



SEEC

Stage 1: Preliminary Contamination Assessment

**For Proposed Rezoning of:
Lots 115 DP 1067955
'Willow Run' 105-119 Bong Bong Road,
Mittagong, NSW**

Prepared by:

Liam O'Rourke

**Strategic Environmental and Engineering Consulting (SEEC) Pty Ltd
PO Box 1098, Bowral NSW 2576
Tel. 02 4862 1633
Fax. 02 4862 3088
Email reception@seec.com.au
Web www.seec.com.au**

SEEC Reference: 20000318-ST1CA-01

28 October 2020



SEEC

Strategic Environmental and Engineering Consulting

PO Box 1098, Bowral, NSW, 2576
phone: (02) 4862 1633
fax: (02) 4862 3088
email: reception@seec.com.au
www.seec.com.au

Project Reference: 20000318-ST1CA-01.docx

Date of Assessment: 28/10/2020

Signed:

Document Certification

This report has been developed based on agreed requirements as understood by SEEC at the time of investigation. It applies only to a specific task on the nominated lands. Other interpretations must not be made, including changes in scale or application to other projects. The contents of this report are based on a professional appraisal of the conditions that existed at the time of our investigation. Where subsurface investigations have been done the results are only applicable to the specific sampling or testing locations and only to the depth(s) investigated. Because of natural geological variability, and/or because of possible anthropogenic influences, the subsurface conditions reported can change abruptly. Such changes can also occur after the site investigation. The accuracy of the conditions provided in this report is limited by these possible variations and influences and/or is limited by budget constraints imposed by others and/or by adequate accessibility.

Copyright

The information, including the intellectual property contained in this document is confidential and proprietary to SEEC. It may be used only by the person, company or organization to whom it is provided for the stated purpose for which it is provided. It must not be given to any other person, company or organization without the prior written approval of a Director of SEEC. SEEC reserves all legal rights and remedies in relation to any infringement of its rights in respect of confidential information. © SEEC

Document Issue Table

Version	Date	Author	Reviewed	Notes
DRAFT A	02/10/2020	LO	AM	DRAFT Issue
FINAL 01	28/10/2020	LO	AM	

TABLE OF CONTENTS

1	Executive Summary	1
2	Scope of This Assessment	2
3	Site Identification	3
4	Proposed Development.....	3
5	Site History.....	4
5.1	Sources of Information	4
5.2	Documented History.....	4
5.2.1	Aerial Photography.....	4
5.2.2	Land Ownership.....	10
5.2.3	Planning Certificate S10.7	10
5.3	Verbal History.....	11
6	Adjacent Land Uses	11
6.1	Past.....	11
6.2	Present.....	11
7	Site Conditions and Environment	12
7.1	General Conditions	12
7.2	Fill	17
7.3	Drainage.....	17
7.4	Soils and Geology	17
8	Contamination Assessment	18
8.1	Assessment of the Data.....	18
8.2	Stage 1 Recommendations and Conclusion.....	18
8.2.1	Past Activities	18
8.2.2	Existing Structures	18
8.2.3	Conclusion.....	18
9	References.....	19
10	Appendices	20
10.1	Appendix 1 – Previous Historical Titles.....	20
10.2	Appendix 2 – Planning Certificate S10.7	21

1 Executive Summary

Strategic Environmental and Engineering Consulting (SEEC) has been commissioned by David Dunbier on behalf of Willow Run Developments Pty Ltd, the property owners, to prepare this Stage 1 Preliminary Contamination Assessment in accordance with *Guidelines for Consultants Reporting on Contaminated Sites* (NSW EPA, 2000). It is required to accompany an application to amend the zoning and minimum lot size maps and subdivide the western portion of Lot 115 DP 1067955 No. 105-119 ‘Willow Run’ Bong Bong Road, Mittagong (Figures 1 & 2).

A review of documentation available from Wingecarribee Shire Council, past land ownership and historical aerial images did not identify any potentially-contaminating activities on this property in the past.

SEEC are advised by the property owners that the existing dwelling, steel-clad shed, shipping containers and onsite wastewater management system located centrally on the site are to remain. The owners advise that the existing dwelling and steel-clad shed were constructed approx. 100 years ago and, as such, some of the structures may contain building materials incorporating asbestos. Therefore, if they were to be demolished in the future the dwelling and steel-clad sheds must be inspected by a licensed asbestos assessor prior to demolition to determine if any asbestos-containing materials are present.

The existing above ground concrete tank located in the western portion of the site is to be demolished. The existing tank must be decommissioned by withdrawing any liquid from the tank and, unless it is tested to confirm the absence of potential pollutants, the liquid must be disposed at a licensed waste facility (as the content of the tank is unknown).

Based on this assessment, we conclude that this site has a low risk of contamination.

2 Scope of This Assessment

This *Stage 1 Preliminary Contamination Assessment* is to:

- Identify any past and present potentially-contaminating activities;
- Identify potential contamination types;
- Discuss the site condition;
- Provide a preliminary assessment of site contamination; and
- Assess the need for further investigation(s).

This Assessment has been undertaken and documented following the requirements set out in *Guidelines for Consultants Reporting on Contaminated Sites* (NSW EPA, 2000).



Figure 1 – Recent aerial image of site sourced from NearMap, April 2020.

3 Site Identification

The site is identified as Lot 115 DP 1067955, No. 105-119 ‘Willow Run’ Bong Bong Road, Mittagong (Figure 1). Strategic Environmental and Engineering Consulting (SEEC) has been commissioned by David Dunbier on behalf of Willow Run Developments Pty Ltd, the property owners.

