



OPERATIONS

Council Agenda Wednesday 13 February 2013

cw-OP1

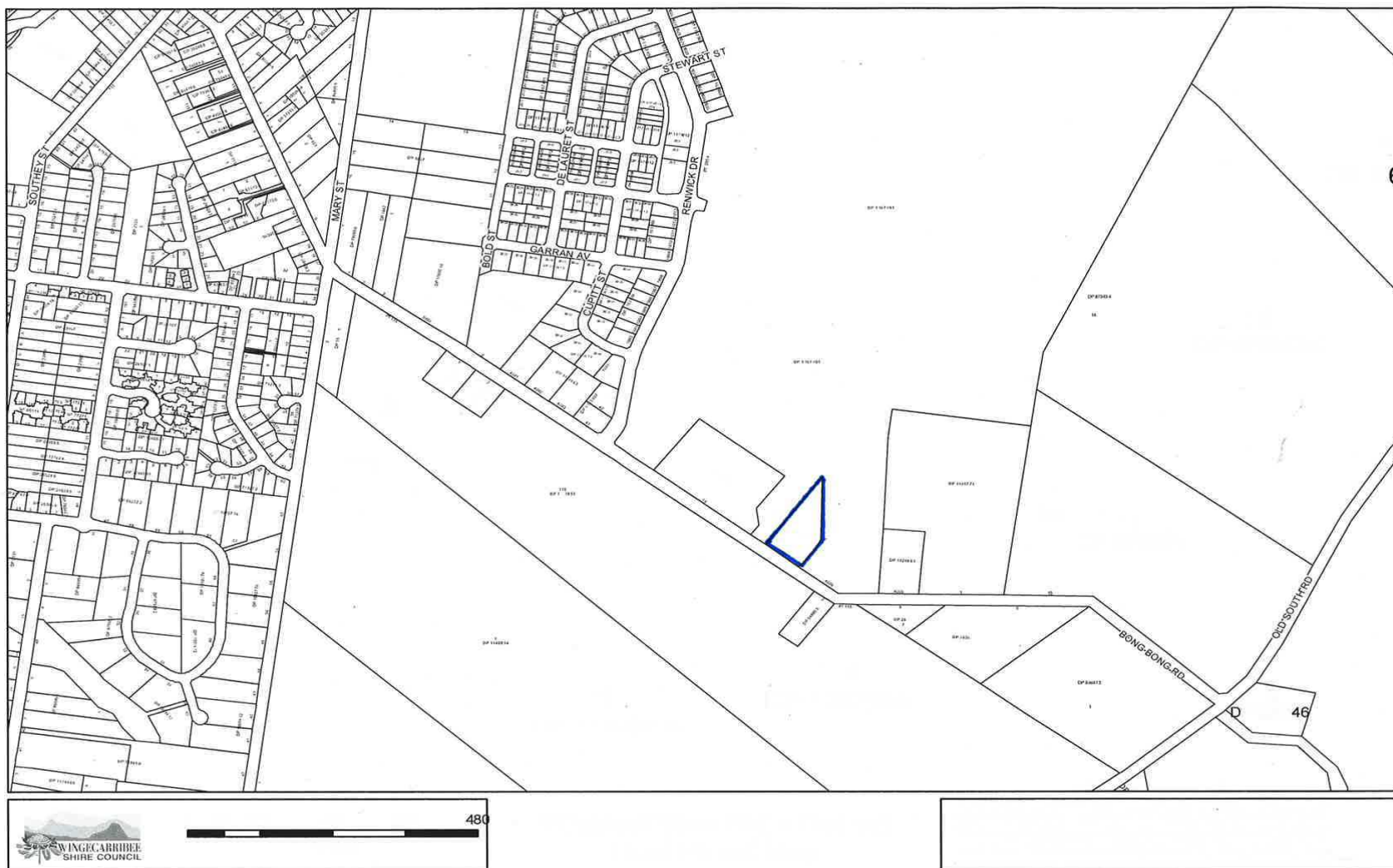
**Proposed Demolition of “*Challoner House*”, and 2 Lot
Residential Subdivision, Lot 61 DP 1142602, 82 Bong Bong
Road, Renwick**

