

9. Description of machinery or equipment
to be installed

10.(a) Nature of any trade wastes or other
emissions (eg. noise, vibration,
smoke, dust, fumes etc.).. .. .

(b) Intended method of waste disposal
or nuisance abatement

11.(a) What provision is to be made for
off-street loading/unloading?

(b) State no. and type of vehicles

(c) What provision is to be made for
off-street parking?

(d) State employee and client parking
demand

12. Additional information.(attach separate
sheet if space insufficient)

.....
Date

.....
Signature of Applicant

Owners Authorisation:

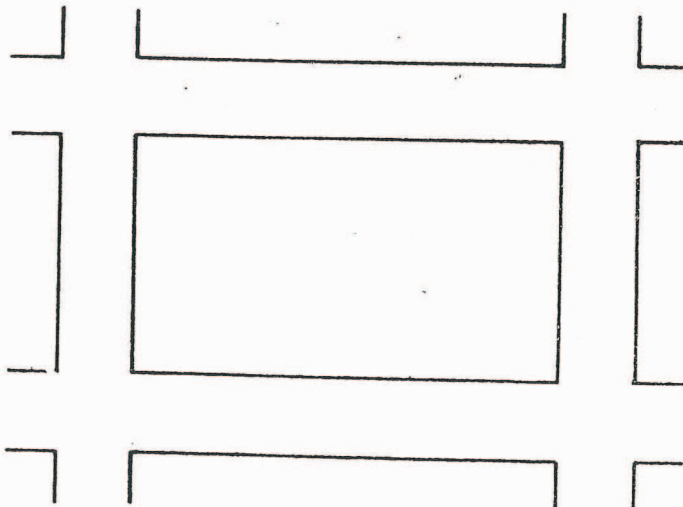
I hereby appoint
as my representative to apply for planning consent for premises described herein.

.....
Date

.....
Signature of Owner

LOCALITY SKETCH

(Indicate the site of the land and
the nearest street intersections)



NOTE: All applications for planning consent are to be submitted on this form
accompanied by plans in triplicate sufficient to identify the land to
which the application relates and the location of any buildings or works
erected or proposed to be erected thereon in relation to the boundaries
of the site, together with particulars and drawings sufficient to describe
the buildings or works and the purpose for which they are to be used.
Where required, sufficient additional copies of the aforesaid plans and

13. Int. Dev. Appns. - Proposed Dwellings, Lots 3, 4 & 5
P.P. 34011 Old Bathurst Road, Emu
Plains, D. Tong, Residential "A" W
zoning under I.D.O. No. 2 (20/15/2-A55)

Council at its meeting of 22nd February, 1977 considered interim development applications for the construction of three brick veneer cottages on the abovementioned sites.

These sites are located on a curve in Old Bathurst Road which presents an extremely unsatisfactory road alignment. Further these allotments are situated on a narrow section of the residential zone that extends up the mountain escarpment from the main boundary of the residential area.

In its consideration of these applications Council had regard to the fact that the escarpment is a unique geological feature and the possible effect that the subject applications could have not only on the immediate area but also when viewed from the plain below. The area subject of the applications was

devoid of any development and thickly vegetated and consequently development of the nature proposed could only serve as an intrusion into the environment of the area.

Accordingly Council resolved to make an approach to the Planning and Environment Commission advising them of the situation and ascertaining whether they are prepared to enter into negotiations to acquire the subject land for escarpment preservation.

The Planning and Environment Commission have now advised as follows:-

- "(i) the Commission is not prepared to acquire the subject land because the estimated costs and resultant benefit to the metropolitan community does not justify the expenditure of the public funds necessary to acquire the land as regional open space;
- (ii) the Commission is prepared to consider an application for alteration of Interim Development Order No. 2 - Penrith to permit cluster housing development on the land, including part of Mr Shatrov's land at the rear, with the object of preserving as much of the land as possible in its natural state. Towards this objective the Council should consider the following controls:-
 - (a) all buildings being located in such a position to not be visually dominant on the eastern escarpment of the Blue Mountains;
 - (b) all buildings being limited to 8 metres in height and being of dark tone colour and of low reflective quality to blend with the landscape of the site and its surroundings;
 - (c) the provision of a perimeter road, located to the south of the gully within the land to the rear to limit fire risk.

(e) the proposal being advertised prior to a submission being made to the Commission, and

(f) provision being made in any subsequent Interim Development Order for the preservation of existing trees.

(iii) the Commission is of the view that action should not be taken in respect of the applications Council has before it for the erection of dwellings on the subject site which will prejudice the development of the area as suggested above.

