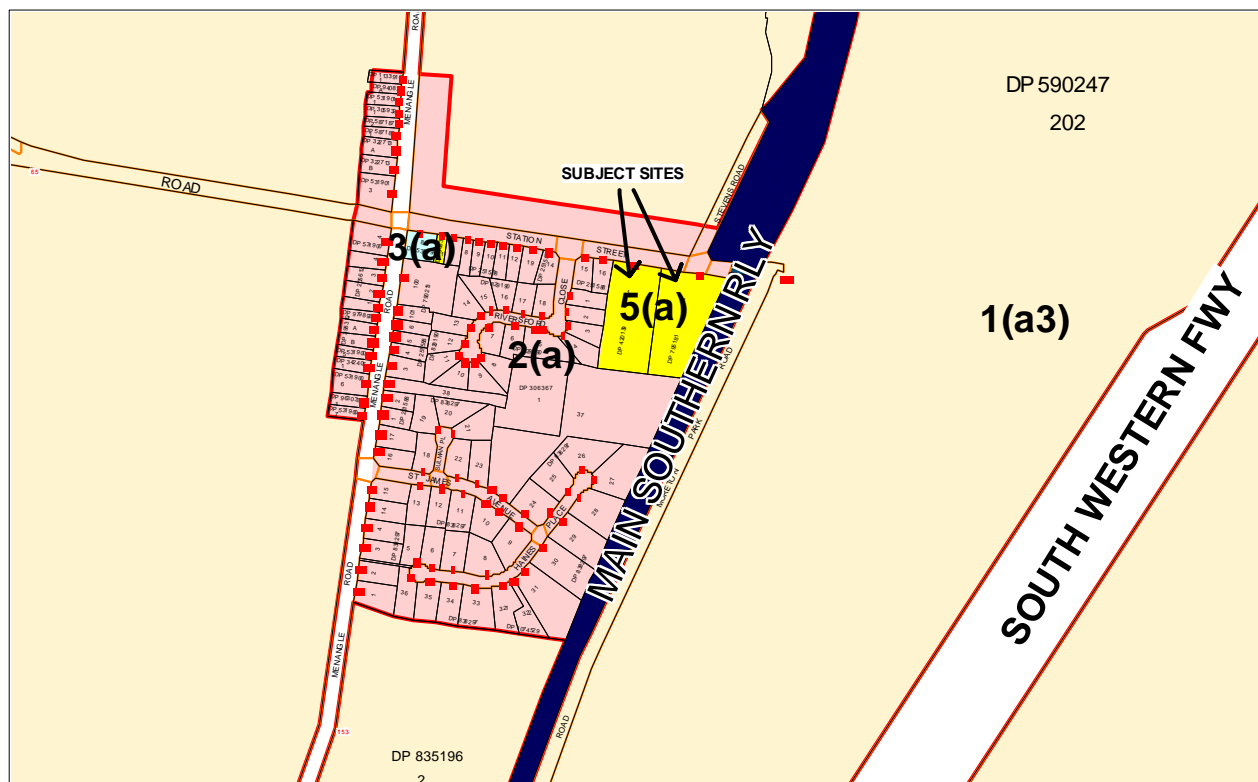


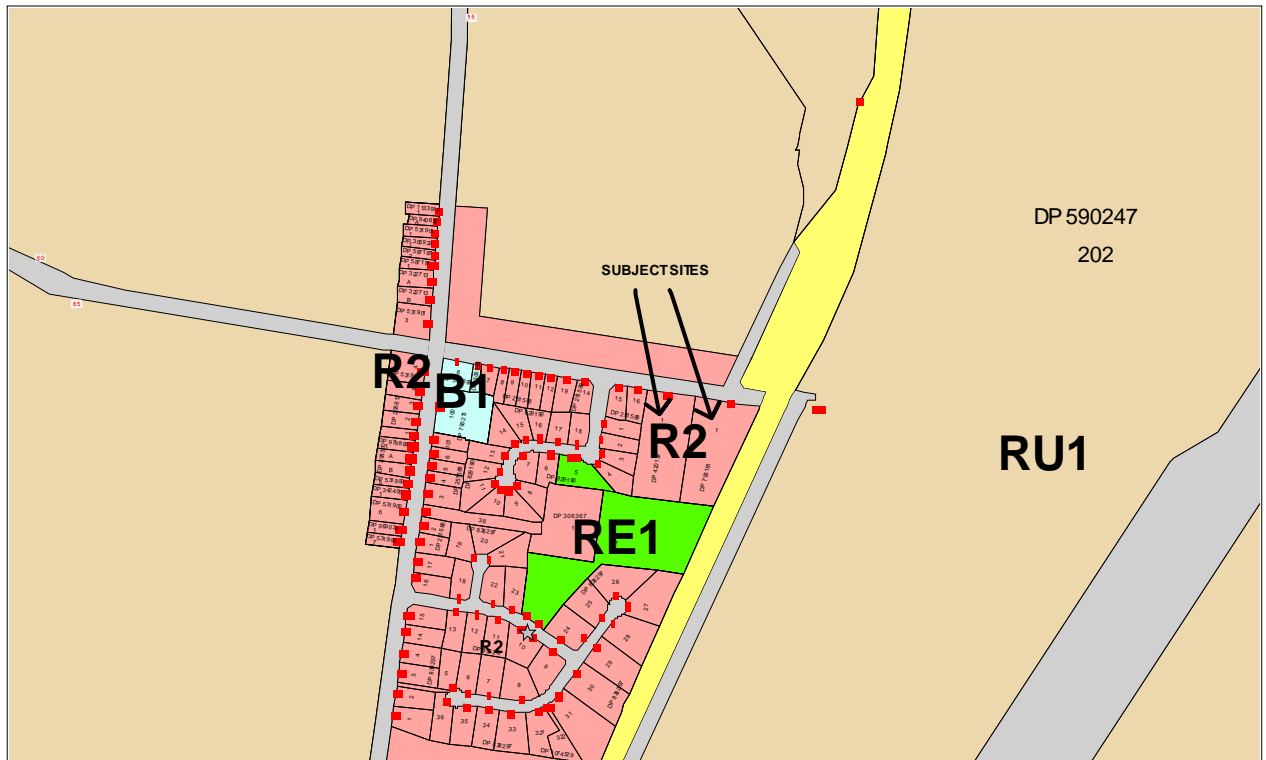
Report to the South West Sydney Regional Planning Panel