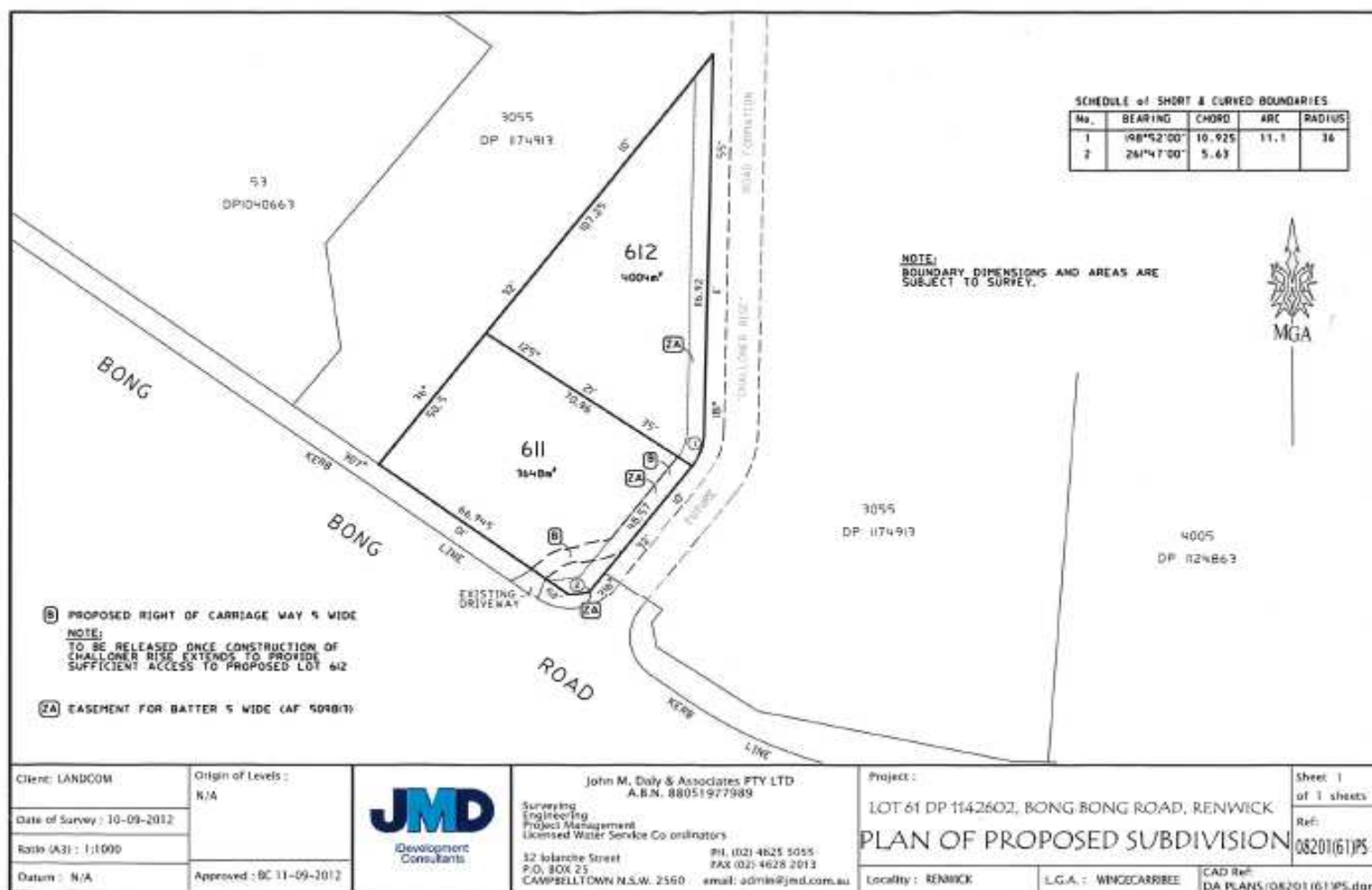
FILE LUA 12/0921

- Attachment 1: Subdivision Plan**
- Attachment 2: Location Plan**
- Attachment 3: Council’s Heritage Advisor Full comments**
- Attachment 4: Photographs of Challoner House**
- Attachment 5: Executive Summary**
- Attachment 5a: Alternative Development Options**
- Attachment 6: Recommendations**
- Attachment 7: Statement of Environmental Effects**
- Attachment 8: Draft Conditions of Consent**

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Wingecarribee Shire Council Heritage Advisory Service

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The General Manager, Wingecarribee Shire Council
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ADVICE SUBJECT: LUA 12/0921 referral. Challoner House, 82 Bong Bong Rd Renwick. Proposal to demolish and subdivide into 2 lots.
CLIENT: Peter Malloy

Dear Sir

Thank you for requesting heritage advice. I have read the HIS report submitted with the proposal and visited the site. Heritage advice is as follows:

- The subject property has been assessed by the applicant's own consultants as heritage significant.
- Being more recently built in an institutional style, the subject property is not as visually attractive as the heritage listed Federation Period cottages in its vicinity (Suttor, Goodlet, and Heydon cottages).
- The subject property could be made very attractive by an adaptive reuse which still keeps the main original historic walls and roof, but allows the addition of verandahs and new external finishes.
- The subject property should be heritage listed because it provides evidence of a chronological link between the early and later periods of Renwick.
- The early period of Renwick is represented by the Federation period heritage listed cottages, such as Goodlet Cottage.
- The later period of Renwick is represented by the 1974-built heritage listed De Lauret Cottage.
- The subject property is a 1940-built structure, so it falls in the middle of the Renwick period and is important in explaining that history.
- The weather shelter has less significance but could also be retained for adaptive reuse.
- Initial reaction to the house may have been that it is not a pretty sight and could be removed to make way for an additional block. On closer examination, however, the building is heritage significant.
- It would be unreasonable to believe that loss of heritage values to the community resulting from demolition is compensated by the gain of just one extra residential block.
- Council should consider heritage listing the building. The applicant could consider retaining the building as well as subdividing, provided that the minimum lot size could be varied in order to retain the main building.

I trust that the above advice has been of assistance at this time.

Kind regards
Dr Peter Kabaila
Heritage Adviser

Statement of Environmental Effects**Demolition of Existing Structures and Two Lot Subdivision**

82 Bong Bong Road, Renwick

The site is occupied by a two storey brick building with a tile roof previously known as Challoner Cottage (see Figures 3-5). This building was constructed in 1940-41 as accommodation as part of the child welfare institution for delinquent boys known as the Farm Home for Boys (later known as Renwick).



Figure 3: Southern elevation of the existing building on the site

The building has a cross-shaped footprint with entries on the northern, eastern and southern facades. A detailed description of the building including internal features is provided in the Heritage Impact Statement (HIS) prepared by Artefact Heritage (see Appendix C).



Figure 4: Southern part of the site adjoining Bong Bong Road

Statement of Environmental Effects

Demolition of Existing Structures and Two Lot Subdivision
82 Bong Bong Road, Renwick

The building ceased use as accommodation for delinquent boys in 1978 and is currently vacant. An inspection report for the building was prepared in March 2012 by Childs Property Inspections which concluded that the overall condition of the building is below average, with a high incidence of both major and minor defects (see **Appendix D**).



Figure 5: Northern elevation of the existing building on the site

In the northern part of the site is an outbuilding identified in the Artefact Heritage report as a shelter shed, which is of brick construction with a tile roof (see **Figure 6**).





Figure 6: Existing outbuilding in the northern part of the site

Ceilings throughout the upper level have been damaged by water entry or have cracked and sagged due to general age. Ceilings will require either complete replacement or extensive repair.

\$15,000.00



Restore vandal damaged timber door architraves and skirtings to various areas throughout the property.	\$5,500.00
	
Replace all doors throughout the property. Doors have been damaged by vandals.	\$7,000.00
Repair the wall to the lower level where it has been damaged by fire.	
	

Walls throughout the entire property have been vandalised with graffiti and require complete re-painting. Render to walls throughout will require repair prior to re-painting as it has been damaged by general age, some moisture entry and vandalism.



Challoner Cottage, Renwick Development, Mittagong, NSW

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Executive Summary

Artefact Heritage was commissioned by Don Fox Planning, on behalf of Landcom, to prepare a Heritage Impact Statement (HIS) for the proposed demolition of Challoner Cottage, which was built in 1940-1941 as a component of a former child welfare facility. The facility operated between 1896 and 1994, under various names, the most recent of which was Renwick. Part of the former institution (including Challoner Cottage) now falls within the Renwick development area, which is the site of a major property development that is managed by Landcom, under a Deed of Agreement with the NSW Department of Community Services (DOCS).

The study area for this assessment was defined as the site of Challoner Cottage at Lot 61, DP 1142602. This property is located around 2.2 kilometres east of the town of Mittagong, on the northern side of Bong Bong Road. In addition, the assessment addresses the potential impact of the proposed development on the collective significance of the remaining cottages located nearby and along Bong Bong Road that were once part of the Renwick institution. The other cottages in this group are:

- Suttor Cottage (c. 1908-1914. Listed on Wingecarribee LEP)
- Goodlet Cottage (c. 1910. Listed on Wingecarribee LEP)
- Heydon Cottage (c. 1915)
- De Lauret Cottage (1974)

The proposal involves the demolition of the two structures on the site (Challoner Cottage and an associated shelter shed), and the subdivision of the property into two residential lots.

The Challoner Cottage site is not listed on any statutory heritage registers, but is assessed to be of moderate heritage significance for its ability to demonstrate the evolution of the Renwick institution, its locally rare and distinctive aesthetic qualities, and its social significance. The proposed demolition of the structures would remove most of the heritage values of the item. However, if the row of mature conifers along the road frontage is retained, some of the aesthetic significance of the site as a landmark along Bong Bong Road would be preserved.

