



# **Douglas Partners**

*Geotechnics | Environment | Groundwater*

Report on  
Contaminated Land Preliminary Site Investigation

Proposed Medium Density Development  
Lot 202 DP1054190 and Lot 1 DP743509 Meares  
Place, Kiama

Prepared for  
Kiama Shores Pty Ltd

Project 38145.02  
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Integrated Practical Solutions



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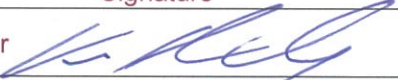

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The undersigned, on behalf of Douglas Partners Pty Ltd, confirm that this document and all attached drawings, logs and test results have been checked and reviewed for errors, omissions and inaccuracies.

	Signature	Date
Author		9 June 2016
Reviewer	 FOR J.M. NASH.	9 June 2016



## Executive Summary

This report presents the results of a contaminated land preliminary site investigation (PSI) undertaken for a proposed medium density development at Lot 202 DP1054190 and Lot 1 DP743509 Meares Place, Kiama (the site). This PSI is required to provide information on the contamination status of the site for preliminary conceptual design purposes and to support a Development Application.

The PSI included a review of readily available site information and site history, a site walkover and preparation of this report commenting on the potential for contamination to be present at the site.

The PSI was undertaken concurrently with a preliminary geotechnical investigation and a hazardous building materials survey.

Based on a review of site history it is understood that the site has been vacant or used for commercial purposes. The commercial use was confirmed during the site walkover.

Based on the findings of the site history investigation and site walkover it is considered that the site exhibits a potential for contamination to be present from:

- migration of contaminants from the adjacent service station,
- filling to have occurred during the development of 33 Collins Street,
- hazardous building material possibly present in the commercial building at 33 Collins Street; and
- minor amounts of fly-tipped materials observed on site.

Based on the findings of the PSI it is considered that the site exhibits a potential for contamination to be present. Intrusive investigation is required to assess this potential for contamination and to assess the compatibility of the site for its proposed development.

It is anticipated that the intrusive investigation would include the following:

- A walkover of the building footprint after the completion of a hazardous building materials report and removal of any identified materials and subsequent demolition to assess the potential for any hazardous building materials to have impacted the ground surface and/ or the presence of filling.
- Targeted intrusive soil investigation around the areas of potential contamination (fly-tipped materials, any observed filling in 33 Collins Street beneath the building or concrete car parking area).
- Groundwater investigation to assess the potential for groundwater contamination associated with the adjacent service station.
- Provision of a report summarising the results of the investigation commenting on the compatibility of the site for the proposed development, the need for further investigation or the preparation of a remediation action plan (RAP) to detail the requirements of the remediation or management of contamination at the site.

Subject to the results of the intrusive investigation and the successful implementation of a RAP, if required, it is considered that the site can be made compatible with the proposed development.

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# Report on Contaminated Land Preliminary Site Investigation Proposed Medium Density Development Lot 202 DP1054190 and Lot DP743509 Meares Place, Kiama

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## 1. Introduction

This report presents the results of a contaminated land preliminary site investigation (PSI) undertaken for a proposed medium density development to be constructed at Lot 202 DP1054190 and Lot 1 DP743509 Meares Place, Kiama (the site), refer to Drawing 1, Appendix B. The work was commissioned by Kiama Shores Pty Ltd, the project developer.

It is understood that the construction of a medium density residential development is proposed comprising three levels of apartments around a central courtyard with two levels of basement car parking, common open areas, communal facilities and landscaped courtyards. This PSI is required to provide information on the contamination status of the site for preliminary conceptual design purposes and to support a Development Application.

The PSI included a review of readily available site information and site history, a site walkover and preparation of this report commenting on the potential for contamination to be present at the site.

The PSI was undertaken concurrently with a preliminary geotechnical investigation and a hazardous building materials survey.

## 2. Scope of Works

The scope of works for the PSI comprised:

- Review of site information, comprising:
  - Geological and topographical maps/drawings;
  - Published maps of acid sulphate soil (ASS) potential; and
  - Groundwater bores registered with the NSW Office of Water.
- Review of information from Douglas Partners' preliminary geotechnical investigation;
- Review of readily available site history information, comprising:
  - Current and historic title deeds;
  - Historical and current aerial photographs;
  - Public databases held under the *Contaminated Land Management Act 1997* and the *Protection of the Environment Operations Act 1997*;
  - Records held in the WorkCover Stored Chemical Information Database (SCID). The records held by WorkCover may include current and historic licences to store Dangerous Goods; and

- Readily accessible Council Records and the Section 149 (2&5) certificates;
- A site walkover to identify conditions that may indicate a potential for contamination and determine associated environmental receptors; and
- Provision of this PSI report detailing the findings of the of the desk based investigation, commenting on identified areas of environmental concern and associated potential contaminants, the risk of contamination at the site, comment on the compatibility of the site for the proposed development and providing recommendations for further investigation, if considered necessary.

### 3. Site Descriptions and Regional Geology

The site, which is known as Lot 202 in DP1054190 and Lot 1 in DP743509, comprises two, almost rectangular-shaped lots with a combined area of about 5,600 m<sup>2</sup> and maximum north-south and east-west dimensions of 70 m and 100 m respectively. Surface levels fall in the southerly direction, generally at grades of 1 in 4 to 1 in 6. There is a steep batter lined with trees along the south western boundary which slopes to the south-west at grades approaching 1 in 1.5, which is likely the result of cutting of the adjacent site for the construction of a car park. The overall difference in level is estimated to be about 17 m from the highest part of the site (northern corner of Lot 202) to the lowest (southern corner of Lot 202).

The site is bounded to the north by existing low density, residential development, to the west by Meares Place, to the east by existing commercial units and Collins Street (of which Lot 1 has a 20 m frontage) and to the south by two existing car parks (Refer Drawing 1, Appendix B).

At the time of the investigation, Lot 202 was generally vacant and grassed with medium dense to dense mature vegetation and trees lining the south-western boundary and the majority of the north-western boundary. Lot 1 was occupied by commercial buildings comprising a single storey rendered brick building at the north-western end of the lot with concrete car parking area and driveway on the south-eastern (i.e. Collins Street) side of the lot.

Various site features observed during the PSI are shown on the colour photoplates in Appendix C.

The NSW South Coast Comprehensive Coastal Assessment 1:25 000 Quaternary and Bedrock Geology maps indicate that the site is underlain by the Kiama Sandstone Member belonging to the Kiama Sandstone/Shoalhaven Group of Permian age. This formation typically comprises trachytic tuffs and volcanic sandstone with pebbly bands which weather to form clays of intermediate to high plasticity. The results of the investigation were consistent with the geological mapping with sandstone bedrock encountered in all of the boreholes.

Reference to the Wollongong Acid Sulphate Soil Risk Map published by NSW Department of Land and Water Conservation (1997) and to web-based NSW state-wide mapping shows no Acid Sulphate Soil (ASS) risk at the subject site.

It is also noted that the site is not in an area mapped for salinity risk, and previous work has not identified soil or groundwater salinity issues. As a result, a salinity investigation has not been undertaken as part of this assessment.

#### 4. Information from Preliminary Geotechnical Investigation

Douglas Partners' preliminary geotechnical investigation (Project Number 38145.01) included the drilling of three boreholes (Bores 101-103) across the site, installation of groundwater monitoring wells and monitoring of groundwater levels. The borehole locations are shown on Drawing 1, Appendix B.

The field investigation encountered relatively uniform conditions underlying the site, with the succession of strata broadly summarised as follows:

TOPSOIL:	Brown or dark brown clayey silt topsoil with some rootlets to depths in the range 0.1 – 0.3 m in Bores 102 and 103.
CONCRETE / BASECOURSE / FILLING:	A 130 mm thick concrete slab encountered in Borehole 101, underlain by base course to a depth of 300 mm then clayey filling to a depth of 400 mm.
CLAY:	Stiff to very stiff brown, grey brown and/or orange brown silty clay encountered in all boreholes to depths in the range 0.8 – 4.3 m.
BEDROCK:	Initially extremely low to very low strength sandstone encountered in all boreholes at depths in the range 0.8 – 4.3 m, becoming medium to high strength at depths in the range 1.3 – 5.1 m. Bores 102 and 103 were terminated in high strength sandstone at depths in the range 6.5 – 14.1 m (the limit of the investigation). Bore 101 was terminated on low to medium strength sandstone due to 'V-bit' auger refusal at a depth of 2.2 m.

No free groundwater was observed in the boreholes during auguring for the short time that they were left open. The introduction of drilling muds during rotary coring precluded any further monitoring of groundwater levels during drilling.

Standpipe piezometers were installed in Bores 101, 102 and 103 and bailed at the completion of drilling and again on 4 May 2016. Groundwater levels were recorded by DP on 5 May 2016, and are presented in Table 1. It is noted that groundwater levels are transient and will vary over time.

**Table 1: Groundwater Measurements**

<b>Borehole</b>	<b>Reduced Level (RL) of Ground Surface</b>	<b>Depth to Groundwater (m)</b>	<b>Groundwater RL (m AHD)</b>
101	18.1 m AHD	2.0	16.1
102	25.5 m AHD	12.5	13.0
103	18.8 m AHD	2.9	15.9

## 5. Site History

The site history investigation was undertaken to identify potential areas of environmental concern which may arise from previous uses and potentially contaminating activities that may have occurred at the site.

### 5.1 Title Deeds

A title deeds search was conducted by Scott Ashwood Pty Ltd, Legal Agents. Title information can assist in the identification of previous land uses through the recorded occupation of individual land owners, or by a descriptive company name and may establish potentially contaminating activities which have occurred or are occurring at the Site.

A summary of the results of the site history and title deeds search is shown in the following tables. The full results of the searches are given in Appendix D.

**Table 2: Previous Site Ownership Lot 1 Deposited Plan 743509 (33 Collins Street)**

<b>Date of Acquisition</b>	<b>Owner and Occupation</b>	<b>Inferred Land use</b>
31.03.1892 (1892 to 1962)	George Ridgway Lockett and his Estate	Residential
8.06.1962 (1962 to 1970)	Robert William Westley (Milk Carter)	Residential
13.08.1970 (1970 to 1980)	Kevin Albert Harris (Tyre Retailer) and Lorna Marie Harris (Married Woman)	Residential
8.07.1980 (1980 to 1983)	William John Thorold (Sales Manager) and Elaine June Grant (Married Woman)	Residential
30.06.1983 (1983 to 1990)	John Alan Schofield (Company Director) and Sandra Leone Schofield (married Woman)	Residential
28.09.1990 (1990 to 1991)	Sandra Leone Schofield	Residential
4.04.1991 (1991 to 1999)	Gregory Richard Davies and Anne Callan Davies	Residential
6.12.1999 (1999 to 2003)	Fagimo Pty Limited	Commercial
11.03.2003 (2003 to 2016)	Sebastian Builders & Developers Pty Limited and Ocean Street Pty Limited	Commercial
21.04.2016 (2016 to date)	Kiama Shores Pty Limited	Commercial

**Table 3: Previous Site Ownership Lot 202 Deposited Plan 1054190 (23 Meares Place)**

<b>Date of Acquisition</b>	<b>Owner and Occupation</b>	<b>Inferred Land use</b>
13.05.1912 (1912 to 1955)	Nesbit Evans Hindmarsh and his Estate	Vacant
9.09.1955 (1955 to 1976)	James Thomas O'Keefe (garage proprietor) and his Estate	Vacant
31.08.1976 (1976 to 1977)	Florence Ann O'Keefe (Widow)	Vacant
27.04.1977 (1977 to 2004)	Group Seven Leagues Clun Limited Later Kiama Leagues Club Limited	Vacant
26.03.2004 (2004 to 2016)	Sebastian Builders & Developers Pty Limited and Ocean Street Pty Limited	Vacant
21.04.2016 (2016 to date)	Kiama Shores Pty Limited	Vacant

In establishing the inferred use of the site information has also been drawn from other sources such as the historical aerial photography and council records; see below.

