

STATEMENT OF ENVIRONMENTAL EFFECTS

2 LOT RURAL SUBDIVISION

**39-51 DEVLIN ROAD
CASTLEREAGH**



November 2017

This report has relied upon the information available at the time of its preparation. All findings and conclusions contained in the report are based on the aforementioned circumstances. The report is for the use of the client and Penrith Council and no responsibility will be taken for its use by other parties.

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Purpose

This Statement of Environmental Effects has been prepared in support of a development application for a rural subdivision comprising 2 lots at 39-51 Devlin Road, Castlereagh.

This statement relies on the following plans prepared by Vince Morgan Surveyors dated 25 July 2013 which is included at **Appendix A** to this Statement:

Drawing No.	Drawing name
17957P2	Plan of Subdivision of Lot 7, DP 17231 at Castlereagh

A similar subdivision was granted development consent by Council on 20 August 2013 by virtue of Development Application No.13/0496. That consent was not activated and duly lapsed on 23 August 2016. A copy of that consent is at **Appendix B** to this Statement.

The subject development applicant seeks consent for the same plan of subdivision.

This statement provides an assessment of the proposed subdivision against the current planning instruments and development controls.

1. Description of the development

The development application involves the subdivision of the existing lot into 2 lots, each being 2.024 ha in size.

The development application does not propose any structures on the land.

2. The subject land

2.1 Property description

The subject land is known as 39-51 Devlin Road, Castlereagh.

The legal description for the subject land is Lot 7, DP 17231.

The subject land is a regular shape of an area of 40,457.918m² with the following dimensions:

Northern boundary:	134.3m
Southern boundary (Devlin Road frontage):	134.3m
Western boundary:	301.455m
Eastern boundary:	301.435m

2.2 Location

The subject land is located in Castlereagh.

In particular, the subject land is located in a rural residential area and situated near the eastern end of Devlin Road.

2.3 Existing development

The subject land is occupied by a fibro cottage which is currently occupied, metal sheds and various outbuildings.



Fibro cottage on the land

Otherwise the land is vacant except for boundary fencing and various fenced yards across the land.

2.4 Topography of the subject land

The subject land falls to the west and slightly to the north with an average slope of approximately 2%.

2.5 Vegetation of the subject land

The eastern half of the land which comprises proposed Lot 72, is heavily treed with remnant vegetation mapped by National Parks and Wildlife Service as *Castlereagh Scribbly Gum Woodland*. The front third of proposed Lot 72 is vegetated with scattered trees including some exotic species and lawn areas.

The western half of the land which comprises Lot 71, has scattered trees and is otherwise grassed.

3. Context and surrounding land

3.1 Surrounding development and land uses

Although zoned RU4 - Primary Production Small Lots, the area in general is used more for the open space lifestyle of hobby farms than it is for agriculture.

Adjoining land to the east is a rural-residential property occupied by a dwelling with associated outbuildings. The rear of the land is used for agistment and training of horses.

The adjoining land to the west is occupied by a dual occupancy and associated outbuildings.

Land adjoining to the north and across Devlin Road to the south comprised of forested bush land in Crown Land ownership.

Other land in the area is similarly used for rural residential uses and hobby farms. Agriculture in the immediate area is limited to small poultry farms near the western end of Devlin Road.

3.2 Topography of surrounding land

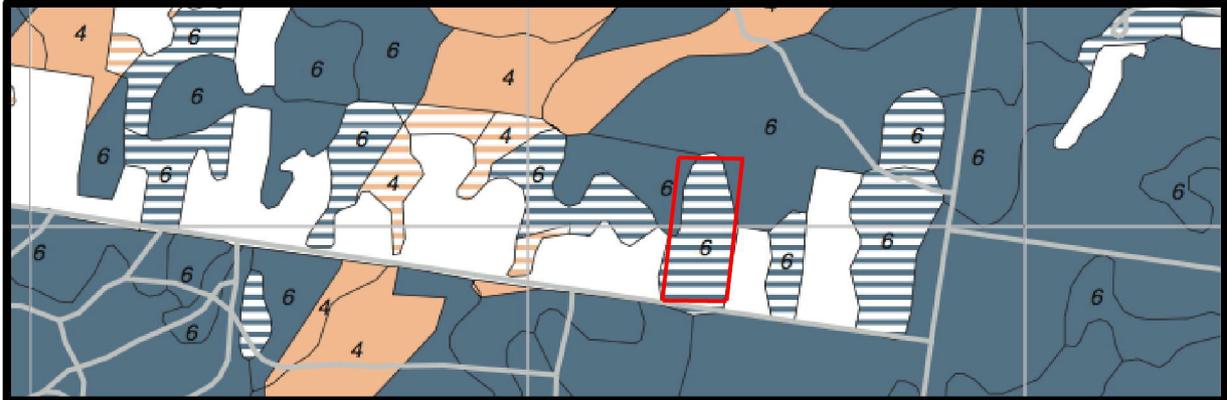
Surrounding land generally falls to the west and north with a uniform slope of less than 5%.