The item also makes a moderate contribution to the collective significance of the group of remaining Renwick cottages along Bong Bong Road as the only cottage built on the site between 1915 and 1969. It is located between Goodlet and De Lauret cottages and thus provides a visual chronological link between the early and later periods of the Renwick institution. Its distinctive architectural characteristics are atypical of the Renwick cottages and, in comparison with the nearby cottages, demonstrate a significant departure from the long established practice of intimate cottage-like buildings which is epitomised by Suttor, Goodlet, De Lauret and Heydon cottages.

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However, the chronological progression of the cottages along the road is made difficult to discern by the vegetation which partially screens views of Suttor and De Lauret from the road, the distance between Suttor and the other three cottages, and the fact that Challoner is only briefly visible from the road and cannot be seen from the west. It is unlikely that the historical relationship between the four buildings would be apparent to the casual viewer. The demolition of the cottage would have a moderate impact on the collective significance of the group of cottages along Bong Bong Road. However, due to the interpretive limitations of the group, the removal of Challoner Cottage is considered acceptable.

Although the possible adaptive reuse of Challoner Cottage has been considered in the past, the building has been offered for sale without success. The institutional nature of the building and the difficulties and costs involved in repairing and converting it mean that the opportunities for adaptive reuse are limited.

This assessment has found that the demolition of Challoner Cottage and the shelter shed, and the subdivision of the property, is considered acceptable. This is in accordance with Policy 16 of the Conservation Management Plan for the Renwick Development Area (Tanner Architects 2005a), which states that the removal of items of moderate or little significance is acceptable if required. In order to mitigate the heritage impacts of the proposal as much as practicable, it is recommended that:

- The site (including buildings and landscape) should be recorded in detail prior to the demolition of the buildings. This should include plans of the site and buildings, and a photographic record of landscape features, and the internal and external features of the buildings. Photographs should also be taken after demolition to document all changes made to the site. These records should be placed in a permanent archive such as Wingecarribee Library or the Heritage Branch Library.
- The mature conifers along the road frontage of the property should be retained in order to preserve their aesthetic significance as a landmark along Bong Bong Road.
- Other mature plantings within the property should be retained where possible (particularly the mature conifers along part of the western boundary); however, their removal is acceptable if required.
- Challoner Cottage should be included in any heritage interpretation plan produced as part of the Renwick Development.
- As the site is not listed on any heritage registers and has little archaeological potential, no heritage permits are required to impact upon it.
- It is recommended that a copy of this report should be provided to Wingecarribee Council, due to the historical association of Challoner Cottage with a number of heritage listed items that were also part of the Renwick institution, as well as its proximity to some of these items.

Challoner Cottage, Renwick Development, Mittagong, NSW

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6.4 Alternative development options

The possible adaptive reuse of Challoner Cottage has been considered. Tanner Architects (2005a) identified a number of feasible uses for the cottage and the shelter shed, as well as highlighting potential difficulties and required alterations for each use. These are detailed in Tables 4 and 5.

It is understood that the site has been offered for sale more than once, without success, and it is likely that the large size, institutional layout and appearance, and generally poor condition of the building have discouraged interest from potential buyers.

The building inspection report (Childs Property Inspections 2012) demonstrates that although the building is structurally sound, it would require extensive repair at an estimated cost of at least \$100,000. In addition, alteration and renovation would be necessary to modernise the building and adapt it to a new function.

Table 4: Possible uses for Challoner Cottage as identified by Tanner Architects (2005a:53).

Use	Opportunities and constraints
Private residences	The building could be divided into several apartments due to its robust construction and variety of spaces. However, extensive intervention to the building fabric for new dividing walls, services and access/circulation would be required. The forbidding institutional character of the building interior and exterior would also need to be ameliorated (new fenestration, external painting/rendering) for a successful residential outcome.
Accommodation (boarding/hostel/hotel)	Would allow continuation of original use, with facility and services upgraded and new fitout only required.
Conference/Reception	The variety of spaces with potential for flexibility offers opportunities for adaptation as a small conference centre venue. The larger dormitory spaces could be adapted for meeting and banquet rooms.
Education/Administration	The larger dormitory spaces could be adapted for classrooms or subdivided for smaller group learning rooms. The rooms would also be suitable for administration/ancillary staff accommodation.
Offices	Existing services and generous rooms would permit adaptation to open plan style contemporary office spaces for a medium sized corporation or institution.
Resource centre/library	The robust and stable building envelope would readily adopt as a regional history repository for records and/or artefacts. The ground floor rooms could be converted to stack/storage, with the upper rooms, with views over the site, converted to reading and or community access rooms.
Childcare centre	The well serviced building core and generously sized but separate rooms could be adapted as a childcare centre, with separate rooms for sleeping and age-grouped play areas as regulations require. The generous grounds would be excellent outdoor play areas when securely fenced.

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Table 5: Possible uses for shelter shed as identified by Tanner Architects (2005a:53).

Use	Opportunities and constraints
Interpretation/visitor centre	The open sheltered assembly space could be used as a venue for presenting interpretive material (plaques, artefacts). The end rooms could be readily adapted for visitor amenities and facilities, including toilets, information bureau/office, a small retail concession and/or a food preparation area.
Recreation facility	The building could be incorporated into a community recreation precinct, and include b-b-q facilities, recreation equipment storage and/or change rooms.

6.5 Overall assessment of impact

Table 6 provides a Heritage Impact Statement that summarises the assessment of heritage impact for the proposal.

Table 6: Heritage Impact Statement.

Development	Discussion
What aspects of the proposal respect or enhance the heritage significance of the study area?	The proposal would not have a negative impact on the heritage values of the other former Renwick cottages located near the study area, two of which (Sutton and Goodlet) are listed on the Wingecarribee LEP 2010. If the row of mature conifers along the road frontage is retained, some of the aesthetic significance of the site as a landmark along Bong Bong Road would be preserved.
What aspects of the proposal could have a detrimental impact on the heritage significance of the study area?	The demolition of Challoner Cottage and associated shelter shed would remove most of the heritage values of the site, as discussed in Section 6.2. The demolition of the cottage would also have a moderate impact on the collective significance of the group of former Renwick cottages along Bong Bong Road. However, due to the interpretive limitations of the group, the removal of Challoner Cottage is not considered unacceptable. If the mature conifers along the road frontage were removed, this would have a negative impact on the aesthetic significance of the site as a landmark along Bong Bong Road.
Have all options for retention and adaptive re-use been explored?	The possible adaptive reuse of Challoner Cottage has been considered and the building has been offered for sale without success. The institutional nature of the building and the difficulties and costs involved in repairing and converting it mean that opportunities for adaptive reuse are limited.
Can all of the significant elements of the heritage item be kept and any new development be located elsewhere on the site?	The size and irregular shape of the property mean that it would not be possible to build one or more residential buildings elsewhere on the site.
Is demolition essential at this time or can it be postponed in case future circumstances make its retention and	It is improbable that future circumstances would increase the likelihood of finding a buyer willing to expend the necessary effort and money to adapt the building. If the