It is considered that the alternative suggested by the Commission will allow development of the subject land whilst preserving the escarpment.

IT IS RECOMMENDED that the interim development applications be refused for the reason that development of the sites in the manner proposed would be visually dominant on the eastern escarpment of the Blue Mountains and would represent an unacceptable intrusion on that geological feature.

IT IS FURTHER RECOMMENDED that the applicant be invited to discuss the development of his land with Council's officers in accordance with the guidelines suggested by the Planning and Environment Commission.

13. Int. Dev. Appns. - Proposed Dwellings, Lots 3, 4 & 5
F.P. 34011 Old Bathurst Road, Emu
Plains, D. Long, Residential "A"
zoning under I.D.O. No. 2
(20/T5/2-A55)

RESOLVED on the motion of Ald. Cammack seconded Ald. Saunders that the interim development applications be refused for the reason that development of the sites in the manner proposed would be visually dominant on the eastern escarpment of the Blue Mountains and would represent an unacceptable intrusion on that geological feature, and further that the applicant be invited to discuss the development of his land with Council's officers in accordance with the guidelines suggested by the Planning and Environment Commission.

11. Int. Dev. Appns. - Proposed Dwellings, Lots 3, 4 & 5
F.P. 34011 Old Bathurst Road, Emu
Plains, D. Tong, Residential "A"
zoning under I.D.O. No. 2
(B/A S/66/77, S/67/77
S/68/77)

(Location: Northern side of Old Bathurst Road 180m
west of Killuran Avenue)

Interim development applications have been received for the construction of three brick veneer cottages on the above-mentioned sites.

The sites are located on a curve in Old Bathurst Road which presents an extremely unsatisfactory road alignment. Accordingly it is felt that the introduction of private vehicles entering and leaving the roadway at this point could only serve to compound the problem.

The satisfactory alleviation of the alignment situation is considered only possible by the re-alignment of the road in order to lessen the severity of the curve. This could only be done by the dedication for road purposes of parts of all three of the subject properties plus portion of an additional property to the west.

As can be seen from the accompanying sketch, the proposed development is situated on a narrow isolated section of the residential zone that extends up the mountain escarpment from the main body of the residential area.

As Council will be aware the escarpment is a unique geological feature and development upon it affects not only the immediate vicinity but, by virtue of its elevation, the plain below as well. While no specific policy has been adopted, Council has (in common with Blue Mountains City Council) generally endeavoured over the past few years to preserve the escarpment in its natural state. The Planning and Environment Commission has also endeavoured to introduce protective policies for this area.

The area in question is currently devoid of any development and thickly vegetated and consequently development of the nature proposed could only serve as an intrusion into the environment of the area.

It is considered that for both environmental and traffic reasons the approval of the development in the area would be a retrograde step. Further, it is felt that to ensure the permanent preservation of the area the Planning and Environment Commission should be invited to enter into negotiations with the owner of the subject properties in order to secure them for public ownership.

IT IS RECOMMENDED that prior to formally determining the application, an approach be made to the Planning and Environment Commission advising them of the situation and ascertaining whether they are prepared to enter into negotiations to acquire the area.

[illegible]

PLANNING CERTIFICATE UNDER SECTION 149
Environmental Planning and Assessment Act, 1979

Property No: 452058
Your Reference: new env; post
Contact No: 98788488

Issue Date: 10/11/2005
Certificate No: 05/04258
Receipt Date: 10/11/2005
Receipt No: 2206461

Issued to: Nick Finka
New Environmental Management &
Technology P/L
Level 1, Unit B, 61 Talavera Road
NORTH RYDE NSW 2113

RECEIVED
14 NOV 2005
BY: *Nick Finka*

PRECINCT 996

DESCRIPTION OF LAND

County: COOK

Parish: STRATHDON

Location: Old Bathurst Road EMU PLAINS NSW 2750

Land Description: Lot 2 DP 517958

- PART 1 PRESCRIBED MATTERS -

In accordance with the provisions of Section 149(2) of the Act the following information is furnished in respect of the abovementioned land:

1 NAMES OF RELEVANT SEPPs, REPS, LEPs AND DCPs

1(1)(a) The names of each local environmental plan and deemed environmental planning instrument applying to the land:

Interim Development Order No.93 - Penrith, gazetted 8 August 1980, as amended by Penrith Local Environmental Plan No.250, gazetted 26 February 1999, applies to the land.

Penrith Local Environmental Plan No. 255 - Exempt and Complying Development, gazetted 24 March 2000, as amended, (also) applies to land within the City of Penrith. (Note: This plan does not apply to the land to which Sydney Regional Environmental Plan No.30 - St Marys applies, except as provided by clause 43 of SREP No. 30 - St Marys.)

