



Our Ref: 110470-05-Penrith City Council - Capitol Hill Stage 9 Statement of Environmental Effects

DJ;bg

18th June 2019

Penrith City Council
PO Box 60
Penrith NSW 2751

**Subject: Statement of Environmental Effects
Capitol Hill Stage 9 – DA02/0555.05**

Dear Sir/Madam,

We refer to this approved Development Application, as modified. The current approved modification provides for the Subdivision of the site in 4 stages.

Stages 1 and 2 of this project have previously been completed fully in accordance with Council's conditions of the Development Approval.

We are applying under Section 4.55 formally Section 96 (1A) of the EP& A Act. This Application is to modify the Approved Subdivision as outlined below:

- Undertake minor adjustments to the road configuration and lot boundaries to remove 3 battle-axe lots (923, 931 and 932). The attached plan shows the amended lots boundaries. Road 902 and 903 are extended slightly, by approximately 50 metre each. As a result of these road extensions, there are slight consequential adjustments to lot boundaries to ensure that the minimum 1 hectare lot size is achieved.
- Undertake Stage 3 as 2 substages (numbered Stage 9E and 9F). Stage 9E involves the excision of Lots 9101-9104 from the residue lot on the northern side of Capitol Hill Drive. It also involves the creation of a residue lot (for the future Subdivision in the other stages).

Stage 9F will proceed after Stage 9E.

- Delete Condition 36– landscape buffer 10m wide across rear of Lot 914 (and 923, 924, 925, 929, 930 and 931). This condition requires the provision of a landscape buffer and planting strip along the northern boundary of the project. We contend that the likely and the approved and constructed development on the land immediately to the north of our site does not require the installation of this additional visual buffer. Specifically, in regard to Lot 931, the approved and constructed development immediately to the north provides a very significant buffer to the industrial development. In regard to Lots 914, 923, 924, 925, 929 and 930, the zoning on the land to the north of the site is required to be a rural residential zone consistent with the rural residential zone within our site. With these compatible land zones, the requirement for an extensive landscape buffer is considered to be un-necessary.



This modification will require an appropriate adjustment to the following conditions of the development consent:

- Condition 1 – to amend the plan references to “RPS plan – 111244-ST9E”
- Condition 2b) to include Stage 9E and Stage 9F - all conditions as necessary.
- Condition 36 - deleted

For clarity Stage 9D (subdivision of Lot 902 into 2 lots) is still to be undertaken in accordance with the currently approved plan. This modification does not seek to extinguish the current approval in regard to that stage.

Please find attached the completed application form and cheque being the relevant application fee for this Section 4.55 (1A) Application

Should you have any queries regarding this matter please do not hesitate to contact me.

Yours faithfully

J. WYNDHAM PRINCE

A handwritten signature in black ink, appearing to read 'David Johnson', with a long horizontal flourish extending to the right.

DAVID JOHNSON

Director