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Have all options for retention and adaptive re-use been explored?	The possible adaptive reuse of Challoner Cottage has been considered and the building has been offered for sale without success. The institutional nature of the building and the difficulties and costs involved in repairing and converting it mean that opportunities for adaptive reuse are limited.
Can all of the significant elements of the heritage item be kept and any new development be located elsewhere on the site?	The size and irregular shape of the property mean that it would not be possible to build one or more residential buildings elsewhere on the site.
Is demolition essential at this time or can it be postponed in case future circumstances make its retention and	It is improbable that future circumstances would increase the likelihood of finding a buyer willing to expend the necessary effort and money to adapt the building. If the

Challoner Cottage, Renwick Development, Mittagong, NSW

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8.0 Recommendations

On the basis of background research and a site inspection and adhering to all statutory obligations, it is recommended that:

- The proposed demolition of Challoner Cottage and shelter shed and the subdivision of the property into two residential lots is considered acceptable by this heritage impact statement.
- The site (including buildings and landscape) should be recorded in detail prior to the demolition of the buildings. This should include plans of the site and buildings, and a photographic record of landscape features and the internal and external features of the buildings. Photographs should also be taken after demolition to document all changes made to the site. These records should be placed in a permanent archive such as Wingecarribee Library or the Heritage Branch Library.
- The mature conifers along the road frontage of the property should be retained in order to preserve their aesthetic significance as a landmark along Bong Bong Road.
- Other mature plantings within the property should be retained where possible (particularly the mature conifers along part of the western boundary); however, their removal is acceptable if required.
- Challoner Cottage should be included in any heritage interpretation plan produced as part of the Renwick development.
- Because the site is not listed on any heritage registers and has little archaeological potential, no heritage permits are required to impact upon it.
- It is recommended that a copy of this report should be provided to Wingecarribee Council, due to the historical association of Challoner Cottage with a number of heritage listed items that were also part of the Renwick institution, as well as its proximity to some of these items.

Statement of Environmental Effects

Demolition of Existing Structures and Two Lot Subdivision
82 Bong Bong Road, Renwick

Subclause 4.6(6) – Limitations to Variation

Subclause 4.6(6) provides limitations to the extent of the variation that may be approved by Council as follows:

- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard."*

The proposal will result in only one lot with an area less than the minimum area specified for the land and that lot will have an area of 3,648m², which is 91.2% of the minimum lot size. Accordingly, Council is able to consent to the proposed variation pursuant to subclause 4.6(6) of the LEP.

The Nature of the Variation

Clause 4.1 of LEP 2010 specifies that the minimum subdivision lot size for land is not to be less than the minimum size shown on the Lot Size Map for that land.

For the subject site, the minimum lot size is 4,000m². One of the proposed lots (Lot 612) has a site area of 4,004m² which complies with this requirement. The second lot (Lot 611) will have an area of 3,648m² which does not comply.

The Objectives of the Development Standard

Subclause 4.1(1) of the LEP states the objectives of minimum subdivision lot size development standard as follows:

- (a) *to identify minimum lot sizes,*
- (b) *to ensure that the subdivision of land to create new lots is compatible with the character of the surrounding land and does not compromise existing development or amenity."*

The Objectives of the Zone

The objectives of the R5 Large Lot Residential Zone are as follows:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To provide a restricted range of opportunities for employment development and community facilities and services that do not unreasonably or significantly detract from:*
 - (a) *the primary residential function, character and amenity of the neighbourhood, and*
 - (b) *the quality of the natural and built environments."*

The Grounds of the Objection

The proposed variation to the development standard has been considered in light of the abovementioned objectives and potential environmental impacts and strict compliance is considered to be unreasonable and unnecessary for the following reasons:

Statement of Environmental Effects

Demolition of Existing Structures and Two Lot Subdivision

82 Bong Bong Road, Renwick

1. The proposal is consistent with the objectives of the minimum subdivision lot size development standard, the objectives of the zone and the provisions of subclause 4.6(6) of LEP 2010 relating to the maximum extent of a variation as:
 - The proposed lots will be generally consistent in regard to size and future land use with existing and proposed future surrounding lots and will provide for future housing in a rural setting;
 - The proposed lots and future housing thereon is unlikely to compromise the amenity of existing nearby residential premises; and
 - The proposal will not place undue strain on existing services and infrastructure.
2. There is unlikely to be any adverse visual or acoustic privacy impacts as:
 - The proposed lots are separated from all existing and future surrounding allotments and mature trees along the western boundary will be retained.
3. There is unlikely to be any adverse overshadowing impacts on surrounding premises;
 - The proposed lots are well separated from all existing and future surrounding allotments.
4. The proposal is unlikely to result in the loss of any significant views as:
 - There are no significant views across the site and there are no structures proposed.
5. The non-compliance is minor as:
 - The smaller lot is within the scope of tolerance (i.e. 10%) envisaged by Council's LEP provisions.

Director-General's Considerations

As indicated above, subclause 4.6(5) of the LEP also requires the Director-General, in deciding whether to grant concurrence, to consider the following:

"(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning,"

The minor variation of one proposed lot is not considered to be of State or regional significance.

"(b) the public benefit of maintaining the development standard,"

It is considered that the public benefit is served by the proposal being within the degree of tolerance envisaged by the LEP (i.e. 10%).

"(c) any other matters required to be taken into consideration by the Director-General before granting concurrence."

It is considered that there are no other matters of significance that must be considered in this instance.

Summary

We have assessed the proposal against the relevant statutory provisions of clause 4.6 of LEP 2010 and prepared this written request which provides justification that compliance with the minimum subdivision lot size development standard is unreasonable and unnecessary in the circumstances of the case.

4.1.3.4 Preservation of Trees

Clause 5.9 of the LEP requires development consent for the removal of trees. Several trees and shrubs in the immediate vicinity of the structures to be demolished are to be removed although the mature conifers along the southern and western boundaries will be retained as will the mature trees in the northern part of the site.

GENERAL – DEVELOPMENT CONSENT CONDITIONS**ADMINISTRATION AND COMPLIANCE****Compliance**

- Compliance

Subdivision is to take place in accordance with the approved plans and documentation submitted with the application and subject to the conditions below, to ensure the subdivision is consistent with Council's consent.

Any subsequent changes to the approved plans should be clearly identified for Council's consideration. Council reserves the right to request an application for modification of this consent or a new development application in the event that significant changes to the approved plans are subsequently made.

- Qualifications and Responsibility for Documentation

Council requires that all design plans be prepared to Council's standards by a person, who has proven experience and suitable relevant qualifications in the preparation of plans specifications and any other relevant documentation for the approved development. All of these requirements are outlined in Council's Engineering Policies.

The Developer will be responsible for the correctness of all information contained in the drawings, specifications or any other documentation. The Council will not accept responsibility for any errors or inaccuracies that may be found in such documents, regardless of whether these documents have been checked and/or approved by Council.

- Responsibility for Works

The Council will hold the Developer (Applicant/Owner), to whom the development approval was issued, solely responsible for constructing the required development works to Council's satisfaction and maintaining them during any specified period.

