



SECTION 4.15 ASSESSMENT REPORT

Environmental Planning & Assessment Act, 1979

<u>Conflict of interest declaration</u> The assessing officer and peer review officer have considered the potential for a conflict of interest under the Code of Conduct and to the best of our knowledge no pecuniary and/or significant non-pecuniary conflict of interest exists. <i>Note: If you determine that a non-pecuniary conflict of interest is less than significant and does not require further action, you must provide a written explanation of why you consider that the conflict does not require further action in the circumstances. This statement should then be reviewed by the Manager.</i>		
DA Number	10.2026.65.1	
PAN	PAN-629857	
Applicant(s)	Mr A Bell	
Property Title	LOT: 65 DP: 29242	
Property Address	142 Stafford Street GERROA NSW 2534	
Development Description	Demolition and new dwelling house - Proposed demolition of existing two-storey dwelling and construction of a new two-storey dwelling and inground pool.	
Assessing Officer	Andrew Shortle	24/08/2026
Peer Review Officer	Peter Woodworth	4/09/2026
Affiliations and Pecuniary Interests	Have any affiliations or pecuniary interests been identified by the Applicant in the Portal lodgement form? <i>Note: For Council-related development, or applications lodged by Council staff or Councillors refer to the Development Assessment Policy. Certain management controls and strategies, and management statement may be required.</i>	No
Delegation Level Required	Elected Council	
Report Recommendation	Approval	
Development Type	Local Development <i>Note: Integrated development is set out in section 4.46 of the Environmental Planning and Assessment Act, 1979.</i> <i>Note: Nominated integrated development is set out in Schedule 1 Part 1 Division 2 Section 8A of the Environmental Planning and Assessment Act, 1979.</i> <i>Note: Regionally significant development is set out in Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.</i> <i>Note: Designated development is set out in Schedule 3 Part 2 of the Environmental Planning and Assessment Regulation 2021 or in other environmental planning instruments.</i>	

Item 15.1

Enclosure 1

Owner's consent provided?	Yes						
Estimated Development Cost (EDC)	\$ 993,486.00 The EDC is between \$100,000 - \$3 million and the development cost has been appropriately estimated by a suitably qualified person. <i>Note: Planning Circular PS25-004 provides the methodology for calculating estimated development cost (EDC) and the definition of a suitably qualified person.</i>						
Variations Proposed	☒ DCP departure ☒ Clause 4.6 exception <table border="1"> <tr> <td>Clause number</td><td>4.4</td></tr> <tr> <td>Percentage variation</td><td>56%</td></tr> <tr> <td>Brief justification for the variation</td><td>Merit. Otherwise complies with the relevant development standards, controls and objectives.</td></tr> </table>	Clause number	4.4	Percentage variation	56%	Brief justification for the variation	Merit. Otherwise complies with the relevant development standards, controls and objectives.
Clause number	4.4						
Percentage variation	56%						
Brief justification for the variation	Merit. Otherwise complies with the relevant development standards, controls and objectives.						
Date Lodged	22/04/2026						
Date of site inspection	15/06/2026						
Date clock stopped	-						
Date clock started	-						
Related Application in NSW Planning Portal?	☒ Concurrence and/or external agency referral (CNR-94897) ☐ HPC Contributions (CON) ☐ Planning Panel (PPSSTH)						
Number of submissions	1						

Item 15.1

Enclosure 1

1. Detailed Proposal

The proposal includes:

- Demolition of Existing Dwelling
- Construction of New 2 Storey Dwelling
- Swimming Pool
- Driveway Works
- Landscape Works

The plans and information referred to are as follows:

Item 15.1

Enclosure 1

Plans				
Plan Number	Revision Number	Plan Title	Drawn by	Date of Plan
00	DA	Site Analysis Plan	Milton Drafting and Design	28/11/2025
01-R1	DA	Site Plan	Milton Drafting and Design	13/08/2026
02	DA	Ground Floor Plan	Milton Drafting and Design	28/11/2025
03-R1	DA	Lower Ground Floor Plan	Milton Drafting and Design	13/08/2026
04-R1	DA	Elevations 1	Milton Drafting and Design	13/08/2026
05-R1	DA	Elevations 2	Milton Drafting and Design	13/08/2026
06	DA	Roof Plan	Milton Drafting and Design	28/11/2025
07	DA	Sections	Milton Drafting and Design	28/11/2025
08	DA	Street View Analysis	Milton Drafting and Design	28/11/2025
09	DA	Demolition Plan	Milton Drafting and Design	28/11/2025
10-R1	DA	Sedimentation Control Plan	Milton Drafting and Design	13/08/2026
11-R1	DA	Landscape Plan	Milton Drafting and Design	13/08/2026
12	DA	Window Schedule	Milton Drafting and Design	28/11/2025
S0 01	01	How to Read Guide	Deneb Design	26/11/2025
S0 02	01	0900 Winter Solstice 21 June	Deneb Design	26/11/2025
S0 03	01	1000 Winter Solstice 21 June	Deneb Design	26/11/2025
S0 04	01	1100 Winter Solstice 21 June	Deneb Design	26/11/2025

Item 15.1

Enclosure 1

S0 05	01	1200 Winter Solstice 21 June	Deneb Design	26/11/2025
S0 06	01	1300 Winter Solstice 21 June	Deneb Design	26/11/2025
S0 07	01	1400 Winter Solstice 21 June	Deneb Design	26/11/2025
S0 08	01	1500 Winter Solstice 21 June	Deneb Design	26/11/2025
S001	A	Cover Sheet	MI Engineers	20/11/2025
S002	A	Notes	MI Engineers	20/11/2025
S010	A	Lower Level Floor Plan	MI Engineers	20/11/2025
S011	A	Lower Level Sections	MI Engineers	20/11/2025
S020	A	Entry Level Floor Plan	MI Engineers	20/11/2025
S040	A	Roof Framing Plan	MI Engineers	20/11/2025
S051	A	Sections Sheet	MI Engineers	20/11/2025
S070	A	Precast Details	MI Engineers	20/11/2025
H-01	-	Title Legend and Location	NDP Hydraulics	17/11/2025
H-02	-	Specifications and Details	NDP Hydraulics	17/11/2025
H-03	Rev 4	Site Plan	NDP Hydraulics	12/08/2026
H-04	Rev 4	Lower Ground Plan	NDP Hydraulics	12/08/2026
H-05	-	Lower and Inground level layout	NDP Hydraulics	17/11/2025
H-06	-	Ground Level Layout	NDP Hydraulics	17/11/2025
H-07	-	Roof Level Layout	NDP Hydraulics	17/11/2025
H-08	Rev 4	Details	NDP Hydraulics	12/08/2026

Item 15.1

Enclosure 1

Documents			
Document title	Version number	Prepared by	Date of document
Cost Estimate Summary	-	Property and Building Assessments	18/11/2025
Hazardous Materials Assessment Report	E1342	GeoTeknix Solutions	10/02/2026
Report on Virgin Excavated Natural Material (VENM)	-	ASCT Illawarra	20/11/2025
Materials and Colour Schedule	-	Milton Drafting and Design	-
Waste Management Plan	-	-	-
Statement of Environmental Effects	-	Milton Drafting and Design	05/04/2026
BASIX Certificate	1827518S	Mr Khalid Hamzy	22/04/2026
Clause 4.6 Written Statement	-	Bronwyn Seiden	07/08/2026

Item 15.1

Enclosure 1

2. Subject Site and Surrounds

Site Description

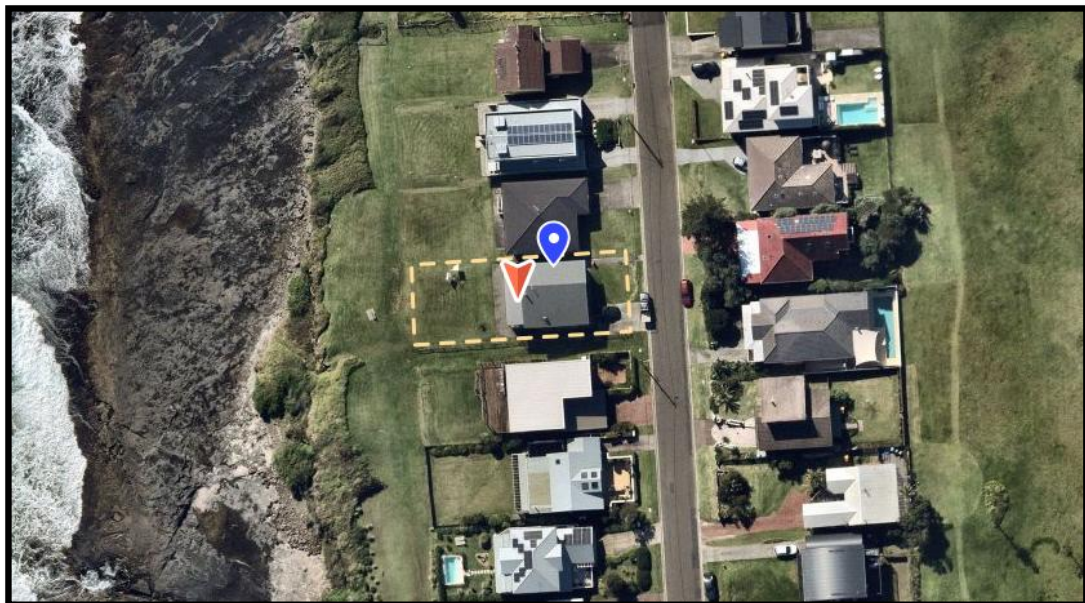


Figure 1: Aerial imagery of subject site

The subject site has a frontage to Stafford Street. The site contains a dwelling house.

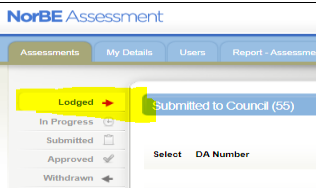
The surrounding area is residential in character and the site is adjoined by similar residential developments to the north, east and south. To the west, the site adjoins a public foreshore reserve.

Summary of Site and Constraints

	Mapping Overlay	Commentary
Site Characteristics	Lot Area	624.88m ²
	Zone	R2 Low Density Residential
	Does the land have a dwelling entitlement? <i>Note: for rural land refer to clause 4.2A of Kiama LEP 2011.</i>	Yes
	Does the property adjoin Council, Crown, National Parks, or other public reserve? <i>Note: Consideration should be given to if the development requires or implies access from the adjoining land.</i> <i>Note: Consideration should be given to the potential environmental impact and the site's proximity to NPWS land (see Developments adjacent to National Parks and Wildlife Services lands guidelines) and other natural areas that may contain threatened species, vulnerable or endangered ecological communities or other vulnerable habitats.</i>	Yes - The development does not affect the adjoining land.
	Has appropriate survey information been provided?	Yes
	Fall direction of land	Fall of land away from street
	Coincidental practical and legal vehicular access?	Yes
Infrastructure	Works within proximity to electricity infrastructure?	No
	Is the development adjacent to a classified road ?	No
	Is the development adjacent to a rail corridor?	No
	Site within proximity to the high pressure pipelines? Mapping layer: Misc Boundary > APGA Australian Pipeline Database <i>Note: The High Pressure Pipeline (License No 26 - Jemena) traverses through the Kiama LGA.</i> <i>Note: Proximity to a gas high pressure pipeline is defined in SEPP (Transport and Infrastructure) 2021 as:</i> • Within the licence area of a pipeline for gas, or for petroleum or other liquid fuels, licensed under the Pipelines Act 1967, or • within 20m of the centreline (measured radially) of a relevant pipeline, or • within 20m of land the subject of an easement for a relevant pipeline.	No
	Access to reticulated sewer?	Yes

Constraints	Access to reticulated water?	Yes			
	Does the proposal require a s73 Compliance Certificate from Sydney Water? <i>Note: Attachment 2 in the Sydney Water guidelines identifies types of development that do not require a s73 Certificate.</i>	Yes - Referral to Sydney Water required.			
	Access to electricity supply network?	Yes			
	Is the development located suitably away from any effluent management areas (EMA) or effluent disposal areas (EDA)?	N/A			
	Flood	No			
	Filled land	No			
	Slip land	No			
	Sydney Water Capacity Restrictions	No			
	Interim Heritage Order	No			
	Road Widening	No			
	Bush Fire Prone Land Map	No			
	Potentially Contaminated Land	No			
	Biodiversity and Conservation Agreements or Vegetation Management Plans	No			
	Strategic Agricultural Land	No			
	Aboriginal Cultural Heritage <i>Note: An AHIMS basic search can be used to identify recorded aboriginal sites in the nearby area. Do not use the AHIMS extensive search function unless you have discussed this with your supervisor as this incurs a fee.</i>	No - There are no aboriginal sites recorded in the area. AHIMS Web Service search for the following area at Lot 65, DP DP29242, Section 1, with a Buffer of 50 metres, conducted by Andrew Shortle on 16 June 2026. The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.  A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that: <table><tr><td>☐</td><td>Aboriginal sites are recorded in or near the above location.</td></tr><tr><td>☐</td><td>Aboriginal places have been declared in or near the above location.*</td></tr></table>	☐	Aboriginal sites are recorded in or near the above location.	☐
☐	Aboriginal sites are recorded in or near the above location.				
☐	Aboriginal places have been declared in or near the above location.*				

	Development on waterfront land (i.e. within 40m of a watercourse) <i>Note: A Controlled Activity Approval (CAA) may be required for works within 40m of a watercourse. The Waterfront land e-tool can be used to determine if a CAA is required.</i> <i>Note: CAA exemptions are set out in Schedule 4 Part 6 of the Water Management (General) Regulations 2025.</i>	No
	Does the development require any dewatering? <i>Note: Dewatering refers to the temporary or permanent removal of groundwater and can be required where there is largescale excavation which would result in disturbance to groundwater aquifers (e.g. largescale basements, pipeline and infrastructure works). See NSW Water dewatering information.</i>	No
Planning Layers	Lot Size Area	G - 450m ²
	Floor Space Ratio	C - 0.45:1
	Height of Buildings	I - 8.5m
	Foreshore Building Line (FSBL)	N/A
	Heritage	No
	Active Street Frontages	No
	Terrestrial Biodiversity	No
	Riparian Land and Watercourses <i>Note: Clause 6.5 applies to land identified as Category 1, 2 and 3 watercourses and</i> a) 40m from the top of the bank of a Category 1 watercourse b) 20m from the top of the bank of a Category 2 watercourse c) 10m from the top of the bank of a Category 3 watercourse <i>Note: The IFM constraints mapping layer overlays 45m, 25m and 15m buffers to Category 1, 2 and 3 watercourses respectively.</i>	No
	Acid Sulfate Soils	No
	Development in Local Centers – Area C	No
	SEPP (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments - Sydney Drinking Water Catchment Area (e.g. NorBE) <i>Note: NorBE Assessments submitted to Council can be viewed from the "Lodged" tab in the NorBE online assessment tool shown below.</i>	No

BV Map		
	SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management	Yes - Coastal Environment area - Coastal use area
	Biodiversity Values Map	No

Site Inspection Observations

Refer to site inspection report.

Deposited Plan and Restrictions on Title

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

3. Background

Pre-Lodgement Information

N/A

Post-Lodgement Information

N/A

Site History and Previous Approvals

Application Details				
Current Property ☒ Historic Properties ☐ Both Current & Historic ☒ Line 1 of 6				
Formatted Account	Precis	Received Date	Determination Date	Determination
010.2026.00000065.001	Demolition and new dwelling house	22/04/2026		
010.2026.00000024.001	New dwelling house	19/02/2026	25/02/2026	Reject - Does not c
010.2025.00000226.001	New dwelling house		09/01/2026	Returned
010.2018.00000057.001	re-roof existing dwelling	16/03/2018	18/06/2018	Approved
006.1973.00000134.001	addition to flats	04/04/1973	18/04/1973	Approved
006.1963.00000187.001	dwelling	01/01/1901		Approved

Is the proposed development compatible with any relevant previous approvals?	Yes
Does the proposal appear to include/relate to any unauthorised building work?	No

Note: A DA can only approve prospective works and uses. Any unauthorised or retrospective works must be dealt with under a separate Building Information Certificate process.	
---	--

4. Consultation and Referrals

Internal Referrals	
Referral	Comments
Contribution Planner	No objection subject to recommended conditions.
Property Section	No objection.
External Referrals	
Referral	Comments
Sydney Water	No objection subject to recommended conditions.

5. Other Approvals

NA

6. Statutory Considerations

Environmental Planning and Assessment Act 1979

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

Is the development site mapped as bush fire prone land?	No
Is there vegetation within 100m of the proposed development that would form a bush fire hazard as identified in Planning for Bush Fire Protection?	No

Section 4.15 Evaluation

Section 4.15 is considered under Section 7 of this Report.