## 5.2 Historical Aerial Photography

Aerial photographs were examined to identify any changes to the landscape which may include potentially contaminating land activities or significant environmental features. Eight aerial photographs were examined from the years 1949, 1963, 1979, 1984, 1993, 2006, 2010 and 2016. Copies are included in Appendix E. A summary of the findings is given below.

**1949:** The site is subdivided with a building observed in the south eastern portion of the site (33 Collins Street) while the north-western portion (23 Meares Place) appears vacant and undeveloped. The site is bounded by vacant land to the north, by Collins Street to the east and by what appears to be residential or commercial estates to the south and west. Beyond Collins Street to the east, further residential estates and public roads are observed with Kiama harbour located further beyond.

It is noted that a depression is visible running through the centre of the site from the north-west to the south east.

**1963:** The site appears relatively unchanged. There is evidence of significant residential and commercial development and associated roads to the north of the site.

**1979:** The image is not clear, however, significant vegetation is evident in the north-western portion of the site and extends further in that direction. The structure occupying 33 Collins Street appears larger than in previous images, potentially due to renovations or demolition and construction of a new

building. Residential and commercial development is well established to the north, east and south of the site.

**1984:** The vegetation present in the 1979 image has been cleared and 23 Meares Place appears vacant and undeveloped. Further clearing of vegetation and development west of the site is evident. A car park has been constructed south west of the site and immediately bounds the site in that direction.

**1993:** The site appears relatively unchanged; however, it appears a car park has been constructed in the eastern portion of 23 Meares Place. Further development regarding the land surrounding the site is evident.

**2006:** The site appears relatively unchanged. Again, further development surrounding the site is evident.

**2010:** The site appears relatively unchanged; however, the car park previously occupying the eastern portion of 23 Meares Place is no longer present and re-growth of vegetation is evident.

**2016:** The site appears relatively unchanged.

### **5.3 NSW EPA Public Registers**

A search for current Statutory Notices on 27 May 2015 issued under the *Contaminated Land Management Act, 1997* and *Protection of the Environment Operations Act, 1997* available on the NSW EPA website showed that there were no notices or licenses issued for the site.

### **5.4 WorkCover Search**

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

A copy of the search results, dated 13 May 2016, is included in Appendix F.

### **5.5 Council Records**

A search of Kiama Municipal Council (Council) records for the site was conducted by Council staff. Several files were identified by Council and provided for review. Council provided documentation relating to several building applications and development applications. Based on the provided council records no development appears to have occurred on 23 Meares Place and no development with potential contaminating activities appears to have occurred on 33 Collins Street.

## 5.6 Section 149 (2&5) Certificates

The Section 149 Planning Certificates for the site, dated 28 January 2015, were provided by the client, with copies included in Appendix G.

There are no matters listed under Section 59(2) of the *Contaminated Land Management Act 1997* which should be specified on the certificates. Section 59(2) concerns matters that must be included within a Section 149 Planning Certificate in relation to the land being significantly contaminated, regulatory orders applying and the existence of a site audit statement or site audit report pertaining to the property. It was, however, noted that due to previous land use relating to 33 Collins Street the land may be contaminated.

## 6. Site Walkover

A site walkover was undertaken by DP personnel on 27 April 2016. The following main site features were noted:

- 23 Meares Place was vacant and grass covered, refer to Photograph 1, Appendix C. Minor amounts of fly-tipped materials (brick, concrete and plastic); refer to Photographs 2 and 3, Appendix C.
- A commercial premise (Pop-Up Co-Op, an opportunity shop) was present at 33 Collins Street with an associated hardstand car park; refer to Photograph 4, Appendix C.
- A small landscaped area was present in the eastern portion of 33 Collins Street; refer to Photograph 5, Appendix C.
- Immediately adjacent to the site, to the east of 23 Meares Place and to the south of 33 Collins Street, was a currently operating service station.

## 7. Conceptual Site Model

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

### 7.1 Potential for Contamination

Based on a review of site history it is understood that the site has been vacant or used for commercial purposes. The commercial use was confirmed during the site walkover.

Based on the findings of the site history investigation and site walkover it is considered that the site exhibits a potential for contamination to be present from:

- migration of contaminants from the adjacent service station,

- filling to have occurred during the development of 33 Collins Street beneath the building and concrete car parking area,
- hazardous building material possibly present in the commercial building at 33 Collins Street; and
- minor amounts of fly-tipped materials observed on site.

## 7.2 Potential Contamination Sources and Contaminants of Concern

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

- S1 – Minor amounts of fly-tipped material observed in 23 Meares Place.
- S2 - Uncontrolled filling of an unknown origin in 33 Collins Street beneath the footprint of the building and concrete car parking area.
- S3 - Hazardous building materials in the commercial building in 33 Collins Street.
- S4 – Migration of contaminants from the adjacent service station.

Common contaminants of concern associated with the above identified sources of contamination are metals, total recoverable hydrocarbons (TRH), benzene, toluene, ethylbenzene and xylene (BTEX), polycyclic aromatic hydrocarbons (PAH), polychlorinated biphenyls (PCB), organochlorine pesticides (OCP), organophosphorous pesticides (OPP), total phenols, asbestos in construction and demolition waste or waste soils, lead based paint, polychlorinated biphenyls (PCB), and asbestos and synthetic mineral fibres (SMF) in hazardous building materials.

## 7.3 Potential Receptors

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

Human health receptors:

- R1 - Construction workers during the development.
- R2 - End users (residential).
- R3 - Adjacent users (residential).

Environmental receptors:

- R4 - Groundwater and
- R5 - Surface water.
- R6 - Terrestrial ecology.

## 7.4 Potential Pathways

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

- P1 - Ingestion and dermal contact.
- P2 - Inhalation of dust and/or vapours.
- P3 - Leaching of contaminants and vertical migration into groundwater.
- P4 - Surface water run-off.
- P5 - Lateral migration of groundwater providing base flow to watercourses.
- P6 - Contact with terrestrial ecology.

## 7.5 Summary of Preliminary CSM

A 'source–pathway–receptor' approach has been used to assess the potential risks to human and environmental receptors from contamination sources on or in the vicinity of the site, via exposure pathways. The possible pathways between the sources and receptors are provided in Table 1.

**Table 1: Potential Complete Pathways**

Source	Transport Pathway	Receptor	Action Recommended	Screening Criteria
S1 – Minor amounts of fly-tipped materials present in 23 Meares Place.	P1 - Ingestion and dermal contact P2 - Inhalation of dust / vapours	R1 - Construction Workers R2 - End users	An intrusive investigation is required to assess possible contamination including chemical testing of the soils and groundwater.	Soil SAC.
	P2 - Inhalation of dust / vapours	R3 - Adjacent users		
S2 – Uncontrolled filling of an unknown origin associated to the development of 33 Collins Street.	P3 - Leaching of contaminants	R4 - Groundwater		Soil and groundwater SAC.
S3 - Hazardous building materials in the commercial building at 33 Collins Street.	P4 - Surface water run-off P5 - Lateral migration of groundwater	R5 - Surface water	See Note 2.	Soil SAC as an indicator of potential surface water issues.
	P6 - Contact with terrestrial ecology	R6 - Terrestrial ecology		
S4 – Migration of contaminants from the adjacent service station.	P1 - Ingestion and dermal contact P2 - Inhalation of dust / vapours	R1 - Construction Workers R2 - End users	An intrusive investigation is required to assess possible contamination including chemical testing of the soils.	Soil SAC.
	P1 - Ingestion and dermal contact P2 - Inhalation of dust / vapours	R1 - Construction Workers R2 - End users	A hazardous building materials assessment of the site structures must be undertaken prior to demolition and is currently being undertaken.	Absence / presence of hazardous building materials

1. If significant contamination is encountered leachability testing may be required.

2 Depending on the finalised development details there may or may not exist a pathway for surface water run-off. Surface water receptors may include the Tasman Sea. If significant contamination is encountered further investigation of potential surface water receptors may be required.

## 8. Conclusions and Recommendations

Based on the findings of the PSI it is considered that the site exhibits a potential for contamination to be present. Intrusive investigation is required to assess this potential for contamination and to assess the compatibility of the site for its proposed development.

It is anticipated that the intrusive investigation would include the following:

- A walkover of the building footprint after the completion of a hazardous building materials report and removal of any identified materials and subsequent demolition to assess the potential for any hazardous building materials to have impacted the ground surface and/ or the presence of filling.
- Targeted intrusive soil investigation around the areas of potential contamination (fly-tipped materials, any observed filling in 33 Collins Street beneath the building or concrete car parking area).
- Groundwater investigation to assess the potential for groundwater contamination associated with the adjacent service station.
- Provision of a report summarising the results of the investigation commenting on the compatibility of the site for the proposed development, the need for further investigation or the preparation of a remediation action plan (RAP) to detail the requirements of the remediation or management of contamination at the site.

Subject to the results of the intrusive investigation and the successful implementation of a RAP, if required, it is considered that the site can be made compatible with the proposed development.

## 9. Limitations

Douglas Partners (DP) has prepared this report for this project at 23 Meares Place and 33 Collins Street, Kiama in accordance with DP's proposal dated 20 April 2016 and acceptance received from Peter Vlandys dated 6 May 2016. The work was carried out under DP's Conditions of Engagement. This report is provided for the exclusive use of Kiama Shores Pty Ltd for this project only and for the purposes as described in the report. It should not be used by or relied upon for other projects or purposes on the same or other site or by a third party. Any party so relying upon this report beyond its exclusive use and purpose as stated above, and without the express written consent of DP, does so entirely at its own risk and without recourse to DP for any loss or damage. In preparing this report DP has necessarily relied upon information provided by the client and/or their agents.

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

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

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

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

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**Douglas Partners Pty Ltd**

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## **Appendix A**

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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.