- Developers Representative during Construction of Works

A minimum of 48 hours prior to commencement of any construction works on site the Developer must nominate to Council in writing their representative (Construction Supervisor) who will be responsible for all aspects of construction and site control, including Traffic Control, Sediment and Erosion Control and liaison with Council Officers and all other Authorities.

Details to be submitted include:-

- Name of Representative:
- Company :
- Position:
- Contact Ph:
- Contact Fax:
- After Hours Contact:
- Signature of Representative:
- Signature & Acceptance of representative by the Developer:

- Council requires that the nominated " Construction Supervisor" either hold qualifications acceptable for Corporate Membership of the Institute of Engineers, Australia, or be Approved by the Director and/or has proven experience and suitable relevant qualifications for the control, supervision and management of civil engineering works as required for carrying land development.

Prior to commencing any works on site the representative shall:-

- Inform Council in writing of their intention 7 days before entering the site.
- Submit to Council a proposed Schedule of Works.

The Developer may be required to arrange for Council to peruse all other contract documentation **PRIOR TO THE CONTRACTOR ARRIVING ON SITE TO COMMENCE WORK** (Schedule of Works, Specifications, Bill of Quantities, Traffic Control Plan and Soil and Water Management Plan).

Failure to comply with the requirements as set out above will result in an immediate stop work order.

- Hours of Demolition and Construction Works

In order to minimise impacts upon the locality demolition and construction activities must be limited to between 7.00am - 6.00pm Monday to Friday and 8.00am to 1.00pm Saturdays with no work on Sundays and public holidays. Any variation of these hours will only occur with Council's consent.

- Workers Compensation & Public Liability

It is the Developer's responsibility to ensure that Contractors engaged to carry out works indicated on the approved plans carries current Workers Compensation Insurance and hold Public Liability Insurance for \$20,000,000 cover.

- Construction Certificate (Subdivision)

Subdivision work in accordance with the consent must not be commenced until a Construction Certificate has been applied for and issued by Council, pursuant to Section 81A (4) (a, b & c) of the *Environmental Planning and Assessment Act 1979*. The application for a Construction Certificate needs to be accompanied by detailed engineering plans and specifications and completed design checklists found in Council's Engineering Policies. The Construction Certificate fee is payable at time of lodgement of the application.

- Other Approvals

Subdivision work in accordance with the consent must not commence until any relevant approvals required under Section 68 of the *Local Government Act 1993* and the *Roads Act* have been obtained.

- Photographic Record

The site (including buildings and landscape) should be recorded in detail prior to the demolition of the buildings. This should include plans of the site and buildings, and a photographic record of landscape features and the internal and external features of the buildings. Photographs should also be taken after demolition to document all changes made to the site. These records should be placed in a permanent archive such as Wingecarribee Library or the Heritage Branch Library.

The building and garden shall be recorded in accordance with the following:

- (a) Provide two (2) sets of the Archival Record in A4 plastic binders with clear plastic sleeves.
- (b) Forward one (1) set to Council.
- (c) Provide two (2) typed pages with:
 - i. Address.
 - ii. Author.
 - iii. Date.
 - iv. Reason for the record.
 - v. Contents page including index of photo captions.
 - vi. Maximum one (1) A4 page outline of the history of the building (year built, previous owners and uses, local stories about the building etc).
- (d) Provide measured drawings with the floor plan and each elevation of the building, at a scale of 1:100, including a north point, bar scale and dimensions, prepared by a qualified draftsman.
- (e) Provide photographs:
 - i. From a 35mm film camera.
 - ii. Photos showing all general oblique views and elevations. Typically, this is a photo of each room in the existing building including hallways, external verandahs, and external appearance of the building and garden.
 - iii. Photos showing any details of historical signage or construction details.
 - iv. Postcard size.
 - v. Pasted as two (2) photos per A4 page.
 - vi. Each photo to be captioned, including aspect, eg view from northeast.
 - vii. Negatives in an envelope.
- (f) Provide a CD with:
 - i. Scans from negatives as .jpg files with captions saved as file names.
 - ii. Minimum image size to be 3000 x 1000 pixels.
 - iii. Text file of the typed pages (saves as a .rtf file).
- (g) **The Archival record shall be submitted to and accepted by Council prior to the demolition of the building or the issue of a Construction Certificate, whichever occurs first.**

Land Title

- **Subdivision Certificate**

In accordance with Section 109J of the *Environmental Planning and Assessment Act 1979* an application for a subdivision certificate along with a linen plan suitable for lodgement with Land and Property Information NSW plus eight (8) copies and relevant other documentation, shall be made on the completion of works and the relevant application fee paid. All works specified in Council's development consent and approved construction certificate plans shall be completed and all development consent conditions complied with prior to making a subdivision certificate application.

The linen plans of Subdivision shall be accompanied by a Section 88B Instrument which requires:-

- Dwellings to be sited so as to minimise tree removal on the site;
 - The retention of the conifers along the western boundary of the site so as to maintain the established landscape character of the site; and
 - The retention of the Conifers along the Southern Boundary of the site in order to preserve the aesthetic significance of the conifers along the road frontage of the property as a landmark along Bong Bong Road.
- Access by Right of Carriageway

Submit Section 88B Instrument to make satisfactory provision for the following in respect of the proposed right of carriageway:

- (a) Provision for on-going management/maintenance of the carriageway including clear details of obligations/responsibilities of the affected parties.
- (b) Effective (legal) provision for access by all emergency and other essential service organisations over the private carriageway.

Full details, including draft Section 88B Instrument, to be submitted for the approval of the Director Environment and Planning **WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.**

- Permanent Road Survey Marks

The provision by the Developer of road permanent survey marks to the satisfaction of the Director Environment and Planning.

- Dedication of Easements

The creation or obtaining by the Applicant of the following easements, at the Applicant's expense **PRIOR TO OCCUPATION OF THE DEVELOPMENT / WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE:**

- (a) Right of carriageway and easement for services 5metres wide over Lot 611 in favour of adjoining Lot 612.

Protection of Council Assets

- Provision of Services

Provision of a separate , sewer connection, stormwater drainage connection, water service and electricity supply to each allotment within the subdivision at the Developer's expense **PRIOR TO RELEASE OF THE SUBDIVISION CERTIFICATE.**

- Property Services Within Lots

All property services are to be located within the lots that they serve in accordance with Council's Engineering Policies. The Developer is to provide to Council written confirmation of this **PRIOR TO RELEASE OF THE SUBDIVISION CERTIFICATE.**

- Maintenance and Bond for Public Assets

The Developer shall at their own expense maintain all road, public pathways, stormwater drainage, water supply, sewerage and other civil works constructed by them with respect to the development for a period of twelve (12) months after the date of the signing of the Subdivision Certificate or approval for occupation of the development. Prior to the issue of any Subdivision or Occupation Certificate the Developer shall lodge a cash bond with regard to maintenance of the public assets constructed in an amount equal to 5% of the total engineering works with a minimum bond value of \$1,000. The bond shall be assessed by Council for release after the twelve (12) month period on request by the Developer.

- Developer Must Advise of Damage to Property

The Developer must advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like, prior to commencement of any work on the site. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the Developer's expense.

