SECTION 4.15 ASSESSMENT REPORT

Environmental Planning & Assessment Act, 1979

Conflict of interest declaration

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.

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.

DA Number	10.2026.77.1	
PAN	PAN-634293	
Applicant(s)	The Trustee for Sky Property and Planning Trust	
Property Title	LOTS: 1 – 4 SP: 85556, LOT: 3 DP: 250726	
Property Address	110 Terralong Street KIAMA NSW 2533 114 Terralong Street KIAMA NSW 2533	
Development Description	Demolition and new shop top housing - An amending DA to 10.2023.134.1 (LEC No.2024/67616) for the demolition of existing structures and construction of a mixed-use (shop top housing) building comprising ground floor car parking, one (1) commercial tenancy, and nine (9) residential units.	
Assessing Officer	Peter Woodworth	28/09/2026
Peer Review Officer	Angus Brooks	23/10/2026
Affiliations and Pecuniary Interests	Have any affiliations or pecuniary interests been identified by the Applicant in the Portal lodgement form? *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.*	No
Delegation Level Required	Elected Council	
Report Recommendation	Approval	
Development Type	Local Development *Note: Integrated development is set out in section 4.46 of the Environmental Planning and Assessment Act, 1979.* *Note: Nominated integrated development is set out in Schedule 1 Part 1 Division 2 Section 8A of the Environmental Planning and Assessment Act, 1979.* *Note: Regionally significant development is set out in Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021.*	

	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.
Owner's consent provided?	Yes
Estimated Development Cost (EDC)	$4,652,868.00 The EDC is >$3 million and the development cost has been appropriately estimated by a qualified and registered quantity surveyor. *Note: Planning Circular PS25-004 provides the methodology for calculating estimated development cost (EDC) and the definition of a suitably qualified person.*
Variations Proposed	☐ DCP departure ☒ Clause 4.6 exception Clause number: Clause 4.3 – Height of Building Percentage variation: 16.85% Brief justification for the variation:
Date Lodged	6 05 2026
Date of site inspection	7/05/2026
Date clock stopped	- *Note: Additional Information Request (1) was not sent within 25 days from lodgement and as such the statutory clock was not stopped.*
Date clock started	-
Related Application in NSW Planning Portal?	☒ Concurrence and/or external agency referral (CNR) ☒ HPC Contributions (CON) ☐ Planning Panel (PPSSTH)
Number of submissions	0

1. Detailed Proposal

The application is for an "amending DA" to DA10.2023.134.1. The amending DA seeks to amend the approved development design as follows:

- Redesign of an approved mixed-use development
    - Redesign of building to address structural and constructability issues with the originally approved development

- Additional shop top housing storey and inclusion of one (1) additional apartment (resulting in nine apartments total). The revised design includes two (2) affordable housing units and seeks to utilise affordable housing bonuses available under *State Environmental Planning Policy (Housing) 2021*.
- Removal of one (1) commercial tenancy from the ground level
- Removal of basement parking levels and replacement with at-grade car-lift style parking arrangement
- General design amendments

An "amending DA" is a development application that seeks to modify development in an already approved development consent by proposing changes, but does not operate under section 4.55 of the *Environmental Planning and Assessment Act 1979* – in which modification applications do. An amending DA is not subject to the same "substantially the same development" test that is required for modification applications under section 4.55.

As per s4.12(1) of the *Environmental Planning and Assessment Act 1979*, *"A person may, subject to the regulations, apply to a consent authority for consent to carry out development."*, as explored in the judgement of *Gordon & Valich Pty Ltd v City of Sydney Council* [2007] NSWLEC 780, this means that a development consent is not itself "development", rather it is an approval that authorises certain works or uses. As such an "amending DA" doesn't specifically "amend" an existing development consent, rather it seeks approval for carrying out of development which may as a consequence modify or override an existing development consent.

The Statement of Environmental Effects and plans submitted with the application note the schedule of changes with seek to revise, alter and amend elements of the development as approved in DA10.2023.134.1; the proposal retains a built form layout, in particular levels 2 and 3, and awning, that is similar and generally consistent with that approved under DA10.2023.134.1, and also maintains elements of the approved development including demolition of existing structures.

Council is satisfied that the application seeks consent to carry out development which has the effect of amending the previous development consent DA10.2023.134.1 and therefore can be considered as an "amending DA".

The plans and information referred to are as follows:

Plans				
Plan Number	**Revision Number**	**Plan Title**	**Drawn by**	**Date of Plan**
DA.00.00	C	Cover Sheet	Place Studio	3/9/2026
DA.00.01	C	Proposed Site Plan	Place Studio	3/9/2026
DA.00.10	C	Development Summary	Place Studio	3/9/2026
DA.00.11	C	BASIX Summary	Place Studio	3/9/2026
DA.01.00		Ground Floor Plan		
DA.01.01	C	Parking Plan	Place Studio	3/9/2026

DA.01.03	C	Level 1 Plan	Place Studio	3/9/2026
DA.01.04	C	Level 2 Plan	Place Studio	3/9/2026
DA.01.05	C	Level 3 Plan	Place Studio	3/9/2026
DA.01.06	C	Level 4 Plan	Place Studio	3/9/2026
DA.01.07	C	Roof Terrace Plan	Place Studio	3/9/2026
DA.01.08	C	Roof Level	Place Studio	3/9/2026
DA.02.01	C	Elevation – Northeast (Terallong)	Place Studio	3/9/2026
DA.02.02	C	Elevation – Southeast (Collins St)	Place Studio	3/9/2026
DA.02.03	C	Elevation – Southwest (Rosebank)	Place Studio	3/9/2026
DA.02.04	C	Elevation – Northwest (Neighbour)	Place Studio	3/9/2026
DA.03.01	C	Section A	Place Studio	3/9/2026
DA.03.02	C	Section B	Place Studio	3/9/2026
DA.03.03	C	Section C	Place Studio	3/9/2026
DA.03.04	C	Section D	Place Studio	3/9/2026
DA.05.00	C	Shadow Diagrams	Place Studio	3/9/2026
DA.05.10	B	Sun Eye Diagrams	Place Studio	3/9/2026
DA.05.20	A	Cross Ventilation Plans	Place Studio	3/9/2026
DA.05.30	C	GFA Calculation Plans	Place Studio	3/9/2026
DA.05.70	C	LEP Height Diagram	Place Studio	3/9/2026
DA.05.81	B	Ortho View Diagrams	Place Studio	3/9/2026

DA.05.82	B	Street View Diagrams	Place Studio	3/9/2026
DA.05.83	A	Roof Terrace View Diagrams	Place Studio	3/9/2026
DA.05.84	A	Roof Terrace View Diagrams	Place Studio	3/9/2026
DA.05.85	A	Roof Terrace View Diagrams	Place Studio	3/9/2026
DA.05.90	B	Materials Board	Place Studio	3/9/2026
Job Number 1101	B	Stormwater Plan Set	Wehbe Consulting	30/8/2026
CP.00 – CP.20	B	Comparison Plan Set	Place Studio	3/9/2026

Documents			
Document title	**Version number**	**Prepared by**	**Date of document**
Statement of Environmental Effects	V1	Sky Planning	April 2026
Clause 4.6 Variation Statement	V1	Sky Planning	April 2026
Design Verification Statement	-	Place Studio	14/4/2026
BASIX Certificate	1419999M_06	Eco Certificates Pty Ltd	2/4/2026
NatHERS Certificate	HR-DMAJ6D-01	Eco Certificates Pty Ltd	2/4/2026
NatHERS Termal Comfort Modeling	-	Eco Certificates Pty Ltd	30/3/2026
Geotechnical Investigation	02	JC Geotechnical Pty Ltd	9/4/2026
National Construction Code Report	-	Design Right Consulting	1/4/2026
Statement of Compliance Access for People with a Disability	Job No 226024	Accessible Building Solutions	27/3/2026
Traffic and Parking Impact Statement	260188.01FB	McLaren Traffic Engineering	9/4/2026

Product Data – Singlevario 2061 (Car Stacker Details)	-	Klaus Multiparking	-
Stormwater commentary and details	-	Wehbe Consulting	27/8/2026
Full Waste Management Plan	1.0	Auswide Consulting	March
Quantity Survey Report	240820 KIAMA	Building Cost Planning Services	20/8/2024

2. Subject Site and Surrounds

Site Description



Figure 1: Aerial imagery of subject site

The subject site consists of two lots being 110 Terralong Street (SP: 85556) and 114 Terralong street (LOT: 3 DP: 250726) which have frontages to Terralong Street, Collins Street and Rosebank Place. 110 Terralong Street contains an existing commercial building comprising four strata title units and also including awning and balcony within road reserve. 114 Terralong Street contains an existing commercial building.

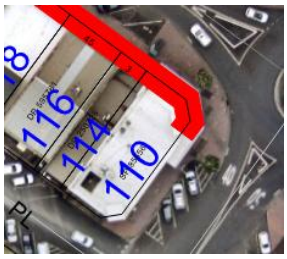
The site is situated on the south-west corner of the intersection of Terralong and Collins Street and is opposite Hindmarsh Park and the ANZAC Memorial Arch to the north-east.

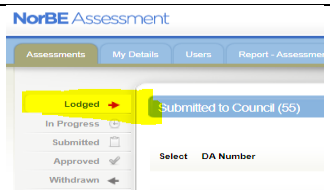
The surrounding area is mixed in character and the site is adjoined by commercial development to the north, east and west and residential development to the south.

Summary of Site and Constraints

	Mapping Overlay	Commentary
Site Characteristics	Lot Area	110 Terralong Street: 335.82m² 114 Terralong Street: 171m² **TOTAL: 506.82m²**
	Zone	E1 Local Centre
	Does the land have a dwelling entitlement? *Note: for rural land refer to clause 4.2A of Kiama LEP 2011.*	Yes
	Does the property adjoin Council, Crown, National Parks, or other public reserve? *Note: Consideration should be given to if the development requires or implies access from the adjoining land.* *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.*	The application includes works within the Terralong Street and Collins Street road reserve for the purposes of a cantilevered awning. Referral to Property Section required.
	Has appropriate survey information been provided?	Yes – Survey information provided with DA10.2023.134.1 (TRIM23/85870)
	Fall direction of land	Existing buildings. General topography of land fall toward Terralong 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 *Note: The High Pressure Pipeline (License No 26 - Jemena) traverses through the Kiama LGA.* *Note: Proximity to a gas high pressure pipeline is defined in SEPP (Transport and Infrastructure) 2021 as:*	No

	• *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.*	
	Access to reticulated sewer?	Yes
	Access to reticulated water?	Yes
	Does the proposal require a s73 Compliance Certificate from Sydney Water? *Note: Attachment 2 in the Sydney Water guidelines identifies types of development that do not require a s73 Certificate.*	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
Constraints	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 *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.*	No - There are no aboriginal sites recorded in the area.
	Development on waterfront land (i.e. within 40m of a watercourse) *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.* *Note: CAA exemptions are set out in Schedule 4 Part 6 of the Water Management (General) Regulations 2025.*	No

	Does the development require any dewatering? *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.*	No
Planning Layers	Lot Size Area	N/A
	Floor Space Ratio	T - 2:1
	Height of Buildings	N - 14.3m
	Foreshore Building Line (FSBL)	N/A
	Heritage	No
	Active Street Frontages	Yes 
	Terrestrial Biodiversity	No
	Riparian Land and Watercourses *Note: Clause 6.5 applies to land identified as Category 1, 2 and 3 watercourses and* *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* *Note: The IFM constraints mapping layer overlays 45m, 25m and 15m buffers to Category 1, 2 and 3 watercourses respectively.*	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) *Note: NorBE Assessments submitted to Council can be viewed from the "Lodged" tab in the NorBE online assessment tool shown below.*	No

		
	SEPP (Resilience and Hazards) 2021 – Chapter 2 Coastal Management	Yes • Coastal use area
BV Map	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

Reference number	Milestone	Date
1	Application submitted	01/05/2026
2	Additional Information was requested	04/05/2026
3	Additional Information was requested	05/05/2026
4	Additional Information was provided	06/05/2026
5	Application lodged	06/05/2026
6	Additional Information was requested	11/05/2026
7	Additional Information was provided	14/05/2026
8	Additional Information was requested	21/08/2026
9	Additional Information was provided	03/09/2026

Timeline



In addition to the above, a meeting was held between Council and the Applicant's representatives on 9/7/2026 to discuss the proposal and to provide design feedback. In response to this meeting and design feedback, the Applicant provided an amended design and plans on 30/7/2026.

Site History and Previous Approvals

110 Terralong Street

Formatted Account	External Reference	Precis	Determination Date	Determination
010.2026.00000077.001	PAN-634293	Demolition and new shop top housing		
006.1980.00000416.001	B800416	bank and shops		
005.1991.00000014.001	D910014	advertising sign	04/04/1991	Approved
010.2001.00000496.001	D010496	change of use of premises to a cafe, shop fitout & outdoor	15/01/2002	Approved
012.2003.00000001.001	K030001	advertising sign	24/01/2003	Approved
010.2003.00000051.001	D030051	advertising sign	14/02/2003	Approved
010.2001.00000496.002		change of use of premises to a cafe, shop fitout & outdoor seating -	19/08/2005	Approved
010.2006.00000008.001		use of commercial premises for tourism business	13/01/2006	Approved
010.2001.00000496.003		change of use of premises to a cafe, shop fitout & outdoor	15/08/2008	Approved
010.2007.00000353.001		second storey addition to existing commercial premises & four (4) lot	20/10/2009	Del Auth GM - Appro
010.2007.00000353.002		second storey addition to existing commercial premises & four (4) lot	27/05/2011	Approved
010.2011.00000290.001		restaurant fitout	21/12/2011	Approved
010.2011.00000309.001		two (2) advertising signs shop 2/110 terralong street	09/01/2012	Approved
010.2021.00000145.001		Demolition and New mixed use development	02/07/2021	Returned
010.2021.00000178.001	PAN-124582	Demolition and New Mixed use development	21/01/2022	Withdrawn
010.2023.00000134.001	PAN-360633	Demolition of existing buildings and construction of a new 4 storey	01/11/2024	Appeal Upheld - Ame
010.2023.00000134.002	PAN-561985	Demolition of existing buildings and construction of a new 4 storey	12/02/2026	Withdrawn
010.2026.00000068.001	PAN-630795	Demolition and new shop top housing	24/04/2026	Returned

114 Terralong Street

Formatted Account	External Reference	Precis	Determination Date	Determination
006.1984.00000358.001	B840358	addition to office building		Approved
010.2026.00000077.001	PAN-634293	Demolition and new shop top housing		
006.1981.00000258.001	B810258	alterations to shop	17/07/1981	Approved
005.1996.00000050.001	D960050	replacement of sign	17/04/1996	Approved
010.2007.00000186.001		facade upgrade to bank	25/07/2007	Approved
010.2021.00000178.001	PAN-124582	Demolition and New Mixed use development	21/01/2022	Withdrawn
010.2023.00000134.001	PAN-360633	Demolition of existing buildings and construction of a new 4 storey	01/11/2024	Appeal Upheld - Ame
010.2023.00000134.002	PAN-561985	Demolition of existing buildings and construction of a new 4 storey	12/02/2026	Withdrawn
010.2026.00000068.001	PAN-630795	Demolition and new shop top housing	24/04/2026	Returned

Is the proposed development compatible with any relevant previous approvals?	Yes – The application is for an amending DA to DA10.2023.134.1
Are there any orders applying to the property?	No
Does the proposal appear to include/relate to any unauthorised building work? *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.*	No

4. Consultation and Referrals

Internal Referrals	
Referral	**Comments**
Contribution Planner	No objection subject to recommended conditions.
Property Section	No response received.
Waste Services	No objection subject to recommended conditions.
GIS	No objection subject to recommended conditions.
Development Engineer	No objection subject to recommended conditions.

External Referrals	
Referral	**Comments**
Sydney Water	No objection subject to recommended conditions.

Note: Considering the application is for an amending DA to DA10.2023.134.1, which already approves a mixed use development recommended conditions will be reviewed by the assessing officer and applied/adapted where required or appropriate to ensure they are workable within the scope of the amending DA.

5. Other Approvals

Integrated Development and Concurrences – N/A

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

Is the proposal a Crown development application? *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.* *Note: Planning Circular PS25-002 provides guidance on Crown development applications.*	No

Division 7.1 Development Contributions

State Contributions	
Does the proposed development trigger the Housing and Productivity Contribution (HPC)? *Note: If the development triggers an HPC, then a corresponding Contribution (CON) case is created as a related case in the Portal.*	Yes - Referral to Contributions Planner required.
Local Contributions	
Does the proposed development levy s7.12 contributions? *Note: the Kiama Municipal Council Section 7.12 Contributions Plan applies to land within the Kiama Local Government Area.*	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

<table>
<tr><td>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><tr><th>Minimum lot size associated with the property</th><th>Threshold for clearing, above which the BAM and offsets scheme apply</th></tr><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></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.</td><td>No</td></tr>
<tr><td>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)?</td><td>No</td></tr>
<tr><td>If the application exceeds the Biodiversity Offsets Scheme Threshold (i.e. if yes to any of the above), has the application been supported by a Biodiversity Development Assessment Report (BDAR)?</td><td>N/A</td></tr>
</table>

Coastal Management Act 2016

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

Fisheries Management Act 1994

Is the proposed development likely to significantly affect threatened species under Part 7A of the Fisheries Management Act 1994? *Note: Spatial data of some fisheries data is available on the Fisheries Spatial Data Portal.*	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? *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.* *Note: As per Sydney Water guidance, a section 73 Compliance Certificate is not required for secondary dwellings ≤60m².*	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 (Housing) 2021

Chapter 2 Affordable housing

Part 2 Division 1 In-fill affordable housing

Is the development permitted within the zone?	Yes
Does the development include at least a 10% affordable housing component? *Note: affordable housing provided as part of the development of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under Part 2 Division 1 of the SEPP.*	Yes
Is the subject land within an accessible area? *Note:* ***accessible area*** *means land within—* *a) 800m walking distance of—* *i) a public entrance to a railway, metro or light rail station, or* *ii) for a light rail station with no entrance—a platform of the light rail station, or* *iii) a public entrance to a wharf from which a Sydney Ferries ferry service operates, or* *b) 400m walking distance of a bus stop used by a regular bus service, within the meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between—* *i) 6am and 9pm each day from Monday to Friday, both days inclusive, and* *ii) 8am and 6pm on each Saturday and Sunday.* *Note:* ***walking distance*** *means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.*	Yes
Is the subject land within 800m walking distance to a relevant land use zone (E1, E2, MU1, B1, B2 or B4)? *Note:* ***walking distance*** *means the shortest distance between 2 points measured along a route that may be*	Yes

<table>
<tr><td>safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.</td><td></td></tr>
<tr><td>Does the proposal seek to utilise additional building height and/or FSR under Part 2 Division 1 of the SEPP?</td><td>Yes - Additional building height and FSR under s16.</td></tr>
<tr><td>Does the proposal seek to utilise the additional floor space / building height (up to 30%) permitted under s16 of the SEPP?

affordable housing component = additional floor space ratio (as a percentage) ÷ 2

Note: For RFBs or shop top housing development, additional building height can also be permitted under s16 at the same percentage as the additional floor space ratio.</td><td>The development has a total GFA of 1244m² and provides 196.66m² GFA as the affordable housing component.

Note: The SEE and architectural plans note different Total GFA and therefore the SEE notes a different percentage of affordable housing component. The GFA calculation plans have been used in the assessment. Despite this, the additional building height / FSR bonus is unchanged as it is capped at a maximum of 30%.

<table>
<tr><td>Proposed affordable housing component (%)</td><td>15.60 %</td></tr>
<tr><td>Additional Building Height / FSR permitted by SEPP (%)</td><td>31.2% (capped at 30%)</td></tr>
<tr><td>FSR control set by clause 4.4 of Kiama LEP 2011</td><td>2:1</td></tr>
<tr><td>Allowable FSR for the proposed development</td><td>2.6:1</td></tr>
<tr><td>Proposed FSR</td><td>2.49:1</td></tr>
<tr><td>Building height control set by clause 4.3 of Kiama LEP 2011</td><td>14.3m</td></tr>
<tr><td>Allowable building height for the proposed development</td><td>18.59m</td></tr>
<tr><td>Proposed building height</td><td>21.723m

A clause 4.6 variation has been proposed to building height. See Appendix C for further commentary.</td></tr>
</table></td></tr>
<tr><td>Does the proposal seek to utilise the additional floor space permitted under s17 of the SEPP?