3.3 Vegetation of surrounding land

Rural residential development in the area is generally landscaped with garden and lawn areas in proximity to the dwelling. Otherwise the properties are vegetated with grassed pasture areas and scattered trees.

Land adjoining to the north and across Devlin Road to the south comprised of heavily wooded bushland in Crown Land ownership featuring either *Castlereagh Scribbly Gum Woodland* (shown as “6” on the map below) or *Castlereagh Swamp Woodland* (shown as “4” on the map below).

The *Castlereagh Swamp Woodland* is a threatened ecological community under the Biodiversity Conservation Act 2016.



Extract of Cumberland Plain Vegetation Map 2002 (Source: NSW Office of Environment and Heritage)

The proposed subdivision does not impact on any threatened ecological community.

3.4 Road network and access

The subject land has access to the west to Castlereagh Road which affords access to Penrith, Springwood and Richmond.

Londonderry Road can be accessed to the east which affords access to Richmond and Windsor.

3.5 Proximity to local services

A convenience store is located at Castlereagh. Otherwise, the subject is approximately half way between Penrith and Richmond, both of which offer a range of retail and commercial facilities.

4. Development controls and assessment

4.1 State Environmental Planning Policies and Deemed State Environmental Planning Policies

4.1.1 State Environmental Planning Policy No.19 – Bushland in Urban Areas

The general aim of this instrument is to:

“...protect and preserve bushland within the urban areas referred to in Schedule 1 because of:

(a) its value to the community as part of the natural heritage,

(b) its aesthetic value, and

(c) its value as a recreational, educational and scientific resource”

The proposed development does not involve the removal of any bushland. Bushland removal may take place as a result of future development of the proposed lots, particularly to effect an Asset Protection Zone for bush fire purposes, and would be assessed at that time.

In saying this, the subdivision plan shows an indicative building envelope for each proposed lot which is clear of the bushland.

The proposed subdivision does not impact on the values attributed to the bushland on the subject land or adjoining land.

4.1.2 Sydney Regional Environmental Plan No.20 – Hawkesbury Nepean River No.2

The Sydney Regional Environmental Plan No.20 – Hawkesbury Nepean River No.2 is a deemed SEPP covering the Hawkesbury-Nepean River Catchment and aims to *protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.*

The proposed development is consistent with the objectives and principles contained in the Sydney Regional Environmental Plan No.20 – Hawkesbury Nepean River No.2.

4.2 Penrith Local Environmental Plan 2010

The proposed development satisfies the zoning and its objectives and is compliant with the development standards set by the Penrith Local Environmental Plan 2010 (PLEP 2010) as demonstrated below.

4.2.1 Controls under the Penrith Local Environmental Plan 2010

The PLEP 2010 applies to the subject land. The PLEP 2010 is supported by a number of maps that provide as follows.

Attribute	Detail
Zoning	RU4 – Primary Production Small Lots
Lot Size	20,000m ² (2ha)
Floor Space Ratio	No FSR applies
Height of Buildings	No height of building applies
Land Reservation Acquisition	Land along Devlin Road to the west is affected by acquisition for land zoned SP2 Classified Road
Heritage	Neither the subject land or any nearby land contains an item of environment heritage or is subject to a conservation area.
Natural Resources Sensitivity Land	Neither the subject land or any nearby land is identified as being of natural resources sensitivity.
Scenic and Landscape Values	The subject land is outside of any area identified as having scenic or landscape values.

4.2.2 Zoning and permissibility

The subject land is zoned RU4 – Primary Production Small Lots under the PLEP 2010.

The proposed development is permissible with consent on land so zoned.