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## Appendix B

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Drawing 1



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## **Appendix C**

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Site Photographs



Photograph 1 – View of 23 Meares Place



Photograph 2 – View of fly-tipped materials


	<b>Report on Contaminated Land Preliminary Site Investigation</b>	PROJECT: 38145.02
	<b>Meares Place, Kiama</b>	PLATE No: 1
	CLIENT: Health Infrastructure	REV: 0
		DATE: May 2016



Photograph 3 – View of fly-tipped materials




Photograph 4 – View of commercial premise

 <b>Douglas Partners</b> Geotechnics   Environment   Groundwater	<b>Report on Contaminated Land          Preliminary Site Investigation</b>	PROJECT: 38145.02
	<b>Meares Place, Kiama</b>	PLATE No: 2
	CLIENT: Health Infrastructure	REV: 0
		DATE: May 2016



Photograph 5 – View of landscaped area

	<b>Report on Contaminated Land Preliminary Site Investigation</b>	PROJECT: 38145.02
		PLATE No: 3
	<b>Meares Place, Kiama</b>	REV: 0
		CLIENT: Health Infrastructure

---

## Appendix D

---

Title Deeds

ABN: 42 166 543 255  
Ph: 02 9099 7400  
Fax: 02 9232 7141  
(Ph: 0412 199 304)

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

Summary of Owners Report

LPI

Sydney

Address: - 33 Collins Street and 23 Meares Place, Kiama

Description: - Lot 1 DP743509 and Lot 202 DP1054190

As regards Lot 1 DP743509

<u>Date of Acquisition and term held</u>	<u>Registered Proprietor(s) &amp; Occupations where available</u>	<u>Reference to Title at Acquisition and sale</u>
31.3.1892 (1892 to 1962)	George Ridgway Lockett and his Estate	Book 507 No. 481
8.6.1962 (1962 to 1970)	Robert William Westley (Milk Carter)	Book 2613 No. 316
13.8.1970 (1970 to 1980)	Kevin Albert Harris (Tyre Retailer) and Lorna Marie Harris (Married Woman)	Book 2984 No. 988
8.7.1980 (1980 to 1983)	William John Thorold Grant (Sales Manager) and Elaine June Grant (Married Woman)	Book 3426 No. 533
30.6.1983 (1983 to 1990)	John Alan Schofield (Company Director) and Sandra Leone Schofield (Married Woman)	Book 3558 No. 992 now Folio 1/743509
28.9.1990 (1990 to 1991)	Sandra Leone Schofield	Folio 1/743509
4.4.1991 (1991 to 1999)	Gregory Richard Davies and Anne Callan Davies	Folio 1/743509
6.12.1999 (1999 to 2003)	Fagimo Pty Limited	Folio 1/743509
11.3.2003 (2003 to 2016)	Sebastian Builders & Developers Pty Limited and Ocean Street Pty Limited	Folio 1/743509
21.4.2016 (2016 to Date)	# Kiama Shores Pty Limited	Folio 1/743509

# Denotes Current Registered Proprietor

Leases – from 1987 to Date

- 28.9.1990 – Z216894
  - 31.3.2000 – 6683834
  - 11.3.2003 – 9440786
- } Expired – not investigated

Easements - Nil

ABN: 42 166 543 255  
Ph: 02 9099 7400  
Fax: 02 9232 7141  
(Ph: 0412 199 304)

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

**As regards Lot 202 DP1054190**

<b><u>Date of Acquisition and term held</u></b>	<b><u>Registered Proprietor(s) &amp; Occupations where available</u></b>	<b><u>Reference to Title at Acquisition and sale</u></b>
13.5.1912 (1912 to 1955)	Nesbit Evans Hindmarsh and his Estate	Book 965 No. 263
9.9.1955 (1955 to 1976)	James Thomas O'Keefe (Garage Proprietor) and his Estate	Book 2347 No. 293
31.8.1976 (1976 to 1977)	Florence Ann O'Keefe (Widow)	Book 3242 No. 812 then Vol 13289 Fol 169
27.4.1977 (1977 to 2004)	Group Seven Leagues Club Limited later Kiama Leagues Club Limited	Vol 13289 Fol 169 then Vol 14843 Fol 229 later Folio 7/626150, Folio 70/841906, Folio 100/874785 and Folio 200/1006736 now Folio 202/1054190
26.3.2004 (2004 to 2016)	Sebastian Builders & Developers Pty Limited and Ocean Street Pty Limited	Folio 202/1054190
21.4.2016 (2016 o Date)	# Kiama Shores Pty Limited	Folio 202/1054190

# Denotes Current Registered Proprietor

**Leases :-**

- 24.12.1997 - 3693086 (recorded on Folio 70/84190 - not investigated – may not affect subject parcel)

**Easements :- Nil**

Peter Boyer  
16 May, 2016





Req: F704628 / Doc: DP 0160336 P / Rev: 22-Dec-1992 / Sis: OK.OK / Pgs: ALL / Pts: 16-May-2016 10:16 / Seq: 1 of 1  
 Ref: PB-Kiama / Src: M

PLAN FOR  
 MUNICIPAL  
 SHIRE OF

This margin to be left free from notation

PLAN TABLE ADDED IN  
 IT OF LANDS

PLAN FORM	METRES
	0.019
	0.032
	0.044
	0.083
	0.121
	0.140
	0.152
	0.185
	0.241
	0.309
	0.432
	0.457
	0.610
	1.005
	2.210
	3.048
	3.200
	3.607
	3.813
	3.626
	3.658
	3.667
	3.785
	5.136
	8.534
	9.284
	10.058
	10.484
	10.668
	10.719
	11.024
	11.341
	11.468
	11.735
	13.303
	13.716
	13.887
	14.662
	15.850
	17.755
	17.983
	18.428
	18.867
	19.152
	20.117
	20.314
	21.990
	22.834
	23.774
	23.908
	26.943
	28.270
	28.346
	30.175
	30.880
	33.039
	35.528
	35.662
	49.507
	57.252
	61.017
	70.472
	143.561
No.	HA
	1.211

SHIRE OF  
 11/01

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

SEARCH DATE

16/5/2016 8:55AM

FOLIO: 1/743509

First Title(s): OLD SYSTEM

Prior Title(s): CA20107

Recorded	Number	Type of Instrument	C.T. Issue
8/7/1987	CA20107	CONVERSION ACTION	FOLIO CREATED EDITION 1
21/7/1989	Y440284	CAVEAT	
28/9/1990	Z216892	WITHDRAWAL OF CAVEAT	
28/9/1990	Z216893	TRANSFER	
28/9/1990	Z216894	LEASE	EDITION 2
4/4/1991	Z572939	DISCHARGE OF MORTGAGE	
4/4/1991	Z572940	TRANSFER	
4/4/1991	Z572941	MORTGAGE	EDITION 3
8/4/1994	U165621	REQUEST	
19/8/1994	U544613	DISCHARGE OF MORTGAGE	
19/8/1994	U544614	MORTGAGE	EDITION 4
6/12/1999	6396840	DISCHARGE OF MORTGAGE	
6/12/1999	6396841	TRANSFER	
6/12/1999	6396842	MORTGAGE	EDITION 5
31/3/2000	6683834	LEASE	EDITION 6
11/3/2003	9440785	DISCHARGE OF MORTGAGE	
11/3/2003	9440786	LEASE	
11/3/2003	9440787	TRANSFER	
11/3/2003	9440788	MORTGAGE	EDITION 7
30/8/2005	AB563594	MORTGAGE	EDITION 8
5/7/2006	AC436442	DISCHARGE OF MORTGAGE	EDITION 9
1/4/2008	AD858087	DISCHARGE OF MORTGAGE	
1/4/2008	AD858089	MORTGAGE	EDITION 10
21/4/2016	AK373263	TRANSFER BY MORTGAGEE UNDER POWER OF SALE	
21/4/2016	AK373264	MORTGAGE	EDITION 11

\*\*\* END OF SEARCH \*\*\*

OFFICE USE ONLY



OFFICE OF STATE REVENUE  
 (N.S.W. TREASURY)  
 1990/91  
 STAMP DUTY  
 \$2.00  
 CHIEF COMMISSIONER



**TRANSFER**  
 REAL PROPERTY ACT, 1900

1	2 of 3	X	R 2/3
\$	47		

DESCRIPTION OF LAND  
 Note (a)

Torrens Title Reference	If Part Only, Delete Whole and Give Details	Location
Identifier 1/743509	WHOLE	KIAMA

TRANSFEROR  
 Note (b)

**SANDRA LEONE SCHOFIELD**

ESTATE  
 Note (c)

(the abovenamed TRANSFEROR) hereby acknowledges receipt of the consideration of \$ 300,000.00 and transfers an estate in fee simple in the land above described to the TRANSFEREE

TRANSFEREE  
 Note (d)

**GREGORY RICHARD DAVIES and ANNE CALLAN DAVIES** of 97 Attunga Avenue, Kiama  
 as joint tenants/~~as joint tenants~~

OFFICE USE ONLY  
 JTR

TENANCY  
 Note (e)

PRIOR ENCUMBRANCES  
 Note (f)

subject to the following PRIOR ENCUMBRANCES 1. ~~NIL~~ 2216894  
 2. \_\_\_\_\_ 3. \_\_\_\_\_

DATE 1st March 1991

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

EXECUTION  
 Note (g)

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

*I.D. Dalgleish*  
 Signature of Witness

I.D. DALGLEISH  
 Name of Witness (BLOCK LETTERS)

SOLICITOR  
 Address and occupation of Witness

*W. Thompson*  
 Signature of Witness

W. THOMPSON  
 Name of Witness (BLOCK LETTERS)

Address and occupation of Witness

*R.M. McKinnon*  
 Signature of Transferor

*R.M. McKinnon*

R.M. McKinnon  
 Solicitor for Signature of Transferor  
 19.2.1991

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

LODGED BY NATIONAL AUSTRALIA BANK LIMITED National Australia Bank House 255 George Street, Sydney 237-1111 FAX 237-1284 Ref 45A Delivery Box Number		LOCATION OF DOCUMENTS CT OTHER 11 Herewith. In L.T.O. with Produced by	
Checked EC14 Signed	Passed Extra Fee	REGISTERED -19 -4 APR 1991	Secondary Directions Delivery Directions

OFFICE USE ONLY

900042610

Ref:PB-Kiama /Src:M-01T

Licence: 10V/0096/96  
Edition: 9804

**TRANSFER**  
New South Wales  
Real Property Act 1900

**6396841K**



**STAMP DUTY**

Office of State Revenue use only ①	NEW SOUTH WALES DUTY 20-09-1999 0000104022-001 SECTION 18(2) DUTY \$ *****2.00
---------------------------------------	---

**(A) TORRENS TITLE**

If appropriate, specify the part or share transferred  
**FOLIO IDENTIFIER: 1/743509**

**(B) LODGED BY**

LTO Box	Name, Address or DX and Telephone	CODES
W	James, Solicitors level 17 16-20 Bunnock St Sydney	T TS (s713) TW (Sheriff)
Reference (optional):		

**(C) TRANSFEROR**

**GREGORY RICHARD DAVIES and ANNE CALLAN DAVIES**

**(D)** The transferor acknowledges receipt of the consideration of \$ **600,000.00** and as regards the land specified above transfers to the transferee an estate in fee simple.

