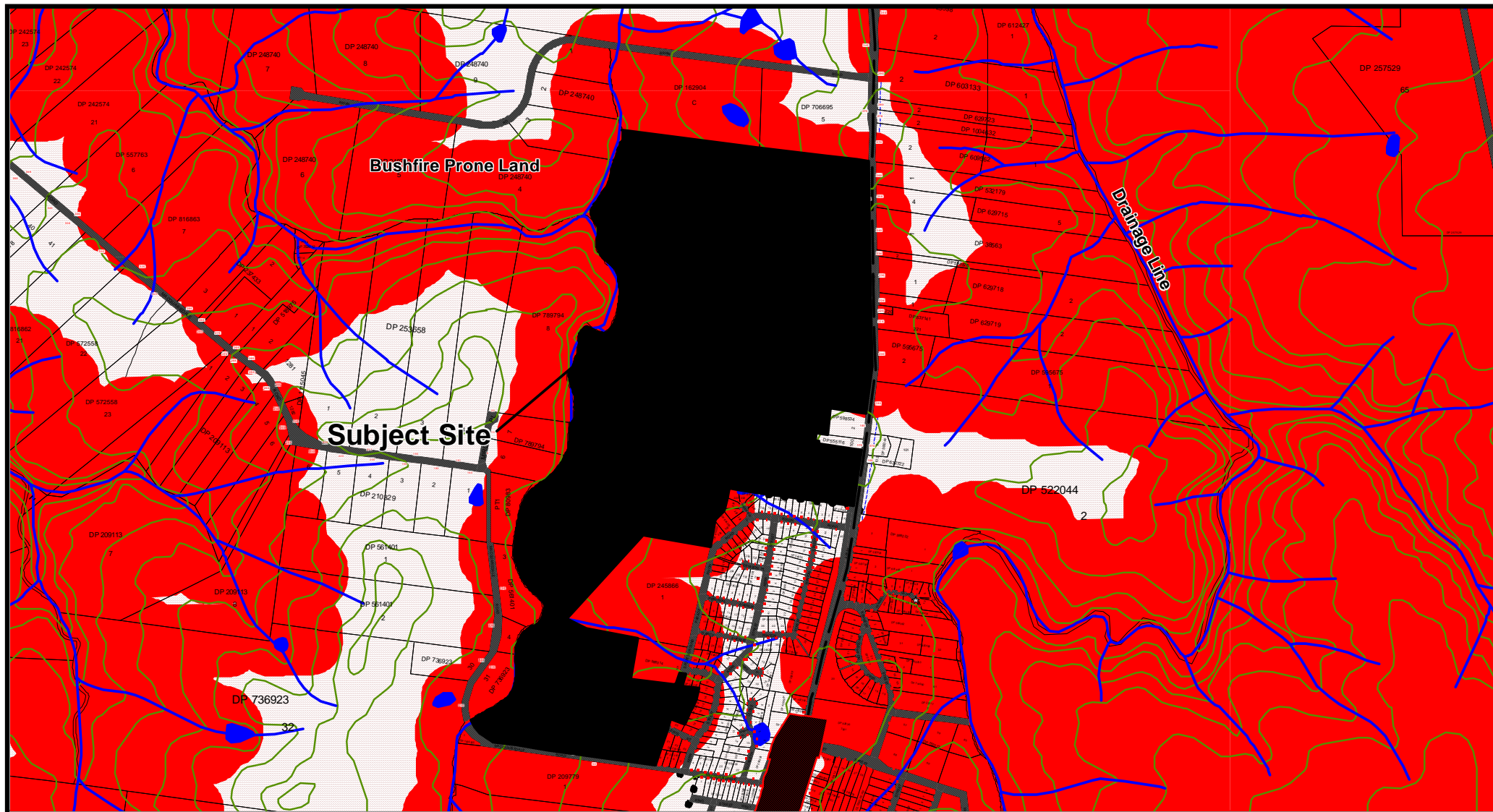


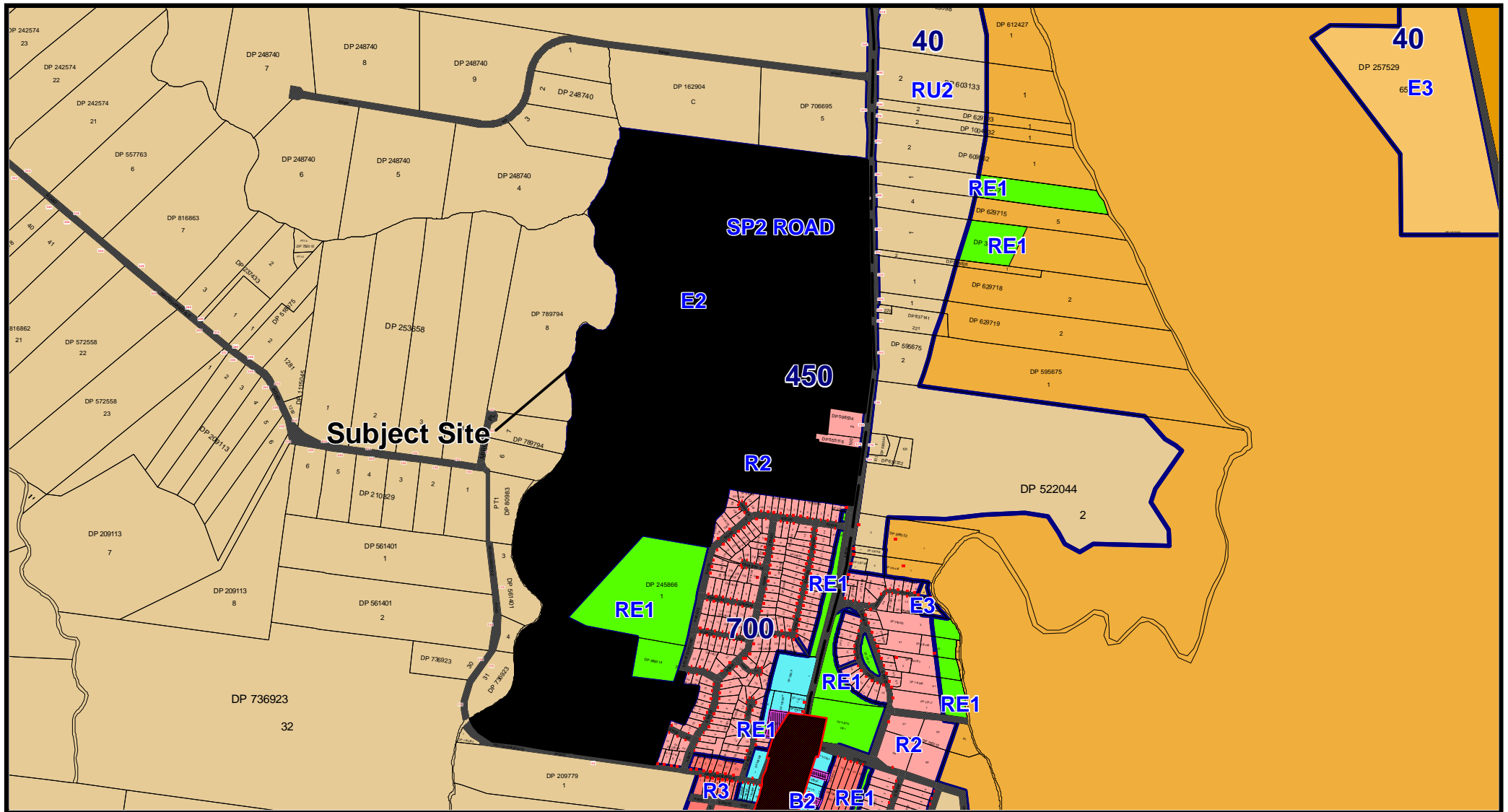
JRPP No.	2011SYW070
Application to Modify Development Consent No.	010.2010.00000445.002
Site	Appin Road, Appin Lots: 101 & 102 DP: 1093666, Lot: 201 DP: 749272, Lot: 1 DP: 819972, Lot: 1 DP: 1133077
Proposal	Amend lot layout
Applicant	Walker Corporation