The proposed development meets the objectives of the zone, which are:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land.*
- *To preserve and improve natural resources through appropriate land management practices.*
- *To maintain the rural landscape character of the land.*
- *To ensure that development does not unreasonably increase the demand for public services or facilities.*

The proposed subdivision will provide lots which will allow for land use activities that will be compatible with the surrounding rural-residential character. The proposed subdivision is not antipathetic to the objectives of the zone.

4.2.3 Lot Size

The PLEP 2010 establishes a minimum lot size of 2ha for the land.

The subject land exceeds 4ha in size and therefore is capable of being subdivided to achieve 2 lots of at least 2ha each.

The subdivision proposes 2 lots of equal size, being 2.024ha each.

4.2.4 Land Reservation Acquisition

Land approximately 700m to the west is partly affected by a zoning of SP2 Classified Road, which provides for the long-term acquisition and construction of the Castlereagh Freeway.

The acquisition does not affect the subject land.

4.3 Penrith Development Control Plan 2014

The Penrith Development Control Plan 2014 (PDCP 2014) applies, particularly:

- Part A – Introduction;
- Part B – DCP Principles;
- Part C11 – Subdivision; and
- Part D1 – Rural Land Uses

4.3.1 Requirements of Part B - DCP Principles

The proposed development is not antipathetic to the principles of sustainability and economic and social security.

More relevantly, the proposed subdivision does not impact on biodiversity or ecology on the land. The proposal provides for a building envelope that is clear of the bushland on the subject land. It is proposed to lock the building in place with an appropriate Positive Covenant under the Conveyancing Act 1919.

4.3.2 Requirements of Part C11

The general objectives of Part C11 of the PDCP 2014 are as follows:

Objective	Comment
a) To address site planning principles in the design of the subdivision layout	The subdivision allows for future development to be properly sited.
b) To preserve and retain significant environmental and cultural features of the site, such as waterways, riparian corridors and heritage items	There are no defined overland flow paths, riparian areas or heritage items on the land.

c) To address environmental constraints, including flooding, drainage, slope, erosion and land within, or adjacent to, natural resource sensitive land and to ensure that any future development will not be subject to an unacceptable level of risk from natural hazards	The land is not subject to flooding or any issues pertaining to overland flow or slope. The land is bushfire prone and the development takes this into consideration as discussed later in this statement.
d) To encourage the retention of significant existing vegetation	The proposed subdivision takes into consideration the bushland on the subject land and provides a building envelope that enables the retention of that bushland.
e) To adequately provide services to, and mechanisms for, the effluent disposal from any proposed allotment(s)	The disposal of effluent shall be considered at the time that any development application is lodged for the proposed lots.
f) To address any access and traffic constraints and maximise vehicle and pedestrian safety	Any traffic generated by the provision of the additional lot will not impact on the local rural road network.

The controls contained in Part C11 of the PDCP 2014 are as follows:

Control	Comment
1) Engineering Works	
a) Where roads and other engineering works are required to support a proposed subdivision, details must be included in the development application. Applicants are advised to consult with Council's Development Services Unit in relation to any subdivision proposal.	Both lots will access Devlin Road and no roadworks are proposed.
2) Site Planning	
a) Any proposed subdivision must demonstrate how the proposed subdivision design has taken into account the principles set out in Section C1 'Site Planning and Design Principles' of this DCP	The proposed development is for a 2 lot rural subdivision which is consistent with the site planning and design principles of the PDCP 2012.
b) As part of any site analysis, the proposed subdivision must	The proposed development aims to integrate with the natural and physical

demonstrate its integration with the natural and physical features of the site	features of the subject land, particularly, through the establishment of a building envelope to preserve natural bushland on the subject land
c) Existing vegetation and natural drainage lines should be retained and enhanced, wherever possible	The proposal makes provision to ensure that the existing vegetation and any natural drainage lines will be retained.
d) Existing dams should be retained, where possible	There are no dams on the property
e) Long and narrow allotments should be avoided. Allotments should have a maximum of 4:1 depth to width ratio	The proposed lots each have a width of 67.15m and a depth of approximately 301.4m. This gives a ratio of 4.49:1. Although this exceeds the ratio indicated in the control, it is in keeping with the lot widths of several other properties along Devlin Road. See Note 1 at the end of the DCP tables.
f) 'Battle-axe' allotments are discouraged by Council. No more than two allotments shall be served by a shared access corridor. Where a corridor is shared, reciprocal rights of way and easements for drainage shall be granted over the access corridor for the benefit of both allotments	No battle-axe lots are proposed. Both lots will have a frontage to Devlin Road of 67.15m.
g) Applications for subdivision need to demonstrate that each of the proposed allotments can support the proposed development/buildings by providing a Potential Development Area Plan. This Plan (based on a survey diagram) shall show the potential development area of each allotment (after taking into account setbacks that may be required to meet built form or environmental controls in this DCP)	The development application plan shows the extent of vegetation on the land and proposes a building envelope area which satisfies the setback requirements of the PDCP 2014.
h) Applications should be accompanied by landscape plans indicating proposed landscaping (including streets and how they are positioned so as not to compromise the effectiveness	Not applicable