4 Proposed Development

It is proposed to rezone the western portion (Figure 1 & 2) of Lot 115 DP 1067955 currently Zoned RU5 Rural Landscape (Figure 2), to R5 Large Lot Residential and apply a minimum lot size of 4,000 m².

It is also proposed to subdivide that same portion of Lot 115 DP 1067955 into lots with a minimum area of 4,000 m² (no subdivision plan has been provided to SEEC at this stage).

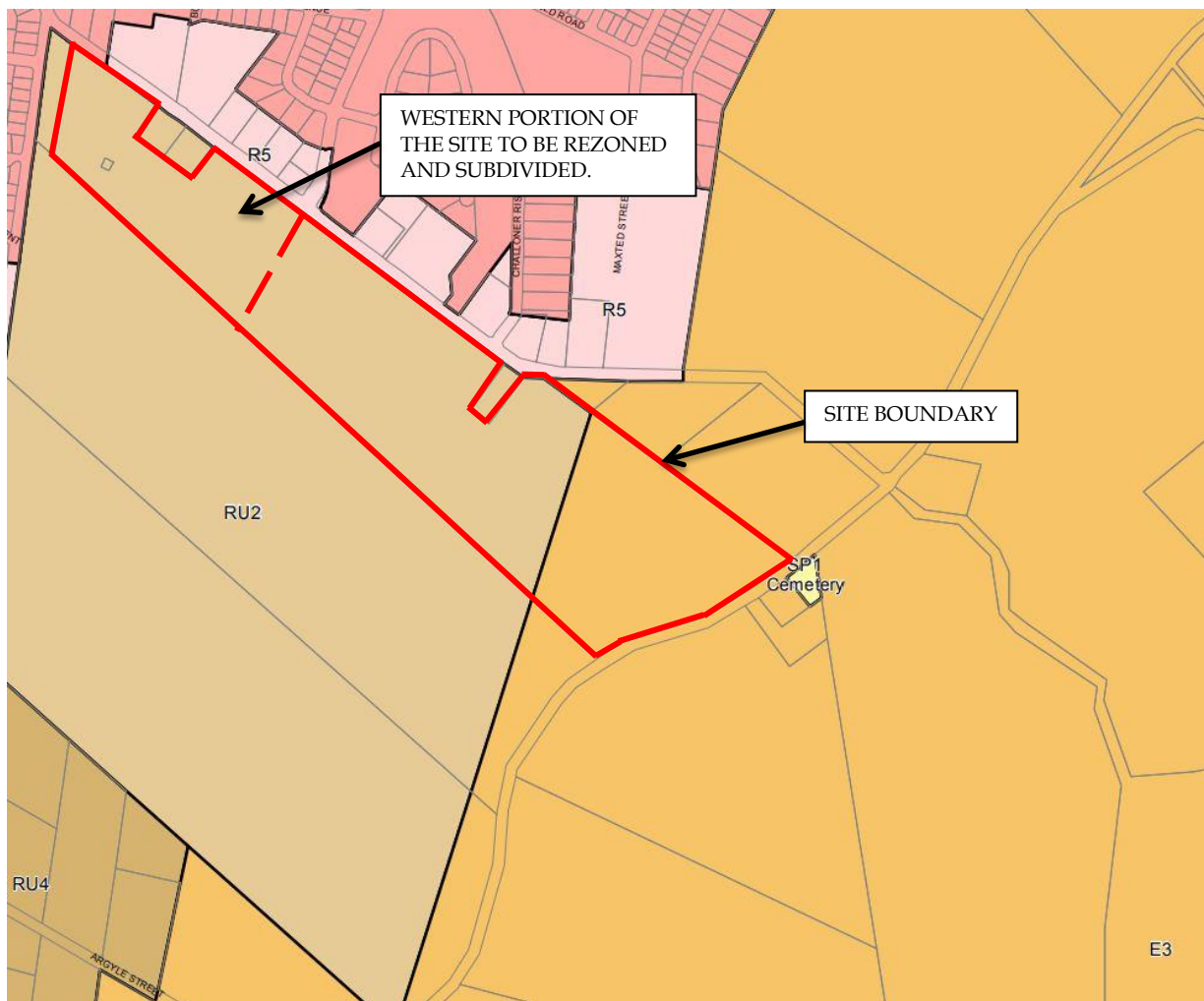


Figure 2 – Current Zoning Map identifying the subject site located on RU2 Rural Landscape and E3 Environmental Management. (Source: Wingecarribee Shire Council).

5 Site History

5.1 Sources of Information

A summary of the site’s history has been compiled below. This information has been sourced from:

- Historical aerial photography (1963, 1970, 1982 and 1990) sourced from the publicly available NSW Spatial Services *Historical Imagery Portal*.
- Recent (2009 and 2020) aerial photography sourced from Google Earth and Nearmap respectively.
- Historical Land Titles sourced from the NSW Government: *Land and Property Information* (A division of the Department of Finance and Services).
- Planning Certificate S10.7 – previously a Section 149 Certificate source from Council.
- Discussion with current owners.

5.2 Documented History

5.2.1 Aerial Photography

Figures 3 to 8 contain extracts from aerial photographs taken in 1963, 1970, 1982, 1990, 2009 and 2020. Most photographs were sourced from the NSW Government Spatial Services database: *Historical Imagery Portal*. The 2009 aerial photograph was from Google Earth, while the 2020 aerial photograph was sourced from NearMap.

Inspection of these photographs shows:

- 1963 – The entire site is cleared of native vegetation with scattered trees located throughout the site. A dwelling and associated structures has already been constructed centrally onsite.
- 1970 – No significant change from 1963.
- 1982 – No significant change from 1970.
- 1990 – No significant change from 1982.
- 2009 – No significant change from 1990.
- 2020 – No significant change from 2009 onsite. Since 2009 land to the north of site has been subdivided into rural/residential allotments (Renwick Estate).



