



DETERMINATION OF DEVELOPMENT APPLICATION

P E N R I T H C I T Y C O U N C I L

DESCRIPTION OF DEVELOPMENT

DA No.	DA13/0496
Description of development	Torrens Title Subdivision x 2 lots
Classification of development	The classification of the building(s) forming part of this consent is as follows: <ul style="list-style-type: none">▪ Class N/A

DETAILS OF THE APPLICANT

Name & Address	Vince Morgan (Surveyors) Pty Ltd PO Box 4156 PENRITH PLAZA NSW 2750
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NOTES

1. Your attention is drawn to the attached conditions of consent in attachment 1.
2. You should also check if this type of development requires a construction certificate in addition to this development consent.
3. It is recommended that you read the Advisory Note enclosed with this consent.

DETAILS OF THE LAND TO BE DEVELOPED

Legal Description: Lot 7 DP 17231
Property Address: 39-51 Devlin Road CASTLEREAGH NSW 2749

DECISION OF CONSENT AUTHORITY

Was a Commission of Inquiry held for the development? NO

In accordance with Section 81(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Date from which consent operates This consent commences on expiration of 28 days from 23 August 2013 in accordance with Section 83 of the Environmental Planning and Assessment Act.
Date the consent expires 23 August 2016
Date of this decision 20 August 2013

Please note that this consent will lapse on the expiry date unless the development has commenced in that time.

OTHER APPROVALS

APPROVAL BODIES:

APPROVAL BODY NAME	DATE OF GENERAL TERMS OF APPROVAL	REF. NO.	NO. OF PAGES	RELEVANT LEGISLATION
NSW Rural Fire Service	18 June 2013	D13/1120 DA13052887 600MA	2	Section 100B Rural Fires Act 1997

The approval bodies listed above have provided General Terms of Approval for this development in accordance with the relevant legislation. A copy of these General Terms of Approval is provided with this development consent notice. Compliance with the relevant State Government departments' General Terms of Approval are required in conjunction with the following conditions listed in Attachment 1: Conditions of Consent issued by Penrith City Council.

RIGHTS OF APPEAL

1. The applicant may request Council to review its determination pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development, or State Significant development.

2. If a written objection was made in respect to the Application for Designated Development, the objector can appeal against Council's decision to the Land and Environment Court within 28 days after the date of this Notice. The objector cannot appeal if a Commission of Inquiry was held.

3. If the applicant appeals against Council's decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.
4. An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

REASONS

The conditions in the attached schedule have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instrument.
- To ensure that no injury is caused to the existing and likely future amenity of the neighbourhood.
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure that access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.

POINT OF CONTACT

If you have any questions regarding this consent you should contact:

Assessing officer	Hannah Van De Werff Environmental Planner
Contact telephone number	(02) 4732 7714

SIGNATURE

Name	Hannah Van De Werff
Signature	

For the Development Services Manager

ATTACHMENT 1: CONDITIONS OF CONSENT

GENERAL

- 1 The development must be implemented substantially in accordance with the subdivision plan numbered 17957P2, drawn by Vince Morgan Surveyors and dated 25.07.2013, and stamped approved by Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.
- 2 An Asset Protection Zone for protection from bushfire shall be provided and maintained to the existing dwelling on Lot 72, in accordance with the recommendations outlined in the NSW RFS General Terms of Approval (attached to this consent).

To ensure that the Asset Protection Zone of 60m north, 30m south is provided and maintained around the existing dwelling for the term of the development, a 'positive covenant' shall be registered over the land to which the development relates, **prior to the issue of a Subdivision Certificate.**

Prior to the issue of a Subdivision Certificate, the APZ shall be implemented in accordance with the attached GTA's and documentation and associated legal paperwork shall be forwarded to Penrith City Council for consideration and endorsement which notes Council's interest in the positive covenant before the positive covenant is registered with Land and Property Information (a division of the Department of Lands).{Note: The Asset Protection Zone is the sum total of the Inner Protection Area and Outer Protection Area.}

- 3 The conditions imposed by the NSW Rural Fire Service in the Integrated Development consent and in the Bush Fire Safety authority for the said development are to be completed prior to the issue of a Subdivision Certificate.
- 4 Dust suppression techniques are to be employed to reduce any potential nuisances to surrounding properties.
- 5 Mud and soil from vehicular movements to and from the site must not be deposited on the road.