JRPP No.	2011SYW019
DA No.	010.2010.00000479.001
Site	Lot 1 DP 420139 & Lot 1 DP 795181 26 and 28 Station Street, Menangle
Proposal	Boundary adjustment of two (2) lots
Applicant	Lean and Hayward Pty Ltd (on behalf of the Department of Education and Training)

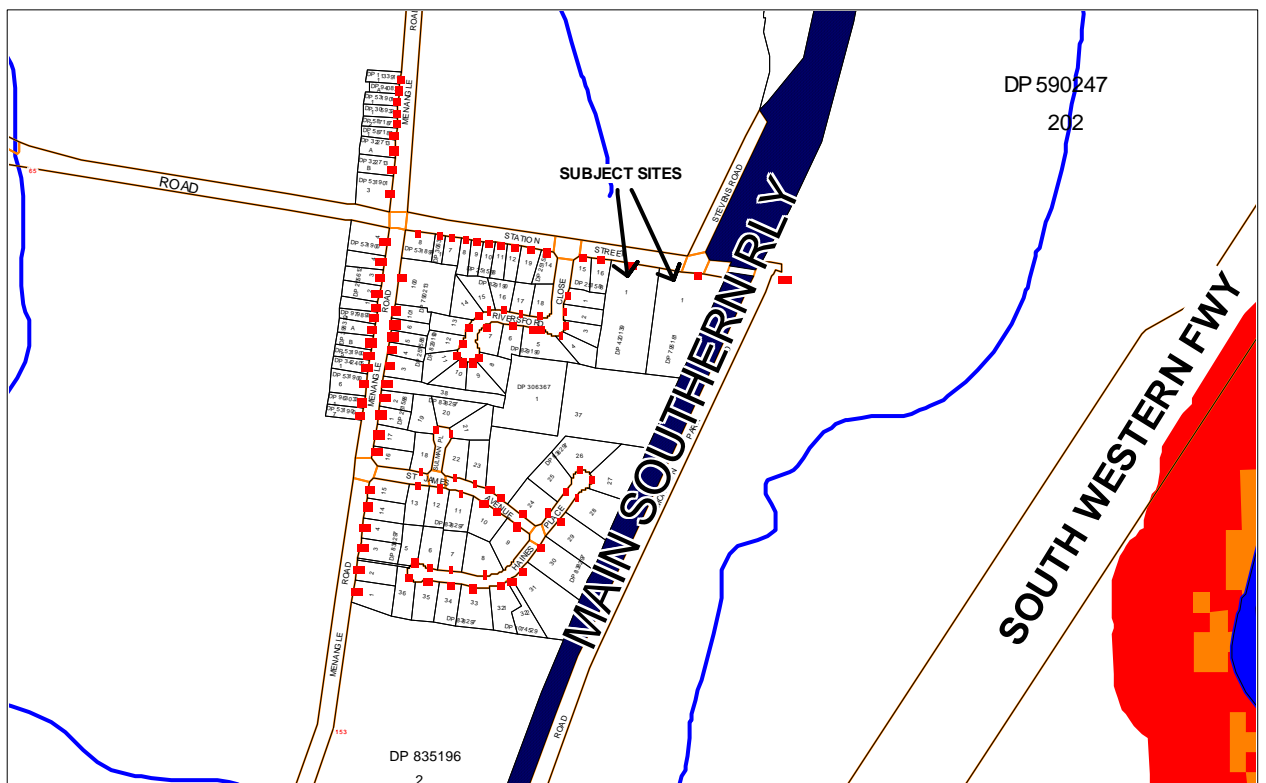
MAPS OF THE SUBJECT LAND



Map 1: Wollondilly Local Environmental Plan 1991



Map 2: Draft Wollondilly Local Environmental Plan 2009



Map 3: Site constraints including topography, drainage lines and bushfire prone land

EXECUTIVE SUMMARY

Council is in receipt of an application seeking approval for a boundary adjustment between Lot 1 DP420139 and Lot 1 DP 795181, 26 and 28 Station Street, Menangle.