Penrith Local Environmental Plan No. 258 - Consent for Dwelling Houses and Other Development, gazetted 29 June 2001, (also) applies to all land within the City of Penrith.

1(1)(b) The names of each draft local environmental plan applying to the land that has been placed on exhibition under section 66(1) (b) of the Act:

Draft Penrith Local Environmental Plan 1999 (Flora And Fauna Conservation) applies to the land. (See attached copy).

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

1(1)(c) The names of each development control plan applying to the land that has been prepared by the council under section 72 of the Act:

Additional development control plans applying in the City of Penrith

Child Care Development Control Plan.

This plan applies to all land within the City of Penrith where a child care centre is permissible with Council's consent.

Erosion and Sediment Control Development Control Plan.

This plan provides minimum requirements for the control of erosion and sediment loss from properties subject to land use or development activities.

Engineering Works Development Control Plan.

This plan ensures a consistent approach to the design and construction of engineering works and sets performance standards for the design and construction of engineering works.

Notification and Advertising Development Control Plan.

This plan applies to all land in the Penrith City Area to which a development application is required or is the subject of a draft local environmental plan draft development control plan.

Contaminated Land Development Control Plan.

This plan is implemented when zoning or land use is proposed to be changed or altered on lands which have previously been used for certain purposes or land which has been remediated for a specific use. Consideration of Council's adopted Development Control Plan and the application of provisions under relevant state legislation is recommended. Further information may be provided pursuant to Section 149(5), upon application and in accordance with the Environmental Planning and Assessment Act, 1979.

Advertising Signs Development Control Plan.

This plan provides details and requirements in respect to advertisements for a variety of land uses within the Penrith City area.

Exempt and Complying Development Development Control Plan.

This plan identifies the types of development that are exempt and complying development (for the purposes of Penrith Local Environmental Plan No. 255 – Exempt and Complying Development), and provides detailed requirements applying to exempt and complying development.

Residential Construction Works Development Control Plan.

This plan applies to all land in the Penrith City Area and identifies specific requirements relating to residential construction.

Waste Planning Development Control Plan.

This plan aims to facilitate sustainable waste management in accordance with the principles of ecological sustainable development. The plan applies to development where consent is required for demolition, construction and / or change of use, for residential, commercial and industrial developments in the City of Penrith.

Health Care Consulting Rooms Development Control Plan.

This plan applies to all land within the City of Penrith where a health care consulting room is permissible with Council's consent.

Outdoor Trading and Eating Areas Development Control Plan.

This plan applies to land within the Penrith City Centre and Queen Street, St Marys which permits the operation of business or commercial purposes.

Rural Sheds Development Control Plan.

This plan applies to rural sheds which are proposed to be constructed on rural zoned land within the City of Penrith.

Landscape Development Control Plan.

This plan aims to improve the standard of landscaping associated with new development by establishing a set of landscape guidelines and requiring the use of landscape professionals for larger developments.

Baby Care Rooms Development Control Plan.

This plan applies to all new development classed as 6 or 9 under the Building Code of Australia and may also be required to be provided in conjunction with substantial alterations and additions or changes of use to class 6 or 9 premises.

Heritage Management Development Control Plan.

This plan applies to all land within the City of Penrith, including land subject to Penrith Local Environmental Plan 1991 (Environmental Heritage Conservation), except for that land located within Sydney Regional Environmental Plan No.11 – Penrith Lakes Scheme.

Crime Prevention Through Environmental Design Development Control Plan.

This plan applies to all development in the City of Penrith on both public and private land.

1(2)(a) The names of each regional environmental plan applying to the land:

Sydney Regional Environmental Plan No.9 – Extractive Industry (No.2), gazetted 15 September 1995, applies to the local government area of Penrith.

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997), gazetted 7 November 1997, applies to the local government area of Penrith (except land to which Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme applies.)

1(2)(b) The names of each draft regional environmental plan applying to the land that has been placed on exhibition under section 47(b) of the Act:

No draft regional environmental plan that has been placed on exhibition under section 47(b) of the Act applies to the land.

1(2)(c) The names of each development control plan applying to the land that has been prepared by the Director-General under section 51A of the Act:

No development control plan that has been prepared by the Director-General under section 51A of the Act applies to the land.

1(3)(a) The names of each State environmental planning policy applying to the land:

State Environmental Planning Policy No. 1 - Development Standards.

