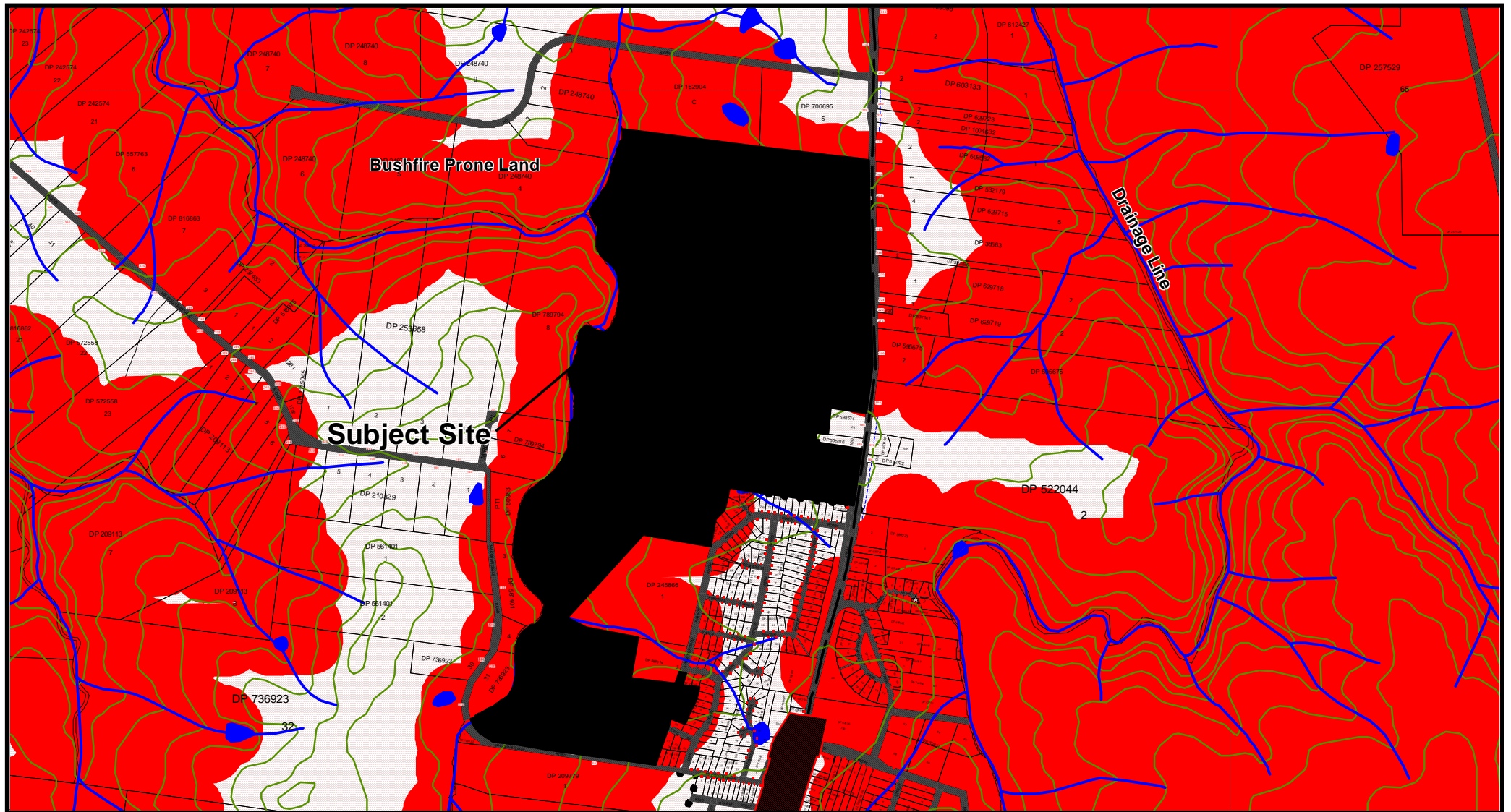


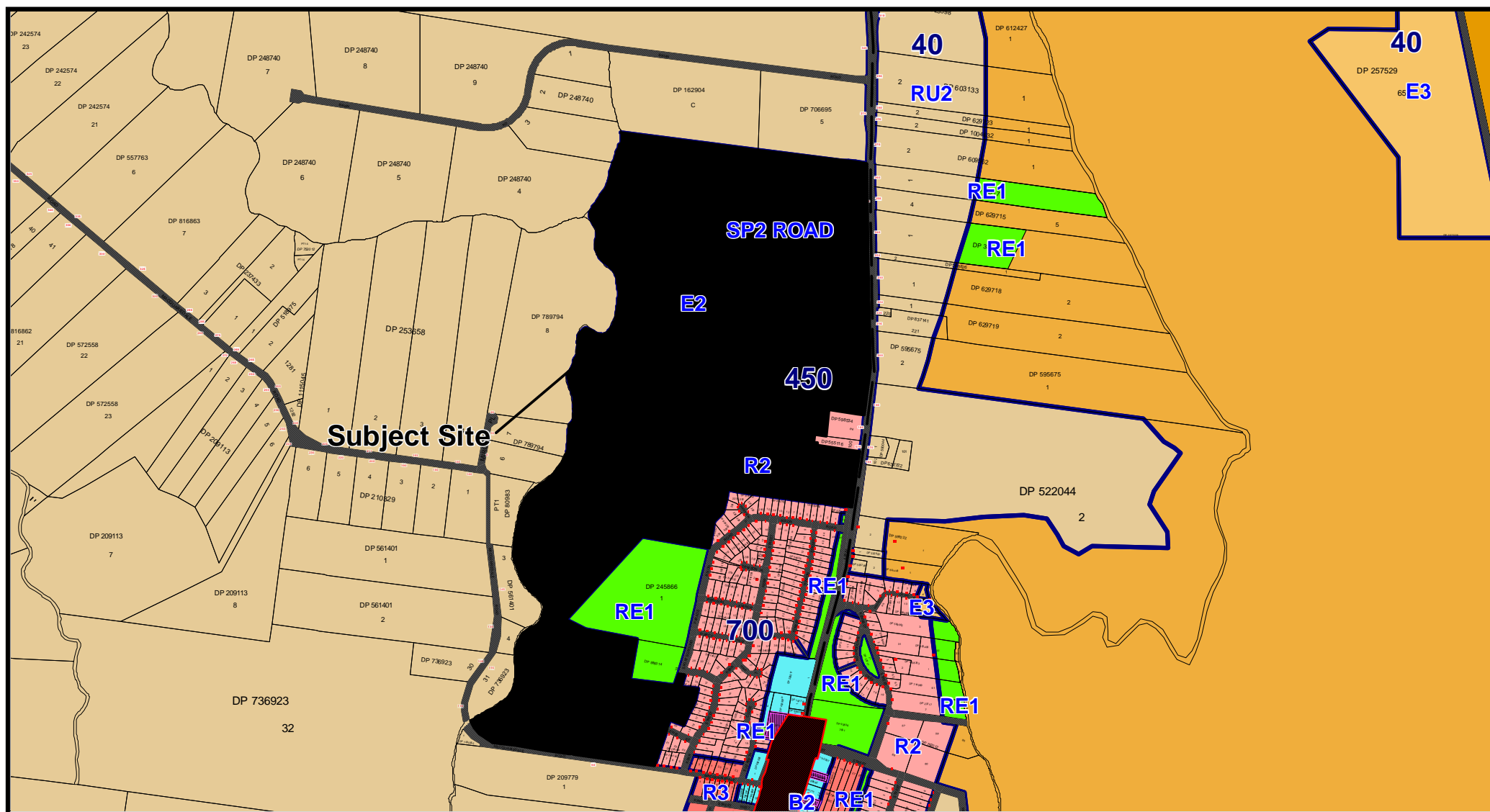
JRPP No:	2010SYW043
DA No:	010.2010.00000455.00
PROPOSED DEVELOPMENT:	North Appin - 337 Lot Torrens Title Subdivision - 165-289 Appin Road, Appin
APPLICANT:	Gerry Beasley
REPORT BY:	Grant Rokobauer, Senior Development Assessment Planner, Wollondilly Shire Council

Assessment Report and Recommendation

MAPS OF THE SUBJECT LAND



Map 1: Site constraints including topography, drainage lines and bushfire prone land



Map 3: Draft Wollondilly Local Environmental Plan, 2009

EXECUTIVE SUMMARY

This report concerns Development Application No. 010.2010.00000445.001 for a proposed subdivision of Lots: 101 & 102 DP: 1093666, Lot: 201 DP: 749272, Lot: 1 DP: 819972, Lot: 1 DP: 1133077, Appin Road, Appin into 337 residential lots, 8 open space lots, 2 residual lots and one road lot.

The application is reported to the Joint Regional Planning Panel because it is a subdivision creating more than 250 lots. Had the development not been subject to this provision of the Environmental Planning and Assessment Act, 1979, it is likely it would have been determined under delegated authority by a Council Officer.

The subject application was notified to adjoining and nearby land owners and advertised in accordance with Council's Development Control Plan for the Notification and Advertising of Development Proposals. Six (6) submissions including one (1) petition were received.

