appendix C

Historical Aerials



 Douglas Partners Geotechnics Environment Groundwater	Client: White Constructions Pty Ltd		Aerial Photograph 1949 Stage 2 Cedar Grove Estate Jamberoo Road, Kiama	Project No. 38319.07
	Office: Wollongong	Drawn by: KGH		Plate no 1
	Scale: NTS	Date: May-12		Revision: A



 Douglas Partners Geotechnics Environment Groundwater	Client: White Constructions Pty Ltd		Aerial Photograph 1963 Stage 2 Cedar Grove Estate Jambaroo Road, Kiama	Project No. 38319.07
	Office: Wollongong	Drawn by: KGH		Plate no 2
	Scale: NTS	Date: May-12		Revision: A



 Douglas Partners <i>Geotechnics Environment Groundwater</i>	Client: White Constructions Pty Ltd		Aerial Photograph 1979 Stage 2 Cedar Grove Estate Jamberoo Road, Kiama	Project No. 38319.07
	Office: Wollongong	Drawn by: KGH		Plate no 3
	Scale: NTS	Date: May-12		Revision: A



 Douglas Partners <i>Geotechnics Environment Groundwater</i>	Client: White Constructions Pty Ltd		Aerial Photograph 1984 Stage 2 Cedar Grove Estate Jameroo Road, Kiama	Project No. 38319.07
	Office: Wollongong	Drawn by: KGH		Plate no 4
	Scale: NTS	Date: May-12		Revision: A



 Douglas Partners Geotechnics Environment Groundwater	Client: White Constructions Pty Ltd		Aerial Photograph 1993 Stage 2 Cedar Grove Estate Jamberoo Road, Kiama	Project No. 38319.07
	Office: Wollongong	Drawn by: KGH		Plate no 5
	Scale: NTS	Date: May-12		Revision: A



 Douglas Partners Geotechnics Environment Groundwater	Client: White Constructions Pty Ltd		Aerial Photograph 2006 Stage 2 Cedar Grove Estate Jambaroo Road, Kiama	Project No. 38319.07
	Office: Wollongong	Drawn by: KGH		Plate no 6
	Scale: NTS	Date: May-12		Revision: A

Appendix D

Title Deeds

ACN: 108 037 029
Ph: 02 9233 1314
Fax: 9233 2878

Service First Registration Pty Ltd

Suite 102, Level 1, 64 Castlereagh Street
Sydney 2000
PO Box 1539 Sydney 2000
DX 189 Sydney

Summary of Owners Report

LPI

Sydney

Address: - Jamberoo Road, Kiama

Description: - Lots 1 to 4 inclusive Section 67 D.P. 758563
Also Lots 1 & 2 D.P. 797732

The subject lands were purchased by William King in 1868 by Book 107 No. 144 and Book 107 No. 182.

William King was still in ownership as at 1900. We have commenced our investigation of the title from 01.1.1900

<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>
18.01.1868 & 20.01.1868 (1868 to 1935)	William King (Farmer) (& His deceased estate)	Book 107 No. 144 & Book 107 No. 182
28.07.1934 (1934 to 1946)	Edgar William Cooke (Farmer)	Book 1701 No. 892
09.01.1946 (1946 to 1950)	Owen Tremayne Marriott (Poultry Farmer)	Book 1998 No. 610
03.11.1950 (1950 to 1980)	Clarence Raymond Milne (Dairy Farmer) (& His deceased estate)	Book 2147 No. 675
06.08.1980 (1980 to 2009)	John William Milne (Farmer)	Book 3429 No. 638 Now 1/67/758563, 2/67/758563, 3/67/758563, 4/67/758563, 1/797732 & 2/797732
09.07.2009 (2009 to date)	# John William Milne (Farmer) # Marie Elaine Milne	1/67/758563, 2/67/758563, 3/67/758563, 4/67/758563, 1/797732 & 2/797732

Denotes current registered proprietors

Leases & Easements: - NIL

Yours Sincerely
Mark Groll
19 March 2012
(Ph: 0412 199 304)



Requested Parcel : Lot 1 DP 720053

Identified Parcel : Lot 1 DP 720053

LGA : KIAMA

Parish : KIAMA

County : CAMDEN



Cadastral Records Enquiry Report

Ref : 29

Requested Parcel : Lot 1 DP 797732

LGA : KIAMA

Parish : KIAMA

Identified Parcel : Lot 1 DP 797732

County : CAMDEN



LT 2/55

PART OF PLAN OF THE LAND COMPRISED IN DEED		D P 797732
BK. 3429 NO. 638 CA. 40277	Registered: 1-8-1989	N 0 0 2 D I D
Locality: KIAMA Mun / Shire City: KIAMA	Title System: OLD SYSTEM	
Parish: KIAMA County: CAMDEN	Purpose: LIMITED FOLIO CREATION	
Reduction Ratio 1:2000 Lengths are in metres	Ref Map: W8255-21	
Last Plan: —		
THIS PLAN WAS PREPARED SOLELY TO IDENTIFY THE LAND IN THE ABOVE DEED AND THE BOUNDARIES HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL THE PLAN IS NOT A CURRENT PLAN IN TERMS OF SEC. 327AA LOCAL GOVERNMENT ACT, 1919.		

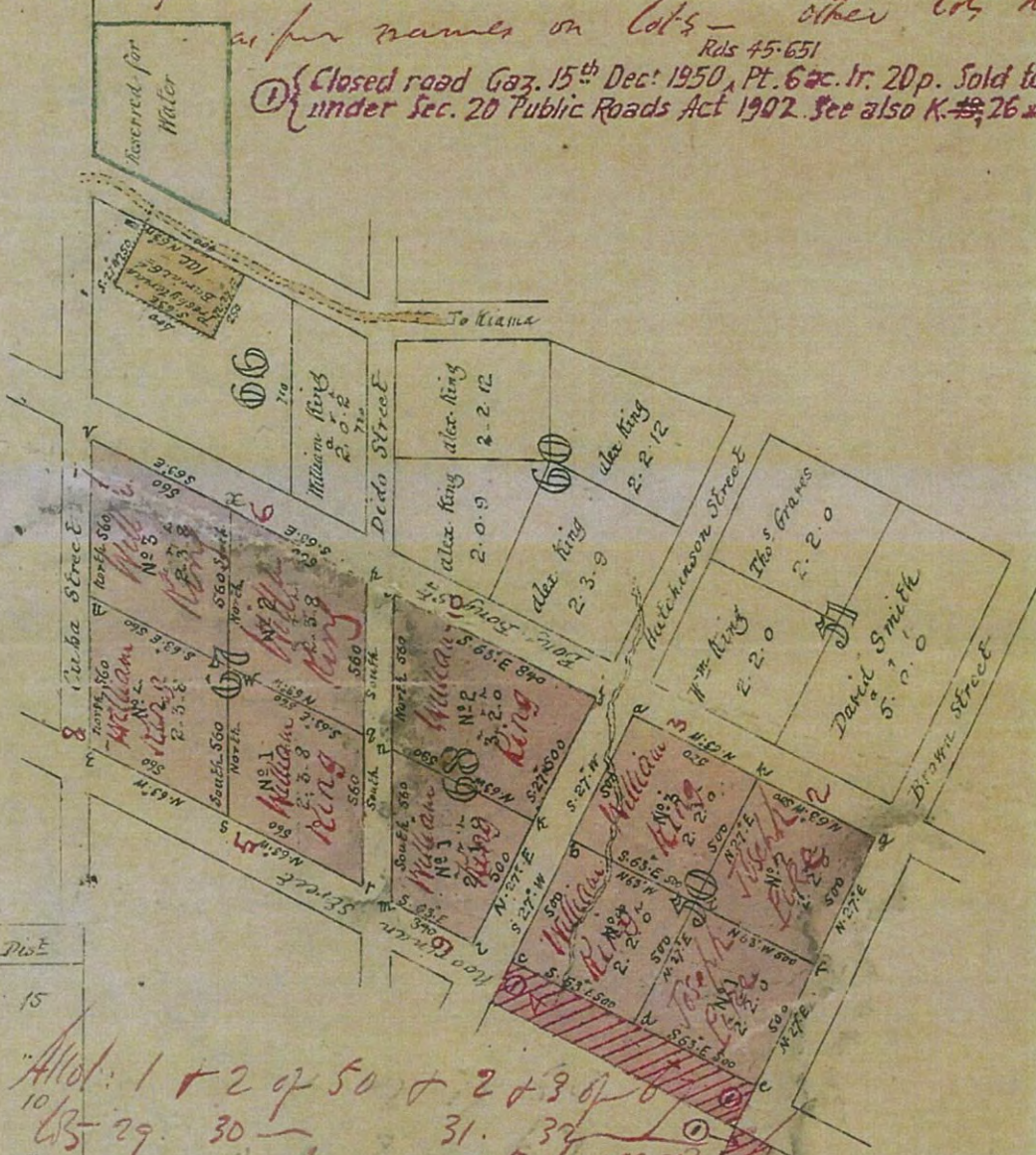
10 20 30 40 50 60 70 Table of mm 110 120 130 140	This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day. 2 August, 1989
--	---