Figure 3 – 1963 image sourced from NSW Spatial Services *Historical Imagery Portal*.



Figure 4 – 1970 image sourced from NSW Spatial Services *Historical Imagery Portal*.

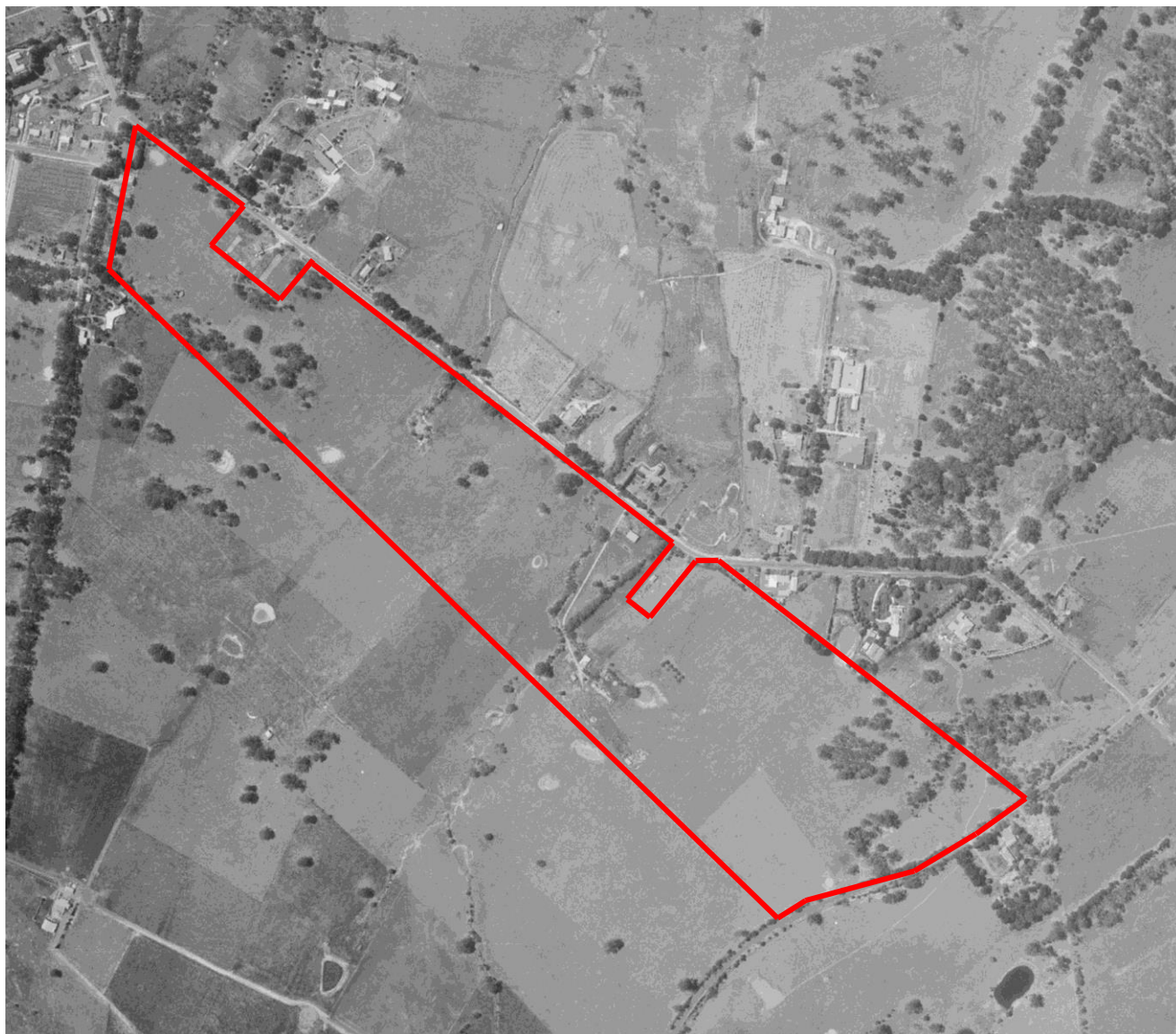


Figure 5 – 1982 image sourced from NSW Spatial Services *Historical Imagery Portal*.



Figure 6 – 1990 image sourced from NSW Spatial Services *Historical Imagery Portal*.



Figure 8 - 2020 image sourced from NearMap, April 2020.

5.2.2 Land Ownership

The subject site is currently owned by Phillip Nelson Dunbier (Diesel mechanic/fleet manager), Peter John Dunbier (washery manager), David Alan Dunbier (logistics manager), Troy John Williams (real estate manager) and Kim Cherie Williams (real estate), who bought the property in January 2004. Before that:

- Lot 115 was owned by Thomas Fredrick Marden (occupation unknown) since 1947 (Appendix 1).
- Previously the property was owned by David Farleigh Cupitt (occupation unknown) (Appendix 1).

(Previous Historical Titles are attached in Appendix 1)

5.2.3 Planning Certificate S10.7

The Planning Certificate S10.7 does not identify the land to be at any known risk –

*“Council has **not** been advised that:*

- a) *The land is significantly contaminated land within the meaning of the Contaminated Land Management Act 1997;*
- b) *The land is subject to a management order within the meaning of the Contaminated Land Management Act 1997;*
- c) *The land is subject to an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997;*
- d) *The land is subject to an ongoing maintenance order with the meaning of the Contaminated Land Management Act 1997;*
- e) *The land is the subject of a site audit statement within the meaning of the Contaminated Land Management Act 1997”.*

(Planning Certificate S10.7 is attached in Appendix 2).