of street lighting) and parking arrangements	
i) New allotments should be located so as to protect, enhance or conserve areas of high scenic or recreational value	The lot layout assists in the conservation of bushland on the subject land.
3) Subdivision of Natural Resources Sensitive Land	
The land is not identified by the PLEP 2010 as being within or adjacent to land shown on the Natural Resources Sensitivity Map.	
4) Vegetation Management	
a) Any subdivision proposal is required to address the objectives and controls set out in the Vegetation Management and Landscape Design sections with particular focus on the protection of existing vegetation	The proposed development is consistent with the objectives and controls of the Vegetation Management and Landscape Design sections and provides for the protection of existing vegetation.
b) Not more than 10% of the vegetation on any site shall be cleared (or required to be cleared) as a result of any subdivision proposal	The proposed subdivision does not involve the clearing of any vegetation. Although the building envelope over proposed Lot 72 will involve the loss of some vegetation for an Asset Protection Zone, remnant vegetation on the land beyond the Asset Protection Zone can be preserved.
c) The design of any subdivision layout must ensure that the potential development pattern supported by the proposed subdivision design will be consistent with the existing landscape character of the area	The proposed building envelopes are located so as to be consistent with the siting of dwellings on properties fronting Devlin Road and to ensure the landscape character of the area is maintained.
d) A subdivision application on land identified as or adjacent to 'bushfire prone land' will need to address the controls set out in the Vegetation Management Section relating to bushfire protection and the provision of asset protection zones. Where	Separate assessment of the proposed subdivision against Planning for Bush Fire Protection is carried out in this statement. In short, the proposed subdivision provides areas suitable for development in a manner that minimises bushfire risk.

possible, removal of significant vegetation is to be minimised	
e) Tree protection measures must be provided in accordance with Australian Standard AS 4970-2009 Protection of trees on development sites	A tree protection zone can be applied to the remnant vegetation outside the building envelope area in accordance with AS 4970-2009.
5) Water Management	
The subject land is not flood prone and does not contain any watercourse or overland flow path. The proposed subdivision would not create any impact on water quality in the catchment.	
6) Land Management	
<p>The subdivision does not result in any civil works and therefore no cut or fill needs to be carried out to register the subdivision. The subdivision will therefore have no impact by way of erosion or sedimentation and would not result in potential salinity issues.</p> <p>The topography of the land is such that there are no issues of site instability.</p>	
7) Culture and Heritage	
The subject land is not identified as containing any heritage items. The land is not within proximity to an item of environmental heritage.	
8) Access and Transport	
<p>The subject land is not in an area that is serviced by public transport and therefore private transport must be relied on.</p> <p>The proposed subdivision will not impact of the function or capacity of the local rural road network.</p>	
9) Noise and Vibration	
The subject land is within a rural-residential setting and there are no sources of noise and vibration within proximity. Likewise, nothing in the development application proposes any noise sources.	
10) Infrastructure and Services	
The proposed 2 lot subdivision will not place demands on service infrastructure that cannot be met.	