Division 4.6 Crown Development

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

Division 7.1 Development Contributions

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

Does the proposed development levy s7.12 contributions? <i>Note: the Kiama Municipal Council Section 7.12 Contributions Plan applies to land within the Kiama Local Government Area.</i>	Yes - The estimated development cost (EDC) is more than \$100,000. Referral to Contributions Planner is required.
---	---

Biodiversity Conservation Act 1979

Does the application include works or vegetation removal within the Biodiversity Values mapped area ?	No										
Does the application involve clearing of native vegetation above the area clearing threshold? Area clearing threshold The area threshold varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan (Plan)), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP). <table border="1"> <thead> <tr> <th>Minimum lot size associated with the property</th><th>Threshold for clearing, above which the BAM and offsets scheme apply</th></tr> </thead> <tbody> <tr> <td>Less than 1 ha</td><td>0.25 ha or more</td></tr> <tr> <td>1 ha to less than 40 ha</td><td>0.5 ha or more</td></tr> <tr> <td>40 ha to less than 1000 ha</td><td>1 ha or more</td></tr> <tr> <td>1000 ha or more</td><td>2 ha or more</td></tr> </tbody> </table> The area threshold applies to all proposed native vegetation clearing associated with a proposal, regardless of whether this clearing is across multiple lots. In the case of a subdivision, the proposed clearing must include all future clearing likely to be required for the intended use of the land after it is subdivided. If the land on which the proposed development is located has different minimum lot sizes the smaller or smallest of those minimum lot sizes is used to determine the area clearing threshold.	Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply	Less than 1 ha	0.25 ha or more	1 ha to less than 40 ha	0.5 ha or more	40 ha to less than 1000 ha	1 ha or more	1000 ha or more	2 ha or more	No
Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply										
Less than 1 ha	0.25 ha or more										
1 ha to less than 40 ha	0.5 ha or more										
40 ha to less than 1000 ha	1 ha or more										
1000 ha or more	2 ha or more										
Will the proposed development have a significant impact on threatened species or ecological communities, or their habitats, according to the test in section 7.3 of the Biodiversity Conservation Act 2016 (i.e. 'test of significance')?	No										
If the application exceeds the Biodiversity Offsets Scheme Threshold (i.e. if yes to <u>any</u> of the above), has the application been supported by a Biodiversity Development Assessment Report (BDAR)?	N/A										

Coastal Management Act 2016

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

Fisheries Management Act 1994

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

Local Government Act 1993

Do the proposed works require approval under Section 68 of the Local Government Act 1993?	No
☐ Operation of a system of sewage management (i.e. on-site sewage management system) ☐ Installation of a manufactured home ☐ Installation of a domestic oil or solid fuel heating appliance, other than a portable appliance (i.e. a fireplace)?	

Sydney Water Act 1994

Does the proposed development increase demand on Sydney Water Corporation's water and sewer services, or interfere with or affect the Corporation's works or operations? <i>Note: A section 73 Compliance Certificate is required to be obtained where a development will increase demand on or potentially affect water and sewer services. The Sydney Water guidelines identify types of development that do not require a s73 Compliance Certificate.</i> <i>Note: As per Sydney Water guidance, a section 73 Compliance Certificate is not required for secondary dwellings ≤60m².</i>	Yes - Referral to Sydney Water required.
---	--

7. Section 4.15 Evaluation

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

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

Environmental planning instrument

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

Environmental Planning Instrument	Relevant?
State Environmental Planning Policy (Biodiversity and Conservation) 2021	☐
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	☐
State Environmental Planning Policy (Housing) 2021	☐
State Environmental Planning Policy (Industry and Employment) 2021	☐
State Environmental Planning Policy (Planning Systems) 2021	☐
State Environmental Planning Policy (Precincts—Central River City) 2021	☐
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	☐
State Environmental Planning Policy (Precincts—Regional) 2021	☐
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	☐
State Environmental Planning Policy (Primary Production) 2021	☐

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

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal management

The subject land is mapped as coastal environment area and coastal use area under the SEPP.

Does the proposal involve the carrying out of work or any development on land mapped as coastal wetland or littoral rainforest?	No
Is the proposal considered suitable with regard to the considerations set out in the SEPP?	Yes - The proposed development will not unduly impact upon the coastal environment. The proposal is considered acceptable with regard to the considerations set out in the SEPP.

Chapter 4 Remediation of land

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

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

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 Standards for residential development — BASIX

Has the application been supported by an appropriate BASIX Certificate? <i>Note: Residential development BASIX Certificates are required for:</i> - Erection (but not the relocation of) of all new residential dwellings. - Development that involves the change of use by which a building becomes a dwelling. - Alterations and additions to dwellings that cost \$50,000 or more. - Swimming pools and spas with a combined capacity of 40,000 litres or more.	Yes
Is the BASIX Certificate valid and has the DA been submitted within 3 months of date of issue of the BASIX Certificate?	Yes
Have BASIX commitments identified to be shown in the DA been shown on the DA plans?	Yes

Kiama Local Environmental Plan 2011

Land Zoning

The land is zoned R2 Low Density Residential under the *Kiama Local Environmental Plan 2011*.

Characterisation and Permissibility

The proposal is best characterised as Dwelling House and Swimming Pool under *Kiama Local Environmental Plan 2011*. The proposal is permitted within the zone with the consent of Council.

Zone objectives

Objective	Comment
To provide for the housing needs of the community within a low density residential environment.	The proposal is consistent with the objectives of the zone.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	

Item 15.1

Enclosure 1

To increase the supply of secondary dwellings for affordable rental housing stock.	
To provide economic and employment opportunities for people who conduct business activities from their homes where these will not adversely affect the amenity of neighbours or the neighbourhood.	

Applicable Clauses

Commentary	Compliance
Part 1 Preliminary	
Part 2 Permitted or prohibited development	
<u>2.7</u> - Demolition requires development consent Demolition is permitted but only with development consent.	Noted
Part 4 Principal development standards	
<u>4.3</u> - Height of buildings The maximum building height set by the Height of Buildings Map is I - 8.5m The proposed development has a peak height of 7.86m and does not exceed the building height limit.	Complies
<u>4.4</u> - Floor space ratio The Floor space ratio (FSR) set by the Floor Space Ratio Map is C - 0.45:1. The proposed development has a FSR of 0.68:1 and does exceed the applicable FSR. <i>Note: <u>Clause 4.5</u> of Kiama LEP 2011 sets out how to calculate FSR and site area.</i>	Does not comply - Detailed consideration of the clause 4.6 variation is included in Appendix C.
<u>4.6</u> - Exceptions to development standards The proposed development seeks a variation to clause 4.4 of Kiama LEP 2011. The application has been supported by a written variation statement. The clause 4.6 variation is discussed in further detail in Appendix B.	Clause 4.6 variation request to clause 4.4. Detailed consideration of the clause 4.6 variation is included in Appendix B.
Part 5 Miscellaneous provisions	
Part 6 Additional local provision	
<u>6.2</u> - Earthworks Consideration has been given to the matters outlined in clause 6.2 and it is considered that the proposed earthworks are suitable and can be managed appropriately.	Complies

6.12 - Essential services All relevant services are available to the site. There is suitable vehicle access to the site.	Complies
Part 7 Urban release areas	

Draft Environmental Planning Instrument

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

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

Any Development Control Plan

Kiama Development Control Plan 2020

The following DCP chapters apply to the proposed development.

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

Chapter 1: Introduction and Administration

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

Chapter 2: Site Considerations

Topic 2.1 – Site Analysis	
Has the application been supported by a suitable site / site analysis plan?	Yes
Topic 2.2 – Biodiversity	
Does the development avoid significant adverse environmental impacts to riparian land and protect riparian corridors?	Yes

Are dwellings and associated areas (e.g. APZs, vehicular access) sited to minimise environmental impact and minimise clearing of native vegetation?	Yes
Does the application involve the clearing of significant native vegetation? <i>Note: Vegetation removal (including vegetation removal required to construct buildings, access, and other infrastructure and also to establish APZs) must be clearly shown on the Site Plan.</i>	No
Is the submitted ecological assessment report / flora and fauna assessment report appropriate?	N/A
Has the application been supported by a landscape plan?	No
Topic 2.3 – Natural Resources	
Is the subject site within the Sydney Drinking Water Catchment area?	No
Topic 2.4 – Tree Preservation and Vegetation Management	
Have any trees proposed to be removed been clearly shown on the site plan (where required)?	N/A
Does the development encroach into the Tree Preservation Zone (TPZ) or Structural Root Zone (SRZ) of any trees to be retained, including trees on adjoining properties and within the road reserve? <i>Note: TPZ and SRZ encroachments can be calculated using the AS4970-2009 calculator. Note: Where there are major encroachments into the TPZ or the SRZ an arborist report (prepared by a level 5 consulting arborist) demonstrating that the development will ensure that the tree remains viable should be required.</i>	No
Topic 2.5 – Risk Minimisation and Management	
Does the proposal suitably respond to site constraints including potential contamination, flood planning, bush fire, acid sulfate soils and land instability?	Yes

Chapter 3: Common Requirements

Topic 3.1 – Waste Minimisation and Management	
Has the application been supported by an appropriately prepared Waste Minimisation and Management Plan (WMMP)?	Yes
Where demolition is proposed, has the application been supported by a Hazardous Materials Assessment Report?	Yes
Does the proposal provide suitable bin storage areas? <i>Note: External bin storage areas must have sufficient space for 3 waste collection bins for each dwelling and should be screened from the public domain.</i>	Yes
Does the proposal provide suitable bin collection arrangements?	Yes - Roadside bin collection using Council's waste collection service.

<i>Note: Where roadside bin collection is proposed, the site must have adequate road frontage to allow for efficient bin collection and provide adequate path of travel from bin storage areas to the roadside collection point.</i>	
For mixed use development, has appropriate separation been provided between commercial and residential uses?	N/A
Topic 3.2 – Amenity	
<u>Solar Access</u>	
Does the proposed development maintain appropriate solar access to adjoining properties? <i>Note: Where possible at least 3 hours of direct sunlight between 9am and 3pm on June 22nd should be maintained to at least 50% of living room windows and principal private open space areas.</i> <i>Note: Solar panels may operate on string inverters where the series of solar panels match energy output to the lowest performing solar panel. With this system, if part of any solar panel is overshadowed consistently throughout the day it reduces the overall performance of all solar panels in the array.</i>	Yes
Does the proposal incorporate appropriate solar efficiencies?	Yes
<u>Privacy</u>	
Does the proposed development maintain adequate visual and acoustic privacy to adjoining properties?	Yes
<u>Views and Visual Impacts</u>	
Is the proposed development suitable with regard to view sharing principles?	Yes - See commentary below.
View Analysis and View Sharing <i>The Land and Environment Court has establish established planning principles for consideration of view analysis and view sharing in Tenacity Consulting v Waringah (2004) NSWLEC 140 and further planning principles for public domain views in Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor (2013) NSWLEC 1046</i>	
Step 1 – Assessment of views to be affected <i>Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.</i> <i>Where public domain views may be impacted, it is important to consider the significance attached to the view and by whom and for what reason, whether the view is static or dynamic, if the view attracts the public to specific locations, are there obstructions already present in the view and how the view may be altered by new proposed elements.</i>	
The proposed development extends to the western boundary with the proposed first floor pool having a 4.4m setback and the vertical members of the dwelling setback approximately 10m.	



Figure 2: Photo looking East over subject site towards eastern adjoining site.



Figure 3: Photo looking West over subject site from the adjoining site.



Figure 3: Photo looking West over subject site from the adjoining site.



Figure 4: Photo looking East over subject site.

The properties on the western side of Stafford Street enjoy panoramic views over 7 mile beach towards to West and South-West. This includes views of Coolangatta Mountain, 7-mile beach and foreshore areas directly adjacent to the properties.

Step 2 – Consider from what part of the property (or public domain) the views are obtained

The protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

Unlike the considerations for private property views (which adopts the proposition that sitting views are more difficult to protect than standing views), the impact on appreciation of a public domain view should not be subject to any eye height constraint. A public domain view is one that is for the enjoyment of the whole population, old or young and whether able-bodied or less mobile

Existing views from both adjoining properties are obtained from various 1 st and 2 nd floor built elements, primarily over the rear boundaries. Proportionately, the availability of views over side boundaries is limited.	
Step 3 – Assess the extent of impact <i>This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe, or devastating.</i>	
Noting that the majority of available views to both 140 and 144 Stafford Street are obtained directly over each properties rear boundary, the proposed development being located on the side boundaries substantially limits the extent of the impact on available views. In the context of the available views to both 140 and 144 Stafford Street, views are not unreasonably impacted as a result of the proposed development.	
Step 4 - Assess the reasonableness of the proposal that is causing the impact <i>A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skillful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.</i>	
The proposed dwelling house is sited wholly within the property boundary and complies with the relevant building height and setback requirements. Of note is the variation to Kiama LEP 2011, cl.4.4 – Floor space ratio, though this variation is discussed in Appendix B and though it proposes an exceedance of the permissible FSR for the site, the built form is not incongruous with the character of the locality and the exceedance itself does not result in an excessive built form. The proposed development is considered reasonable and the 10m rear setback to the dwelling wall (noting that the pool is at ground level) provides reasonable opportunity for existing views over side boundaries to be appropriately and proportionately preserved.	
Step 5 – For public domain views, consider whether or not there is any document that identifies the importance of the view to be assessed <i>This will encompass specific acknowledgment of the importance of a view (for example, by international, national, state, or local heritage recognition) or where the relevant planning regime promotes or specifically requires the retention or protection of public domain views. The absence of such provisions does not exclude a broad public interest consideration of impacts on public domain views</i>	
There are no identified impacts to public domain views.	
Landscaping	
Is existing/proposed landscaping suitable?	Yes
Universal Design	
Does the proposed development consider universal design principles?	Yes
Topic 3.3 – Earthworks and Retaining Walls	
Are earthworks limited to 0.9m of cut or fill?	No – cut and fill exceeds 0.9m, but is contained within the dwelling footprint and is

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

Are water storage tanks appropriately designed and located?	Yes				
<u>Controls for Water Supply for Rural Fire Service</u>					
Does the proposal provide suitable static water supply for firefighting in accordance with Planning for Bushfire Protection 2019?	N/A - The site is within suitable proximity to a water hydrant. A static water supply for firefighting purposes is not required.				
Topic 3.6 – Transport Access and Parking					
<table border="1"> <tr> <th>Number of on-site car parking spaces required under Topic 3.6 of Kiama DCP 2020</th> <th>Number of car parking spaces provided</th> </tr> <tr> <td>2</td> <td>4</td> </tr> </table>		Number of on-site car parking spaces required under Topic 3.6 of Kiama DCP 2020	Number of car parking spaces provided	2	4
Number of on-site car parking spaces required under Topic 3.6 of Kiama DCP 2020	Number of car parking spaces provided				
2	4				
Are parking spaces and garage dimensions sufficient? <i>Note: AS2890.1 requires 3m x 5.4m for a domestic single garage and 5.4m x 5.4m for a double garage.</i> <i>Note: Where tandem / stacked parking is proposed, a front setback of 6m must be provided to accommodate the vehicle wholly within the site.</i>	Yes				
Is vehicle maneuvering for the site adequate?	Yes				
Is a new driveway crossover proposed/required? <i>Note: Any works within the road reserve requires a s138 approval under the Roads Act 1993.</i>	Yes - s138 approval required. Conditions of consent to be imposed accordingly.				
Are proposed driveways appropriately located to avoid conflicts with street infrastructure? <i>Note: Driveways should access the street without conflict to street infrastructure (e.g. speed bumps, chicanes, pedestrian islands/crossings, electricity infrastructure, drainage pits).</i> <i>Note: In accordance with Endeavour Energy's Standard Conditions for Development Applications and Planning Proposals, driveways should be setback at least:</i> • 0.5m to low voltage electricity pillars • 1m to above ground power poles • 1.5m to streetlight columns <i>Note: Where a driveway intersects a footpath, ensure appropriate driveway gradients can be achieved without impacting on the footpath gradient and crossfall.</i>	Yes				
Is the width and slope of any driveway access suitable? <i>Note: AS2890.1 requires a minimum width of a domestic driveway of 3m.</i> <i>Note: AS2890.1 identifies generally a maximum gradient of 25% for domestic driveways with appropriate transitions not exceeding 12.5%, to prevent bottoming out.</i>	Yes				
Topic 3.7 – Character and Design					
<u>Character</u>					

Item 15.1

Enclosure 1

Does the proposed development compatible with the existing and desired future character of the area?	Yes
Crime Prevention Through Environmental Design (CPTED)	
Is the proposal consistent with CPTED principles?	Yes

Chapter 4: Heritage and Cultural Conservation

Topic 4.2 – Aboriginal Cultural Heritage Management			
Is the site suitable with regard to aboriginal cultural heritage? <i>Note: The Aboriginal Cultural Heritage Management Development Assessment Toolkit sets out a development assessment pathway in relation to Aboriginal cultural heritage values. The Toolkit provides additional advice and context to the below checklist.</i> <i>Note: The Office of Environment & Heritage (OEH) Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW and the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales provide a framework for considering Aboriginal cultural heritage impacts.</i> <i>Note: Where a Due Diligence report concludes further investigation is required an Aboriginal Cultural Heritage Assessment Report (ACHAR) should be prepared.</i>		Yes	
Question	Yes	No	
1. Is the site a declared Aboriginal Place or known cultural place/landscape? <i>Note: Aboriginal place of heritage significance is defined in the Dictionary of Kiama LEP 2011</i>	☐	Aboriginal Cultural Heritage Assessment Report (ACHAR) required. Referral to Local Aboriginal Land Council (LALC) required under clause 5.10(8) of Kiama LEP 2011.	☒ Proceed to Question 2
2. Does the site contain, or is within the curtilage of an AHIMS listed site, or a site recorded from other local archaeological studies? <i>Note: curtilage of 50m around isolated finds and 100m around all other listed/recorded sites. This includes both destroyed and extant sites</i>	☐	Aboriginal Cultural Heritage Assessment Report (ACHAR) required.	☒ Proceed to Question 3
3. Can the proponent demonstrate substantial prior disturbance of the development site/footprint with no likelihood of remnant heritage materials?	☐	Satisfactory - Conditions of consent for unexpected finds to be imposed.	☒ Proceed to Question 4
4. Is the proposal exempt or complying development?	☐	Satisfactory – Proponent to proceed with caution.	☒ Proceed to Question 5

Item 15.1

Enclosure 1

5. Is the site within an environmentally sensitive area that otherwise require an SEE or REF?	☐	Due Diligence Report required.	☒	Proceed to Question 6
6. Is the site classed as a totally or grossly disturbed landscape? <i>Note: This excludes areas which have only been subject to filling over natural land surfaces.</i>	☐	Satisfactory - Conditions of consent for unexpected finds to be imposed.	☒	Proceed to Question 7
7. Does the site contain mature trees that may be over 150 years old and so have the potential for aboriginal scarring?	☐	Due Diligence Report required.	☒	Proceed to Question 8
8. Does the proposal (in its entirety) constitute prescribed low impact acts as defined in the s58 of the National Parks and Wildlife Regulation 2019?	☐	Satisfactory - Proponent to proceed with caution.	☒	Proceed to Question 9
9. Does the proposal involve ground disturbance or excavation?	☒	Proceed to Question 11	☐	Proceed to Question 10
10. Does the site contain micro-features with the potential for extant aboriginal sites/features?	☐	Due Diligence Report required.	☐	Satisfactory - Conditions of consent for unexpected finds to be imposed.
11. Is the site within a "sensitive setting" of medium to high archeological potential?	☐	Due Diligence Report required.	☒	Satisfactory - Conditions of consent for unexpected finds to be imposed.
Topic 4.3 – European Cultural Heritage Management				
Does the proposed development impact on a listed heritage item or draft heritage item? <i>Note: Under s57 provides exemptions for where the Heritage Council has endorsed a heritage agreement or conservation management plan; concurrence from Heritage NSW may not be required in these instances.</i>	No			
Does the site contain any dry stone walls as listed in Schedule 5 of the Kiama LEP 2011?	No			
Topic 4.4 – Heritage Conservation Areas (HCAs)				
Is the site within a heritage conservation area (HCA)?	No			

Item 15.1

Enclosure 1

Chapter 5: Subdivision, Consolidation and Boundary Adjustment

N/A

Chapter 6: Residential Accommodation

See Appendix A.