Note: s17 only applies to applications by or on behalf of a relevant authority or registered community housing</td><td>No</td></tr>
</table>

provider, and on land which a maximum permissible FSR of 2:1 or less. *Note: s17 allows for FSR as calculated by s16 or as below:* (a) if the affordable housing component is at least 50%-0.5:1, or (b) if the affordable housing component is between 20% and 50%-Y:1, where – AH is the affordable housing component. Y is AH ÷ 100	
Does the proposal seek to utilise the additional building height (up to 30%) permitted under s18 of the SEPP? affordable housing component = additional building height (as a percentage) ÷ 2 *Note: For RFBs or shop top housing development, additional building height can be permitted under s18.* *Note: Where additional FSR has been used under s16, the additional building height permitted under s18 cannot be utilised.*	No
Is the subject site at least 450m² in area? *Note: This is a non-discretionary development standard under s19 of the SEPP.*	Yes
Does the development provide landscaped area that is the lesser of 35m² per dwelling or 30% of the site area? *Note: This is a non-discretionary development standard under s19 of the SEPP.*	No – The site is located within the Kiama town centre on a site containing existing buildings. There is limited opportunity to provide landscaping outcomes. It is not feasible to provide 30% of the site or 152.05m² (calculated as 35m² per dwelling) as landscaped area. The proposed design includes street level planter boxes, internal courtyard landscaping and rooftop plantings which are considered appropriate in the context of the site. The proposed landscaping areas on site are not dissimilar to those approved in DA10.2023.134.1 and are considered appropriate in this instance.
Does the development provide a deep soil zone on at least 15% of the site area with a minimum dimension of 3m? *Note: This is a non-discretionary development standard under s19 of the SEPP.*	No - The site is located within the Kiama town centre on a site containing existing buildings. There is limited opportunity to provide deep soil planting outcomes. It is not feasible to provide 15% of the site as deep soil planting. Proposed landscaping is not dissimilar to that approved in DA10.2023.134.1 and is considered appropriate in this instance and in the context of the site.
Where practicable, at least 65 % of the deep soil zone is to be located at the rear of the site. *Note: This is a non-discretionary development standard under s19 of the SEPP.* *Note: This control is not applicable to residential apartment development under Chapter 4 of the SEPP.*	N/A – Chapter 4 of SEPP applies

Do living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter? *Note: This is a non-discretionary development standard under s19 of the SEPP.* *Note: This control is not applicable to residential apartment development under Chapter 4 of the SEPP.*	N/A – Chapter 4 of SEPP applies
For residential apartment development, do all apartments provide the minimum internal area as set out in the Apartment Design Guide? *Note: This is a non-discretionary development standard under s19 of the SEPP.*	Yes
For dual occupancies, manor houses or multi dwelling housing (terraces), do dwellings provide the minimum floor area specified in the Low Rise Housing Diversity Design Guide? *Note: This is a non-discretionary development standard under s19 of the SEPP.*	N/A
Where minimum internal floor areas are not specified in the Apartment Design Guide or the Low Rise Housing Diversity Design Guide for the type of development being proposed, are the following minimum floor areas provided: i) for each dwelling containing 1 bedroom—65m^2, ii) for each dwelling containing 2 bedrooms—90m^2, iii) for each dwelling containing at least 3 bedrooms—115m^2 plus 12m^2 for each bedroom in addition to 3 bedrooms. *Note: This is a non-discretionary development standard under s19 of the SEPP.*	N/A – ADG sets minimum internal areas.
Where the proposed development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces), is the development consistent with the Low Rise Housing Diversity Design Guide? *Note: This control is not applicable to residential apartment development under Chapter 4 of the SEPP.*	N/A
Is the development compatible with the desirable elements of the character of the local area or, for precincts undergoing transition, the desired future character of the precinct?	Yes
Development consent must not be granted to development under Part 2 Division 1 of the SEPP unless the consent authority is satisfied that for a period of at least 15 years	Complies – Conditions of consent will be imposed accordingly

<table>
<tr>
<td>commencing on the day an occupation certificate is issued for the development—
a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and
b) the affordable housing component will be managed by a registered community housing provider.
Note: This does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</td>
<td></td>
</tr>
<tr>
<td>Development consent must not be granted under this division unless parking is provided at least in accordance with the following rates:
<table>
<tr><th>Dwelling Type</th><th>Carparking required per dwelling</th></tr>
<tr><td colspan="2">Affordable housing component</td></tr>
<tr><td>1 bedroom</td><td>0.4 per dwelling</td></tr>
<tr><td>2 bedrooms</td><td>0.5 per dwelling</td></tr>
<tr><td>3+ bedrooms</td><td>1 per dwelling</td></tr>
<tr><td colspan="2">Non-affordable housing component</td></tr>
<tr><td>1 bedroom</td><td>0.4 per dwelling</td></tr>
<tr><td>2 bedrooms</td><td>1 per dwelling</td></tr>
<tr><td>3+ bedrooms</td><td>1.5 per dwelling</td></tr>
</table>
</td>
<td>Complies
<table>
<tr><th>Dwelling Type</th><th>Number of dwellings</th><th>Required car parking</th></tr>
<tr><td colspan="3">Affordable Housing Component</td></tr>
<tr><td>1 bedroom</td><td>1</td><td>0.4</td></tr>
<tr><td>2 bedrooms</td><td>0</td><td>0</td></tr>
<tr><td>3+ bedrooms</td><td>1</td><td>1</td></tr>
<tr><td colspan="3">Non-affordable housing component</td></tr>
<tr><td>1 bedroom</td><td>1</td><td>0.4</td></tr>
<tr><td>2 bedrooms</td><td>2</td><td>2</td></tr>
<tr><td>3+ bedrooms</td><td>4</td><td>6</td></tr>
<tr><td></td><td>Required</td><td>Proposed</td></tr>
<tr><td>Total</td><td>9.8</td><td>10</td></tr>
</table>
Note: An additional 4 x commercial car parking spaces are also provided.</td>
</tr>
<tr>
<td>Is the development suitable with regard to the Guide to Transport Impact Assessment?</td>
<td>Yes – As per s8.3.1 off street parking is to be provided in accordance relevant EPIs. Proposed parking complies with parking rates specified in SEPP (Housing) 2021. The subject site is located within the Kiama town centre and considering the site and geology, has limited opportunity for extensive parking or basement areas. The use of car stackers in this instance is considered appropriate. SEPP housing does not provide any specific requirements for visitor parking, and Chapter 3 of Kiama DCP 2020 suggests that for shop top housing development 1 x parking space should be provided per 2 dwellings. Table 8.3 in the Guide to Trasport Impact Assessment suggests that 1 parking space should be provided per 5 dwellings. The proposal does not provide any</td>
</tr>
</table>

	visitor parking specifically for the residential component of the development. This is considered satisfactory in this instance given the location of the site within the Kiama town center and proximity to public transport infrastructure including Kiama Train Station. The proposed development also includes bike storage and facilitates active transport opportunities.

Chapter 4 Design of residential apartment development

Does Chapter 4 of the SEPP apply to the proposed development? *Note: s144 of the SEPP identifies to which development Chapter 4 is applicable.*	Yes - Consideration must be given to Schedule 9 of the SEPP, The Apartment Design Guide (ADG) and any advice received from a design review panel (if applicable).
Has the application been referred to the design review panel?	No – a design review panel has not been constituted within the Kiama LGA. s145 of the SEPP is not applicable.
Has the application been supported by a residential apartment design verification statement in accordance with s29 of the *Environmental Planning and Assessment Regulation, 2021*?	Yes
Is the proposal suitable with regard to the ***context and neighbourhood character*** design principles set out in Schedule 9 of the SEPP?	Yes
Is the proposal suitable with regard to the ***built form and scale*** design principles set out in Schedule 9 of the SEPP?	Yes
Is the proposal suitable with regard to the ***density*** design principles set out in Schedule 9 of the SEPP?	Yes
Is the proposal suitable with regard to the ***sustainability*** design principles set out in Schedule 9 of the SEPP?	Yes
Is the proposal suitable with regard to the ***landscape*** design principles set out in Schedule 9 of the SEPP?	Yes
Is the proposal suitable with regard to the ***amenity*** design principles set out in Schedule 9 of the SEPP?	Yes
Is the proposal suitable with regard to the ***safety*** design principles set out in Schedule 9 of the SEPP?	Yes

Is the proposal suitable with regard to the ***housing diversity and social interaction*** design principles set out in Schedule 9 of the SEPP?	Yes
Is the proposal suitable with regard to the ***aesthetics*** design principles set out in Schedule 9 of the SEPP?	Yes

Note: s148 of the SEPP provides non-discretionary development standards for residential apartment buildings with regard to minimum car parking requirements (Part 3J of ADG), minimum internal area for apartment types (Part 4D of ADG) and minimum ceiling heights (Part 4C of ADG).

Note: As per s149 of the SEPP, any DCP control for residential apartment development has no effect if the ADG also specifies a requirement, standard or control in relation to the same matter with regard to visual privacy, solar and daylight access, common circulation spaces, apartment size and layout, ceiling heights, private open space and balconies, natural ventilation and storage.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 Coastal management

The subject land is mapped as 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.

State Environmental Planning Policy (Sustainable Buildings) 2022

Chapter 2 Standards for residential development — BASIX

Has the application been supported by an appropriate BASIX Certificate? *Note: Residential development BASIX Certificates are required for:* • *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 E1 Local Centre under the *Kiama Local Environmental Plan 2011*.

Characterisation and Permissibility

The proposal is best characterised as E1 Local Centre under *Kiama Local Environmental Plan 2011.* The proposal is permitted within the zone with the consent of Council.

Zone objectives

Objective	Comment
To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.	The proposal is consistent with the objectives of the zone.
To encourage investment in local commercial development that generates employment opportunities and economic growth.	
To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.	
To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.	

To encourage mixed use buildings that include a component of housing located above retail and business premises.	
To encourage development that is compatible with the commercial centres hierarchy.	
To encourage development that has a high level of accessibility and amenity and prioritises pedestrians.	
To encourage new development that provides diverse and active street frontages in order to attract pedestrian traffic and contribute to vibrant, diverse and functional streets and public spaces.	

Applicable Clauses

Commentary	Compliance
Part 2 Permitted or prohibited development	
2.7 - Demolition requires development consent Demolition is permitted but only with development consent.	Demolition of the existing structures has already been considered and approved through DA10.2023.134.1
Part 4 Principal development standards	
4.3 - Height of buildings The maximum building height set by the Height of Buildings Map is N - 14.3m. The proposal seeks to utilise building height bonuses for affordable housing under SEPP (Housing) 2021 which uplift and provide a maximum building height for the development to 18.59m. The proposed development has a peak height of 21.723m which exceeds the building height set under clause 4.3 of Kiama LEP and also the additional building height uplift permitted under s16(3) of SEPP (Housing) 2021. The application has been supported by a clause 4.6 variation statement to s16(3) of SEPP (Housing) 2021. See Appendix C for further commentary.	Does not comply – building height is proposed to be uplifted via bonuses available for affordable housing under s16 of SEPP (Housing) 2021 and also varied via a clause 4.6 variation
4.4 - Floor space ratio The Floor space ratio (FSR) set by the Floor Space Ratio Map is T - 2:1. The proposal seeks to utilise FSR bonuses for affordable housing under SEPP (Housing) 2021 which uplift and provide a maximum permissible FSR for the development of 2.6:1. The proposed development has a FSR of 2.49:1 complies with FSR bonuses available under s16(2) of SEPP (Housing) 2021. *Note: Clause 4.5 of Kiama LEP 2011 sets out how to calculate FSR and site area.*	FSR complies maximum permissible FSR set under s16(2) of SEPP (Housing) 2021.

4.6 - Exceptions to development standards The proposed development seeks a variation to clause s16(3) of SEPP (Housing) 2021. The application has been supported by a written variation statement. The clause 4.6 variation is discussed in further detail in Appendix C.	Clause 4.6 variation request to s16(3) of SEPP (Housing) 2021. Detailed consideration of the clause 4.6 variation is included in Appendix C.
Part 6 Additional local provision	
6.2 - 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
6.8 - Active street frontages The frontage to Terralong Street and the corner with Collins Street is mapped as "Active Street Frontage" on the Active Street Frontage Map.  *Figure 2: GIS imagery showing Active Street Frontage mapping* It is considered that the proposal will have an active street frontage to the required areas, and the ground floor of the building in areas of nominated active street frontage will not be used for the purposes of residential accommodation or a car park, with the exception of entrances and lobbies, access for fire stairs and vehicle access. The frontage along Terralong Street incorporates water metering and hydrant booster assembly. This arrangement is not dissimilar the arrangement approved in DA10.2023.134.1 and is considered acceptable. *Note: A building is considered to have an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.*	Complies
6.12 - Essential services All relevant services are available to the site. There is suitable vehicle access to the site.	Complies

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?	No

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.	
Is the submitted ecological assessment report / flora and fauna assessment report appropriate?	N/A
Has the application been supported by a landscape plan?	Yes
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? *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.*	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?	N/A
Does the proposal provide suitable bin storage areas? *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.*	Yes
Does the proposal provide suitable bin collection arrangements? *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.*	Yes - Roadside bin collection using Council's waste collection service. The future commercial tenancy will be required to enter into a private waste collection agreement; this will be considered as part of a

	future application for the use of the commercial tenancy.
For mixed use development, has appropriate separation been provided between commercial and residential uses?	Yes
Topic 3.2 – Amenity	
Solar Access	
Does the proposed development maintain appropriate solar access to adjoining properties? *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.* *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.*	Yes
Does the proposal incorporate appropriate solar efficiencies?	Yes
Privacy	
Does the proposed development maintain adequate visual and acoustic privacy to adjoining properties?	Yes
Views and Visual Impacts	
Is the proposed development suitable with regard to view sharing principles?	Yes – see commentary below
The amending DA and increased building height would not have a significant impact on views. Although some views from upper floor apartments in the development at 59 Rosebank Place toward the water may be partially impacted, these are distant and already interrupted by vegetation and other built structures.  *Figure 3: Visual catchment from building within 59 Rosebank Place*	



Figure 4: View from common property outdoor areas at 59 Rosebank Place at ground level



Figure 5: Photo of buildings at 59 Rosebank Place that may experience some view loss

The proposed development would not have an unreasonable impact on views and is suitable with regard to view sharing principles.

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 – Earthworks are limited to the building area and are considered appropriate.
Do proposed buildings appropriately respond to site topography? *Note: Terracing on site may be permissible if earthworks are retained by engineer designed walls and stepped at minimum of 1 metre horizontal intervals.*	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?	N/A – basement retaining walls are appropriate.
Are impacts to neighbouring properties from retaining walls and boundary fencing appropriate? *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.* *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.*	Yes
Are retaining walls of an appropriate height and scale? *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.*	N/A
Topic 3.4 – Utilities and Infrastructure	
Utilities	
Are electricity works designed and located to minimise impacts on the natural environment and adjoining residences?	Yes
On Site Sewage Management (OSSM) *Note: where a proposal relies on OSSM, the application must be supported by a suitable Water Cycle Management Study / OSSM assessment.*	
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)	
Controls for Domestic Water Supply	
Does the proposal provide suitable potable water to the development? *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.*	N/A - The site is connected to the reticulated water supply.
Are water storage tanks appropriately designed and located?	Yes
Controls for Water Supply for Rural Fire Service	
Does the proposal provide suitable static water supply for firefighting in accordance with Planning for Bushfire Protection 2019?	N/A
Topic 3.6 – Transport Access and Parking	

The proposal provides 10 x residential car parking spaces which is consistent with the requirements of SEPP (Housing) 2021. No visitor spaces are required under the SEPP. The proposal also provides 4 x commercial car parking spaces and 1 x car/bin wash bay. In accordance with Topic 3.6 of Kiama DCP 2020, 1 x space is required per 35m² of gross leasable floor area. With 135m² of commercial gross leasable floor area available at the ground floor, 3.9 (rounded to 4) parking spaces should be available.	
Are parking spaces and garage dimensions sufficient? *Note: AS2890.1 requires 3m x 5.4m for a domestic single garage and 5.4m x 5.4m for a double garage.* *Note: Where tandem / stacked parking is proposed, a front setback of 6m must be provided to accommodate the vehicle wholly within the site.*	Yes – The proposed car stacker arrangements are suitably dimensioned.
Is vehicle maneuvering for the site adequate?	Yes
Is a new driveway crossover proposed/required? *Note: Any works within the road reserve requires a s138 approval under the Roads Act 1993.*	Yes - s138 approval required. Conditions of consent to be imposed accordingly.
Are proposed driveways appropriately located to avoid conflicts with street infrastructure? *Note: Driveways should access the street without conflict to street infrastructure (e.g. speed bumps, chicanes, pedestrian islands/crossings, electricity infrastructure, drainage pits).* *Note: In accordance with Endeavour Energy's Standard Conditions for Development Applications and Planning Proposals, driveways should be setback at least:* • *0.5m to low voltage electricity pillars* • *1m to above ground power poles* • *1.5m to streetlight columns* *Note: Where a driveway intersects a footpath, ensure appropriate driveway gradients can be achieved without impacting on the footpath gradient and crossfall.*	Yes
Is the width and slope of any driveway access suitable? *Note: AS2890.1 requires a minimum width of a domestic driveway of 3m.* *Note: AS2890.1 identifies generally a maximum gradient of 25% for domestic driveways with appropriate transitions not exceeding 12.5%, to prevent bottoming out.*	Yes
Topic 3.7 – Character and Design	
Character	
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? *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.* *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.* *Note: Where a Due Diligence report concludes further investigation is required an Aboriginal Cultural Heritage Assessment Report (ACHAR) should be prepared.*	Yes

Question	**Yes**		**No**	
1. Is the site a declared Aboriginal Place or known cultural place/landscape? *Note: Aboriginal place of heritage significance is defined in the Dictionary of Kiama LEP 2011*	☐	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? *Note: curtilage of 50m around isolated finds and 100m around all other listed/recorded sites. This includes both destroyed and extant sites*	☐	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
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? *Note: This excludes areas which have only been subject to filling over natural land surfaces.*	☐	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? *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.*	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

Chapter 6: Residential Accommodation

See Appendix A.

Chapter 7: Commercial Premises

See Appendix B.

Chapter 12: Location Specific Controls

Chapter 12 – Topic 12.7 - Kiama Town Centre applies. See Appendix C.

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 Partial Upgrade	Does the application involve alterations or additions to an existing building?	No
Clause 64 Total Upgrade	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

Ordinarily, an "amending DA" would impose a notice of modification condition pursuant to s4.17 of the Environmental Planning and Assessment Act 1979 requiring the earlier development consent modified to incorporate the amended plans and information and reflect the updated notice of determination issued under the current consent in accordance with clause 67 of the Environmental Planning and Assessment Regulations 2021. In this instance, the works approved in DA10.2023.134.1 have not commenced, and as such, for clarity and simplicity in the post-determination and certification processes, it is considered more prudent to instead require DA10.2023.134.1 be surrendered in accordance with clause 67. Conditions of consent will be imposed accordingly.

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.
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. No submissions were received by Council during the notification period.

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

Are any clause 4.6 variations proposed?		Yes
Development Standard	***Numerical Extent of Departure***	***Percentage (%) Extent of Departure***
s16(3) of SEPP (Housing) 2021 – Building Height	3.133m	16.85%
Are any DCP variations proposed?		No – Despite some variations to DCP controls, these have already been considered and approved in DA10.2023.134.1

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 *Environmental Planning and Assessment Act, 1979*.
2)	The proposed development is considered acceptable and with regard to the applied exception to the development standards set out in clause 4.3 and 4.4 of Kiama Local Environmental Plan 2011 and Chapter 3 of State Environmental Planning Policy (Housing) 2021. 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.

Ordinarily

Peter Woodworth
Development Assessment Coordinator
Click here to enter a date.

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

Topic 6.5 – Medium Density

Note: Where SEPP (Housing) 2021 and the Apartment Design Guide (ADG) applies, the requirements of the SEPP and ADG prevail over Topic 6.5. Topic 6.5 controls will only apply where there is no comparable control in the SEPP or ADG.

Note: The controls which are shaded below are comparable to SEPP or ADG controls and therefore do not apply where the SEPP and ADG applies.

<table>
<tr><td>Does Chapter 4 of SEPP (Housing) 2021 and the Apartment Design Guide (ADG) apply to the development?</td><td>Yes - Controls in the SEPP and ADG prevail.</td></tr>
<tr><td>Does the subject site have a lot width of ≥25m?</td><td>No – The application is for an amending DA to DA10.2023.134.1. Lot width is considered appropriate.</td></tr>
<tr><td>Is the development serviced by a lift?</td><td>Yes</td></tr>
<tr><td>Where the development is serviced by a lift, no more than 8 apartments may be accessed off a circulation core on a single level.
Note: Design criteria (1) in Objective 4F-1 of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
<tr><td>Adaptable housing must be provided at a ratio of 1:4 dwellings (or part thereof).
Note: As per Australian Standards AS4299, an Adaptable Housing Unit is designed and constructed to meet performance requirements relating to visitability, avoidance of level changes, maneuverability, ease of adaptation, ease of reach and future laundry facilities, and other essential features. An Adaptable Housing Unit is designed in such a way that it can be modified easily in the future to become accessible to both occupants, visitors with disabilities or progressive frailties.
Note: Design guidance in Objective 4Q-2 of the ADG identifies that adaptable housing should be provided in accordance with the relevant council policy (i.e. Chapter 6 of Kiama DCP 2020.</td><td>Complies<table><tr><th>Number of dwellings</th><th>Number of Adaptable Housing Units</th></tr><tr><td>9</td><td>2</td></tr></table></td></tr>
<tr><td>Does the proposal appropriately respond to environmental risks including sea level rise?</td><td>Yes</td></tr>
<tr><td>Are earthworks external to perimeter of the building/s limited to 0.9m of cut or fill?</td><td>Yes</td></tr>
<tr><td>Do proposed buildings appropriately respond to site topography?
Note: Terracing on site may be permissible if earthworks are retained by engineer designed walls and stepped at minimum of 1 metre horizontal intervals.</td><td>Yes</td></tr>
<tr><td>Are setbacks provided in accordance with control 6.5.9 or 6.5.11?</td><td>No – control 6.5.9 and 6.5.11 are not applicable as the proposed building exceeds 11m in height. The proposed 0m setbacks are considered appropriate in the context of the site.</td></tr>
<tr><td>Control 6.5.13 in Chapter 6 permits the following encroachments (with a maximum area of 5m²) forward of the front setback, except a foreshore building line:</td><td>See above.</td></tr>
</table>

<table>
<tr><td>

- A 1m maximum encroachment of underground parking ventilation structures that are integrated with other external building structures, such as pathways or terraces and effectively screened by appropriate landscaping.
- A cantilevered deck, balcony, patio, terrace, or verandah for a maximum depth of 1.5 metres.
- An eaves or gutter to a maximum of 1.5 metres in depth.
- A step excluding landings to a maximum height of 1.0 metres and a depth of 1.5 metres.
- A fence and/or retaining wall to a maximum height of 1.2 metres.
- An entry feature or portico to a maximum depth of 1.5 metres.
- A window box treatment or bay window to a maximum depth of 1.5 metres.
- A sun shading feature to a maximum depth of 1.5 metres.
- Letter boxes.

</td><td></td></tr>
<tr><td>Are at least 75% of dwellings dual aspect?

Note: Dual aspect apartments are cross ventilating apartments which have at least two major external walls facing in different directions, including corner, cross-over and cross-through apartments

Note: Design criteria (1) in Objective 4B-3 of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
<tr><td>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.

Note: Design criteria (2) in Objective 4D-2 of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
<tr><td>Habitable rooms must contain window openings must be at least 10% of the area of the floor area which they serve.

Note: Design criteria (2) in Objective 4D-1 of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
<tr><td>Balconies providing private open space (with the exception of Juliet balconies) must be accessed directly from the main living area.

Note: Design guidance in Objective 4E-2 of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
<tr><td>Does the development include appropriate building elements that provide shade, privacy and protection from natural elements?</td><td>Yes</td></tr>
<tr><td>Does the development provide appropriate dwelling layouts that support flexibility and are conducive to different living situations and household arrangements?