The application is being reported to the Joint Regional Planning Panel (JRPP) for determination as NSW Department of Education and Training will not agree to the draft conditions of consent recommended by Council.

The subject application was notified to adjoining and nearby land owners and advertised in accordance with Council's Development Control Plan for the Notification and Advertising of Development Proposals. Two (2) submissions were received during this period.

There have not been any disclosures of political donations made in regard to this application.

It is recommended that the application be approved subject to conditions.

CONSULTATION

The subject Development Application has been referred to the following external and internal parties for comment/approval:

- Mine Subsidence Board: no objection, recommendations made
- Council's Development Engineer – No concerns, subject to conditions.
- Council's Heritage Consultant – No objections raised.

PROPOSAL

1.1 Description of site and surrounding area

The subject land is the former Menangle Public School located at Lot 1 DP 420139 and Lot 1 DP 745181, 26 and 28 Station Street, Menangle.

The subject site is irregular in shape and has a combined area of 1.618 hectares.

The site contains a dilapidated and vandalised former school building, weatherboard shed, toilet block, residence and garage.

The sites were previously used for educational purposes.

Immediately east of the subject land is the railway corridor. South of the site is vacant residential land and to the west are five allotments that contain single dwelling houses, some with ancillary buildings. Across Station Street and north of the subject lands is vacant land that is part zoned residential and rural. Consent has been granted to a residential subdivision of the land that immediately fronts Station Street.

1.3 Description of Development

Approval is sought for a boundary adjustment of at Lot 1 DP 420139 and Lot 1 DP 745181, 26 and 28 Station Street, Menangle.

The development would comprise the following:

- Proposed Lot 101 would be 1.43 hectares and would contain a former dwelling house, and weather board shed, two toilet facilities and a pump out (effluent disposal) system

- Proposed Lot 102 would be 2003.8m² in size and would contain the former Menangle School Building.

Proposed Lot 102 would not have direct access to a public road so it is proposed that a 5 metre right of carriageway be created over Lot 101 to afford access to Station Street.

ASSESSMENT OF PROPOSAL

2.1 Section 79C Assessment – Matters for Consideration

2.1.1 Provisions of Relevant Environmental Planning Instruments

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

Section 20A of the ISEPP states the following:

Section 20A Exempt development carried out by public authorities for purposes in Schedule 1

Development for a purpose specified in Schedule 1 is exempt development if:

- it is carried out by or on behalf of a public authority, and*
- it meets the development standards for the development specified in Schedule 1, and*
- it complies with clause 20.*

Comments: under the provisions of Schedule 1 from the ISEPP, the following could be undertaken without any approval:

Schedule 1 Exempt development—general

Development purpose	Development standards
General provisions	
Access ramps for persons with a disability	<ul style="list-style-type: none"> Ramps must provide access to public transport, outdoor recreational areas or the ground floor of buildings or car parks. Grade must not exceed 1:14 and must comply with AS 1428.1–2001, Design for access and mobility—General requirements for access—New building work. Ramp structures must not create a traffic or pedestrian hazard or be part of a State or local heritage item.
Air conditioning units	<ul style="list-style-type: none"> Must have a Minimum Energy Performance Standard consistent with AS/NZS 3823.2:2005, Performance of electrical appliances—Airconditioners and heat pumps—Energy labelling and minimum energy performance standard (MEPS) requirements. Noise level must not exceed 5dB(A) above ambient background noise level measured at property boundary.
Awnings, canopies, pergolas and storm blinds	<ul style="list-style-type: none"> Surface area must not exceed 20m² (except for an educational establishment). Height must not exceed 2.4m above ground level (existing). Must maintain all required boundary setbacks for the associated building and no part of structure must be within 900mm of any property boundary.