Survey of
 10 Suburban allotments in the Town of Kiamia, applied for by John Noble
 County of Camden, Parish of Kiamia
 1851

Scale 8 chains to one Inch

SUBURBAN LOTS
 Police district - Kiamia
 Place of sale - Wollongong
 Proceed in Sov. No. of 7 Oct. 1851 for sale at 6d per ac
 Lots 1 to 10 of 13 Nov. 1851 - Lots 3, 4, 5, 8, 9, 10 ~~not~~ sold
 as per names on lots - other lots not sold no offer

Rs 45.651
 Closed road Gaz. 15th Dec. 1950, Pt. 62, Ir. 20p. Sold to Quarries Pty. Limited
 under Sec. 20 Public Roads Act 1902. See also K-26 & 28 1249 & Ms. 441 & 9268 f. Sy.



CORNERS

nl	Trees	Bearing	Dist
a	Cabbage tree	261°	15
b	Hedge tree	"	"
c	Cabbage tree	78°	10
d	Brush wood	"	"
e	Brush wood	105°	"
f	Dog head	"	"
g	Hedge	305°	"
h	Ash	230°	15
i	Mistle	"	"
j	Brush	24°	10
k	Cabbage	203°	15
l	Hedge	15°	10
m	Cabbage	15°	10
n	Hedge	"	"
o	Hedge	125°	5
p	Cedar	"	"
q	Brush	"	"
r	Hedge	"	"
s	Plum	10°	15
t	Brush	"	"
u	Hedge	150°	10
v	Hedge	200°	7
w	Hedge	350°	10

Alot. 1 + 2 of 50 + 2 + 3 of 50
 185-29. 30 - 31. 32
 Proceed in No. of 15 Feb 1853 for
 sale at £3 per acre Lots of 16
 Nov 1853 sold as per names on 185-note

nos 3 and 4 of Section 50 are good lots, the land being of
 Superior quality - nos 1 + 2 of same section are
 broken & stony - The eastern portions of nos 18 &
 Section 68 are good - the western portions adjoining
 Dido Street, are broken & rocky - The land on nos
 1, 2, 3, 4 of Section 67 is good, but stony in places

PLAN MICROFILMED

NO ADDITIONS OR AMENDMENTS TO BE MADE

Transmitted to Sir Thomas L. Mitchell, Survey General with
 letter and description dated May 15th 1851-

K 19-1249 19. 1249



Historical Title

LEAP Searching
An Approved LPI NSW
Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

16/3/2012 8:56AM

FOLIO: 1/67/758563

First Title(s): OLD SYSTEM

Prior Title(s): CA40277

Recorded	Number	Type of Instrument	C.T. Issue
11/8/1989	CA40277	CONVERSION ACTION	FOLIO CREATED EDITION 1
24/5/1991		AMENDMENT: TITLE DIAGRAM	
19/5/2006	AC317029	CAVEAT	
22/12/2006	AC827198	DEPARTMENTAL DEALING	
9/7/2009	AE823929	WITHDRAWAL OF CAVEAT	
9/7/2009	AE823930	DISCHARGE OF MORTGAGE	
9/7/2009	AE823931	TRANSFER	EDITION 2
9/7/2009	AE823932	CAVEAT	

*** END OF SEARCH ***

df

PRINTED ON 16/3/2012



Historical Title

LEAP Searching
An Approved LPI NSW
Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

16/3/2012 8:58AM

FOLIO: 2/67/758563

First Title(s): OLD SYSTEM

Prior Title(s): CA40277

Recorded	Number	Type of Instrument	C.T. Issue
11/8/1989	CA40277	CONVERSION ACTION	FOLIO CREATED EDITION 1
24/5/1991		AMENDMENT: TITLE DIAGRAM	
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*** END OF SEARCH ***

df

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

16/3/2012 9:00AM

FOLIO: 1/797732

First Title(s): OLD SYSTEM

Prior Title(s): CA40277

Recorded	Number	Type of Instrument	C.T. Issue
16/8/1989	CA40277	CONVERSION ACTION	FOLIO CREATED EDITION 1
19/5/2006	AC317029	CAVEAT	
22/12/2006	AC827198	DEPARTMENTAL DEALING	
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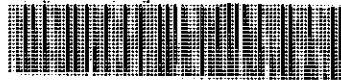
*** END OF SEARCH ***

df

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Form: 01T
Licence: 05-11-638
Licensee: Sofidocs
[FirmName]

TRANSFER
New South Wales
Real Property Act 1900



AE823931H

PRIVACY NOTE: Section 31B of the Real Property Act 1900 (RP Act) authorises the Registrar to use the information provided by this form for the establishment and maintenance of the Real Property Act Register. Section 96B RP Act requires that the Register be made available to any person for search upon payment of a fee, if any.

NEW SOUTH WALES DUTY

STAMP DUTY

Office of State Revenue use only

29-06-2009

0005469862-001

SECTION 18(2)

DUTY

\$ *****10.00

(A) TORRENS TITLE

1/671758563, 2/671758563, 3/671758563, 4/671758563, 1/797732 & 2/797732

(B) LODGED BY

Document
Collection
Box

Name, Address or DX, Telephone, and LLPN if any

381H

Hazlett & Co

123257W

Reference (optional):

RMB:91365

CODE

T JT

TJ TW

(C) TRANSFEROR

JOHN WILLIAM MILNE

(D) CONSIDERATION

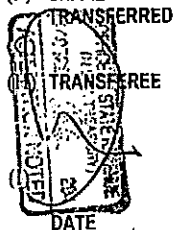
The transferor acknowledges receipt of the consideration of \$ 250,000.00

and as regards the land

(E) ESTATE

specified above transfers to the transferee an estate in fee simple.

(F) SHARE



Encumbrances (if applicable):

WILLIAM
JOHN WILLIAM MILNE and MARIE ELAINE MILNE

TENANCY: Joint Tenants

26/06/2009

(J) 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.

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

Signature of witness:

Name of witness: KATHRYN TELFORD

Address of witness: 66 COLLINS ST
KIAMA

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.

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

Signature of witness:

Name of witness:

Address of witness:

Alexander Meadows Rendel
SOLICITOR
66 Collins Street
KIAMA NSW 2533

Signature of transferee:



Title Search

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Information Broker

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/67/758563

SEARCH DATE	TIME	EDITION NO	DATE
16/3/2012	1:50 PM	2	9/7/2009

LAND

LOT 1 OF SECTION 67 IN DEPOSITED PLAN 758563
AT KIAMA
LOCAL GOVERNMENT AREA KIAMA
PARISH OF KIAMA COUNTY OF CAMDEN
(FORMERLY KNOWN AS ALLOTMENT 1 OF SECTION 67)
TITLE DIAGRAM CROWN PLAN 19.1249

FIRST SCHEDULE

JOHN WILLIAM MILNE
MARIE ELAINE MILNE
AS JOINT TENANTS (T AE823931)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 QUALIFIED TITLE. CAUTION PURSUANT TO SECTION 28J(1) AND 28J(1A) OF THE REAL PROPERTY ACT, 1900. ENTERED 11.8.1989 BK 3429 NO 638
- 3 LIMITED TITLE. LIMITATION PURSUANT TO SECTION 28T(4) OF THE REAL PROPERTY ACT, 1900. THE BOUNDARIES OF THE LAND COMPRISED HEREIN HAVE NOT BEEN INVESTIGATED BY THE REGISTRAR GENERAL.
- * 4 AE823932 CAVEAT BY WHITE CONSTRUCTIONS PTY LIMITED