Chapter 7: Commercial Premises

N/A

Chapter 8: Rural Uses

N/A

Chapter 9: Industrial Uses

N/A

Chapter 10: Visitor Accommodation and Tourism

N/A

Chapter 11: Early Education and Care Facilities

N/A

Chapter 12: Location Specific Controls

N/A

Chapter 13: Agritourism

N/A

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

There are no planning agreements applying to this application.

Environmental Planning and Assessment Regulation 2021

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

The proposal ensures compliance with the applicable requirements within the Regulations subject to recommended conditions of consent.

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

Head of Consideration	Comment
Natural Environment	The proposed development will not have a significant adverse impact on the natural environment.

Head of Consideration	Comment
Built Environment	The proposed development will not have a significant adverse impact on the built environment.
Social Impacts	The proposed development will not have a negative social impact in the locality.
Economic Impacts	The proposed development will not have a negative economic impact in the locality.

Suitability of the site for the development

The site is suitable for the proposed development.

- The development is permissible with Council consent within the zone.
- The proposal supports the local zoning objectives.
- The proposal is consistent with the objectives and requirements of the *Kiama Local Environmental Plan 2011*.
- The proposal is consistent with the objectives and requirements of the *Kiama Development Control Plan 2020*.
- The intended use is compatible with surrounding/adjoining land uses.

Submissions made in accordance with the Act or the regulations

The DA was notified in accordance with Council's Community Consultation Policy for Development Applications. 1 submission was received by Council objecting to the proposal. The concerns raised are outlined below:

Summary of Public Submissions	
Objection Raised	Reasons for Determination
Availability of notification documents	The relevant DA documents were made available in accordance with Council's Community Participation Plan during the notification period.
Scale of development	The proposed development being a two storey dwelling house is of a scale which is appropriate in the context of the locality.
Extent of Floor Space Ratio (FSR) variation	The proposed development includes an exceedance to the maximum permissible FSR for the site. This is considered in detail in Appendix B of this report.
Degree of excavation	The proposed development includes excavation to a depth of 2.2m below ground level existing. The development has been supported by engineering designs demonstrating that this extent of cut can be reasonably managed on the site.
Streetscape and character	The proposed development is generally consistent with the existing and desired future character of the locality and includes appropriate setback and landscaping design.

Quality of cl4.6 written request	The applicant provided a revised cl.4.6 written request on 13/08/2026 via an additional information request. This request is considered in detail
Details of cut and fill	The proposed cut to the site has been clearly shown on the architectural plan and included in the waste management plan.
View sharing	The proposed development has been designed and sited to respond appropriately to view sharing principles and does not unreasonably impact the view sharing opportunities of adjoining properties.
Established building pattern	The rear setback of the proposed development is appropriate in the context of the site and surrounding development.

The public interest

The public interest has been taken into consideration, including assessment of the application with consideration of relevant policies and process. The proposal is considered to be in the public interest.

Any coastal zone management plan

The proposed development is consistent with the applicable [Coastal Management Program](#).

Other plans, policies and considerations

Nil

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

8. Delegations

Variations

<i>Are any clause 4.6 variations proposed?</i>		Yes
<i>Development Standard</i>	<i>Numerical Extent of Departure</i>	<i>Percentage (%) Extent of Departure</i>
KLEP 2011, cl. 4.4 Floor Space Ratio 0.45:1 (281m2)	(157m2)	56%
<i>Are any DCP variations proposed?</i>		Yes
<i>DCP Control</i>	<i>Proposed Variation</i>	<i>Departure</i>
Cut and Fill (900mm)	1300mm	Major

Guidelines for use of Delegated Authority

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

Level of Delegation	Staff under delegated authority	Elected Council
Estimated Development Cost (EDC)	≤\$10 million	>\$10 million
Subdivisions	≤50 lots	>50 lots
Objections to DA	≤12 objections	>12 objections
Extent of clause 4.6 exception	Nil or <10%	≥10% or non-numerical development standard
Level of Peer Review	Development Assessment Officer	Development Assessment Coordinator / Manager / Director
Extent of DCP variation	Nil or Minor	Major

The assessing officer does not have delegated authority to determine the Development Application.

9. Recommendation

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

Reasons for Grant of Consent	
1)	The proposed development is consistent with the objects of the <i>Environmental Planning and Assessment Act, 1979</i> .
2)	The proposed development is considered acceptable and with regard to the applied exception to the development standards set out in clause 4.4 of Kiama Local Environmental Plan 2011. The proposed development complies with all other development standards and is consistent with the aims, objectives, and provisions of the applicable environmental planning instruments.
3)	The proposed development is consistent with the aims, objectives, and provisions of Kiama Development Control Plan 2020.
4)	The proposed development is consistent with the aims, objectives, and provisions of relevant Council policies.
5)	The likely impacts of the proposed development are considered acceptable.
6)	The site is suitable for the proposed development.
7)	Any submissions received during the public notification period have been considered and issues and concerns raised by the community in submissions have been addressed in the assessment.
8)	The proposed development does not conflict with the public interest.

Drew Shortle

Development Assessment Officer – Planning - 24/08/2026

Appendix A – Kiama DCP 2020 - Chapter 6: Residential Accommodation

Topic 6.1 – Dwelling Houses

Are building walls exceeding 15m in length appropriately articulated?	Yes	
Does the development allow for entry and exit of vehicles in a forward direction? <i>Note: Where development is accessed from a main or arterial road, or in the vicinity of traffic management controls vehicles should enter and exit in a forward direction.</i>	The development is for low density development on a low-trafficked road. It is considered suitable for vehicles to reverse directly onto the road in this instance.	
Is proposed development or an appropriate height, bulk, and scale?	Yes	
Does the proposal retain significant trees and vegetation where possible?	Yes	
Is the development compatible with the existing and desired future streetscape character of the area?	Yes	
Do dwellings provide clearly defined and identifiable entrances?	Yes	
Are windows to habitable rooms designed and located to maintain adequate privacy to adjoining dwellings?	Yes	
Does the proposed development avoid unreasonable glare impacts to adjoining dwellings?	Yes	
In R5 Large Lot Residential a maximum dwelling development of 1 dwelling per 1000m ² should be provided.	N/A	
In rural areas, dwellings and ancillary development should be clustered to minimise impact on the natural environment and scenic landscape, and to not compromise the productive capability of agricultural land. <i>Note: Driveways and accessways should be designed and located to minimise visual prominence and respond the existing landscape and environment.</i> <i>Note: Development should be suitably located, designed, and landscaped to minimise visual prominence and mitigate visual impacts on the rural landscape.</i>	N/A	
Is the proposed development contained within the building height plane? <i>Note: building height plane projected at an angle of 45° over the actual land to be built upon from a vertical distance of 5m above the existing ground level at any boundary of the site.</i> <i>Note: Eaves, gutters and fascia are permitted outside of the building height plane.</i>	Yes - Minor eaves, gutter and fascia encroachments.	
Building Lines and Building Separation - Urban Areas		
	Required	Proposed
Front setback <i>Note: Front setbacks are nominated on the building line map (Appendix 1) in Chapter 6 of Kiama DCP 2020.</i>	6m	6m
Rear setback	6m	Dwelling wall - 10m

Item 15.1

Enclosure 1

<i>Note: Rear setbacks are nominated on the building line map (Appendix 1) in Chapter 6 of Kiama DCP 2020.</i>	* Foreshore Building Line (FSBL)	Pool – 4.4m
Side setback <i>Note: Eaves, gutters, and fascia should be setback 0.675m from side boundaries.</i>	0.9m	North = 900mm South = 1200mm
Buffer to adjoining agricultural land (right to farm)	9m setback to any rural zoned land capable of being used for agriculture	>9m
Garages and Car parking areas	Car parking to be provided behind the building line	Complies
Is the proposed building footprint less than 60% of the site? <i>Note: Gerringong Headland has separate building footprint controls set out in the Gerringong Headland Masterplan</i>	Yes	
Are proposed colours and materials suitable? <i>Note: Metal roofing should have a solar absorbance classification not less than 0.46. Solar absorbance (SA) classifications for some materials are available here.</i>	Yes	
Does the development provide suitable storage? <i>Note: In addition to kitchen cupboards and bedroom storage at least 8m³ should be provided for 2-bedroom dwellings and 10m³ for 3+ bedroom dwellings.</i>	Yes	
Does the proposed development avoid garage dominated design? <i>Note: Garages/car parks should not constitute more than 50% street elevation of a development. Note: Garage areas should be limited to a double garage façade.</i>	Yes	
Does the proposed development provide at least 1 car parking space behind the building line?	Yes	
Is at least 24m ² of suitable private open space (POS) provided for each dwelling? <i>Note: POS areas should be functional and have minimum dimensions of 4m x 5m and a gradient of not more than 25%. Note: POS areas should be directly accessible from main living areas. Note: A minimum 50% of the POS area should receive a minimum of 3 hours of direct sunlight between 9am and 3pm on June 22nd. Note: POS areas must provide adequate privacy; POS areas forward of the building line generally are not supported.</i>	Yes	
Are balconies appropriately located and/or incorporate suitable measures to maintain adequate privacy to adjoining properties? <i>Note: balconies alongside boundaries should be avoided except where suitable privacy mitigation measures have been incorporated.</i>	Yes, recommended conditions to require privacy screens where appropriate.	
Have suitable clothes drying areas been provided? <i>Note: Clothes drying areas should not be visible from any public place and cannot be located forward of the building line or within principal POS areas.</i>	Yes	
Are letterboxes suitably located?	Yes	

Appendix B – Justification for Variations to DCP Controls

DCP variations are considered below in accordance with Chapter 1 of the Kiama DCP 2020.

DCP control being varied.			
3.1.1 – Cut and Fill limited to 900mm			
Extent of proposed departure from acceptable solution.			
<i>Identify if the variation is minor or major. Numerical departures >50% are generally considered major departures.</i>			
DCP Control	Proposed Solution	% Departure	Departure
900mm	2200mm	69%	Major
Unique circumstances as to why the DCP variation is being sought.			
The following is an excerpt from the applicant's SOEE <i>“The proposal has dual frontage (Stafford St & public reserve) and slopes down to the rear away from the street frontage. The slope of the site and the desire to minimise the height of the proposed development, to maintain opportunities for views from dwellings on eastern side of Stafford Street requires the proposed development to achieve a ridgeline height of RL 21.21, effectively single story at street frontage being an increased height of 980mm above the existing roofline. See Attachment 2 DA sheet dwg 08. It should also be noted that the proposed ridgeline does not occupy the full width of the roof ie. only 50% width of the site.</i> <i>• To achieve the single storey ridgeline, the lower ground level of the design requires excavation in excess of the DCP control of 900mm, as demonstrated in Attachment 2 DA sheet dwg 07 the extent of excavation. The excavation goes from 2.2m at its deepest point, reducing to 0.0m at the 18.0m mark, and supported by engineers structural design Attachment 5</i> <i>• In addition, the first floor/entry level has an RL 16.14, being 930mm above natural ground level, to ensure sufficient fall to the Stafford St frontage, from the garage & driveway entry.</i> <i>• Excavating the lower ground floor component in excess of the 900mm control requirement, allows for a single storey elevation to the street and a two storey elevation to the rear/ public reserve frontage.</i> <i>• This building typology proposed is in keeping with the surrounding dwellings in terms of bulk, scale & character. Use of the additional excavation into the natural land fall means that a two storey design can be contained within a footprint that does not impact adjoining neighbours by creeping further west, down the block, and avoids any negative impact by achieving the reduced overall ridge height.</i> <i>• The design proposed will deliver a high level of user amenity through the provision of a well-designed liveable dwelling. The dwelling has been designed to meet the needs of the owner's large family, allowing for enjoyment of the western views and provides functional private outdoor spaces.”</i>			
Demonstrate how the relevant objectives are being met despite the non-compliance with the DCP control.			
Objectives	Commentary		
3.3.1 To ensure dwellings and other ancillary development on unstable land are located and designed to maximise the structural design of buildings and the safety of their occupants.	The proposed development has been supported by adequate engineering detail demonstrating that the design including the 2200mm of cut ensures the safety of the future occupants.		

Item 15.1

Enclosure 1

• 3.3.2 To minimise the risk of land slip impacting on habitable buildings and access roads.	The land is not mapped as high risk for landslip and the design incorporates appropriate structural engineering which demonstrates that the proposed design will not impact habitable dwelling and access roads.
--	--

Appendix C – Clause 4.6 Detailed Consideration

Consideration of the clause 4.6 exception is provided below:

Clause 4.6 Exception to the Kiama Local Environmental Plan 2010				
Development Standard				
Kiama LEP cl. 4.4 Floor Space Ratio				
Extent of proposed departure from development standard				
LEP clause	Numerical Standard	Proposed Solution	Numerical Departure	% Departure
cl.4.4	0.45:1 (281m2)	0.68:1 (438m2)	157m2	56%
Applicant's clause 4.6 statement				
Clause 4.6 requires that the consent authority be satisfied that the applicant has demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravention of the development standard. An extract from the applicant's clause 4.6 statement is provided below:				
Extract from applicant's clause 4.6 statement prepared by Bronwyn Seiden dated 07/08/2026 (TRIM Ref: 26/75838) The proposal the subject of DA 10.2026.65.1 involves additional parking for two vehicles at the lower floor level, accessed by a car lift. The additional car storage area is strictly non-habitable as the design demonstrates. The dwelling contains a gross floor area of 438 m2 which includes the basement area, resulting in an FSR 0.68:1. The excess gross floor area above the development standard FSR of 0.45:1 is a consequence of the basement car storage. This request for variation to Cl.4.4 Floor Space Ratio demonstrates that; 1. compliance with the development standard is unreasonable or unnecessary in the circumstances, and 2. there are sufficient environmental planning grounds to justify the contravention of the development standard. The "Wehbe test", is a legal framework established in the Land and Environment Court of NSW (Wehbe v Pittwater Council 2007) and outlines five methods to prove that strict compliance with a development standard is "unreasonable or unnecessary."				

Item 15.1

Enclosure 1

The five common ways to demonstrate compliance is unreasonable include:

- The Objectives are Achieved: The underlying objectives of the standard are met despite the non-compliance.
- Objectives Not Relevant: The objective or purpose of the standard is not relevant to the specific development.
- Objective Defeated: The objective would be defeated or thwarted if strict compliance was required.
- Virtual Abandonment: The Council itself has virtually abandoned the standard by routinely granting departures from it in the area.
- Unreasonable Zoning: The zoning of the land itself is unreasonable or inappropriate.

However it is not necessary to satisfy all five; proving just one is generally sufficient to justify the variation. The relevant test in this case will be demonstrating the objectives of the development standard are met.

Step 1: The proposed development meets the objectives of Clause 4.4. Kiama LEP 2011 objectives for the floor space ratio are;

(a) to ensure that development is in keeping with the op7mum capacity of the site and the local area,

Response

The proposal complies with building height requirements, building setbacks and matters of privacy, overshadowing, view protection and landscaping. The design proposed presents as single story at the street elevation and two story to the rear. The design is similar in bulk & scale to dwellings in the local area and is considered complimentary to the streetscape of Stafford Street.

The issue for consideration is the fact that the lower level car storage does not meet the definition of basement due to it being partly above ground level, hence the car storage area would be included in the gross floor area calculations, resulting in a floor space ratio noncompliance. The additional floor space is contained entirely within the basement footprint and does not add any bulk, scale, or height non-compliance to the dwelling design.

As previously stated this is a two story dwelling and under normal construction, the area proposed as car storage would become a void if not utilised as the proposed car storage. The car storage area does not impact the height nor the bulk of the dwelling, resulting in a dwelling that directly aligns with the low-density character of Gerroa.

The proposal optimizes the capacity of the site while avoiding overdevelopment and generating no measurable negative impact to the residential scale & character of the area, as demonstrated in the street view analysis and architectural elevations provided in Shadow diagrams and Attachments 1 & 2 to the Statement of Environmental Effects. The objectives of Clause 4.4 are completely satisfied because the area of floor space that generates the breach in FSR is entirely subterranean and hidden from view.

By placing parking and storage underground, the development maximizes the site's "optimum capacity" at ground level, leaving more site area available for deep soil zones, landscaping, and private open space, which directly aligns with the low-density character Gerroa.

(b) to define allowable development density for generic building types.