<i>Building external alterations including re-cladding roofs or walls</i>	<ul style="list-style-type: none"> • Must involve only repair or renovation, or painting, plastering or other decoration, of building. • Must not result in enlargement or extension of building or increase in load-bearing capacity of any load-bearing component of building. • Any re-cladding must involve only replacing existing materials with similar materials and not involve structural alterations.
<i>Building internal alterations</i>	<ul style="list-style-type: none"> • Must be non-structural alterations to existing building only, such as: <ul style="list-style-type: none"> (i) replacement of doors, wall, ceiling or floor linings or deteriorated frame members with equivalent or improved quality materials, or (ii) inclusion of built-in fixtures. • Must not affect load-bearing capacity of any load-bearing component of building.
<i>Car parks</i>	<ul style="list-style-type: none"> • Must be open (unenclosed) car parking (but may include associated gates including security booths and boom gates).
<i>Carports associated with an existing building</i>	<ul style="list-style-type: none"> • Surface area must not exceed 20m². • Height must not exceed 2.4m above ground level (existing). • Must be located behind any relevant building setback. • Must be no part of structure within 500mm of any side or rear boundary. • Stormwater drainage or run-off must be via connection to existing stormwater system.
<i>Decks (unroofed and attached to a building that is not located on bush fire prone land)</i>	<ul style="list-style-type: none"> • Surface area must not exceed 10m². • Finished surface level must not be more than 1m above ground level (existing). • Boundary setbacks for existing building to be maintained.
<i>Demolition of buildings or structures (unless part of a heritage item or within a heritage conservation area) the erection of which is exempt development under this Policy</i>	<ul style="list-style-type: none"> • Must be carried out in accordance with AS 2601—2001, Demolition of structures and must not cover an area of more than 100m².
<i>Fences—erection of security fences</i>	<ul style="list-style-type: none"> • Must be for infrastructure facility and erected along road frontage or non-road boundary. • Height must not exceed 2.15m above ground level (existing).
<i>Fences (other than security fences or fences covered by the Swimming Pools Act 1992)</i>	<ul style="list-style-type: none"> • Must be constructed so as not to prevent natural flow of stormwater drainage or run-off. • If in a residential zone, height of boundary fence must not exceed 1.8m above ground level (existing) if behind front building line and 1.2m if forward of that line. • Must not include masonry construction to a height of more than 900mm above ground level (existing).
<i>Fire fighting emergency equipment—construction or maintenance of emergency equipment including replacement or augmentation of fire systems and fire water tanks</i>	

Flagpoles	<ul style="list-style-type: none"> • Height must not exceed 6m above ground level (existing) or above an existing building. • Must not display commercial advertising. • Flagpole structure and any attached flag must not project over public road.
Hoardings to restrict unauthorised entry to construction sites—erection in conjunction with erection or demolition of, or carrying out of alterations or additions to, a building or carrying out of maintenance or repairs (for which, in each case, any required consent has been obtained)	<ul style="list-style-type: none"> • Must not encroach onto footpath or public thoroughfare. • Must be removed immediately on completion of work if removal will not give rise to safety risk.
Landscaping (including paving and turfing and access tracks) carried out in conjunction with other development which is exempt under this Policy	
Lighting—construction or maintenance	<ul style="list-style-type: none"> • Construction and maintenance of external lighting if light spill is contained within site and in accordance with AS 4282–1997, Control of the obtrusive effects of outdoor lighting. • Construction and maintenance of lighting at or in vicinity of air transport facilities if consistent with Manual of Standards (MOS)—Part 139—Aerodromes published by the Civil Aviation Safety Authority (established under Civil Aviation Act 1988 of the Commonwealth).
Offices—portable	<ul style="list-style-type: none"> • Height must not exceed 1 storey. • Setbacks must be in accordance with any applicable setback provisions of development control plan applying to site.
Rainwater and bore water tanks	<ul style="list-style-type: none"> • Height (including any stand) must not exceed 2.4m above ground level (existing). • No part of structure must be within 450mm of any property boundary or situated no closer to street than any associated building. • Rainwater tank must be fitted with first-flush device that causes initial run-off of any rain to bypass tank to reduce pollutants entering tank. • Installation must not involve excavation of more than 1m from ground level (existing), or filling of more than 1m above ground level (existing). • Must not be installed over any structure or fittings used by public authority to maintain water or sewer main. • Must be sign affixed to tank, clearly stating that water in tank is rainwater or bore water (as appropriate).
Retaining walls	<ul style="list-style-type: none"> • Must not provide for retaining of fill to height above ground level (existing) of more than 2m or excavation to depth below ground level (existing) of more than 1m. • Must not prevent the natural flow of stormwater drainage/run-off.