Land Contamination

- Commencement of Development/Occupation

Occupancy of the development proposal should not occur prior to remediation being carried out and validation report being provided to the satisfaction of Council.

No other works associated with the development proposal other than remediation works shall commence prior to having demonstrated to Council that:

- (a) Remediation on the part of the land on which work is to take place has been carried out to the proposed land use; and
- (b) Segregation between remediated and non-remediated parts of the site is sufficient to prevent cross contamination and adverse impact to on-site workers or the environment.

- Remediation

Prior to the commencement of remediation, the Applicant must submit to Council for its consideration and approval remediation action and validation plan. This plan shall effectively address environmental management and O H & S issues.

Remediation must be carried out to the satisfaction of Council and the validation report must satisfy Council that the land is suitable for its intended use.

- Remediation Validation Report

The developer must submit to Council prior to occupation, a copy of the final remediation validation report prepared by a suitably qualified consultant whose company is presently accredited by the NSW Department of Environment and Climate Change.

Occupancy of the development proposal must not occur prior to remediation being carried out and validation reporting being provided to the satisfaction of Council.

- Work Hours for Remediation

All remediation work shall be conducted within the work hours stipulated in the Development Consent.

Reason: To prevent loss of amenity to the area.

- Occupational Health & Safety Compliance

All site works shall comply with the occupational health and safety requirements of WorkCover NSW.

Reason: To ensure that safe work/site conditions and practices are afforded to site workers and the surrounding community.

ENVIRONMENTAL MANAGEMENT

Sediment and Erosion Control

- Erosion and Sediment Control Plan Approval

An Erosion and Sediment Control Plan shall be prepared in accordance with Council's Engineering Policies by a suitably qualified person, and approved by Council and / or Department of Environment, Climate Change and Water **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE.**

- Erosion and Sediment Control Plan Compliance

All site works shall be carried out in accordance with the Erosion and Sediment Control Plan. Implementation of the Erosion and Sediment Control Plan shall be supervised by personnel with appropriate training or demonstrated knowledge or experience in erosion and sediment control.

In the event of non-compliance with the approved plan, Council Officers have the ability to issue Penalty Notices, being an on the spot fine.

- Erosion Control

To minimise soil erosion and sediment movement during construction, the following measures shall be implemented:-

- (a) Removal and/or disturbance of vegetation shall be confined to within two metres of the site of required works and the site(s) of permanent accessways.
- (b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property.
- (c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.
- (d) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Environment and Climate Change requirements.

- (e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
- (f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
- (g) All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.

- Erosion Control on Completed Subdivisions

Adequate erosion and sediment control measures are to be maintained in place on the subdivision to the satisfaction of Council until site stabilisation and revegetation is finalised.

Landscaping, Vegetation and Privacy Screening

- Council Reserve / Street Tree Retention

All trees in Council's road reserve are to be preserved except where removal is separately approved by Council, to ensure the continued amenity of the streetscape and to retain the ecological integrity of the roadside area.

ADVISING:

Reference should be made to Council's Roadside Vegetation Management Plan.

- Tree Removal/Tree Preservation

No trees to be pruned, removed, damaged or destroyed without the prior written consent of Council. Failure to comply with this requirement will result in prosecution by Council - in accordance with the provisions of Clause 5.9 of Wingecarribee Local Environmental Plan 2010 and associated Development Control Plans.

ADVISING:

Tree removal should be carried out by a competent person to avoid any risk to life or damage to property. This person should have adequate public liability insurance cover.

- Disposal of Vegetation

Any trees removed with Council consent and any other vegetation cleared in association with this development shall be disposed of in accordance with the Waste Management Plan to be submitted and to the satisfaction of Wingecarribee Shire Council. For minor additions and outbuildings removed vegetation shall be either mulched for reuse on site or transported to an approved waste/recycling facility.

NOTE: No vegetation shall be burnt except with an approval issued by Council under Clause 6G (2) of the *Protection of the Environment (Clean Air) Regulation 2002*.

- Tree Clearing with Subdivisions

Where trees have been approved for removal in the development consent, Council is to be advised of the intended commencement date and time for these clearing works. Council staff will then inspect the site and will require the applicant and contractor/site supervisor to be present. No clearing works can commence until an approval is given. All trees specified as being retained on site on the approved plans are to be protected throughout construction activities to Council's satisfaction.

Air/Noise/Water Pollution Controls

- Dust Suppression

The applicant shall use (water cart, vegetation etc) to control dust from the site when ever conditions are favourable to dust formation.

- Burning of Builders Waste

The burning of builder's waste on site is prohibited. (Clause 73 *Control of Burning Regulations 2000*.)

CIVIL ENGINEERING WORKS AND SERVICES

- Provision of Works and Services

The provision, by the Developer, at their expense, of the following works and services to be documented and constructed in accordance with Council's Engineering Policies, to the satisfaction of the Development Control Engineer. **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE** the Developer must obtain approval for the works to be undertaken by submitting adequate documentation including plans, standard notes and completed design checklists, calculations and specifications, to Council which justify that the proposed works are in accordance with all Council's standards and all other relevant Codes and guidelines.

- Water and Sewer Authority Conditions

Prior to issue of a Construction Certificate, the Developer must obtain approval from Council (as the Water Supply Authority and/or as required under Section 68 of the *Local Government Act*) for the works to be undertaken by submitting adequate documentation including plans, calculations and specifications which justify that the required works are in accordance with all Council's standards and all other relevant codes and guidelines.

Water service connections and sewer junctions are not to be located under sealed driveways to battleaxe lots. This may require widening of accessway / rights of carriageways to those shown on approved plan.

(a) Parking, Loading, Access and Roadworks

- (i) Construction of Right of Carriageway

Construction of right of carriageway surfaced with two coat seal bitumen for a minimum of 4.5metres wide within the lots.

(ii) Construction of Rural Crossing

Rural vehicular entrances for access in accordance with Standard Drawing Nos SD110 and SD123 to provide access to the lots.

(iii) Traffic Control Plan

A minimum of seven (7) days prior to the commencement of work, the developer shall submit to Council a Certified Traffic Management Plan for each activity of work in accordance with the current version of Roads and Traffic Authority document "*Traffic Control at Work Sites*". This plan must include each construction activity that involves works on or adjacent to public land. If the work site alters, further plans are to be submitted to Council. A copy of the plan(s) is to be kept on site at all times.

(iv) Approval Required for Work within Road Reserve – Section 138 Roads Act 1993

Where works are proposed within the road reserve, the Developer must obtain approval from Council (as the Roads Authority and / or as required under Section 138 of the *Roads Act 1993*) before any works are undertaken.

Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the *Roads Act 1993*.

The following details must be submitted to Council in order to obtain the Section 138 approval:

- ☐ A copy of approved design plans related to the development and proposed works to be undertaken.
- ☐ Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "*Traffic Control at Work Sites*". Warning and protective devices shall comply with the provisions of AS1742.3 – 2002 *Traffic Control Devices for Works on Roads*. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.
- ☐ Insurance details – Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.