Response

The allowable density for residential development in this zone is 0.45: 1. The numerical FSR is breached by 51.1%, with a proposed density of 0.68:1.0. However the actual built form presents exactly as a compliant 0.45:1 development, compatible with all other dwellings in the surrounding area. The design will deliver a single dwelling that blends seamlessly with the surrounding streetscape without creating a harsh precedent. The street view analysis and architectural plans demonstrate the compliance aspects of the design.

It is relevant to note that the entirety of the density non-compliance is generated by a nonhabitable basement (parking and storage), and the design proposed demonstrates that the bulk, scale, and

visible density of the building strictly comply with the standard at the street level, therefore there is a compelling argument under Wehbe test 1 as to why strict compliance with the development standard is unreasonable.

Step 2: Kiama LEP 2011 R2 zone objectives

In addition, this submission demonstrates that the proposal remains consistent with the objectives of the R2 Low Density Residential zone, as detailed below;

The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment*

Response

The proposal is to replace an existing residential dwelling with a single dwelling that is more suited to the needs of the family. The proposal will deliver a dwelling that is in keeping with the low density residential nature of the local area.

Compliant with the objectives of a low density residential zone, the extra FSR in excess of the development standard in the proposal, will not harm the amenity of neighbours and avoids introducing adverse privacy impacts such as overshadowing, or loss of solar access to adjacent properties.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents*

Response

This proposal delivers a single dwelling in a low density residential area. There is nothing about this proposal that impacts the provision of facilities or services required to meet the needs of residents in the area. In addition this proposal does not impact the ability of other sites in the locality from realizing the development potential.

- *To increase the supply of secondary dwellings for affordable rental housing stock*

Response

This proposal simply replaces an existing older dwelling with a single dwelling. There is no proposal for a secondary dwelling, however this proposal does not limit the opportunity for sites in the locality to accommodate secondary dwellings.

- *To provide economic and employment opportunities for people who conduct business activities from their homes where these will not adversely affect the amenity of neighbours or the neighbourhood*

Response

This proposal is for the replacement of a single dwelling. There is no application to conduct a business from the dwelling at this point in time.

Step 3: Environmental Planning Grounds

Allowing this variation to the floor space ratio provides the following environmental benefits without resulting in any negative impacts to neighbouring properties or the Gerroa local area.

- **The Nature of the Variation** - The variation being sought relates entirely to floor area (additional vehicle & equipment storage) that is predominantly subterranean and strictly non-habitable space.
- **Preserves area for deep soil/landscaping** - By placing the additional car parking and storage underground, the development maximizes the site's "optimum capacity" at ground level. This preserves more area for deep soil planning, landscaping, and private open space, which directly aligns with the low-density character of Gerroa.
- **Absence of aboveground bulk / topography adaptation** - The subject site has a 6.0m – 7.0m fall from street frontage to rear. The basement storage area which generates the excess gross floor

area utilizes the natural fall of the land. Excavating a basement is a superior architectural response that minimizes the overall height and building mass above ground.

- **Public views** - The proposal has required innovative architectural design to Orientation walkway and reserve and expansive ocean foreshore. By allowing the variation, the subterranean basement area ensures storage of cars and equipment is out of sight and public viewing.

- **Amenity Protection** - the excess gross floor area which technically generates the breach of the FSR development standard is predominantly subterranean, below the living levels and creates zero adverse impacts regarding overshadowing, loss of solar access, or acoustic/visual privacy to adjacent neighbouring properties. The basement storage area proposed does not contribute to excess bulk & scale of the dwelling.

- **Streetscape vitality** - Allowing a variation to the FSR to accommodate a non-habitable, subterranean basement will deliver a superior planning outcome compared to a strictly compliant design. A compliant design would result in a large non-usable void area at the lower ground floor level and as the site has a relatively narrow 13.22m frontage, there is no room to allow for additional cars, bikes & equipment storage. The result being, the common occurrence in residential properties, where the garage area becomes storage, forcing car parking to occupy the street frontage. Which is perfectly legal, however it does not contribute to a vibrant, active streetscape. The issue of congestion on Stafford Street is a reality and this proposal makes a significant effort to avoid contributing to the problem. Hence, as proposed, the non-habitable basement storage is the only practical option for the additional car parking and storage.

- **Planning Grounds** - The issue of density of habitable spaces is essentially what dictates population density, traffic generation, and privacy impacts. This proposal strictly adheres to Council's expectations in terms of development controls and standards with the one exception excess gross floor area above the FSR. The proposed basement merely stores vehicles and supporting equipment, generating zero additional occupancy strain on local infrastructure.

Note: [s35B](#) of the Environmental Planning and Assessment Regulation, 2021 requires that a DA that proposes development that contravenes a development standard, the DA must be accompanied by a document that sets out to demonstrate that the grounds on which the applicant seeks to demonstrate compliance with the development standard is unreasonable or unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify the contravention of the development standard.

Assessing Officer Commentary

Unreasonable or Unnecessary

The proposal includes a formal written request made pursuant to Cl.4.6 to vary the floor space ratio standard. The relevant development standards including building height have been achieved.

The proposed development has been designed to sit sympathetically within the existing streetscape of Gerroa. Despite the substantial numerical departure from the development standard for floor space ratio, the presentation of the dwelling to the street, public domain and adjoining properties is proportionate.

Compliance with the floor space ratio control has been demonstrated to be unreasonable and unnecessary in this case as the proposed development achieves the R2 zone objectives, Clause 4.4 objectives and Kiama DCP requirements relating to the built form and is consistent with, and sympathetic to, the existing and desired future streetscape character of the locality.

The proposed variation itself will not result in an increased residential density in the area and despite the numerical departure being substantial, the design of the dwelling house is such that the development does not exceed the optimum capacity of the site.

In this regard the proposed variation is consistent with the objectives of Clause 4.4 as well as the objectives of the R2 Low Density Residential zone.

Sufficient Environmental Planning Grounds

The applicant's written statement identifies several important factors relating to the environmental planning grounds sufficient to justify the numerical departure from the floor space ratio development standard.

While the specific area of the floor space ratio exceedance is not isolated to a single component of the dwelling design, it is important to note that the dwelling itself otherwise complying with building height, design and setback requirements as well as providing compliant car parking, built form articulation and the adequate preservation of views and solar/acoustic amenity to adjoining developments, demonstrates that the proposal is an orderly and economic use of the land.

The amenity, streetscape and design outcomes resulting from the proposed development adequately demonstrate that there are sufficient environmental planning grounds in this instance to soundly justify the numerical departure from the development standard.

Item 15.1

Enclosure 1

**PROPOSED NEW RESIDENCE
142 STAFFORD ST. GERROA
FOR
B & R ELFAR**

2414 DA 00 SITE ANALYSIS PLAN
2414 DA 01 SITE PLAN
2414 DA 02 GROUND FLOOR PLAN
2414 DA 02 LOWER GROUND FLOOR PLAN
2414 DA 04 ELEVATIONS 1
2414 DA 05 ELEVATIONS 2
2414 DA 06 ROOF PLAN
2414 DA 07 SECTIONS
2414 DA 08 STREET VIEW ANALYSIS
2414 DA 09 DEMOLITION PLAN
2414 DA 10 SEDIMENTATION CONTROL PLAN
2414 DA 11 LANDSCAPE PLAN
2414 DA 12 WINDOW SCHEDULE

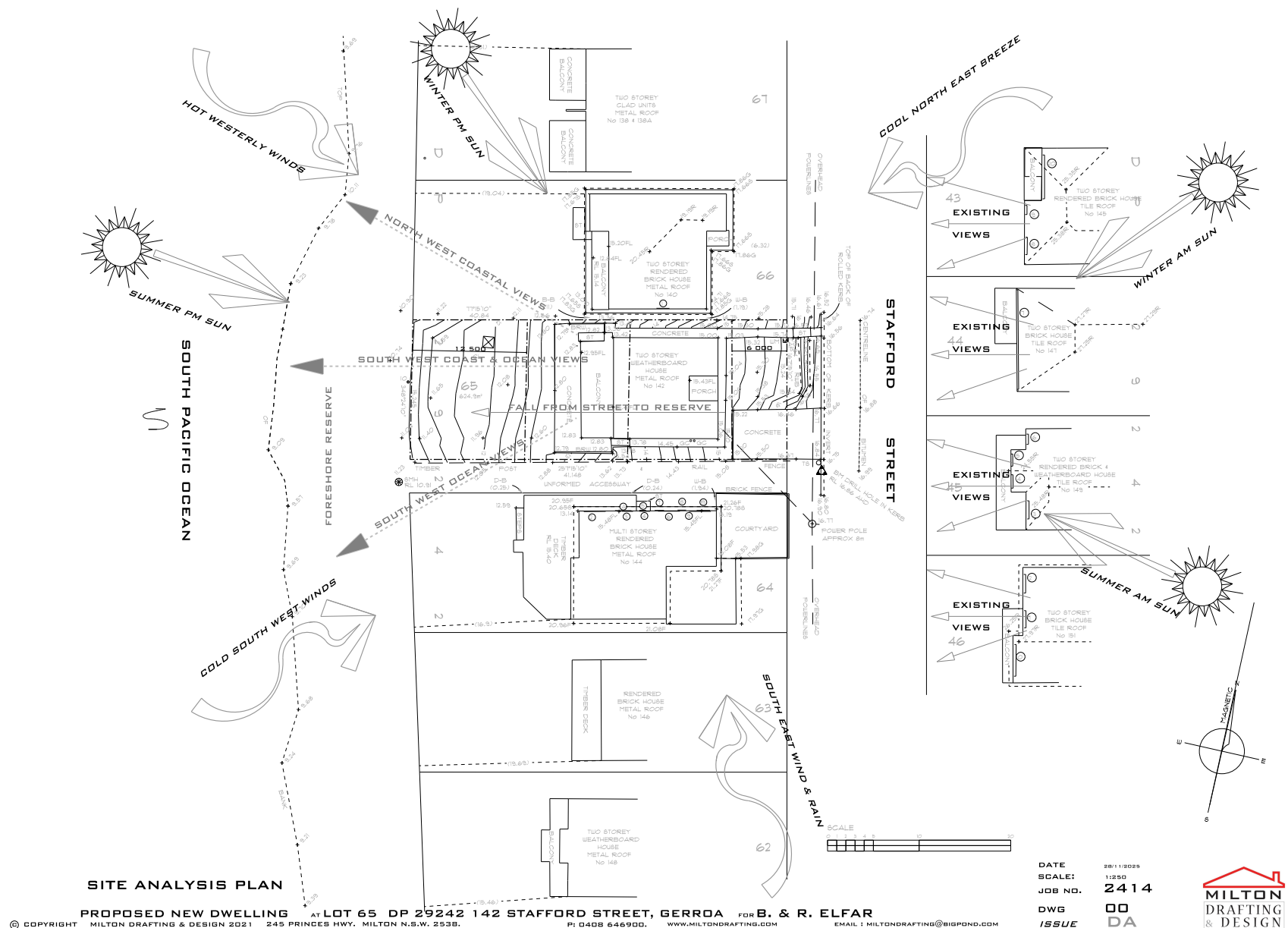


**Item 15.1 - Determination of DA 10.2026.65.1: Lot 65 - 142
Stafford Street Gerroa - Demolition of existing dwelling &
construction of new 2 storey dwelling house**

Enclosures 2 - 10.2026.65.1 - Plans

Enclosure 2

Item 15.1



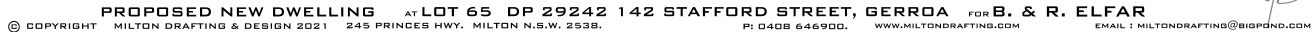
Enclosure 2

Item 15.1

Enclosures 2 - 10.2026.65.1 - Plans



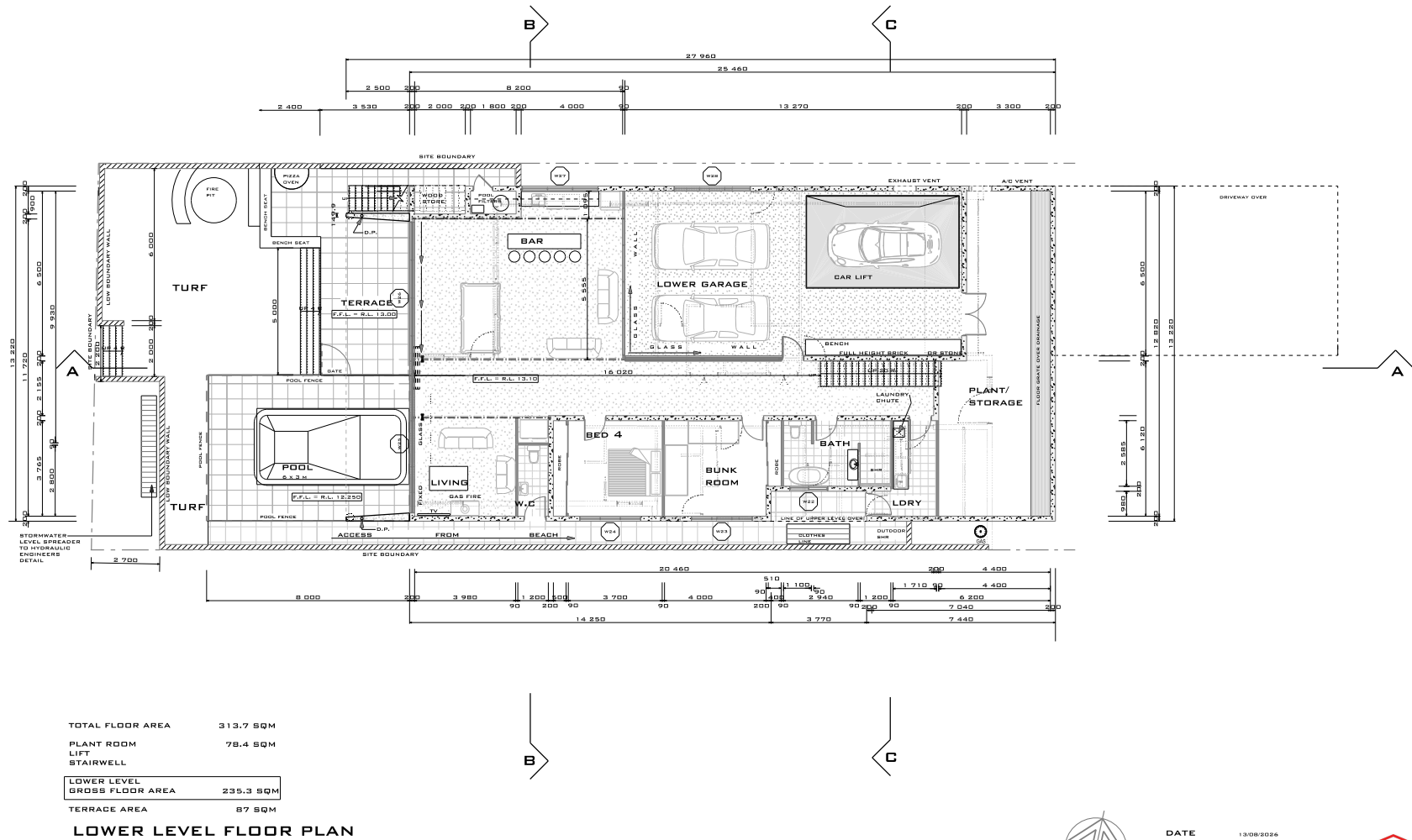
MILTON
DRAFTING
& DESIGN



Enclosures 2 - 10.2026.65.1 - Plans



MILTON
DRAFTING
& DESIGN

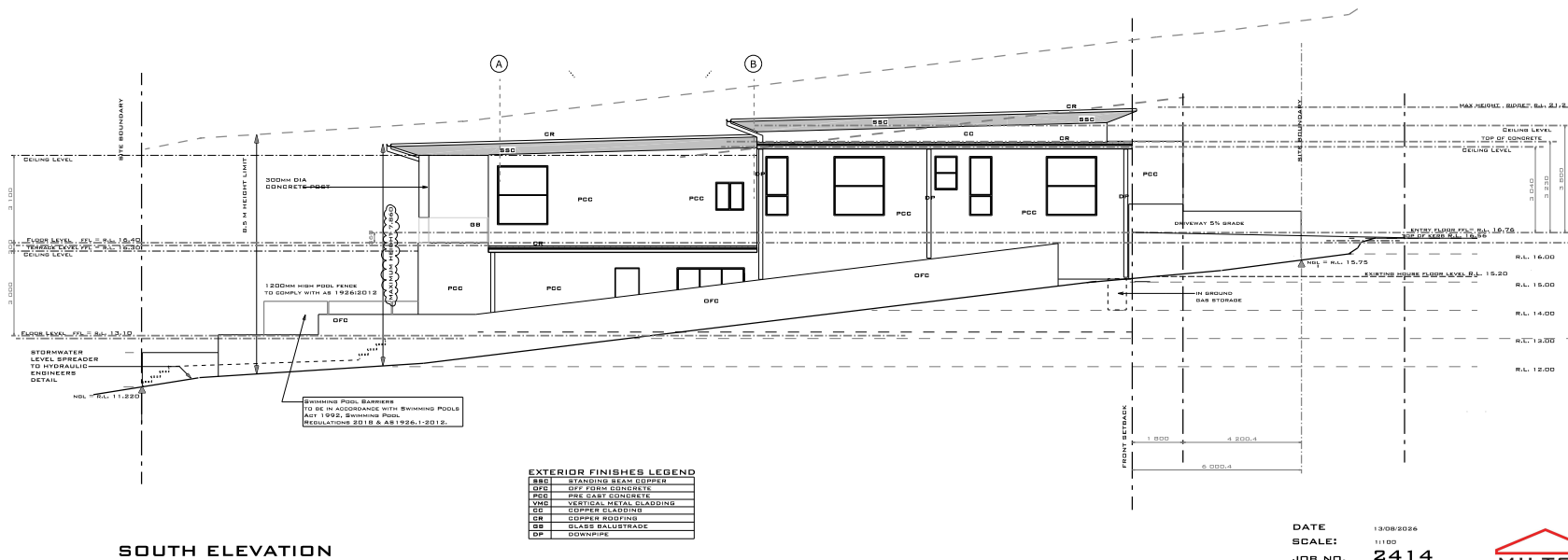
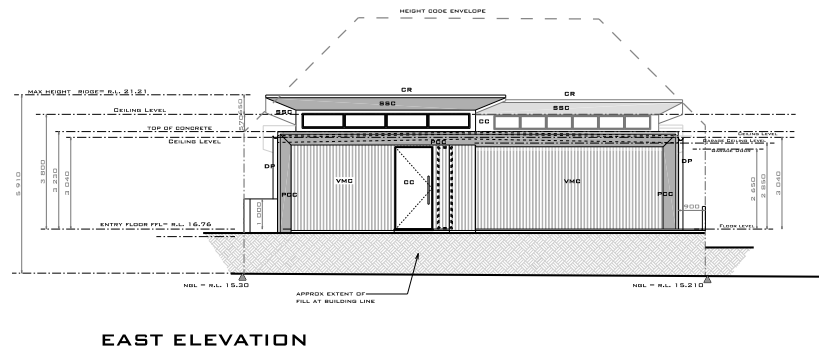