There have not been any disclosures of political donations made in regard to this application.

It is recommended that the application be approved subject to conditions.

CONSULTATION

The subject Development Application has been referred to the following external and internal parties for comment/approval:

Mine Subsidence Board – The endorsement of the Mine Subsidence Board has been received by Council.

NSW Rural Fire Service – Issued a Bushfire Safety Authority under Section 100B of the Rural Fires Act, subject to conditions.

NSW Roads and Traffic Authority – No objections as the road network for the subdivision has already been approved.

Cubbitch Barta Native Title Claimants – No response received.

Tharawal Lands Council – No response received.

Sydney Water – No objections.

Council's Development Engineer – No concerns, subject to conditions.

Council's Environmental Health Officer – No concerns, subject to conditions.

Council's Facilities and Recreation Manager – Requested deletion of some of the small proposed public open space lots as the ongoing maintenance cost was likely to exceed the public benefit of such small areas. The applicant has provided amended plans accommodating this change.

PROPOSAL

1.1 Description of site and surrounding area

The subject site comprises five (5) allotments to the north and west of the village of Appin. The lands are used for agriculture (open pasture life stock keeping) except for lands in the west that contain significant stands of native vegetation.

Internal road infrastructure and drainage have previously been approved by Council under Development Consent No. ID522-07. These works, along with the works required to provide reticulated sewer, have not yet been undertaken. Power and town water are available and conditions are recommended to require all necessary amplification of services.

1.2 Relevant Previous Approvals

The subject site has benefit of Development Consent No. ID522-07. This consent authorised the carrying out of infrastructure works including the construction of roads and stormwater drainage infrastructure.

Sydney Water Corporation has recently published a Decision Report regarding the provision of reticulated sewer to Appin (including the subject site). This report detailed the assessment of the Corporation under Part 5 of the Environmental Planning and Assessment Act, 1979 and relevantly provides for the construction of sewer infrastructure to service this proposal. The exact arrangements are a matter between the developer and Sydney Water.

1.3 Description of Development

The proposal is to subdivide the land into 337 residential lots, 8 open space lots, 2 residual lots and one road lot. The layout of the proposed lots is detailed in the attachments to this report and is consistent with the existing approved road and stormwater drainage layout.

ASSESSMENT OF PROPOSAL

2.1 Section 79C Assessment – Matters for Consideration

2.1.1 Provisions of Relevant Environmental Planning Instruments

State Environmental Planning Policy (Infrastructure), 2007

Clause 104 of this plan provides that the consent authority must refer this application to the Roads and Traffic Authority of NSW and must have regard for their comments. The application was referred to the RTA who indicated that they had no objections to the proposal as the road network for the development has previously been approved.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of this plan were considered during the rezoning of the subject land to residential and it was concluded that:

“on the basis of onsite investigations made during the current investigation, the proposed rezoning area in general and the site in particular is considered to have a low potential for contamination and is thus suitable for residential use”. Local Environmental Study for the Proposed Rezoning of Land at Appin Road, Appin.

The Local Environmental Study, however, recommended that any development consent for subdivision of the land include a condition to require any waste deposits on the site to be removed prior to Subdivision Certificate. Conditions are recommended in this regard.

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (1997, No. 2)

This plan does not prescribe any development standards relevant to this development nor does it prescribe any consultation requirements. It does not prohibit this development. The plan contains the following objectives relevant to this application. Assessment comments are provided in regard to each objective.

(2) Environmentally sensitive areas

Policy: The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.

Comment: The land to the west of the site is an environmental sensitive and significant area. The proposal achieves a satisfactory conservation outcome in that this land would become two residual allotments and, in the long term, will be severed from the residential development by the proposed Appin Bypass Road.

(3) Water quality

Policy: Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality

must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the Government these are to be the goals to be achieved under this policy.

Comment: The drainage infrastructure needed to support this proposal is subject to a separate development consent.

(4) Water quantity

Policy: Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment.

Comment: The drainage infrastructure needed to support this proposal is subject to a separate development consent.

(10) Urban development

Policy: All potential adverse environmental impacts of urban development must be assessed and controlled.

Comment: The most probable adverse environmental impacts from a development of this kind are considered in the table below:

Potential Impact	Assessment
Stormwater quantity and quality	The drainage infrastructure needed to support this proposal is subject to a separate development consent.
Dust and aeolian erosion during construction	Conditions are recommended to ensure landscaping is undertaken and managed to minimise this potential adverse environmental and health impact.

Wollondilly Local Environmental Plan, 1991

The subject land is located in four different zones under Wollondilly Local Environmental Plan, 1991. The four zones and a description of the development proposed in each zone is tabulated below:

Zone No.	Description of Zone	Proposed Development
1(a1)	Rural "A1" Zone	One rural (residual) lot, part of the road lot and part of an open space lot.
2(a)	Residential "A" Zone	All of the proposed residential lots, seven (7) of the proposed open space lots, part of the remaining open space lot and part of the road lot.
7(f)	Environmental Protection "F" (Biodiversity Conservation) Zone	A single residual allotment shared with the 9(b) zone.
9(b)	Arterial Road Reservation Zone	A single residual allotment shared with the 7(f) zone.

The proposed development is characterised as a **Subdivision** under this plan. Development for this purpose is permissible within the subject zone with development consent.

Clause 10 of this plan provides that

"Except as otherwise provided by this plan, the council shall not grant consent to the carrying out of development on land to which this plan applies unless the council is of the opinion that the carrying out of the development is consistent with the objectives of the zone within which the development is proposed to be carried out."

The objectives of the subject zones are considered in the table below:

Zone	Objective	Comment
1(a1)	<i>"(a) to protect the agricultural potential of rural land and to prevent fragmentation of viable rural holdings,"</i>	The proposed subdivision will result in a decrease in the size of the residual rural allotment by 1.5%. It is considered that the benefits of having the stormwater treatment device on its own public reserve allotment justify this slight loss of available agricultural land.
	<i>"(b) to prevent inappropriate, premature and sporadic subdivisions and to ensure consolidation of urban areas so as to enhance the prospect of economic provision of services,"</i>	The proposal is consistent with this objective as detailed under the consideration of the applicant's objection under State Environmental Planning Policy No. 1 – Development Standards.
	<i>"(c) to prevent, on the fringe of urban areas, subdivision of land into small lots which would prejudice the proper layout of additional urban areas as a result of natural growth,"</i>	The proposal will not result in fragmentation of the land within this zone.
	<i>"(d) to retain the scenic quality and overall character of the land,"</i>	The proposal will not result in any change in the current or potential land uses of the rural land.
	<i>"(e) to encourage agricultural activities that are within the rural capability of the land."</i>	The proposal will not significantly hinder the carrying out of agriculture on the land within this zone.
2(a)	<i>"To provide an environment primarily for detached housing and to ensure that the range of other development permitted in a residential area is compatible with the residential environment."</i>	The proposal will result in a landscape that will be consistent with this objective.
7(f)	<i>"(a) to identify and manage land for the principal purpose of biodiversity protection, and"</i>	The proposal will result in all of the land within this zone being a single allotment. It is considered that this is the most effective way of achieving these objectives.
	<i>"(b) to conserve, restore and enhance native flora and fauna habitat and the ecological viability of land, and"</i>	
	<i>"(c) to enable the development of land within the zone only where it can be shown that the development will not destroy, damage or compromise the extent, quality or integrity of the ecological attributes of the land."</i>	

Zone	Objective	Comment
9(b)	<i>The objective of this zone is to identify and protect land intended to be acquired for new arterial roads or the widening of existing arterial roads.</i>	The subject land will comprise a single allotment suitable for acquisition by the Roads and Traffic Authority of NSW in the future.

Adoption of Model Provisions

Clause 7 of Wollondilly Local Environmental Plan, 1991 adopts the Environmental Planning and Assessment Model Provisions, 1980, for the purposes of the Plan. The relevant clauses of these provisions are considered below:

Clause	Comment
Applications in view of waterway, adjacent to arterial road, public reserve or land zoned as Open Space Cl.5 (1)	The proposal is within view of a number of waterways and from Appin Road and will also potentially be visible from the Appin Sports Ground (depending on the heights of buildings and future development of the proposed residual rural lot.
Subdivision – new roads Cl.11	The proposal results in a lot layout that is in <i>reasonable conformity</i> with the existing approved road.
Services Cl.30	Conditions are recommended to require that all required services are provided prior to the release of any Subdivision Certificate.

Other LEP Clauses

The following clauses from Wollondilly Local Environmental Plan, 1991 are relevant to this application and are considered below:

Clause	Comment
Subdivision of land generally (cl.11)	This clause provides that the subdivision may only be undertaken with development consent.
Subdivision of land 1(a1) 1(a2) 1(a3) 1(b) 1(c1)(i-iii) 1(c2) 5(c1) 5(c2) (cl.12, 1-5)	This clause provides a minimum allotment area development standard of 40 hectares for land within the 1(a1) zone. The proposed subdivision does not comply with this control. The applicant had provided a SEPP1 Objection and this objection is considered in detail later in this report.
9(a), 9(b), 9(c), 9(d) & 9(e) zones land acquisition (cl.18,1-7)	This clause provides that the land within the 9(b) zone may be developed for any purpose permissible in an adjoining zone but only with the consent of Council.
Development within mine subsidence district (cl.20, 1-3)	The endorsement of the Mine Subsidence Board has been received and the proposal is hence considered satisfactory in this regard.