**(E)** Encumbrances (if applicable): 1. 2. 3.

**(F) TRANSFEE**

**FAGIMO PTY. LIMITED (A.C.N. 003 165 562)**

**TENANCY:**

**(H)** We certify this dealing correct for the purposes of the Real Property Act 1900. **DATE: 1/12/99**  
Signed in my presence by the transferor who is personally known to me.

Signature of witness: *H. M. McKinnon*  
Name of witness: **R.M. MCKINNON**  
Address of witness: **Solicitor  
Kiama**

Signature of transferor: *G. Davies*  
*Anne Davies*

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

Signature of witness:  
Name of witness:  
Address of witness:

Signature of transferee: 's Solicitor  
*[Signature]*

If signed on the transferee's behalf by a solicitor or licensed conveyancer, show the signatory's full name and capacity below:  
**Nigel Ian Duncan, Solicitor, Wollongong**

Ref:PB-Kiama /Src:M-

Licence: 10V/0096/96

Edition: 0011

# TRANSFER

New South Wales  
Real Property Act 1900



## 9440787V

PRIVACY NOTE: this information is legally required and will

### STAMP DUTY

Office of State Revenue use only

NEW SOUTH WALES DUTY

14-01-2003

0001247944-001

SECTION 18(2)

DUTY

\$ \*\*\*\*\*2.00

### (A) TORRENS TITLE

If appropriate, specify the part transferred

**1/743509**

### (B) LODGED BY

Delivery Box

238N

Name, Address or DX and Telephone

**BLAKE DAWSON WALDRON**

Lawyers  
Grosvenor Place  
225 George Street, Sydney  
N.S.W. 2000 Australia  
DX: 355

Reference (optional):

LCC

CODES

T

TW

(Sheriff)

### (C) TRANSFEROR

**FAGIMO PTY LIMITED (ACN 003 165 562)**

### (D) CONSIDERATION

The transferor acknowledges receipt of the consideration of \$ **1,550,000.00** and as regards

### (E) ESTATE

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

### (F) SHARE TRANSFERRED

Lease No.

### (G) ENCUMBRANCES (if applicable):

1. to Gregory Richard Davies and Anne Callan Davies

### (H) TRANSFEE

**SEBASTIAN BUILDERS & DEVELOPERS PTY LIMITED (ACN 080 563 435)** of Unit 19,  
71 Keira Street, Wollongong and **OCEAN STREET PTY LIMITED (ACN 099 801 199)**  
of Unit 2, 30 Cliff Road, Wollongong

TL

### (I) TENANCY:

Tenants in common in equal shares

### DATE

DO... / ... NOTI... DATE  
dd mm yyyy

I certify that the transferor, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this transfer in my presence.

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

Signature of witness:

Donna

Name of witness:

Donna Poidevin

Address of witness:

7/1 Mary St Shellharbour  
2529

Signature of transferor:

Executed on behalf of Fagimo Pty Ltd.

Michael Corban  
Sole Director / Sec  
Certified correct for the purposes of the Real Property Act 1900 by the transferee.

I certify that the transferee, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this transfer in my presence.

Signature of witness:

Signature of transferee: b Solicitor

Name of witness:

Michael

Address of witness:

If signed on the transferee's behalf by a solicitor or licensed conveyancer, insert the signatory's full name and capacity below:

MAXWELL STUART BISLEY  
(13/1/2003)

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

---

FOLIO: 1/743509

---

SEARCH DATE	TIME	EDITION NO	DATE
10/5/2016	11:07 AM	11	21/4/2016

LAND

---

LOT 1 IN DEPOSITED PLAN 743509  
AT KIAMA  
LOCAL GOVERNMENT AREA KIAMA  
PARISH OF KIAMA COUNTY OF CAMDEN  
TITLE DIAGRAM DP743509

FIRST SCHEDULE

---

KIAMA SHORES PTY LIMITED

(TP AK373263)

SECOND SCHEDULE (3 NOTIFICATIONS)

---

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 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.
- 3 AK373264 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

NOTATIONS

---

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

NEW SOUTH WALES



# CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900



13289169

Vol. 13289 Fol. 169

Edition issued 4-4-1977

IVA NOS. 15062 and 21072

Prior Title Vol. 12529 Fol. 91  
(part)



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

*[Signature]*

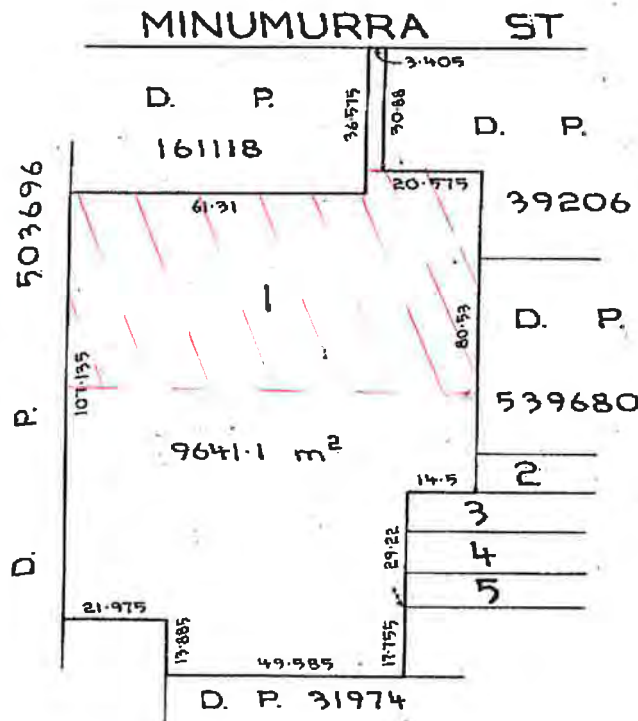


Registrar General.



## PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES



**CANCELLED**

IVA 21072 *ls. A.*

REDUCTION RATIO 1 : 1250

### ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 1 in Deposited Plan 252884 in the Municipality of Kiama Parish of Kiama and County of Camden being part of Allotment 1 of Section 19 granted to James Marks on 11-10-1844 and part of Allotment 2 of Section 19 granted to Joseph King on 11-10-1844.

### FIRST SCHEDULE

FLORENCE ANN of Kiama, Widow.

### SECOND SCHEDULE

1. Reservations and conditions, if any, contained in the Crown Grants above referred to.
2. CAUTION. The land within described is held subject to any subsisting interest (as defined in Section 28A of the Real Property Act, 1900).
3. Caveat No. Q102877 by the Registrar General as regards the part formerly comprised in Conveyance Book 5242 No. 812. Withdrawn Q165158

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

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

(Page 1) Vol. 13289 Fol. 169





14843229

NEW SOUTH WALES

IVA Nos.15062, 21072, 24141, 25951.



# CERTIFICATE OF TITLE

REAL PROPERTY ACT, 1900.

Vol. **14843** Fol. **229**

Prior Titles Vol.13289 Fol. 169  
Vol.13508 Fol. 112  
Vol.13595 Fols.219,220, 221,222 & 223



EDITION ISSUED

25 6 1982

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

# CANCELLED



Registrar General.

## SEE AUTO FOLIO



### PLAN SHOWING LOCATION OF LAND

LENGTHS ARE IN METRES



### ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 7 in Deposited Plan 626150 at Kiama in the Municipality of Kiama Parish of Kiama and County of Camden being part of Allotments 1 and 2 of Section 19 granted to James Marks and Joseph King on 11-10-1844.

### FIRST SCHEDULE

**GROUP SEVEN LEAGUES CLUB LIMITED.**

### SECOND SCHEDULE

- GRY 1. Reservations and conditions, if any, contained in the Crown Grnts above referred to.
- AA 2. CAUTION. The land within described is held subject to any subsisting interest (as defined in Section 28A of the Real Property Act, 1900) AFFECTING PARTS ENTERED 7.12.1977 & 27.4.1978
- L 3. Book 2992 No.664 Lease to The Illawarra County Council of Substation premises together with rights shown in plan in Lease Book 2992 No.664. Expires 6-6-1989. DOES NOT AFFECT SUBJECT PARCELS
- CY 4. Q165158<sup>P</sup> Covenant affecting the part of the land above described shown so burdened in Deposited Plan 626150.
- MS 5. S826387<sup>P</sup> Mortgage to State Bank of New South Wales.

PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON (Page 1) Vol. 14843 Fol. 229

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

FIRST SCHEDULE (continued)  
REGISTERED PROPRIETOR

Registrar General

**CANCELLED**

**SEE AUTO FOLIO**

SECOND SCHEDULE (continued)

PARTICULARS

Registrar General

CANCELLATION

- MS X384533<sup>P</sup> Mortgage to State Bank of New South Wales. Registered 15-3-1988.
- U X384533<sup>P</sup> Mortgage X490408 Transfer of Mortgage to Permanent Trustee Company Limited. Registered 19-4-1988
- PM X490409<sup>P</sup> Postponement of Mortgage. Priority now X384533, S826387. Registered 19-4-1988



NOTATIONS AND UNREGISTERED DEALINGS

X384533 M  
X490408 TA  
9 PM

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

---

SEARCH DATE

-----  
16/5/2016 9:23AM

FOLIO: 7/626150

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

Prior Title(s): VOL 14843 FOL 229

Recorded	Number	Type of Instrument	C.T. Issue
-----	-----	-----	-----
28/3/1988		TITLE AUTOMATION PROJECT	LOT RECORDED FOLIO NOT CREATED
27/9/1988		CONVERTED TO COMPUTER FOLIO	FOLIO CREATED CT NOT ISSUED
13/10/1988	DP777142	DEPOSITED PLAN	
15/2/1990	Y785588	RESTRICTION S88E(3) CONV ACT	EDITION 1
9/4/1991	Z567293	TRANSFER GRANTING EASEMENT	EDITION 2
19/4/1991	Z614319	DEPARTMENTAL DEALING	
24/4/1991	Z622839	DEPARTMENTAL DEALING	EDITION 3
17/9/1991	Z874943	DISCHARGE OF MORTGAGE	EDITION 4
27/2/1992	Z950752	REQUEST	
22/11/1994	DP841906	DEPOSITED PLAN	FOLIO CANCELLED
23/11/1994	U811203	DEPARTMENTAL DEALING	FOLIO CANCELLED
7/11/2013	AI146844	DEPARTMENTAL DEALING	

\*\*\* END OF SEARCH \*\*\*

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

---

SEARCH DATE

-----  
16/5/2016 9:23AM

FOLIO: 70/841906  
-----

First Title(s): OLD SYSTEM

Prior Title(s): 2/150896

3-5/252884

1/520068

7/626150

<u>Recorded</u>	<u>Number</u>	<u>Type of Instrument</u>	<u>C.T. Issue</u>
25/11/1994	DP841906	DEPOSITED PLAN	FOLIO CREATED EDITION 1
28/6/1995	0338990	DISCHARGE OF MORTGAGE	
28/6/1995	0338991	TRANSFER	EDITION 2
24/10/1995	0599709	REQUEST	EDITION 3
30/9/1996	2498800	DISCHARGE OF MORTGAGE	
30/9/1996	2498801	REQUEST	
30/9/1996	2498802	MORTGAGE	EDITION 4
2/10/1997	3463043	CHANGE OF NAME	EDITION 5
3/11/1997	3546399	DEPARTMENTAL DEALING	
27/11/1997	3618696	DEPARTMENTAL DEALING	
24/12/1997	3693086	LEASE	EDITION 6
11/2/1998	DP874785	DEPOSITED PLAN	FOLIO CANCELLED

\*\*\* END OF SEARCH \*\*\*

**TRANSFER**  
Real Property Act, 1900



0  
338991 S



Office

OFFICE OF STATE REVENUE  
STAMP DUTY (N.S.W. TREASURY) W1  
1994/95 DUTY \$37.50 1ST REC NO 902189490

**(A) LAND TRANSFERRED**

Show no more than 200 characters.  
If appropriate, specify the area transferred.