Note: Design guidance in Objective 4K-1 of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
<tr><td>Apartments are required to have the following minimum internal areas:

<table>
<tr><th>Apartment type</th><th>Minimum Area</th></tr>
<tr><td>Studio</td><td>35m²</td></tr>
<tr><td>1-bedroom</td><td>50m²</td></tr>
<tr><td>2-bedrooms</td><td>70m²</td></tr>
<tr><td>3+ bedrooms</td><td>90m² + 12m² for each additional bedroom above 3.</td></tr>
</table>
</td><td>N/A - SEPP/ADG control prevails.</td></tr>
</table>

<table>
<tr><td>Note: The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.
Note: Design criteria (1) in Objective 4D-1 of the ADG prevails over this control.</td><td></td></tr>
<tr><td>Room types are required to have the following minimum floor areas and dimensions:
<table><tr><th>Room Type</th><th>Minimum Area</th><th>Minimum Dimension</th></tr><tr><td>Master Bedroom</td><td>10m²</td><td>3m</td></tr><tr><td>Bedroom</td><td>9m²</td><td>3m</td></tr><tr><td>Living Room
(1-bedroom apartments)</td><td>-</td><td>3.6m</td></tr><tr><td>Living Room
(2- and 3-bedroom apartments)</td><td>-</td><td>4m</td></tr></table>Note: Design criteria (1), (2) and (3) in Objective 4D-3 of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
<tr><td>Cross-over or cross-through apartments must have a minimum width of at least 4m internally to avoid deep narrow apartment layouts.
Note: Cross-over apartments mean a cross ventilating apartment with two opposite aspects and with a change in level between one side of the building and the other.
Note: Cross-through apartments mean a cross ventilating apartment on one level with two opposite aspects.
Note: Design criteria (4) in Objective 4D-3 of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
<tr><td>Cross-over or cross-through apartment (measured glass line to glass line) must not exceed 18m in depth.
Note: Design criteria (2) in Objective 4B-3 of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
<tr><td>Two-storey apartments should be designed so that a habitable room (which can be a bedroom) and a bathroom is located on the ground floor.</td><td>N/A</td></tr>
<tr><td>A minimum of 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm on 22 June to living rooms and private open spaces.
Note: Design criteria (2) in Objective 4A-1 of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
<tr><td>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm on 22 June.
Note: Design criteria (3) in Objective 4A-1 of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
<tr><td>Has the proposed development been designed to optimise the number of apartments receiving daylight access to habitable rooms?
Note: Dwellings should be designed to locate living areas to the north and service areas to the south and west of the development.
Note: The use of skylights, clerestory windows and fanlights, as well as incorporation of mezzanine style apartments in areas where there is limited is encouraged.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
</table>

Note: Design guidance in Objective 4A-1 of the ADG prevails over this control.	
Does the proposed development maintain a minimum of 3 hours of direct sunlight to north facing living room windows, doors and primary private open space of adjoining development? *Note: Where this standard is not met by predevelopment conditions, any proposal should not decrease current levels of solar access.*	Yes
Does the proposed development maintain a minimum of 4 hours of direct solar access to solar collectors on site and on adjoining properties? *Note: Design guidance in Objective 3B-2 of the ADG prevails over this control.*	N/A - SEPP/ADG control prevails.
Does the proposed development limit glare to neighbouring properties? *Note: The use of bright or reflective materials should be avoided.* *Note: Design guidance in Objective 4A-3 of the ADG prevails over this control.*	N/A - SEPP/ADG control prevails.
Is the proposed development appropriately designed to minimise noise conflicts between dwellings on site and adjoining land uses? *Note: Bedrooms should be located at least 3m away from noise sources such as garages, driveways, service areas, mechanical and plant rooms, and active open space areas.* *Note: Noisy areas of buildings such as entries and corridors should be located next to or above one another with quieter areas next to or above other quieter areas. Windows and doors should generally be orientated away from noise sources.* *Note: Where physical separation cannot be achieved between potential noise conflicts, elements such as double/acoustic glazing, acoustic seals, use of low noise penetration materials or other solutions should be incorporated into the design.* *Note: Design guidance in Objective 4H-2 of the ADG prevails over this control.*	N/A - SEPP/ADG control prevails.
In addition to kitchen cupboards, bathrooms and bedroom wardrobes, the development should provide accessible storage facilities at the following rates: ***Apartment type*** / ***Minimum Area*** Studio / 4m³ 1-bedroom / 6m³ 2-bedrooms / 8m³ 3+ bedrooms / 10m³ *Note: At least 50% of the required storage is to be located within the apartment.* *Note: Where basement storage is provided the design must ensure that it does not compromise natural ventilation in carparks or create potential conflicts with fire regulations.* *Note: Design criteria (1) in Objective 4G-1 of the ADG prevails over this control.*	N/A - SEPP/ADG control prevails.

<table>
<tr><td>Balconies / private open space (POS) with the following areas and dimensions are required:
<table><tr><th>Room Type</th><th>Minimum Area</th><th>Minimum Depth</th></tr><tr><td>Studio</td><td>8m²</td><td>Nil</td></tr><tr><td>1-bedroom</td><td>16m²</td><td>3m</td></tr><tr><td>2-bedrooms</td><td>20m²</td><td>3m</td></tr><tr><td>3+ bedrooms</td><td>24m²</td><td>3m</td></tr><tr><td>Ground level apartments</td><td>15m²</td><td>3m</td></tr></table>Note: POS must be directly accessible from an indoor living area.
Note: POS must not include drying facilities or garbage storage areas.
Note: Design criteria (1) and (2) in Objective 4E-1 of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
<tr><td>Communal Open Space (COS) must be provided if the development has more than 8 dwellings and must be provided at a rate of 5m² per dwelling.
Note: Design criteria (1) in Objective 3D-1 of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
<tr><td>Communal Open Space must be attractive, practical, useable, and designed to:
Achieve a minimum of 50% direct sunlight to the principal usable part of the COS for a minimum of 2 hours between 9 am and 3 pm on 22 June.
Provide appropriate shading in summer.
Provide acoustic and visual privacy to nearby dwellings to apartments.
Provide functionality for residents and communal activities.
Optimise its recreational value by avoiding siting near car access areas or ventilation duct outlets from basement carparks.
Note: COS must not include drying facilities or garbage storage areas.
Note: Design criteria (2) and design guidance in Objective 3D-1 of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
<tr><td>Does the proposed development provide appropriate room depths and ceiling heights?
Note: Habitable room depths are limited to a maximum of 2.5 x the ceiling height.
Note: Design criteria (1) in Objective 4D-2 of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
<tr><td>Does the proposed development provide safe legible and appropriate access for pedestrians and vehicles?
Note: Design criteria and design guidance in 3G and 3H of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
<tr><td>Does the proposed development create a clear transition between public and private space?
Note: Design guidance in Objective 3C-1 of the ADG prevails over this control.</td><td>N/A - SEPP/ADG control prevails.</td></tr>
</table>

Does the proposed development ensure habitable rooms provide clear views over the street, the building entries public or communal open spaces and car parking?	Yes
Car park access should be integrated with the building design and vehicle access points must not dominate the building façade. *Note: Design guidance in Objective 3H-1 of the ADG prevails over this control.*	N/A - SEPP/ADG control prevails.
Does the development provide a high level of privacy and safety for occupants of ground floor units? *Note: Design guidance in Objective 4L-2 of the ADG prevails over this control.*	N/A - SEPP/ADG control prevails.
Development must optimise the visibility, functionality, and safety of buildings by: • Orienting entrances towards the public street where possible/practical. • Providing clear lines of sight between entrances, foyers, and the street. • Providing direct entry to ground level apartments from the street rather than through a common foyer • Providing direct and well-lit entrances, access between carparks and other common areas of the development. • Avoiding blind or dark alcoves near lifts and stairwells, at the entrance and within indoor carparks, along corridors and walkways. • Providing well-lit BCA requirement common areas and routes throughout the development. • Separating the residential component of a development's car parking from any other building use and controlling carpark access from public and common areas. • Providing direct access from carparks to apartment lobbies for residents. • Providing separate access for residents in buildings containing a neighbourhood shop. • Providing an audio or video intercom system at the entry or in the lobby for visitors to communicate with residents.	Complies
Site design must optimise the provision of consolidated deep soil zones within the site by: • Providing at least 25% of the site as deep soil landscaped area. • Using the front and rear boundary setbacks for deep soil landscaping. • Locating deep soil and landscaped areas contiguously with the deep soil and landscaped areas on adjacent properties. *Note: Design criteria (1) and design guidance in Objective 3E-1 of the ADG prevails over this control.*	N/A - SEPP/ADG control prevails.
Does the proposed building incorporate facades with an appropriate scale, rhythm, and proportion, which responds to the building's use and the desired character of the area? *Note: Design guidance in Objective 4M-1 of the ADG prevails over this control.*	N/A - SEPP/ADG control prevails.

Does the proposed development incorporate architectural features which give human scale to the design of the building at street level? *Note: Design guidance in Objective 4M-1 of the ADG prevails over this control.*	N/A - SEPP/ADG control prevails.
Where the development is located on a corner site, the proposal should incorporate design elements to create visual prominence to define the corner. *Note: Design guidance in Objective 4M-2 of the ADG prevails over this control.*	N/A - SEPP/ADG control prevails.
Does the proposed development appropriately integrate building services, such as drainage pipes, vent shafts, air conditioning and any security devices within the overall façade? *Note: Design guidance in Objective 4M-1 of the ADG prevails over this control.*	N/A - SEPP/ADG control prevails.
Drying areas must be provided at a rate of 5 lineal meters of line per dwelling.	Does not comply – due to the location and corner block orientation it is not desirable to include external drying areas. All apartments will be fitted with laundries and drying facilities which is considered appropriate in this instance.
Drying areas should: • Be orientated with a northerly aspect. • Screened from view from public places. • Not located forward of the building line.	N/A
Common letterboxes must be provided in accordance with Australia Posts requirements and should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided.	Complies
Aerial/satellite dishes must be located at least 0.9m from each lot boundary and in the rear of the development and cannot be higher than 1.8m above the highest point of the roof if mounted on the roof.	N/A
Does the proposed development provide appropriate bin storage areas in accordance with Topic 3.1 of Kiama DCP 2020?	Yes

Topic 6.6 – Shop Top Housing

Does the proposal include a mix of land uses that is compatible with the character, economics and function of the local area?	Yes
Does the design and layout of ground floor enable flexible building layouts to promote variable tenancies and uses?	Yes

A minimum ceiling height of 3.3m for the ground floor is required to promote future flexibility of use.	Complies
Is the development appropriately designed to incorporate legible circulation systems which ensure the safety of users by: • isolating commercial service requirements, such as loading docks, from residential access. • locating clearly demarcated residential entries directly from the public street. • clearly distinguishing between the commercial and residential areas, entries. • providing security entries to all entrances into private areas, including carparks and any internal courtyards. • concealment opportunities are avoided.	Yes
Does the application demonstrate that appropriate acoustic separation will be provided between different tenancies and land uses? *Note: shop top housing dwellings must meet the following threshold noise transmission standards as measured in the dwelling of 42 dB(A) for night and 55 dB(A) during the daytime.*	Yes
Does the development provide an active street frontage and avoid blank walls at ground level?	Yes
Does the development provide an appropriate layout that distinguishes between separate tenancies and land uses?	Yes

Appendix B – Kiama DCP 2020 - Chapter 7: Commercial Premises

The ground floor of the building includes a commercial tenancy premises. The use of the commercial tenancy would be the subject of separate development approval.

Appendix C – Kiama DCP 2020 - Chapter 12.11: Location Specific Controls

Topic 12.7 – Kiama Town Centre

The subject site is located within the Westend Precinct identified in Topic 12.7 of Kiama DCP 2020.

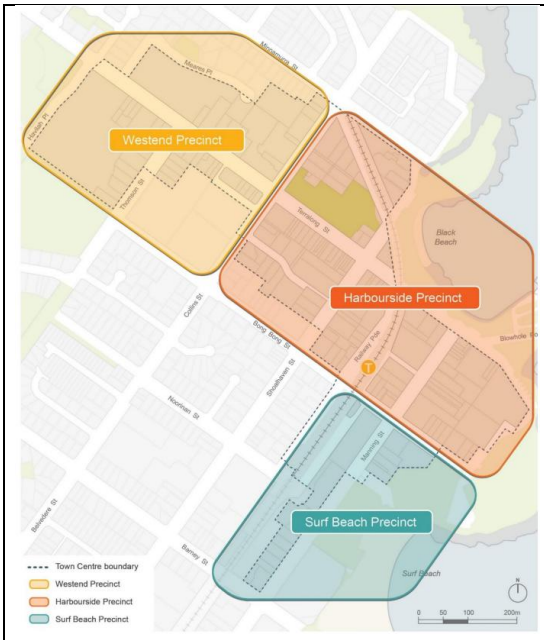


Figure 6: Extract from Topic 12.7 of Kiama DCP 2020

Is the proposal consistent with the vision and desired future character of the Precinct?	Yes
Is the proposal sympathetic to heritage values within the Kiama Town Centre?	Yes
General Development Controls	
Permeable Urban Structure	
Does the proposal maintain/provide pedestrian connections as illustrated in Figure 11 in Topic 12.7?	Yes
Are new vehicular laneways a minimum 8m wide?	N/A
Are pedestrian links a minimum of 4.5m wide?	N/A
Do new laneways and pedestrian links provide a positive CPTED outcome? *Note: Links and laneways should be activated by commercial uses for at least 20m of their length, naturally ventilated, well-lit and publicly accessible 24/7.*	N/A
Site Consolidation	
Sites with an <800m² are encouraged to be consolidated to create larger development parcels.	The application is for an amending DA to DA10.2023.134.1 which has already approved a mixed use, shop top housing development. The development already

	consolidates LOTS: 1 – 4 SP: 85556, and LOT: 3 DP: 250726
Site consolidation that results in sites that are >2500m² (except for certain strategic sites) are discouraged.	N/A
Consolidated sites should be limited to a maximum of 1 vehicle access point.	Complies
On sites with more than one frontage, access is to be provided from the secondary street frontage.	Complies
Isolated Sites	
Consolidation of sites should not result in isolation of individual lots that are less than 500m² in area and/or less than a 12m street frontage. *Note: Where a proposal would result in an isolated site, the applicant must provide evidence that a fair financial offer has been made to that land owner for incorporation into the site consolidation.* *Note: Where development may create an isolated site, the applicant must demonstrate, with a schematic design, that the isolated site can be redeveloped under the current planning controls. This must demonstrate the likely impacts between the development and the isolated site such as solar access, separation distances and privacy.*	Complies
Fine Grain Frontage	
Ground floor tenancies along active frontages should be no more than 8m wide to create a vertical rhythm, variety and interest along the street.	The ground floor tenancy is appropriately designed and positively contributes to the active streetscape along Terralong Street.
Active Frontages	
Does the proposal provide suitable active frontages in line with Figure 11 of Kiama DCP 2020 and Kiama LEP 2011?	Yes
Are building entries level with footpaths? *Note: where level building entries are not possible, small ramps may be permitted.*	Yes
Do ground floor tenancies include suitable vertical articulation with identifiable separate doors and windows?	Yes
Are shopfronts suitably designed and finished with a balance of solid and glazed elements? *Note: Shopfronts should include no more than 70% glazing.* *Note: permanent opaque coverings on windows and doors a ground level that prevent views into buildings must be no more than 15% of the glazed area.*	Yes
Development should not include more than 12m of inactive frontage dedicated to commercial uses along the street.	Complies
Are plain blank walls avoided?	Yes

Fire stairs, hydrants, service doors, plant and equipment hatches along active frontages should be avoided.	Does not comply – the fire stairs, hydrants and sprinkler boosters are located within the Terralong Street frontage. This is not dissimilar to that approved in DA10.2023.134.1 and is a result of servicing requirements. The location of these elements within Terralong Street have been minimised where possible and is considered acceptable.
Active frontages should not include vehicular access unless demonstrated to be the only suitable location on the site for such access.	Complies
A continuous awning is required along all active frontages, with a minimum height of 3.0m and a maximum height of 4.5m. *Note: Low profile awnings with slim fascias and/or eaves (not to exceed 300 mm) are encouraged.* *Note: Vertical canvas drop blinds are permissible along the street edge, but they are not to carry advertising or signage.*	Complies
Addressing the Street	
Do façades that address the street have no more than 5m of ground floor wall length without a door or window?	Yes
Are security shutters at least 75% visually permeable?	N/A

Are entries clearly visible from the footpath?	Yes
Where there are ground floor residential land uses these may be raised between 0.5-1.2m above the footpath to provide privacy for residents.	N/A
Are ground floor residential land uses setback at least 4.5m?	N/A
Street Setbacks	
Are street setbacks compliant with setbacks nominated in Figure 14 of Topic 12.7? *Note: For sites identified as 0m front setback (built to boundary), buildings should have a minimum of 75% of their frontage built with a nil setback. The remaining 25% may setback up to 2 m to provide areas for entrances, bike parking, outdoor seating and the like.* *Note: For sites identified as requiring a front setback, balconies, ground floor terraces or entrance structures can protrude up to 0.6m into the front setback.* *Note: For sites identified as 'variable setback', a nil front setback is desirable, however new development may need to be setback in order to be sympathetic to the existing front setback of adjoining properties.* *Note: Variations to the setback controls may be required at sensitive interfaces adjacent to heritage items.*	The design adopts a 0m (nil) setback which is consistent with Figure 14. The design does not provide a further stepped back 4th and 5th level as suggested in Figure 16. DA10.2023.134.1 similarly, did not provide a stepped back 4th level. Strict compliance with control 12.7.36 and Figure 16 is not considered necessary in this instance; the DCP does not contemplate addition height bonuses afforded under SEPP (Housing) 2021, and strict adherence to the upper level setback controls In Topic 12.7 is not considered a more desirable outcome in this instance. The design responds to the prominent corner location and is appropriate in the context of the locality.
Side and Rear Setbacks	
For development in the Town Center core, along key streets, has the development been proposed as built to boundary i.e. nil side setback? *Note: Variations to the setback controls may be required at sensitive interfaces adjacent to heritage items.*	Yes
Do walls built to the side boundary have no windows or openings overlooking adjoining properties?	Yes
Are side and rear setbacks consistent with those set out in the Apartment Design Guide?	Yes – built to boundary is considered acceptable and desirable in this instance.
All development outside the B2 Local Centre zone is to have a minimum rear setback of 6m.	N/A

Street Wall Heights	
Are street wall heights compliant with that nominated in Figure 14 of Topic 12.7? *Note: Development above the street wall height is to have a minimum upper level setback of 3m. Depending on the site's orientation, greater setbacks may be required for development to the north of streets and public places to ensure sufficient sun access.*	No – Upper level setbacks are considered appropriate.
Are any projections beyond the site boundary consistent limited to the "building articulation zone" as shown in Figure 15 and 16 of Topic 12.7? *Note: The "building articulation zone" is limited to above street level, a 0.3m façade articulation zone allows minor projections beyond the site boundary to create visual interest.*	N/A
The street wall of new buildings should be designed to maintain the dominant parapet line of adjacent buildings.	N/A – There is no dominant parapet line in this section of Terralong Street.
Bulk, Scale and Floor Heights	
Are built form heights compliant with that nominated in Figure 17 of Topic 12.7?	No – The proposal relies on building height bonuses under SEPP (Housing) 2021.
Does the development provide suitable vertical articulation with unarticulated length limited to a maximum of 15m?	Yes
Is the upper most level appropriately stepped back? *Note: built elements such as pergolas, colonnades or roof forms should not protrude into the upper level setback.*	Yes – the roof top level is appropriately stepped back. The use of curved concrete balustrades, glazing and rooftop planter boxes provides a lightweight appearance of upper levels of the building.
Are balconies above active frontages suitably integrated into the street wall?	Yes
Buildings located on highly visible corners should be of a high quality and 'turn the corner" with elements which emphasise the sites prominent street corner location.	Yes
Are roof plant and service areas suitable integrated into the building design?	Yes
Does the proposal provide appropriate floor to floor/ceiling heights?	Yes

<table><tr><th>Use</th><th>Minimum floor to floor height</th><th>Minimum floor to ceiling height</th></tr><tr><td>Retail</td><td>4.4m</td><td>4m</td></tr><tr><td>Commercial</td><td>3.7m</td><td>3.3m</td></tr><tr><td>Adaptable</td><td>3.7m</td><td>3.3m</td></tr><tr><td>Residential</td><td>3.1m</td><td>2.7m</td></tr><tr><td>Community</td><td>3.7m</td><td>3.3m</td></tr></table>	
Landscape Quality	
Does the development provide suitable landscaped areas? *Note: Within the Town Centre all sites with a B2 zoning may be able to have a 100% site coverage, subject to heritage considerations and existing trees.* *Note: For sites on the edges of the Town Centre and those with a R3 zoning, a maximum site coverage of 70-80% is desirable.*	Yes – Landscaping is incorporated into the design in planter boxes.
Does landscaping appropriately incorporate native, low water species that is responsive to the change of seasons?	Yes
Does planting adjacent to intersections/roundabouts and driveways, have a mature height of less than 0.9m in order to maintain safe sightlines?	N/A
New development within Manning, Terralong, Shoalhaven and Collins Streets will need to contribute to the existing brick footpath paving using Bulli Blue pavers.	N/A – Alteration for footpath paving is not required in this instance.
Does the development provide suitable deep soil planting areas? *Note: For sites on the edges of the Town Centre and those with a R3 zoning a minimum of 7% of the site area must be provided as a deep soil zone.* *Note: Deep soil zones must be at least 3m x 3m.* *Note: Deep soil zones should be located next to deep soil areas on adjoining properties.*	No – Given the urban context and existing buildings, the provision of deep soil planting areas is not practical.
Views and Vistas	
Does the development protect key views through the town centre?	Yes
Facades and Exteriors	
Is the façade of the building compatible with the facades observed on adjoining buildings and within the immediate area? *Note: Windows with a reasonable depth of reveal and modulation (ie: minimum 150 to 200 mm) are preferred in order to enhance the solid wall facade appearance of buildings in the Kiama streetscape and maintain an interest and scale at pedestrian level.* *Note: Balcony design is to consider the need for visual and acoustic privacy of residents and the impact of visual clutter (such as air conditioners/ washing lines) on the streetscape. Excessive use of glass balustrades and/or metal balustrades is discouraged.*	Yes

Building Materials	
Does the proposal incorporate suitable building materials? *Note: Building materials should include walls of masonry construction, rendered to a flat surface for painting, roof slate, corrugated sheet metal or concrete tiles, and architectural detail and trim in timber and moulded cement.* *Note: Highly reflective finishes and curtain wall glazing should be avoided.* *Note: The retrofit of existing facades is encouraged*	Yes
Colours	
Does the proposal utilise appropriate colours? *Note: Colours should be selected with an emphasis on light/ neutral colours that harmonise with the seaside context.* *Note: Colours should be selected to create contrast between base colour and highlight colour. Lighter colours can be used as highlights to emphasise particular parts of the building. Deeper colours may be used as trim.* *Note: Very dark colours and large expanses of white are to be avoided.*	Yes
Acoustic Privacy	
Does the proposal provide suitable acoustic privacy between various land uses? *Note: Development should provide acoustic control and impact noise attenuation measures in accordance with controls 12.7.80, 12.7.81 and 12.7.82 in Topic 12.7.*	Yes
Amenity	
Does the development provide for suitable sunlight and solar access?	Yes
Does the development suitable limit noise transmission be locating living areas, garaging and service areas away from the bedrooms of other dwellings?	Yes
Parking and Access	
Is parking suitable located within the building footprint or integrated into the building design? *Note: Where open lot carparks are proposed, these shall be located behind buildings.*	Yes
Are parking areas appropriately accessed from side streets? *Note: New vehicle access points should be avoided along streets with a primary active frontage.* *Note: Vehicle access points are limited to a single crossing point and are to be perpendicular to the kerb*	Yes
Does the proposal provide sufficient parking? *Note: Shop top housing development within a 200m radius of the Kiama Town Centre is to receive a 25% car parking space discount. Parking requirements may be reduced for development within the Town Centre subject to submission of a Transport Management Plan and approval by Council.*	Yes
Does the development provide appropriate bicycle storage/parking?	Yes

Does the development provide physically separated pedestrian and vehicle access?	Yes
Are short term and long term parking areas distinguishable and suitably separated.	Yes – Residential and commercial parking spaces are provided in separate car stackers.
Pedestrian Access and Mobility	
Does the development provide appropriate facilities for disabled persons?	Yes
Does the development provide continuous access paths of travel from all public roads and spaces as well as unimpeded internal access?	Yes
Main pedestrian entries from the street should be legible, accessible and barrier free. These entries should be enhanced with appropriate signage and weather protection to improve clarity and amenity.	Complies
Sustainable Design / ESD	
Does the proposal incorporate appropriate water and energy efficiencies, passive solar design and natural ventilation?	Yes
Lighting	
Is external lighting appropriately integrated into the building and designed to minimise light pollution?	Yes
Illuminated features are encouraged at gateway, local nodal and key corner locations. The lighting of buildings and key local landmarks at the pedestrian level is encouraged.	N/A – Illuminated features are not proposed. Given the mixed use of the development, illuminated features is not appropriate for this site.
Advertising and Signage	
Is proposed signage consistent with the desirable signage designs as illustrated in Figure 25 of Topic 12.7? *Note: Visual clutter is discouraged. The use of numerous uncoordinated signs on a single building will not be supported.* *Note: Signs to be located on a particular building should relate to existing signs on the building in terms of common shape; common colours; consistent scale and proportional relationship; and regular placement.* *Note: Illumination of signs should be concealed or integrated within the sign through the use of neon, an internally illuminated panel or sensitively designed external spot lighting. Illumination should not be hazardous or a nuisance to pedestrians, distract motorists or any residents in the area.*	N/A

Public Art	
Does the proposal incorporate suitable public art?	The subject site does not have opportunities for provision of public art.
Strategic Sites	
Is the site a nominated Strategic Site in Topic 12.7?	No

Appendix D – Compliance Summary: Apartment Design Guide

Part 3A – Site Analysis	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 3A.
Is the proposal consistent with the design guidance?	Yes
Objective 3A-1 *Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context*	The application has been supported by an appropriate site analysis plan.
Part 3B - Orientation	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 3B.
Is the proposal consistent with the design guidance?	Yes
Objective 3B-1 *Building types and layouts respond to the streetscape and site while optimising solar access within the development.*	Buildings are appropriately orientated and sited.
Objective 3B-2 *Overshadowing of neighbouring properties is minimised during mid-winter*	Buildings are appropriately sited to minimise overshadowing impacts.
Part 3C – Public Domain Interface	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 3C.
Is the proposal consistent with the design guidance?	Yes
Objective 3C-1 *Transition between private and public domain is achieved without compromising safety and security.*	Private and public spaces are appropriately located, legible and delineated. The design appropriately locates private terraces, balconies and living areas to provide opportunities for passive surveillance whilst also maintaining privacy for residents.
Objective 3C-2 *Amenity of the public domain is retained and enhanced.*	The development is well designed and maintains and enhances the amenity of the public domain in its design. Building infrastructure and other service areas are appropriately integrated into the building design.