5.3 Verbal History

An interview was conducted with David Dunbier, the current owner, on 21st September 2020. Mr. Dunbier and associates have owned the property since 2004 (sixteen (16) years). In that time Mr. Dunbier has leased the house paddock to tenants and grazed cattle on the remainder of the property.

The property is currently leased to tenants who are currently using the steel-clad shed for general household storage (Figure 10).

Mr. Dunbier advises that no commercial quantities of chemicals or fuels are, or have been stored on site since they have owned the property.

6 Adjacent Land Uses

6.1 Past

The historical photographs show the surrounding lands have mostly been similar in nature to the subject site; there are no obvious indications of potentially-contaminating activities nearby.

6.2 Present

At the time of inspection (September, 2020), there were no obvious indications of potentially-contaminating activities on the neighbouring properties. Lands to the south and east are similar in nature, while lands to the north and west are residential and rural/residential in nature (Figure 8, 13 and 14).

7 Site Conditions and Environment

7.1 General Conditions

At the time of our site inspection the site was occupied by:

- A brick, weatherboard and colorbond residence on slab on-ground footings (Figure 9);
- Existing steel-clad shed used for storage (Figure 10);
- Existing shipping containers (Figure 12);
- An existing onsite wastewater management system (Figure 15); and
- An existing above ground concrete tank (Figure 16) located away from the existing dwelling in the western portion of the site.

Apart from the existing dwelling, steel-clad shed and shipping containers located in the central portion of the site and the above ground concrete tank located in the western portion of the site, there were no other structures on the site. The remainder of the site is undeveloped and covered with pasture grasses and scattered trees. Typical conditions are shown in the following figures. There were no obvious signs of potentially-contaminating materials.

There was an existing onsite wastewater management system located to the west of the existing dwelling (Figure 15). The existing onsite wastewater management system is to remain.

The existing above ground concrete tank located in the western portion of the site is to be demolished. The existing tank must be decommissioned by withdrawing any liquid from the tank and, unless it is tested to confirm the absence of potential pollutants, the liquid must be disposed at a licensed waste facility (as the content of the tank is unknown).

Overall the site was in good condition. There were no obvious signs of odours or areas of discolouration or unusual seepage, and no signs of drums or containers that could have held potential contaminants (other than for basic household use). The owners inform SEEC that they have not stored or used significant amounts of pesticides or stored any fuels on site (other than for basic household use).

Site photographs are presented in Figure 9 to Figure 16.



Figure 9 –Existing dwelling.



Figure 10 – Existing steel-clad shed used for storage.



Figure 11 – Looking northwest from southeastern corner of site.



Figure 12 – Existing steel-chad shed and shipping containers.



Figure 13 – Looking east from the western portion of the property along the southern boundary.



Figure 14 – Looking west from middle portion of site. Note Renwick Estate to the northwest.



Figure 15 – Existing onsite wastewater management system located slightly west of existing dwelling.



Figure 16 – Existing above ground concrete tank located in the western portion of the site which is to be demolished.

7.2 Fill

We did not identify any signs of imported fill during the site inspection.

7.3 Drainage

Generally, the site drains by sheet flow towards the existing dams and drainage depressions which all drain to the northeast (Figure 14).

7.4 Soils and Geology

The site is mapped to lie entirely on the Lower Mittagong Soil landscape (NSW Dept. Environment and Heritage’s publicly-available *eSPADE* website). The Lower Mittagong Soil Landscape is an erosional soil landscape formed on Wianamatta Shale. Topography consists of rises and low hills. Soils typically consist of black to very dark greyish brown clay loams over well-structured clays.

No subsurface investigation was conducted by SEEC as part of this *Stage 1 Preliminary Contamination Assessment*.

8 Contamination Assessment

8.1 Assessment of the Data

There is good coverage of historical aerial photography for the site and its surrounds, and the level of detail obtained from them is considered satisfactory. While it was not possible to talk to previous owners, historical aerial photography does not suggest potentially-contaminating activities were undertaken on the site by previous owners.

8.2 Stage 1 Recommendations and Conclusion

8.2.1 Past Activities

No past activities have been observed or recorded that would suggest potentially-contaminating activities have occurred on this site.

8.2.2 Existing Structures

The existing dwelling, steel-clad shed, shipping containers and onsite wastewater management system are to remain onsite.

The existing above ground concrete tank located in the western portion of the site is to be demolished. The existing tank must be decommissioned by withdrawing any liquid from the tank and, unless it is tested to confirm the absence of potential pollutants, the liquid must be disposed at a licensed waste facility (as the content of the tank is unknown).

8.2.3 Conclusion

A review of documentation available from Wingecarribee Shire Council, past land ownership and historical aerial imagery did not identify any potentially-contaminating activities on this property in the past. As such, the risk of contamination is considered **low**.

9 References

DEC (2005). *Guidelines for Assessing Former Orchards and Market Gardens*. Department of Environment and Conservation.

NEPM (1999) *National Environment Protection (Assessment of Site Contamination) Measure*.

NSW Environment Protection Agency (EPA) (2000). *Guidelines for Consultants Reporting on Contaminated Sites*, NSW Environment Protection Agency, Sydney.