<i>Scaffolding—erection in conjunction with erection or demolition of, or carrying out of alterations or additions to, a building or carrying out of maintenance or repairs (for which, in each case, any required consent has been obtained)</i>	<ul style="list-style-type: none"> • <i>Must not encroach onto footpath or public thoroughfare.</i> • <i>Temporary fencing must be provided to restrict unauthorised access to site if scaffolding is within 3m of any boundary.</i> • <i>Must be removed immediately on completion of work if removal will not give rise to safety risk.</i>
<i>Security cameras—installation for security purposes</i>	
<i>Sheds</i>	<ul style="list-style-type: none"> • <i>Must be free-standing, prefabricated and constructed of non-reflective materials.</i> • <i>Development must not result in shed with a total floor area exceeding 30m².</i> • <i>Height must not exceed 2.5m above ground level (existing).</i> • <i>Must be located in rear of infrastructure facility.</i>
<i>Skylight or roof windows</i>	<ul style="list-style-type: none"> • <i>Area of skylight must not exceed 2m².</i> • <i>Must not be located within 900mm of any property boundary or within 900mm of any wall separating attached dwellings.</i> • <i>Work must not reduce structural integrity of building or involve structural alterations.</i>
General provisions: signs	
<i>Identification, directional, community information or safety signs but not including roof-top signs or commercial advertising or signs associated with the use of road infrastructure (including signs associated with level crossings)</i>	<ul style="list-style-type: none"> • <i>Surface area must not exceed 3.5m².</i> • <i>Must be located wholly within property boundary or be attached to existing boundary fence and not projecting more than 100mm from fence.</i> • <i>Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997, Control of the obtrusive effects of outdoor lighting.</i>
<i>Identification, directional, community information or safety signs associated with the use of road infrastructure</i>	<ul style="list-style-type: none"> • <i>Must be consistent with road safety policies and guidelines on outdoor advertising approved by the Director-General for the purpose of this provision and published in the Gazette.</i>
<i>Temporary signs advertising an event and associated relevant details including sponsorship of the event</i>	<ul style="list-style-type: none"> • <i>Surface area must not exceed 3.5m².</i> • <i>Must be located wholly within property boundary.</i> • <i>Must not be displayed earlier than 28 days before event and must be removed within 14 days after event.</i> • <i>Obtrusive effects of outdoor lighting must be controlled in accordance with AS 4282–1997 Control of the obtrusive effects of outdoor lighting.</i>
General provisions: subdivision	
<i>Boundaries—adjustment to the boundary of a lot (including to widen a public road or create a public reserve)</i>	<ul style="list-style-type: none"> • <i>Must not result in:</i> <ul style="list-style-type: none"> (i) <i>creation of any additional lot or legal right to erect dwelling, or</i> (ii) <i>creation of lot that depends on use of services provided to, or utilities of, another lot, or</i> (iii) <i>change in area of any lot by more than 10 per cent, or</i> (iv) <i>increased bush fire risk to existing buildings.</i>

Additionally, if proposed Lot 102 is vested to Council and becomes public, there are a number of uses that could be undertaken without any approval under the provisions of the ISEPP.

As such, it is considered that such conditions recommending provision of amenity facilities, a septic system, and further the formal construction of the right of carriageway and the like is justified and should form part of any consent.

State Environmental Planning Policy No 55—Remediation of Land

Question	YES		NO	
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?		Proceed to Question 3	x	Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?		Proceed to Question 3	x	Assessment under SEPP 55 and DCP 46 not required.
3. Does the application proposed a new: <ul style="list-style-type: none"> ▪ Child care facility ▪ Educational use ▪ Recreational use ▪ Health care use ▪ Place of public worship ▪ Residential use in a commercial or industrial zone 		Proceed to Question 5		Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?		Proceed to Question 5		Proposal satisfactory under SEPP 55 and DCP 46.
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?		Request contaminated site assessment		Proposal satisfactory under SEPP 55 and DCP 46.

The development does not result in a change of use and no further assessment or reporting is required.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2—1997)

It is considered that the subject development would not result in any adverse impact upon the receiving waters of the Hawkesbury-Nepean Rivers.

The development seeks to create an allotment around the former Menangle School building and there are no site works proposed that would impact upon water quality or alter the rate which water would leave the site during inclement weather.

Conditions of consent are recommended to ensure that controls are put in place before site works are undertaken for the formalisation of the unsealed access road to proposed Lot 102.

Wollondilly Local Environmental Plan, 1991

The subject land is zoned 5(c1) Special Uses “C1” (Water Catchment) under the provisions of the WLEP 1991. The subject development is a permissible land use subject to approval by Council

Below is an assessment of the application against the relevant provisions from the plan:

- Clause 10 Zone objectives and development control table

Objective	Comments
<i>The objective of the Zone is to identify and set aside land required to provide those uses, usually of a public nature, necessary to provide essential services to a community</i>	The wording on the zoning map is 'school'. Although the site was formerly used for education purposes, the development would set the land aside for potential future uses by the residents of Menangle as a community facility.

The particular wording on the map in this case is "school". The boundary adjustment while not consistent with the objective is not anti-pathetic to it and therefore the application can be considered by Council. The proposal will not alter current levels of access to the site.

- Clause 20 Development within proclaimed mine subsidence district

Comments: Approval from the Mines Subsidence Board has been obtained. Conditions are recommended.