1994/95 S14  
ALTERATION NOTED

Part Folio Identifier 70\841906 being that part of Lot 70 DP 841906 formerly comprised in Lot 1 DP520068 and Lot 7 DP31974

**(B) LODGED BY**

L.T.O. Box	Name, Address or DX and Telephone
714	L.H. Alexander Esq
	Reference (max. 15 characters):

**(C) TRANSFEROR**

LESLIE ERNEST HART

**(D)** acknowledges receipt of the consideration of ... and pursuant to the Order of the Land & Environment Court of New South Wales made 24 January 1994. and as regards the land specified above transfers to the transferee an estate in fee simple

**(E)** subject to the following **ENCUMBRANCES** 1. .... 2. .... 3. ....

**(F) TRANSFEE**

T	<b>GROUP SEVEN LEAGUES CLUB LIMITED</b> A.C.N. 001 026 491
TENANCY:	

**(H)** We certify this dealing correct for the purposes of the Real Property Act, 1900 DATE 4 MAY 1995

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

*L.H. Alexander*  
Signature of Witness

**DAWN MARY HART**  
Name of Witness (BLOCK LETTERS)

**55 COWINS ST. KIAMA 2533**  
Address of Witness

*[Signature]*  
Signature of Transferor

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

Signature of Witness

Name of Witness (BLOCK LETTERS)

Address of Witness

*[Signature]*  
Signature of Transferee  
**A.M. REIDEL**  
Solicitor For

1.12.94

CHECKED BY (office use only)

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - HISTORICAL SEARCH

---

SEARCH DATE

---

16/5/2016 8:54AM

FOLIO: 202/1054190

---

First Title(s): OLD SYSTEM

Prior Title(s): 200/1006736

<u>Recorded</u>	<u>Number</u>	<u>Type of Instrument</u>	<u>C.T. Issue</u>
20/8/2003	DP1054190	DEPOSITED PLAN	FOLIO CREATED EDITION 1
26/3/2004	AA525012	DISCHARGE OF MORTGAGE	
26/3/2004	AA525013	TRANSFER	
26/3/2004	AA525014	MORTGAGE	EDITION 2
30/8/2005	AB563593	MORTGAGE	EDITION 3
5/7/2006	AC436467	DISCHARGE OF MORTGAGE	EDITION 4
1/4/2008	AD858088	DISCHARGE OF MORTGAGE	
1/4/2008	AD858089	MORTGAGE	EDITION 5
21/4/2016	AK373263	TRANSFER BY MORTGAGEE UNDER POWER OF SALE	
21/4/2016	AK373264	MORTGAGE	EDITION 6

\*\*\* END OF SEARCH \*\*\*

Ref:PB-Kiama /Src:M  
Form: 01F  
Licence: 10V/0096/96  
Edition: 0011

# TRANSFER

New South Wales  
Real Property Act 1900



## AA525013L

PRIVACY NOTE: this information is legally required and will become part of the public record

**STAMP DUTY**

Office of State Revenue use only	
NEW SOUTH WALES DUTY 22-08-2003      0001566261-001 SECTION 19(2) DUTY      \$ *****2.00	

**(A) TORRENS TITLE**

If appropriate, specify the part transferred <b>202/1054190</b>
--

**(B) LODGED BY**

Delivery Box <b>238N</b>	Name, Address or DX and Telephone <b>BLAKE DAWSON WALDRON Lawyers Grosvenor Place 225 George Street, Sydney N.S.W. 2000 Australia Reference (optional): DX: 355      <i>cyt</i></b>	CODES <b>T TW (Sheriff)</b>
-----------------------------	--	--

**(C) TRANSFEROR**

<b>KIAMA LEAGUES CLUB LIMITED (ACN 001 026 491) Of 139 Terralong Street, Kiama</b>
--

**(D) CONSIDERATION**

The transferor acknowledges receipt of the consideration of \$ ..... **\$4,150,000.00** ..... and as regards

**(E) ESTATE**

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

**(F) SHARE TRANSFERRED**

.....

**(G)**

Encumbrances (if applicable): 1. *N/A* 2. 3.

**(H) TRANSFEREE**

<b>SEBASTIAN BUILDERS &amp; DEVELOPERS PTY LIMITED (ACN 080 563 435) of Unit 14, 30 Swan Street, Wollongong &amp; OCEAN STREET PTY LIMITED (ACN 099 801 199) of Unit 2, 30 Cliff Road, Wollongong</b>
<b>TENANCY: Tenants in Common in equal shares</b>

**DATE**

*29 / 09 / 2003*  
dd mm yyyy

**(J)** I certify that the transferor, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this transfer in my presence.

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

Signature of witness:

Signature of transferor:

Name of witness:

*See Annexure A for execution*

Address of witness:

I certify that the transferee, with whom I am personally acquainted or as to whose identity I am otherwise satisfied, signed this transfer in my presence.

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

Signature of witness:

Signature of transferee: *Solicitor*

Name of witness:

*MBishw*

Address of witness:

If signed on the transferee's behalf by a solicitor or licensed conveyancer, insert the signatory's full name and capacity below:

*MAX WELLS SOLICITOR  
STUART BISHERY  
(22/8/2003)*

*219*

Ref:PB-Kiama /Src:M to TRANSFER

Parties: From KIAMA LEAGUES CLUB PTY LIMITED ACN 001 026 491 to SEBASTIAN BUILDERS & DEVELOPERS PTY LIMITED ACN 080 563 435 and OCEAN STREET PTY LIMITED ACN 099 801 199

Dated: 29.1.09.1.2003

Certified correct for the purposes of the Real Property Act 1900 by the corporation named below the common seal of which was affixed pursuant to the authority specified and in the presence of the authorised person(s) whose signature(s) appear(s) below.  
Corporation: KIAMA LEAGUES CLUB LIMITED ACN 001 026 491

Authority: Section 127 of the Corporations Act 2001



Signature of authorised person:

Name of authorised person: JOHN CAINS  
Office held: TREASURER / DIRECTOR

Signature of authorised person:

Name of authorised person:  
Office held: ERNEST STANLEY BRYANT  
PRESIDENT / DIRECTOR

Signature of authorised person:

Name of authorised person: BRUCE JON  
Office held: SECRETARY.

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

---

FOLIO: 202/1054190

---

SEARCH DATE	TIME	EDITION NO	DATE
10/5/2016	11:07 AM	6	21/4/2016

LAND

---

LOT 202 IN DEPOSITED PLAN 1054190  
AT KIAMA  
LOCAL GOVERNMENT AREA KIAMA  
PARISH OF KIAMA COUNTY OF CAMDEN  
TITLE DIAGRAM DP1054190

FIRST SCHEDULE

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KIAMA SHORES PTY LIMITED

(TP AK373263)

SECOND SCHEDULE (10 NOTIFICATIONS)

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- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 Q165158 COVENANT
- 3 DP777142 RIGHT OF WAY 9 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 4 DP777142 EASEMENT FOR SERVICES 9 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 5 DP841906 EASEMENT FOR OVERHANGING GUTTERING 0.25 WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 6 DP841906 EASEMENT FOR PARTY WALL APPURTENANT TO THE LAND ABOVE DESCRIBED
- 7 DP1006736 EASEMENT FOR DRAINAGE OF WATER 0.3 AND 1 METRE(S) WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 8 DP1054190 EASEMENT FOR WATER DRAINAGE 3 METRE(S) WIDE APPURTENANT TO THE LAND ABOVE DESCRIBED
- 9 DP1054190 RESTRICTION(S) ON THE USE OF LAND
- 10 AK373264 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

NOTATIONS

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UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*


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## **Appendix E**

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Historical Aerials



 - Approximate Site Location



Client: Kiama Shores Pty Ltd	
Office: Wollongong	Drawn by: JM
Scale: NTS	Date: 27 May 2016

Aerial Photograph - 1949
Contaminated Land Preliminary Site Investigation
33 Collins Street & 23 Meares Place, Kiama

Project No.	38145.02
Drawing No.	1
Revision:	A



 - Approximate Site Location




Client: Kiama Shores Pty Ltd	
Office: Wollongong	Drawn by: JM
Scale: NTS	Date: 27 May 2016

Aerial Photograph - 1963  
 Contaminated Land Preliminary Site Investigation  
 33 Collins Street & 23 Meares Place, Kiama

Project No.	38145.02
Drawing No.	2
Revision:	A



 - Approximate Site Location




Client: Kiama Shores Pty Ltd	
Office: Wollongong	Drawn by: JM
Scale: NTS	Date: 27 May 2016

Aerial Photograph - 1979  
 Contaminated Land Preliminary Site Investigation  
 33 Collins Street & 23 Meares Place, Kiama

Project No.	38145.02
Drawing No.	3
Revision:	A



 - Approximate Site Location



Client: Kiama Shores Pty Ltd	
Office: Wollongong	Drawn by: JM
Scale: NTS	Date: 27 May 2016

Aerial Photograph - 1984  
 Contaminated Land Preliminary Site Investigation  
 33 Collins Street & 23 Meares Place, Kiama

Project No.	38145.02
Drawing No.	4
Revision:	A



Client: Kiama Shores Pty Ltd	
Office: Wollongong	Drawn by: JM
Scale: NTS	Date: 27 May 2016

Aerial Photograph - 1993  
 Contaminated Land Preliminary Site Investigation  
 33 Collins Street & 23 Meares Place, Kiama