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 proposed amendments to Development Consent No. 010.2010.00000445.001 which approved 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 original development application was reported to the Joint Regional Planning Panel and this application to modify the consent (No. 010.2010.00000445.002) is reported to the panel for determination because it has been lodged under Section 96(2) of the Act.

The subject application was notified to previous objectors in accordance with Council's Development Control Plan for the Notification and Advertising of Development Proposals. No submissions 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 and the conditions of the consent be modified.

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 an amended Bushfire Safety Authority under Section 100B of the Rural Fires Act, subject to conditions.

NSW Roads and Traffic Authority – Requested a safety audit of the proposed roundabout intersection at Appin Road. This audit has been satisfactorily provided.

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

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 as amended on 20 June 2001 by Application to Modify Development Consent 010.2007.00060454.002. This consent authorised the carrying out of infrastructure works including the construction of roads and stormwater drainage infrastructure.

Sydney Water Corporation has 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 Approved Development

The proposal is to subdivide the land into 337 residential lots, 8 open space lots, 2 residual lots and one road lot. A copy of the approved lot layout is attached to this report.

1.4 Description of Proposed Modification

The following changes are proposed:

- Decrease the number of lots from 337 to 336;
- Reconfigure the allotments, deleting a rear laneway and other minor lot boundary changes;
- Increasing the number of stages from 2 to 4; and
- Widening the road reserve in the vicinity of the Appin Road access point to allow the roundabout to move closer to the subdivision (this has been done to improve access to properties on the opposite side of Appin Road).

ASSESSMENT OF PROPOSAL

2.1 Section 96(2) Assessment – Matters for Consideration

(a) The development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all).

The proposed amendments result in a reconfiguration of the approved lots. It does not change the number of lots nor does it substantially alter the design of the subdivision of a whole. The amended design is substantially the same as the approved design and is within the scope of an application under Section 96(2).

(b) Consultation with the relevant Minister, public authority or approval body (within the meaning of Division 5) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent,

The application to modify has been referred to the following authorities who have concurred with the proposal:

- NSW Mine Subsidence Board
- NSW Rural Fire Service
- The Roads and Traffic Authority of NSW

(c) & (d) Notification and submissions

The application has been notified in accordance with Council's Development Control Plan and no submissions were received.

2.2 Section 79C Assessment – Matters for Consideration

2.2.1 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 to their comments. The application was referred to the RTA who requested a safety audit of the proposed roundabout intersection at Appin Road. This audit has been satisfactorily provided.

State Environmental Planning Policy No. 55 – Remediation of Land

No further matters arise.

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

No further matters arise.

Wollondilly Local Environmental Plan, 1991

No further matters arise. It is noted that the application will still rely on the objection under State Environmental Planning Policy No. 1 – Development Standards that was submitted with the original development application. This objection is still equally relevant to the amended proposal as it was to the original.

2.2.2 Provisions of Relevant Draft Environmental Planning Instruments

Draft Wollondilly Local Environmental Plan, 2009

No further matters arise.

2.2.3 Provisions of Relevant Development Control Plans

Development Control Plan for the Notification and Advertising of Development Proposals

This plan provides that the subject application must be notified to those who made submissions to the original development application. This was undertaken and no further submissions were received.

Development Control Plan No. 46 – Management of Contaminated Land

No further matters arise.

Development Control Plan No. 36 – Development in Rural Areas

No further matters arise.