- Clause 32 Heritage Conservation Areas

"(1) A person must not, in respect of a heritage conservation area:

- (a) demolish or alter a building or work within the area, or*
- (b) damage or move a relic within the area, or*
- (c) excavate for the purpose of exposing a relic within the area, or*
- (d) damage or despoil a place within the area, or*
- (e) erect a building on or subdivide land within the area,*

except with the consent of the council."

Comment: consent is sought for a boundary adjustment. It is considered that the development would not have any adverse impact upon the setting of any local items of heritage significance.

- Clause 45 Development of unsewered land

Clause 45 states the following:

"The council must not consent to the carrying out of development on unsewered land unless the applicant demonstrates that the land is capable of supporting the development having regard to the capability of the soil for effluent disposal and buffer distances to watercourses and drainage depressions."

Comments: no wastewater report accompanied the subject application demonstrating that the development has the capacity to accommodate effluent disposal on each allotment. Each allotment must have its own effluent disposal system if not reticulated sewer is available as Council does not accept onsite sewage management systems to straddle boundaries and/or operate on lots where they don't related.

Upon a site inspection, it was revealed that there is an existing pump out effluent disposal system that services the whole site. The proposed development seeks to create a small

allotment around the former school building but in doing so there would be no effluent disposal system contained or proposed on the subject land. Council is not in a position to condition that an easement be created over another parcel of land for effluent disposal.

In order to rectify this situation, it is recommended that a condition be placed on the consent for those having the benefit of the approval to undertake the following works prior to the release of any subdivision certificate:

- 1) that a new pump out system be constructed and located within the property boundaries of proposed Lot 102, and
- 2) that either the existing amenity facilities be relocated from proposed Lot 101 to Lot 102 or new toilet facilities be constructed so there is surety to Council that the existing building has appropriate amenities for the future use of the land.

Under the provisions of the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP), there are a number of land uses that could be undertaken within the building or site without any approval of Council. As such, such uses would generate the need for amenities to be provided on proposed Lot 102.

Therefore, the imposition of the above conditions is justified.

In addition to the above, the proposed right of carriageway needs to be formally constructed so that waste service vehicles and other traffic would have an all weather access to and from Lot 102. Such works would need to be undertaken prior to the release of any subdivision certificate.

2.1.2 Provisions of Relevant Draft Environmental Planning Instruments

Draft Wollondilly Local Environmental Plan, 2009

Under the provisions of the draft plan, the site would be zoned R2 Low Density Residential.

The objectives of the zone are as follows:

Objective	Comment
<i>To provide for the housing needs of the community within a low density residential environment.</i>	The development would allow for the future development of land to meet the needs of residents within Menangle.
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	Although there is not specific use assigned to the vacant building on proposed Lot 102, it is anticipated that the building would form a community facility to be used by the Menangle residents.

The minimum allotment size in the draft plan is 975m². Both proposed would allotments comply.

The subject lots are located within the Menangle Urban Conservation Area. Although there are local items of heritage significance within the immediate area, it is considered that the development would not offend the setting or the significance of any of those items.

2.1.3 Provisions of Relevant Development Control Plans

Development Control Plan for the Notification and Advertising of Development Proposals

This plan provides that the subject development is notified development within the meaning of the Environmental Planning and Assessment Act, 1979. The application was notified accordingly and two (2) submissions were received.

Development Control Plan No. 41 – Menangle Village (DCP 41)

The plan establishes guidelines for new developments and alterations to existing developments which will ensure that the future character of Menangle Village retains its heritage significance.

The objectives of the plan are as follows:

Objective	Comments
To help achieve the objectives of Wollondilly Local Environmental Plan 1991 (as amended). These are reproduced in Appendix 1.	The adjustment of the boundaries would not have any adverse impact upon the setting or the significance of any local heritage items
To co-ordinate new development in an orderly manner which is sympathetic to the heritage significance and character of Menangle Village.	The development would be sympathetic to the township and the existing built form
To ensure new development is consistent with the desired future character of the village.	Not applicable.
To ensure that the design and materials of new buildings and alterations to existing buildings are appropriate to the character of the village.	No buildings form part of this application, therefore the development does not offend this objective.

The proposed development is not located close to the sensitive heritage areas as defined by the provisions of the plan.

An assessment against the relevant provisions of the plan follows:

5. Residential Subdivision south of Menangle Village

“This Draft Development Control Plan also applies to the land to be rezoned under Draft Local Environmental Plan 1991, Amendment No.6 Menangle South, the purpose of which is to allow a 36 lot residential subdivision.”

Objective

“To ensure that the proposed new subdivision to the south of Menangle Village is sympathetic to the heritage character of the buildings and streetscape within the existing Village.”

Comments: the proposed development is not south of the Menangle township. However, the boundary adjustment would not have any detrimental impact upon the character of the township as there are no buildings proposed as part of this application.

Implementation Strategy

5.1 Road reserve requirements

“The width of the road carriageways servicing the subdivision is to be subject to Council's Engineering Department's construction specification for roads in new subdivisions. The roadside guttering is to be roll kerbed. Wider verges and reduced road widths are encouraged in keeping with the heritage character of Menangle's streetscape.”