Item 15.1 - Determination of DA 10.2026.65.1: Lot 65 - 142 Stafford Street Gerroa - Demolition of existing dwelling & construction of new 2 storey dwelling house

Enclosures 2 - 10.2026.65.1 - Plans

Enclosure 2

Item 15.1

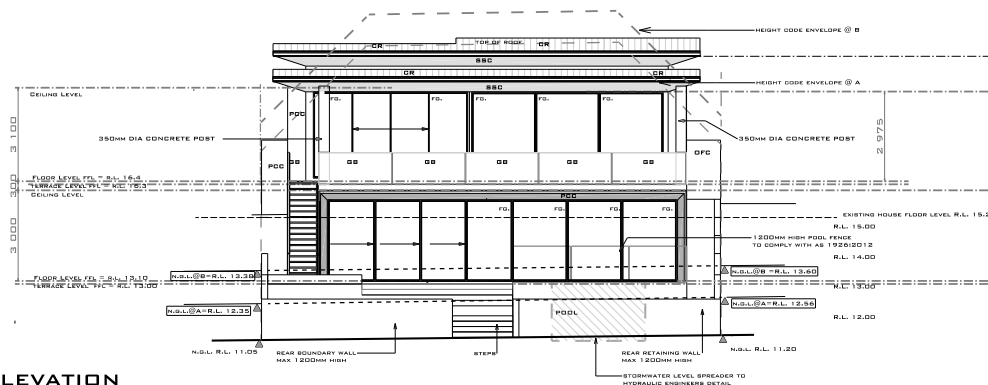


EXTERIOR FINISHES LEGEND	
BSC	STANDING SEAM COPPER
PCC	PNEUMATICALLY APPLIED CONCRETE
CR	COPPER CLADDING
CR	COPPER ROOFING
CR	GLASS BALUSTRADE
DP	DOWNPIPE

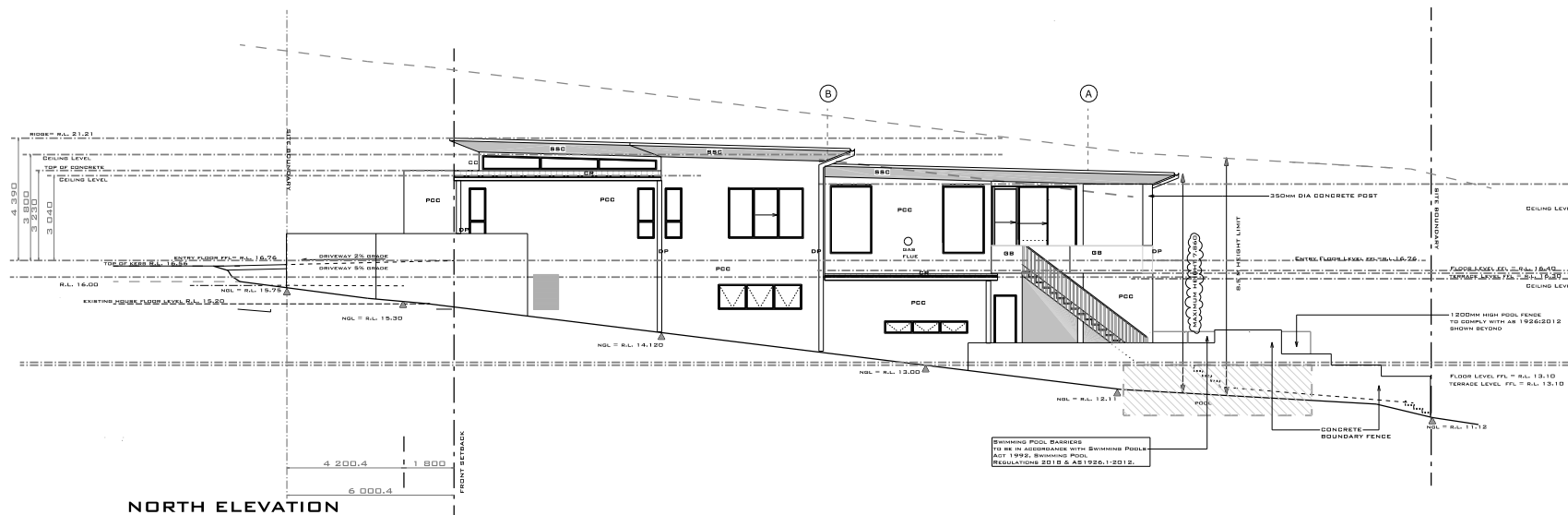
PROPOSED NEW DWELLING AT LOT 65 DP 29242 142 STAFFORD STREET, GERROA FOR B. & R. ELFAR
 © COPYRIGHT MILTON DRAFTING & DESIGN 2021 245 PRICES HWY, MILTON N.S.W. 2538. P: 0408 646900. WWW.MILTONDRAFTING.COM EMAIL: MILTONDRAFTING@BIGPOND.COM

DATE 13/08/2026
 SCALE: 1:100
 JOB NO. 2414
 DWG 04 - R1
 ISSUE DA





WEST ELEVATION



NORTH ELEVATION

EXTERIOR FINISHES LEGEND	
BRF	STANDING BRICK COURSE
DFC	OFF FORM CONCRETE
PCC	POLYMER CONCRETE
VMS	VERTICAL METAL SLABING
CC	COPPER CLADDING
CR	COPPER ROOFING
BR	BRICK BALUSTRADE
DP	DOWNPIPE

PROPOSED NEW DWELLING AT LOT 65 DP 29242 142 STAFFORD STREET, GERROA FOR B. & R. EL FAR
 © COPYRIGHT MILTON DRAFTING & DESIGN 2021 245 PRINCES HWY. MILTON N.S.W. 2538. P: 0408 646900. WWW.MILTONDRAFTING.COM EMAIL: MILTONDRAFTING@BIGPOND.COM

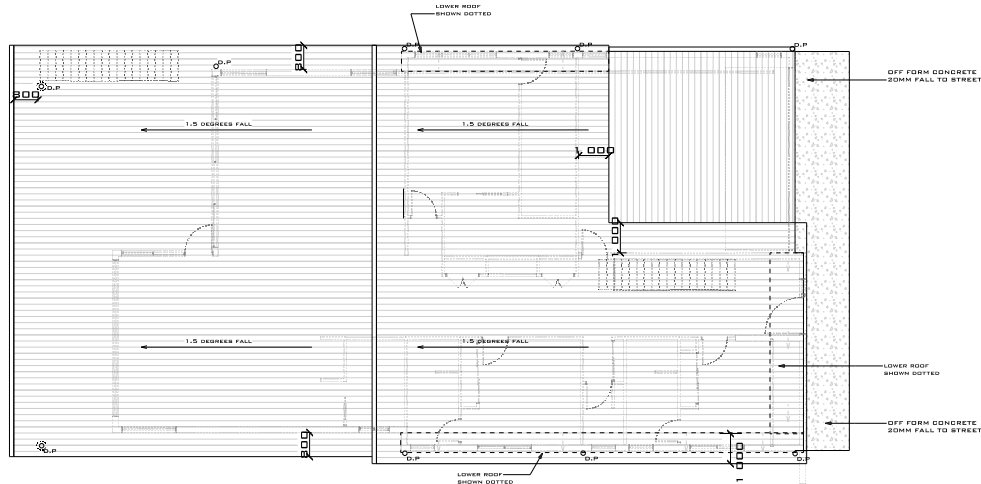
DATE 13/08/2026
 SCALE: 1:100
 JOB NO. 2414
 DWG 05+1
 ISSUE DA



50' 11" 25' 11" 20' 11" 15' 11" 10' 11" 5' 11" 0' 11" 5' 11" 10' 11" 15' 11" 20' 11" 25' 11" 30' 11" 35' 11" 40' 11" 45' 11" 50' 11"



DATE 28/11/2025
SCALE: 1:100
JOB NO. 2414
DWG 06
ISSUE DA

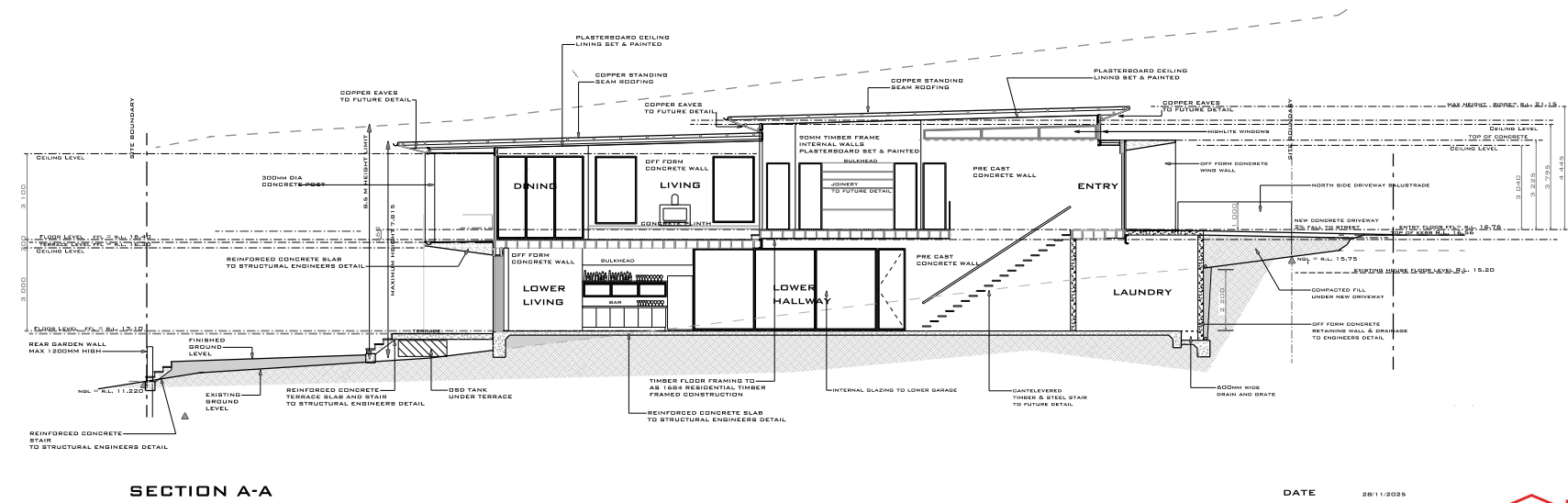
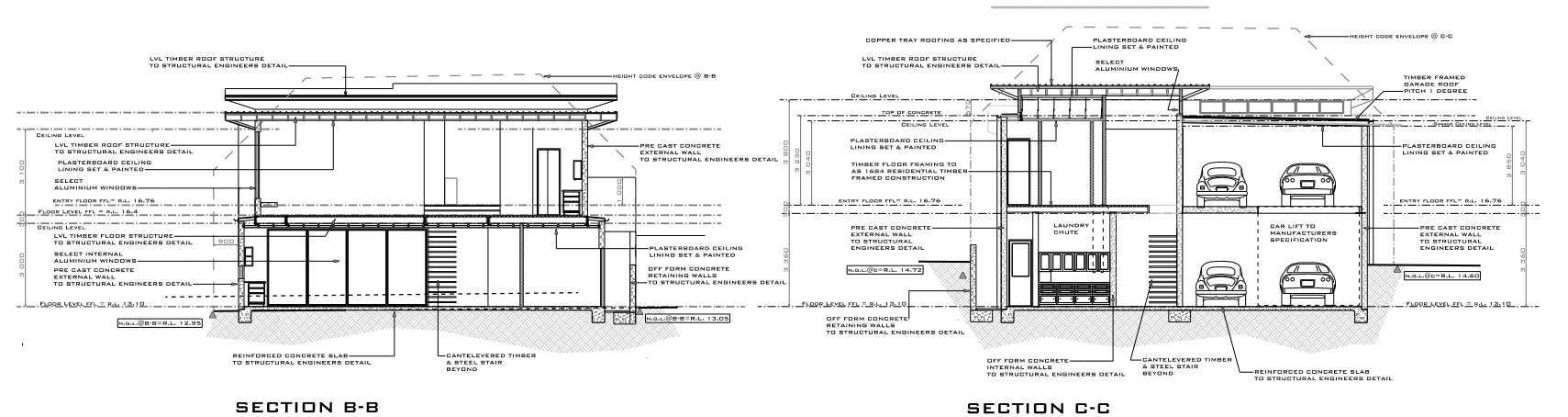


ROOF PLAN

PROPOSED NEW DWELLING AT LOT 65 DP 29242 142 STAFFORD STREET, GERROA FOR B. & R. EL FAR
© COPYRIGHT MILTON DRAFTING & DESIGN 2021 245 PRINCES HWY. MILTON N.S.W. 2538. P: 0408 646900. WWW.MILTONDRAFTING.COM EMAIL: MILTONDRAFTING@BIGPOND.COM

Item 15.1 - Determination of DA 10.2026.65.1: Lot 65 - 142 Stafford Street Gerroa - Demolition of existing dwelling & construction of new 2 storey dwelling house

Enclosures 2 - 10.2026.65.1 - Plans



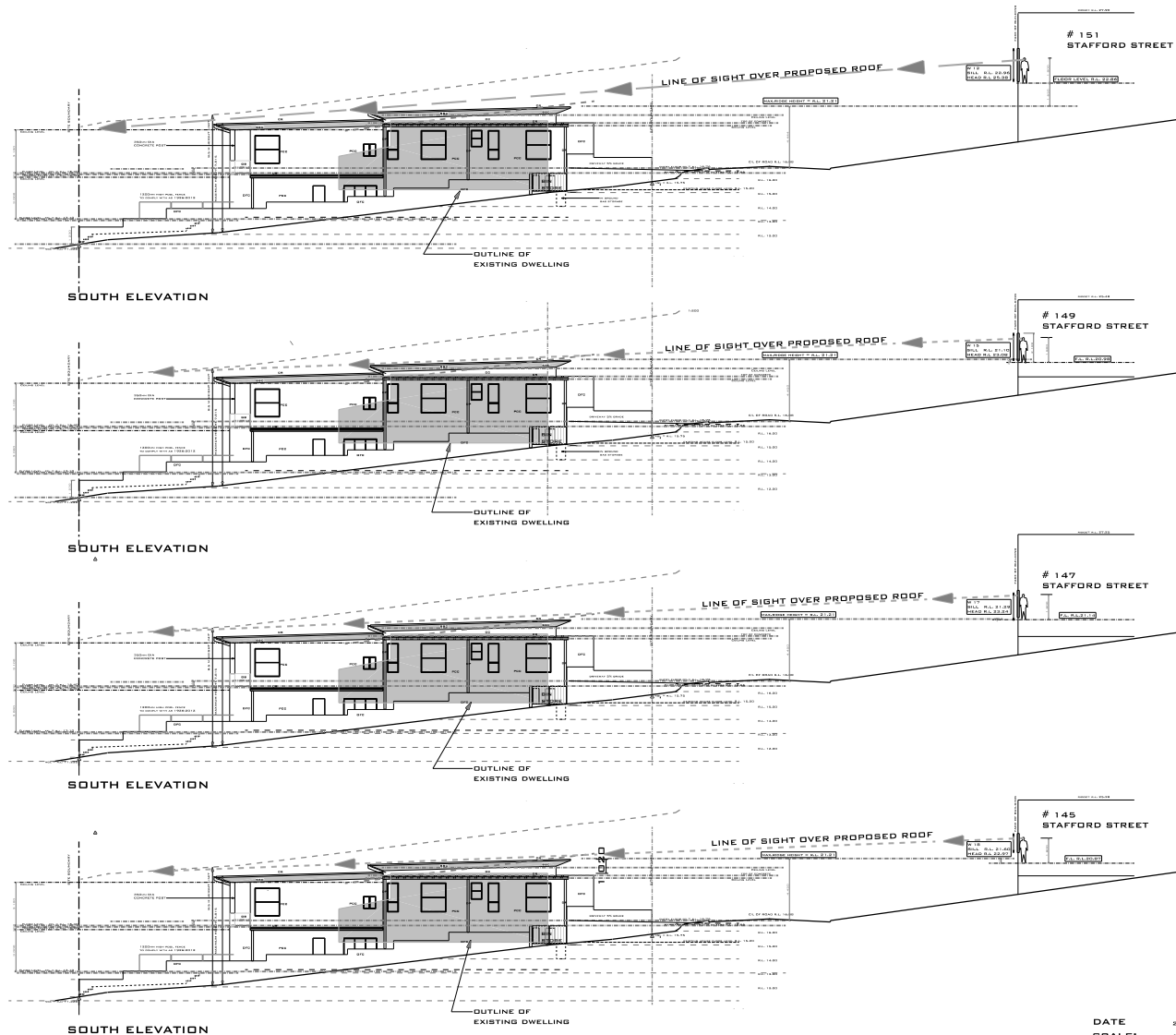
PROPOSED NEW DWELLING AT LOT 65 DP 29242 142 STAFFORD STREET, GERROA FOR B. & R. ELFAR
© COPYRIGHT MILTON DRAFTING & DESIGN 2021 245 PRINCES HWY, MILTON N.S.W. 2538. P: 0408 646900. WWW.MILTONDRAFTING.COM EMAIL: MILTONDRAFTING@BIGPOND.COM