Clause	Comment
Supply of services zones 2(a), 2(d), 4(a) & 4(c) (cl.22)	Conditions are recommended to ensure compliance in this regard. The application was referred to Sydney Water who had no objection to the application.
Development along arterial roads (cl.29, 1-2)	The road network for the proposed subdivision has already been approved in consultation with the Roads and Traffic Authority of NSW.
Land subject to bushfire hazards (cl.36)	The NSW Rural Fire Service have issued a Bushfire Safety Authority in satisfaction of this clause.
Development of unsewered land (cl.45)	Conditions are recommended to require provision of reticulated sewer prior to the release of any Subdivision Certificate for this development.

State Environmental Planning Policy No. 1 – Development Standards Objection to Clause 12 of Wollondilly Local Environmental Plan, 1991

The applicant has provided an objection pursuant to State Environmental Planning Policy No. 1 – Development Standards in respect of Clause 12 of Wollondilly Local Environmental Plan, 1991. The grounds advanced by the applicant are supported as outlined below:

Applicant's Objection	Assessor Comment
<i>The variation is an anomaly caused by the topographical features of the site (the low point where the (stormwater treatment) basin needs to be located straddles the zone boundary).</i>	The subject detention basin already has development consent. The placement of this infrastructure on a single public reserve allotment is considered to be a positive outcome.
<i>The variation in minimum lot size will achieve the objectives of this zone – namely to encourage the economic provision of services (stormwater) and encourage the timely subdivision of land on the urban fringe.</i>	The proposed subdivision and dedication of land does achieve the subject zone objective more effectively than could be achieved by strict compliance with the standard.
<i>If the control is enforced it would ... increase the extent of earthworks.</i>	It is considered that intensifying the extent and depth of earthworks to redesign the topography to suit the zone boundary is a poor planning outcome that would be inconsistent with the relevant objectives of the Act, relevant EPIs and DCPs.
The proposed subdivision will reduce the area of the residual lot by only 0.53 hectares which is a variation of less than 2%. The	It is considered that the subdivision and subsequent dedication of this land will not significantly impact on the ability of the

change is so minimal that it will not impact on the capacity of the land to realise the objectives of the zone.	residual allotment to realise the zone objectives. The only alternative would be to reshape the land within the residential zone or locate the detention basin within the residual allotment. Both alternatives are considered to be poorer outcomes than that proposed.
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2.1.2 Provisions of Relevant Draft Environmental Planning Instruments

Draft Wollondilly Local Environmental Plan, 2009

The land would be split between four different zones under this draft plan. The four zones are RU2, R2, E3 and SP2 Road Reservation. Each zone is equivalent to an existing zone under Wollondilly Local Environmental Plan, 1991 and applies to the same area of land as its equivalent under the 1991 plan.

The proposal would, however, not comply with the minimum allotment area development standard for the land within Zone E3, which is a conservation zone equivalent to the 7(f) Zone under the 1991 LEP. It is considered, however, that the excision of this land from the residentially zoned land is an entirely appropriate action with regard to the objectives of both the current and proposed zone.

2.1.3 Provisions of Relevant Development Control Plans

Development Control Plan for the Notification and Advertising of Development Proposals

This plan provides that the subject development is **advertised development** within the meaning of the Environmental Planning and Assessment Act, 1979. The application was advertised and notified accordingly.

Development Control Plan No. 46 – Management of Contaminated Land

This plan seeks to provide further guidance to the assessment of contaminated land matters beyond that contained in State Environmental Planning Policy No. 55 – Remediation of Land. As previously discussed in the assessment of this proposal under this SEPP it has been concluded that the proposal is satisfactory in this regard subject to conditions of consent.

Development Control Plan No. 36 – Development in Rural Areas

This plan applies to development within Zone No. 1(a1) Rural “A1” Zone and contains the following provisions relevant to this proposal.

Relevant Provisions	Comment
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Relevant Provisions	Comment
2. Environmental Protection	The potential environmental impacts of the drainage and road works proposed have already been assessed and conditions imposed as a part of the development consent for the infrastructure works. No further conditions are required in this regard.
3. Roads	The proposed road within the subject zone is satisfactory with regard to the provisions of this plan.
5. Subdivision	This section refers to the provisions of Wollondilly Local Environmental Plan, 1991, which are separately assessed in this report. It does not contain any other provisions relevant to this proposal.
6. Residential Development	No residential development is proposed within the subject zone.
7. Non-Rural Development	The establishment of a detention basin and public reserve is not "non-rural development" in so far as this section of the DCP is concerned.
8. Services	Conditions are recommended to ensure relevant services are provided prior to Subdivision Certificate.

Development Control Plan No. 50 – Residential Development

This plan applies to land within the Zone No. 2(a) Residential Zone and contains the following provisions relevant to the subject application. It should be noted that the proposal is being assessed as though it were serviced by reticulated sewer as conditions are recommended to require provision of such prior to the release of any Subdivision Certificate.

5.1 Bushfire Protection

The NSW Rural Fire Service have issued a bushfire safety authority in satisfaction of this provision.

5.2 Subdivision Requirements

The plan contains the following controls for subdivisions:

- (a) For standard residential allotments
 - (i) A minimum allotment size of 700m²
 - (ii) A minimum frontage of 15m
- (b) For integrated small lot housing lots
 - (i) A minimum allotment size of 450m²
 - (ii) A minimum frontage and width of 12m

A table of compliance is provided below:

Lot No.	Type of Lot	DCP 50 Min Area Compliance	DCP 50 Min Frontage Compliance	DCP 50 Min Splay Compliance
1000	Standard Residential Lot	Yes	Yes	NA
1001	Standard Residential Lot	Yes	Yes	NA
1002	Standard Residential Lot	Yes	Yes	NA
1003	Standard Residential Lot	Yes	Yes	NA
1004	Standard Residential Lot	Yes	Yes	NA
1005	Standard Residential Lot	Yes	Yes	NA
1006	Standard Residential Lot	Yes	Yes	NA
1007	Standard Residential Lot	Yes	Yes	NA
1008	Standard Residential Lot	Yes	Yes	NA
1009	Standard Residential Lot	Yes	Yes	NA
1010	Standard Residential Lot	Yes	Yes	NA
1011	Standard Residential Lot	Yes	Yes	NA
1012	Standard Residential lot	Yes	Yes	NA
1013	Standard Residential lot	Yes	Yes	NA
1014	Standard Residential lot	Yes	Yes	NA
1015	Standard Residential lot	Yes	Yes	NA
1016	Standard Residential lot	Yes	Yes	NA
1017	Standard Residential lot	Yes	Yes	NA
1018	Standard Residential lot	Yes	Yes	NA
1019	Standard Residential lot	Yes	Yes	NA
1020	Standard Residential lot	Yes	Yes	NA
1021	Standard Residential lot	Yes	Yes	NA
1022	Standard Residential lot	Yes	Yes	NA
1023	Standard Residential lot	Yes	Yes	NA
1024	Standard Residential lot	Yes	Yes	NA
1025	Standard Residential lot	Yes	Yes	NA
1026	Standard Residential lot	Yes	Yes	NA
1027	Standard Residential lot	Yes	Yes	NA
1028	Standard Residential lot	Yes.	Yes.	NA
1029	Standard Residential lot	Yes	Yes	NA
1030	Standard Residential lot	Yes	Yes	NA
1031	Standard Residential lot	Yes	Yes	Yes
1032	Standard Residential lot	Yes	Yes	NA
1033	Standard Residential lot	Yes	Yes	NA
1034	Standard Residential lot	Yes	Yes	NA
1035	Standard Residential lot	Yes	Yes	NA
1036	Integrated Small lot	Yes	Yes	NA
1037	Integrated Small lot	Yes	Yes	NA
1038	Integrated Small lot	Yes	Yes	NA
1039	Integrated Small lot	Yes	Yes	NA
1040	Integrated Small lot	Yes	Yes	NA
1041	Integrated Small lot	Yes	Yes	NA
1042	Integrated Small lot	Yes	Yes	NA
1043	Integrated Small lot	Yes	Yes	NA
1044	Integrated Small lot	Yes.	Yes.	Yes
1045	Integrated Small lot	Yes	Yes	Yes
1046	Integrated Small lot	Yes	Yes	NA
1047	Integrated Small lot	Yes.	Yes.	NA
1048	Integrated Small lot	Yes	Yes	NA
1049	Integrated Small lot	Yes	Yes	NA
1050	Integrated Small lot	Yes	Yes	NA
1051	Integrated Small lot	Yes	Yes	NA