10 Appendices

10.1 Appendix 1 – Previous Historical Titles

(see over page)

10-0530

LAND AND PROPERTY INFORMATION New South Wales

1 Prince Albert Road, Queens Square, Sydney 2000 Telephone 02 9228 68

DEEDS INDEX PARTICULARS



CA NUMBER 89693

BK 4418 NO 243

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

(A)	Delivery Box 25G	Name, Address/DX EDS BPA PTY LTD Telephone no. Reference 464136 87650		
(B)	Nature of Instrument CONVEYANCE			Date of Instrument 9/1/04
(C)	Leave blank where instrument does not affect old system land			
	Locality of the land MITTAGONG	LINK CONVEYANCE-for old system land Book 223 Number 281 Whole/Part PART WHOLE		PRINCIPAL DEED
	LOCAL GOVT. AREA WINGECARRIBEE MITTAGONG	PARISH MITTAGONG		COUNTY CAMDEN
	NOTING [Office use only]	SEE DEED FOR EXCEPTIONS FOR PART SEE DEED		

(D)	Entry	GIVEN NAMES/COMPANY NAME	FAMILY NAME
	V	THOMAS FREDERICK	MARDEN
	P	PHILIP NELSON	DUNBIER
	P	PETER JOHN	DUNBIER
	P	DAVID ALAN	DUNBIER
	P	TROY JOHN	WILLIAMS
	P	KIM CHERIE	WILLIAMS

(E)

I, **MARION COOPER** of **135 KINGS ST. SYDNEY**

certify that for the purposes of section 184D(3) of the Conveyancing Act 1919 that:

- the registration copy is a true copy of the original and
- the above index particulars of the original instrument [and on the annexure(s)] are complete and correct.

Signed **[Signature]** Date **25/2/04**

Entered

Verified

BETWEEN

THOMAS FREDERICK MARDEN

AND

**PHILLIP NELSON DUNBIER, PETER JOHN DUNBIER, DAVID
ALAN DUNBIER, TROY JOHN WILLIAMS & KIM CHERIE
WILLIAMS**

DEED OF CONVEYANCE

MARSDENS LAW GROUP
CNR QUEEN AND DUMARESQ STREETS
CAMPBELLTOWN. NSW 2560
Phone (02) 4626-5077
Facsimile (02) 4626-4826
DX 5107, CAMPBELLTOWN
REF: 12 32 6450

1

Page 1 of 3

N.S.W. STAMP DUTY \$2.00 PAID

OFFICE OF STATE REVENUE (N.S.W. FINANCE DEPT)
DUTY ON CONVEYANCE
STAMP DUTY \$2.00
TRANSACTION NO. 1787604 DATE 9/1/04
ADDITIONAL DUTY \$

THIS DEED made this 9th day of JANUARY 2004.

BETWEEN: **THOMAS FREDERICK MARDEN** of Bong Bong Road, Mittagong in the State of New South Wales ("the Transferor");

AND: **PHILIP NELSON DUNBIER, PETER JOHN DUNBIER, DAVID ALAN DUNBIER, TROY JOHN WILLIAMS AND KIM CHERIE WILLIAMS** of PO Box 35, Narellan in the State of New South Wales ("the Transferees"), as tenants in common: Philip Nelson Dunbier holding a one fourth share; Peter John Dunbier holding a one fourth share; David Alan Dunbier holding a one fourth share; and Troy John Williams and Kim Cherie Williams together holding a one fourth share as joint tenants.

RECITALS:

- A. The Transferor is the registered proprietor of the property known as "Willow Run" Bong Bong Road, Mittagong in the State of New South Wales ("Property").
- B. This Deed records the conveyance of the Property from the Transferor to the Transferee for a purchase price of one million seven hundred and twenty five thousand dollars (\$1,725,000.00).

NOW THIS DEED WITNESSES:

* to the transferees, their tenancy set out above.

In accordance with the terms of the Contract for Sale between the Transferor and Transferees dated 1 November 2003 the Transferor hereby conveys*all of the land contained in Deed of Conveyance, registered Number 281 Book 2023 and identified as Part Portion 115 Parish of Mittagong, County of Camden being "Willow Run" Bong Bong Road, Mittagong in the State of New South Wales. and being that described in the following schedule :-

(see next page numbered 2)

JFM

JFMarden

Page 2 of 3

SCHEDULE

All the land in deed of conveyance

Dated: 7 July, 1947

From: David Farleigh Cupitt

To: Thomas Frederick Marden

Registered: number 281 book 2023

Excepting:

- * Reservoir site (being the same site that is mentioned as excluded from the property description in the deed) and easement for pipeline shown in plan 3722-3040 and deposited plan 705826, notified in NSW Government Gazettes dated –
 - 11 January 1946 folios 57 and 58; and
 - 24 June 1994 folio 3190;
- * Lot 2 DP157625;
- * Lot 2 DP549955;
- * Lot 1 DP583708;
- * Lot 2 DP618304;
- * Easement for electricity transmission line 18.29 wide shown in plan 3282-3040 dated 27 September 1943; and
- * Easement for electricity supply 30 wide shown in DP643615.