	Building entries are appropriately located and designed at a level responding to the adjoining public domain.
Part 3D – Communal and Public Open Space	
Does the proposal satisfy the design criteria? *Note: Objective 3D-1 specifies relevant design criteria.*	Yes
Is the proposal consistent with the design guidance?	Yes
Objective 3D-1 *An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping*	The proposal provides 129.43m² of common open space (COS) at the rooftop level which amounts to an area equivalent to 25.5% of the site area. The rooftop COS receives a minimum of 2 hours of direct sunlight between 9am – 3pm on 21 June. Given the urban context of the site, the locating of COS on the rooftop is appropriate. The COS is well-designed and appropriately dimensioned and includes suitable rooftop planting areas, and is accessible via the common circulation core (lift and stairs)
Objective 3D-2 *Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting.*	The COS is well designed and includes appropriate amenities to support various recreational use by the residents of the building.
Objective 3D-3 *Communal open space is designed to maximise safety.*	Planter boxes, screen walls and balustrades, as well as suitable lighting have been included in the COS to promote safety and security.
Objective 3D-4 *Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood*	Given the urban context of the site, the locating of COS on the rooftop is appropriate.
Part 3E – Deep Soil Zones	
Does the proposal satisfy the design criteria? *Note: Objective 3E-1 specifies relevant design criteria.*	No – See commentary below.
Is the proposal consistent with the design guidance?	Yes
Objective 3E-1 *Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve*	The proposal does not provide deep soil planting areas as specified in the design criteria in Objective 3E-1. The reduced deep soil planting areas is consistent with that approved in DA10.2023.134.1 and is considered appropriate due to the relatively small site area and urban context, 100% site

residential amenity and promote management of water and air quality	coverage and non-residential land uses at the ground floor level. The proposal achieves suitable stormwater management outcomes and includes landscaping in planter boxes on the rooftop, within the internal courtyard and along the building façade in Collins Street.
Part 3F – Visual Privacy	
Does the proposal satisfy the design criteria? *Note: Objective 3F-1 specifies relevant design criteria.*	Yes
Is the proposal consistent with the design guidance?	Yes
Objective 3F-1 *Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy*	The building is situated on a corner block with habitable rooms and balconies orientated outward. The design achieves suitable visual privacy from other buildings and land uses. The northern wall is a blank solid wall and does not require any building separation.
Objective 3F-2 *Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space*	Private areas are appropriately located away from or screened from common areas.
Part 3G – Pedestrian Access and Entries	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 3G.
Is the proposal consistent with the design guidance?	Yes
Objective 3G-1 *Building entries and pedestrian access connects to and addresses the public domain*	Building entries are appropriately designed and located and are easily identifiable.
Objective 3G-2 *Access, entries and pathways are accessible and easy to identify.*	Building entries are clearly visible and identifiable and provide a level entry to the building.
Objective 3G-3 *Large sites provide pedestrian links for access to streets and connection to destinations.*	N/A – the site is a 506.82m² urban site.

Part 3H – Vehicle Access	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 3H.
Is the proposal consistent with the design guidance?	Yes
Objective 3H-1 *Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.*	The vehicle access is from Rosebank Place and is appropriate as it is located away from pedestrian entry points and the more pedestrian trafficked roads.
Part 3J - Bicycle and Car Parking	
Does the proposal satisfy the design criteria? *Note: Objective 3J-1 specifies relevant design criteria.*	Yes
Is the proposal consistent with the design guidance?	Yes
Objective 3J-1 *Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.*	The proposal provides parking in accordance with the requirements of SEPP (Housing) 2021 and Kiama DCP 2020.
Objective 3J-2 *Parking and facilities are provided for other modes of transport.*	The design includes appropriate bike storage areas.
Objective 3J-3 *Car park design and access is safe and secure.*	The car park area is appropriately designed and will provide secure parking.
Objective 3J-4 *Visual and environmental impacts of underground car parking are minimised.*	Due to the sloping site, the car parking area will be visible from Collins Street. The façade treatment of the car parking area is appropriate and minimises the visual impact of the parking area.
Objective 3J-5 *Visual and environmental impacts of on-grade car parking are minimised.*	The façade treatment of the car parking area is appropriate and minimises the visual impact of the parking area.
Objective 3J-6 *Visual and environmental impacts of above ground enclosed car parking are minimised.*	Above-ground parking is provided via the car stacker arrangement. Parking areas which are visible from the street have been appropriately screened and integrated into the building design.

Part 4A – Solar and Daylight Access	
Does the proposal satisfy the design criteria? *Note: Objective 4A-1 specifies relevant design criteria.*	Yes
Is the proposal consistent with the design guidance?	Yes
Objective 4A-1 *To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space*	Seven (7) of the nine (9) apartments (77.77%) receive a minimum of 3 hours of direct sunlight between 9am-3pm on 21 June. All apartments receive some level of direct sunlight between 9am-3pm on 21 June. The building design has been optimised to allow for appropriate solar access to all apartments.
Objective 4A-2 *Daylight access is maximised where sunlight is limited*	Design solutions including dual aspect and corner apartments, as well as appropriate colour and material choices have been utilised to maximise solar access to apartments.
Objective 4A-3 *Design incorporates shading and glare control, particularly for warmer months*	The building incorporates appropriate shading and weather protection.
Part 4B – Natural Ventilation	
Does the proposal satisfy the design criteria? *Note: Objective 4B-3 specifies relevant design criteria.*	Yes
Is the proposal consistent with the design guidance?	Yes
Objective 4B-1 *All habitable rooms are naturally ventilated.*	All habitable rooms are naturally ventilated and are of appropriate depths with suitable window openings. The study nooks and offices in some apartments to not require independent ventilation as they are an extension of the main room layout; with frosted doors to allow for the area to be sealed off when not in use.
Objective 4B-2 *The layout and design of single aspect apartments maximises natural ventilation*	The design maximises natural ventilation outcomes. Apartments have appropriate depths and are a suitable layout to promote natural ventilation outcomes.
Objective 4B-3 *The number of apartments with natural cross ventilation is maximised*	All apartments (100%) are cross ventilated to allow for appropriate ventilation through the development. Apartments 203 and 303 rely on stack effect ventilation for cross ventilation. The design of these apartments is appropriate as

to create a comfortable indoor environment for residents	they are designed with an open plan layout with an appropriate depth, that would support this cross ventilation outcome.
Part 4C – Ceiling Heights	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4C.
Is the proposal consistent with the design guidance?	Yes
Objective 4C-1 *Ceiling height achieves sufficient natural ventilation and daylight access*	All ceiling heights are appropriate and are consistent with minimum ceiling height requirements set out in the ADG.
Objective 4C-2 *Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms*	Ceiling heights are appropriate and provide for well-proportioned rooms.
Objective 4C-3 *Ceiling heights contribute to the flexibility of building use over the life of the building*	Ground and lower level apartments ceiling heights are appropriate and allow for flexible uses.
Part 4D – Apartment Size and Layout	
Does the proposal satisfy the design criteria? *Note: Objective 4D-1, 4D-2 and 4D-3 specify relevant design criteria.*	Yes
Is the proposal consistent with the design guidance?	Yes
Objective 4D-1 *The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity*	All apartments meet the minimum internal area requirements set out in the ADG. Rooms are appropriately designed and dimensioned and allow for functional circulation areas.
Objective 4D-2 *Environmental performance of the apartment is maximised*	Room depths are appropriate and proportional to ceiling heights. All habitable rooms are located on the external face of the building. Some internal bathrooms and laundries do not have an external window and will be required to be mechanically ventilated.
Objective 4D-3 *Apartment layouts are designed to accommodate a variety of household activities and needs*	All rooms are appropriately dimensioned and are of an appropriate size and layout to accommodate different life stages and a variety of furniture arrangements.

Part 4E – Private Open Space and Balconies	
Does the proposal satisfy the design criteria? *Note: Objective 4E-1 specifies relevant design criteria.*	Yes
Is the proposal consistent with the design guidance?	Yes
Objective 4E-1 *Apartments provide appropriately sized private open space and balconies to enhance residential amenity*	All apartments provide private open space and balconies to meet the minimum size requirements set out in the ADG. Due to the curved balcony design, some parts of the balconies have reduced depths; the balconies are considered to have functional and useable space and the departures to minimum balcony depths is considered acceptable.
Objective 4E-2 *Primary private open space and balconies are appropriately located to enhance liveability for residents.*	Primary private open space and balconies are appropriately designed and located.
Objective 4E-3 *Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.*	Balconies are appropriately integrated into the overall architectural form of the building.
Objective 4E-4 *Private open space and balcony design maximises safety*	Balconies are appropriately designed to maximise safety.
Part 4F- Common Circulation and Spaces	
Does the proposal satisfy the design criteria? *Note: Objective 4F-1 specifies relevant design criteria.*	Yes
Is the proposal consistent with the design guidance?	Yes
Objective 4F-1 *Common circulation spaces achieve good amenity and properly service the number of apartments*	Common circulation areas are appropriately designed and receive daylight and natural ventilation. The common circulation core services no more than 3 apartments on any one level and the design avoids windows opening directly onto the common circulation area.
Objective 4F-2 *Common circulation spaces promote safety and provide for social interaction between residents*	The common circulation core is directly accessible from Collins Street. Circulation areas are well lit and avoid long corridors or areas of potential concealment.

Part 4G – Storage	
Does the proposal satisfy the design criteria? *Note: Objective 4G-1 specifies relevant design criteria.*	Yes
Is the proposal consistent with the design guidance?	Yes
Objective 4G-1 *Adequate, well designed storage is provided in each apartment*	All apartments have additional storage as required by the ADG either within the apartments or supplemented in the residential storage area.
Objective 4G-2 *Additional storage is conveniently located, accessible and nominated for individual apartments*	The residential storage area allows for storage of larger items and is appropriately integrated into the building design.
Part 4H – Acoustic Privacy	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4H.
Is the proposal consistent with the design guidance?	Yes
Objective 4H-1 *Noise transfer is minimised through the siting of buildings and building layout*	The building layout appropriately clusters noisier areas nearby or above each other and locates more noise sensitive areas together.
Objective 4H-2 *Noise impacts are mitigated within apartments through layout and acoustic treatments*	The building design will incorporate appropriate acoustic treatments to minimise noise transmission.
Part 4J – Noise and Pollution	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4J.
Is the proposal consistent with the design guidance?	Yes
Objective 4J-1 *In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.*	The building has been appropriately designed with consideration to external noise sources whilst also maintaining solar access, open space and natural ventilation outcomes.
Objective 4J-2	Additional noise shielding or attenuation is not considered necessary in this instance. The location of the balconies,

Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	stepped in apartments and ground level awning will assist in minimising noise to upper level apartments.
Part 4K – Apartment Mix	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4K.
Is the proposal consistent with the design guidance?	Yes
Objective 4K-1 *A range of apartment types and sizes is provided to cater for different household types now and into the future*	The proposal provides a variety of apartment types and sizes with flexible configurations allowing for diverse households at various life stages.
Objective 4K-2 *The apartment mix is distributed to suitable locations within the building*	Apartments are suitably located within the building.
Part 4L – Ground Floor Apartments	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4L.
Is the proposal consistent with the design guidance?	N/A
Objective 4L-1 *Street frontage activity is maximised where ground floor apartments are located*	N/A – The proposal does not include any ground floor apartments.
Objective 4L-2 *Design of ground floor apartments delivers amenity and safety for residents*	N/A – The proposal does not include any ground floor apartments.
Part 4M - Facades	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4M.
Is the proposal consistent with the design guidance?	Yes
Objective 4L-1 *Building facades provide visual interest along the street while*	The building façade is appropriately articulated and provides visual interest. Although the north-west elevation is a blank wall, it has limited opportunities to provide further articulation due to anticipated re-development of adjoining land. The built form with the lightwell as well as detailing provides adequate

respecting the character of the local area	articulation and visual interest without compromising re-development opportunities of adjoining land. Building services are appropriately integrated into the building design and minimised at the ground level and along active street frontages where possible.
Objective 4L-2 *Building functions are expressed by the facade*	The site is a prominent corner site. The design and curved architectural style, as well as the location and design of windows and other glazed elements emphasizes the corner and provides a sense of visual prominence to the corner.
Part 4N – Roof Design	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4N.
Is the proposal consistent with the design guidance?	Yes
Objective 4N-1 *Roof treatments are integrated into the building design and positively respond to the street*	The roof and roof top open space areas are appropriately designed and integrated into the architectural style of the building.
Objective 4N-2 *Opportunities to use roof space for residential accommodation and open space are maximised*	Open space rooftop areas are appropriate and provide a high level of amenity for occupants.
Objective 4N-3 *Roof design incorporates sustainability features*	The roof design incorporates suitable sustainability features and includes suitable design solutions for solar access, shade and protection from the weather.
Part 4O – Landscape Design	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4O.
Is the proposal consistent with the design guidance?	Yes
Objective 4O-1 *Landscape design is viable and sustainable*	Landscaping in planter boxes at various levels and various locations within the development is appropriate, and proposed landscape plantings are suitable.
Objective 4O-2 *Landscape design contributes to the streetscape and amenity*	Landscaping integrates and enhances the overall building design. Proposed landscape plantings are suitable.
Part 4P – Planting on Structures	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4P.

Is the proposal consistent with the design guidance?	Yes
Objective 4P-1 *Appropriate soil profiles are provided*	The size, dimensions, design and location of planter boxes are appropriate and accommodate suitable landscape plantings.
Objective 4P-2 *Plant growth is optimised with appropriate selection and maintenance*	Proposed landscape plantings are suitable and the landscaped planter boxes can be appropriately maintained.
Objective 4P-3 *Planting on structures contributes to the quality and amenity of communal and public open spaces*	Landscaping integrates and enhances the overall building design.
Part 4Q – Universal Design	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4Q.
Is the proposal consistent with the design guidance?	Yes
Objective 4Q-1 *Universal design features are included in apartment design to promote flexible housing for all community members*	Universal design features have been incorporated into the building. In addition, two of the apartments have been provided as accessible housing.
Objective 4Q-2 *A variety of apartments with adaptable designs are provided*	Accessible/adaptable housing has been provided in accordance with Kiama DCP 2020 and have been appropriately incorporated into the development.
Objective 4Q-3 *Apartment layouts are flexible and accommodate a range of lifestyle needs*	Apartment allow for flexible and varied furniture layouts.
Part 4R – Adaptive Reuse	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4R.
Is the proposal consistent with the design guidance?	N/A
Objective 4R-1 *New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place*	N/A – The proposal does not involve adaptive reuse of existing buildings.

Objective 4R-2 *Adapted buildings provide residential amenity while not precluding future adaptive reuse*	N/A – The proposal does not involve adaptive reuse of existing buildings.
Part 4S – Mixed Use	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4S.
Is the proposal consistent with the design guidance?	Yes
Objective 4S-1 *Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement*	The proposal includes ground floor commercial areas which appropriately address and activate Terralong Street and also the corner with Collins Street.
Objective 4S-2 *Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents*	The proposal provides appropriate separation between the residential and commercial elements of the building and provides safety and a high level of amenity for residents.
Part 4T – Awnings and Signage	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4T.
Is the proposal consistent with the design guidance?	Yes
Objective 4T-1 *Awnings are well located and complement and integrate with the building design.*	The proposed awning along the corner and Terralong Street is appropriate and integrates with the overall building design.
Objective 4T-2 *Signage responds to the context and desired streetscape character.*	N/A – The application does not propose any signage.
Part 4U – Energy Efficiency	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4U.
Is the proposal consistent with the design guidance?	Yes
Objective 4U-1 *Development incorporates passive environmental design.*	The proposal provides appropriate natural light and solar access to all apartments. Due to the urban context and highly visible balconies, it is not appropriate to locate clothes drying

	in these areas. All apartments will be fitted with appropriate laundries and clothes drying facilities.
Objective 4U-2 *Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.*	The building incorporates appropriate solar and heating/cooling efficiencies.
Objective 4U-3 *Adequate natural ventilation minimises the need for mechanical ventilation.*	All habitable rooms are naturally ventilated, with mechanical ventilation limited to bathrooms and laundries where natural ventilation cannot be achieved.
Part 4V – Water Management and Conservation	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4V.
Is the proposal consistent with the design guidance?	Yes
Objective 4V-1 *Potable water use is minimised*	The proposal incorporates appropriate water conservation efficiencies.
Objective 4V-2 *Urban stormwater is treated on site before being discharged to receiving waters*	The proposal will maintain water quality.
Objective 4V-3 *Flood management systems are integrated into site design*	The proposal incorporates appropriate flood management controls.
Part 4W – Waste Management	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4W.
Is the proposal consistent with the design guidance?	Yes
Objective 4W-1 *Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents*	Waste storage arrangements are not dissimilar to DA10.2023.134.1. Waste storage areas are appropriately sized, designed and located.
Objective 4W-2 *Domestic waste is minimised by providing safe and convenient source separation and recycling*	Waste storage areas are appropriately sized, designed and located. The proposal provides separate residential and commercial waste collection areas.

Part 4X – Building Maintenance	
Does the proposal satisfy the design criteria?	N/A – The ADG does not specify any design criteria under Part 4X.
Is the proposal consistent with the design guidance?	Yes
Objective 4X-1 *Building design detail provides protection from weathering*	The proposal provides appropriate building elements that provide protection from weathering.
Objective 4X-2 *Systems and access enable ease of maintenance*	The building can be appropriately maintained.
Objective 4X-3 *Material selection reduces ongoing maintenance costs*	Material selection is appropriate.

Appendix C – Clause 4.6 Detailed Consideration

Consideration of the clause 4.6 exception is provided below:

Clause 4.6 Exception to the State Environmental Planning Policy (Housing) 2021

Development Standard

Building height exceedance beyond the affordable housing bonuses under s16(3) of SEPP (Housing) 2021.

16 Affordable housing requirements for additional floor space ratio

(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the development on the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).

(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—

$$\text{affordable housing component} = \frac{\text{additional floor space ratio (as a percentage)}}{2}$$

(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).

Example—

Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.

(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.

Kiama LEP 2011 sets a maximum building height of 14.3m which has been increased to 18.59m pursuant to the bonuses afforded under s16(3) of the SEPP for affordable housing development.