The general objectives of Part C11.2 of the PDCP 2014 relate specifically to rural subdivision and are as follows:

Objective	Comment
<p>a) To promote the continued use of agricultural land, particularly prime crop and pasture land, for commercial agricultural purposes, where that form of land use is sustainable in the long term</p>	<p>The subject land and the surrounding land are not used for agricultural activities.</p> <p>Nothing in the development application would hinder the viability of adjoining land for agricultural purposes should such uses commence.</p>
<p>b) To allow subdivision which will maintain the rural character of the locality</p>	<p>The proposed subdivision will result in 2 lots that are of similar size and width to other lots in the immediate area and will not alter the character of the locality.</p>
<p>c) To avoid land use conflicts by preventing incompatible development in or adjacent to agricultural land</p>	<p>The subject land and the surrounding land are not used for agricultural activities.</p> <p>Nothing in the development application would hinder the viability of adjoining land for agricultural purposes should such uses commence.</p>
<p>d) To create a diversity of rural living opportunities in appropriate locations to provide scope for development in rural areas</p>	<p>The proposed subdivision will create 2 lots which will enable further development for rural-residential living, which is compatible with other similar land uses in the locality.</p>
<p>e) To provide a capacity to effectively cater for a range of agricultural developments</p>	<p>The proposed subdivision does not intend to provide for agriculture however the resulting lots would be capable of sustaining limited agriculture, such as market gardens or pasture, particularly proposed Lot 71 which is not covered by bushland.</p>
<p>f) To ensure that allotments are compatible in size and shape with the physical nature of the land, adjoining land uses and the likely use of the land in the future</p>	<p>The proposed lots are of a size and shape that is in keeping with that of other lots along Devlin Road.</p> <p>It is noted that other lots on Devlin Road have been created by subdivisions similar to the subject proposal which have halved the original lots.</p>

<p>g) To ensure satisfactory arrangements are made for access, servicing and landscaping</p>	<p>Adequate service infrastructure exists to provide for the demand generated by the likely development that would occur over the 2 proposed lots.</p> <p>Access arrangements are satisfactory as the proposed lots have frontage to Devlin Road.</p>
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The controls contained in Part C11.2 of the PDCP 2014 relate specifically to rural subdivision and are as follows:

Control	Comment
<p>1) Land Capability</p>	
<p>a) As part of any subdivision application for rural lands, an applicant must address the impact that the proposed subdivision will have on the agricultural capability and sustainability of the proposed allotments as well as the impact on agriculture in the surrounding area.</p>	<p>The subject land and the surrounding land are not currently used for agricultural activities.</p> <p>The proposed subdivision does not intend to provide for agriculture however the resulting lots would be capable of sustaining limited agriculture, such as market gardens or pasture, particularly proposed Lot 71 which is not covered by bushland.</p>
<p>b) This must also address social, economic and environmental factors.</p>	<p>The proposed 2 lot subdivision does not cause any adverse socio-economic or environmental issues.</p>
<p>2) Avoiding Land Use Conflicts</p>	
<p>a) The application will need to address how any potential land use conflicts (including, but not limited to, noise, dust, odour, traffic, light, etc.) will be minimised if any proposed subdivision is located within 1km of:</p> <p>i) An existing approved or licensed intensive agricultural operation;</p> <p>ii) A waste or resource management</p>	<p>There are no land uses within a 1km radius of the subject that give rise to dust, odour, noise, traffic, or light).</p> <p>There are no intensive agricultural activities, waste or resource management facilities, extractive industries, or noxious or hazardous land uses within the 1km search radius.</p>

<p>facility;</p> <p>iii) A noxious, offensive or hazardous land use; or</p> <p>iv) A sensitive land use</p>	
<p>b) Site locations must ensure such existing land uses will still comply with the EPA Odour Control Guidelines and other relevant publications</p>	<p>Not applicable.</p>
<p>c) Use of building envelopes, buffer zones and planting will be considered in helping to mitigate these issues</p>	<p>Not applicable.</p>
<p>3) Subdivisions for Dwellings</p>	
<p>a) Applications for subdivision that will include a new dwelling should be accompanied by a proposal for siting of a dwelling</p>	<p>It is not proposed to carry out the construction of any dwellings or other buildings as part of this development application.</p> <p>In any event, the development application plans include a building envelope plan to indicate where a dwelling would be sited.</p>
<p>b) In some circumstances, the building envelope (ground area and height) and/or design guidelines specifying the proposed building location/height must be registered on the Certificate of Title as part of the subdivision approval process</p>	<p>Noted. The Linen Plan will incorporate the building envelopes, which will be covered by an appropriate Positive Covenant.</p>
<p>c) The building envelope must comply with the relevant setbacks from roads, watercourses, other buildings and side boundaries in the Rural Land Uses Section of this Plan</p>	<p>The building envelope allows for a minimum front setback of 9m and side setbacks of 4.5m. See note 2 below.</p>

Note 1 – Lot depth to width ratio

The PDCP 2014 requires that a maximum lot depth to width ratio of 4:1.