NOTATIONS

NOTE: THIS FOLIO MAY BE ASSOCIATED WITH A CROWN TENURE WHICH IS
SUBJECT TO PAYMENT OF AN ANNUAL RENT. FOR FURTHER DETAILS CONTACT
THE LOCAL CROWN LANDS OFFICE AT NOWRA
UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

mg

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Title Search

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 2/67/758563

SEARCH DATE	TIME	EDITION NO	DATE
16/3/2012	1:50 PM	2	9/7/2009

LAND

LOT 2 OF SECTION 67 IN DEPOSITED PLAN 758563
AT KIAMA
LOCAL GOVERNMENT AREA KIAMA
PARISH OF KIAMA COUNTY OF CAMDEN
(FORMERLY KNOWN AS ALLOTMENT 2 OF SECTION 67)
TITLE DIAGRAM CROWN PLAN 19.1249

FIRST SCHEDULE

JOHN WILLIAM MILNE
MARIE ELAINE MILNE
AS JOINT TENANTS (T AE823931)

SECOND SCHEDULE (4 NOTIFICATIONS)

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UNREGISTERED DEALINGS: NIL

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FOLIO: 3/67/758563

SEARCH DATE	TIME	EDITION NO	DATE
16/3/2012	1:50 PM	2	9/7/2009

LAND

LOT 3 OF SECTION 67 IN DEPOSITED PLAN 758563
AT KIAMA
LOCAL GOVERNMENT AREA KIAMA
PARISH OF KIAMA COUNTY OF CAMDEN
(FORMERLY KNOWN AS ALLOTMENT 3 OF SECTION 67)
TITLE DIAGRAM CROWN PLAN 19.1249

FIRST SCHEDULE

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UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 4/67/758563

SEARCH DATE	TIME	EDITION NO	DATE
16/3/2012	1:51 PM	2	9/7/2009

LAND

LOT 4 OF SECTION 67 IN DEPOSITED PLAN 758563
AT KIAMA
LOCAL GOVERNMENT AREA KIAMA
PARISH OF KIAMA COUNTY OF CAMDEN
(FORMERLY KNOWN AS ALLOTMENT 4 OF SECTION 67)
TITLE DIAGRAM CROWN PLAN 19.1249

FIRST SCHEDULE

JOHN WILLIAM MILNE
MARIE ELAINE MILNE
AS JOINT TENANTS (T AE823931)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
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THE LOCAL CROWN LANDS OFFICE AT NOWRA
UNREGISTERED DEALINGS: NIL

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/797732

SEARCH DATE	TIME	EDITION NO	DATE
16/3/2012	1:51 PM	2	9/7/2009

LAND

LOT 1 IN DEPOSITED PLAN 797732
AT KIAMA
LOCAL GOVERNMENT AREA KIAMA
PARISH OF KIAMA COUNTY OF CAMDEN
TITLE DIAGRAM DP797732

FIRST SCHEDULE

JOHN WILLIAM MILNE
MARIE ELAINE MILNE
AS JOINT TENANTS (T AE823931)

SECOND SCHEDULE (4 NOTIFICATIONS)

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LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 2/797732

SEARCH DATE	TIME	EDITION NO	DATE
16/3/2012	1:51 PM	2	9/7/2009

LAND

LOT 2 IN DEPOSITED PLAN 797732
AT KIAMA
LOCAL GOVERNMENT AREA KIAMA
PARISH OF KIAMA COUNTY OF CAMDEN
TITLE DIAGRAM DP797732

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Appendix E

Section 149 (2&5) Certificates



KIAMA MUNICIPAL COUNCIL
your council, your community

K H:38319.07

Certificate No: 7882

Section 149 Planning Certificate

Douglas Partners
PO Box 486
UNANDERRA NSW 2526

Certificate date: 14/03/2012

Receipt number: 413713

Property Number: 9174

PROPERTY DESCRIPTION

Property: Terralong Street KIAMA 2533

Title: LOT: 1 SEC: 67 DP: 758563

Prescribed Matters under Schedule 4 of the EP&A Regulation 2000

1 Names of relevant planning instruments and DCPs

Names of environmental planning instruments

The principal environmental planning instruments applying to the land are:

Illawarra Regional Environmental Plan No. 1

Kiama Local Environmental Plan 2011

State Environmental Planning Instruments

The State environmental planning instruments applying to the land are:

SEPP No 1 – Development Standards

SEPP No 4 – Development Without Consent Miscellaneous Complying Development

SEPP No 6 – Number of Storeys in a Building

SEPP No 21 – Caravan Parks

SEPP No 30 – Intensive Agriculture

SEPP No 32 - Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33 – Hazardous and Offensive Development

SEPP No 50 – Canal Estate Developments

SEPP No 55 – Remediation of Land

SEPP No 64 – Advertising and Signage
SEPP No 65 – Design Quality of Residential Flat Development
S.E.P.P. No.71 - Coastal Protection
SEPP (Affordable Rental Housing) 2009
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007
SEPP (Major Developments) 2005
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Rural Lands) 2008
SEPP (Temporary Structures) 2007

Proposed environmental planning instruments

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

Name of development control plans applying to the land

The development control plans applying to the land are:

DCP No 3 - Home Hosting Facilities.

This plan establishes siting and design guidelines and minimum health and safety standards for home hosting facilities in rural and urban areas.

DCP No 7 - Dual Occupancy.

This plan provides guidelines to assist in the preparation of dual occupancy development.

DCP No 8 - Building Height and Amenity.

This Plan provides guidelines to assist applicants in the design of the height of dwelling-houses having regard to topography and existing views, privacy and solar access enjoyed by adjacent properties.

DCP No 11 - Cottage Industries.

This plan provides guidelines for establishing and operating cottage industries.

DCP No 18 - Energy Smart Homes.

This plan provides detailed guidelines, principles and design criteria for the design of energy efficient subdivisions and housing.

DCP No 23 - Cedar Grove.

The purpose of the plan is to provide subdivision and residential controls for the Cedar Grove Urban Release Area.

DCP No 25 - Planning for Less Waste.

The purpose of the plan is to minimise waste arising from construction, demolition, subdivision and use phases of development activity.

DCP No 31 - Landscape Guidelines.

This plan provides guidelines for the preparation of landscape plans and documentation for commercial, industrial, rural and residential developments.

DCP No 32 - Kiama Development Code.

This plan is to provide civil engineering design and construction guidance and specifications for the construction of subdivisions and other development.

DCP No 36 - Building Lines and Foreshore Building Lines.

This plan identifies Building Lines and Foreshore Building Line setbacks required for the erection of buildings throughout the Municipality.

DCP No 37 - Contaminated Land.

The purpose of the plan provides the framework for the integration of land contamination management into the planning and development process. The plan's aims are to ensure that changes of land-use will not increase the risk to health and the environment; to avoid inappropriate restrictions on land-use; to provide information to support decision-making; and to inform the community. DCP No. 37 will restrict development of land:

- a. which is affected by contamination;
- b. which has been used for certain purposes;
- c. in respect of which there is not sufficient information about contamination;
- d. which is proposed to be used for certain purposes;
- e. in other circumstances contained in the DCP.

DCP No 39 - Development Application - Notification Policy

This plan provides information on Development Application notification.

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

Air transport facilities; Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoriums; Dwelling houses; Electricity generating works; 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 occupation (sex services); Information and education facilities; Intensive plant agriculture; Recreation areas;; Restricted dairies; 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); 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 that fix minimum land dimensions for the erection of a dwelling house. Refer to clauses 4.1, 4.1AA, 4.2A of Kiama Local Environmental Plan 2011.

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 attached to this certificate. To view the affected land 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.

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 Clause 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(6)(c) or (h), 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(5).

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.

Can complying development in accordance with the following codes:

Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code

be carried out on the land under clause 1.19(1) of the Code SEPP?

NO Complying development may not be carried out on the land because the land is affected by the following General land exemptions under clause 1.19(1) of the Code SEPP. The land is located within an environmentally sensitive area specified in clause 1.5 of the code as described below.:

- (g) The land is identified as being of high Aboriginal cultural significance or high biodiversity significance.

Can complying development in accordance with the following codes:

*Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code*

be carried out on the land under clause 1.19(2) of the Code SEPP?

- NO The land is affected by one or more of the following general land exemptions specified in clause 1.17A:
- (e) environmentally sensitive area.

Can complying development in accordance with the following codes:

*Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code*

be carried out on the land under clause 1.19(3) of the Code SEPP?

YES

Can complying development in accordance with the General Housing Code be carried out on the land under clause 1.19(6) of the Code SEPP?