Project No.	38145.02
Drawing No.	5
Revision:	A




Client: Kiama Shores Pty Ltd	
Office: Wollongong	Drawn by: JM
Scale: NTS	Date: 27 May 2016

Aerial Photograph - 2006  
 Contaminated Land Preliminary Site Investigation  
 33 Collins Street & 23 Meares Place, Kiama

Project No.	38145.02
Drawing No.	6
Revision:	A



 - Approximate Site Boundary



Client: Kiama Shores Pty Ltd

Office: Wollongong

Scale: NTS

Drawn by: JM

Date: 27 May 2016

Aerial Photograph - 2010

Contaminated Land Preliminary Site Investigation


33 Collins Street & 23 Meares Place, Kiama

Project No. 38145.02

Drawing No. 7

Revision: A



 - Approximate Site Boundary



Client: Kiama Shores Pty Ltd	
Office: Wollongong	Drawn by: JM
Scale: NTS	Date: 27 May 2016

Aerial Photograph - 2016  
 Contaminated Land Preliminary Site Investigation  
 33 Collins Street & 23 Meares Place, Kiama

Project No.	38145.02
Drawing No.	8
Revision:	A

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## **Appendix F**

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WorkCover Search Results



SafeWork NSW

SafeWork NSW

92-100 Donnison Street, Gosford, NSW, 2250

Locked Bag 2906, Lisarow, NSW, 2252 |

Customer Service Centre 13 10 50

[licensing@safework.nsw.gov.au](mailto:licensing@safework.nsw.gov.au) | [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)

13 MAY 2016

Our Ref: D16/582123

Your Ref: Kenton

13 May 2016

Attention: Kenton  
Douglas Partners Pty Ltd  
PO Box 486  
UNANDERRA NSW 2526

Dear Kenton

**RE SITE: 33 Collins Street and 23 Meares Place, Kiama**

I refer to your site search request received by SafeWork NSW on 11 May 2016 requesting information on Storage of Hazardous Chemicals for the above site.

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

For further information or if you have any questions, please call our Customer Service Centre on 13 10 50 or email [licensing@safework.nsw.gov.au](mailto:licensing@safework.nsw.gov.au)

Yours sincerely,

Sally Anderson obo Brent Jones  
Customer Service Officer  
Customer Service Centre - Operations  
SafeWork NSW

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## **Appendix G**

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### Section 149 Certificates

## **Annexure B – Section 149 Certificate**



**KIAMA MUNICIPAL COUNCIL**  
your council, your community

Reference: 26421884:45607982

Certificate No: 10487

## SECTION 149 PLANNING CERTIFICATE

SAI Global Property  
Level 3 355 Spencer Street  
WEST MELBOURNE VIC 3003

Certificate date: 28/01/2015  
Receipt number: 576627

Property Number: 3208

### PROPERTY DESCRIPTION

Property: 33 Collins Street KIAMA 2533  
Title: LOT: 1 DP: 743509

### PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE EP&A REGULATION 2000

#### **1 Names of relevant planning instruments and DCPs**

The principal environmental planning instruments applying to the land are listed below:

**Kiama Local Environmental Plan 2011.**

#### **State Environmental Planning Instruments**

The State environmental planning instruments applying to the land are:

- SEPP No 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
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP No 22 - Shops and Commercial Premises
- SEPP No 36 - Manufactured Home Estates

**Section 149 Certificate**  
**Property:** 33 Collins Street KIAMA 2533

**Certificate No.:** 10487

**Certificate Date:** 28/01/2015

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SEPP 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

**Deemed State Environmental Planning Policy**

Illawarra Regional Environmental Plan No 1.

**Proposed Environmental Planning Instruments**

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

**Name of Development Control Plan applying to the land**

The development control plan applying to the land is:

Kiama Development Control Plan 2012 (DCP)

This plan is a consolidated DCP giving an added level of guidance for development in the Kiama Municipality.

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## **2 Zoning and Land Use Under Relevant LEPs**

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### **Zoning and land use under relevant LEPs**

The following land use tables are copied from the current Kiama Local Environmental Plan 2011 instruments:

#### **Zone B2 Local Centre**

2 Permitted without consent

Home occupations

3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hostels; Information and education facilities; Medical Centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any development not specified in items 2 or 4.

4 Prohibited

Agriculture; Airstrips; Air transport facilities; Animal boarding or training establishments; Boat launching ramps; Boat repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens, Moorings; Mortuaries; Open cut Mining; Recreation facilities (outdoor); Research Stations; Residential accommodation; Rural industries; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Water recreation structures; Waste or resource management facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies.

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### **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 no development standards applying to the land which fix minimum land dimensions for the erection of a dwelling-house.

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

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

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

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

**Note:**

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

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

- For land partly affected by Acid Sulfate Soils Class 1 or 2, the Department of Planning is the public authority that should be consulted to determine what part of the land complying development under clauses 1.17A, 1.19(1) and 1.19(5) may be carried out in accordance with clause 1.19(1)(c) and 1.19(5)(c).
- For land partly affected by State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, the Sydney Catchment Authority is the public authority that should be consulted to determine what part of the land complying development in accordance with clause 1.19(1).
- For all other land partly affected by a specific land exemption under clause 1.17A, 1.18, 1.19(1) and 1.19(5), Kiama Council is the public authority that should be consulted to determine what part of the land complying development may be carried out in accordance with this clause.
- The Rural Housing Code only applies to land in Zone RU1, RU2 and R5.

- For the purposes of this certificate council has used definition of "environmentally sensitive area" from the Code SEPP and where appropriate Kiama Local Environmental Plan 2011 to refer to "environmentally sensitive land".

### 1.17A Requirements for complying development for all environmental planning instruments

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

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

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

YES

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

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

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

YES

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

Please Refer to NOTE above.

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

Please Refer to NOTE above.

### 1.18 General requirements for complying development for this Policy

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

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

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

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

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

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

**Note:** Information about mine subsidence is information that is a prescribed matter for the purpose of a planning certificate under section 149 (2) of the Act, but the information is not included in a certificate issued under clause 279 (2) of Environmental Planning and Assessment Regulation 2000.
- (g) not be the construction or installation of a skylight or roof window on land to which Orana Regional Environmental Plan No 1-Siding Spring applies, and
- (h) if it involves the removal or pruning of a tree or other vegetation that requires a permit or development consent to which clause 3.6A, 3A.7 or 5A.3 does not apply-before the complying development certificate is issued, have a permit or development consent for that removal or pruning.

**Note:** A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the Native Vegetation Act 2003.

*Paragraph (h) may not apply to certain trees or vegetation near complying development under this Policy (see clauses 3.6A, 3A.7 and 5A.3).*

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

YES

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

(3) A complying development certificate for complying development under this Policy is subject to the conditions specified in this Policy in respect of that development.

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

#### 1.19 Land on which complying development may not be carried out

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

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

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

- (i) land that is declared to be a special area under the Sydney Water Catchment Management Act 1998, or
- (j) unsewered land:
- (i) to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m<sup>2</sup>, or
  - (ii) in any other drinking water catchment identified in any other environmental planning instrument.

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

YES But in the case of the Rural Housing Code only if the land is in Zone RU1, RU2 and R5.

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

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

YES

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

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

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

- (a) to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, if that development will result in an increase to the number of bedrooms on the site or in a site disturbance area of more than 250m<sup>2</sup>, or
- (b) in any other drinking water catchment identified in any other environmental planning instrument.

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

YES

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

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

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

- (i) within a buffer area, or
- (ii) within a river front area, or
- (iii) within an ecologically sensitive area, or
- (iv) environmentally sensitive land, or
- (v) within a protected area, or
- (g) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by:
  - (i) a coastline hazard, or
  - (ii) a coastal hazard, or
  - (iii) a coastal erosion hazard, or
- (h) land in a foreshore area, or
- (i) unsewered land:
  - (i) to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m<sup>2</sup>, or
  - (ii) in any other drinking water catchment identified in any other environmental planning instrument.

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

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 temporary coastal works have been placed on the land.
- (3) Council has not been notified of any information required by the regulations under section 56B of the Coastal Protection Act 1979 to be notified in this certificate.

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

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

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

## 5 Mine subsidence

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

## 6 Road widening and road realignment

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 6.1 of Kiama Local Environmental Plan 2011.

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

## 7A Flood related development controls information

Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) if permitted on the land 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**

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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.

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## **9 Contributions plans**

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

The land is affected by Section 94 Contributions Plans No 1 and 2 & 4.

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## **9A Biodiversity certified land**

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Council is unaware of any biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995)

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## **10 Biobanking agreements**

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Council is unaware of any biobanking agreement made under Part 7A of the Threatened Species Conservation Act 1995

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## **11 Bush fire prone land**

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The land is not shown as bush fire prone land according to the Bush Fire Prone Land Map 2008 supplied by the Rural Fire Service and accessible on Council's website at [www.kiama.nsw.gov.au/environmental-services](http://www.kiama.nsw.gov.au/environmental-services)

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## **12 Property vegetation plans**

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

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## **13 Orders under Trees (Disputes Between Neighbours) Act 2006**

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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.

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## **14 Directions under Part 3A**

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75A-75ZA has been repealed.

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## **15 Site compatibility certificates and conditions for seniors housing**

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

**16 Site compatibility certificates for infrastructure**

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

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**17 Site compatibility certificates and conditions for affordable rental housing**

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

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**18 Paper subdivision information**

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

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

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**19 Site verification certificates**

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

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

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

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

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

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

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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.

Section 149 Certificate  
Property: 33 Collins Street KIAMA 2533

Certificate No.: 10487

Certificate Date: 28/01/2015

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

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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**

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#### **Minimum area for the erection of a dwelling-house**

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

Reply: YES/NO

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

Nil

#### **Miscellaneous matters**

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

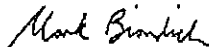
Due to a previous land use the land may be contaminated. Council's records are incomplete and there is no certainty that the land is so affected. The services of a suitably qualified consultant may be required to provide further information on this issue. Council has adopted the Kiama DCP 2012 which may impact development of the land.

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For further information, please contact Council's Strategic Planning Department on 02 4232 0444.  
All correspondence should be directed to the General Manager, PO Box 75, KIAMA, NSW 2533.

M Forsyth  
General Manager

Per:





**KIAMA MUNICIPAL COUNCIL**  
your council, your community

Reference: 26422141:54608136

Certificate No: 10486

## SECTION 149 PLANNING CERTIFICATE

SAI Global Property  
Level 3 355 Spencer Street  
WEST MELBOURNE VIC 3003

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Certificate date:	28/01/2015	Property Number:	10903
Receipt number:	576626		

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### PROPERTY DESCRIPTION

Property: 23 Meares Place KIAMA 2533  
Title: LOT: 202 DP: 1054190

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### PRESCRIBED MATTERS UNDER SCHEDULE 4 OF THE EP&A REGULATION 2000

#### **1 Names of relevant planning instruments and DCPs**

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The principal environmental planning instruments applying to the land are listed below:

**Kiama Local Environmental Plan 2011.**

#### **State Environmental Planning Instruments**

The State environmental planning instruments applying to the land are:

- SEPP No 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
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP No 22 - Shops and Commercial Premises
- SEPP No 36 - Manufactured Home Estates

Section 149 Certificate  
Property: 23 Meares Place KIAMA 2533

Certificate No.: 10486

Certificate Date: 28/01/2015

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SEPP 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

**Deemed State Environmental Planning Policy**

Illawarra Regional Environmental Plan No 1.