DATE 28/11/2025
SCALE: 1:100
JOB NO. 2414
DWG 07
ISSUE DA



Enclosure 2

Item 15.1



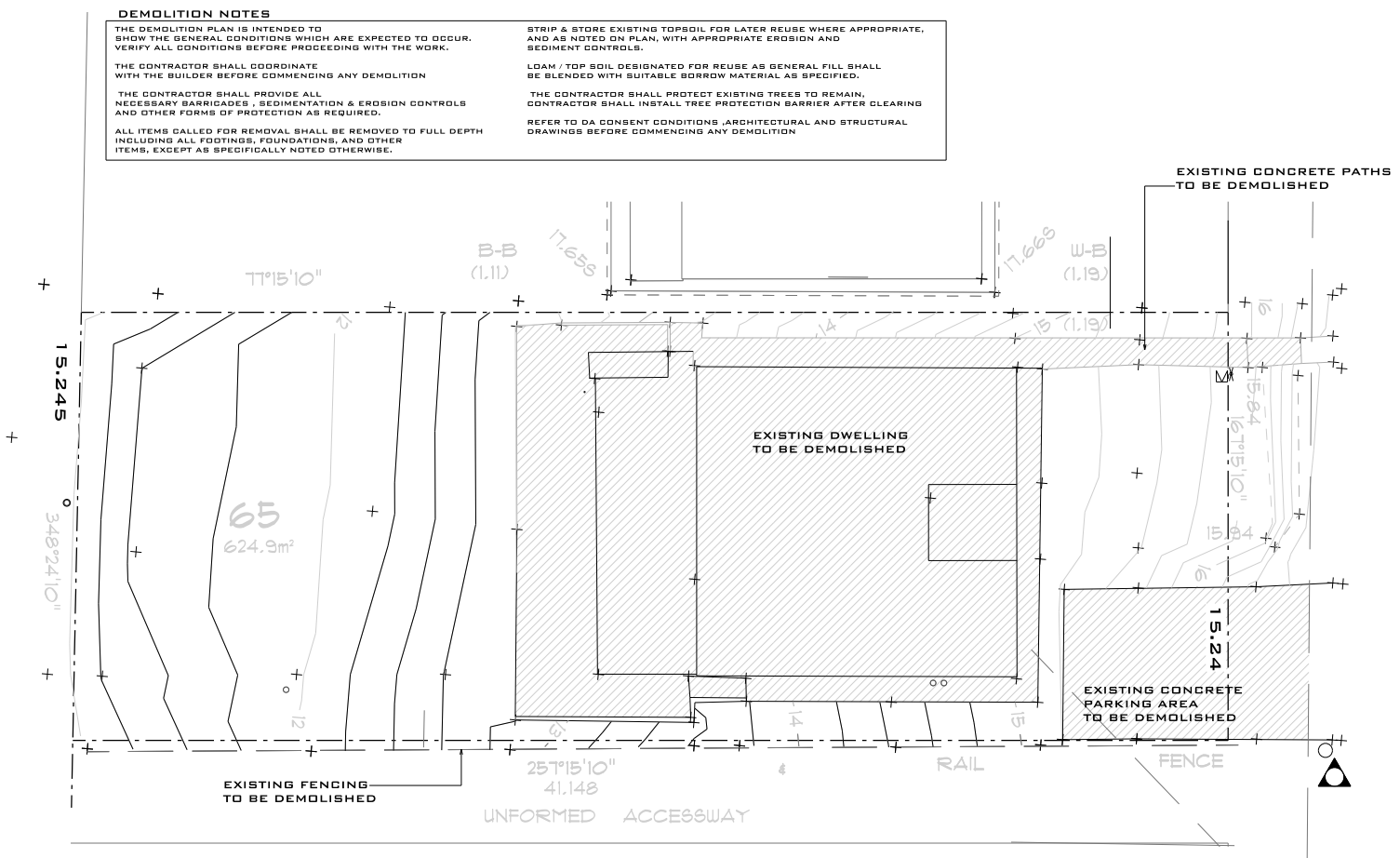
STAFFORD ST VIEW ANALYSIS

PROPOSED NEW DWELLING AT LOT 65 DP 29242 142 STAFFORD STREET, GERROA FOR B. & R. EL FAR
 © COPYRIGHT MILTON DRAFTING & DESIGN 2021 245 PRINCES HWY, MILTON N.S.W. 2538. P: 0408 646900. WWW.MILTONDRAFTING.COM EMAIL: MILTONDRAFTING@BIGPOND.COM

DATE 28/11/2025
 SCALE: 1:200
 JOB NO. 2414
 DWG 08
 ISSUE DA



STAFFORD STREET



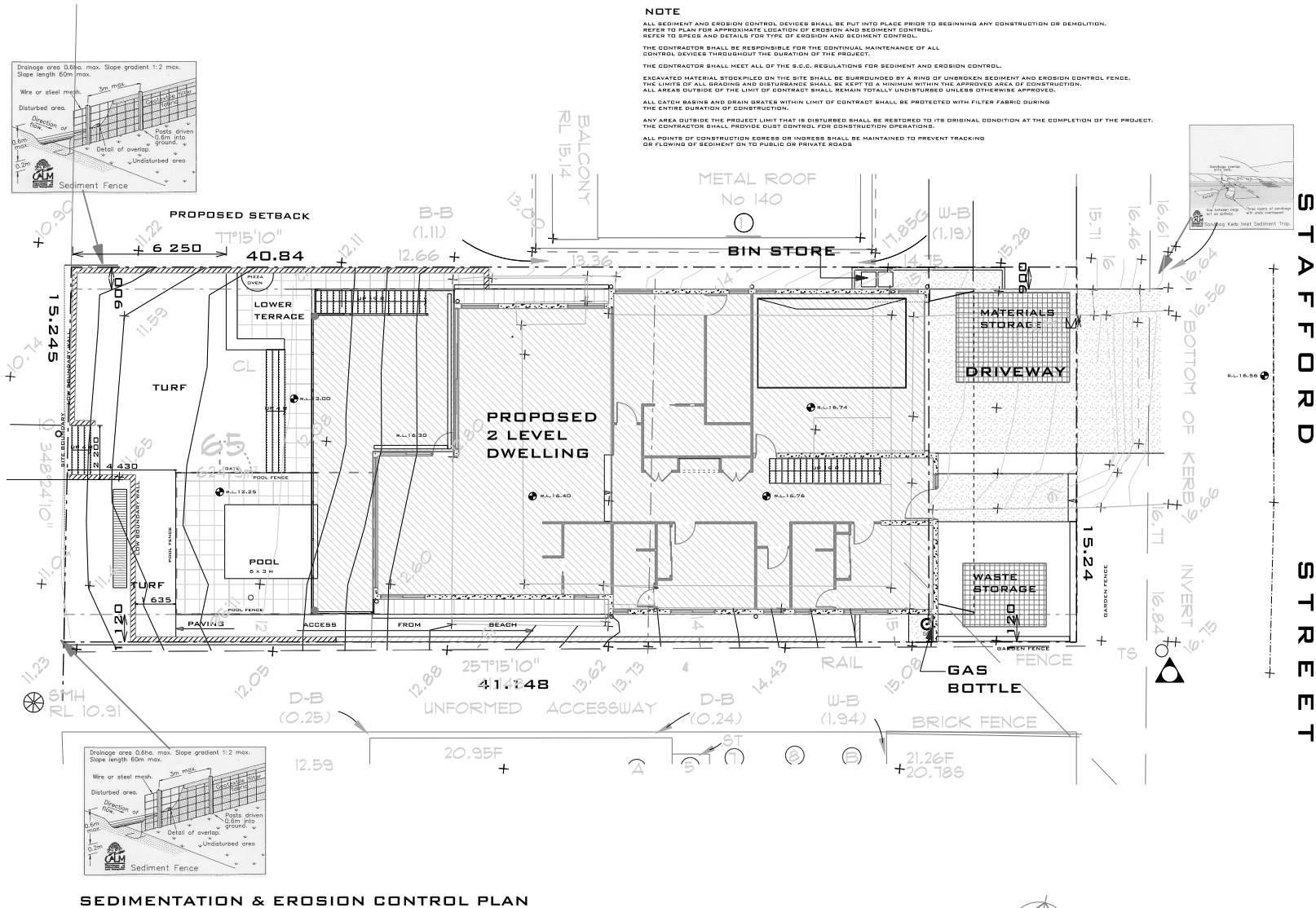
DEMOLITION PLAN

PROPOSED NEW DWELLING AT LOT 65 DP 29242 142 STAFFORD STREET, GERROA FOR B. & R. ELFAR
© COPYRIGHT MILTON DRAFTING & DESIGN 2021 245 PRINCES HWY. MILTON N.S.W. 2538. P: 0408 646900. WWW.MILTONDRAFTING.COM EMAIL: MILTONDRAFTING@BIGPOND.COM



DATE 28/11/2025
SCALE: 1:100
JOB NO. 2414
DWG 09
ISSUE DA

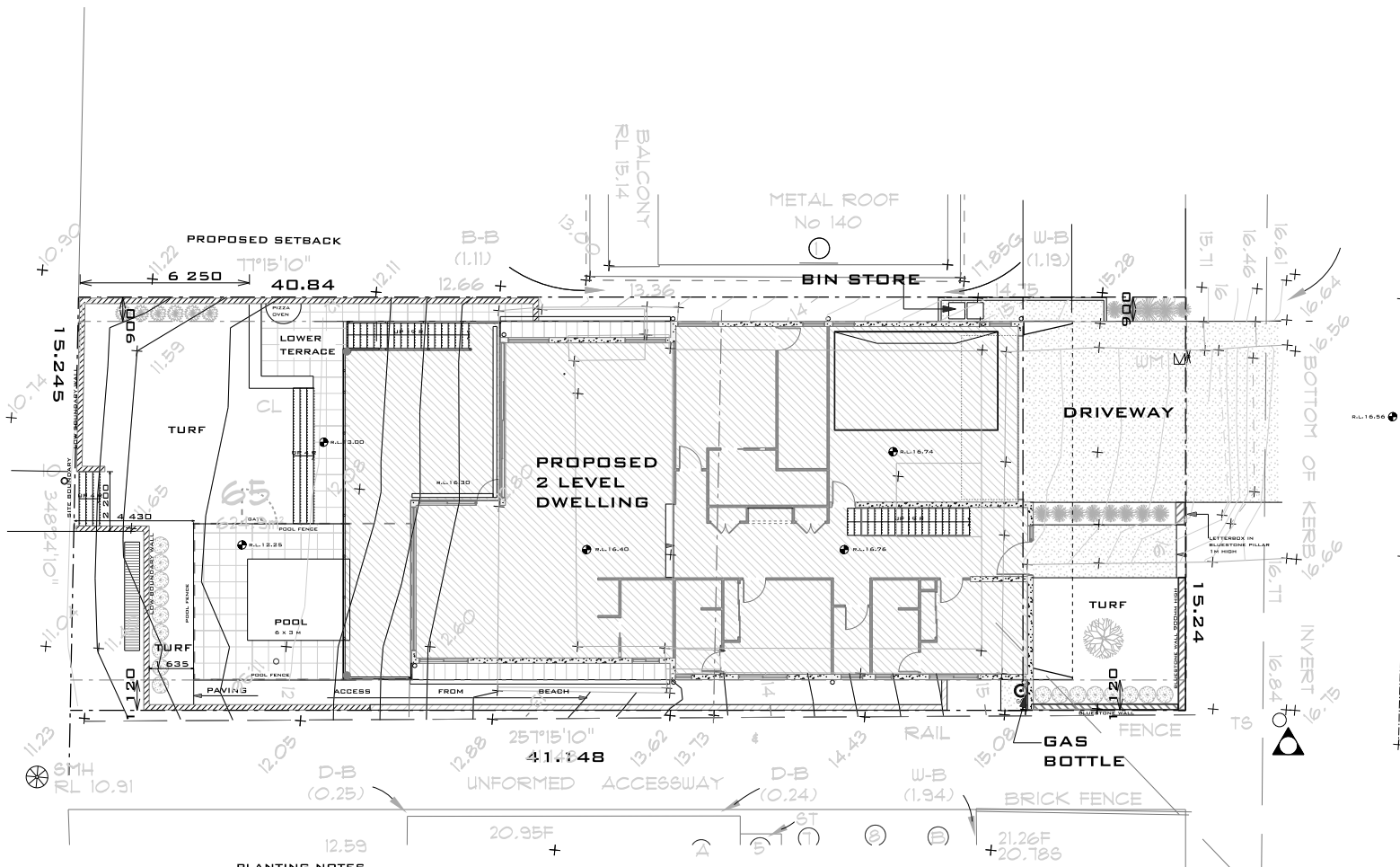




Item 15.1 - Determination of DA 10.2026.65.1: Lot 65 - 142 Stafford Street Gerroa - Demolition of existing dwelling & construction of new 2 storey dwelling house

Enclosures 2 - 10.2026.65.1 - Plans

STAFFORD STREET



OPENING SCHEDULE				
TYPE	HEIGHT	WIDTH	OPENING	ELEVATION
WINDROW	8'-00"	16'-00"	1	
WINDROW	10'-00"	16'-00"	1	
WINDROW	10'-00"	16'-00"	1	
WINDROW	10'-00"	16'-00"	1	
WINDROW	10'-00"	16'-00"	1	
WINDROW	10'-00"	16'-00"	1	
WINDROW	10'-00"	16'-00"	1	
WINDROW	10'-00"	16'-00"	1	
WINDROW	10'-00"	16'-00"	1	
WINDROW	10'-00"	16'-00"	1	
WINDROW	10'-00"	16'-00"	1	
WINDROW	10'-00"	16'-00"	1	
WINDROW	10'-00"	16'-00"	1	

OPENING SCHEDULE				
TYPE	HEIGHT	WIDTH	OPENING ID/COUNT	ELEVATION
WALKWAY OPENING	W 4000	1000	W 1	1
WALKWAY OPENING	W 1000	1 0000	W 2 W 3	1
WALKWAY OPENING	W 1000	0000	W 4	1
WALKWAY OPENING	W 3000	0000	W 5	1
WALKWAY OPENING	W 1000	1 0000	W 7	1
WALKWAY OPENING	W 1000	1 0000	W 8	1
WALKWAY OPENING	W 6000	0 0000	W 9	1
WALKWAY OPENING	W 6000	0 1000	W 10	1
WALKWAY OPENING	W 6000	0 1000	W 11	1
WALKWAY OPENING	W 6000	0 1000	W 12	1
WALKWAY OPENING	W 4000	1 0000	W 13 W 14	1
WALKWAY OPENING	W 6000	0 1000	W 15	1
WALKWAY OPENING	W 6000	0000	W 16 W 17 W 18	1 1 1



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	10.2026.65.1 PAN-629857
Applicant	Mr A Bell 245 Princes Highway MILTON NSW 2538
Description of development	Demolition and new dwelling house - Proposed demolition of existing two-storey dwelling and construction of a new two-storey dwelling and inground pool.
Property	142 Stafford Street GERROA NSW 2534 LOT: 65 DP: 29242
Determination	Approved Consent Authority - Council
Date of determination	-- "-- "-- "{{, "d MMMM yyyy"}}" is not supported. --" is not supported. --" is not supported. --
Date on which the consent lapses	-- "-- "-- "{{, "d MMMM yyyy"}}" is not supported. --" is not supported. --" is not supported. --
Date from which the consent operates	-- "-- "-- "{{, "d MMMM yyyy"}}" is not supported. --" is not supported. --" is not supported. --

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Reasons for approval

The proposal:

- is considered to be consistent with all relevant Environmental Planning Instruments and Development Control Plans, and
- is not likely to cause significant adverse impacts to the natural or built environment, and
- is not likely to cause significant adverse social and economic impacts.