Note:

Where works are required within a Classified Road, the Developer must obtain the concurrence and / or the approval of the Roads and Traffic Authority for engineering design plans, Traffic Control Plans and approvals under Section 138 of the Roads Act 1993.

(b) Sewer Mains

(i) Construction of Sewer Mains

Sewerage mains shall be constructed to serve all lots in the subdivision.

The written permission of those affected landowners, allowing the construction of

the sewer works on their property, is to be submitted with the Construction Certificate.

The location of the sewer main serving lots 611 and 612 shall allow for the future connection into the overall scheme serving 'The Island' precinct, as well as connecting to the existing private sewer line.

(i) Construction of Sewer Sidelines

Sidelines and junctions shall be installed for sewer connections to all lots in the subdivision.

Council's application form shall be completed by the Developer and the appropriate fee paid.

If sideline is to be extended from a sewer main in adjoining property, written permission of affected landowner allowing work to be undertaken, is to be submitted with the application form.

(c) Water Mains Supply

(i) Construction of Water Service

A water service shall be installed to each lot in the subdivision.

Council's application form shall be completed by the Developer and the appropriate fee paid.

The applicant is to arrange for Council to disconnect the existing 100mm water service and pay for all costs involved.

General

- Energy Service Provider Requirements

The provision of underground electricity to service the development in accordance with the requirements of the Energy Service Provider. The Developer prior to release of a Construction Certificate will be required to submit to Council documentary evidence from the Energy Service Provider qualifying that the requirements of that provider have been obtained. The requirements of the supply authority will need to be met prior to occupation of the development or the application for a Subdivision Certificate.

- Telecommunications Provider / Gas Provider – Where Applicable

The Developer is to obtain the Telecommunications Provider / Gas Provider to ascertain the requirements of the organisations for the development.

Advisory Note:

The Developer is also requested to contact the National Broadband Network Company Ltd in regard to the installation of fibre in all new developments.

- Works as Executed Plans

Following the completion of the work, one full set of work-as-executed drawings shall be submitted to and retained by Council. Sufficient details including locations and levels of the below ground infrastructure are required in order to enable a complete check of the work as executed as compared to the original approved design. Any deviation from the approved engineering plans shall be shown on the work-as-executed drawings. Each sheet of the drawings shall carry the certification of the developers supervising engineer.

- Relocation of Existing Services

Where existing services including drainage, sewerage and water may be required to be relocated as a result of the development, a plumber's permit is required from Council prior to commencing work. Inspection of these works by Council as the Water Supply Authority is required.

- Asset Management

The Developer is to provide a detailed summary of the Assets that will fall into Council's care and control at the end of the maintenance period. The details are to be provided in a tabular form so as to allow Council to update its Assets register.

The assets to be identified include;

- Sewer

- Demolition Approval

Prior to any demolition work occurring, the following shall be provided to the satisfaction of Council:-

- (a) A detailed proposed 'work plan' as mentioned in Clause 1.7.3 to Australian Standard 2601.
- (b) A site plan, including details of the surrounding public and private lands, showing the location and nature of proposed protection (people and property) measures and hazard warning measures (example - lights, signs etc).
- (c) A Waste Management Plan in accordance with Council's Development Control Plan No 49.
- (d) Water and Sewer Assets Identification and Location

The site plan mentioned in (b) above must include the detailed locations, materials, sizes and depths of any water mains or water services, rising mains private or Council owned, or sewer mains, manholes, sewer sidelines, sewer junctions and or boundary traps. The site plans that include these water and sewer assets are to be approved by the Council's Water and Sewer Planning and Development Engineer before any demolition works can commence.

- The buildings on site shall only be demolished in accordance with the requirements of AS2601-2001 "The Demolition of Structures".

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales and Council's Water and Sewer Asset Protection, including:-

- (a) Protection of site workers and the general public.
- (b) Erection of hoardings where appropriate.
- (c) Asbestos removal handling and disposal where applicable by licensed contractors.
- (d) Ensuring only licensed demolition contractors are used as required pursuant to Occupational Health and Safety Legislation.
- (e) Appropriate precautions are taken in regard to lead based paints.
- (f) Water and Sewer Asset Protection

All water and sewer assets on the site or on adjacent road reserve or lands that may be affected by the demolition works are to be clearly identified on site and protected from damage. Those water and sewer protection measures are to be shown on the site plan and are to be approved by Council's Water and Sewer Planning and Development Engineer before any demolition works can commence.

- (g) Sewer Assets Temporary Disconnection or Closure

The site sanitary drainage is to be temporarily disconnected or closed off by a suitably qualified Plumber from any of Council's sewer sidelines, sewer junctions and or boundary traps that are to be retained and reused to prevent ingress contaminants into Council's sewer mains. This work shall be sited and approved by Council's Water and Sewer Planning and Development Engineer before demolition works can commence.

- (h) Removal of Redundant Council Sewer Assets and Water Services

The site sanitary drainage is to be temporarily disconnected or closed off by a suitably qualified Plumber from any of Council's sewer sidelines, sewer junctions and or boundary traps that are to be disconnected by Council to prevent ingress of contaminants into Council's sewer mains. This work shall be sited and approved by Council's Water and Sewer Asset Inspector before demolition works can commence.

Make application and pay fees for the removal of redundant sewer assets and or water services. These fees shall be paid before any demolition works can commence.

Redundant water meter shall not be removed to allow for final readings and removal by Council staff.

- (i) Temporary Use of Council Sewer Junctions and Water Services

During demolition or building works Council may permit temporary use of sewer junctions and water services. Details of the proposed use shall be shown on the site plan and are to be approved by the Water and Sewer Planning and Development Engineer before any demolition works can commence.

Water services that are to be temporarily retained shall not have the water meter disconnected or removed. An approved backflow prevention device shall be installed. Details shall be shown on the site plan and are to be approved by the Water and Sewer Planning and Development Engineer before any demolition works can commence.

The disposal of refuse is to be to approved locations. Council will require documentary proof of destination for hazardous materials such as asbestos and contaminated soils and may request evidence on disposal of other demolition materials – refer approved Waste Management Plan.

- Development involving Bonded Asbestos Material & Friable Asbestos Material

Works where asbestos removal is involved are subject to the following conditions:

- (a) Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 318 of the *Occupational Health and Safety Regulation 2001*.
- (b) The person having the benefit of the complying development certificate must provide the principal certifying authority with a copy of a signed contract with such a person before any development pursuant to the complying development certificate commences.
- (c) Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.
- (d) If the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

- Sydney Catchment Authority

The following are the requirements of the Sydney Catchment Authority with regard to Sydney Drinking Water Catchment SEPP 2011:

General

- (i) The lot layout and staging of the subdivision shall be as shown on the Plan of Proposed Subdivision prepared by John M. Daly & Associates Pty Ltd (Ref. 080201(61) PS; dated 10 September 2012). Any revised lot layout or staging of the subdivision shall be agreed to by the Sydney Catchment Authority.

Reason for Condition (i) - The Sydney Catchment Authority has based its assessment under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the subdivision.

Wastewater Management

- (ii) There shall be no on-site wastewater management system on the proposed lots and all lots shall be connected to Council's sewerage system.