EXECUTED AS A DEED

TFM SIGNED SEALED AND DELIVERED)
By Frederick Thomas Marden in the)
Presence of: ^)

TFMarden
..... Frederick Thomas Marden
^

Witness

GARY BARNSLEY

Page 3 of 3

SIGNED SEALED AND DELIVERED)

By Phillip Nelson Dunbier in the)
Presence of:)

M. Maene
.....

Witness

Phillip Nelson Dunbier
.....
Phillip Nelson Dunbier

SIGNED SEALED AND DELIVERED)

By Peter John Dunbier in the)
Presence of:)

M. Maene
.....

Witness

Peter John Dunbier
.....
Peter John Dunbier

SIGNED SEALED AND DELIVERED)

By David Alan Dunbier in the)
Presence of:)

M. Maene
.....

Witness

David Alan Dunbier
.....
David Alan Dunbier

SIGNED SEALED AND DELIVERED)

By Troy John Williams in the)
Presence of:)

M. Maene
.....

Witness

Troy John Williams
.....
Troy John Williams

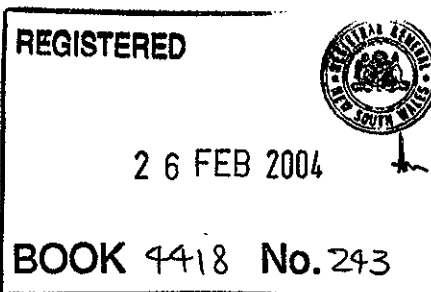
SIGNED SEALED AND DELIVERED)

By Kim Cherie Williams in the)
Presence of:)

M. Maene
.....

Witness

Kim Cherie Williams
.....
Kim Cherie Williams



10.2 Appendix 2 – Planning Certificate S10.7

(see over page)



Planning Certificate

Pursuant to section 10.7 of the *Environmental Planning and Assessment Act 1979*.

To:	STRATEGIC ENVIRONMENTAL & ENGINEERING CONSULTING (SEEC) PTY LTD PO Box 1098 BOWRAL NSW 2576	Your Ref:	
		Fees Paid:	\$ 133.00
		Receipt Number:	737630
		Date of Issue:	18 September 2020

Certificate Number:	S10.7:21/0712
This certificate relates to:	WILLOW RUN 105-119 BONG BONG ROAD MITTAGONG NSW 2575
Legal Description:	Lot 115 DP 1067955
Property No:	204300
Advice on this certificate:	Advice is provided under section 10.7(2): See Items 1-21 Additional Advice is provided under section 10.7(5): See Item 1

IMPORTANT: Please read this certificate carefully.

This certificate contains important information regarding the land as listed above. The information provided in this certificate is in accordance with data held by Council in its Geospatial Information System (GIS) and also Property and Rating Operating System.

Please check for any items which could be inconsistent with the proposed use or development of the land and notify Council immediately should this be the case. If there is anything in this certificate that you do not understand please contact Council's Customer Service Centre on (02) 48680888 or alternatively by email at mail@wsc.nsw.gov.au.

The information provided in this certificate relates only to the land described above. If you require information regarding adjacent or nearby land or further information regarding Councils Planning and Development Policies for the general area, please contact Council's Customer Service Centre.

All information is considered to be correct as at 18 September 2020. However, it is possible that changes may have occurred since this certificate was issued. If in doubt it is suggested that you apply for another certificate.

Part 1:

ADVICE PROVIDED UNDER SECTION 10.7(2)

Attention: The explanatory notes appearing in italic print within Part 1 are provided to assist in understanding, but do not form part of the advice provided under section 10.7(2).

1. Names of relevant planning instruments and DCPs:

- a)** The name of each environmental planning instrument that applies to the carrying out of development on the land;

State Environmental Planning Policies

State Environmental Planning Policy No. 21 Caravan Parks

State Environmental Planning Policy No. 33 Hazardous and Offensive Development

State Environmental Planning Policy No. 36 Manufactured Home Estates

State Environmental Planning Policy No. 50 Canal Estate Development

State Environmental Planning Policy No. 55 Remediation of Land

State Environmental Planning Policy No. 64 Advertising and Signage

State Environmental Planning Policy No. 65 Design Quality of Residential Apartment Development

State Environmental Planning Policy (Affordable Rental Housing) 2009

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy (Concurrences) 2018

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Koala Habitat Protection) 2019

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

State Environmental Planning Policy (Primary Production and Rural Development) 2019

State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

Local Environmental Plans

Wingecarribee Local Environmental Plan 2010

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

Draft State Environmental Planning Policies

Draft Remediation of Land SEPP

Draft Environment SEPP

Draft Local Environmental Plans

Shire Wide

Shire wide Draft Local Environmental Plan to amend certain clauses in Wingecarribee Local Environmental Plan 2010

Site Specific

Nil

Note: A proposed environmental planning instrument includes a planning proposal for a LEP or a draft environmental planning instrument.

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

Rural Lands Development Control Plan

2. Zoning and land use under relevant LEPs.

The *Wingecarribee Local Environmental Plan 2010* identifies the land as being within the following zone(s):

Zone RU2 Rural Landscape

Advice: Refer to www.wsc.nsw.gov.au or www.legislation.nsw.gov.au website for the LEP Instrument and zoning maps.

Advice: Schedule 1 of the *Wingecarribee Local Environmental Plan 2010* may contain additional permitted uses that apply to the site.

• Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide a range of compatible land uses, including extensive agriculture.
- To provide opportunities for employment-generating development that is compatible with, and adds value to, local agricultural production through food and beverage processing and that integrates with tourism.

- **Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

- **Permitted with consent**

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Bed and breakfast accommodation; Cellar door premises; Community facilities; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Health consulting rooms; Helipads; Home businesses; Home industries; Information and education facilities; Landscaping material supplies; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Secondary dwellings; Signage

- **Prohibited**

Intensive livestock agriculture; Any development not specified in 'permitted without consent' or 'permitted with consent'.

Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed: YES there is a Minimum Lot Size to the lot/s, 40 hectares

Note: Pursuant to the *Wingecarribee Local Environmental Plan 2010*, there are provisions that enable subject to development consent, for Council to approve a dwelling house on a smaller lot.

Critical Habitat: The land DOES NOT include or comprise critical habitat.

Conservation Area: The land IS NOT within a Conservation Area (however described).

Heritage Items: An item of environmental heritage (however described) IS situated on the land.