NO

The land is affected by one or more of the following specific land exemptions under clause 1.19(6):

- (e) land excluded by an environmental planning instruments
 - (iii) within an ecologically sensitive area
 - (iv) environmentally sensitive land
 - (v) within a protected area

Can complying development in accordance with the Rural Housing Code be carried out on the land under 1.19(6) or in accordance with clause 1.19(5) of the Code SEPP?

NO

The land is affected by one or more of the following specific land exemptions under clause 1.19(6):

- (e) land excluded by an environmental planning instruments
 - (iii) within an ecologically sensitive area
 - (iv) environmentally sensitive land
 - (v) within a protected area

Notwithstanding the above, complying development may still be carried out in accordance with clause 1.19(5) of the Code SEPP on part of the land if only part of the land is affected by the specific land exemption. See following note for more details.

Note:

1. The Rural Housing Code only applies to land in Zone RU1 and RU2.

If a specific land exemption under clause 1.19(6) of the Code SEPP applies to the land, it may apply to the whole or part of the land. If the specific land exemption applies to only part of the land, Clause 1.19(5) allows complying development 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 1.19(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 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.

2. For land partly affected by Acid Sulfate Soils Class 1 or 2, the Department of Planning [<http://www.planning.nsw.gov.au>] is the public authority that should be consulted to determine what part of the land complying development under clause 1.19(6)(c) may be carried out in accordance with clause 1.19(5).
3. For land partly affected by Drinking Water Catchments Regional Environmental Plan No. 1, the Sydney Catchment Authority [www.sca.nsw.gov.au] is the public authority that should be consulted to determine what part of the land complying development under clause 1.19(6)(h)(i) may be carried out in accordance with clause 1.19(5).
4. For all other land partly affected by a specific land exemption under clause 1.19(6), Kiama Council [www.kiama.nsw.gov.au] is the public authority that should be consulted to determine what part of the land complying development under clause 1.19(6) may be carried out in accordance with clause 1.19(5).

Can complying development in accordance with the Housing Alterations Code and the General Development Code be carried out on the land under clause 1.19(7) of the Code SEPP?

YES

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 emergency 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

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

- (1) Division 2 of Part 3 of the Roads Act, 1993;
 - (2) an Environmental Planning Instrument; or
 - (3) a 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 66 of Kiama Local Environmental Plan 1996.

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 is not subject to flood related development controls.

Development on the land or part of the land for any other purpose if permitted on the land is not subject to flood related development controls.

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 is affected by Section 94A (Indirect Contributions) Plan.

The land is affected by Section 94 Contributions Plans No.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 Prone Land Map 2008 supplied by the Rural Fire Service and accessible on Council's website at 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.

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,
-

Orders issued under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009

Council is not aware of an Order under Section 23 and an Authorisation under Section 24 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 applying to the land.

Additional information pursuant to section 149(5) of the Act

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

Resolutions to prepare a planning proposal or a draft Local Environmental Plan that applies to the land but has not yet been exhibited:

Nil

Miscellaneous matters

Council has resolved to prepare a new draft Development Control Plan (DCP) to support the Kiama LEP 2011. The following three draft DCP chapters and the land to which they apply is shown below. The draft DCP chapters can be viewed on Council's website <http://www.kiama.nsw.gov.au/environmental-services/draft-LEP-2010.html>

- Draft DCP 2010 *Low Density Housing Policy* that applies to land in Zone Nos. R2, R3 and R5.
- Draft DCP 2010 *Medium Density Housing Policy* that applies to land in Zone Nos. B1, B2 and R3.
- Draft DCP 2010 *Rural Subdivision a & Housing Policy* that applies to land in Zone Nos. RU1, RU2 and E3.

For further information, please contact Council's Section 149 Certificate Section of the Environmental Services Department on (02) 4232 0469.

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

M Forsyth
General Manager

Per:



Section 149 Planning Certificate

Douglas Partners
PO Box 486
UNANDERRA NSW 2526

Certificate date: 14/03/2012

Receipt number: 413713

Property Number: 9171

PROPERTY DESCRIPTION

Property: Terralong Street KIAMA 2533

Title: LOT: 2 SEC: 67 DP: 758563

Prescribed Matters under Schedule 4 of the EP&A Regulation 2000

1 Names of relevant planning instruments and DCPs

Names of environmental planning instruments

The principal environmental planning instruments applying to the land are:

Illawarra Regional Environmental Plan No. 1

Kiama Local Environmental Plan 2011

State Environmental Planning Instruments

The State environmental planning instruments applying to the land are:

SEPP No 1 – Development Standards

SEPP No 4 – Development Without Consent Miscellaneous Complying Development

SEPP No 6 – Number of Storeys in a Building

SEPP No 21 – Caravan Parks

SEPP No 30 – Intensive Agriculture

SEPP No 32 - Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33 – Hazardous and Offensive Development

SEPP No 50 – Canal Estate Developments

SEPP No 55 – Remediation of Land

SEPP No 64 – Advertising and Signage

SEPP No 65 – Design Quality of Residential Flat Development

S.E.P.P. No.71 - Coastal Protection

SEPP (Affordable Rental Housing) 2009

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Major Developments) 2005

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

SEPP (Temporary Structures) 2007

Proposed environmental planning instruments

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

Name of development control plans applying to the land

The development control plans applying to the land are:

DCP No 3 - Home Hosting Facilities.

This plan establishes siting and design guidelines and minimum health and safety standards for home hosting facilities in rural and urban areas.

DCP No 7 - Dual Occupancy.

This plan provides guidelines to assist in the preparation of dual occupancy development.

DCP No 8 - Building Height and Amenity.

This Plan provides guidelines to assist applicants in the design of the height of dwelling-houses having regard to topography and existing views, privacy and solar access enjoyed by adjacent properties.

DCP No 11 - Cottage Industries.

This plan provides guidelines for establishing and operating cottage industries.

DCP No 18 - Energy Smart Homes.

This plan provides detailed guidelines, principles and design criteria for the design of energy efficient subdivisions and housing.

DCP No 23 - Cedar Grove.

The purpose of the plan is to provide subdivision and residential controls for the Cedar Grove Urban Release Area.

DCP No 25 - Planning for Less Waste.

The purpose of the plan is to minimise waste arising from construction, demolition, subdivision and use phases of development activity.

DCP No 31 - Landscape Guidelines.

This plan provides guidelines for the preparation of landscape plans and documentation for commercial, industrial, rural and residential developments.

DCP No 32 - Kiama Development Code.

This plan is to provide civil engineering design and construction guidance and specifications for the construction of subdivisions and other development.

DCP No 36 - Building Lines and Foreshore Building Lines.

This plan identifies Building Lines and Foreshore Building Line setbacks required for the erection of buildings throughout the Municipality.

DCP No 37 - Contaminated Land.

The purpose of the plan provides the framework for the integration of land contamination management into the planning and development process. The plan's aims are to ensure that changes of land-use will not increase the risk to health and the environment; to avoid inappropriate restrictions on land-use; to provide information to support decision-making; and to inform the community. DCP No. 37 will restrict development of land:

- a. which is affected by contamination;
- b. which has been used for certain purposes;
- c. in respect of which there is not sufficient information about contamination;
- d. which is proposed to be used for certain purposes;
- e. in other circumstances contained in the DCP.

DCP No 39 - Development Application - Notification Policy

This plan provides information on Development Application notification.

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

Air transport facilities; Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoriums; Dwelling houses; Electricity generating works; 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 occupation (sex services); Information and education facilities; Intensive plant agriculture; Recreation areas;; Restricted dairies; 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); 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 that fix minimum land dimensions for the erection of a dwelling house. Refer to clauses 4.1, 4.1AA, 4.2A of Kiama Local Environmental Plan 2011.

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 attached to this certificate. To view the affected land 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.

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 Clause 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(6)(c) or (h), 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(5).

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.

Can complying development in accordance with the following codes:

Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code

be carried out on the land under clause 1.19(1) of the Code SEPP?

NO Complying development may not be carried out on the land because the land is affected by the following General land exemptions under clause 1.19(1) of the Code SEPP. The land is located within an environmentally sensitive area specified in clause 1.5 of the code as described below.:

(g) The land is identified as being of high Aboriginal cultural significance or high biodiversity significance.

Can complying development in accordance with the following codes:

***Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code***

be carried out on the land under clause 1.19(2) of the Code SEPP?

NO The land is affected by one or more of the following general land exemptions specified in clause 1.17A:

- (e) environmentally sensitive area.

Can complying development in accordance with the following codes:

***Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code***

be carried out on the land under clause 1.19(3) of the Code SEPP?