Lot No.	Type of Lot	DCP 50 Min Area Compliance	DCP 50 Min Frontage Compliance	DCP 50 Min Splay Compliance
1052	Integrated Small lot	Yes	Yes	NA
1053	Integrated Small lot	Yes	Yes	NA
1054	Integrated Small lot	Yes	Yes	NA
1055	Integrated Small lot	Yes	Yes	NA
1056	Integrated Small lot	Yes	Yes	Yes
1057	Standard Residential lot	Yes	Yes	Yes
1058	Standard Residential lot	Yes	Yes	NA
1059	Standard Residential lot	Yes	Yes	NA
1060	Standard Residential lot	Yes	Yes	Yes
1061	Standard Residential lot	Yes	Yes	NA
1062	Standard Residential lot	Yes	Yes	NA
1063	Standard Residential lot	Yes	Yes	NA
1064	Standard Residential lot	Yes	Yes	NA
1065	Standard Residential lot	Yes	Yes	NA
1066	Standard Residential lot	Yes	Yes	NA
1067	Standard Residential lot	Yes	Yes	NA
1068	Standard Residential lot	Yes	Yes	Yes
1069	Standard Residential lot	Yes	Yes	NA
1070	Standard Residential lot	Yes	Yes	NA
1071	Standard Residential lot	Yes	Yes	Yes
1072	Standard Residential lot	Yes	Yes	NA
1073	Standard Residential lot	Yes	Yes	NA
1074	Standard Residential lot	Yes	Yes	NA
1075	Standard Residential lot	Yes	Yes	NA
1076	Standard Residential lot	Yes	Yes	NA
1077	Standard Residential lot	Yes	Yes	NA
1078	Standard Residential lot	Yes	Yes	NA
1079	Standard Residential lot	Yes	Yes	Yes
1080	Standard Residential lot	Yes	Yes	NA
1081	Standard Residential lot	Yes	Yes	NA
1082	Standard Residential lot	Yes	Yes	NA
1083	Standard Residential lot	Yes	Yes	NA
1084	Standard Residential lot	Yes	Yes	NA
1085	Standard Residential lot	Yes	Yes	NA
1086	Standard Residential lot	Yes	Yes	NA
1087	Standard Residential lot	Yes	Yes	NA
1088	Standard Residential lot	Yes	Yes	NA
1089	Integrated Small lot	Yes	Yes	NA
1090	Integrated Small lot	Yes	Yes	Yes
1091	Integrated Small lot	Yes	Yes	NA
1092	Integrated Small lot	Yes	Yes	NA
1093	Standard Residential lot	Yes	Yes	NA
1094	Standard Residential lot	Yes	Yes	NA
1095	Standard Residential lot	Yes	Yes	NA
1096	Standard Residential lot	Yes	Yes	NA
1097	Standard Residential lot	Yes	Yes	NA
1098	Standard Residential lot	Yes	Yes	NA
1099	Standard Residential lot	Yes	Yes	NA
1100	Standard Residential lot	Yes	Yes	NA
1101	Standard Residential lot	Yes	Yes	Yes
1102	Standard Residential lot	Yes	Yes	NA
1103	Standard Residential lot	Yes	Yes	NA
1104	Standard Residential lot	Yes	Yes	NA
1105	Standard Residential lot	Yes	Yes	NA
1106	Standard Residential lot	Yes	Yes	NA

Lot No.	Type of Lot	DCP 50 Min Area Compliance	DCP 50 Min Frontage Compliance	DCP 50 Min Splay Compliance
1107	Standard Residential lot	Yes	Yes	NA
1108	Standard Residential lot	Yes	Yes	NA
1109	Standard Residential lot	Yes	Yes	NA
1110	Standard Residential lot	Yes	Yes	NA
1111	Standard Residential lot	Yes	Yes	NA
1112	Integrated Small lot	Yes	Yes	NA
1113	Integrated Small lot	Yes	Yes	NA
1114	Integrated Small lot	Yes	Yes	NA
1115	Integrated Small lot	Yes	Yes	NA
1116	Standard Residential lot	Yes	Yes	NA
1117	Standard Residential lot	Yes	Yes	NA
1118	Standard Residential lot	Yes	Yes	NA
1119	Standard Residential lot	Yes	Yes	NA
1120	Standard Residential lot	Yes	Yes	NA
1121	Standard Residential lot	Yes	Yes	NA
1122	Standard Residential lot	Yes	Yes	NA
1123	Standard Residential lot	Yes.	Yes.	NA
1124	Standard Residential lot	Yes	Yes	NA
1125	Standard Residential lot	Yes	Yes	NA
1126	Standard Residential lot	Yes	Yes	NA
1127	Standard Residential lot	Yes	Yes	NA
1128	Standard Residential lot	Yes	Yes	NA
1129	Standard Residential lot	Yes	Yes	NA
1130	Standard Residential lot	Yes	Yes	NA
1131	Standard Residential lot	Yes	Yes	NA
1132	Standard Residential lot	Yes	Yes	NA
1133	Standard Residential lot	Yes	Yes	NA
1134	Standard Residential lot	Yes	Yes	NA
1135	Standard Residential lot	Yes	Yes	NA
1136	Standard Residential lot	Yes	Yes	NA
1137	Standard Residential lot	Yes	Yes	NA
1138	Standard Residential lot	Yes	Yes	NA
1139	Standard Residential lot	Yes	Yes	NA
1140	Standard Residential lot	Yes	Yes	NA
1141	Standard Residential lot	Yes	Yes	NA
1142	Standard Residential lot	Yes	Yes	NA
1143	Standard Residential lot	Yes	Yes	NA
1144	Standard Residential lot	Yes	Yes	NA
1145	Standard Residential lot	Yes	Yes	NA
1146	Standard Residential lot	Yes	Yes	NA
1147	Standard Residential lot	Yes	Yes	NA
1148	Standard Residential lot	Yes	Yes	NA
1149	Standard Residential lot	Yes	Yes	NA
1150	Standard Residential lot	Yes	Yes	NA
1151	Standard Residential lot	Yes	Yes	NA
1152	Standard Residential lot	Yes	Yes	NA
1153	Standard Residential lot	Yes	Yes	NA
1154	Standard Residential lot	Yes	Yes	NA
1155	Standard Residential lot	Yes	Yes	NA
1156	Standard Residential lot	Yes	Yes	Yes
1157	Standard Residential lot	Yes	Yes	NA
1158	Standard Residential lot	Yes	Yes	NA
1159	Standard Residential lot	Yes	Yes	Yes
1160	Standard Residential lot	Yes	Yes	NA
1161	Standard Residential lot	Yes	Yes	NA

Lot No.	Type of Lot	DCP 50 Min Area Compliance	DCP 50 Min Frontage Compliance	DCP 50 Min Splay Compliance
1162	Standard Residential lot	Yes	Yes	NA
1163	Standard Residential lot	Yes	Yes	NA
1164	Standard Residential lot	Yes	Yes	NA
1165	Standard Residential lot	Yes	Yes	NA
1166	Standard Residential lot	Yes	Yes	NA
1167	Integrated Small lot	Yes	Yes	Yes
1168	Integrated Small lot	Yes	Yes	NA
1169	Integrated Small lot	Yes.	Yes.	NA
1170	Integrated Small lot	Yes	Yes	NA
1171	Integrated Small lot	Yes	Yes	NA
1172	Integrated Small Corner Lot	Yes	Yes	Yes
1173	Standard Residential lot	Yes	Yes	NA
1174	Standard Residential lot	Yes	Yes	NA
1175	Standard Residential lot	Yes	Yes	NA
1176	Standard Residential lot	Yes	Yes	NA
1177	Standard Residential lot	Yes	Yes	NA
1178	Standard Residential lot	Yes	Yes	NA
1179	Standard Residential lot	Yes	Yes	Yes
1180	Standard Residential lot	Yes.	Yes.	NA
1181	Standard Residential lot	Yes.	Yes.	NA
1182	Standard Residential lot	Yes.	Yes.	Yes
1183	Standard Residential lot	Yes.	Yes.	NA
1184	Standard Residential lot	Yes.	Yes.	NA
1185	Standard Residential lot	Yes	Yes	NA
1186	Standard Residential lot	Yes	Yes	NA
1187	Standard Residential lot	Yes	Yes	NA
1188	Standard Residential lot	Yes	Yes	NA
1189	Standard Residential lot	Yes	Yes	NA
1190	Integrated Small lot	Yes	Yes	Yes
1191	Integrated Small lot	Yes	Yes	NA
1192	Integrated Small lot	Yes	Yes	NA
1193	Integrated Small lot	Yes	Yes	Yes
1194	Integrated Small lot	Yes	Yes	NA
1195	Standard Residential lot	Yes	Yes	NA
1196	Standard Residential lot	Yes	Yes	NA
1197	Standard Residential lot	Yes	Yes	NA
1198	Standard Residential lot	Yes	Yes	NA
1199	Standard Residential lot	Yes	Yes	NA
1200	Standard Residential lot	Yes	Yes	NA
1201	Standard Residential lot	Yes	Yes	NA
1202	Standard Residential lot	Yes	Yes	Yes
1203	Standard Residential lot	Yes	Yes	NA
1204	Standard Residential lot	Yes	Yes	NA
1205	Standard Residential lot	Yes	Yes	Yes
1206	Standard Residential lot	Yes	Yes	NA
1207	Standard Residential lot	Yes	Yes	NA
1208	Standard Residential lot	Yes	Yes	NA
1209	Standard Residential lot	Yes	Yes	NA
1210	Standard Residential lot	Yes	Yes	NA
1211	Standard Residential lot	Yes	Yes	NA
1212	Integrated Small lot	Yes	Yes	NA
1213	Integrated Small lot	Yes	Yes	NA
1214	Integrated Small lot	Yes	Yes	NA
1215	Integrated Small lot	Yes	Yes	Yes
1216	Integrated Small lot	Yes	Yes	NA