The proposed lots each have a width of 67.15m and a depth of approximately 301.4m which is a ratio of 4.49:1.

Although this exceeds the ratio indicated in the control, it is in keeping with the majority of lot widths along Devlin Road.

It is noted that other lots on Devlin Road have been created by subdivisions similar to the subject proposal which have halved the original lots.

The rural streetscape or character is not compromised by the exceedance in the lot width to depth ratio.

Note 2 – Dwelling setbacks

Minimum dwelling setbacks contained in the PDCP 2014 are 15m to Devlin Road and 10m to a side boundary. The building envelope on the development application plan allows for such setbacks to be achieved.

It is sufficient to note that the lot widths of 67.15m do not restrict the options for proper siting of a dwelling of reasonable size on the land to meet the setback requirements.

4.4 Summary of Assessment

The development comprises a 2 lot rural subdivision of land in Devlin Road, Castlereagh.

The lots created will meet the minimum lot size requirements contained in the PLEP 2010. The resulting lots will be of a regular size and dimension and will allow for each lot to be used for rural residential purposes.

A building envelope has been proposed over each lot to restrict any future dwellings and outbuildings to a part of the land which is least affected by bushfire. The building envelopes can be covered by a Positive Covenant over the title of each lot when they are registered.

The lot layout and dimensions allow for the rural-residential use of the land that is compatible with the surrounding land uses.

There are no socio-economic or environmental reasons for the proposed subdivision to not be granted a conditional consent.

5 Planning for Bush Fire Protection

The proposed subdivision is Integrated Development under Section 91 of the Environmental Planning and Assessment Act 1979, which calls up Section 100B of the Rural Fires Act 1997.

A separate Bush Fire Assessment Report has been prepared and accompanies this Statement of Environmental Effects.

In summary, the Bush Fire Assessment Report finds that the size and shape of the land is such that it allows for a building envelope and Asset Protection Zone to be achieved. Further, the land benefits from a hydrant point in front of proposed Lot 72 in the footway area, as well as good access for firefighting vehicles.

The Bush Fire Assessment Report concludes that the proposed subdivision is satisfactory with regard to bush fire protection measures.

It is expected that the NSW Rural Fire Service will provide General Terms of Approval to the proposed subdivision.

6 Summary and Conclusion

A development application has been lodged with Penrith Council for the subdivision of Lot 7, DP 17321, 39 – 51 Devlin Road, Castlereagh into 2 lots of 2.024 hectares each.

The subject land is in a rural-residential setting and in proximity to bushland. The subject land is bushfire prone and as such the development application is Integrated Development.

A separate Bush Fire Assessment Report has been prepared to support the development application.

The size and shape of the land and the site conditions enable each of the proposed lots to be developed for rural-residential purposes and a building envelope has been incorporated into the development application plans to demonstrate this.

The proposed subdivision satisfies the objectives and provisions of the PLEP 2010 and is generally compliant with the provisions of the PDCP 2014.

It is considered that the proposal is satisfactory and that the granting of development consent subject to conditions is appropriate.