Comments: conditions of consent are recommended requiring the formal construction of the proposed right of carriageway to afford practical access to Station Street from Lot 102 in accordance with Council's Construction Specification Guidelines.

5.2 Lot sizes

“Residential lots fronting Menangle Road are to have a maximum width of 25m and an overall maximum lot area of 1250m². The purpose of this is to maintain the proportions of existing lots within Menangle.

Lots which do not have frontage onto Menangle Road may have larger allotment widths and areas. These are to also maintain the overall proportions of existing lots in Menangle.”

Comments: the subject land fronts Station Street; however it is considered that the development is commensurate with the subdivision pattern in the locality.

5.3 Effluent Disposal

“Each allotment is to provide an aerated waste water treatment system subject to approval by Council's Environmental Health & Building Department.”

Comments: this has already been discussed in the report. Conditions of consent would require those having the benefit the consent to provide amenity facilities for proposed Lot 102.

6. SERVICES

“The services and their utility suppliers to be provided particularly in the subdivision discussed in Chapter 5 are:

- *Reticulated water - Sydney Water Board*
- *Electricity - Prospect County Council*
- *Telephone - Telecom Australia*

All these facilities are to be provided underground within the new subdivision in accordance with the guidelines published by the Department of Planning for Joint Trenching for New Subdivisions.”

Comments: conditions of consent would require that the above services are provided in accordance with the authorities standards.

Objectives

“1. To provide for the location of public utilities to each allotment and within street reserves in an efficient and cost effective manner.”

Comments: it is considered that the location of any services would be responsibility of the persons having the benefit of any approval.

“2. The provision of utilities is to be co-ordinated by the developer.”

Comments: conditions of consent are recommended

“3. To ensure that the provision of public utilities takes into consideration the protection of identified Heritage significance of Menangle.”

Comments: it is considered that the location of any services would not adversely impact the significance of any heritage items.

2.1.4 Provisions of Relevant Voluntary Planning Agreements

There are no relevant voluntary planning agreements.

2.1.5 Impact of Development

Natural and Built Environment Impacts

It is considered that the development would not have any impacts upon the built and natural environments.

Erosion and sedimentation controls would be required to be put in place prior to any works commencing onsite.

Social and Economic Impacts

The proposed boundary adjustment does not have the potential to have any adverse social and economic impacts.

Council have expressed an interest in acquiring proposed Lot 102, as it has been identified as being of interest to the community. This can be perceived as a positive social outcome for all vested interests.

2.1.6 The suitability of the site for the development;

It is considered that the site is suitable for the development.

2.1.7 Any submissions made in accordance with this Act or the regulations;

The proposal was notified to adjoining and adjacent landowners in accordance with Council's Notification and Advertising Development Control Plan and was given a total of 15 days in which to make a submission to Council.

There were two submissions received in relation to this application both submissions being provided by The Menangle Community Association. The two submissions are identical opposing the proposal as it believes that the sale of the school will not return the school building for community purposes.

The proposal is seeking to create an allotment surrounding the former school buildings so that the building has the potential to be acquired and used for community purposes.

2.1.8 The public interest

It is considered that the development would not have any detrimental impact to the public interest nor the interest of any government agency representative of the public interest.

ATTACHMENTS

1. Proposed Plans of Subdivision

RECOMMENDATION

1. That Development Application No. 010.2010.00000479.001 for a boundary adjustment between Lot 1 DP420139 and Lot 1 DP 795181, 26 and 28 Station Street, Menangle be approved subject to the following conditions:

1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.

- (1) Development Consent is granted for a boundary adjustment between Lot 1 DP420139 and Lot 1 DP 795181, 26 and 28 Station Street, Menangle.
- (2) Development shall take place in accordance with the following plans

Plan	Drawing No.	Date	Author
Proposed Boundary Adjustment	Surveyor's Ref: 77339.01.L01A	21/12/2009	Unknown

and the supporting Statement of Environmental Effects prepared by Lean & Hayward Pty Ltd dated June 2010 submitted in respect of Development Application No. 010.2010.00000479.001, except where varied by the following conditions:

- (3) Prior to the release of any subdivision certificate, the person(s) having the benefit of this consent shall undertake the following works:
 - a) a new pump out system be constructed and located within the property boundaries of proposed Lot 102, and
 - b) that the connection point for the septic system/pump out well(s) be located on the front property boundary of Lot 102 (within the proposed right of carriageway area) and that an easement for services be created for the septic system infrastructure within the right of carriageway

(Reason: so that the waste collection service vehicle can effectively and efficiently service the effluent disposal system)

and

- c) that either the existing amenity facilities be relocated from proposed Lot 101 to Lot 102 **or** new toilet facilities be constructed so there is surety to Council that the existing building has appropriate amenities for the future use of the land.