Development Control Plan No. 50 – Residential Development

The proposal does not give rise to any new non-compliances or inconsistencies with this plan. 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	Integrated small lot	Yes	Yes	NA
1001	Integrated small 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	Integrated small lot	Yes	Yes	NA
1008	Integrated small lot	Yes	Yes	NA
1009	Integrated small lot	Yes	Yes	Yes
1010	Standard residential lot	Yes	Yes	Yes
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	Integrated small lot	Yes	Yes	Yes
1018	Integrated small lot	Yes	Yes	NA
1019	Integrated small lot	Yes	Yes	NA
1020	Standard residential lot	Yes	Yes	NA
1021	Standard residential lot	Yes	Yes	Yes
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	Integrated small 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

Lot No.	Type of Lot	DCP 50 Min Area Compliance	DCP 50 Min Frontage Compliance	DCP 50 Min Splay Compliance
1034	Standard residential lot	Yes	Yes	NA
1035	Standard residential lot	Yes	Yes	NA
1036	Standard residential lot	Yes	Yes	NA
1037	Standard residential lot	Yes	Yes	NA
1038	Standard residential lot	Yes	Yes	NA
1039	Integrated small lot	Yes	Yes	Yes
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	NA
2000	Standard residential lot	Yes	Yes	NA
2001	Standard residential lot	Yes.	Yes.	NA
2002	Standard residential lot	Yes	Yes	NA
2003	Standard residential lot	Yes	Yes	NA
2004	Standard residential lot	Yes	Yes	NA
2005	Standard residential lot	Yes	Yes	NA
2006	Standard residential lot	Yes	Yes	NA
2007	Standard residential lot	Yes	Yes	NA
2008	Standard residential lot	Yes	Yes	NA
2009	Standard residential lot	Yes	Yes	NA
2010	Standard residential lot	Yes	Yes	NA
2011	Standard residential lot	Yes	Yes	NA
2012	Standard residential lot	Yes	Yes	NA
2013	Standard residential lot	Yes	Yes	NA
2014	Standard residential lot	Yes	Yes	NA
2015	Integrated small lot	Yes	Yes	NA
2016	Integrated small lot	Yes	Yes	NA
2017	Integrated small lot	Yes	Yes	NA
2018	Standard residential lot	Yes	Yes	NA
2019	Standard residential lot	Yes	Yes	NA
2020	Standard residential lot	Yes	Yes	NA
2021	Standard residential lot	Yes	Yes	Yes
2022	Standard residential lot	Yes	Yes	NA
2023	Integrated small lot	Yes	Yes	NA
2024	Integrated small lot	Yes	Yes	NA
2025	Integrated small lot	Yes	Yes	Yes
2026	Standard residential lot	Yes	Yes	NA
2027	Standard residential lot	Yes	Yes	NA
2028	Standard residential lot	Yes	Yes	NA
2029	Integrated small lot	Yes	Yes	NA
2030	Integrated small lot	Yes	Yes	NA
2031	Integrated small lot	Yes	Yes	NA
2032	Integrated small lot	Yes	Yes	NA
2033	Integrated small lot	Yes	Yes	NA
2034	Integrated small lot	Yes	Yes	Yes
2035	Integrated small lot	Yes	Yes	NA
2036	Integrated small lot	Yes	Yes	NA
2037	Standard residential lot	Yes	Yes	NA
2038	Standard residential lot	Yes	Yes	NA
2039	Standard residential lot	Yes	Yes	NA
2040	Standard residential lot	Yes	Yes	NA
2041	Standard residential lot	Yes	Yes	NA
2042	Standard residential lot	Yes	Yes	NA
2043	Standard residential lot	Yes	Yes	NA
2044	Standard residential lot	Yes	Yes	NA
2045	Standard residential lot	Yes	Yes	Yes