State Environmental Planning Policy No. 4 - Development Without Consent and Miscellaneous Exempt and Complying Development. (Note: This policy may not apply to land reserved for certain public purposes. See clause 4 of the policy).

State Environmental Planning Policy (Seniors Living) 2004 (Note: This policy applies to land that is zoned primarily for urban purposes, or adjoins land so zoned, and on which development for the purposes of dwelling-houses, residential flat buildings, hospitals or special uses (including (but not limited to) churches, convents, educational establishments, schools and seminaries) are permitted.

This policy does not apply to land described in Schedule 1 (Environmentally sensitive land), land zoned for industrial purposes, land to which an interim heritage order made under the Heritage Act 1977 applies, or land to which a listing on the State Heritage Register kept under the Heritage Act 1977 applies.)

State Environmental Planning Policy No. 6 - Number of Storeys in a Building.

State Environmental Planning Policy No. 8 - Surplus Public Land. (Note: This policy does not apply to certain land referred to in the National Parks and Wildlife Act 1974, the Crown Lands Consolidation Act 1913 and the Forestry Act 1916; land to which State Environmental Planning Policy No. 26 Littoral Rainforest applies; and land identified as open space, recreation, national park or coastal lands acquisition under an environmental planning instrument.)

State Environmental Planning Policy No. 9 – Group Homes.

State Environmental Planning Policy No.10 - Retention of Low-Cost Rental Accommodation.

State Environmental Planning Policy No. 11 – Traffic Generating Developments.

State Environmental Planning Policy No. 19 - Bushland in Urban Areas. (Note: This policy does not apply to certain land referred to in the National Parks and Wildlife Act 1974 and the Forestry Act 1916).

State Environmental Planning Policy No. 21 - Caravan Parks.

State Environmental Planning Policy No. 22 - Shops and Commercial Premises. (Note: This policy does not apply to land within Zone No. 3(b) or 3(c) under Penrith Local Environmental Plan 1997 (Penrith City Centre).)

State Environmental Planning Policy No. 30 - Intensive Agriculture.

State Environmental Planning Policy No. 32 - Urban Consolidation (Redevelopment of Urban Land). (Note: This policy does not apply to land identified as coastal protection, environmental protection, escarpment, floodway, natural hazard, non-urban, rural, rural residential, water catchment or wetland.)

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development.

State Environmental Planning Policy No. 37 – Continued Mines and Extractive Industries.

State Environmental Planning Policy No. 45 - Permissibility of Mining.

State Environmental Planning Policy No. 48 - Major Putrescible Landfill Sites.

State Environmental Planning Policy No. 50 - Canal Estate Development. (Note: This policy does not apply to the land to which Penrith Local Environmental Plan 1998 (Lakes Environs) and Sydney Regional Environmental Plan No. 11 – Penrith Lakes Scheme apply.)

State Environmental Planning Policy No. 55 - Remediation of Land.

State Environmental Planning Policy No.64 – Advertising and Signage.

State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development.

State Environmental Planning Policy No. 70 – Affordable Housing (Revised Schemes).

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
State Environmental Planning Policy (ARTC Rail Infrastructure) 2004.
State Environmental Planning Policy (Sydney Metropolitan Water Supply) 2004.
State Environmental Planning Policy (Major Projects) 2005.

1(3)(b) The names of each draft State environmental planning policy applying to the land that has been publicised as referred to in section 39(2) of the Act:

Draft State Environmental Planning Policy (SEPP 66) – Integrated Landuse and Transport applies to the land.

Draft State Environmental Planning Policy (Application of Development Standards) 2004 applies to this land.

2 ZONING AND LAND USE UNDER RELEVANT LEPs

2(a)-(d) The identity of the zone; the purposes that may be carried out without development consent; the purposes that may not be carried out except with development consent; and the purposes that are prohibited within the zone.

If these sections apply to the land details are shown below and/or in annexures.

Under the terms of Interim Development Order No. 93 - Penrith the land is zoned as Rural 'D'.

Penrith Local Environmental Plan No. 255 – Exempt and Complying Development.

In addition to any controls detailed above Penrith Local Environmental Plan No. 255 – Exempt and Complying Development sets out further circumstances where development consent may or may not be required for certain development known as “exempt development” or “complying development”. Please see attached lists for development that may be exempt or complying and refer to the local environmental plan (and the accompanying development control plan) for full details. (See note on page 1 regarding the application of this plan to land to which Sydney Regional Environmental Plan No.30 – St Marys applies.)

Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development

In addition to any controls detailed above Penrith Local Environmental Plan No. 258 – Consent for Dwelling Houses and Other Development sets out further circumstances where development consent will be required for particular development. A copy of this LEP is attached.