Lot No.	Type of Lot	DCP 50 Min Area Compliance	DCP 50 Min Frontage Compliance	DCP 50 Min Splay Compliance
1217	Integrated Small lot	Yes	Yes	NA
1218	Integrated Small lot	Yes	Yes	NA
1219	Integrated Small lot	Yes	Yes	NA
1220	Integrated Small lot	Yes	Yes	NA
1221	Integrated Small lot	Yes	Yes	NA
1222	Integrated Small lot	Yes	Yes	NA
1223	Integrated Small lot	Yes	Yes	NA
1224	Standard Residential Lot	Yes	Yes	NA
1225	Integrated Small lot	Yes	Yes	NA
1226	Integrated Small lot	Yes	Yes	Yes
1227	Integrated Small lot	Yes	Yes	NA
1228	Integrated Small lot	Yes	Yes	NA
1229	Integrated Small lot	Yes	Yes	Yes
1230	Integrated Small lot	Yes	Yes	NA
1231	Integrated Small lot	Yes	Yes	NA
1232	Standard Residential lot	Yes	Yes	NA
1233	Integrated Small lot	Yes	Yes	Yes
1234	Standard Residential lot	Yes	Yes	Yes
1235	Standard Residential lot	Yes	Yes	NA
1236	Standard Residential lot	Yes	Yes	NA
1237	Standard Residential lot	Yes	Yes	NA
1238	Standard Residential lot	Yes	Yes	NA
1239	Standard Residential lot	Yes	Yes	Yes
1240	Standard Residential lot	Yes	Yes	NA
1241	Standard Residential lot	Yes	Yes	Yes
1242	Standard Residential lot	Yes	Yes	NA
1243	Standard Residential lot	Yes	Yes	NA
1244	Integrated Small lot	Yes	Yes	Yes
1245	Integrated Small lot	Yes	Yes	NA
1246	Integrated Small lot	Yes	Yes	NA
1247	Integrated Small lot	Yes	Yes	NA
1248	Integrated Small lot	Yes	Yes	Yes
1249	Standard Residential lot	Yes	Yes	NA
1250	Standard Residential lot	Yes	Yes	NA
1251	Standard Residential lot	Yes	Yes	NA
1252	Standard Residential lot	Yes	Yes	NA
1253	Standard Residential lot	Yes	Yes	NA
1254	Standard Residential lot	Yes	Yes	Yes
1255	Standard Residential lot	Yes	Yes	NA
1256	Standard Residential lot	Yes	Yes	Yes
1257	Standard Residential lot	Yes	Yes	NA
1258	Standard Residential lot	Yes	Yes	NA
1259	Standard Residential lot	Yes	Yes	NA
1260	Standard Residential lot	Yes	Yes	NA
1261	Integrated Small lot	Yes	Yes	Yes
1262	Integrated Small lot	Yes	Yes	NA
1263	Integrated Small lot	Yes	Yes	NA
1264	Integrated Small lot	Yes	Yes	NA
1265	Integrated Small lot	Yes	Yes	Yes
1266	Standard Residential lot	Yes	Yes	NA
1267	Standard Residential lot	Yes	Yes	NA
1268	Standard Residential lot	Yes	Yes	NA
1269	Standard Residential lot	Yes	Yes	NA
1270	Standard Residential lot	Yes	Yes	NA
1271	Standard Residential lot	Yes	Yes	NA

Lot No.	Type of Lot	DCP 50 Min Area Compliance	DCP 50 Min Frontage Compliance	DCP 50 Min Splay Compliance
1272	Integrated Small lot	Yes	Yes	Yes
1273	Integrated Small lot	Yes	Yes	NA
1274	Integrated Small lot	Yes	Yes	NA
1275	Integrated Small lot	Yes	Yes	NA
1276	Integrated Small lot	Yes	Yes	Yes
1277	Standard Residential lot	Yes	Yes	NA
1278	Standard Residential lot	Yes	Yes	NA
1279	Standard Residential lot	Yes	Yes	NA
1280	Standard Residential lot	Yes	Yes	NA
1281	Standard Residential lot	Yes	Yes	NA
1282	Standard Residential lot	Yes	Yes	NA
1283	Standard Residential lot	Yes	Yes	NA
1284	Standard Residential lot	Yes	Yes	NA
1285	Integrated Small lot	Yes	Yes	NA
1286	Integrated Small lot	Yes	Yes	NA
1287	Integrated Small lot	Yes	Yes	Yes
1288	Standard Residential lot	Yes	Yes	NA
1289	Standard Residential lot	Yes	Yes	NA
1290	Standard Residential lot	Yes	Yes	Yes
1291	Standard Residential lot	Yes	Yes	NA
1292	Standard Residential lot	Yes	Yes	NA
1293	Standard Residential lot	Yes	Yes	NA
1294	Standard Residential lot	Yes	Yes	NA
1295	Standard Residential lot	Yes	Yes	NA
1296	Standard Residential lot	Yes	Yes	NA
1297	Standard Residential lot	Yes	Yes	Yes
1298	Standard Residential lot	Yes	Yes	NA
1299	Standard Residential lot	Yes	Yes	NA
1300	Standard Residential lot	Yes	Yes	Yes
1301	Standard Residential lot	Yes	Yes	NA
1302	Standard Residential lot	Yes	Yes	NA
1303	Integrated Small lot	Yes	Yes	NA
1304	Standard Residential lot	Yes	Yes	NA
1305	Integrated Small lot	Yes	Yes	Yes
1306	Integrated Small lot	Yes	Yes	NA
1307	Integrated Small lot	Yes	Yes	NA
1308	Integrated Small lot	Yes	Yes	NA
1309	Integrated Small lot	Yes	Yes	Yes
1310	Standard Residential lot	Yes	Yes	NA
1311	Standard Residential lot	Yes	Yes	NA
1312	Standard Residential lot	Yes	Yes	NA
1313	Standard Residential lot	Yes	Yes	NA
1314	Standard Residential lot	Yes	Yes	NA
1315	Standard Residential lot	Yes	Yes	NA
1316	Standard Residential lot	Yes	Yes	NA
1317	Standard Residential lot	Yes	Yes	NA
1318	Standard Residential lot	Yes	Yes	NA
1319	Standard Residential lot	Yes	Yes	NA
1320	Standard Residential lot	Yes	Yes	NA
1321	Standard Residential lot	Yes	Yes	NA
1322	Standard Residential lot	Yes	Yes	NA
1323	Standard Residential lot	Yes	Yes	NA
1324	Standard Residential lot	Yes	Yes	NA
1325	Standard Residential lot	Yes	Yes	NA
1326	Standard Residential lot	Yes	Yes	NA

Lot No.	Type of Lot	DCP 50 Min Area Compliance	DCP 50 Min Frontage Compliance	DCP 50 Min Splay Compliance
1327	Standard Residential lot	Yes	Yes	NA
1328	Standard Residential lot	Yes	Yes	NA
1329	Standard Residential lot	Yes	Yes	NA
1330	Standard Residential lot	Yes	Yes	NA
1331	Standard Residential lot	Yes	Yes	NA
1332	Standard Residential lot	Yes	Yes	NA
1333	Standard Residential lot	Yes	Yes	NA
1334	Integrated Small lot	Yes	Yes	NA
1335	Integrated Small lot	Yes	Yes	NA
1336	Integrated Small lot	Yes	Yes	NA

For corner allotments the plan provides a minimum splay control of 4m. All proposed corner allotments comply with this control or are irregularly shaped but allow for adequate sight distances for the proposed roads as previously approved. It has been noted that corner allotments are also subject to primary and secondary setbacks that have caused great confusion and difficulty in other residential areas in the Shire. For this reason building envelopes are recommended for these lots so that intending purchasers are forewarned of the requirements for corner allotments.

For integrated small lot housing the plan requires:

“Such size and width is the minimum width which council considers is necessary to satisfy the requirements in terms of access, parking, landscaping, open space and setbacks... The development application for subdivision must be accompanied by details for each proposed allotment of a dwelling envelope, which adequately satisfies minimum area requirements, privacy, solar access and streetscape issues.”

The proposed dwelling envelope for each integrated small lot has been considered both internally and in its context. With one exception, it was found that the proposed dwellings would give rise to a satisfactory outcome in the light of the criteria provided by the plan. The only exception was the proposed dwelling envelope for Proposed Lot 1334. It is considered that the construction of a two-storey dwelling in this location is not acceptable because:

- (a) Being at the rear of an access lane a 2 storey dwelling will potentially create privacy issues for the adjoining Proposed Lot 1333; and
- (b) It adjoins the established Appin Township which has a lower dwelling density than the proposed subdivision.