Reason for Conditions (ii) - To ensure that all wastewater generated on each lot is disposed of and treated via Council's sewerage system so as to ensure a sustainable neutral or beneficial effect on water quality over the longer term.

Demolition of Buildings

- (iii) All asbestos and any contaminated or other material resulting from the demolition of the buildings shall be managed in an appropriate manner and disposed at an appropriately licenced facility, consistent with *AS2601-2001 The Demolition of Structures* and any Office of Environment & Heritage or other legislative requirements.
- (iv) The footprint of the demolished buildings shall be stabilised and re-vegetated.

Reason for Conditions (iii) & (iv)- To ensure that hazardous and other contaminating materials are identified, managed and disposed of in a manner that will ensure a sustainable neutral or beneficial effect on water quality over the longer term.

Right-of-way

- (v) The right-of-carriageway through proposed Lot 611 to provide access to proposed Lot 612 shall be constructed of compacted roadbase (or equivalent) as a minimum and otherwise in accordance with Council's engineering standards.

Reason for Condition (v) – To ensure that the proposed right-of-way will have a sustainable neutral or beneficial impact on water quality during the operational phase of the development.

Rainwater Tanks

- (vi) There shall be a public positive covenant under Section 88E of the *Conveyancing Act 1919*, the prescribed authority being the Sydney Catchment Authority, placed over both proposed lots requiring that:
- all future dwellings have a rainwater collection and reuse system including rainwater tanks with a minimum total capacity of 5,000 litres above any volume required for mains top-up
 - roofs and gutters be designed so as to maximise the capture of rainwater in rainwater tanks, and
 - rainwater tanks be plumbed to toilets, laundry and other areas for non-potable use including use for gardens.

Reason for Condition (vi) - To ensure stormwater runoff from future dwellings is appropriately designed and managed so as to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.

Other

- (vii) Conditions 3 to 5 above shall be carried out prior to the issuance of the Subdivision Certificate.

Reason for Condition (vii) – To ensure there is an overall and sustainable neutral or beneficial impact on water quality during all stages of the proposed development.

Construction Activities

- (viii) An Erosion and Sediment Control Plan shall be prepared by a person with knowledge and experience in the preparation of such plans for all works proposed or required as part of the subdivision, in particular the demolition of existing buildings and the construction of the

right-of-carriageway. The Plan shall meet the requirements outlined in Chapter 2 of NSW Landcom's *Soils and Construction: Managing Urban Stormwater* (2004) manual - the "Blue Book" and shall be to the satisfaction of Council.

- (ix) Effective erosion and sediment controls shall be installed prior to any construction activity including site access, and shall prevent sediment or contaminated water leaving the construction site or entering any natural or constructed drainage system. The controls shall be regularly maintained and retained until works have been completed until the ground has been stabilised or groundcover re-established.

Reason for Conditions (viii) & (ix) – To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.

Subsequent Development Applications

Any subsequent applications for dwellings and/or other developments on the proposed lots will be subject to the provisions of *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (the SEPP) and will need to be assessed according to the Neutral or Beneficial Effect (NorBE) test in relation to the potential effect of the development on water quality.

MONETARY CONTRIBUTIONS AND DEVELOPER CHARGES

- Section 94 Contributions

Under Section 94 of the *Environmental Planning and Assessment Act 1979* (as amended), Council has satisfactorily determined that Development Contributions are applicable to this development consent, as the development is likely to require the provision of or increase the demand for public amenities and public services within the Wingecarribee Local Government Area.

The following Wingecarribee Shire Council Section 94 Developer Contributions Plans are applicable to the development:

- **Roads & Traffic Management Facilities**
- **Resource Recovery Centre 2009**
- **Central Library Facility**
- **Section 94 Administration 2011 to 2031**
- **Open Space & Recreation Facilities**

A Developer Charges – Notice of Payment is attached to the back of this consent, and outlines monetary contributions and unit rates applicable at the time of issue of this consent. The contributions listed in the Notice of Payment must be paid prior to the release of **{Subdivision/Construction/Occupation}** Certificate.

All contributions are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au); Section 25I of the *Environmental Planning and Assessment Regulation 2000*; and Council's Developer Contributions Plans.

Copies of the Contributions Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website www.wsc.nsw.gov.au.

NOTE: Payment of the attached contributions is to be by BANK CHEQUE OR CASH and is to be accompanied by the attached sheet entitled "Notice of Payment – Developer Charges & Section 94". Should the Applicant pay by personal or company cheque the plans subject to this approval will not be available for collection until such time as the cheque has been honoured (ie. a minimum of 10 days).

- Certificate of Compliance

A Certificate of Compliance under Division 5 of Part 2 of Chapter 6 of the *Water Management Act 2000* must be obtained prior to the issue of **{Subdivision/Occupation}** Certificate.

Notes:

Section 64 of the *Local Government Act 1993* authorises Council to issue Certificates of Compliance under Section 306 of the *Water Management Act 2000*. Section 64 of the *Local Government Act 1993* also authorises Council to impose pre-conditions to the issuing of Certificates of Compliance.

As a precondition to the issuing of a Certificate of Compliance Council requires the payment of Developer Charges prior to the issue of **{Construction/Subdivision/Occupation}** Certificate as prescribed by Wingecarribee Shire Council's Development Servicing Plans:

- **Water Supply Development Servicing Plan;**
- **Sewerage Development Servicing Plan; and**
- **Stormwater Development Servicing Plan.**

A developer Charges – Notice of Payment is attached to the back of this consent and outlines monetary contributions and unit rates applicable at the time of issue of this consent.

The water, sewer and stormwater headworks levies are indexed quarterly in accordance with upward movements in the Consumer Price Index (All Groups, Sydney) as published by the Australian Bureau of Statistics (www.abs.gov.au); and Council's Development Servicing Plans.

Copies of Development Servicing Plans are available at Wingecarribee Shire Council's Administration building Moss Vale or are available for download from Council's website www.wsc.nsw.gov.au.

Endorsement of Date of Consent:

30 January 2013

NOTES:

1. To ascertain the date from which this development consent operates, refer to Section 83 of the *Environmental Planning and Assessment Act 1979*.
2. Development consent will lapse five (5) years after the date from which it operates. In the case of staged development, consent will lapse five (5) years after the date from which it operates. (Refer Section 95 (2) of the *Environmental Planning & Assessment Act 1979*).
3. Section 97 of the *Environmental Planning and Assessment Act 1979* confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months after receipt of this notice.
4. The approval granted by the Council does NOT consider nor negate or vary any private easement, covenant or restriction. The owner is advised to investigate any encumbrance or restriction that may be noted on the title to the land.
5. All conditions on this consent have been imposed having regard to all matters listed for consideration under Section 79C of the *Environmental Planning & Assessment Act 1979*.
6. An applicant may request pursuant to Section 82A of the *Environmental Planning & Assessment Act 1979* Council to review a determination of the application where that application is of a type referred to in that Section of the Act within six (6) months after receipt of this notice.

Date: 30 January 2013

Signed:

Delegate of Council