ENVIRONMENTAL MATTERS

- 6 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury-Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.

HEALTH MATTERS & OSSM INSTALLATION

- 7 Prior to the issue of a Subdivision Certificate, an 'Approval to Operate' License for the existing septic system for fibro cottage on Lot 72, shall be obtained from Penrith City Council.

UTILITY SERVICES

- 8 All services (water, sewer, electricity, telephone and gas) including the provision of service conduits and stub mains, are to be installed within the proposed public roads before final inspection of the engineering works.

Prior to the release of the linen plan, the following service authority clearances shall be obtained:

- a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. This is required prior to the issue of the Subdivision Certificate and
- a letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

These clearances are to be submitted to the Principal Certifying Authority.

- 9 A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Penrith City Council prior to the issue of a Subdivision Certificate.

LANDSCAPING

- 10 No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans or required under the attached NSW Rural Fire Service GTA's) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.

SUBDIVISION (GENERAL)

- 11 Submission of the original Linen Plan and ten (10) copies. The Linen Plan must indicate that:

- (a) "It is intended to dedicate all new roads to the public as road"

All drainage easements, rights of way, restrictions and covenants are to be included on the linen plan.

All dedications of roads/drainage are to be undertaken at no cost to Penrith City Council.

The following information is to be shown on one (1) copy of the plan.

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.

- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.
- 12 The linen plan of subdivision is to be supported by an 88B instrument creating a Restriction as to User or easement regarding the following:

Lot 72 only:

- a) The vegetation located to the rear of proposed Lot 72 is to be retained and protected in perpetuity. The area of vegetation subject to restriction is 150 metres deep from the rear boundary of the site and from the eastern to the proposed western boundary of Lot 72. No construction, development, effluent disposal or damage of any vegetation is to occur within this area.
- b) In the event the existing OSSM system for the cottage on Lot 72 should fail or if a single new dwelling constructed (to a maximum of 5 bedrooms), the recommendations of the Wastewater Report prepared by GeoEnviro Consultancy Pty Ltd dated May 2013 are to be implemented on site.

Lot 71 and Lot 72:

- c) Effluent can only be disposed of in the irrigation areas as shown on the "Plan of proposed Irrigation Location/Buffer Zone," prepared by Vince Morgan Surveyors (JG13757A dated 15/7/2013).
- d) The recommendations contained in the Site and Soil Assessment (prepared by GeoEnviro dated May 2013 ref JG13757A) and the letter by GeoEnviro (ref JG13777A-L1 dated 16/7/2013) are to be complied with in establishing this effluent disposal area.
- e) For any development that will generate a wastewater load more than 1000L per day for each lot, a new Wastewater Report will be required.
- f) No wastewater associated with an on-site sewage management system is to be applied or irrigated within the drip line of any native trees. It is the responsibility of the applicant to ensure the ongoing health of the trees in relation to the effluent disposal area.

Council shall be nominated as the only authority permitted to modify, vary or rescind such restriction as to user.

SECTION 94

- 13 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Local Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$1,971.00 is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for Local Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 14 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$5,450.00 is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 15 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$384.00 is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

PAYMENT OF FEES

- 16 All roadworks, dedications and drainage works are to be carried out at the applicant's cost.

CERTIFICATION

- 17 A Subdivision Certificate is to be obtained **prior to the release of the linen plan of subdivision**. The Subdivision Certificate will not be issued if any of the conditions in this consent are outstanding.

Name: Hannah Van De Werff

Signature:
For the Development Services Manager

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
Penrith City Council
PO Box 60
PENRITH NSW 2751

Your Ref: DA13/0496
Our Ref: D13/1120
DA13052887600 MA

ATTENTION: Hannah Van De Werff

18 June 2013

Dear Sir/Madam

Integrated Development for 39-51 Devlin Road Castlereagh NSW 2749

I refer to your letter dated 24 May 2013 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling(s) on proposed Lot 72, to a distance of;
 - 60 metres on the northern elevation
 - 30 metres on the southern elevation and
 - the distance between the dwelling and property boundary on the eastern and western elevations, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

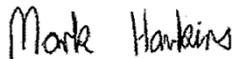
2. The existing dwelling on proposed Lot 72 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

General Advice – consent authority to note

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' may be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

For any queries regarding this correspondence please contact Matthew Apps on 1300 NSW RFS.

Yours sincerely



Mark Hawkins
Acting Team Leader Development Assessment and Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.