**Proposed Environmental Planning Instruments**

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

**Name of Development Control Plan applying to the land**

The development control plan applying to the land is:

Kiama Development Control Plan 2012 (DCP)

This plan is a consolidated DCP giving an added level of guidance for development in the Kiama Municipality.

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## 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 B2 Local Centre

##### 2 Permitted without consent

Home occupations

##### 3 Permitted with consent

Boarding houses; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Group homes; Hostels; Information and education facilities; Medical Centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tourist and visitor accommodation; Any development not specified in items 2 or 4.

##### 4 Prohibited

Agriculture; Airstrips; Air transport facilities; Animal boarding or training establishments; Boat launching ramps; Boat repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Marinas; Mooring pens, Moorings; Mortuaries; Open cut Mining; Recreation facilities (outdoor); Research Stations; Residential accommodation; Rural industries; Rural industries; Sewerage systems; Sex services premises; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Water recreation structures; Waste or resource management facilities; Water supply systems; Wharf or boating facilities; Wholesale supplies.

### 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 no development standards applying to the land which fix minimum land dimensions for the erection of a dwelling-house.

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

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

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

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

**Note:**

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

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

- For land partly affected by Acid Sulfate Soils Class 1 or 2, the Department of Planning is the public authority that should be consulted to determine what part of the land complying development under clauses 1.17A, 1.19(1) and 1.19(5) may be carried out in accordance with clause 1.19(1)(c) and 1.19(5)(c).
- For land partly affected by State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, the Sydney Catchment Authority is the public authority that should be consulted to determine what part of the land complying development in accordance with clause 1.19(1).
- For all other land partly affected by a specific land exemption under clause 1.17A, 1.18, 1.19(1) and 1.19(5), Kiama Council is the public authority that should be consulted to determine what part of the land complying development may be carried out in accordance with this clause.
- The Rural Housing Code only applies to land in Zone RU1, RU2 and R5.

- For the purposes of this certificate council has used definition of "environmentally sensitive area" from the Code SEPP and where appropriate Kiama Local Environmental Plan 2011 to refer to "environmentally sensitive land".

### 1.17A Requirements for complying development for all environmental planning instruments

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

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

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

YES

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

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

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

YES

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

Please Refer to NOTE above.

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

Please Refer to NOTE above.

### 1.18 General requirements for complying development for this Policy

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

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

**Note:** Designated development is defined in section 77A of the Act as development that is declared to be designated development by an environmental planning instrument or the regulations.
  - (c3) not be carried out on land that comprises, or on which there is, a draft heritage item, and
- (d) before the complying development certificate is issued, have an approval, if required by the Local Government Act 1993, for:
  - (i) an on-site effluent disposal system if the development is undertaken on unsewered land, and
  - (ii) an on-site stormwater drainage system, and
- (e) before the complying development certificate is issued, have written consent from the relevant roads authority (if required under section 138 of the Roads Act 1993) for the building of any kerb, crossover or driveway, and
 

**Note:** Other consents may be required under section 138 of the Roads Act 1993 before carrying out other works in relation to roads.
- (f) if it is the alteration or erection of improvements on land in a mine subsidence district within the meaning of the Mine Subsidence Compensation Act 1961, have the prior approval of the Mine Subsidence Board, and
 

**Note:** Information about mine subsidence is information that is a prescribed matter for the purpose of a planning certificate under section 149 (2) of the Act, but the information is not included in a certificate issued under clause 279 (2) of Environmental Planning and Assessment Regulation 2000.
- (g) not be the construction or installation of a skylight or roof window on land to which Orana Regional Environmental Plan No 1-Siding Spring applies, and
- (h) if it involves the removal or pruning of a tree or other vegetation that requires a permit or development consent to which clause 3.6A, 3A.7 or 5A.3 does not apply-before the complying development certificate is issued, have a permit or development consent for that removal or pruning.

**Note:** A permit for the removal or pruning of a tree or other vegetation may be granted under a local environmental plan. A development consent for the removal of native vegetation may be granted under the Native Vegetation Act 2003.

*Paragraph (h) may not apply to certain trees or vegetation near complying development under this Policy (see clauses 3.6A, 3A.7 and 5A.3).*

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

YES

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

**(3) A complying development certificate for complying development under this Policy is subject to the conditions specified in this Policy in respect of that development.**

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

#### **1.19 Land on which complying development may not be carried out**

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

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

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

- (i) land that is declared to be a special area under the Sydney Water Catchment Management Act 1998, or
- (j) unsewered land:
  - (i) to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m<sup>2</sup>, or
  - (ii) in any other drinking water catchment identified in any other environmental planning instrument.

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

YES But in the case of the Rural Housing Code only if the land is in Zone RU1, RU2 and R5.

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

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

YES

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

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

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

- (a) to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, if that development will result in an increase to the number of bedrooms on the site or in a site disturbance area of more than 250m<sup>2</sup>, or
- (b) in any other drinking water catchment identified in any other environmental planning instrument.

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

YES

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

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

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

- (i) within a buffer area, or
- (ii) within a river front area, or
- (iii) within an ecologically sensitive area, or
- (iv) environmentally sensitive land, or
- (v) within a protected area, or
- (g) land that is identified by an environmental planning instrument, a development control plan or a policy adopted by the council as being or affected by:
  - (i) a coastline hazard, or
  - (ii) a coastal hazard, or
  - (iii) a coastal erosion hazard, or
- (h) land in a foreshore area, or
- (i) unsewered land:
  - (i) to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m<sup>2</sup>, or
  - (ii) in any other drinking water catchment identified in any other environmental planning instrument.

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

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 temporary coastal works have been placed on the land.
- (3) Council has not been notified of any information required by the regulations under section 56B of the Coastal Protection Act 1979 to be notified in this certificate.

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

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

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

## 5 Mine subsidence

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

## 6 Road widening and road realignment

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 6.1 of Kiama Local Environmental Plan 2011.

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

## 7A Flood related development controls information

Development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) if permitted on the land 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**

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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.

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## **9 Contributions plans**

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The land is affected by Section 94 Contributions Plans No 1 and 2 & 4.

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## **9A Biodiversity certified land**

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Council is unaware of any biodiversity certified land (within the meaning of Part 7AA of the Threatened Species Conservation Act 1995)

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## **10 Biobanking agreements**

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Council is unaware of any biobanking agreement made under Part 7A of the Threatened Species Conservation Act 1995

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## **11 Bush fire prone land**

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The land is not shown as bush fire prone land according to the Bush Fire Prone Land Map 2008 supplied by the Rural Fire Service and accessible on Council's website at [www.kiama.nsw.gov.au/environmental-services](http://www.kiama.nsw.gov.au/environmental-services)

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## **12 Property vegetation plans**

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

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## **13 Orders under Trees (Disputes Between Neighbours) Act 2006**

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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.

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## **14 Directions under Part 3A**

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75A-75ZA has been repealed.

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## **15 Site compatibility certificates and conditions for seniors housing**

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

**16 Site compatibility certificates for infrastructure**

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

**17 Site compatibility certificates and conditions for affordable rental housing**

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

**18 Paper subdivision information**

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

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

**19 Site verification certificates**

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

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

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

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

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

**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.

Section 149 Certificate  
Property: 23 Meares Place KIAMA 2533

Certificate No.: 10486

Certificate Date: 28/01/2015

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

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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**

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#### **Minimum area for the erection of a dwelling-house**

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

Reply: YES/NO

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

Nil

#### **Miscellaneous matters**

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

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For further information, please contact Council's Strategic Planning Department on 02 4232 0444.  
All correspondence should be directed to the General Manager, PO Box 75, KIAMA, NSW 2533.

M Forsyth  
General Manager

Per:

*Mark Brindich*

## Annexure C – Sewer Diagram

**SEWERAGE SERVICE DIAGRAM**

M.W.S. & D.B.

MUNICIPALITY OF KIAMA

SUBURB OF KIAMA

Copy of Diagram No. 77691

SCHOFIELD

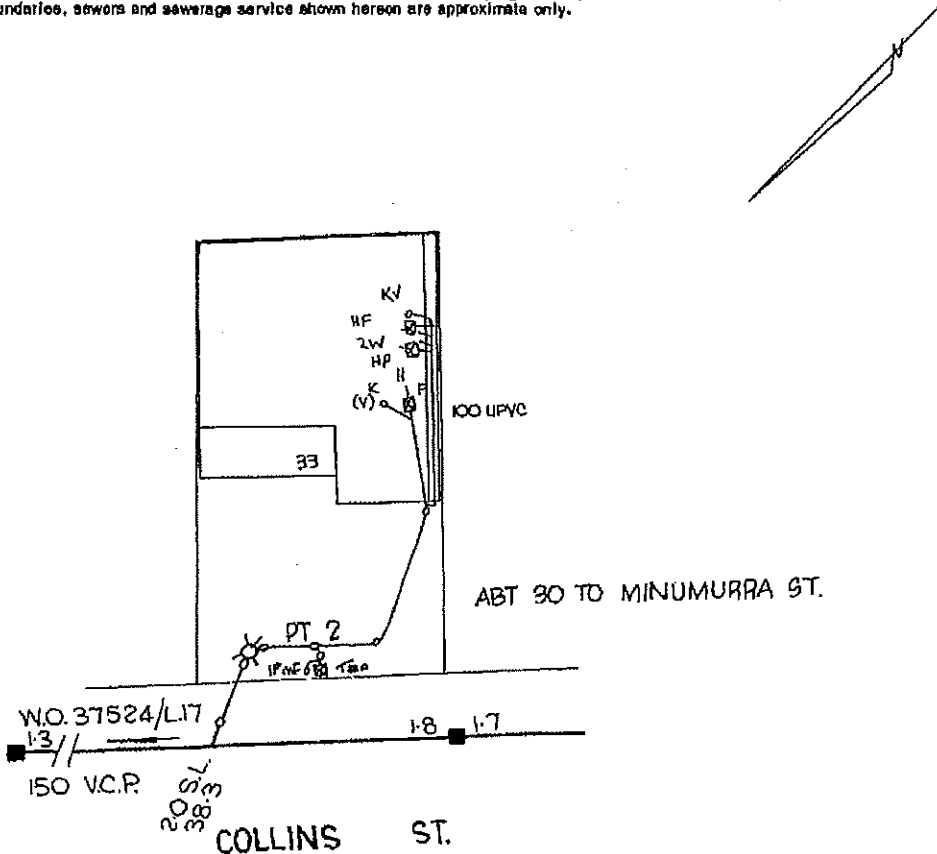
SYMBOLS AND ABBREVIATIONS	
■ Manhole	⊗ Gully
□ Chr. Chamber	⊗ P P Trap
⊙ L.H. Lamphole	⊗ R Reflux Valve
⊠ Boundary Trap	⊖ Cleaning Eye
⊕ Inspection Shaft	○ Vert Vertical Pipe
⊗ P/I Pit	○ V Vent Pipe
⊗ G Grease Interceptor	○ SV Soil Vent Pipe
○ WS Waste Stack	H Handbasin
IP Induct Pipe	S Shower
MF Mica Flap	Jn. Junction
T Tube	DW. Dishwasher
K Kitchen Sink	F Floor Waste
W Water Closet	M Washing Machine
B Bath Waste	BS Bar Sink

**SEWER AVAILABLE**

Where the sewer is not available and a special inspection is involved the Board accepts no responsibility for the suitability of the drainage in relation to the eventual position of the Board's sewer.