2(e) whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed:

Provisions fixing the minimum area upon which a dwelling-house may be erected at 2 hectares apply to the land.

Note: There are also certain performance requirements with regard to land dimensions affecting the construction of a dwelling-house on the land. In this regard Council has not considered the physical configuration or suitability of this particular land for the erection of a dwelling-house

2(f) whether the land includes or comprises critical habitat:

The land does not include or comprise critical habitat.

2(g) whether the land is in a conservation area (however described):

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

The land is not in a conservation area.

2(h) whether an item of environmental heritage (however described) is situated on the land:

An item of environmental heritage is not situated on the land.

3 DECLARED STATE SIGNIFICANT DEVELOPMENT

This item has been omitted from Planning Certificates vide Government Gazette No. 96 of 29 July 2005.

4 COASTAL PROTECTION

The land is not affected by the operation of sections 38 or 39 of the Coastal Protection Act 1979, to the extent that council has been so notified by the Department of Public Works.

5 MINE SUBSIDENCE

The land is not proclaimed to be a mine subsidence district within the meaning of section 15 of the Mine Subsidence Compensation Act 1961.

6 ROAD WIDENING AND ROAD REALIGNMENT

The land is not affected by any road widening or road realignment under:

- (a) Division 2 Part 3 of the Roads Act 1993, or
- (b) an environmental planning instrument, or
- (c) a resolution of council.

7 COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

(a) Council Policies

Council's Interim Policy For The Development Of Flood Liable Land applies to this land. Council's Environmental Planning Directorate may be able to provide further advice on the effect of the Policy and the extent of any flood liability. (Note: Fee for written report is \$370.)

On application and payment of the prescribed fee Council will issue a report on the subject land detailing relevant ground levels on the property, existing floor levels of any buildings erected on the land, together with details of the standard flood and floodway if the latter is available.

The land is not affected by a policy adopted by the council that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk.

(b) Other Public Authority Policies

The Bush Fire Co-ordinating Committee has adopted a Bush Fire Risk Management Plan that covers the local government area of Penrith City Council, and includes public, private and Commonwealth lands.

The land is not affected by a policy adopted by any other public authority and notified to the council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the council, that restricts the

PLANNING CERTIFICATE UNDER SECTION 149

Environmental Planning and Assessment Act, 1979

development of the land because of the likelihood of land slip, flooding, tidal inundation, subsidence, acid sulphate soils or any other risk.

8 LAND RESERVED FOR ACQUISITION

No environmental planning instrument, deemed environmental planning instrument or draft environmental planning instrument applying to the land, provides for acquisition of the land by a public authority, as referred to in section 27 of the Act.

9 CONTRIBUTIONS PLANS

The Open Space in Existing Residential Areas Development Contributions Plan applies to all residential zones within the City of Penrith, except the villages and other areas covered by section 94 plans for open space improvements.

The Library Facilities (Amendment No.1) in the City of Penrith Development Contributions Plan applies anywhere residential development is permitted within the City of Penrith, with the exception of the Cranebrook release area, Erskine Park release area, Glenmore Park release area, and the established Stage 1 precinct of the Claremont Meadows release area.

The Cultural Facilities Development Contributions Plan applies anywhere residential development is permitted within the City of Penrith.

10 MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

(a) The land to which the certificate relates is not within land declared to be an **investigation area** or **remediation site** under Part 3 of the Contaminated Land Management Act 1997.

(b) The land to which the certificate relates is not subject to an **investigation order** or a **remediation order** within the meaning of the Contaminated Land Management Act 1997.

(c) The land to which the certificate relates is not the subject of a voluntary investigation proposal (or voluntary remediation proposal) the subject of the Environment Protection Authority's agreement under section 19 or 26 of the Contaminated Land Management Act 1997.

(d) The land to which the certificate relates is not the subject of a site audit statement within the meaning of Part 4 of the Contaminated Land Management Act 1997.

11 BUSH FIRE PRONE LAND

The land is not identified as bush fire prone land according to Council records.

Note: The Environmental Planning and Assessment Amendment Act 1997 commenced operation on the 1 July 1998. As a consequence of this Act the information contained in this certificate needs to be read in conjunction with the provisions of the Environmental Planning and Assessment (Amendment) Regulation 1998, Environmental Planning and Assessment (Further Amendment) Regulation 1998 and Environmental Planning and Assessment (Savings and Transitional) Regulation 1998.

Information is provided only to the extent that Council has been notified by the Department of Public Works, The Department of Urban and Transport Planning or the Roads and Traffic Authority.