YES

Can complying development in accordance with the General Housing Code be carried out on the land under clause 1.19(6) of the Code SEPP?

NO

The land is affected by one or more of the following specific land exemptions under clause 1.19(6):

- (e) land excluded by an environmental planning instruments
 - (iii) within an ecologically sensitive area
 - (iv) environmentally sensitive land
 - (v) within a protected area

Can complying development in accordance with the Rural Housing Code be carried out on the land under 1.19(6) or in accordance with clause 1.19(5) of the Code SEPP?

NO

The land is affected by one or more of the following specific land exemptions under clause 1.19(6):

- (e) land excluded by an environmental planning instruments
 - (iii) within an ecologically sensitive area
 - (iv) environmentally sensitive land
 - (v) within a protected area

Notwithstanding the above, complying development may still be carried out in accordance with clause 1.19(5) of the Code SEPP on part of the land if only part of the land is affected by the specific land exemption. See following note for more details.

Note:

1. The Rural Housing Code only applies to land in Zone RU1 and RU2.

If a specific land exemption under clause 1.19(6) of the Code SEPP applies to the land, it may apply to the whole or part of the land. If the specific land exemption applies to only part of the land, Clause 1.19(5) allows complying development 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 1.19(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 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.

2. For land partly affected by Acid Sulfate Soils Class 1 or 2, the Department of Planning [<http://www.planning.nsw.gov.au>] is the public authority that should be consulted to determine what part of the land complying development under clause 1.19(6)(c) may be carried out in accordance with clause 1.19(5).
3. For land partly affected by Drinking Water Catchments Regional Environmental Plan No. 1, the Sydney Catchment Authority [www.sca.nsw.gov.au] is the public authority that should be consulted to determine what part of the land complying development under clause 1.19(6)(h)(i) may be carried out in accordance with clause 1.19(5).
4. For all other land partly affected by a specific land exemption under clause 1.19(6), Kiama Council [www.kiama.nsw.gov.au] is the public authority that should be consulted to determine what part of the land complying development under clause 1.19(6) may be carried out in accordance with clause 1.19(5).

Can complying development in accordance with the Housing Alterations Code and the General Development Code be carried out on the land under clause 1.19(7) of the Code SEPP?

YES

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 emergency 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

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

- (1) Division 2 of Part 3 of the Roads Act, 1993;
 - (2) an Environmental Planning Instrument; or
 - (3) a 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 66 of Kiama Local Environmental Plan 1996.

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 is not subject to flood related development controls.

Development on the land or part of the land for any other purpose if permitted on the land is not subject to flood related development controls.

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 is affected by Section 94A (Indirect Contributions) Plan.

The land is affected by Section 94 Contributions Plans No.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 Prone Land Map 2008 supplied by the Rural Fire Service and accessible on Council's website at 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.

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,
-

Orders issued under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009

Council is not aware of an Order under Section 23 and an Authorisation under Section 24 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 applying to the land.

Section 149 Certificate

Certificate No.: 7879

Property: Terralong Street KIAMA 2533

Certificate Date: 14/03/2012

Additional information pursuant to section 149(5) of the Act

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

Resolutions to prepare a planning proposal or a draft Local Environmental Plan that applies to the land but has not yet been exhibited:

Nil

Miscellaneous matters

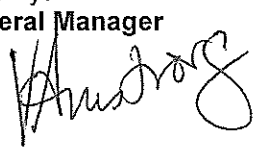
Council has resolved to prepare a new draft Development Control Plan (DCP) to support the Kiama LEP 2011. The following three draft DCP chapters and the land to which they apply is shown below. The draft DCP chapters can be viewed on Council's website <http://www.kiama.nsw.gov.au/environmental-services/draft-LEP-2010.html>

- Draft DCP 2010 *Low Density Housing Policy* that applies to land in Zone Nos. R2, R3 and R5.
- Draft DCP 2010 *Medium Density Housing Policy* that applies to land in Zone Nos. B1, B2 and R3.
- Draft DCP 2010 *Rural Subdivision a & Housing Policy* that applies to land in Zone Nos. RU1, RU2 and E3.

For further information, please contact Council's Section 149 Certificate Section of the Environmental Services Department on (02) 4232 0469.

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

M Forsyth
General Manager

Per: 



KIAMA MUNICIPAL COUNCIL
your council, your community

K H:38319.07

Certificate No: 7880

Section 149 Planning Certificate

Douglas Partners
PO Box 486
UNANDERRA NSW 2526

Certificate date: 14/03/2012

Receipt number: 413713

Property Number: 9172

PROPERTY DESCRIPTION

Property: Terralong Street KIAMA 2533

Title: LOT: 3 SEC: 67 DP: 758563

Prescribed Matters under Schedule 4 of the EP&A Regulation 2000

1 Names of relevant planning instruments and DCPs

Names of environmental planning instruments

The principal environmental planning instruments applying to the land are:

Illawarra Regional Environmental Plan No. 1

Kiama Local Environmental Plan 2011

State Environmental Planning Instruments

The State environmental planning instruments applying to the land are:

SEPP No 1 – Development Standards

SEPP No 4 – Development Without Consent Miscellaneous Complying Development

SEPP No 6 – Number of Storeys in a Building

SEPP No 21 – Caravan Parks

SEPP No 30 – Intensive Agriculture

SEPP No 32 - Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33 – Hazardous and Offensive Development

SEPP No 50 – Canal Estate Developments

SEPP No 55 – Remediation of Land

SEPP No 64 – Advertising and Signage

SEPP No 65 – Design Quality of Residential Flat Development

S.E.P.P. No.71 - Coastal Protection

SEPP (Affordable Rental Housing) 2009

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Major Developments) 2005

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

SEPP (Temporary Structures) 2007

Proposed environmental planning instruments

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

Name of development control plans applying to the land

The development control plans applying to the land are:

DCP No 3 - Home Hosting Facilities.

This plan establishes siting and design guidelines and minimum health and safety standards for home hosting facilities in rural and urban areas.

DCP No 7 - Dual Occupancy.

This plan provides guidelines to assist in the preparation of dual occupancy development.

DCP No 8 - Building Height and Amenity.

This Plan provides guidelines to assist applicants in the design of the height of dwelling-houses having regard to topography and existing views, privacy and solar access enjoyed by adjacent properties.

DCP No 11 - Cottage Industries.

This plan provides guidelines for establishing and operating cottage industries.

DCP No 18 - Energy Smart Homes.

This plan provides detailed guidelines, principles and design criteria for the design of energy efficient subdivisions and housing.

DCP No 23 - Cedar Grove.

The purpose of the plan is to provide subdivision and residential controls for the Cedar Grove Urban Release Area.

DCP No 25 - Planning for Less Waste.

The purpose of the plan is to minimise waste arising from construction, demolition, subdivision and use phases of development activity.

DCP No 31 - Landscape Guidelines.

This plan provides guidelines for the preparation of landscape plans and documentation for commercial, industrial, rural and residential developments.

DCP No 32 - Kiama Development Code.

This plan is to provide civil engineering design and construction guidance and specifications for the construction of subdivisions and other development.

DCP No 36 - Building Lines and Foreshore Building Lines.

This plan identifies Building Lines and Foreshore Building Line setbacks required for the erection of buildings throughout the Municipality.

DCP No 37 - Contaminated Land.

The purpose of the plan provides the framework for the integration of land contamination management into the planning and development process. The plan's aims are to ensure that changes of land-use will not increase the risk to health and the environment; to avoid inappropriate restrictions on land-use; to provide information to support decision-making; and to inform the community. DCP No. 37 will restrict development of land:

- a. which is affected by contamination;
- b. which has been used for certain purposes;
- c. in respect of which there is not sufficient information about contamination;
- d. which is proposed to be used for certain purposes;
- e. in other circumstances contained in the DCP.

DCP No 39 - Development Application - Notification Policy

This plan provides information on Development Application notification.

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

Air transport facilities; Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoriums; Dwelling houses; Electricity generating works; 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 occupation (sex services); Information and education facilities; Intensive plant agriculture; Recreation areas;; Restricted dairies; Roads; Roadside stalls; Secondary dwellings; Water supply systems

4 Prohibited

Any 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 that fix minimum land dimensions for the erection of a dwelling house. Refer to clauses 4.1, 4.1AA, 4.2A of Kiama Local Environmental Plan 2011.

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

The land is not in a conservation area.

A heritage item is not 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 Clause 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(6)(c) or (h), 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(5).