Lot No.	Type of Lot	DCP 50 Min Area Compliance	DCP 50 Min Frontage Compliance	DCP 50 Min Splay Compliance
2046	Standard residential lot	Yes	Yes	Yes
2047	Standard residential lot	Yes	Yes	NA
2048	Standard residential lot	Yes	Yes	NA
2049	Standard residential lot	Yes	Yes	Yes
2050	Standard residential lot	Yes	Yes	NA
2051	Standard residential lot	Yes	Yes	NA
2052	Standard residential lot	Yes	Yes	NA
2053	Standard residential lot	Yes	Yes	NA
2054	Standard residential lot	Yes	Yes	NA
2055	Standard residential lot	Yes	Yes	NA
2056	Standard residential lot	Yes	Yes	NA
2057	Integrated small lot	Yes	Yes	Yes
2058	Integrated small lot	Yes	Yes	NA
2059	Integrated small lot	Yes	Yes	NA
2060	Integrated small lot	Yes	Yes	NA
2061	Integrated small lot	Yes	Yes	Yes
2062	Standard residential lot	Yes	Yes	NA
2063	Standard residential lot	Yes	Yes	NA
2064	Standard residential lot	Yes	Yes	NA
2065	Standard residential lot	Yes	Yes	NA
2066	Standard residential lot	Yes	Yes	NA
2067	Standard residential lot	Yes	Yes	NA
2068	Standard residential lot	Yes	Yes	NA
2069	Integrated small lot	Yes	Yes	NA
2070	Integrated small lot	Yes	Yes	NA
2071	Integrated small lot	Yes	Yes	NA
2072	Integrated small lot	Yes	Yes	Yes
2073	Integrated small lot	Yes	Yes	NA
2074	Integrated small lot	Yes	Yes	Yes
2075	Integrated small lot	Yes	Yes	NA
2076	Integrated small lot	Yes	Yes	NA
2077	Integrated small lot	Yes.	Yes.	NA
2078	Integrated small lot	Yes	Yes	NA
2079	Integrated small lot	Yes	Yes	NA
2080	Standard residential lot	Yes	Yes	Yes
3000	Standard residential lot	Yes	Yes	NA
3001	Standard residential lot	Yes	Yes	NA
3002	Standard residential lot	Yes	Yes	NA
3003	Standard residential lot	Yes	Yes	NA
3004	Standard residential lot	Yes	Yes	NA
3005	Standard residential lot	Yes	Yes	NA
3006	Standard residential lot	Yes	Yes	NA
3007	Standard residential lot	Yes	Yes	NA
3008	Standard residential lot	Yes	Yes	NA
3009	Standard residential lot	Yes	Yes	NA
3010	Standard residential lot	Yes	Yes	NA
3011	Standard residential lot	Yes	Yes	NA
3012	Standard residential lot	Yes	Yes	NA
3013	Standard residential lot	Yes	Yes	NA
3014	Standard residential lot	Yes	Yes	NA
3015	Standard residential lot	Yes	Yes	NA
3016	Standard residential lot	Yes	Yes	NA
3017	Standard residential lot	Yes	Yes	Yes
3018	Standard residential lot	Yes	Yes	NA
3019	Standard residential lot	Yes	Yes	NA
3020	Standard residential lot	Yes	Yes	NA
3021	Standard residential lot	Yes	Yes	NA
3022	Standard residential lot	Yes	Yes	Yes
3023	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
3024	Integrated small lot	Yes	Yes	Yes
3025	Standard residential lot	Yes	Yes	NA
3026	Standard residential lot	Yes	Yes	NA
3027	Standard residential lot	Yes	Yes	Yes
3028	Standard residential lot	Yes	Yes	NA
3029	Standard residential lot	Yes	Yes	NA
3030	Standard residential lot	Yes	Yes	NA
3031	Standard residential lot	Yes	Yes	NA
3032	Standard residential lot	Yes	Yes	NA
3033	Standard residential lot	Yes	Yes	NA
3034	Integrated small lot	Yes	Yes	Yes