Prior to the release of any Construction Certificate, details shall be forwarded to the Principal Certifying Authority detailing the design of the amenity facilities should a new building be required and/or the capacity of the pump out wells and the like.

- (4) Prior to the release of any subdivision certificate, the person(s) having the benefit of the consent shall apply for an Occupation Certificate for the toilet facilities to be provided on proposed Lot 102 as required by Condition 1(3) of this development consent.
- (5) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
 - (a) Within the footprint of an approved building, access driveway or other structure; or
 - (b) Within three (3) metres of the footprint of an approved building; or
 - (c) preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition **Tree Clearing** has meaning as defined in Wollondilly Tree Preservation Order, 2008.

2. ENGINEERING & CONSTRUCTION SPECIFICATIONS

These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public:-

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) Engineering design plans for access, shall be submitted to the nominated Principal Certifying Authority. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications.

3. LOADING/ACCESS

These conditions have been imposed to:

- (a) **Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**
- (1) A bitumen sealed driveway shall be provided within the proposed right-of-carriageway from Station Street to lot 102.

The carriageway shall have a minimum 4.0 metres formation and 3.0 metres seal. A detailed design of the driveway including associated stormwater drainage shall be shown on the engineering plans.

(Reason: to ensure that all vehicles have suitable, practical and all weather access from Station Street to proposed Lot 102).

4. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the Development on the environment and on adjoining properties.

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

5. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

- (1) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:
 - Septic tank and/or holding well before backfilling and when joints are sealed.
 - Septic system disposal area before backfilling trenches.
 - Septic system disposal area after turfing.
 - Completion of the building work before occupation or use.
- (2) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
 - Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented.
 - At completion of preparation of pavement.
 - At sealing
 - At practical completion of works.

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24

hours notice is required for inspections where Council is the Principal Certifying Authority.

6. DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.

7. FENCING

These conditions are imposed to ensure that any fencing has a minimal effect on the landscape/streetscape/environment of the locality:

- (1) All fencing is to be installed in accordance with the provisions of Council's Fencing Policy.
- (2) No fencing may be constructed on the subject land nor along its property boundaries unless such fencing is visually open rural fencing with a height no greater than 1.2 metres.

8. SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the development:

- (1) Electricity supply is to be made available to all proposed lots in accordance with the requirements of Integral Energy.

In this regard, written confirmation from Integral Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.

- (2) Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra.

In this regard, written confirmation from Telstra Australia that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.

- (3) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Subdivision Certificate for the development.

- (4) Wastewater generated by the development shall be disposed of via an onsite sewage management system. This system will be subject to an Approval to Install and an Approval to Operate under Section 68 of the Local Government Act, 1993.

The system shall be designed, installed and operated in accordance with the endorsed wastewater management plan submitted in respect of this development application. No Occupation Certificate shall be issued in respect of this development prior to the Principal Certifying Authority being satisfied that this system has been installed.

9. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

- (1) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.
- (2) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

10. SUBDIVISION PLANS

These conditions have been imposed to ensure development is undertaken in the appropriate manner.

- (a) **To outline the minimum development standards and provide design guidelines for the subdivision of land in the Shire.**
- (b) **To outline Council's requirements on work standards for the construction of land subdivision:**
 - (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal presently connected to existing buildings straddle proposed boundaries after subdivision.
 - (2) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at the Lands Titles Office. A fee for the release of the Subdivision Certificate applies.
 - (3) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.
 - (4) Existing easements, natural watercourses and dams are to be marked on the Linen Plan of Subdivision.

- (5) Submission of a Section 88B Instrument creating the relevant Right-Of-Way and easement for services over Lot 101 in favour of Lot 102 and a Restriction As To User preventing any present or subsequent proprietor of Lot 102 from seeking to extinguish, remove, modify or restrict the enjoyment of the Right-Of-Way and easement for services without the prior written consent of Council being obtained.

11. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (AS AMENDED)

These conditions are imposed as they are mandatory under the Act.

(1) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES

- (1) In accordance with Section 80A (11) of the Environmental Planning and Assessment Act, 1979 a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) Showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (b) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) Stating that unauthorized entry to the work site is prohibited.
- (2) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

ADVICE

- a) At all times work is being undertaken with the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- b) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., that require alteration shall be altered at the applicant's expense and to the satisfaction of Council and the authority concerned.
- c) A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council. A 10% maintenance bond, or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's Construction Specification for all work that is to become the property of Council.
- d) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
 - Motor vehicle insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RTA permit (Including CTP insurance).

Primary producer's registration is not valid registration for use on Public Road construction work.

- Workers Compensation Insurance.
- Ten Million Dollar Public Liability Insurance.

e) The following service providers should be contacted before commencement of construction to establish their requirements:

- Telstra (telephone)
- Integral Energy (electricity)
- AGL (gas)
- Sydney Water (water & sewer)

NOTE: This consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Development Services Section.