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.

Can complying development in accordance with the following codes:

Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code

be carried out on the land under clause 1.19(1) of the Code SEPP?

YES

Can complying development in accordance with the following codes:

***Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code***

be carried out on the land under clause 1.19(2) of the Code SEPP?

YES But in the case of the Rural Housing Code only if the land is in Zone RU1 and RU2.

Can complying development in accordance with the following codes:

***Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code***

be carried out on the land under clause 1.19(3) of the Code SEPP?

YES
:

Can complying development in accordance with the General Housing Code be carried out on the land under clause 1.19(6) of the Code SEPP?

YES

Can complying development in accordance with the Rural Housing Code be carried out on the land under 1.19(6) or in accordance with clause 1.19(5) of the Code SEPP?

YES

Can complying development in accordance with the Housing Alterations Code and the General Development Code be carried out on the land under clause 1.19(7) of the Code SEPP?

YES

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 emergency 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

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

- (1) Division 2 of Part 3 of the Roads Act, 1993;
 - (2) an Environmental Planning Instrument; or
 - (3) a 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 66 of Kiama Local Environmental Plan 1996.

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 is not subject to flood related development controls.

Development on the land or part of the land for any other purpose if permitted on the land is not subject to flood related development controls.

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 is affected by Section 94A (Indirect Contributions) Plan.

The land is affected by Section 94 Contributions Plans No.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 not shown as bush fire prone land according to the Bush Prone Land Map 2008 supplied by the Rural Fire Service and accessible on Council's website at www.kiama.nsw.gov.au/environmental-services

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.

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,
-

Orders issued under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009

Council is not aware of an Order under Section 23 and an Authorisation under Section 24 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 applying to the land.

Additional information pursuant to section 149(5) of the Act

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

Resolutions to prepare a planning proposal or a draft Local Environmental Plan that applies to the land but has not yet been exhibited:

Nil

Miscellaneous matters

Council has resolved to prepare a new draft Development Control Plan (DCP) to support the Kiama LEP 2011. The following three draft DCP chapters and the land to which they apply is shown below. The draft DCP chapters can be viewed on Council's website <http://www.kiama.nsw.gov.au/environmental-services/draft-LEP-2010.html>

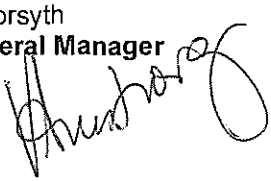
- Draft DCP 2010 *Low Density Housing Policy* that applies to land in Zone Nos. R2, R3 and R5.
- Draft DCP 2010 *Medium Density Housing Policy* that applies to land in Zone Nos. B1, B2 and R3.
- Draft DCP 2010 *Rural Subdivision a & Housing Policy* that applies to land in Zone Nos. RU1, RU2 and E3.

For further information, please contact Council's Section 149 Certificate Section of the Environmental Services Department on (02) 4232 0469.

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

M Forsyth
General Manager

Per:





KIAMA MUNICIPAL COUNCIL
your council, your community

K H:38319.07

Certificate No: 7881

Section 149 Planning Certificate

Douglas Partners
PO Box 486
UNANDERRA NSW 2526

Certificate date: 14/03/2012

Receipt number: 413713

Property Number: 9173

PROPERTY DESCRIPTION

Property: Terralong Street KIAMA 2533

Title: LOT: 4 SEC: 67 DP: 758563

Prescribed Matters under Schedule 4 of the EP&A Regulation 2000

1 Names of relevant planning instruments and DCPs

Names of environmental planning instruments

The principal environmental planning instruments applying to the land are:

Illawarra Regional Environmental Plan No. 1

Kiama Local Environmental Plan 2011

State Environmental Planning Instruments

The State environmental planning instruments applying to the land are:

SEPP No 1 – Development Standards

SEPP No 4 – Development Without Consent Miscellaneous Complying Development

SEPP No 6 – Number of Storeys in a Building

SEPP No 21 – Caravan Parks

SEPP No 30 – Intensive Agriculture

SEPP No 32 - Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33 – Hazardous and Offensive Development

SEPP No 50 – Canal Estate Developments

SEPP No 55 – Remediation of Land

SEPP No 64 – Advertising and Signage

SEPP No 65 – Design Quality of Residential Flat Development

S.E.P.P. No.71 - Coastal Protection

SEPP (Affordable Rental Housing) 2009

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Major Developments) 2005

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Rural Lands) 2008

SEPP (Temporary Structures) 2007

Proposed environmental planning instruments

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

Name of development control plans applying to the land

The development control plans applying to the land are:

DCP No 3 - Home Hosting Facilities.

This plan establishes siting and design guidelines and minimum health and safety standards for home hosting facilities in rural and urban areas.

DCP No 7 - Dual Occupancy.

This plan provides guidelines to assist in the preparation of dual occupancy development.

DCP No 8 - Building Height and Amenity.

This Plan provides guidelines to assist applicants in the design of the height of dwelling-houses having regard to topography and existing views, privacy and solar access enjoyed by adjacent properties.

DCP No 11 - Cottage Industries.

This plan provides guidelines for establishing and operating cottage industries.

DCP No 18 - Energy Smart Homes.

This plan provides detailed guidelines, principles and design criteria for the design of energy efficient subdivisions and housing.

DCP No 23 - Cedar Grove.

The purpose of the plan is to provide subdivision and residential controls for the Cedar Grove Urban Release Area.

DCP No 25 - Planning for Less Waste.

The purpose of the plan is to minimise waste arising from construction, demolition, subdivision and use phases of development activity.

DCP No 31 - Landscape Guidelines.

This plan provides guidelines for the preparation of landscape plans and documentation for commercial, industrial, rural and residential developments.

DCP No 32 - Kiama Development Code.

This plan is to provide civil engineering design and construction guidance and specifications for the construction of subdivisions and other development.

DCP No 36 - Building Lines and Foreshore Building Lines.

This plan identifies Building Lines and Foreshore Building Line setbacks required for the erection of buildings throughout the Municipality.

DCP No 37 - Contaminated Land.

The purpose of the plan provides the framework for the integration of land contamination management into the planning and development process. The plan's aims are to ensure that changes of land-use will not increase the risk to health and the environment; to avoid inappropriate restrictions on land-use; to provide information to support decision-making; and to inform the community. DCP No. 37 will restrict development of land:

- a. which is affected by contamination;
- b. which has been used for certain purposes;
- c. in respect of which there is not sufficient information about contamination;
- d. which is proposed to be used for certain purposes;
- e. in other circumstances contained in the DCP.

DCP No 39 - Development Application - Notification Policy

This plan provides information on Development Application notification.

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

Air transport facilities; Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoriums; Dwelling houses; Electricity generating works; 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 occupation (sex services); Information and education facilities; Intensive plant agriculture; Recreation areas;; Restricted dairies; Roads; Roadside stalls; Secondary dwellings; Water supply systems

4 Prohibited

Any 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 that fix minimum land dimensions for the erection of a dwelling house. Refer to clauses 4.1, 4.1AA, 4.2A of Kiama Local Environmental Plan 2011.

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

The land is not in a conservation area.

A heritage item is not 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 Clause 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(6)(c) or (h), 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(5).

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.

Can complying development in accordance with the following codes:

Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code

be carried out on the land under clause 1.19(1) of the Code SEPP?

YES

Can complying development in accordance with the following codes:

***Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code***

be carried out on the land under clause 1.19(2) of the Code SEPP?

YES But in the case of the Rural Housing Code only if the land is in Zone RU1 and RU2.

Can complying development in accordance with the following codes:

***Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code***

be carried out on the land under clause 1.19(3) of the Code SEPP?

YES

Can complying development in accordance with the General Housing Code be carried out on the land under clause 1.19(6) of the Code SEPP?

YES

Can complying development in accordance with the Rural Housing Code be carried out on the land under 1.19(6) or in accordance with clause 1.19(5) of the Code SEPP?

YES

Can complying development in accordance with the Housing Alterations Code and the General Development Code be carried out on the land under clause 1.19(7) of the Code SEPP?

YES

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 emergency 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

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

- (1) Division 2 of Part 3 of the Roads Act, 1993;
 - (2) an Environmental Planning Instrument; or
 - (3) a 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 66 of Kiama Local Environmental Plan 1996.

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 is not subject to flood related development controls.

Development on the land or part of the land for any other purpose if permitted on the land is not subject to flood related development controls.

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 is affected by Section 94A (Indirect Contributions) Plan.