3035	Integrated small lot	Yes	Yes	NA
3036	Integrated small lot	Yes	Yes	NA
3037	Integrated small lot	Yes	Yes	Yes
3038	Standard residential lot	Yes	Yes	NA
3039	Standard residential lot	Yes	Yes	NA
3040	Standard residential lot	Yes	Yes	NA
3041	Standard residential lot	Yes	Yes	NA
3042	Standard residential lot	Yes.	Yes.	NA
3043	Standard residential lot	Yes	Yes	Yes
3044	Integrated small lot	Yes	Yes	NA
3045	Integrated small lot	Yes	Yes	Yes
3046	Integrated small lot	Yes	Yes	Yes
3047	Integrated small lot	Yes	Yes	NA
3048	Standard residential lot	Yes	Yes	NA
3049	Standard residential lot	Yes	Yes	NA
3050	Integrated small lot	Yes	Yes	NA
3051	Integrated small lot	Yes	Yes	NA
3052	Integrated small lot	Yes	Yes	NA
3053	Integrated small lot	Yes.	Yes.	NA
3054	Standard residential lot	Yes.	Yes.	NA
3055	Standard residential lot	Yes.	Yes.	NA
3056	Standard residential lot	Yes.	Yes.	Yes
3057	Standard residential lot	Yes.	Yes.	NA
3058	Standard residential lot	Yes	Yes	NA
3059	Standard residential lot	Yes	Yes	NA
3060	Standard residential lot	Yes	Yes	NA
3061	Standard residential lot	Yes	Yes	NA
3062	Standard residential lot	Yes	Yes	NA
3063	Standard residential lot	Yes	Yes	NA
3064	Standard residential lot	Yes	Yes	NA
3065	Standard residential lot	Yes	Yes	NA
3066	Integrated small lot	Yes	Yes	Yes
3067	Integrated small lot	Yes	Yes	NA
3068	Integrated small lot	Yes	Yes	NA
3069	Integrated small lot	Yes	Yes	NA
3070	Integrated small lot	Yes	Yes	Yes
3071	Standard residential lot	Yes	Yes	NA
3072	Standard residential lot	Yes	Yes	NA
3073	Standard residential lot	Yes	Yes	NA
3074	Standard residential lot	Yes	Yes	NA
3075	Standard residential lot	Yes	Yes	NA
3076	Standard residential lot	Yes	Yes	NA
3077	Standard residential lot	Yes	Yes	NA
3078	Standard residential lot	Yes	Yes	NA
3079	Standard residential lot	Yes	Yes	Yes
3080	Integrated small lot	Yes	Yes	NA
3081	Integrated small lot	Yes	Yes	NA
3082	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
3083	Integrated small lot	Yes	Yes	NA
3084	Integrated small lot	Yes	Yes	NA
3085	Standard residential lot	Yes	Yes	NA
3086	Standard residential lot	Yes	Yes	Yes
3087	Standard residential lot	Yes	Yes	NA
3088	Standard residential lot	Yes	Yes	Yes
3089	Standard residential lot	Yes	Yes	NA
3090	Standard residential lot	Yes	Yes	NA
3091	Standard residential lot	Yes	Yes	NA
3092	Standard residential lot	Yes	Yes	NA
3093	Standard residential lot	Yes	Yes	NA
3094	Standard residential lot	Yes	Yes	NA
3095	Integrated small lot	Yes	Yes	Yes
3096	Integrated small lot	Yes	Yes	NA
3097	Integrated small lot	Yes	Yes	NA
3098	Integrated small lot	Yes	Yes	Yes
3099	Standard residential lot	Yes	Yes	NA
3100	Standard residential lot	Yes	Yes	NA
3101	Standard residential lot	Yes	Yes	NA
3102	Standard residential lot	Yes	Yes	NA
3103	Standard residential lot	Yes	Yes	NA
3104	Standard residential lot	Yes	Yes	NA
3105	Standard residential lot	Yes	Yes	NA
3106	Standard residential lot	Yes	Yes	NA