Extent of proposed departure from development standard

SEPP clause	*Numerical Standard*	*Proposed Solution*	*Numerical Departure*	*% Departure*
s16(3)	18.59m	21.723m	3.133m	16.85%

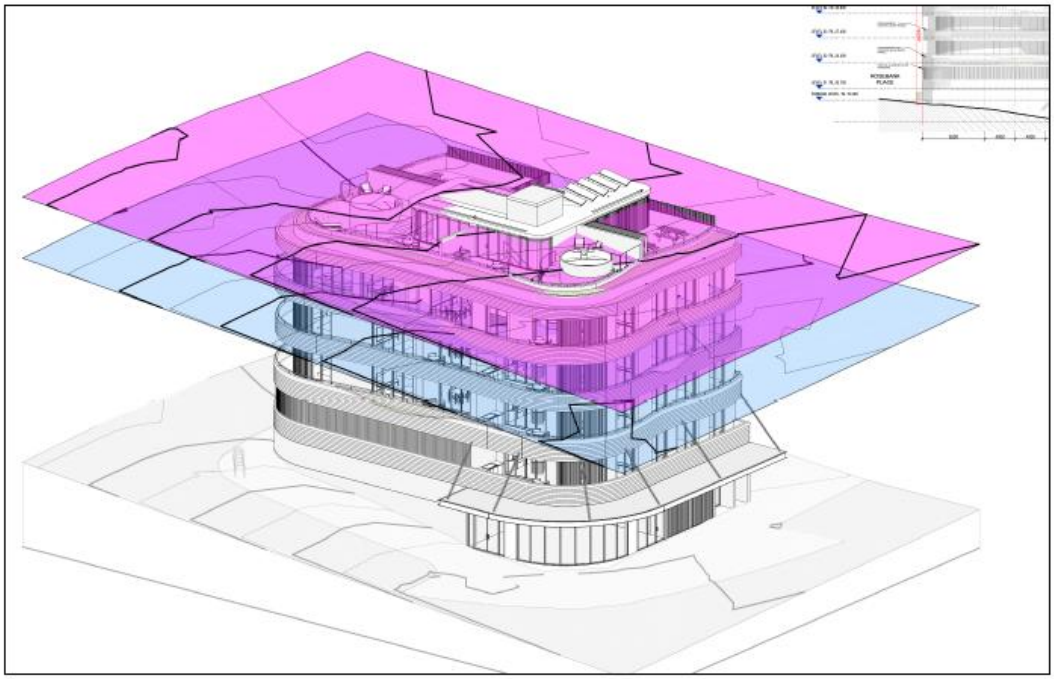


Figure 7: Height blanket diagram showing building height encroachments, and KLEP mapped height (blue) of 14.3m and permitted building height under SEPP (Housing) 2021 (purple) of 18.58m

Applicant's clause 4.6 statement

The application has been supported by a clause 4.6 variation request as required by s35B of the Environmental Planning and Assessment Regulation 2021 which identifies the grounds the applicant seeks to demonstrate the variation is justified and well founded.

Council is satisfied that the applicant has demonstrated through application and through the clause 4.6 variation request 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.

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

Council is satisfied that compliance with the building height limit development standard under s16(3) is unreasonable in this instance for the following reasons:

- The areas of encroachment are limited to the rooftop elements being the lift overrun, rooftop communal bathroom, fire stairs, dividing walls, rooftop pool and rooftop planters and generally arise due to the fall of the land. It would not be a practical or a more appropriate outcome to minimise building height encroachments through a stepping down of the built form to follow the existing ground level and slope of the land in this instance given the site area and site

dimensions; this would create split levels within the development and result in an impractical building design and layout.

- The areas of encroachment are generally located more centrally within the rooftop area and do not substantially contribute to overall bulk and scale of the building. Although observable from more distant or elevated vantage points e.g. on the approach from Collins Street or Terralong Street, they do not result in unreasonable bulk and scale; from the street level, these building height encroachments would not be readily perceived.

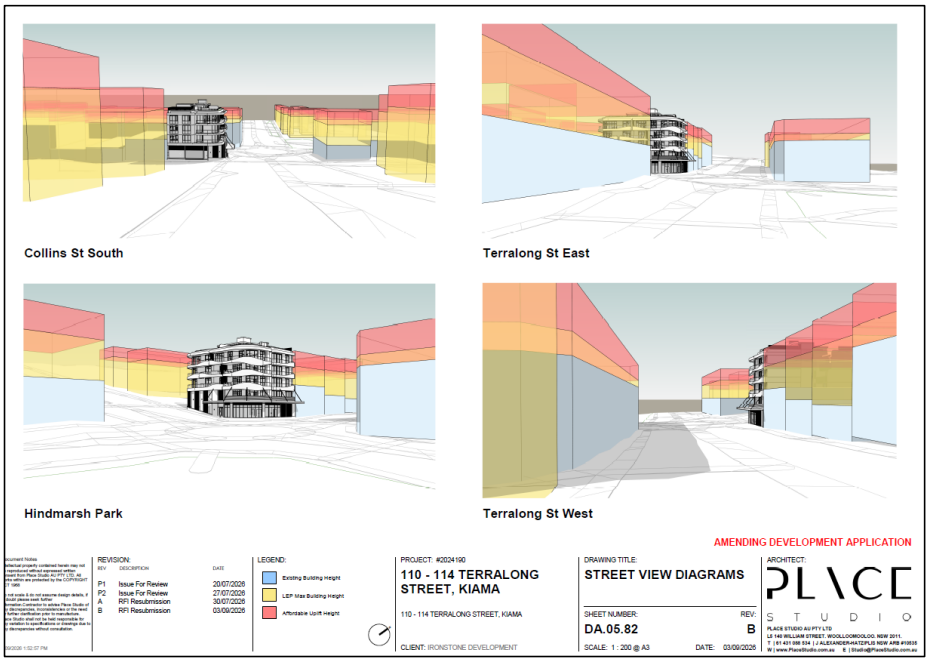


Figure 8: Street view images showing proposed development and overlaying existing buildings (blue) as well as permitted building uplift for surrounding properties (yellow and red).

- Considering this is an amending DA to DA10.2023.134.1 and that a 2.375m (16.96%) building height encroachment was approved for the decorative turret, lift enclosure, pergola and parapet, the relative rooftop/building encroachment are similar to that approved in DA10.2023.134.1. The current amending DA seeks to amend the building design, but also to increase the number of apartments and number stories of the building from four stories to five stories, through utilising the affordable housing bonuses available under SEPP (Housing) 2021. Both the approved and proposed design include rooftop elements that encroach beyond the building height limit, and it is reasonable to expect similar encroachments where the SEPP bonus provisions fundamentally encourage increased building height and insertion of an additional storey to facilitate an affordable housing outcome. The percentage exceedance between DA10.2023.134.1 and DA10.2026.77.1 are effectively equivalent and proportional.



Figure 9: Approved elevation plan from DA10.2023.134.1 noting approved building height encroachments (elements above green line)

- The proposed development is consistent with the Objectives of the E1 Local Centre zone and the objectives of clause 4.3 – Height of Buildings, in that the development is in keeping with the desired scale and character of the street and local area, appreciating bonuses for building height and floor space ratio available under SEPP (Housing) 2021. As illustrated in Figure 8 above, the proposal is not inconsistent with bulk and scale that is anticipated within the Kiama town centre. The building height encroachments do not create significant adverse overshadowing impacts and the proposal maintains reasonable daylight to adjoining development and the public domain.
- The proposal is consistent with the objectives of Chapter 2 Part 2 Division 1 of SEPP (Housing) 2021 in facilitating the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households. The application includes the provision of two (2) x affordable housing apartments which in accordance with s82 of the Environmental Planning and Assessment Regulations 2021must be provided as affordable housing for a period of 15 years from the date an Occupation Certificate is issued.

Sufficient Environmental Planning Grounds

Council is satisfied that there are sufficient environmental planning grounds to justify the contravention the building height development standard:

- The majority of and most significant encroachments are functional elements of the building being the lift overrun, fire stairs, rooftop plant and equipment, rainwater tanks, accessible unisex rooftop communal bathroom and dividing walls that separate and provide privacy between private rooftop terraces and common open space.
- Similar encroachments were approved in DA10.2023.134.1 and the extent of proposed encroachments in this application are effectively equivalent and proportional to those approved, whilst also considering height bonuses under SEPP (Housing) 2021.

- Encroaching elements such as the roof top planter boxes positively contribute to the overall design quality of the building softening the building and contributing to the lightweight design. These elements and the location of landscaping on the rooftop assists in combatting urban het island effects within the urban centre, stormwater management and contributing to high-quality rooftop open space.
- The proposal is consistent with the objects of the Environmental Planning and Assessment Act 1979 specifically by:
    - promoting the supply and delivery of housing and affordable housing within a well-located and accessible area,
    - promoting good design, amenity and property construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings, through emphasis of the prominent corner location and provision of active ground floor commercial uses and housing within the Kiama town centre, and
    - promoting, the orderly and economic use and development of land.



3D PERSPECTIVE - COURT APPROVED DESIGN



3D PERSPECTIVE - PROPOSED DESIGN

SCHEDULE OF CHANGES - FACADE

- REVISED ARCHITECTURAL EXPRESSION INCORPORATING A SOFTER, MORE RESPONSIVE BUILT FORM WITH CURVED FACADE AND BALCONY ELEMENTS.
- INTEGRATION OF ARTICULATED BALCONY EDGES AND REPLACEMENT OF SOLID CONCRETE BALUSTRADES WITH GLAZED BALUSTRADES, REDUCING VISUAL BULK AND SOFTENING THE UPPER BUILDING FORM.
- INTRODUCTION OF AN ADDITIONAL RESIDENTIAL LEVEL TO FACILITATE THE PROVISION OF AFFORDABLE HOUSING IN ACCORDANCE WITH THE APPLICABLE HEIGHT AND FSR UPLIFT PROVISIONS.
- RECONFIGURATION OF THE UPPER BUILDING FORM, ROOFTOP TERRACE AND ASSOCIATED LIFT-OVERRUN AND PLANT ELEMENTS.
- INTRODUCTION OF AN INTEGRATED CURVED AND UNDULATING CORNER FORM ADDRESSING THE TERRALONG STREET AND COLLINS STREET INTERSECTION, IMPROVING STREETSCAPE PRESENCE AND REINFORCING THE BUILDING'S COASTAL CHARACTER.
- INTRODUCTION OF ENLARGED WRAP-AROUND BALCONIES TO IMPROVE RESIDENTIAL AMENITY AND PROVIDE GREATER ARTICULATION TO THE STREET ELEVATIONS.
- REVISED GROUND-FLOOR COMMERCIAL FRONTAGE AND CONTINUOUS CURVED AWNING TO STRENGTHEN THE PEDESTRIAN INTERFACE.
- UPDATED MATERIAL PALETTE INCORPORATING PRECAST AND RENDERED CONCRETE, WEATHERBOARD-TEXTURED CONCRETE, TIMBER SOFFITS, BRONZE-TONED METALWORK, ALUMINIUM SCREENING AND INCREASED GLAZING.
- INTEGRATION OF PLANTING WITHIN SELECTED BALCONY AND ROOFTOP AREAS TO SOFTEN THE BUILDING FORM AND COMPLEMENT THE COASTAL CHARACTER OF KIAMA.

AMENDING DEVELOPMENT APPLICATION

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REVISION:

REV	DESCRIPTION	DATE
P1	Issue For Review	27/07/2026
A	RFI Resubmission	30/07/2026
B	RFI Resubmission	03/09/2026

LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_3D PERSPECTIVE

SHEET NUMBER: **CP.00**

REV: **B**

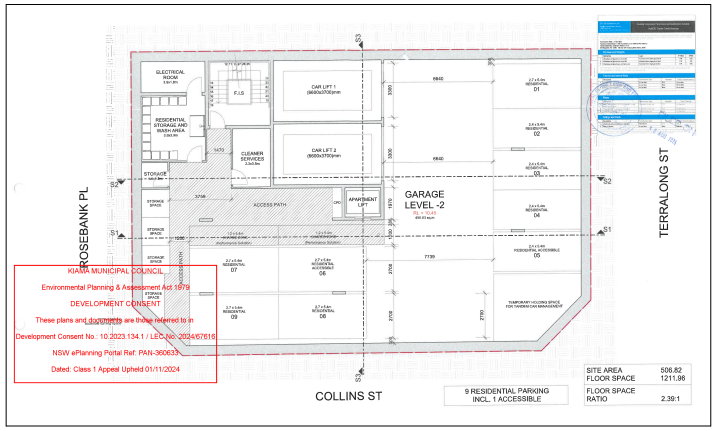
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DATE: 03/09/2026

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GARAGE LEVEL 2 - COURT APPROVED DESIGN

BASEMENT LEVEL REMOVED IN PROPOSED DESIGN

GARAGE LEVEL 2 - PROPOSED DESIGN

SCHEDULE OF CHANGES - GARAGE LEVEL 2

- REMOVAL OF THE LOWER BASEMENT PARKING LEVELS TO REDUCE CONSTRUCTION IMPACT ASSOCIATED WITH DEEP EXCAVATION, RETAINING STRUCTURES AND BASEMENT WORKS.
- REMOVAL OF THE VEHICLE LIFTS PREVIOUSLY REQUIRED TO ACCESS THE LOWER BASEMENT.
- CONSOLIDATION OF THE APPROVED BASEMENT PARKING ARRANGEMENT INTO THE REDESIGNED ABOVE-GROUND PARKING FACILITY.
- RELOCATION AND CONSOLIDATION OF ASSOCIATED BUILDING SERVICES, STORAGE AND CIRCULATION AREAS WITHIN THE REVISED DEVELOPMENT LAYOUT.
- REVISED PARKING STRATEGY PROVIDING MORE DIRECT VEHICLE ACCESS FROM ROSEBANK PLACE.

AMENDING DEVELOPMENT APPLICATION

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REVISION:

REV	DESCRIPTION	DATE
P1	Issue For Review	27/07/2026
A	RFI Resubmission	30/07/2026
B	RFI Resubmission	03/09/2026

LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_GARAGE LEVEL 02

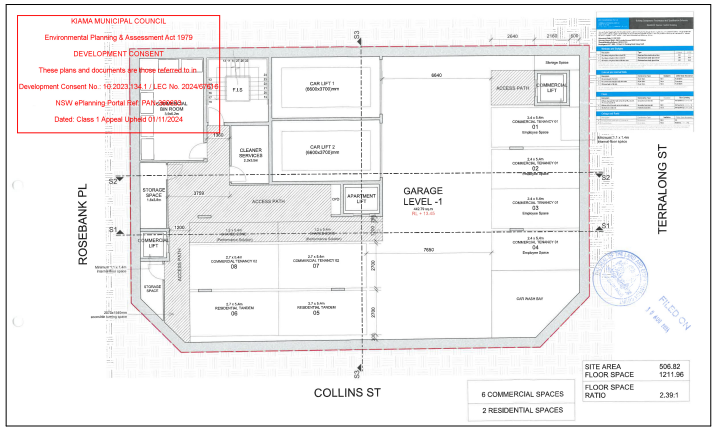
SHEET NUMBER: **CP.01**

REV: **B**

SCALE: 1 : 250 @ A3

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GARAGE LEVEL 1 - COURT APPROVED DESIGN

BASEMENT LEVEL REMOVED IN PROPOSED DESIGN

GARAGE LEVEL 1 - PROPOSED DESIGN

SCHEDULE OF CHANGES - GARAGE LEVEL 1

- REMOVAL OF THE LOWER BASEMENT PARKING LEVELS TO REDUCE CONSTRUCTION IMPACT ASSOCIATED WITH DEEP EXCAVATION, RETAINING STRUCTURES AND BASEMENT WORKS.
- REMOVAL OF THE VEHICLE LIFTS PREVIOUSLY REQUIRED TO ACCESS THE LOWER BASEMENT.
- CONSOLIDATION OF THE APPROVED BASEMENT PARKING ARRANGEMENT INTO THE REDESIGNED ABOVE-GROUND PARKING FACILITY.
- RELOCATION AND CONSOLIDATION OF ASSOCIATED BUILDING SERVICES, STORAGE AND CIRCULATION AREAS WITHIN THE REVISED DEVELOPMENT LAYOUT.
- REVISED PARKING STRATEGY PROVIDING MORE DIRECT VEHICLE ACCESS FROM ROSEBANK PLACE.

AMENDING DEVELOPMENT APPLICATION

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REVISION:

REV	DESCRIPTION	DATE
P1	Issue For Review	27/07/2026
A	RFI Resubmission	30/07/2026
B	RFI Resubmission	03/09/2026

LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_GARAGE LEVEL 01

SHEET NUMBER: **CP.02**

REV: **B**

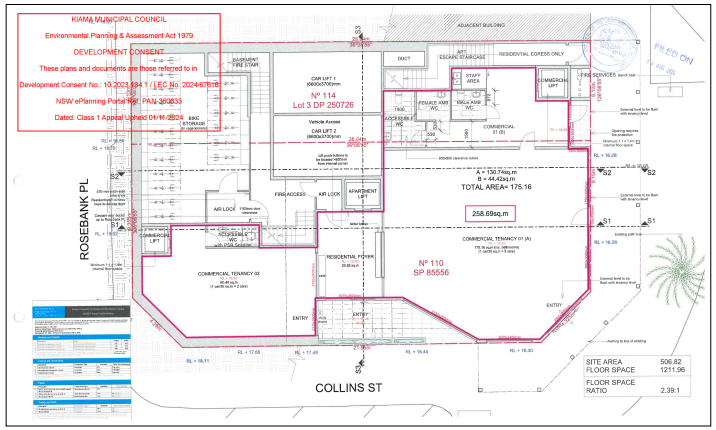
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DATE: 03/09/2026

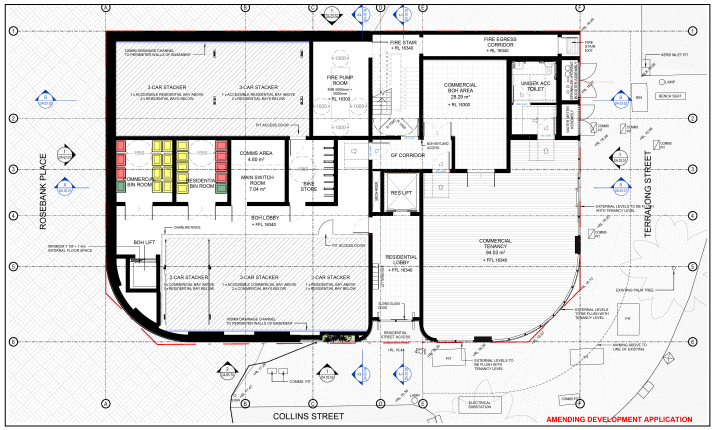
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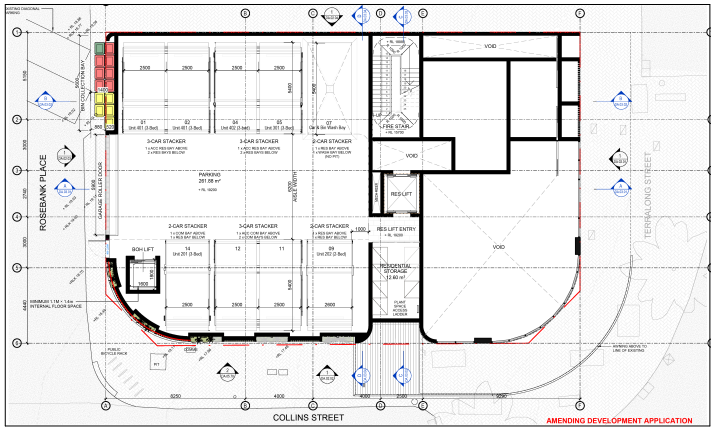
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GROUND LEVEL- COURT APPROVED DESIGN



TERRALONG STREET GROUND LEVEL- PROPOSED DESIGN



ROSEBANK PLACE PARKING LEVEL- PROPOSED DESIGN

SCHEDULE OF CHANGES - GROUND FLOOR

- INTRODUCTION OF ABOVE-GROUND PARKING ACCESSED FROM ROSEBANK PLACE IN PLACE OF THE APPROVED BASEMENT VEHICLE-LIFT ARRANGEMENT.
- CONSOLIDATION OF THE APPROVED COMMERCIAL AREAS INTO A SINGLE, MORE FUNCTIONAL COMMERCIAL TENANCY WITH ASSOCIATED KITCHEN AND BACK-OF-HOUSE FACILITIES AND A STRONGER RELATIONSHIP WITH THE TERRALONG AND COLLINS STREET FRONTAGES
- DIRECT BACK-OF-HOUSE ACCESS FOR COMMERCIAL TENANCY, SEPARATING SERVICING OPERATIONS FROM CUSTOMER AND RESIDENT CIRCULATION.
- CONSOLIDATION OF ELECTRICAL, COMMUNICATIONS, FIRE-PUMP, BICYCLE-STORAGE AND BUILDING-SERVICE AREAS WITHIN THE GROUND-FLOOR BACK-OF-HOUSE ZONE.
- RELOCATION OF RESIDENTIAL AND COMMERCIAL WASTE FACILITIES TO ROSEBANK PLACE, PROVIDING DIRECT ACCESS FOR WASTE COLLECTION AWAY FROM THE PRIMARY COMMERCIAL FRONTAGE.
- PROVISION OF A CLEARLY IDENTIFIABLE RESIDENTIAL ENTRY FROM THE COLLINS STREET FRONTAGE, CREATING A STRONGER ADDRESS AND IMPROVED INTERFACE WITH THE PUBLIC DOMAIN.
- REVISED CURVED COMMERCIAL SHOPFRONT AND CONTINUOUS AWNING TO MAINTAIN THE PRESENTATION AND AMENITY OF THE PROMINENT STREET CORNER.
- INTRODUCTION OF A SOFTER MATERIAL PALETTE AND CURVED ARCHITECTURAL ELEMENTS TO ENHANCE THE BUILDING'S RELATIONSHIP WITH THE SURROUNDING COASTAL TOWN STREETSCAPE.

AMENDING DEVELOPMENT APPLICATION

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REVISION:

REV	DESCRIPTION	DATE
P1	Issue For Review	27/07/2026
A	RFI Resubmission	30/07/2026
B	RFI Resubmission	03/09/2026

LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_GROUND FLOOR

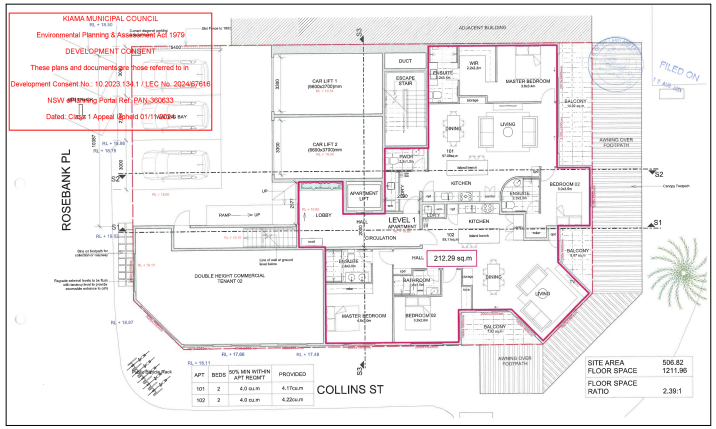
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REV: **B**

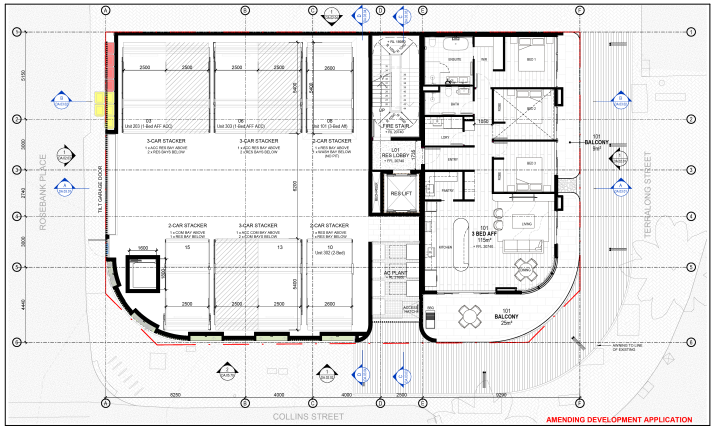
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LEVEL01 - COURT APPROVED DESIGN



LEVEL 01 - PROPOSED DESIGN

SCHEDULE OF CHANGES - LEVEL 01

- RECONFIGURATION OF LEVEL 1 TO ACCOMMODATE THE REVISED ABOVE-GROUND PARKING ARRANGEMENT AND AN AFFORDABLE RESIDENTIAL APARTMENT.
- PROVISION OF INDIVIDUALLY-OPERATED MECHANICAL PARKING FOR RESIDENTIAL AND COMMERCIAL VEHICLES WITH DIRECT ACCESS FROM ROSEBANK PLACE.
- INTRODUCTION OF A THREE-BEDROOM AFFORDABLE APARTMENT WITH AN ENLARGED CURVED BALCONY ADDRESSING THE STREET CORNER.
- RELOCATION OF THE RESIDENTIAL LIFT AND FIRE STAIR TO A CENTRALISED CORE TO IMPROVE CIRCULATION EFFICIENCY THROUGHOUT THE UPPER LEVELS.
- REMOVAL OF THE APPROVED VEHICLE LIFTS AND SEPARATE COMMERCIAL-LIFT ARRANGEMENT.
- RECONFIGURATION OF THE APPROVED DOUBLE-HEIGHT COMMERCIAL AREA TO SUIT THE REVISED GROUND-FLOOR COMMERCIAL TENANCY.
- INTRODUCTION OF CURVED BALCONY AND FACADE ELEMENTS CONSISTENT WITH THE REVISED ARCHITECTURAL LANGUAGE.
- RETENTION OF SEPARATE PARKING AND RESIDENTIAL FLOOR LEVELS TO RESPOND TO THE SITE TOPOGRAPHY AND FUNCTIONAL REQUIREMENTS OF THE DEVELOPMENT.