Right of appeal / request a review of the determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Mr A Shortle
Development Assessment Officer - Planning
Person on behalf of the consent authority

For further information, please contact Kiama Council on 02 4232 0444 or by emailing council@kiama.nsw.gov.au

Item 15.1

Enclosure 3

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1.	Prescribed conditions The development must comply with Part 4, Division 2, Subdivision 1, of the <i>Environmental Planning and Assessment Regulation 2021</i>, as applicable. Condition Reason: To ensure the development is carried out in accordance with the relevant legislation.																																																		
2.	Approved plans and supporting documentation Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise. <table><tr><th colspan="5">Approved Plans</th></tr><tr><th>Plan number</th><th>Revision number</th><th>Plan title</th><th>Drawn by</th><th>Date of plan</th></tr><tr><td>00</td><td>DA</td><td>Site Analysis Plan</td><td>Milton Drafting and Design</td><td>28/11/2025</td></tr><tr><td>01-R1</td><td>DA</td><td>Site Plan</td><td>Milton Drafting and Design</td><td>13/08/2026</td></tr><tr><td>02</td><td>DA</td><td>Ground Floor Plan</td><td>Milton Drafting and Design</td><td>28/11/2025</td></tr><tr><td>03-R1</td><td>DA</td><td>Lower Ground Floor Plan</td><td>Milton Drafting and Design</td><td>13/08/2026</td></tr><tr><td>04-R1</td><td>DA</td><td>Elevations 1</td><td>Milton Drafting and Design</td><td>13/08/2026</td></tr><tr><td>05-R1</td><td>DA</td><td>Elevations 2</td><td>Milton Drafting and Design</td><td>13/08/2026</td></tr><tr><td>06</td><td>DA</td><td>Roof Plan</td><td>Milton Drafting and Design</td><td>28/11/2025</td></tr><tr><td>07</td><td>DA</td><td>Sections</td><td>Milton Drafting and Design</td><td>28/11/2025</td></tr></table>	Approved Plans					Plan number	Revision number	Plan title	Drawn by	Date of plan	00	DA	Site Analysis Plan	Milton Drafting and Design	28/11/2025	01-R1	DA	Site Plan	Milton Drafting and Design	13/08/2026	02	DA	Ground Floor Plan	Milton Drafting and Design	28/11/2025	03-R1	DA	Lower Ground Floor Plan	Milton Drafting and Design	13/08/2026	04-R1	DA	Elevations 1	Milton Drafting and Design	13/08/2026	05-R1	DA	Elevations 2	Milton Drafting and Design	13/08/2026	06	DA	Roof Plan	Milton Drafting and Design	28/11/2025	07	DA	Sections	Milton Drafting and Design	28/11/2025
Approved Plans																																																			
Plan number	Revision number	Plan title	Drawn by	Date of plan																																															
00	DA	Site Analysis Plan	Milton Drafting and Design	28/11/2025																																															
01-R1	DA	Site Plan	Milton Drafting and Design	13/08/2026																																															
02	DA	Ground Floor Plan	Milton Drafting and Design	28/11/2025																																															
03-R1	DA	Lower Ground Floor Plan	Milton Drafting and Design	13/08/2026																																															
04-R1	DA	Elevations 1	Milton Drafting and Design	13/08/2026																																															
05-R1	DA	Elevations 2	Milton Drafting and Design	13/08/2026																																															
06	DA	Roof Plan	Milton Drafting and Design	28/11/2025																																															
07	DA	Sections	Milton Drafting and Design	28/11/2025																																															

09	DA	Demolition Plan	Milton Drafting and Design	28/11/2025
10-R1	DA	Sedimentation Control Plan	Milton Drafting and Design	13/08/2026
S001	A	Cover Sheet	MI Engineers	20/11/2025
S002	A	Notes	MI Engineers	20/11/2025
S010	A	Lower Level Floor Plan	MI Engineers	20/11/2025
S011	A	Lower Level Sections	MI Engineers	20/11/2025
S020	A	Entry Level Floor Plan	MI Engineers	20/11/2025
S040	A	Roof Framing Plan	MI Engineers	20/11/2025
S051	A	Sections Sheet	MI Engineers	20/11/2025
S070	A	Precast Details	MI Engineers	20/11/2025
H-01	-	Title Legend and Location	NDP Hydraulics	17/11/2025
H-02	-	Specifications and Details	NDP Hydraulics	17/11/2025
H-03	Rev 4	Site Plan	NDP Hydraulics	12/08/2026
H-04	Rev 4	Lower Ground Plan	NDP Hydraulics	12/08/2026
H-05	-	Lower and Inground level layout	NDP Hydraulics	17/11/2025
H-06	-	Ground Level Layout	NDP Hydraulics	17/11/2025
H-07	-	Roof Level Layout	NDP Hydraulics	17/11/2025
H-08	Rev 4	Details	NDP Hydraulics	12/08/2026
Approved Documents				
Document title	Version number	Prepared by	Date of document	
Materials and Colour Schedule	-	Milton Drafting and Design	-	
Waste Management Plan	-	-	-	

Item 15.1

Enclosure 3

	<table><tr><td>BASIX Certificate</td><td>1827518S</td><td>Mr Khalid Hamzy</td><td>22/04/2026</td></tr></table> *The approved BASIX Certificate may only be updated, without the need to lodge a modification to the development consent, where any change to the BASIX Commitments does not result in the proposal being inconsistent with this development consent and/or alter the approved development application plans. In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans and the condition of this consent, the condition prevails.	BASIX Certificate	1827518S	Mr Khalid Hamzy	22/04/2026
BASIX Certificate	1827518S	Mr Khalid Hamzy	22/04/2026		
	Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.				
3.	Concurrence and Referral The recommended conditions/General Terms of Approval issued by the following agencies, Reference No: CNR-94897, are included as conditions of this consent and must be complied with: <table><tr><td>Agency</td><td>Dated</td></tr><tr><td>Sydney Water</td><td>14/05/2026</td></tr></table> Condition Reason: Compliance with relevant legislation, standards, guidelines and codes.	Agency	Dated	Sydney Water	14/05/2026
Agency	Dated				
Sydney Water	14/05/2026				

DEMOLITION WORK BEFORE DEMOLITION WORK COMMENCES

4.	Protection of adjoining land A temporary hoarding or temporary construction site fence must be erected between the work site and the adjoining land before works commence. The temporary hoarding or temporary construction site fence must be kept in place until the works are completed if the works – a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or b) could cause damage to adjoining land by falling objects, or c) involve the enclosure of a public place or part of a public place.
	Condition Reason: To ensure public safety.

5.	Deliveries While site work is being carried out, deliveries of material and equipment must only be carried out between— • 7.00am to 5.00pm on Mondays to Fridays, and • 8.00am to 1.00pm on Saturdays No deliveries are to take place on Sundays or Public Holidays. Condition Reason: To protect the amenity of neighbouring properties.
6.	Utilities and services Before demolition work commences, the developer shall ensure that service utilities such as water, electricity or any other relevant utilities or services are safely disconnected in accordance with the relevant service providers requirements. Condition Reason: To ensure appropriate safety measures are undertaken.
7.	Works within the road reserve Before undertaking any works within an existing road reserve, approval under section 138 of the <i>Roads Act, 1993</i> must be obtained. The following details must be submitted to Council as part of the application: - any civil works design required by this consent, - evidence of the contractor's Public Liability Insurance to an amount of \$20 million, - name and contact information of the person responsible for all relevant works, - a Traffic Control Plan prepared, signed and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation. Condition Reason: Compliance with relevant legislation, standards, guidelines and codes.
8.	Toilet facilities - temporary Toilet facilities must be available or provided at the work site before demolition works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site. Each toilet must: • be a standard flushing toilet connected to a public sewer, or have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>, or • be a temporary chemical closet approved under the <i>Local Government Act 1993</i>. Condition Reason: To ensure appropriate amenities onsite.
9.	Asbestos removal signage Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent

	position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.
	Condition Reason: To alert the public to any danger arising from the removal of asbestos.
10.	Demolition Management Plan Before demolition work commences, a Demolition Management Plan must be prepared by a suitably qualified person and provided to the Principal Certifier. The Demolition Management Plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, Kiama Development Control Plan 2020 and must include the following matters: a) The proposed demolition methods b) The materials for and location of protective fencing and any hoardings to the perimeter of the site c) Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones d) Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles e) Protective measures for on-site tree preservation and trees in adjoining public domain (if applicable) (including in accordance with AS 4970-2009 Protection of trees on development sites and Kiama Development Control Plan 2020 f) Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways g) Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent h) Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines i) Details of any bulk earthworks to be carried out j) Details of re-use and disposal of demolition waste material in accordance with Kiama Development Control Plan 2020 k) Location of any reusable demolition waste materials to be stored on-site (pending future use) l) Location and type of temporary toilets onsite m) A garbage container with a tight-fitting lid. Condition Reason: To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.

11.	Notice of commencement for demolition At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include: a) name b) address c) contact telephone number d) licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and e) the contact telephone number of council and f) the contact telephone number of SafeWork NSW (4921 2900).
	Condition Reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries.
12.	Site preparation Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are complete: a) Protective fencing and any hoardings to the perimeter on the site b) Access to and from the site c) Construction traffic management measures d) Protective measures for on-site tree preservation and trees in adjoining public domain e) Onsite temporary toilets f) A garbage container with a tight-fitting lid.
	Condition Reason: To protect workers, the public and the environment.

DURING DEMOLITION WORK

13.	Demolition Any demolition must be carried out in accordance with AS 2601-2001 The demolition of structures.
	Condition Reason: To ensure safety and other appropriate measures are undertaken.
14.	Handling of asbestos during demolition While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

	a) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material; b) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting, must be registered with the Environmental Protection Authority (EPA) online reporting tool WasteLocate.
	Condition Reason: To ensure the removal of asbestos is undertaken safely and professionally.
15.	Hours of work Site work must only be carried out between the following times: 7.00am to 5.00pm on Mondays to Fridays, and 8.00am to 1.00pm on Saturdays No work is to be carried out on Public Holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
	Condition Reason: To protect the amenity of the surrounding area.
16.	Implementation of the site management plans While site work is being carried out: a) the measures required by the Construction Site Management Plan and the Erosion and Sediment Control Plan (plans) must be implemented at all times, and b) a copy of these plans must be kept on site at all time and made available to Council officers upon request.
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work.
17.	Noise – demolition and construction The noise from all demolition and construction activities associated with the approved development must comply with the work practices as outlined in the NSW Department of Environment and Climate Change Interim Construction Noise Guideline. The LA10 level measured over a period of not less than 15 minutes during works must not exceed the background (LA90) noise level by more than 10dB(A) when assessed at any sensitive noise receiver.
	Condition Reason: To ensure consideration of neighbouring uses.
18.	Waste management While demolition work is being carried out:

	a) all waste management must be undertaken in accordance with the Waste Management Plan, and; b) upon disposal of waste, records of the disposal must be compiled and provided to Council, detailing the following: i) The contact details of the person(s) who removed the waste ii) The waste carrier vehicle registration iii) The date and time of waste collection iv) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill v) The address of the disposal location(s) where the waste was taken vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. If waste has been removed from the site under an Environmental Protection Authority Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the Principal Certifier and Council.
	Condition Reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
19.	Site maintenance While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete: a) Protective fencing and any hoardings to the perimeter on the site b) Access to and from the site c) Construction traffic management measures d) Protective measures for on-site tree preservation and trees in adjoining public domain e) Onsite temporary toilets f) A garbage container with a tight-fitting lid.
	Condition Reason: To protect workers, the public and the environment.

ON COMPLETION OF DEMOLITION WORK

20.	Repair of infrastructure After completion of all site work: a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council, or
------------	---

	b) if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.
	Condition Reason: To ensure any damage to public infrastructure is rectified.
21.	Waste disposal verification statement On completion of demolition work: a) a signed statement must be submitted to Council verifying that demolition work, and any recycling of materials, was undertaken in accordance with the Waste Management Plan approved under this consent, and b) if the demolition work involved the removal of asbestos, an Asbestos Clearance Certificate issued by a suitably qualified person, must be submitted to Council within 14 days of completion of the demolition work.
	Condition Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken with the approved Waste Management Plan.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

22.	Local infrastructure contributions Before the issue of a Construction Certificate, a contribution in accordance with section 4.17 of the <i>Environmental Planning and Assessment Act 1979</i> and the Section 7.12 Contribution Plan, as shown in the table below must be paid to Council: <table border="1"> <tr> <td>7.12 Contribution Plan</td><td>\$9,934.00</td></tr> <tr> <td>Total Contribution Amount:</td><td>\$9,934.00</td></tr> </table> The contribution amount will be indexed until the date of payment in accordance with the contribution plan. Evidence of payment must be provided to the Certifying Authority. The Contribution Plan can be viewed on Council's website www.kiama.nsw.gov.au.	7.12 Contribution Plan	\$9,934.00	Total Contribution Amount:	\$9,934.00
7.12 Contribution Plan	\$9,934.00				
Total Contribution Amount:	\$9,934.00				
	Condition Reason: To ensure contributions are levied toward the provision of local public infrastructure.				
23.	Construction Site Management Plan Before the issue of a Construction Certificate, a Construction Site Management Plan must be prepared, and provided to the Certifier. The plan must include the following matters:				

	a) The location and materials for protective fencing and hoardings on the perimeter of the site; b) Provisions for public safety; c) Pedestrian and vehicular site access points and construction activity zones; d) Details of construction traffic management including: i) Proposed truck movements to and from the site; ii) Estimated frequency of truck movements; and iii) Measures to ensure pedestrian safety near the site; e) Details of bulk earthworks to be carried out; f) The location of site storage areas and sheds; g) The equipment used to carry out works; h) The location of a garbage container with a tight-fitting lid; i) Dust, noise and vibration control measures; j) The location of temporary toilets; k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: i) AS 4970 – Protection of trees on development sites; ii) An applicable Development Control Plan; iii) An arborist's report approved as part of this consent A copy of the Construction Site Management Plan must be kept on-site at all times while work is being carried out.
	Condition Reason: To require details of measures that will protect the public and the surrounding environment, during site works and construction.
24.	Erosion and sediment control plan Before the issue of a Construction Certificate, an Erosion and Sediment Control Plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the Certifier: a) the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), b) the 'Guidelines for Erosion and Sediment Control on Building Sites' (Department of Planning, Housing and Infrastructure) (dated 2024, as amended from time to time), and c) measures to ensure any excavated material deposited on public roads from works is removed within the same day.
	Condition Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.
25.	Long Service Levy Before the issue of the relevant Construction Certificate, the Long Service Levy must be paid to the Long Service Corporation of Council under the <i>Building and Construction</i>

	<i>industry Long Service Payment Act 1986</i>, section 34, and evidence of the payment is to be provided to the Certifier.
	Condition Reason: To ensure the long service levy is paid.
26.	Rainwater facility Before the issue of a Construction Certificate, details of rainwater tanks must be provided to the Certifier. Water stored in the tank must be plumbed into the dwelling such that it is supplied to each of the fixtures listed in the BASIX Certificate for the property. Plumbing must be in accordance with the current edition of AS 3500.1 Water Services – section 16. It will be necessary to install, maintain and repair the facility so that it functions in a safe and efficient manner in accordance with the current editions of AS 3500.1 Water Services, the New South Wales Code of Practice Plumbing and Drainage and in accordance with the following: - The tank inlet must be located a minimum of 500mm below the outlet of the eave gutter, - The tank is to be installed on a firm flat and stable platform in accordance with manufacturer's recommendations. Tanks located over fill material should be placed on a concrete slab, - Pumps must be located and installed to minimise any potential noise nuisance to surrounding residents, and in the case of a permanent electric pump, must be installed by a licensed electrician. Pump performance must achieve a minimum 300 Kpa output, - Overflow from the tank must be directed into the approved storm water system, - Any town water top-up of the tank must be by indirect connection by means of a visible "air gap", external to the rainwater tank, in accordance with the provisions of the National Plumbing and Drainage Code, AS3500.1 – Minimum air gap requirements, - Marking and labelling of rainwater services must be in accordance with AS 3500.1 section 16, - The charged line to the rainwater tank is to have a flush point installed at the lowest reduced level (RL) into a 450mm x 450mm pit to enable the line to be flushed. This is to prevent the line becoming blocked, - Partially buried or fully buried rainwater tanks must have a dual check valve with atmospheric port valve installed at the boundary water meter. Zone protection will be required at the tank or cross connection point to be installed in accordance with AS3500.1 – section 4. Condition Reason: To ensure correct installation and ongoing use.
27.	Utilities and services Before the issue of the relevant Construction Certificate, written evidence of the following service provider requirements must be provided to the Certifier:

	a) a letter from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity and b) a response from Sydney Water as to whether the plans accompanying the application for a Construction Certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met c) other relevant utilities or services – that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, the changes that are required to make the development satisfactory to them.
	Condition Reason: To ensure relevant utility and service providers' requirements are provided to the certifier.
28.	Waste Management Plan – an approved document of this consent Before the issue of a Construction Certificate, a Waste Management Plan for the development must be provided to the Certifier.
	Condition Reason: To ensure resource recovery is promoted and local amenity protected during construction.
29.	Drainage and stormwater Before the issue of a Construction Certificate, a Detailed Drainage Plan generally in accordance with the Concept Drainage Plan approved under this consent must be submitted to the Certifier for approval. This plan must show the connection of stormwater into the level spreader and that surface water which is likely to discharge from the development site onto the road reserve will be intercepted at the property boundary and conveyed to the street. All drainage works shall be undertaken in accordance with the requirements of Australian Standard AS 3500.3:2018.
	Condition Reason: To ensure stormwater disposal is adequate for the site.
30.	Driveway long section Before the issue of a Construction Certificate a driveway longitudinal section that demonstrates compliance with <i>Australian Standard AS 2890.1:2004</i> and Council's <i>Driveway and Footpath Works Procedure Manual</i> (Manual), must be provided to the Certifier. The proposed longitudinal section must: a) include chainages and natural surface levels; b) nominate design level points at kerb line, property boundary, intermediate points and the proposed garage level; c) demonstrate that sag grade changes are not in excess of 15% algebraically and summit grade changes are not in excess of 12.5% algebraically. Council's minimum standard for this requirement is provided in Standard Drawing R07 of the Manual.
	Condition Reason: To ensure the driveway design complies with the required standards.