Glenn Apps BTP(Hons) UNSW
Town Planner

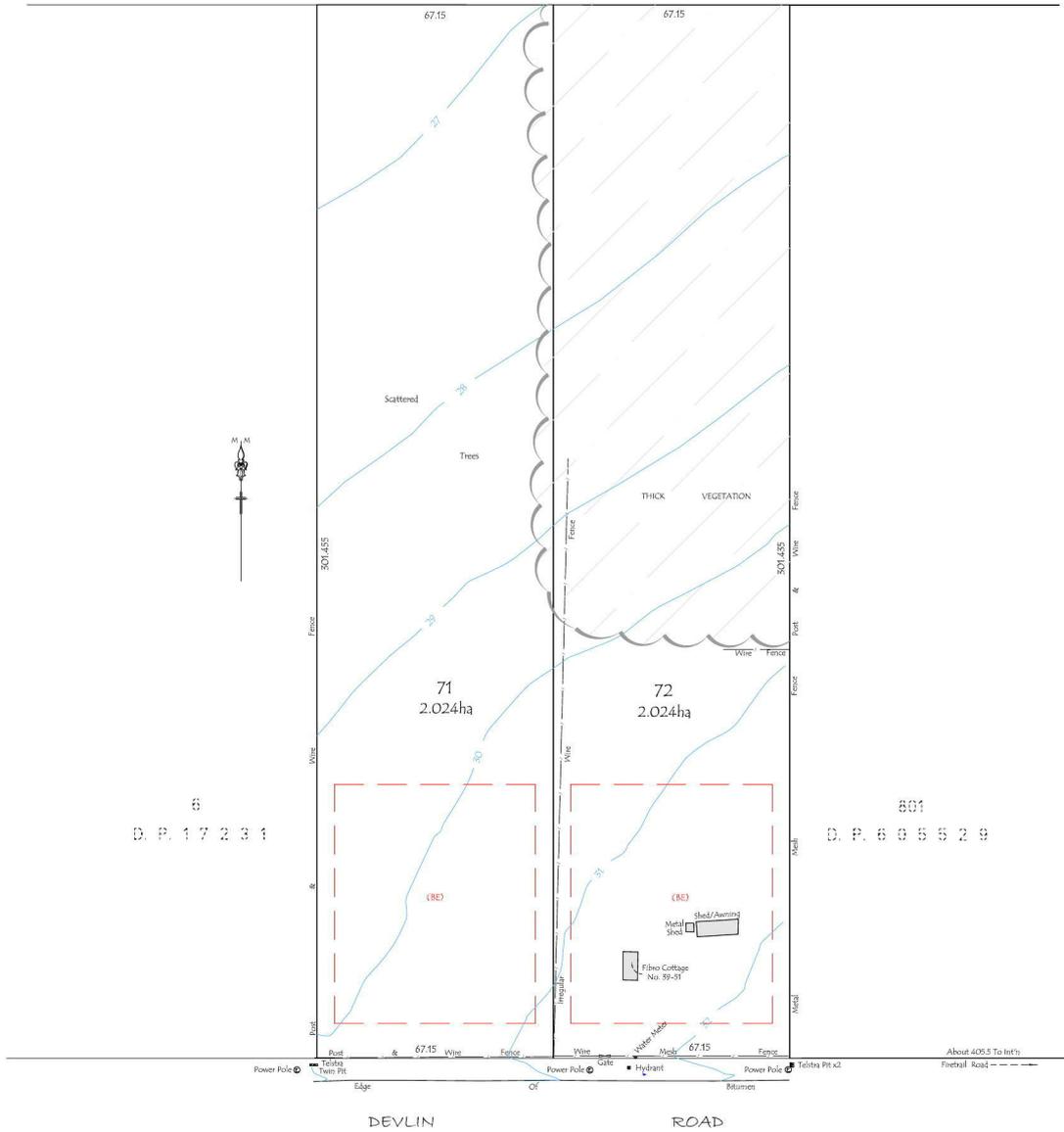
cohesiveplanning

2 November 2017

APPENDIX A

DEVELOPMENT APPLICATION PLAN

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D. P. 7 5 2 0 2 1



(RE) DENOTES INDICATIVE BUILDING ENVELOPE

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NOTE: GIREAD OF TREES IS APPROXIMATE ONLY
 LOCATION OF FENCES ARE APPROXIMATE ONLY
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 NO UNDERGROUND SERVICES SEARCH HAS BEEN CARRIED OUT
 DIMENSIONS & AREAS ARE APPROXIMATE ONLY & ARE SUBJECT TO FINAL SURVEY



	Vince Morgan (Surveyors) Pty Ltd 77 UNION ROAD PENRITH PO BOX 4156 PENRITH PLAZA 2750 Fax 47312821 Ph 47215295 email mail@vmsurvey.com.au www.vincemorgansurveyors.com.au	A.C.N. 065 060 808 DATE: 25.07.15 SCALE: 1:800(BA2) DRAWN: M.P.H/R.G.S. DATUM: A.H.D.	ORIGIN: FILENAME: CLIENT: Mr DAVID BALLARD & Mrs BARBARA HUGHES	PLAN OF SUBDIVISION OF LOT 7 D.P.17231 AT CASTLEREAGH	PLAN No. 17957P2 SHEET 1 OF 1 SHEETS
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APPENDIX B

PREVIOUS CONSENT



**PENRITH
CITY COUNCIL**
Serving Our Community

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.

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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.

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:

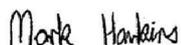
2. The existing dwelling on proposed Lot 72 is required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes 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'.