The land is affected by Section 94 Contributions Plans No.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 not shown as bush fire prone land according to the Bush Prone Land Map 2008 supplied by the Rural Fire Service and accessible on Council's website at www.kiama.nsw.gov.au/environmental-services

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.

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,
-

Orders issued under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009

Council is not aware of an Order under Section 23 and an Authorisation under Section 24 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 applying to the land.

Section 149 Certificate

Certificate No.: 7881

Property: Terralong Street KIAMA 2533

Certificate Date: 14/03/2012

Additional information pursuant to section 149(5) of the Act

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

Resolutions to prepare a planning proposal or a draft Local Environmental Plan that applies to the land but has not yet been exhibited:

Nil

Miscellaneous matters

Council has resolved to prepare a new draft Development Control Plan (DCP) to support the Kiama LEP 2011. The following three draft DCP chapters and the land to which they apply is shown below. The draft DCP chapters can be viewed on Council's website <http://www.kiama.nsw.gov.au/environmental-services/draft-LEP-2010.html>

- Draft DCP 2010 *Low Density Housing Policy* that applies to land in Zone Nos. R2, R3 and R5.
- Draft DCP 2010 *Medium Density Housing Policy* that applies to land in Zone Nos. B1, B2 and R3.
- Draft DCP 2010 *Rural Subdivision a & Housing Policy* that applies to land in Zone Nos. RU1, RU2 and E3.

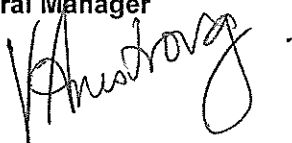
The land is not affected by a resolution of Council to prepare a Draft Development Control Plan.

For further information, please contact Council's Section 149 Certificate Section of the Environmental Services Department on (02) 4232 0469.

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

M Forsyth
General Manager

Per:





KIAMA MUNICIPAL COUNCIL
your council, your community

K H:38319.07

Certificate No: 7884

Section 149 Planning Certificate

Douglas Partners
PO Box 486
UNANDERRA NSW 2526

Certificate date: 14/03/2012

Receipt number: 413713

Property Number: 9176

PROPERTY DESCRIPTION

Property: Terralong Street KIAMA 2533

Title: LOT: 2 DP: 797732

Prescribed Matters under Schedule 4 of the EP&A Regulation 2000

1 Names of relevant planning instruments and DCPs

Names of environmental planning instruments

The principal environmental planning instruments applying to the land are:

Illawarra Regional Environmental Plan No. 1

Kiama Local Environmental Plan 2011

State Environmental Planning Instruments

The State environmental planning instruments applying to the land are:

SEPP No 1 – Development Standards

SEPP No 4 – Development Without Consent Miscellaneous Complying Development

SEPP No 6 – Number of Storeys in a Building

SEPP No 21 – Caravan Parks

SEPP No 30 – Intensive Agriculture

SEPP No 32 - Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33 – Hazardous and Offensive Development

SEPP No 50 – Canal Estate Developments

SEPP No 55 – Remediation of Land

SEPP No 64 – Advertising and Signage
SEPP No 65 – Design Quality of Residential Flat Development
S.E.P.P. No.71 - Coastal Protection
SEPP (Affordable Rental Housing) 2009
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007
SEPP (Major Developments) 2005
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Rural Lands) 2008
SEPP (Temporary Structures) 2007

Proposed environmental planning instruments

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

Name of development control plans applying to the land

The development control plans applying to the land are:

DCP No 3 - Home Hosting Facilities.

This plan establishes siting and design guidelines and minimum health and safety standards for home hosting facilities in rural and urban areas.

DCP No 7 - Dual Occupancy.

This plan provides guidelines to assist in the preparation of dual occupancy development.

DCP No 8 - Building Height and Amenity.

This Plan provides guidelines to assist applicants in the design of the height of dwelling-houses having regard to topography and existing views, privacy and solar access enjoyed by adjacent properties.

DCP No 11 - Cottage Industries.

This plan provides guidelines for establishing and operating cottage industries.

DCP No 18 - Energy Smart Homes.

This plan provides detailed guidelines, principles and design criteria for the design of energy efficient subdivisions and housing.

DCP No 25 - Planning for Less Waste.

The purpose of the plan is to minimise waste arising from construction, demolition, subdivision and use phases of development activity.

DCP No 31 - Landscape Guidelines.

This plan provides guidelines for the preparation of landscape plans and documentation for commercial, industrial, rural and residential developments.

DCP No 32 - Kiama Development Code.

This plan is to provide civil engineering design and construction guidance and specifications for the construction of subdivisions and other development.

DCP No 36 - Building Lines and Foreshore Building Lines.

This plan identifies Building Lines and Foreshore Building Line setbacks required for the erection of buildings throughout the Municipality.

DCP No 37 - Contaminated Land.

The purpose of the plan provides the framework for the integration of land contamination management into the planning and development process. The plan's aims are to ensure that changes of land-use will not increase the risk to health and the environment; to avoid inappropriate restrictions on land-use; to provide information to support decision-making; and to inform the community. DCP No. 37 will restrict development of land:

- a. which is affected by contamination;
- b. which has been used for certain purposes;
- c. in respect of which there is not sufficient information about contamination;
- d. which is proposed to be used for certain purposes;
- e. in other circumstances contained in the DCP.

DCP No 39 - Development Application - Notification Policy

This plan provides information on Development Application notification.

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

Air transport facilities; Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoriums; Dwelling houses; Electricity generating works; 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 occupation (sex services); Information and education facilities; Intensive plant agriculture; Recreation areas;; Restricted dairies; Roads; Roadside stalls; Secondary dwellings; Water supply systems

4 Prohibited

Any 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 that fix minimum land dimensions for the erection of a dwelling house. Refer to clauses 4.1, 4.1AA, 4.2A of Kiama Local Environmental Plan 2011.

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

The land is not in a conservation area.

A heritage item is not 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 Clause 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(6)(c) or (h), 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(5).

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.

Can complying development in accordance with the following codes:

Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code

be carried out on the land under clause 1.19(1) of the Code SEPP?

YES

Can complying development in accordance with the following codes:

***Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code***

be carried out on the land under clause 1.19(2) of the Code SEPP?

YES But in the case of the Rural Housing Code only if the land is in Zone RU1 and RU2.

Can complying development in accordance with the following codes:

***Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code***

be carried out on the land under clause 1.19(3) of the Code SEPP?

YES
:

Can complying development in accordance with the General Housing Code be carried out on the land under clause 1.19(6) of the Code SEPP?

YES

Can complying development in accordance with the Rural Housing Code be carried out on the land under 1.19(6) or in accordance with clause 1.19(5) of the Code SEPP?

YES

Can complying development in accordance with the Housing Alterations Code and the General Development Code be carried out on the land under clause 1.19(7) of the Code SEPP?

YES

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 emergency 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

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

- (1) Division 2 of Part 3 of the Roads Act, 1993;
 - (2) an Environmental Planning Instrument; or
 - (3) a 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 66 of Kiama Local Environmental Plan 1996.

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 is not subject to flood related development controls.

Development on the land or part of the land for any other purpose if permitted on the land is not subject to flood related development controls.

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 is affected by Section 94A (Indirect Contributions) Plan.

The land is affected by Section 94 Contributions Plans No.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 Prone Land Map 2008 supplied by the Rural Fire Service and accessible on Council's website at 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.

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,
-

Orders issued under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009

Council is not aware of an Order under Section 23 and an Authorisation under Section 24 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 applying to the land.

Section 149 Certificate

Certificate No.: 7884

Property: Terralong Street KIAMA 2533

Certificate Date: 14/03/2012

Additional information pursuant to section 149(5) of the Act

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

Resolutions to prepare a planning proposal or a draft Local Environmental Plan that applies to the land but has not yet been exhibited:

Nil

Miscellaneous matters

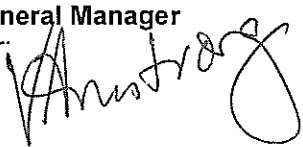
Council has resolved to prepare a new draft Development Control Plan (DCP) to support the Kiama LEP 2011. The following three draft DCP chapters and the land to which they apply is shown below. The draft DCP chapters can be viewed on Council's website <http://www.kiama.nsw.gov.au/environmental-services/draft-LEP-2010.html>

- Draft DCP 2010 *Low Density Housing Policy* that applies to land in Zone Nos. R2, R3 and R5.
- Draft DCP 2010 *Medium Density Housing Policy* that applies to land in Zone Nos. B1, B2 and R3.
- Draft DCP 2010 *Rural Subdivision a & Housing Policy* that applies to land in Zone Nos. RU1, RU2 and E3.