AMENDING DEVELOPMENT APPLICATION

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REV	DESCRIPTION	DATE
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A	RFI Resubmission	30/07/2026
B	RFI Resubmission	03/09/2026

LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_LEVEL 01

SHEET NUMBER: **CP.04**

REV: **B**

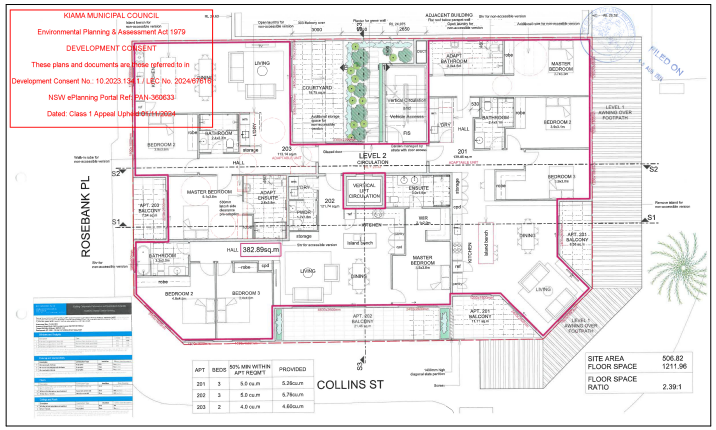
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DATE: 03/09/2026

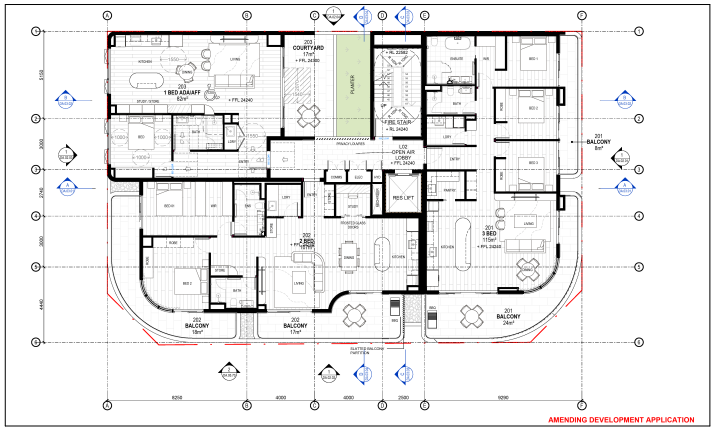
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LEVEL02 - COURT APPROVED DESIGN



LEVEL 02 - PROPOSED DESIGN

SCHEDULE OF CHANGES - LEVEL 02

- REVISED APARTMENT MIX COMPRISING ONE THREE-BEDROOM APARTMENT, ONE TWO-BEDROOM APARTMENT AND ONE ONE-BEDROOM ACCESSIBLE/AFFORDABLE APARTMENT.
- RECONFIGURATION OF APARTMENT LAYOUTS TO IMPROVE INTERNAL PLANNING, CIRCULATION, STORAGE AND RESIDENTIAL FUNCTIONALITY.
- RELOCATION OF THE LIFT AND FIRE STAIR TO A CENTRAL CORE WITH AN OPEN-AIR RESIDENTIAL LOBBY.
- REALLOCATION OF THE UNUSED CENTRAL COURTYARD AREA AS AN ENLARGED PRIVATE COURTYARD FOR THE ACCESSIBLE/AFFORDABLE APARTMENT. APPROVED AREA RETAINED.
- INTRODUCTION OF AN ADJOINING LANDSCAPED PLANTER TO ENHANCE PRIVACY AND RESIDENTIAL AMENITY.
- REPLACEMENT OF THE APPROVED RECTILINEAR BALCONY ARRANGEMENT WITH ENLARGED CURVED BALCONIES AND SOFTENED CORNER FORMS.

AMENDING DEVELOPMENT APPLICATION

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REVISION:

REV	DESCRIPTION	DATE
P1	Issue For Review	27/07/2026
A	RFI Resubmission	30/07/2026
B	RFI Resubmission	03/09/2026

LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_LEVEL 02

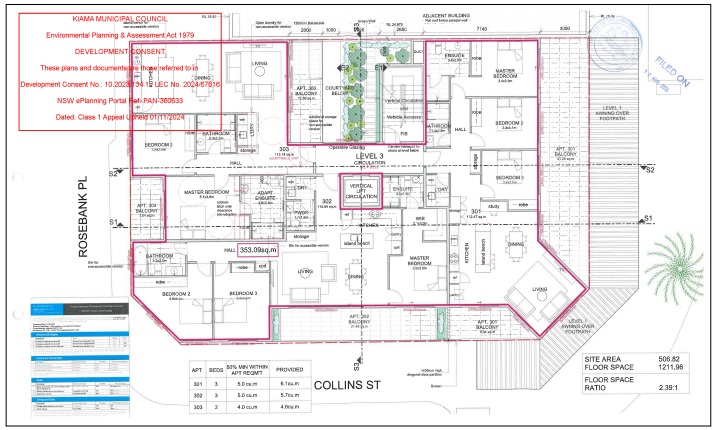
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REV: **B**

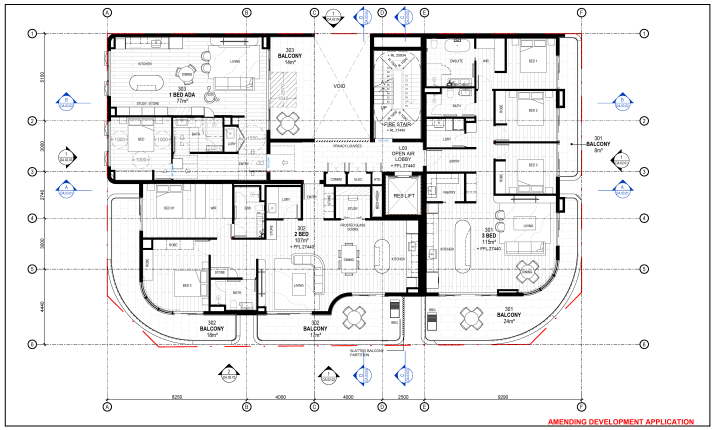
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DATE: 03/09/2026

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LEVEL03 - COURT APPROVED DESIGN



LEVEL 03 - PROPOSED DESIGN

SCHEDULE OF CHANGES - LEVEL 03

- REVISED APARTMENT MIX COMPRISING ONE THREE-BEDROOM APARTMENT, ONE TWO-BEDROOM APARTMENT AND ONE ONE-BEDROOM ACCESSIBLE/AFFORDABLE APARTMENT.
- RECONFIGURATION OF APARTMENT LAYOUTS TO IMPROVE INTERNAL FUNCTIONALITY, CIRCULATION AND ACCESS TO PRIVATE OPEN SPACE.
- RELOCATION OF THE LIFT AND FIRE STAIR TO THE CENTRALISED RESIDENTIAL CORE.
- INTRODUCTION OF AN OPEN-AIR LOBBY AND RETENTION OF THE CENTRAL VOID SPACE TO PROVIDE NATURAL LIGHT AND VENTILATION TO THE CIRCULATION AREA.
- INTRODUCTION OF ENLARGED CURVED BALCONIES AND SOFTENED FACADE CORNERS.
- CONTINUATION OF THE REVISED ARCHITECTURAL AND MATERIAL TREATMENT ESTABLISHED ON THE LOWER RESIDENTIAL LEVELS.

AMENDING DEVELOPMENT APPLICATION

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REVISION:

REV	DESCRIPTION	DATE
P1	Issue For Review	27/07/2026
A	RFI Resubmission	30/07/2026
B	RFI Resubmission	03/09/2026

LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_LEVEL 03

SHEET NUMBER: **CP.06**

REV: **B**

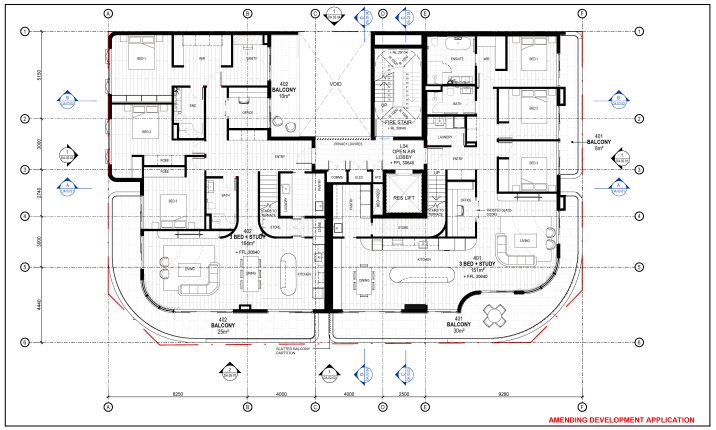
SCALE: 1 : 250 @ A3

DATE: 03/09/2026

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LEVEL 4 ADDED IN PROPOSED DESIGN

LEVEL 04 - N/A



LEVEL 04 - PROPOSED DESIGN

SCHEDULE OF CHANGES - LEVEL 04

- INTRODUCTION OF AN ADDITIONAL RESIDENTIAL LEVEL TO FACILITATE THE PROVISION OF AFFORDABLE HOUSING WITHIN THE DEVELOPMENT.
- PROVISION OF TWO THREE-BEDROOM PENTHOUSE APARTMENTS.
- INTRODUCTION OF GENEROUS CURVED BALCONIES PROVIDING ENHANCED PRIVATE OPEN SPACE AND OUTLOOK.
- PROVISION OF DEDICATED INTERNAL STAIR ACCESS FROM EACH PENTHOUSE APARTMENT TO ITS ASSOCIATED PRIVATE ROOFTOP TERRACE.
- EXTENSION OF THE CENTRAL LIFT, FIRE STAIR AND OPEN-AIR RESIDENTIAL LOBBY TO LEVEL 4.
- CONTINUATION OF THE CURVED FACADE AND BALCONY EXPRESSION AT THE UPPER LEVEL.
- INTRODUCTION OF ARTICULATED BALCONY EDGES TO SOFTEN THE UPPER BUILDING FORM AND ENHANCE FAÇADE MODULATION.
- RECONFIGURATION OF THE UPPER-STOREY MASSING TO MAINTAIN A COHESIVE ARCHITECTURAL EXPRESSION ACROSS ALL ELEVATIONS.

AMENDING DEVELOPMENT APPLICATION

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REV	DESCRIPTION	DATE
P1	Issue For Review	27/07/2026
A	RFI Resubmission	30/07/2026
B	RFI Resubmission	03/09/2026

LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_LEVEL 04

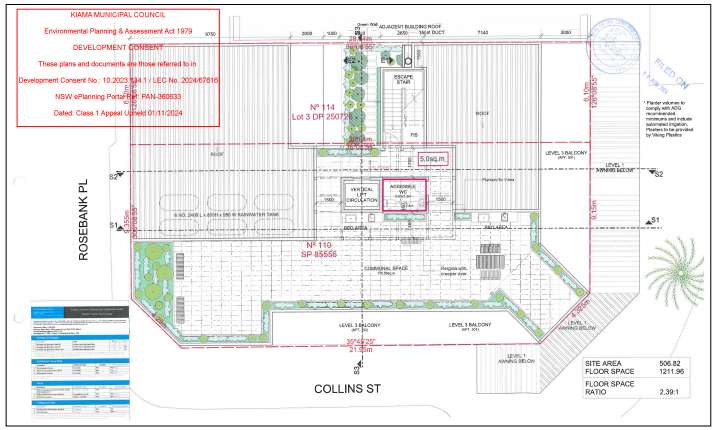
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REV: **B**

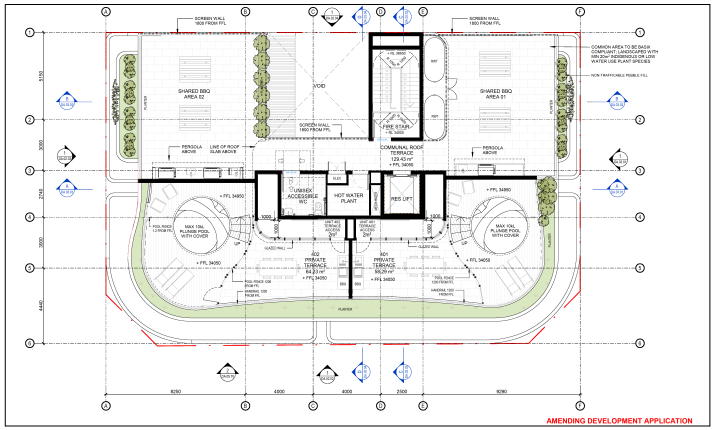
SCALE: 1 : 250 @ A3

DATE: 03/09/2026

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ROOF PLAN - COURT APPROVED DESIGN



ROOF TERRACE - PROPOSED DESIGN

SCHEDULE OF CHANGES - ROOF TERRACE

- RELOCATION OF THE COMMUNAL ROOFTOP TERRACE ABOVE THE NEW LEVEL 4 RESIDENTIAL LEVEL.
- RECONFIGURATION OF THE ROOFTOP TO PROVIDE A COMBINATION OF COMMUNAL AND PRIVATE OPEN-SPACE AREAS.
- PROVISION OF TWO PRIVATE ROOFTOP TERRACES ASSOCIATED WITH THE LEVEL 4 PENTHOUSE APARTMENTS.
- INTRODUCTION OF A PLUNGE POOL AND POOL DECK WITHIN EACH PRIVATE ROOFTOP TERRACE.
- PROVISION OF DIRECT INTERNAL STAIR ACCESS BETWEEN EACH PENTHOUSE APARTMENT AND ITS PRIVATE TERRACE.
- REDESIGNED COMMUNAL ROOFTOP AREA INCORPORATING BARBECUE FACILITIES, PERGOLAS, SEATING AREAS AND PERIMETER PLANTING.
- REPLACEMENT OF THE APPROVED CORNER PERGOLA WITH TWO SMALLER PERGOLAS INTEGRATED WITH THE COMMUNAL BARBECUE AND SEATING AREAS.
- REVISED LANDSCAPE DESIGN PROVIDING A GREATER VARIETY OF PLANTING, SEATING AND RECREATIONAL SPACES ACROSS THE ROOFTOP.

AMENDING DEVELOPMENT APPLICATION

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REV	DESCRIPTION	DATE
P1	Issue For Review	27/07/2026
A	RFI Resubmission	30/07/2026
B	RFI Resubmission	03/09/2026

LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_ROOF TERRACE

SHEET NUMBER: **CP.08**

REV: **B**

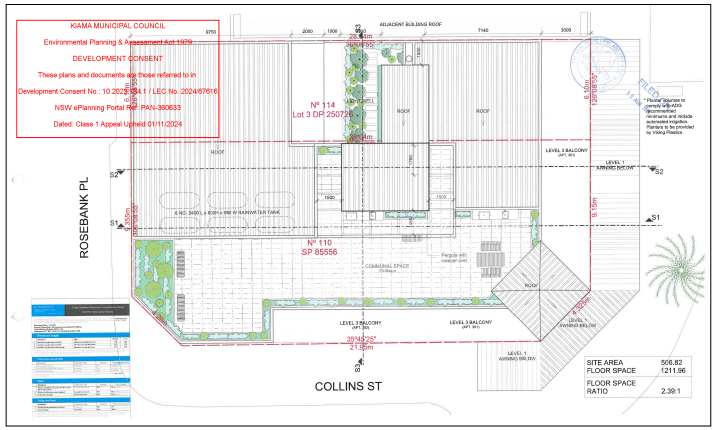
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DATE: 03/09/2026

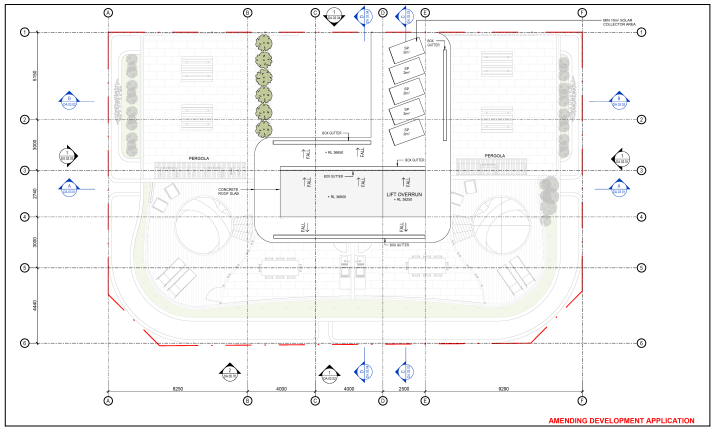
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ROOF PLAN - COURT APPROVED DESIGN



ROOF PLAN - PROPOSED DESIGN

SCHEDULE OF CHANGES - ROOF PLAN

- REVISED ROOF CONFIGURATION REFLECTING THE ADDITION OF LEVEL 4 AND RELOCATION OF ROOFTOP OPEN-SPACE AREAS.
- REPLACEMENT OF THE APPROVED RECTILINEAR AND HIPPED ROOF FORMS WITH A PREDOMINANTLY FLAT ROOF INCORPORATING CURVED PERIMETER ELEMENTS.
- RECONFIGURED LIFT OVERRUN, PLANT AND SERVICE AREAS.
- INTEGRATION OF TWO PRIVATE ROOFTOP TERRACES WITH PLUNGE POOLS.
- INTRODUCTION OF PERGOLAS ASSOCIATED WITH COMMUNAL ROOFTOP RECREATION AREAS.
- ADDITION OF ROOFTOP SOLAR PANELS TO ENHANCE ENVIRONMENTAL PERFORMANCE.
- REVISED ROOF DRAINAGE AND STORMWATER MANAGEMENT DESIGN.
- INTEGRATION OF LANDSCAPED ROOF EDGES AND PLANTER BEDS TO SOFTEN THE ROOFTOP PRESENTATION.
- CONSOLIDATION OF ROOFTOP PLANT AND SERVICES WITHIN SCREENED ENCLOSURES.

AMENDING DEVELOPMENT APPLICATION

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P1	Issue For Review	27/07/2026
A	RFI Resubmission	30/07/2026
B	RFI Resubmission	03/09/2026

LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_ROOF PLAN

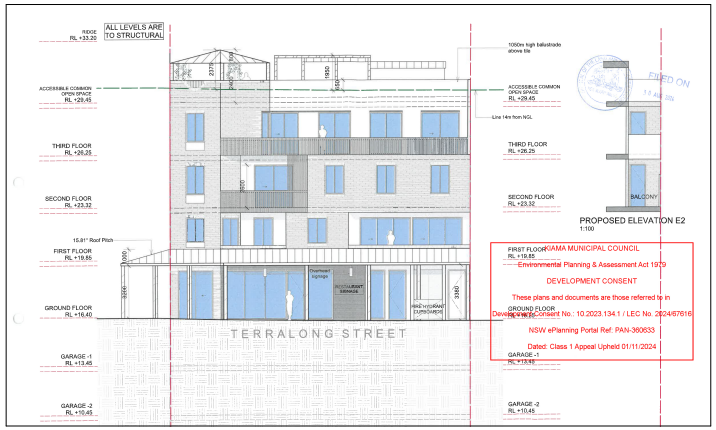
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REV: **B**

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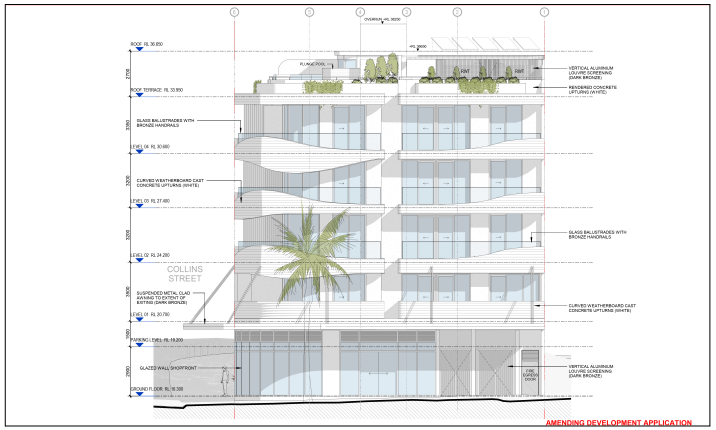
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PROPOSED ELEVATION E2
1:100

TERRALONG STREET ELEVATION - COURT APPROVED DESIGN



TERRALONG STREET ELEVATION - PROPOSED DESIGN

SCHEDULE OF CHANGES - TERRALONG STREET (NORTH)

- ADDITION OF LEVEL 4 AND RELOCATION OF THE ROOFTOP TERRACE ABOVE THE NEW UPPER RESIDENTIAL LEVEL.
- REVISED BUILDING HEIGHT ASSOCIATED WITH THE AFFORDABLE-HOUSING HEIGHT AND FSR UPLIFT.
- REPLACEMENT OF THE APPROVED CORNER TOWER WITH A CURVED AND ARTICULATED CORNER FORM.
- INTRODUCTION OF CONTINUOUS CURVED BALCONY BANDS TO CREATE A COHESIVE FACADE COMPOSITION.
- ENLARGEMENT OF BALCONIES TO IMPROVE PRIVATE OPEN-SPACE PROVISION AND RESIDENTIAL AMENITY.
- INCREASED GLAZING AND REVISED FACADE OPENINGS CORRESPONDING WITH THE UPDATED APARTMENT LAYOUTS.
- REVISED GROUND-FLOOR COMMERCIAL FRONTAGE AND CONTINUOUS AWNING TO IMPROVE THE PEDESTRIAN INTERFACE ALONG TERRALONG STREET.
- UPDATED MATERIAL PALETTE INCORPORATING CONCRETE, WEATHERBOARD-TEXTURED PANELS, TIMBER, BRONZE-TONED METALWORK AND ALUMINIUM SCREENING.
- INTEGRATION OF PLANTING ALONG SELECTED BALCONY AND ROOFTOP EDGES.
- RECONFIGURATION OF ROOFTOP PLANT, PERGOLA AND LIFT-OVERRUN ELEMENTS AS PART OF THE REVISED UPPER-BUILDING COMPOSITION.