**NOTE:** This diagram only indicates availability of a sewer and any sewerage service shown as existing in Board's records (By-law 8, Clause 3).

The existence and position of Board's sewers, stormwater channels, pipes, mains and structures should be ascertained by inspection of maps available at Board's Head Office or in the case of South Coast District at Board's Wollongong Office (Section 33 of Board's Act). Position of structures, boundaries, sewers and sewerage services shown hereon are approximate only.



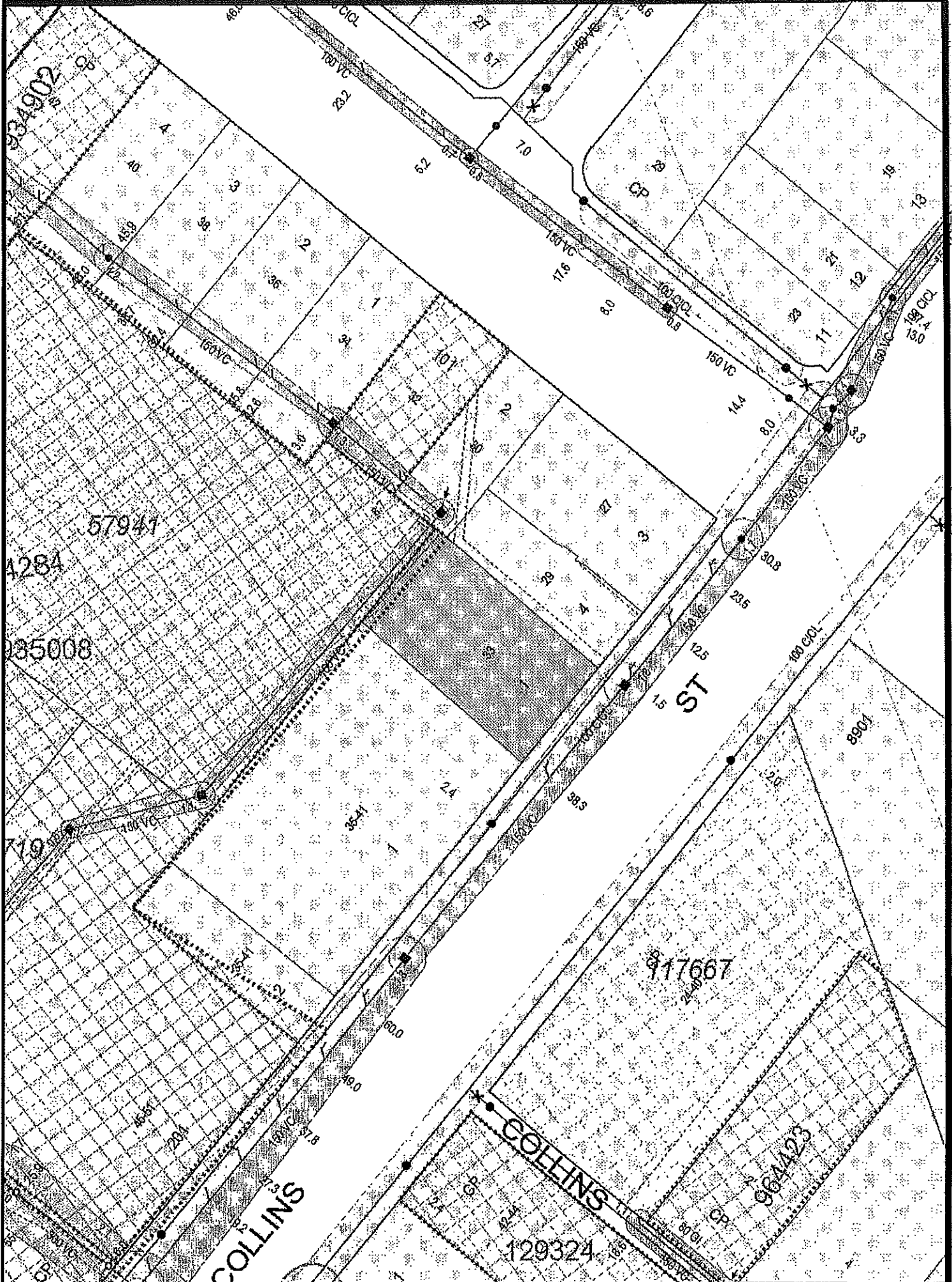
098.01328.04

	<b>DRAINAGE</b>	Scale: Approx. 1:500 Distances/depths in metres pipe diameters in millimetres	<b>PLUMBING</b>
	Supervised by .....	Date of Issue .....	Supervised by .....
	Inspector .....	Outfall <u>Bombo</u>	Inspector .....
	Field Diagram Examined by .....	Drainer .....	.....
Chief Inspector .....	Plumber .....	.....	
Tracing Checked by .....	Boundary Trap is/is not required	..... for House Services Engineer	

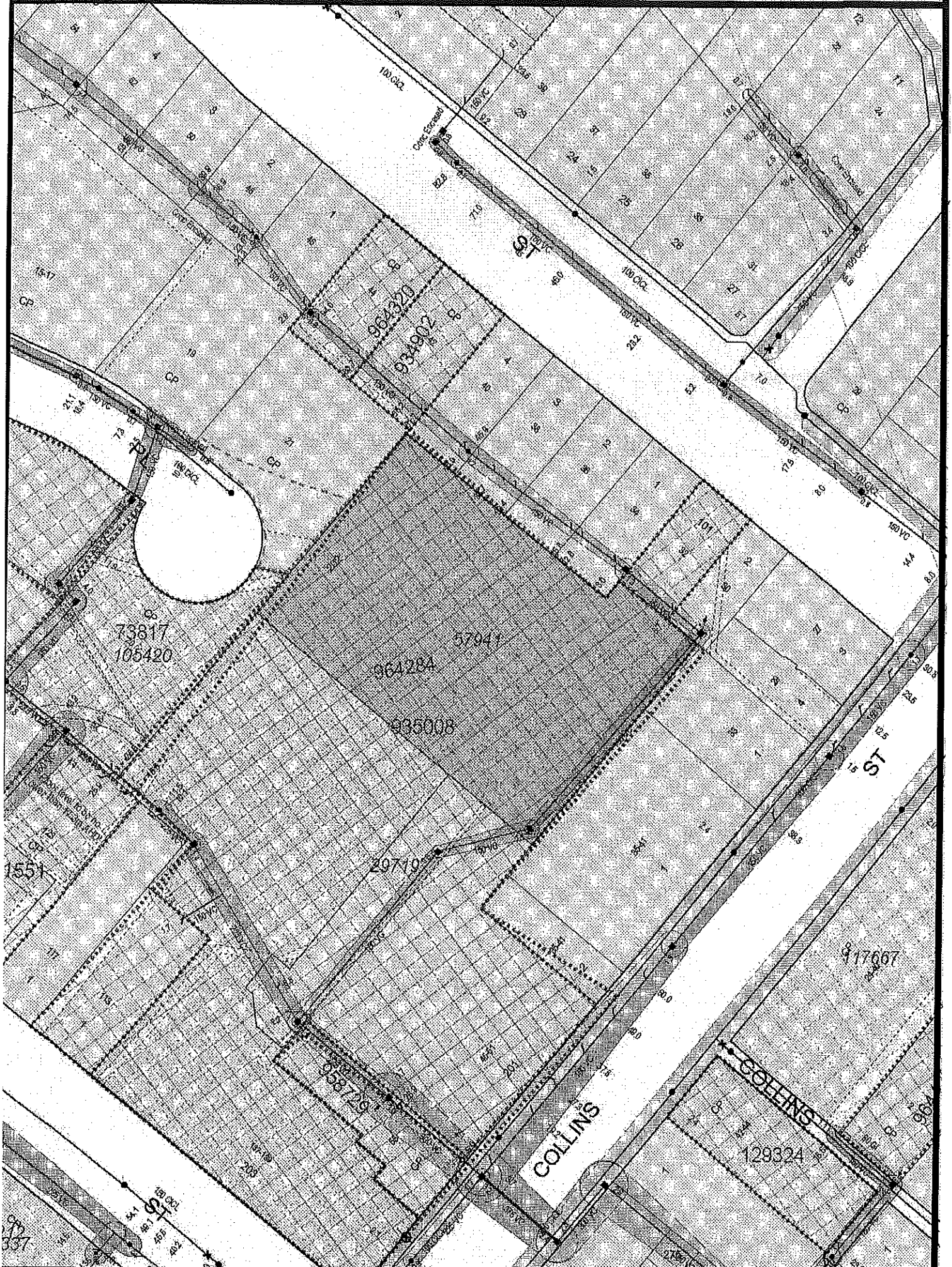
Connection Date: .....

F 77

**NOTE** This diagram only indicates availability of a sewer and any sewerage service shown as existing in Sydney Water's records. The existence and position of Sydney Water's sewers, stormwater channels, pipes, mains and structures should be ascertained by inspection of maps available at any of Sydney Water's Customer Centres. Position of structures, boundaries, sewers and sewerage services shown hereon are approximately only.



NOTE This diagram only indicates availability of a sewer and any sewerage service shown as existing in Sydney Water's records. The existence and position of Sydney Water's sewers, stormwater channels, pipes, mains and structures should be ascertained by inspection of maps available at any of Sydney Water's Customer Centres. Position of structures, boundaries, sewers and sewerage services shown hereon are approximately only.



NOTE: This diagram only indicates availability of a sewer and any sewerage service shown as existing in Sydney Water's records. The existence and position of Sydney Water's sewers, stormwater channels, pipes, mains and structures should be ascertained by inspection of maps available at any of Sydney Water's Customer Centres. Position of structures, boundaries, sewers and sewerage services shown hereon are approximately only.