The recommended conditions of consent provide as follows in this regard:

- The restriction of the following lots to single storey as identified in the applicant's plans:
 - 1036, 1039, 1042, 1046, 1049, 1052, 1055, 1112, 1168, 1171, 1192, 1227, 1229, 1246, 1262, 1264, 1273, 1275, 1307 & 1335.

- The restriction of Proposed Lot 1334 to single storey for the reasons explained above.
- The provision of building envelopes for the following corner allotments to ensure purchasers have adequate warning of the required setbacks:
 - 1090, 1115, 1167, 1190, 1212, 1226, 1230, 1233, 1244, 1248, 1261, 1265, 1272, 1276, 1305 & 1309.
- The provision of restrictions for access driveways on the following proposed lots in accordance with the applicant's plans:
 - Rear lane only vehicle access for 1036 to 1044 and 1046 to 1055.
 - Vehicle access only from the secondary frontage for 1090, 1167, 1212, 1226, 1230, 1233, 1248, 1261, 1265, 1305 & 1309.

It is considered that, subject to these restrictions, the applicant has demonstrated that the proposed allotments can be utilised for dwellings while achieving the objectives raised in the plan. It is considered that a condition to require the construction of particular house designs on particular lots is unreasonable and unnecessary as:

- (a) It will not necessarily achieve a better streetscape outcome as allowing for a wider range of house designs;
- (b) It is likely to result in a large number of applications to modify the consent (if granted) to change the housing designs afterwards; and
- (c) The subject restrictions incorporate the design elements proposed by the applicant that are necessary to achieve the objectives of the plan better than a simple dwelling envelope.

Agricultural Lands Development Control Plan

This plan applies to the part of the site located with Zone No. 1(a1) Rural "A1" Zone under Wollondilly Local Environmental Plan, 1991. The following provisions of this plan are relevant to the application:

C.1 Rural Land Use Conflict

Objectives

1. *To minimise rural land use conflicts with the rural areas of the Wollondilly Local Government Area.*
2. *To ensure that farm operating procedures are in accordance with set guidelines of the respective Acts and Government Department Regulations and best management practices.*

Comment: It is considered that the proposed park land lot will assist in buffering the interface between the residential development and the existing rural land.

C.2 Water Quality And Land Degradation

Objectives

1. *To ensure that developments have minimal impact on the water quality of receiving watercourses.*
2. *To ensure that developments take measures to minimise land degradation.*
3. *To ensure that new development in the vicinity of a watercourse takes into account the Riparian Environment of that water system.*
4. *To minimise the impact of flooding on development.*

Comment: It is considered that locating the relevant drainage infrastructure in a public reserve under the control of Council is a satisfactory outcome with regard to these objectives.

C.3 Rural Landscape

Objectives

1. *To ensure that development has a minimum impact on the rural landscape character of the area.*
2. *To ensure that development takes account of the physical constraints of the land and to promote development in harmony, rather than in conflict, with the environment.*

Comment: The proposed location of the drainage infrastructure is responsive to the physical constraints of the land in order to minimise its impact. This is consistent with this objective.

C.6 Site Landscaping

Objectives

1. *To ensure that new buildings are complementary to the form and characteristics of the surrounding landscape.*
2. *To ensure that suitable trees and shrubs, native to the area where possible are used for screening and landscaping around buildings.*
3. *To encourage best practice bushland management techniques in the creation of vegetated buffer zones.*

Comment: The provision of a public park within this zone is considered satisfactory in this regard.

Poultry Development Control Plan

This plan applies to the subject land and is relevant in so far as there is a poultry farm located approximately 650 metres to the north of the site. It is considered that the farm is unlikely to result in adverse impacts for the following reasons:

- The site is topographically isolated from the poultry farm;
- There is a significant amount of vegetation between the residential zone and the farm; and
- The 650 metre distance between the farm and the zone is substantial.

This being the case it is considered that residents moving into this estate should be warned of the presence of the farm and a condition is recommended in this regard.

2.1.4 Provisions of Relevant Voluntary Planning Agreements

There are no relevant voluntary planning agreements.

2.1.5 Impact of Development

Natural Environment

As detailed throughout this report, it is considered that all potential adverse impacts on the natural environment can be mitigated through the imposition of appropriate conditions of consent.

Built Environment

The proposal would result in the extension of the township of Appin northward. It is considered, however, that the resulting pattern of development would retain Appin's character

Social and Economic Impacts

The proposal will not result in any adverse social or economic impacts within the meaning of the Environmental Planning and Assessment Act, 1979.

2.1.6 Suitability of the Site

The relevant constraints of the site are considered below:

Constraint	Comment
Bushfire Hazard	The application has been supported by the NSW Rural Fire Service, subject to conditions of consent.
Significant Vegetation	The proposal would place the remnant native vegetation on a single allotment with no dwelling entitlement. This is considered to be a satisfactory outcome.

Access to Appin Road	The access arrangements have previously been considered and approved by Council.
Noise from Roads	Conditions are recommended to require progressive noise assessment throughout the development.

2.1.7 Submissions

The subject application was notified to adjoining and nearby land owners and advertised in accordance with Council's Development Control Plan for the notification and advertising of development proposals. Six (6) submissions including one (1) petition were received. An assessment of the concerns raised is provided below:

Submitter Concern	Assessor Comment
The development will be sensitive to noise from the nearby Motorcycle Complex and future complaints may threaten the Complex's operation	A condition of consent is recommended to require a notice to be attached to any contract of sale of the proposed residential lots advising that a motorcycle complex, poultry farm and a paintball complex are located in the vicinity and may give rise to noise during daylight hours.
The proposal will result in 200m ² lots.	The smallest proposed residential allotment is 450m ² . Lots below 700m ² account for approximately one quarter of the lots only.
The proposal is a money making exercise by the developer.	It is considered that the motivations of the developer are not a relevant planning consideration. Rather, it is considered appropriate to assess the proposal on its own merits.
Councils support these developments to increase rate revenue	This statement is not agreed. In any case, however, the consent authority is the Joint Regional Planning Panel and not the Council.
Insufficient public transport infrastructure to support the development	It is considered that the provision of bus services is likely to increase as demand increases by the expansion of the village. It is suggested that the lack of rail infrastructure is not, in itself, sufficient grounds for refusal of this application.

Submitter Concern	Assessor Comment
Insufficient commercial or industrial land to employ future residents.	Appin has benefit of both a commercial and an industrial zone which will both benefit from support of this proposal. It is considered reasonable to conclude that the residents in this proposed development would work within and outside of the Shire consistent with existing trends.
The road network is not adequate to accommodate the development	The proposal has received endorsement from the Roads and Traffic Authority of NSW and Council Engineers. It is considered that the proposal is satisfactory in this regard.
No reticulated sewerage scheme. Who will bear the cost for provision of such a scheme?	The cost of providing sewer is a matter between the sewer authority (Sydney Water) and the applicant. Sydney water has published its proposed arrangements to provide sewer services to Appin.
The blocks will be sold to people from lower socio-economic backgrounds and the lack of recreational infrastructures will lead to increases in crime rates.	The applicant is proposing a mix of lot sizes from 450m ² to over 1000m ² . This represents best practice in planning for socio-cultural diversity.
There is no demand for land in the market.	The subject land has been zoned for residential purposes in order to provide more residential land in the market in an appropriate location. The demand for land existed both at the local environmental plan amendment stage and now.

Submitter Concern	Assessor Comment
Provision of access and services to allotments fronting the proposed intersection of the development's internal road network with Appin Road. Noise from vehicles slowing and accelerating in the vicinity of the proposed roundabout.	There is a substantiated concern that the construction of a new road intersection may impair the function of access and services to rural lots on the opposite side of Appin Road. Concerns have also been raised that adverse noise impacts might also result. It is noted, however, that this intersection has already been approved under the previous infrastructure consent. These matters will, however, be addressed by the Roads and Traffic Authority of NSW and Council as a part of the engineering approvals process for those works. The regional panel is unlikely to be able to address these concerns in the determination of this application.
Street light pollution along Appin Road	The provision of street lighting is not a part of this application as these matters were previously addressed under the already approved infrastructure application.
Construction noise/dust control for the building of infrastructure for this development.	This matter has been addressed under the consent for the infrastructure works.
Mine subsidence risks.	The proposal has been endorsed by the Mine Subsidence Board.
Aversely impact on the rural character of Appin	It is considered that at the conclusion of the development Appin will be a larger, but still rural village.
The proposal will decrease the value of properties in the area.	The proposal is one that, being permissible with development consent, is to be tested as to its merit both in a general sense and as to the amenity impact on individual properties. Fears of a loss of value for properties, fears that may or may not be realised (but which are accepted as genuinely and honestly held) are not matters that the regional panel can take into account in the assessment of a development application.

2.1.8 The Public Interest

Having assessed the application under the relevant provisions of the Environmental Planning and Assessment Act, 1979, it has been concluded that the proposal is satisfactory with regard to the public interest.