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REVISION:

REV	DESCRIPTION	DATE
P1	Issue For Review	27/07/2026
A	RFI Resubmission	30/07/2026
B	RFI Resubmission	03/09/2026

LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_ELEVATION NORTH (TERRALONG)

SHEET NUMBER: **CP.10**

REV: **B**

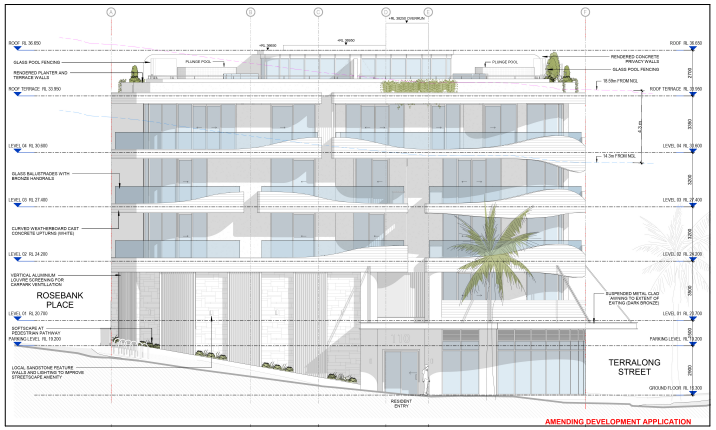
SCALE: 1 : 250 @ A3

DATE: 03/09/2026

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COLLINS STREET ELEVATION - COURT APPROVED DESIGN



COLLINS STREET ELEVATION - PROPOSED DESIGN

SCHEDULE OF CHANGES - COLLINS STREET ELEVATION (EAST)

- ADDITION OF LEVEL 4 AND RELOCATION OF ROOFTOP COMMUNAL AND PRIVATE OPEN-SPACE AREAS.
- INTRODUCTION OF CURVED BALCONY FORMS AND A SOFTENED CORNER TREATMENT ADDRESSING THE TERRALONG STREET AND COLLINS STREET INTERSECTION.
- SANDSTONE FEATURE WALLS AND VERTICAL LOUVRES PROVIDE VENTILATION TO THE PARKING LEVELS AND ENHANCE THE COLLINS STREET STREETSCAPE WITH INTEGRATED LIGHTING.
- REPLACEMENT OF THE APPROVED PUNCHED-WINDOW FAÇADE WITH A MORE OPEN ARCHITECTURAL EXPRESSION INCORPORATING INCREASED GLAZING.
- ENLARGED BALCONIES ALONG THE COLLINS STREET FRONTAGE TO IMPROVE AMENITY AND FAÇADE PRESENTATION.
- PROVISION OF A CLEARLY IDENTIFIABLE RESIDENTIAL ENTRY FROM COLLINS STREET, STRENGTHENING THE BUILDING'S ADDRESS AND INTERFACE WITH THE PUBLIC DOMAIN.
- REDESIGNED GROUND-FLOOR SHOPFRONT AND CONTINUOUS CURVED AWNING TO ENHANCE PEDESTRIAN AMENITY AND STREET ACTIVATION.
- UPDATED MATERIAL PALETTE INCORPORATING PRECAST AND RENDERED CONCRETE, TIMBER ELEMENTS, BRONZE-TONED METALWORK AND ALUMINIUM SCREENING.
- RECONFIGURED ROOFTOP PERGOLA, PLANT AND LIFT-OVERRUN ELEMENTS TO ALIGN WITH THE REVISED ARCHITECTURAL DESIGN

AMENDING DEVELOPMENT APPLICATION

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REV	DESCRIPTION	DATE
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A	RFI Resubmission	30/07/2026
B	RFI Resubmission	03/09/2026

LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_ELEVATION EAST (COLLINS)

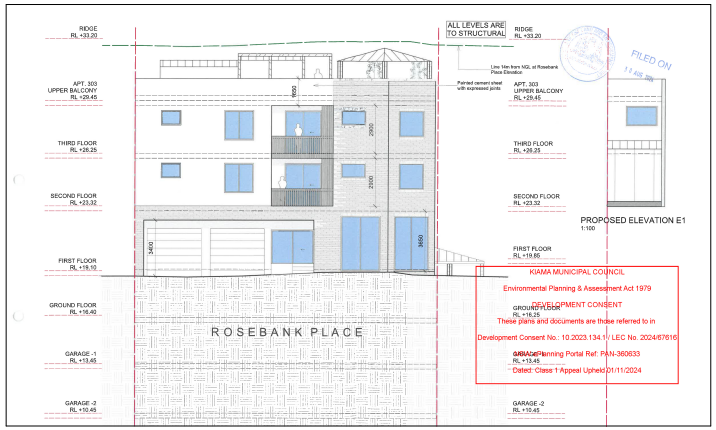
SHEET NUMBER: **CP.11**

REV: **B**

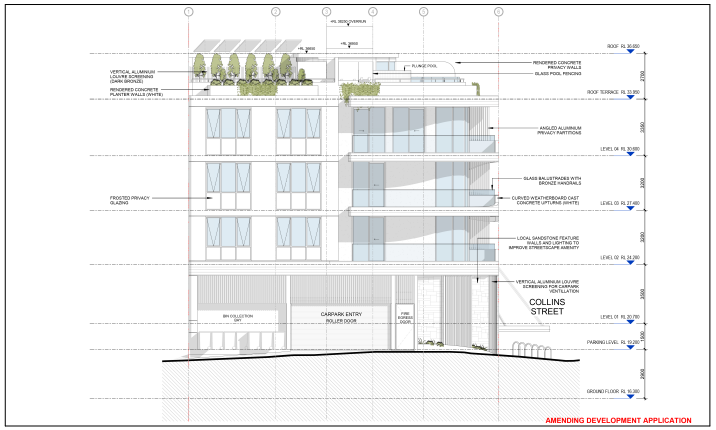
SCALE: 1 : 250 @ A3

DATE: 03/09/2026

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ROSEBANK PLACE ELEVATION - COURT APPROVED DESIGN



ROSEBANK PLACE ELEVATION - PROPOSED DESIGN

SCHEDULE OF CHANGES - ROSEBANK PLACE ELEVATION (SOUTH)

- REPLACEMENT OF THE APPROVED BASEMENT PARKING ARRANGEMENT WITH ABOVE-GROUND MECHANICAL PARKING ACCESSED FROM ROSEBANK PLACE.
- INTRODUCTION OF ARCHITECTURAL SCREENING AND LOUVRE ELEMENTS TO VENTILATE AND VISUALLY INTEGRATE THE PARKING LEVELS.
- RECONFIGURATION OF THE ROSEBANK PLACE FRONTAGE TO ACCOMMODATE PARKING ACCESS, WASTE COLLECTION AND BACK-OF-HOUSE SERVICING.
- ADDITION OF LEVEL 4 AND RELOCATION OF ROOFTOP OPEN-SPACE AREAS.
- REVISED BALCONY, WINDOW AND FAÇADE COMPOSITION REFLECTING THE UPDATED APARTMENT LAYOUTS AND CURVED ARCHITECTURAL FORMS.
- INTEGRATION OF ROOFTOP PERGOLAS, PRIVACY SCREENS, LANDSCAPING AND PLUNGE-POOL ELEMENTS WITHIN THE REVISED ROOF FORM.
- UPDATED MATERIAL PALETTE CONSISTENT WITH THE BUILDING'S REVISED ARCHITECTURAL EXPRESSION.

AMENDING DEVELOPMENT APPLICATION

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REV	DESCRIPTION	DATE
P1	Issue For Review	27/07/2026
A	RFI Resubmission	30/07/2026
B	RFI Resubmission	03/09/2026

LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_ELEVATION SOUTH (ROSEBANK)

SHEET NUMBER: **CP.12**

REV: **B**

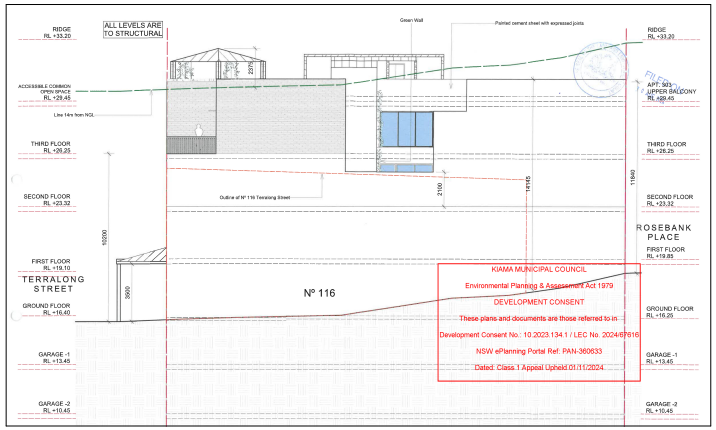
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DATE: 03/09/2026

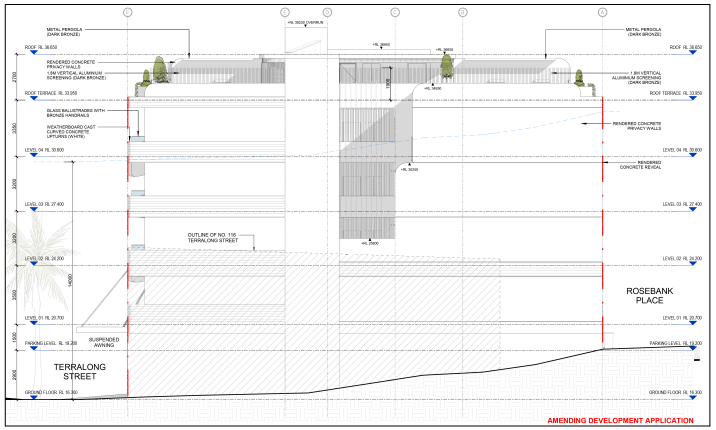
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WEST ELEVATION - COURT APPROVED DESIGN



WEST ELEVATION - PROPOSED DESIGN

SCHEDULE OF CHANGES - WEST ELEVATION

- ADDITION OF LEVEL 4 AND RELOCATION OF ROOFTOP OPEN-SPACE AREAS.
- RECONFIGURATION OF THE WESTERN ELEVATION TO ALIGN WITH THE CENTRALISED LIFT AND FIRE-STAIR CORE AND REVISED APARTMENT LAYOUTS.
- INTRODUCTION OF VERTICAL LOUVRE SCREENING TO PROVIDE PRIVACY, VENTILATION AND FAÇADE ARTICULATION TO THE OPEN-AIR RESIDENTIAL LOBBIES.
- REMOVAL OF THE APPROVED BASEMENT LEVELS, REDUCING BELOW-GROUND CONSTRUCTION AND ALTERING THE BUILDING'S RELATIONSHIP TO THE WESTERN SITE BOUNDARY.
- INTEGRATION OF ROOFTOP PERGOLAS, PRIVACY SCREENS, PLANT AND LIFT-OVERRUN ELEMENTS WITHIN THE REVISED UPPER BUILDING FORM.
- CONTINUATION OF THE UPDATED MATERIAL PALETTE AND ARCHITECTURAL DETAILING ACROSS THE WESTERN ELEVATION, INCLUDING LINEAR REVEALS WITHIN RENDERED WALL SURFACES.

AMENDING DEVELOPMENT APPLICATION

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P1	Issue For Review	27/07/2026
A	RFI Resubmission	30/07/2026
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LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_ELEVATION WEST

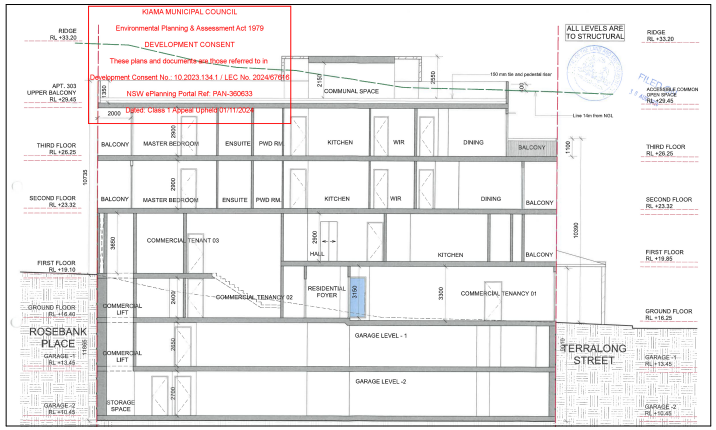
SHEET NUMBER: **CP.13**

REV: **B**

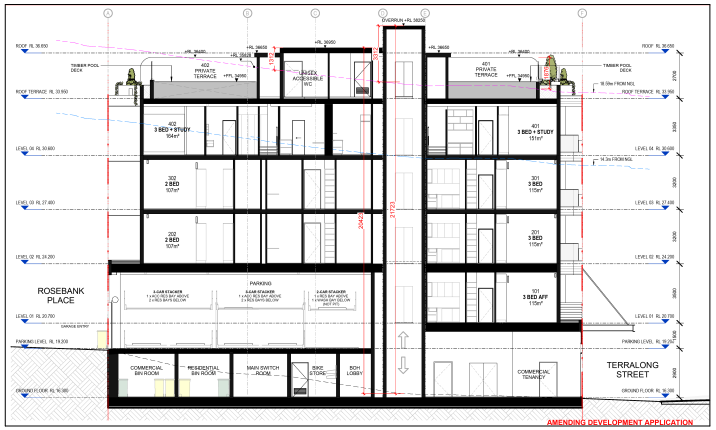
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LONG SECTION A - COURT APPROVED DESIGN



LONG SECTION A - PROPOSED DESIGN

SCHEDULE OF CHANGES - LONG SECTION

-
- REMOVAL OF THE APPROVED BASEMENT LEVELS AND INTRODUCTION OF ABOVE-GROUND MECHANICAL PARKING ACCESSED FROM ROSEBANK PLACE.
- ADDITION OF LEVEL 4 TO FACILITATE AFFORDABLE HOUSING AND RELOCATION OF ROOFTOP COMMUNAL OPEN SPACE ABOVE THE NEW RESIDENTIAL LEVEL.
- INTRODUCTION OF PRIVATE ROOFTOP TERRACES AND PLUNGE POOLS ASSOCIATED WITH THE PENTHOUSE APARTMENTS.
- CONSOLIDATION OF VERTICAL CIRCULATION INTO A CENTRALISED LIFT AND FIRE-ISOLATED STAIR CORE, INCLUDING REMOVAL OF THE APPROVED VEHICLE LIFTS AND SEPARATE COMMERCIAL LIFT.
- RECONFIGURATION OF GROUND-FLOOR COMMERCIAL, SERVICING, WASTE, BICYCLE STORAGE AND BUILDING-SERVICES AREAS.
- REVISED BUILDING SECTION AND INTERNAL FLOOR LEVELS RESPONDING TO THE SITE'S TOPOGRAPHY.
- RECONFIGURED ROOFTOP PLANT, PERGOLAS, ACCESSIBLE FACILITIES AND LIFT-OVERRUN ELEMENTS.
- REDUCED EXCAVATION AND BELOW-GROUND CONSTRUCTION RESULTING FROM THE REMOVAL OF BASEMENT PARKING LEVELS.

AMENDING DEVELOPMENT APPLICATION

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3/09/2026 3:26:15 PM

REVISION:

REV	DESCRIPTION	DATE
P1	Issue For Review	27/07/2026
A	RFI Resubmission	30/07/2026
B	RFI Resubmission	03/09/2026

LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_SECTION A

SHEET NUMBER: **CP.14**

REV: **B**

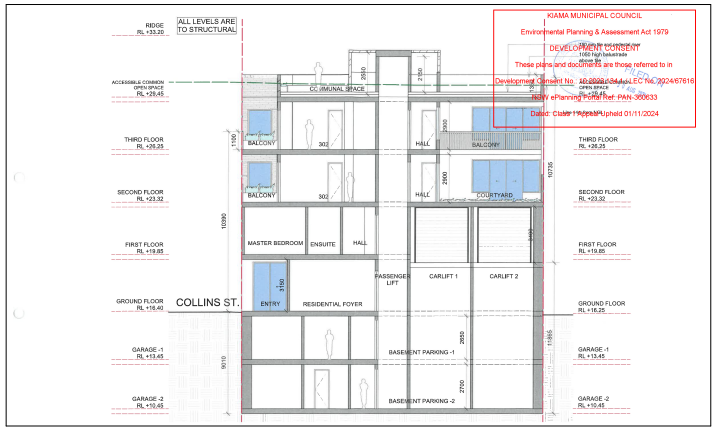
SCALE: 1 : 250 @ A3

DATE: 03/09/2026

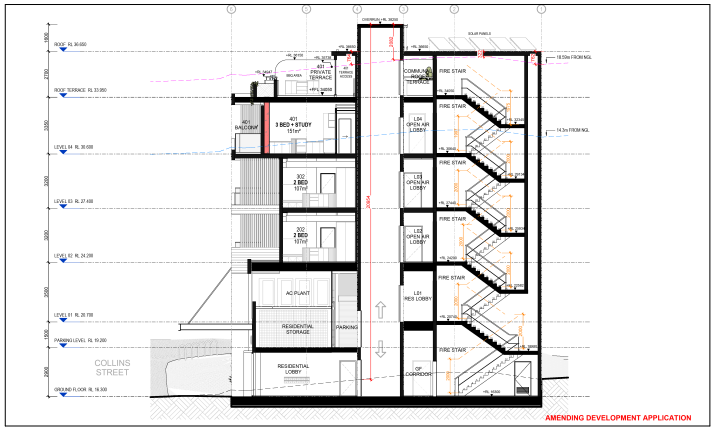
ARCHITECT:

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CROSS SECTION B - COURT APPROVED DESIGN



CROSS SECTION B - PROPOSED DESIGN

SCHEDULE OF CHANGES - CROSS SECTION

- REMOVAL OF BASEMENT PARKING AND VEHICLE LIFTS, REPLACED WITH ABOVE-GROUND MECHANICAL PARKING.
- ADDITION OF LEVEL 4 AND RELOCATION OF COMMUNAL AND PRIVATE ROOFTOP OPEN SPACE UNDER THE AFFORDABLE HOUSING UPLIFT PROVISIONS.
- CENTRALISED LIFT AND FIRE-ISOLATED STAIR CORE EXTENDED TO ALL RESIDENTIAL AND ROOFTOP LEVELS.
- INTRODUCTION OF OPEN-AIR RESIDENTIAL LOBBIES TO IMPROVE NATURAL LIGHT AND VENTILATION.
- PROVISION OF PRIVATE ROOFTOP TERRACES, PLUNGE POOLS, PERGOLAS AND LANDSCAPED COMMUNAL AREAS.
- INTEGRATION OF ROOFTOP SOLAR PANELS, PLANT AND SCREENED SERVICE AREAS.
- REVISED BUILDING SECTION RESPONDING TO SITE TOPOGRAPHY, PARKING REQUIREMENTS AND THE UPDATED BUILDING LAYOUT.
- RATIONALISATION OF THE BUILDING'S CIRCULATION, STRUCTURAL AND SERVICING ARRANGEMENTS.

AMENDING DEVELOPMENT APPLICATION

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3/09/2026 3:26:19 PM

REVISION:

REV	DESCRIPTION	DATE
P1	Issue For Review	27/07/2026
A	RFI Resubmission	30/07/2026
B	RFI Resubmission	03/09/2026

LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_SECTION B

SHEET NUMBER: **CP.15**

REV: **B**

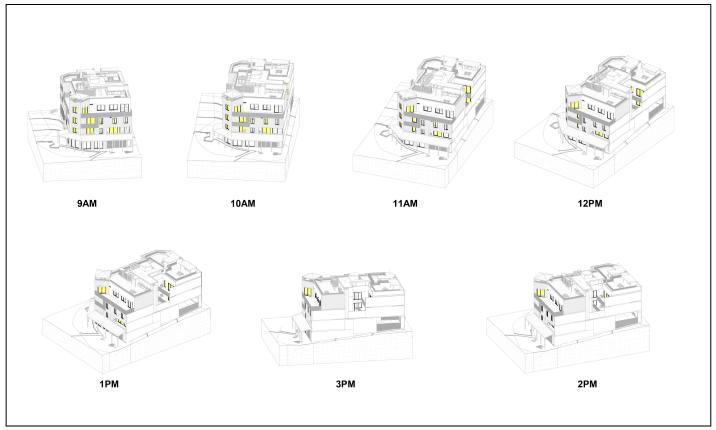
SCALE: 1 : 250 @ A3

DATE: 03/09/2026

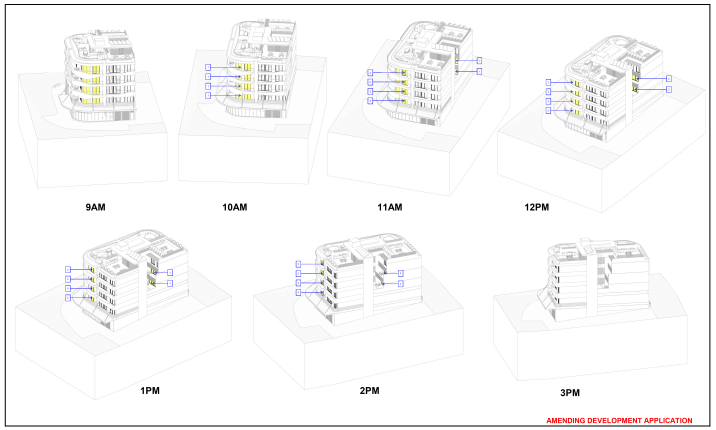
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WINTER SOLSTICE SOLAR ACCESS TO LIVING SPACES - COURT APPROVED DESIGN



WINTER SOLSTICE SOLAR ACCESS TO LIVING SPACES - PROPOSED DESIGN

SCHEDULE OF CHANGES - SOLAR ACCESS DIAGRAMS

- UPDATED WINTER SOLSTICE SOLAR ACCESS ASSESSMENT TO REFLECT THE REVISED BUILDING DESIGN, INCLUDING THE ADDITIONAL RESIDENTIAL LEVEL AND RELOCATED ROOFTOP AREAS.