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

The subject land is not within a growth centre under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

3. Complying Development

1. *The extent to which the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A(1)(c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*
2. *The extent to which complying development may not be carried out on that land because of the provisions of clauses 1.17A(1)(c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 of that Policy and the reasons why it may not be carried out under those clauses.*
3. *If the council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land, a statement that a restriction applies to the land, but it may not apply to all of the land, and that council does not have sufficient information to ascertain the extent to which complying development may or may not be carried out on the land.*

Housing Code:

Complying development under the General Housing Code MAY NOT be carried out on the land.

- Unless there is an exemption pursuant to section 57(2), 57(1A) or 57(3) of the Heritage Act 1977.
- Unless the development does not result in the increase of bedrooms on the site or a site disturbance of more than 250sqm.

Rural Housing Code:

Complying development under the Rural Housing Code MAY NOT be carried out on the land.

- Unless there is an exemption pursuant to section 57(2), 57(1A) or 57(3) of the Heritage Act 1977.
- Unless the development does not result in the increase of bedrooms on the site or a site disturbance of more than 250sqm.

Housing Alterations Code:

Complying development under the Housing Alterations Code MAY NOT be carried out on the land.

- Unless there is an exemption pursuant to section 57(2), 57(1A) or 57(3) of the Heritage Act 1977.
- Unless the development does not result in the increase of bedrooms on the site or a site disturbance of more than 250sqm.

Low Rise Housing Diversity Code:

Complying development under the Low Rise Housing Diversity Code MAY NOT be carried out on the land.

- Unless there is an exemption pursuant to section 57(2), 57(1A) or 57(3) of the Heritage Act 1977.
- Unless the development does not result in the increase of bedrooms on the site or a site disturbance of more than 250sqm.

Greenfield Housing Code:

Complying development under the Greenfield Housing Code MAY NOT be carried out on the land.

- Unless there is an exemption pursuant to section 57(2), 57(1A) or 57(3) of the Heritage Act 1977.
- Unless the development does not result in the increase of bedrooms on the site or a site disturbance of more than 250sqm.

General Development Code:

Complying development under the General Development Code MAY NOT be carried out on the land.

- Unless there is an exemption pursuant to section 57(2), 57(1A) or 57(3) of the Heritage Act 1977.
- Unless the development does not result in the increase of bedrooms on the site or a site disturbance of more than 250sqm.

General Commercial and Industrial Alterations Code

Complying development under the General Commercial and Industrial Alterations Code MAY NOT be carried out on the land.

- Unless there is an exemption pursuant to section 57(2), 57(1A) or 57(3) of the Heritage Act 1977.

General Commercial and Industrial (New Buildings and Additions) Code:

Complying development under the General Commercial and Industrial (New Buildings and Additions) Code MAY NOT be carried out on the land.

- Unless there is an exemption pursuant to section 57(2), 57(1A) or 57(3) of the Heritage Act 1977.

Subdivision Code:

Complying development under the Subdivision Code MAY NOT be carried out on the land.

- Unless there is an exemption pursuant to section 57(2), 57(1A) or 57(3) of the Heritage Act 1977.

Demolition Code

Complying development under the Demolition Code MAY NOT be carried out on the land.

- Unless there is an exemption pursuant to section 57(2), 57(1A) or 57(3) of the Heritage Act 1977.

Fire Safety Code

Complying development under the Fire Safety Code MAY NOT be carried out on the land.

- Unless there is an exemption pursuant to section 57(2), 57(1A) or 57(3) of the Heritage Act 1977.

Container Recycling Facilities Code:

Complying development under the Container Recycling Facilities Code MAY NOT be carried out on the land.

- Unless there is an exemption pursuant to section 57(2), 57(1A) or 57(3) of the Heritage Act 1977.

The reasons why Complying Development may not be carried out are as follows:

The land is identified as an item of environmental heritage or heritage item by the *Wingecarribee Local Environmental Plan 2010*.

The land is declared to be a special area under the *Water NSW Act 2014*.

The land is unsewered land to which *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* applies.

4B. Annual Charges under the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works

The land IS NOT subject to an agreement for annual charges under section 496B of the *Local Government Act 1993* for coastal protection services (within the meaning of section 553B of that Act).

5. Mine Subsidence District

The land IS NOT WITHIN a declared Mine Subsidence District under section 20 of the *Coal Mine Subsidence Compensation Act 2017*.

6. Road Widening or re-alignment

The land IS NOT AFFECTED by any road widening or road re-alignment under Division 2 of Part 3 of the *Roads Act 1993*.

The land IS NOT AFFECTED by any road widening or road re-alignment under an environmental planning instrument.

The land IS NOT AFFECTED by any road widening or road realignment under a resolution of the Council.

7. Council and other public authority policies on hazard risk restrictions.

Except as stated below, the land is not affected by a policy referred to in Item 7 of Schedule 4 of the *Environmental Planning and Assessment Regulation 2000* that restricts the development of the land because of the likelihood of landslip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding).

Note: The absence of a policy to restrict development of the land because of the likelihood of a particular risk does not imply that the land is free from that risk. The Council considers the likelihood of natural and man-made risks when determining development applications under section 4.15 of the Environmental Planning and Assessment Act 1979. Detailed investigations carried out in conjunction with the preparation or assessment of a development application may result in the Council either refusing development consent or imposing conditions of consent on the basis of risks that are identified above.

7A. Flood related development controls information

There ARE flood related development controls on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing).

There are flood related development controls on the land or part of the land for any other purpose.

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

8. Land Reserved for acquisition

The land IS NOT identified for acquisition by a public authority (as referred to in section 3.15 of the Act) by any environmental planning instrument or proposed environmental planning instrument applying to the land.