For further information, please contact Council's Section 149 Certificate Section of the Environmental Services Department on (02) 4232 0469.

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

M Forsyth
General Manager

Per: 



KIAMA MUNICIPAL COUNCIL
your council, your community

K H:38319.07

Certificate No: 7883

Section 149 Planning Certificate

Douglas Partners
PO Box 486
UNANDERRA NSW 2526

Certificate date: 14/03/2012

Receipt number: 413713

Property Number: 9175

PROPERTY DESCRIPTION

Property: Terralong Street KIAMA 2533

Title: LOT: 1 DP: 797732

Prescribed Matters under Schedule 4 of the EP&A Regulation 2000

1 Names of relevant planning instruments and DCPs

Names of environmental planning instruments

The principal environmental planning instruments applying to the land are:

Illawarra Regional Environmental Plan No. 1

Kiama Local Environmental Plan 2011

State Environmental Planning Instruments

The State environmental planning instruments applying to the land are:

SEPP No 1 – Development Standards

SEPP No 4 – Development Without Consent Miscellaneous Complying Development

SEPP No 6 – Number of Storeys in a Building

SEPP No 21 – Caravan Parks

SEPP No 30 – Intensive Agriculture

SEPP No 32 - Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33 – Hazardous and Offensive Development

SEPP No 50 – Canal Estate Developments

SEPP No 55 – Remediation of Land

SEPP No 64 – Advertising and Signage
SEPP No 65 – Design Quality of Residential Flat Development
S.E.P.P. No.71 - Coastal Protection
SEPP (Affordable Rental Housing) 2009
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007
SEPP (Major Developments) 2005
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Rural Lands) 2008
SEPP (Temporary Structures) 2007

Proposed environmental planning instruments

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

Name of development control plans applying to the land

The development control plans applying to the land are:

DCP No 3 - Home Hosting Facilities.

This plan establishes siting and design guidelines and minimum health and safety standards for home hosting facilities in rural and urban areas.

DCP No 7 - Dual Occupancy.

This plan provides guidelines to assist in the preparation of dual occupancy development.

DCP No 8 - Building Height and Amenity.

This Plan provides guidelines to assist applicants in the design of the height of dwelling-houses having regard to topography and existing views, privacy and solar access enjoyed by adjacent properties.

DCP No 11 - Cottage Industries.

This plan provides guidelines for establishing and operating cottage industries.

DCP No 18 - Energy Smart Homes.

This plan provides detailed guidelines, principles and design criteria for the design of energy efficient subdivisions and housing.

DCP No 25 - Planning for Less Waste.

The purpose of the plan is to minimise waste arising from construction, demolition, subdivision and use phases of development activity.

DCP No 31 - Landscape Guidelines.

This plan provides guidelines for the preparation of landscape plans and documentation for commercial, industrial, rural and residential developments.

DCP No 32 - Kiama Development Code.

This plan is to provide civil engineering design and construction guidance and specifications for the construction of subdivisions and other development.

DCP No 36 - Building Lines and Foreshore Building Lines.

This plan identifies Building Lines and Foreshore Building Line setbacks required for the erection of buildings throughout the Municipality.

DCP No 37 - Contaminated Land.

The purpose of the plan provides the framework for the integration of land contamination management into the planning and development process. The plan's aims are to ensure that changes of land-use will not increase the risk to health and the environment; to avoid inappropriate restrictions on land-use; to provide information to support decision-making; and to inform the community. DCP No. 37 will restrict development of land:

- a. which is affected by contamination;
- b. which has been used for certain purposes;
- c. in respect of which there is not sufficient information about contamination;
- d. which is proposed to be used for certain purposes;
- e. in other circumstances contained in the DCP.

DCP No 39 - Development Application - Notification Policy

This plan provides information on Development Application notification.

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

Air transport facilities; Agricultural produce industries; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Cemeteries; Community facilities; Crematoriums; Dwelling houses; Electricity generating works; 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 occupation (sex services); Information and education facilities; Intensive plant agriculture; Recreation areas;; Restricted dairies; Roads; Roadside stalls; Secondary dwellings; Water supply systems

4 Prohibited

Any 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 that fix minimum land dimensions for the erection of a dwelling house. Refer to clauses 4.1, 4.1AA, 4.2A of Kiama Local Environmental Plan 2011.

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

The land is not in a conservation area.

A heritage item is not 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 Clause 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(6)(c) or (h), 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(5).

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.

Can complying development in accordance with the following codes:

Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code

be carried out on the land under clause 1.19(1) of the Code SEPP?

YES

Can complying development in accordance with the following codes:

***Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code***

be carried out on the land under clause 1.19(2) of the Code SEPP?

YES But in the case of the Rural Housing Code only if the land is in Zone RU1 and RU2.

Can complying development in accordance with the following codes:

***Demolition Code
General Development Code
General Housing Code
General Commercial and Industrial Code
Housing Alterations Code
Rural Housing Code
Subdivision Code***

be carried out on the land under clause 1.19(3) of the Code SEPP?

YES

Can complying development in accordance with the General Housing Code be carried out on the land under clause 1.19(6) of the Code SEPP?

YES

Can complying development in accordance with the Rural Housing Code be carried out on the land under 1.19(6) or in accordance with clause 1.19(5) of the Code SEPP?

YES

Can complying development in accordance with the Housing Alterations Code and the General Development Code be carried out on the land under clause 1.19(7) of the Code SEPP?

YES

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 emergency 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

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

- (1) Division 2 of Part 3 of the Roads Act, 1993;
 - (2) an Environmental Planning Instrument; or
 - (3) a 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 66 of Kiama Local Environmental Plan 1996.

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 is not subject to flood related development controls.

Development on the land or part of the land for any other purpose if permitted on the land is not subject to flood related development controls.

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 is affected by Section 94A (Indirect Contributions) Plan.

The land is affected by Section 94 Contributions Plans No.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 Prone Land Map 2008 supplied by the Rural Fire Service and accessible on Council's website at 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.

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,
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Orders issued under the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009

Council is not aware of an Order under Section 23 and an Authorisation under Section 24 of the Nation Building and Jobs Plan (State Infrastructure Delivery) Act 2009 applying to the land.

Section 149 Certificate

Certificate No.: 7883

Property: Terralong Street KIAMA 2533

Certificate Date: 14/03/2012

Additional information pursuant to section 149(5) of the Act

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

Resolutions to prepare a planning proposal or a draft Local Environmental Plan that applies to the land but has not yet been exhibited:

Nil

Miscellaneous matters

Council has resolved to prepare a new draft Development Control Plan (DCP) to support the Kiama LEP 2011. The following three draft DCP chapters and the land to which they apply is shown below. The draft DCP chapters can be viewed on Council's website <http://www.kiama.nsw.gov.au/environmental-services/draft-LEP-2010.html>

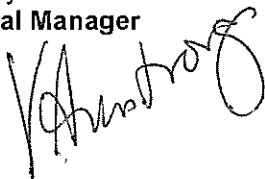
- Draft DCP 2010 *Low Density Housing Policy* that applies to land in Zone Nos. R2, R3 and R5.
- Draft DCP 2010 *Medium Density Housing Policy* that applies to land in Zone Nos. B1, B2 and R3.
- Draft DCP 2010 *Rural Subdivision a & Housing Policy* that applies to land in Zone Nos. RU1, RU2 and E3.

The land is not affected by a resolution of Council to prepare a Draft Development Control Plan.

For further information, please contact Council's Section 149 Certificate Section of the Environmental Services Department on (02) 4232 0469.

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

M Forsyth
General Manager
Per:



Appendix F

Photoplates 1 – 10



Photo 1: View of latite boulders



Photo 2: View looking south of latite outcropping and site



Photo 3: View of stone fence along the eastern boundary



Photo 4: View looking east of long grass in northern portion of site

 Douglas Partners Geotechnics Environment Groundwater	Project No. 38319.07	Site Photographs
	Date: 23 Mar 2012	Stage 2 Cedar Grove Estate Client: White Constructions Pty Ltd



Photo 5: View of heavy vegetation in north eastern portion of site



Photo 6: View of bones



Photo 7: View of disturbed land



Photo 8: View looking west of slashed southern portion of site



Photo 9: View of stockpile of trees in south western corner of the site



Photo 10: View of rock stockpile