AMENDING DEVELOPMENT APPLICATION

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3/09/2026 3:25:23 PM

REVISION:

REV	DESCRIPTION	DATE
P1	Issue For Review	27/07/2026
A	RFI Resubmission	30/07/2026
B	RFI Resubmission	03/09/2026

LEGEND:

PROJECT: #2024190

110 - 114 TERRALONG STREET, KIAMA

110 - 114 TERRALONG STREET, KIAMA

CLIENT: IRONSTONE DEVELOPMENT

DRAWING TITLE:

COMPARISON_SOLAR

SHEET NUMBER: **CP.20**

REV: **B**

SCALE: 1 : 250 @ A3

DATE: 03/09/2026

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KIAMA MUNICIPAL COUNCIL
your council, your community

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number	10.2026.77.1 PAN-634293
Applicant	The Trustee for Sky Property and Planning Trust PO Box 285 Drummoyne NSW 1470
Description of development	Demolition and new shop top housing - An amending DA to 10.2023.134.1 (LEC No.2024/67616) for the demolition of existing structures and construction of a mixed-use (shop top housing) building comprising ground floor car parking, one (1) commercial tenancy, and nine (9) residential units.
Property	Unit 1 110 Terralong Street KIAMA NSW 2533, Unit 4 110 Terralong Street KIAMA NSW 2533, Unit 2 110 Terralong Street KIAMA NSW 2533, Unit 3 110 Terralong Street KIAMA NSW 2533, 110 Terralong Street KIAMA NSW 2533, 114 Terralong Street KIAMA NSW 2533 LOT: 1 SP: 85556, LOT: 4 SP: 85556, LOT: 2 SP: 85556, LOT: 3 SP: 85556, LOT: 0 SP: 85556, LOT: 3 DP: 250726
Determination	Approved Consent Authority - Council
Date of determination	TDB
Date on which the consent lapses	TBD
Date from which the consent operates	TBD

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 P Woodworth
Development Assessment Coordinator
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

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. **Property addressing and site facilities**

Property addresses in accordance with the NSW Address Policy and User Manual published by the Geographical Names Board of NSW are allocated as follows and must be clearly shown on any required Construction Certificate drawing:

Proposed lot	Property address
CT01	G01/110 Terralong Street, Kiama
101	101/110 Terralong Street, Kiama
201	201/110 Terralong Street, Kiama
202	202/110 Terralong Street, Kiama
203	203/110 Terralong Street, Kiama
301	301/110 Terralong Street, Kiama
302	302/110 Terralong Street, Kiama
303	303/110 Terralong Street, Kiama
401	401/110 Terralong Street, Kiama
402	402/110 Terralong Street, Kiama

Address numbers must be clearly shown in a position that identifies the property and property access point, and ideally should be of a reflective material for high visibility at night.

Location points for mail delivery must satisfy the requirements of Australia Post and include the street number for identification.

Condition Reason: To ensure property addressing complies with the relevant legislation, guidelines and requirements.

2. **Prescribed conditions**

The development must comply with Part 4, Division 2, Subdivision 1, of the *Environmental Planning and Assessment Regulation 2021*, as applicable.

Condition Reason: To ensure the development is carried out in accordance with the relevant legislation.

3. **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.

Approved Plans				
Plan Number	**Revision Number**	**Plan Title**	**Drawn by**	**Date of Plan**
DA.00.00	C	Cover Sheet	Place Studio	3/9/2026
DA.00.01	C	Proposed Site Plan	Place Studio	3/9/2026
DA.00.10	C	Development Summary	Place Studio	3/9/2026
DA.00.11	C	BASIX Summary	Place Studio	3/9/2026
DA.01.00	C	Ground Floor Plan	Place Studio	3/9/2026
DA.01.01	C	Parking Plan	Place Studio	3/9/2026
DA.01.03	C	Level 1 Plan	Place Studio	3/9/2026
DA.01.04	C	Level 2 Plan	Place Studio	3/9/2026
DA.01.05	C	Level 3 Plan	Place Studio	3/9/2026
DA.01.06	C	Level 4 Plan	Place Studio	3/9/2026
DA.01.07	C	Roof Terrace Plan	Place Studio	3/9/2026
DA.01.08	C	Roof Level	Place Studio	3/9/2026
DA.02.01	C	Elevation – Northeast (Terallong)	Place Studio	3/9/2026
DA.02.02	C	Elevation – Southeast (Collins St)	Place Studio	3/9/2026
DA.02.03	C	Elevation – Southwest (Rosebank)	Place Studio	3/9/2026
DA.02.04	C	Elevation – Northwest (Neighbour)	Place Studio	3/9/2026
DA.03.01	C	Section A	Place Studio	3/9/2026
DA.03.02	C	Section B	Place Studio	3/9/2026
DA.03.03	C	Section C	Place Studio	3/9/2026
DA.03.04	C	Section D	Place Studio	3/9/2026
DA.05.70	C	LEP Height Diagram	Place Studio	3/9/2026
DA.05.90	B	Materials Board	Place Studio	3/9/2026
Job Number 1101	B	Stormwater Plan Set	Wehbe Consulting	30/8/2026

Approved Documents			
Document title	**Version number**	**Prepared by**	**Date of document**

	BASIX Certificate	1419999M_06	Eco Certificates Pty Ltd	2/4/2026
	NatHERS Certificate	HR-DMAJ6D-01	Eco Certificates Pty Ltd	2/4/2026
	NatHERS Thermal Comfort Modeling	-	Eco Certificates Pty Ltd	30/3/2026
	Geotechnical Investigation	02	JC Geotechnical Pty Ltd	9/4/2026
	National Construction Code Report	-	Design Right Consulting	1/4/2026
	Statement of Compliance Access for People with a Disability	Job No 226024	Accessible Building Solutions	27/3/2026
	Traffic and Parking Impact Statement	260188.01FB	McLaren Traffic Engineering	9/4/2026
	Product Data – Singlevario 2061 (Car Stacker Details)	-	Klaus Multiparking	-
	Stormwater commentary and details	-	Wehbe Consulting	27/8/2026
	Full Waste Management Plan	1.0	Auswide Consulting	March

*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 documents prevail.

In the event of any inconsistency with the approved plans and the condition of this consent, the condition prevails.

Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

4. **Concurrence and Referral**

The recommended conditions/General Terms of Approval issued by the following agencies, Reference No: CNR-95362, are included as conditions of this consent and must be complied with:

Agency	**Dated**
Sydney Water	29/5/2026

	Condition Reason: Compliance with relevant legislation, standards, guidelines and codes.
5.	**Noise – site works, demolition and construction** The noise from all site works, 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.
	Condition Reason: To ensure consideration of neighbouring uses.
6.	**Surrender of consent or modification of earlier development consent** Before the commencement of any site works, the consent relating to DA10.2023.134.1 for 'demolition of existing buildings and construction of new 4 storey mixed-use building comprising building comprising basement car parking, commercial uses on ground floor and 8 residential apartments above' at Lots 1 – 4 SP 85556 and Lot 3 DP 250726 – 110-114 Terralong Street, Kiama must be surrendered to Council in accordance with the *Environmental Planning and Assessment Regulation 2021*.
	Condition Reason: To comply with the provisions of the *Environmental Planning and Assessment Regulation 2021*.

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES

7.	**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.
8.	**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.
9.	**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.
10.	**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 *Local Government Act 1993*, or • be a temporary chemical closet approved under the *Local Government Act 1993*.
	Condition Reason: To ensure appropriate amenities onsite.
11.	**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.
12.	**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.
13.	**Hazardous material survey before demolition** Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences. Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information: a) the location of all hazardous material throughout the site b) a description of the hazardous material c) the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust d) an estimation of the quantity of each hazardous material by volume, number, surface area or weight e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials f) identification of the disposal sites to which the hazardous materials will be taken.
	Condition Reason: To require a plan for safely managing hazardous materials.
14.	**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.
15.	**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

16.	**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.
17.	**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.
18.	**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.
19.	**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.

ON COMPLETION OF DEMOLITION WORK

20.	**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

21.	**Local infrastructure contributions** Before the issue of a Construction Certificate, a contribution in accordance with section 4.17 of the *Environmental Planning and Assessment Act 1979* and the Section 7.12 Contribution Plan, as shown in the table below must be paid to Council:

7.12 Contribution Plan	$46,528.00
Total Contribution Amount:	$46,528.00

	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.
	Condition Reason: To ensure contributions are levied toward the provision of local public infrastructure.
22.	**Housing and productivity contribution** Before the issue of a Construction Certificate for the development, a housing and productivity contribution (HPC) is required to be made:

Housing and productivity contribution	**Amount**
Housing and productivity contribution*	$38,923.85

	* The HPC amount payable will be adjusted at the time of payment for indexation using Producer Price Index (PPI) in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024*. The HPC can be paid by logging into "My Account" on the NSW planning portal: https://pp.planningportal.nsw.gov.au/. Select "Make a Payment", and then "Infrastructure Contributions Payment". Further information can be found here: https://www.planning.nsw.gov.au.
	Condition Reason: To ensure contributions are levied toward the provision of state and regional infrastructure.
23.	**Construction Environmental Management Plan** Before the issue of a Construction Certificate, a suitably qualified person shall prepare, and provide to the Certifier, a Construction Environmental Management Plan (CEMP) in accordance with ISO 14001. The CEMP must include, but not be limited to, the following items: c) timing and duration of works d) location of work site offices, compounds, stockpiles and refuelling areas e) a description of the site and surrounds and location of environmentally sensitive areas f) description of the impacts associated with the construction, activities and control measures g) legislative requirements h) on-site staff structure and responsibility i) staff training, awareness and competency requirements j) emergency planning and response k) auditing and monitoring and A copy of the CEMP must be kept on-site at all times while work is being carried out.
	Condition Reason: To ensure management of environmental impacts.
24.	**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.
25.	**Soil and Water Management Plans (SWMP)** Before the issue of a Construction Certificate, a Soil and Water Management Plan must be prepared by a Professional Engineer (as defined in the National Construction Code), to the satisfaction of the Certifier. All implementation measures must: a) not cause water pollution as defined by the *Protection of the Environment Operations Act 1997* (POEO). b) be maintained at all times. c) not be decommissioned until at least 70% revegetation cover has been established. d) measures to ensure any excavated material deposited on public roads from works is removed within the same day.
	Condition Reason: To ensure appropriate measures are in place.

26.	**Payment of security deposits** Before the issue of the relevant Construction Certificate, the applicant must: a) make payment of $70,000.00 for a security deposit to the consent authority, and b) if a Principal Certifier is required to be appointed for the development, provide the Principal Certifier with written evidence of the payment and the amount paid.
	Condition Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.
27.	**Structural Engineer's details** Before the issue of a Construction Certificate, all structural engineering plans are to be prepared by a Professional Engineer (as defined by the NCC) and provided to the Certifier.
	Condition Reason: To ensure appropriate structural engineering plans are prepared.
28.	**Drainage and stormwater** Before the issue of a Construction Certificate, a Detailed Drainage Plan generally in accordance with the Concept Drainage Plans approved under this consent must be submitted to the Certifier for approval. This plan must show the connection of stormwater into the existing council pit at Terralong Street 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 kerb via a pipe outlet. 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.
29.	**Parking areas** Before the issue of any Construction Certificate, the Certifier shall ensure that the following requirements have been met: a) car parking spaces, parking aisles, blind aisles, access driveways, circulation roadways and ramps comply with the requirements of the following Australian Standards: i) AS 2890.1 – 2004 Off-street car parking; ii) AS 2890.2 – 2002 Off-street commercial vehicle facilities; iii) AS 2890.3 – 2015 Bicycle Parking; and iv) AS 2890.6 – 2009 Off-street for people with disabilities. b) the car parking area shall be line marked and signposted in compliance with the requirements of the Australian Standards AS 1742.2, AS 1743, AS 1744, AS1906.1, AS 1906.2, AS 1906.3 and AS 4049.1.

	c) access and manoeuvring into the proposed delivery areas for all commercial vehicles shall comply with Australian Standard AS 2890.2 - 2002 Off-street commercial vehicle facilities.
	Condition Reason: To ensure the car parking area requirements are met.
30.	**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.
	Condition Reason: To ensure an adequate geotechnical report is prepared for the development.
31.	**Accessible dwellings** Before the issue of a Construction Certificate, plans and specifications must be provided to the satisfaction of the Certifier detailing how the building and nominated accessible units will comply with Access for People with a Disability in the National Construction Code (NCC) in force at the date of issue of the Construction Certificate.
	Condition Reason: To ensure appropriate access for People with a Disability.
32.	**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 *Building and Construction industry Long Service Payment Act 1986*, section 34, and evidence of the payment is to be provided to the Certifier.
	Condition Reason: To ensure the long service levy is paid.
33.	**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 (where applicable): a) The tank inlet must be located a minimum of 500mm below the outlet of the eave gutter, b) 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, c) 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, d) Overflow from the tank must be directed into the approved storm water system, e) 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, f) Marking and labelling of rainwater services must be in accordance with AS 3500.1 section 16, g) 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, h) 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.
34.	**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: i) a letter from Endeavour Energy demonstrating that satisfactory arrangements can be made for the installation and supply of electricity and j) 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 k) 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.
35.	**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.
	Condition Reason: To ensure adequate provisions for landscaping are provided for the approved development.
36.	**Waste storage room**

	Before the issue of a Construction Certificate, detailed plans must be submitted to the Certifier that demonstrate that the waste storage room has been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines, and that: a) the floor to be constructed of concrete at least 75mm thick and adequately graded to drain to an approved drainage fitting. b) the floor to be finished so that it is non-slip and has a smooth and even surface covered at all intersections. c) the ceilings and walls to be finished with smooth faced non-absorbent material capable of being cleaned. d) the room to be provided with artificial light controllable within the room and adequate ventilation. e) the room to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
	Condition Reason: To comply with the Waste Minimisation and Management Guidelines.
37.	**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.
38.	**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: a) disperse water so as not to cause erosion; b) not concentrate waters onto adjoining properties; c) not drain to an area where it may damage footings or other buildings; d) not drain toward the effluent management area e) not cause a nuisance to adjoining lands.
	Condition Reason: To ensure adequate provisions are made for overflow waters.
39.	**Equal access to the premises** Before the issue of a Construction Certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the certifier.

	Condition Reason: To ensure safe and easy access to the premises for people with a disability.
40.	**Use of Council owned and managed land** Before the issue of a Construction Certificate, the applicant must enter into: • a lease • a Construction Agreement with Council, in accordance with Council's Public Land Management Policy.
	Condition Reason: Compliance with relevant legislation, standards, guidelines and codes.
41.	**Consolidation of lots** Before the issue of a Construction Certificate, evidence that consolidation of Lots 1--4 SP 85556 and Lot 3 DP 250726 has been registered at NSW Land Registry Services, must be provided to Council or the certifier.
	Condition Reason: To ensure lots are appropriately consolidated.

BEFORE BUILDING WORK COMMENCES

42.	**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.

43.	**Erosion and sediment controls in place** Before any site work commences, the erosion and sediment controls in the Soil and Water Management Plan must be in place. These controls must remain in place until any bare earth has been restabilised in accordance with the Soil and Water Management 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, design approval under section 138 of the *Roads Act, 1993* 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.	**Section 138 approval** Before any work commences in the road reserve, a Road Occupancy approval under Section 138 of the *Roads Act 1993* must be obtained from Council.
	Condition Reason: Compliance with relevant legislation, standards, guidelines and codes.
46.	**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.
47.	**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.

48.	**Appointment of Principal Certifier** Before building work commences a Principal Certifier must be appointed.
	Condition Reason: To ensure ongoing compliance.
49.	**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.
50.	**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.
51.	**Tree protection measures** Before any site work commences the Certifier must be satisfied the measures for the tree protection detailed in the Construction Site Management Plan are in place.
	Condition Reason: To protect and retain trees.
52.	**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 *Local Government Act 1993*, or • be a temporary chemical closet approved under the *Local Government Act 1993*.
	Condition Reason: To ensure appropriate amenities onsite.

53.	**Contamination – Unexpected Finds Protocol** Before work commences on site, an Unexpected Finds Protocol is to be developed by an appropriately qualified environmental consultant and be submitted to the certifier. The Unexpected Finds Protocol is to address the management of any potential contamination found on the site and is to be complied with at all times for the duration of site works.
	Condition Reason: To ensure procedures are in place to identify and manage unexpected contamination finds appropriately.

DURING BUILDING WORK

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.	**Drainage and stormwater works – approved plans** The stormwater drainage system must be completed in accordance with the detailed plans approved by the Certifier.
	Condition Reason: To ensure stormwater disposal is adequate for the site.
56.	**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.
57.	**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.
58.	**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.
59.	**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.
60.	**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 *National Parks and Wildlife Act 1974*, section 85. Site work may recommence at a time confirmed in writing by: c) for a relic – the Heritage Council; or d) 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 *National Parks and Wildlife Act 1974*, section 85.
	Condition Reason: To ensure the protection of objects of potential significance during works.
61.	**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 *Protection of the Environment Operations Act 1997*, 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 *Protection of the Environment Operations Act 1997* 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.
62.	**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.
63.	**Tree protection during work** While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: a) the Construction Site Management Plan/Construction Environmental Management Plan for this consent, b) the relevant requirements of AS 4970 Protection of trees on development sites, c) Chapter 2, Topic 2.4 – Tree Preservation and Vegetation Management of Kiama Development Control Plan 2020 (in force as at the date of determination of this consent), and d) any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
	Condition Reason: To protect trees during the carrying out of site work.
64.	**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.
65.	**Street trees - existing** Unless prior written approval is obtained from Council: a) Street trees at the frontage of the property must be retained and protected during construction. b) Excavation inside the drip line of any street tree is not permitted. c) The developer will be responsible for all costs associated with any necessary tree works.
	Condition Reason: To ensure adequate provisions are provided to protect existing street trees.
66.	**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.
67.	**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.
68.	**Pool backwash** Pool backwash from the filtration unit shall be drained to the sewer system.
	Condition Reason: To manage impacts to stormwater quality.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

69.	**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.
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.	**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.
72.	**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.
73.	**Works-as-executed plans and any other documentary evidence** Before the issue of the relevant Occupation Certificate, works-as-executed (WAE) plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the Principal Certifier: a) All stormwater drainage systems and storage systems, and b) All access works, and c) The following matters that council requires to be documented. i) Final locations and reduced levels for all works associated with the development on both public and private land. ii) In contrasting coloured ink, all changes to the Approved Drawings and actual values of all levels shown on the Drawings. iii) The WAE drawing must be signed by a Registered Surveyor or Chartered Professional Engineer and certified that all the work as completed, including variations, meets the original intent of the Approved Drawing and will have no adverse impact on adjacent properties. A copy of the plans must be provided to Council with the Occupation Certificate.
	Condition Reason: To confirm the location of works that once constructed will become Council assets.
74.	**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 *Environmental Planning and Assessment Regulation 2021*.
	Condition Reason: To ensure compliance with the *Environmental Planning and Assessment Regulation 2021*.
75.	**Completion of landscape and tree works**

	Before the issue of an Occupation Certificate, the Principal Certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
	Condition Reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
76.	**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.
77.	**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.
78.	**Fire safety** Before the issue of an Occupation Certificate the certifier must be provided with a Final Fire Safety Certificate showing compliance with the Fire Safety Schedule.
	Condition Reason: To comply with the requirements of the *Environmental Planning and Assessment Regulation 2021* and the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
79.	**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.
80.	**Existing street trees – replacement and protection** Before the issue of the Occupation Certificate, street trees that are damaged or removed must be replaced with the same species at the developer's expense.

	Condition Reason: To ensure adequate provisions are provided to protect existing street trees.
81.	**Compliance of works as executed for mixed use** Before the issue of an Occupation Certificate, certification from a suitably qualified person must be provided to the principal Certifier that the following works as executed are consistent with the plans and specifications approved under this consent: a) car parking facilities, including vehicle lifts b) acoustic and noise transmission measures c) access provisions, including disabled access d) adaptable/accessible housing e) mechanical ventilation f) stormwater management
	Condition Reason: To ensure work has been completed in accordance with the development consent.
82.	**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.
83.	**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 *Swimming Pools Act 1992*, b) the *Swimming Pools Regulation 2018*, 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.
84.	**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.

85.	**Public positive covenants** Before the issue of the Occupation Certificate, an 88E Instrument must be prepared and registered on the title of the land. Evidence of registration must be provided to Council and the Certifier. The Instrument must: a) be prepared under section 88E of the *Conveyancing Act 1919*, b) contain a provision that it cannot be varied, modified or released without the consent of the relevant parties as appropriate and without the consent of the Kiama Municipal Council, c) the proponent will be responsible for all costs associated with preparing and registering the Instrument. d) as required under section 82 of the *Environmental Planning and Assessment Regulation 2021* provide the following provisions for the affordable housing component of the development: i) the affordable housing component must be used for affordable housing for a period of at least 15 years commencing the day on which an Occupation Certificate is issued for all parts of the building or buildings to which the development consent for DA10.2026.77.1 relates, ii) the affordable housing component must be managed by a registered community housing provider,
	Condition Reason: To ensure restrictions/covenants are applied to the land in accordance with the relevant legislation.

OCCUPATION AND ONGOING USE

86.	**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 *Protection of the Environment Operations Act 1997* (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.
87.	**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.
88.	**Graffiti removal** During ongoing use of the premises, ensure graffiti is removed from the exterior of the building or associated structures, including any fences, site services and retaining/planter bed walls.
	Condition Reason: To protect and preserve the visual amenity of the surrounding public domain.
89.	**Swimming pool – ongoing use** The approved swimming pool and associated structures must be maintained in accordance with: a) the National Construction Code, b) the *Swimming Pools Act 1992*, c) the *Swimming Pools Regulation 2018*.
	Condition Reason: To ensure the structure remains compliant.
90.	**In-fill affordable housing – use of affordable housing component** In accordance with section 82 of the *Environmental Planning and Assessment Regulation 2021* the following conditions of development consent apply during the relevant period: a) the affordable housing component of at least 15.8%, being apartments 101 and 203 as shown on the approved plans, must be used for affordable housing, b) the affordable housing component must be managed by a registered community housing provider, c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines. The ***relevant period*** is a period of 15 years commencing on the day on which an Occupation Certificate is issued for all parts of the building or buildings to which the development consent relates.
	Condition Reason: To ensure the affordable housing component of the development complies with the relevant legislation and guidelines for the relevant period.
91.	**Waste – waste and recycling bin collection point**

	The nominated collection point is to be utilised to facilitate the collection of waste and recycling bins for the property. The collection point as identified on the approved plans must be kept clear of obstructions at all times so not to restrict the collection of waste and recycling bins.
	Condition Reason: To ensure an appropriate waste collection point is dedicated.

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.

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.