Item 15.1

Enclosure 3

31.	Nuisance overland flow Before the issue of any Construction Certificate, the accredited Certifying Authority shall ensure that the design of the development causes no adverse effects to adjoining properties as a result of stormwater run-off and allowance is made for surface run-off from adjoining properties in the design.
	Condition Reason: To ensure adequate provisions are made for stormwater run-off.
32.	Stormwater infiltration system Before the issue of any Construction Certificate, the stormwater infiltration system design shall be certified by a suitably qualified geotechnical engineer and generally in accordance with the stormwater plan referenced as an approved document of this consent.
	Condition Reason: To ensure adequate provisions are made for the stormwater infiltration system.
33.	On-site detention storage Before the issue of the Construction Certificate, the applicant must provide the following to the Certifier: - on-site detention storage for stormwater run-off in conjunction with the proposed development drainage network generally in accordance with the Concept Drainage Plan referenced as an approved document of this. The on-site detention system shall be designed by a registered civil engineer ensuring that post development flow rates from the site are no greater than pre-developed site run-off at each discharge point for all rainfall events up to 1% Annual Exceedance Probability. - full hydrological and hydraulic computer modelling of the stormwater drainage system for assessment and approval.
	Condition Reason: To ensure the on-site detention storage is adequately for the development.
34.	Geotechnical report Before the issue of any Construction Certificate, a geotechnical report prepared by a suitably qualified geotechnical engineer must be prepared to the satisfaction of the Certifier. At a minimum the geotechnical report shall include assessment of: - stability analysis for retained and battered areas; - assessment of stable batter slopes for the site; - recommendations for stability of batters; - recommendations for the management of stormwater through and around the site, particularly around embankments and batters; and - review of the design plans and comment on the suitability of the development based on the site characteristics.

Item 15.1

Enclosure 3

	Condition Reason: To ensure an adequate geotechnical report is prepared for the development.
35.	Impervious run-off Before the issue of a Construction Certificate, the applicant must submit details to the Certifier for approval, that provide: • stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system; • a piped drainage system shall be provided to convey runoff from storms up to the 20% Annual Exceedance Probability (AEP); and • defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
	Condition Reason: To ensure impervious run-off does not affect adjoining properties.
36.	Overflow waters Before the issue of the Construction Certificate, the applicant must provide to the Certifier for approval, details showing that overflow waters from the rainwater tank and all other roof waters not directed to the rainwater tank are to shall be discharged clear of any buildings and other structures. The point of discharge must: - disperse water so as not to cause erosion; - not concentrate waters onto adjoining properties; - not drain to an area where it may damage footings or other buildings; - not drain toward the effluent management area - not cause a nuisance to adjoining lands.
	Condition Reason: To ensure adequate provisions are made for overflow waters.
37.	Pool drainage Any paving or hardstand areas adjacent to the pool areas must be suitably kerbed and drained away from adjoining properties.
	Condition Reason: To protect the amenity of neighbouring properties.

BEFORE BUILDING WORK COMMENCES

38.	Construction Certificate A Construction Certificate must be obtained from either Council or a Certifier before any building work can commence.
	Condition Reason: To comply with Council's requirements before the commencement of works.

39.	Appointment of Principal Certifier Before building work commences a Principal Certifier must be appointed. Condition Reason: To ensure ongoing compliance.
40.	Protection of adjoining land A temporary hoarding or temporary construction site fence must be erected between the work site and the adjoining land before works commence. The temporary hoarding or temporary construction site fence must be kept in place until the works are completed if the works – a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or b) could cause damage to adjoining land by falling objects, or c) involve the enclosure of a public place or part of a public place. Condition Reason: To ensure public safety.
41.	Construction Traffic Management Plan Before the commencement of works, a Construction Traffic Management Plan detailing the proposed method of dealing with construction traffic and parking must be approved by Council. Details must include, but are not limited to: a) Stabilised site construction access location b) Proposed haulage routes for delivery for materials to the site c) Proposed haulage routes for spoil disposal from the site d) Traffic control planning for each of the various phases of construction and/or vehicle movements associated with construction e) Parking arrangements for construction employees and contractors f) Proposed maintenance of the haulage routes and the name of the person responsible for such maintenance g) Loading/unloading areas h) Requirements for construction or work zones i) Pedestrian and cyclist safety j) Speed zone restrictions Condition Reason: To require details of measures that will protect the public and the surrounding environment, during site works and construction.
42.	Deliveries While site work is being carried out, deliveries of material and equipment must only be carried out between— • 7.00am to 5.00pm on Mondays to Fridays, and • 8.00am to 1.00pm on Saturdays

	No deliveries are to take place on Sundays or Public Holidays.
	Condition Reason: To protect the amenity of neighbouring properties.
43.	Erosion and sediment controls in place Before any site work commences, the erosion and sediment controls in the Erosion and Sediment Control Plan must be in place. These controls must remain in place until any bare earth has been restabilised in accordance with the Erosion and Sediment Control Plan.
	Condition Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
44.	Works within the road reserve Before undertaking any works within an existing road reserve, approval under section 138 of the <i>Roads Act, 1993</i> must be obtained. The following details must be submitted to Council as part of the application: a) any civil works design required by this consent, b) evidence of the contractor's Public Liability Insurance to an amount of \$20 million, c) name and contact information of the person responsible for all relevant works, d) a Traffic Control Plan prepared, signed and certified by a person holding the appropriate Transport for NSW (TfNSW) accreditation.
	Condition Reason: Compliance with relevant legislation, standards, guidelines and codes.
45.	Waste Management Plan – an approved document of this consent Before site work commences, a Waste Management Plan for the development must be provided to the Certifier.
	Condition Reason: To ensure resource recovery is promoted and local amenity protected during construction.
46.	Section 138 approval Before any work commences in the road reserve, a Road Occupancy approval under Section 138 of the <i>Roads Act 1993</i> must be obtained from Council.
	Condition Reason: Compliance with relevant legislation, standards, guidelines and codes.
47.	Toilet facilities - temporary Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

	Each toilet must: • be a standard flushing toilet connected to a public sewer, or have an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>, or • be a temporary chemical closet approved under the <i>Local Government Act 1993</i>.
	Condition Reason: To ensure appropriate amenities onsite.
48.	Use of adjacent Council land for access Before work commences, the applicant is to obtain approval from Council for any use of the adjoining Council land for the purpose of providing access during construction.
	Condition Reason: To ensure the necessary approvals are obtained for the use of Council land.
49.	Retaining walls Before any work commences, details prepared by a practising structural engineer must be submitted to and accepted by the Principal Certifying Authority for any retaining walls in excess of 1.0 metre high.
	Condition Reason: To ensure adequate design provisions are met.
50.	Pre-construction Dilapidation report Before work commences a Pre-construction Dilapidation report must be prepared by a suitably qualified engineer for all adjoining properties and submitted to the Certifier. A copy of the Pre-construction Dilapidation report must be provided to Council (where Council is not the Principal Certifier or a Principal Certifier is not required) and to the relevant adjoining property owner(s).
	Condition Reason: To identify any existing damage to adjoining properties before site work commences.

DURING BUILDING WORK

51.	Acid sulfate soils – unexpected finds If acid sulfate soils are encountered during excavation and/or construction works, all work must cease and Council notified immediately. The extent of acid sulfate soil must be evaluated by a qualified environmental consultant with experience in the assessment of acid sulfate soils and a preliminary assessment provided to Council. Council will determine an appropriate response, including if an Acid Sulfate Soils Management Plan is required to be prepared and implemented, before works can recommence.
	Condition Reason: To appropriately manage acid sulphate soils which when disturbed or exposed to air can release acid, damaging built structures and harming or killing animals and plants.

52.	Procedure for critical stage inspections While building work is being carried out, the work must not continue after each critical stage inspection unless the Principal Certifier is satisfied the work may proceed in accordance with this consent and the relevant Construction Certificate.
	Condition Reason: To require approval to proceed with building work following each critical stage inspection.
53.	Hours of work Site work must only be carried out between the following times: • 7.00am to 5.00pm on Mondays to Fridays, and • 8.00am to 1.00pm on Saturdays No work is to be carried out on Public Holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
	Condition Reason: To protect the amenity of the surrounding area.
54.	Implementation of the Site Management Plans While site work is being carried out: a) the measures required by the Construction Site Management Plan and the Erosion and Sediment Control Plan (plans) must be implemented at all times, and b) a copy of these plans must be kept on site at all times and made available to Council officers upon request.
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work.
55.	Noise and vibration requirements While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of 5Db(A) above background noise, when measured at a lot boundary of the site.
	Condition Reason: To protect the amenity of the neighbourhood during construction.
56.	Swimming pool safety during construction A child-resistant barrier must be erected during the construction of the swimming pool. The barrier must comply with: a) the requirements of the <i>Swimming Pools Act 1992</i>, b) the <i>Swimming Pools Regulation 2018</i>, c) AS 1926.2 Swimming pool safety – Location of safety barriers for swimming pools, d) AS 1926.1 Swimming pools safety – Safety barriers for swimming pools. In addition to any signage that may be required under the <i>Environmental Planning and Assessment Act 1979</i>, or any other Act, the occupier of any premises in or on which a

	swimming pool (not including a spa pool) is being constructed must ensure that a sign is erected and maintained that: a) bears a notice containing the words "This swimming pool is not to be occupied or used", b) is located in a prominent position in the immediate vicinity of that swimming pool, c) continues to be erected and maintained until a relevant Occupation Certificate or a Certificate of Compliance has been issued for that swimming pool.
	Condition Reason: To ensure compliance with relevant safety measures.
57.	Responsibility for change to public infrastructure While site work is being carried out, any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area) must be paid as directed by the consent authority.
	Condition Reason: To ensure payment of approved changes to public infrastructure.
58.	Discovery of relics and Aboriginal objects While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered: a) the work in the area of the discovery must cease immediately b) the following must be notified i) for a relic – the Heritage Council; or ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85. Site work may recommence at a time confirmed in writing by: a) for a relic – the Heritage Council; or b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.
	Condition Reason: To ensure the protection of objects of potential significance during works.
59.	Soil management While site work is being carried out, the Certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: a) All excavated material removed from the site must be classified in accordance with the NSW Environmental Protection Authority's (EPA's) Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the Certifier;

	b) All fill material imported to the site must be: i) Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>, or ii) a material identified as being subject to a resource recovery exemption by the NSW Environmental Protection Authority (EPA), or iii) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA.
	Condition Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
60.	Surveys by a registered surveyor While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the Principal Certifier: a) all footings/foundations in relation to the site boundaries and any registered and proposed easements, b) at other stages of construction – Reduced Levels (RLs) and any marks that are required by the Principal Certifier.
	Condition Reason: To ensure buildings are sited and positions in the approved location.
61.	Waste management While site work is being carried out: a) all waste management must be undertaken in accordance with the Waste Management Plan, and; b) upon disposal of waste, records of the disposal must be compiled and provided to the Certifier, detailing the following: i) The contact details of the person(s) who removed the waste ii) The waste carrier vehicle registration iii) The date and time of waste collection iv) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill v) The address of the disposal location(s) where the waste was taken vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. If waste has been removed from the site under an Environmental Protection Authority Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the Principal Certifier and Council.
	Condition Reason: To require records to be provided, during site work, documenting the lawful disposal of waste.
62.	Drainage and stormwater works – approved plans

	The stormwater drainage system must be completed generally in accordance with the Concept Drainage Plan referenced as an approved document of this consent.
	Condition Reason: To ensure stormwater disposal is adequate for the site.
63.	Earthworks All earthworks associated with the development shall be completed in accordance with AS 3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.
	Condition Reason: To ensure all earthworks are carried out in accordance with the Australian Standards.
64.	Contamination – unexpected finds If any unexpected contamination finds are encountered during any site works, all work must cease and Council notified immediately. The nature and extent of contamination must be assessed by a qualified environmental consultant with experience in the assessment of contaminated land and a preliminary assessment provided to Council. Council will determine whether further contamination assessment and/or remediation is required before works can recommence.
	Condition Reason: To protect public and environmental health.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

65.	BASIX Before the issue of the Occupation Certificate, documentary evidence prepared by a suitably qualified person must be submitted to the Certifier confirming that all commitments listed in the BASIX Certificate(s) are fulfilled in accordance with Clause 75 of the <i>Environmental Planning and Assessment Regulation 2021</i>.
	Condition Reason: To ensure compliance with the <i>Environmental Planning and Assessment Regulation 2021</i> .
66.	Geotechnical Report – compliance Before the issue of the Occupation Certificate, a Chartered Professional Engineer practising in the field of geoscience must prepare a report to confirm that all works have been completed in accordance with the requirements of the geotechnical report referenced as an approved document of this consent.
	Condition Reason: To ensure compliance with the reported requirements.
67.	Swimming pool barrier Before issue of an Occupation Certificate, the swimming pool is to be surrounded by a permanent barrier in accordance with: a) the provisions of the <i>Swimming Pools Act 1992</i>,

	b) the <i>Swimming Pools Regulation 2018</i>, c) AS1926.2 Swimming pool safety – Location of safety barriers for swimming pools, d) AS1926.1 Swimming pools safety – Safety barriers for swimming pools.
	Condition Reason: To ensure compliance with relevant safety measures.
68.	Swimming pool register The swimming pool must be registered on the NSW Swimming Pool Register when it is capable of holding water and before the issue of an Occupation Certificate. The swimming pool is to be registered at www.swimmingpoolregister.nsw.gov.au Note: Penalties may apply if a swimming pool is not registered.
	Condition Reason: To ensure compliance with relevant safety measures.
69.	Completion of public utility services Before the issue of the relevant Occupation Certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the Principal Certifier.
	Condition Reason: To ensure required changes to public utility services are completed in accordance with the relevant agency requirements, before occupation.
70.	Repair of infrastructure Before the issue of an Occupation Certificate: a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council, or b) if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council.
	Condition Reason: To ensure any damage to public infrastructure is rectified.
71.	Removal of waste upon completion Before the issue of an Occupation Certificate: a) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved Waste Management Plan; and b) written evidence of the waste removal must be provided to the satisfaction of the Certifier.
	Condition Reason: To ensure waste material is appropriately disposed or satisfactorily stored.

72.	Post-construction Dilapidation report Before the issue of an Occupation Certificate a Post-construction Dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the Certifier, detailing whether: a) after comparing the Pre-construction Dilapidation report to the Post-construction Dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and b) where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent; and c) a copy of the Post-construction Dilapidation report must be provided to Council (where Council is not the Principal Certifier or a Principal Certifier is not required) and to the relevant adjoining property owner(s).
	Condition Reason: To identify any damage to adjoining properties resulting from site work on the development site.
73.	Letter boxes A letterbox structure(s) must be provided and be designed to comply with the requirements of Australia Post, located close to the major pedestrian entry to the site, and built from materials that are non-reflective and blend in with the approved development.
	Condition Reason: To ensure Australia Post requirements are met.
74.	Hydraulic compliance Before the issue of the Occupation Certificate, compliance certification from the hydraulic engineer, or a suitably qualified person, verifying that the constructed stormwater drainage infrastructure/water quality system meets with the approved design must be provided to the satisfaction of the certifier.
	Condition Reason: To ensure the approved system has been correctly installed.
75.	Redundant vehicle crossing Before the issue of an Occupation Certificate any redundant vehicle crossing must be restored to barrier kerb in compliance with Council's <i>Driveway and Footpath Works Procedure Manual</i>.
	Condition Reason: To ensure the barrier kerb is restored to the required standards.
76.	Access work prior to Occupation Certificate Before the issue of an Occupation Certificate all access work must be completed.
	Condition Reason: To ensure access work is completed.
77.	Privacy screening Before the issue of an Occupation Certificate, privacy screening is to be erected along the southern side of the first floor verandah.

	a) The screen is to be a minimum height of 1.7m above finished floor level. b) The privacy screen is to achieve the following: i) Screening devices incorporating opaque materials and or, ii) Screening that has a maximum area of 25% openings, is permanently fixed and made of durable material. The privacy screen is to be maintained for the life of the development.
	Condition Reason: To protect amenity of neighbouring properties.
78.	Stormwater system – long-term maintenance Before the issue of any Occupation Certificate, an 88B Instrument must be prepared and submitted to Council for assessment and approval. The Instrument must meet the standard terms applied by Council and: • be prepared under section 88B of the <i>Conveyancing Act 1919</i>; and • provide a restriction on the use of the land and a positive covenant in favour of Kiama Municipal Council detailing protection measure and long-term maintenance requirements for the on-site stormwater detention system and associated stormwater drainage infrastructure.
	Condition Reason: To ensure restrictions are applied to the land.
79.	Works in the road reserve - evidence of completion Before the issue of an Occupation Certificate, the developer must provide the Certifier with a letter from Council confirming that the required works in the road reserve, or on any other Council owned land, have been completed in accordance with the requirements of the consent and any other related approval issued.
	Condition Reason: To ensure the required public domain works have been completed satisfactorily and in accordance with the development consent.

OCCUPATION AND ONGOING USE

80.	Noise – air conditioning Air conditioning must be installed in accordance with manufacturer's instructions and operated at all times so as not to cause "Offensive Noise" as defined by the <i>Protection of the Environment Operations Act 1997</i> (POEO Act). Domestic air conditioners must not emit noise that can be heard within any room in any other residential premises (that is not a garage, storage area, bathroom, laundry, toilet or pantry) whether or not any door or window to that room is open: a) before 8 am or after 10 pm on any Saturday, Sunday or public holiday, or b) before 7 am or after 10 pm on any other day.
	Condition Reason: To ensure consideration of neighbouring uses.

81.	Occupation Certificate The development must not be occupied or used before an Occupation Certificate has been issued by the Principal Certifier. If an Occupation Certificate is not required, the use must not commence until all conditions of development consent have been met or other satisfactory agreements have been made with Council (i.e., a security).
	Condition Reason: To ensure that the development is completed as per this consent and the approved plans.
82.	Swimming pool – ongoing use The approved swimming pool and associated structures must be maintained in accordance with: a) the National Construction Code, b) the <i>Swimming Pools Act 1992</i> , c) the <i>Swimming Pools Regulation 2018</i> .
	Condition Reason: To ensure the structure remains compliant.

Item 15.1

Enclosure 3

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [*Conditions of development consent: advisory notes*](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a Construction Certificate or Subdivision Works Certificate, respectively, has been issued and a Principal Certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Item 15.1

Enclosure 3

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a Council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction Certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means the Council of the Municipality of Kiama (Kiama Council).

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation Certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal Certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata Certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision Certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision Works Certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

Sydney district or regional planning panel means Southern Regional Planning Panel.

Item 15.1

Enclosure 3