9. Contributions plans

The following contributions plan/s apply to the land:

Administration 2011 to 2031
Central Library
Open Space, Recreation, Community & Cultural Facilities 2013 to 2036
Roads and Traffic Facilities 2012 to 2031
Resource Recovery Centre 2009

Note: There are also Developer Servicing Plans that may apply to the land that include water, sewer and stormwater contributions.

9A Biodiversity Certified Land

The land IS NOT biodiversity certified land under Part 8 of the *Biodiversity Conservation Act 2016*.

Note: Biodiversity certified land includes land certified under Part 7AA of the *Threatened Species Conservation Act 1995* that is taken to be certified under Part 8 of the *Biodiversity Conservation Act 2016*.

10. Biodiversity stewardship sites

Council HAS NOT been notified by the Chief Executive of the Office of Environment and Heritage that the land is a biodiversity stewardship site under a biodiversity stewardship agreement under Part 5 of the *Biodiversity Conservation Act 2016*.

Note: Biodiversity stewardship agreements include biobanking agreements under Part 7 of the *Threatened Species Conservation Act 1995* that are taken to be biodiversity stewardship agreements under Part 5 of the *Biodiversity Conservation Act 2016*.

10A. Native vegetation clearing set asides

Council HAS NOT been notified by the Local Land Services (or it is registered in the public register under that section 60ZC) that the land contains a set aside area under section 60ZC of the *Local Land Services Act 2013*.

11. Bushfire prone land

SOME of the land is bushfire prone land as defined in the Act.

12. Property vegetation plans

Council HAS NOT been notified of a property vegetation plan relating to the land approved under Part 4 of the *Native Vegetation Act 2003* (and that continues in force).

13. Orders under the Trees (Disputes Between Neighbours) Act 2006

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

14. Directions under Part 3A

The land IS NOT affected by a direction by the Minister in force under section 75P (2) (c1) of the Act, that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect.

15. Site compatibility certificates and conditions for seniors housing

- (a) The land IS NOT affected by a current site compatibility certificate (of which Council is aware) issued under the *State Environmental Planning Policy (Housing for Seniors and People with Disability) 2004*.
- (b) The land IS NOT affected by any terms of kind referred to in clause 18(2) of the *State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004*, that have been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land.

16. Site compatibility certificates for infrastructure, schools or TAFE establishments

The land IS NOT affected by a valid site compatibility certificate (infrastructure) or site compatibility certificate (schools or TAFE establishments), in respect of proposed development on the land.

17. Site compatibility certificates and conditions for affordable rental housing

The land IS NOT affected by a current site compatibility certificate (affordable rental housing), of which Council is aware, in respect of proposed development on the land.

18. Paper Subdivision Information

The land IS NOT affected by any development plan that applies to the land or that is proposed to be subject to a consent ballot.

19. Site Verification Certificates

The site IS NOT subject of a current site verification certificate (of which the Council is aware) in respect of the land.

20. Loose-fill asbestos insulation

The land DOES NOT include any residential premises (within the meaning of Division 1A of Part 8 of the *Home Building Act 1989*) that are listed on the register that is required to be maintained under that Division.

21. Affected building notices and building product rectification orders

There IS NOT any affected building notice of which Council is aware that is in force in respect of the land.

There IS NOT any building product rectification order of which the council is aware that is in force in respect of the land and has not been fully complied with.

There IS NOT any notice of intention to make a building product rectification order of which the council is aware has been given in respect of the land and is outstanding

Note:

affected building notice has the same meaning as in Part 4 of the *Building Products (Safety) Act 2017*.

building product rectification order has the same meaning as in the *Building Products (Safety) Act 2017*.

Contaminated Land Management Act 1997

Note: The following matters are prescribed by section 59 (2) of the *Contaminated Land Management Act 1997*

- (a) *that the land to which the certificate relates is significantly contaminated land within the meaning of that Act—if the land (or part of the land) is significantly contaminated land at the date when the certificate is issued,*

Council HAS NO record that the the land is significantly contaminated land at the date or the issue of this certificate.

- (b) *that the land to which the certificate relates is subject to a management order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,*

Council HAS NO record that the land is subject to a management order within the meaning of that Act at the date of the issue of this certificate.

- (c) *that the land to which the certificate relates is the subject of an approved voluntary management proposal within the meaning of that Act—if it is the subject of such an approved proposal at the date when the certificate is issued,*

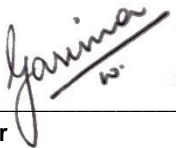
Council HAS NO record that the land is the subject of an approved voluntary management proposal within the meaning of that Act at the date of the issue of this certificate.

- (d) *that the land to which the certificate relates is subject to an ongoing maintenance order within the meaning of that Act—if it is subject to such an order at the date when the certificate is issued,*

Council HAS NO record that the land is the subject of an ongoing maintenance order within the meaning of that Act at the date of the issue of this certificate.

- (e) *that the land to which the certificate relates is the subject of a site audit statement within the meaning of that Act—if a copy of such a statement has been provided at any time to the local authority issuing the certificate.*

Council HAS NO record that the land is the subject of a site audit statement within the meaning of that Act at the date of the issue of this certificate.



For
Barry Paull – Acting General Manager

Part 2:

ADVICE PROVIDED UNDER SECTION 10.7(5)

Note: Section 10.7(6) of the Act states that a Council shall not incur any liability in respect of advice provided in good faith pursuant to subsection 10.7(5).

1. Development Consents

The land HAS NOT been subject to a development consent under the *Environmental Planning and Assessment Act 1979* within the last 2 years.