2.2 Section 91 Assessment – Integrated Development

2.2.1 Section 12 – Mine Subsidence Compensation Act, 1961

The endorsement of the Mine Subsidence Board was submitted with the application. The application is, therefore, not an “Integrated Development” in this regard.

2.2.2 Section 100B – Rural Fires Act, 1997

The NSW Rural Fire Service have issued a Bushfire Safety Authority under this section of the Rural Fires Act, 1997.

2.3 Section 94 Assessment – Developer Contribution Requirements

The proposal would result in the creation of 337 residential lots and one (1) residual lot with a dwelling entitlement. The subdivision involves five (5) original allotments. This gives rise to a developer contribution for 333 allotments.

ATTACHMENTS

1. Plans
2. Bushfire Safety Authority issued by NSW Rural Fire Service

RECOMMENDATION

That Development Application No. 010.2010.00000455.001 be determined by the granting of development consent subject to the following conditions:

1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.

- (1) Development Consent is granted for the subdivision of Lots: 101 & 102 DP: 1093666, Lot: 201 DP: 749272, Lot: 1 DP: 819972 and Lot: 1 DP: 1133077, located at 165-239 Appin Road and 55 Macquariedale Road APPIN, into residential lots, 8 open space lots, 2 residual lots and one road lot.
- (2) The development shall be staged in accordance with the endorsed staging plan.
- (3) Unless permitted by another condition of this consent or another development consent applying to the land, there shall be no tree clearing unless the vegetation is:
 - (a) Within the footprint of an approved building, access driveway or other structure; or
 - (b) Within three (3) metres of the footprint of an approved building; or
 - (c) preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition **Tree Clearing** has meaning as defined in Wollondilly Tree Preservation Order, 2008.

- (4) Development shall take place in accordance with the endorsed plans 29571PS, prepared by Lockley Land Title Solutions and submitted in respect of Development Application No. 010.2010.00000455.001, except where varied by the following conditions:
- (5) Prior to the sale of any allotment registered under this consent the vendor must notify the purchaser in writing of the proximity of the subdivision to the nearby motorcycle facility, paintball facility, greyhound racing track and poultry farm. Such notification must include a scale map of the locality identifying the subject lot and the location of the relevant proximate land uses.
- (6) Prior to the release of any Subdivision Certificate for allotments created under this consent all rubbish and wastes stockpiled on the site shall be removed and disposed of at a licensed facility.

2. INTEGRATED DEVELOPMENT

These conditions have been imposed to ensure that the development is carried out in accordance with the requirements of other Approval Authorities:

- (1) The conditions of the attached Bushfire Safety Authority issued by the NSW Rural Fire Service are included as conditions of this Consent.

3. INTEGRATED SMALL LOT HOUSING

These conditions have been imposed to ensure that the development of lots with an area less than 700 square metres is undertaken in accordance with the requirements of Development Control Plan No. 50 – Residential Development that relate to lots of that size.

- (1) No dwelling may be constructed or permitted to remain on the following proposed lots unless they are limited to a single storey. In this condition a storey means the space between a floor and a ceiling.
 - 1036, 1039, 1042, 1046, 1049, 1052, 1055, 1112, 1168, 1171, 1192, 1227, 1229, 1246, 1262, 1264, 1273, 1275, 1307, 1334 & 1335.
- (2) No dwelling may be constructed or permitted to remain on the following proposed lots unless they are located wholly within the approved building envelope. The building envelope shall be all land located within the setbacks as identified on the approved plan:
 - 1090, 1115, 1167, 1190, 1212, 1226, 1230, 1233, 1244, 1248, 1261, 1265, 1272, 1276, 1305 & 1309.
- (3) No access driveway may be permitted from the primary road frontage to any dwelling constructed or permitted to remain on Lots 1036 to 1044 and 1046 to 1055. The provision of any access driveway must be from the rear lane only:
- (4) Vehicle access for Lots 1090, 1167, 1212, 1226, 1230, 1233, 1248, 1261, 1265, 1305 & 1309 may be permitted only from the secondary frontage as identified in the endorsed plans.

4. SERVICES

These conditions have been imposed to ensure that an adequate level of services are provided for the development:

- (1) Electricity supply is to be made available to all proposed lots in accordance with the requirements of Integral Energy. In this regard, written confirmation from Integral Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (2) Provision is to be made for the supply of telephone services to all proposed lots in accordance with the requirements of Telstra. In this regard, written confirmation from Telstra Australia that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Subdivision Certificate.
- (3) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneyswater.com.au then refer to “Water Servicing Co-ordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Subdivision Certificate for the development.

- (4) All power and services within the site shall be underground.
- (5) Prior to the release of any Subdivision Certificate for this development reticulated sewer must be provided to reticulate wastewater to a licensed facility. In this regard a pump-out truck system will not be acceptable.
- (6) Prior to the release of any Subdivision Certificate for this development all infrastructure required to service each allotment created must be provided in accordance with the relevant development consent (including Development Consent No. ID522-07) and other approvals. In this condition infrastructure includes roads, shared pathways and drainage.
- (7) In addition to the requirements of Condition 4(6) of this consent shared pathways shall be provided to the following minimum standard:
 - Shared pathway to every street on at least one side of the road; and
 - A continuous link between the development and the Appin Commercial District.

5. SIGNS

These conditions have been imposed to ensure that signs are properly designed, located and maintained so as not to impact upon the existing streetscape.

- (1) There shall be no display of advertising signs on the site unless the sign is exempt development as defined by the Environmental Planning and Assessment Act, 1979 or is subject to a valid development consent.

6. HERITAGE

These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.

- (1) Should any Aboriginal relics be unexpectedly discovered in any area of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with the National Parks and Wildlife Act, 1974.
- (2) Should any historical relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with the Heritage Act 1977.

7. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

- (1) A detailed landscape plan, drawn to scale by a person with horticultural qualifications or similar (such qualifications must be endorsed on the plans) shall be submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. This plan must include the following:
 - (a) All existing and proposed site structures.
 - (b) All existing vegetation.
 - (c) Details of proposed earthworks including mounding, retaining walls and planter boxes.
 - (d) Location, number and type of proposed plant species
 - (e) Details of planting procedure and maintenance.
 - (f) Details of drainage and watering systems
 - (g) Provision of only native species that are endemic to the region.
 - (h) Provision of landscaping to parks and gardens in accordance with the requirements of Council as negotiated in the land dedication process.

NOTE: By resolution of Council on 19 July 2010 all plants used in landscaping must be native species endemic to the area and the planting of conifers is not permitted.

- (2) Landscaping is to be installed in accordance with the approved Plan prior to the release of the subdivision certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.

8. SECTION 94 CONTRIBUTIONS

These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.

- (1) Payment of a Contribution for 23 lots in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate for Stage 1.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$	5 727
(ii)	Open Space, Sport & Recreation (Precinct)	\$	250 493
(iii)	Library & Community Facilities (Shire)	\$	27 025
(iv)	Library & Community Facilities (Precinct)	\$	35 650
(v)	Transport & Traffic (Roads & Intersections)	\$	40 733
(vi)	Transport & Traffic (Cycleways)	\$	7 590
(vii)	Bushfire Protection	\$	690
(viii)	Plan Administration	\$	12 650
TOTAL		\$	380 558

These figures are reviewed quarterly in accordance with the provisions of the Contributions Plan and an updated figure must be obtained from Council at the time of payment.

- (2) Payment of a Contribution for 310 lots in accordance with the Wollondilly Section 94 Contribution Plan 2005, the cost of which will be determined and payable at the time of the release of the Subdivision Certificate for Stage 2.

The current amount payable is:

(i)	Open Space, Sport & Recreation (Shire)	\$	77 190
(ii)	Open Space, Sport & Recreation (Precinct)	\$	3 376 210
(iii)	Library & Community Facilities (Shire)	\$	364 250
(iv)	Library & Community Facilities (Precinct)	\$	480 500
(v)	Transport & Traffic (Roads & Intersections)	\$	549 010
(vi)	Transport & Traffic (Cycleways)	\$	102 300
(vii)	Bushfire Protection	\$	9 300
(x)	Plan Administration	\$	170 500
TOTAL		\$	5 129 260

These figures are reviewed quarterly in accordance with the provisions of the Contributions Plan and an updated figure must be obtained from Council at the time of payment.

9. SUBDIVISION PLANS

These conditions have been imposed:

- (a) To outline the minimum development standards and provide design guidelines for the subdivision of land in the Shire.**
- (b) To outline Council's requirements on work standards for the construction of land subdivision:**
 - (1) A letter from a Registered Surveyor shall be submitted to Council certifying that no services of Public Utility or waste water disposal straddle proposed boundaries after subdivision.
 - (2) Submission to Council of the Linen Plan of Subdivision together with nine (9) copies suitable for certification by the General Manager and lodgement at the Lands Titles Office. A fee for the release of the Subdivision Certificate applies.
 - (3) The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.
 - (4) Building envelopes shall be nominated and indicated on the Linen Plan for each corner lot. The building envelope is to be the area to accommodate construction of a dwelling and shall comply with the relevant front and secondary setbacks found in Development Control Plan No. 50 – Residential Development. A Section 88B Instrument creating appropriate Restrictions as to User on the lots shall be submitted with the linen plan. The Section 88B Instrument shall contain a provision that it may not be extinguished or altered except with the Consent of Wollondilly Shire Council. Details of the Restriction as to User shall be indicated on the Subdivision Certificate and on the Certificate of Title for the land.
 - (5) A Section 88B Instrument shall be prepared which provides for restrictions on the land to achieve compliance with the requirements of Conditions 3(1), 3(2), 3(3) and 3(4) of this consent. The authority to release, vary or modify the restriction shall be Wollondilly Shire Council.
 - (6) Prior to the release of any Subdivision Certificate the applicant must commission and submit an acoustic assessment report for each allotment created. Where that

assessment recommends noise mitigation measures those measures are to be included in an 88B instrument to be annotated on the linen plan of subdivision. The authority to release, vary or modify the restriction shall be Wollondilly Shire Council.

- (7) Existing easements, natural watercourses and dams are to be marked on the Linen Plan of Subdivision.
- (8) The development shall be completed in accordance with the relevant plans and conditions of consent relevant to each stage of the development prior to the release of the Subdivision Certificate for that stage.
- (9) No allotment in Stage 2 that is located north of Stage 1 may be registered until all lots south of Stage 1 have been registered. This condition does not authorise the sub staging of this development beyond that identified in the approved staging plan.

10. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

These conditions are imposed as they are mandatory under the Act.

(1) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES

(1) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- (a) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- (b) Showing the name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- (c) Stating that unauthorised entry to the work site is prohibited.

(2) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(3) This Clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

11. ADVICES

- (1) The land is subject to the provisions of Wollondilly Tree Preservation Order, 2008. Under this order consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of this order. The order may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle Street, Picton.

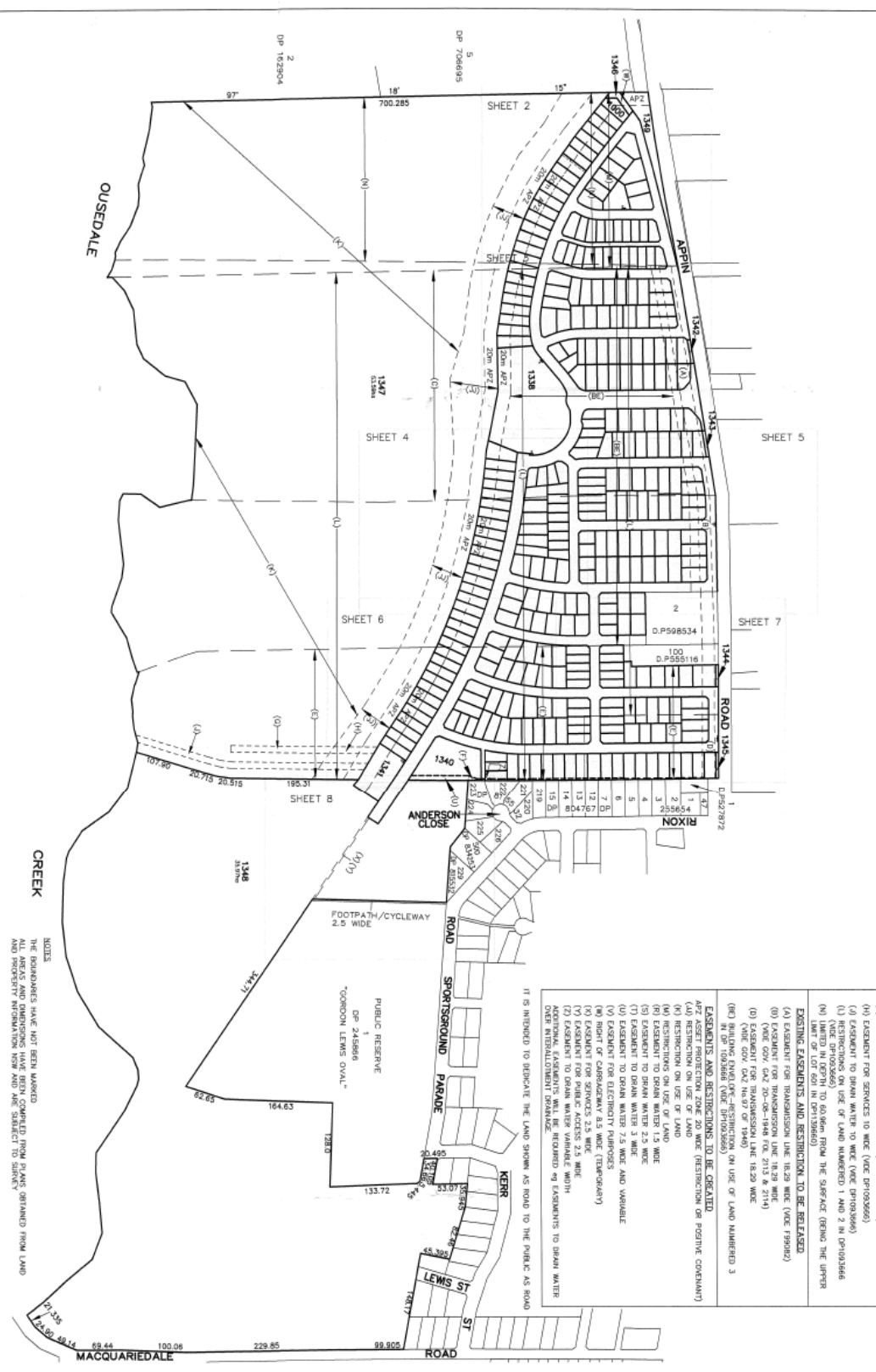
Attachment to Report	
JRPP No.	2010SYW043
DA No.	010.2010.00000445.001
Attachment	Plans



STAGE 1
STAGE 2

SCHEDULE OF LOTS	
LOT No.	DESCRIPTION
1346 (1)	RESIDENTIAL LOTS
1347 (1)	RESIDENTIAL LOTS
1348 (1)	RESIDENTIAL LOTS
1349 (1)	RESIDENTIAL LOTS

EXISTING EASEMENTS, RESTRICTIONS AND EXCEPTIONS TO BE MAINTAINED
(1) EXISTING EASEMENTS TO BE MAINTAINED
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NOTES
THE BOUNDARIES HAVE NOT BEEN MARKED
ALL AREAS AND DIMENSIONS HAVE BEEN OBTAINED FROM LAND
AND PROPERTY INFORMATION NOW AND ARE SUBJECT TO SURVEY



THE GATEWAY

Lot	Description	Proposed Use
1346 (1)	RESIDENTIAL LOTS	RESIDENTIAL LOTS
1347 (1)	RESIDENTIAL LOTS	RESIDENTIAL LOTS
1348 (1)	RESIDENTIAL LOTS	RESIDENTIAL LOTS
1349 (1)	RESIDENTIAL LOTS	RESIDENTIAL LOTS

Walker
Sydney Regional Office
100/101 Pitt Street
Sydney NSW 2000
Tel: (02) 9239 1000
Fax: (02) 9239 1001
www.walker.com.au

LOCKEY LAND TITLE
Sydney Regional Office
100/101 Pitt Street
Sydney NSW 2000
Tel: (02) 9239 1000
Fax: (02) 9239 1001
www.lockey.com.au

GILES TRIBE ARCHITECTS
Sydney Regional Office
100/101 Pitt Street
Sydney NSW 2000
Tel: (02) 9239 1000
Fax: (02) 9239 1001
www.giles.com.au

HYDER CONSULTING
Sydney Regional Office
100/101 Pitt Street
Sydney NSW 2000
Tel: (02) 9239 1000
Fax: (02) 9239 1001
www.hyder.com.au

PLAN OF PROPOSED SUBDIVISION OF
LOT 1346 (1) AND LOT 1347 (1) IN DP108866
LOT 201 IN DP748272 AND LOT 1
IN DP189872


DEVELOPMENT APPLICATION
Form 1
26705

Attachment to Report	
JRPP No.	2010SYW043
DA No.	010.2010.00000445.001
Attachment	Bushfire Safety Authority from NSW Rural Fire Service

All communications to be addressed to:

Headquarters 15 Carter Street Lidcombe NSW 2141	Headquarters Locked Bag 17 Granville NSW 2142
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Telephone: 8741 5175 Facsimile: 8741 5433
e-mail: development.assessment@rfs.nsw.gov.au



The General Manager
Wollondilly Shire Council
PO Box 21
Picton NSW 2571

WOLLONDILLY SHIRE COUNCIL

DATE RECEIVED

24 AUG 2010

TRIM NO. DA 10/7110

ASSIGNED TO: Rokobauer

Your Ref: 010.2010.00000455.00
Our Ref: D10/1371
DA10080471590 DS

ATTENTION: G S Rokobauer 23 August 2010

Dear Mrs Rokobauer

Integrated Development for Lots 101 & 102//1093666, Lots 201//749272, 11//819972 & 1//1133077 205-225, 175, 239 Appin Road Appin & 55 Macquariedale Road Appin

I refer to your letter dated 27 July 2010 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:

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

1. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

2. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

Design and Construction

Page 1 of 2

JRPP

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