3107	Standard residential lot	Yes	Yes	NA
3108	Standard residential lot	Yes	Yes	NA
3109	Standard residential lot	Yes	Yes	NA
3110	Standard residential lot	Yes	Yes	NA
3111	Standard residential lot	Yes	Yes	NA
3112	Standard residential lot	Yes	Yes	NA
3113	Standard residential lot	Yes	Yes	NA
3114	Standard residential lot	Yes	Yes	NA
3115	Standard residential lot	Yes	Yes	NA
3116	Integrated small lot	Yes	Yes	NA
3117	Integrated small lot	Yes	Yes	NA
3118	Integrated small lot	Yes	Yes	Yes
4000	Standard residential lot	Yes	Yes	NA
4001	Standard residential lot	Yes	Yes	NA
4002	Standard residential lot	Yes	Yes	NA
4003	Standard residential lot	Yes	Yes	NA
4004	Standard residential lot	Yes	Yes	NA
4005	Standard residential lot	Yes	Yes	NA
4006	Standard residential lot	Yes	Yes	NA
4007	Standard residential lot	Yes	Yes	NA
4008	Standard residential lot	Yes	Yes	NA
4009	Standard residential lot	Yes	Yes	NA
4010	Standard residential lot	Yes	Yes	NA
4011	Standard residential lot	Yes	Yes	NA
4012	Standard residential lot	Yes	Yes	NA
4013	Standard residential lot	Yes	Yes	NA
4014	Standard residential lot	Yes	Yes	NA
4015	Standard residential lot	Yes	Yes	NA
4016	Standard residential lot	Yes	Yes	NA
4017	Standard residential lot	Yes	Yes	NA
4018	Standard residential lot	Yes	Yes	NA
4019	Standard residential lot	Yes	Yes	NA
4020	Standard residential lot	Yes	Yes	NA
4021	Standard residential lot	Yes	Yes	NA
4022	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
4023	Standard residential lot	Yes	Yes	NA
4024	Standard residential lot	Yes	Yes	NA
4025	Standard residential lot	Yes	Yes	Yes
4026	Standard residential lot	Yes	Yes	NA
4027	Standard residential lot	Yes	Yes	NA
4028	Standard residential lot	Yes	Yes	NA
4029	Standard residential lot	Yes	Yes	NA
4030	Standard residential lot	Yes	Yes	Yes
4031	Standard residential lot	Yes	Yes	NA
4032	Standard residential lot	Yes	Yes	NA
4033	Standard residential lot	Yes	Yes	Yes
4034	Standard residential lot	Yes	Yes	NA
4035	Standard residential lot	Yes	Yes	NA
4036	Standard residential lot	Yes	Yes	NA
4037	Standard residential lot	Yes	Yes	NA
4038	Standard residential lot	Yes	Yes	NA
4039	Standard residential lot	Yes	Yes	NA
4040	Standard residential lot	Yes	Yes	NA
4041	Standard residential lot	Yes	Yes	Yes
4042	Integrated small lot	Yes	Yes	NA
4043	Integrated small lot	Yes	Yes	NA
4044	Integrated small lot	Yes	Yes	Yes
4045	Integrated small lot	Yes	Yes	NA
4046	Integrated small lot	Yes	Yes	NA
4047	Standard residential lot	Yes	Yes	NA
4048	Integrated small lot	Yes	Yes	NA
4049	Integrated small lot	Yes	Yes	NA
4050	Integrated small lot	Yes	Yes	NA
4051	Integrated small lot	Yes	Yes	NA
4052	Integrated small lot	Yes	Yes	NA
4053	Integrated small lot	Yes	Yes	NA
4054	Standard residential lot	Yes	Yes	NA
4055	Standard residential lot	Yes	Yes	Yes
4056	Standard residential lot	Yes	Yes	NA
4057	Standard residential lot	Yes	Yes	NA
4058	Standard residential lot	Yes	Yes	Yes
4059	Standard residential lot	Yes	Yes	NA
4060	Standard residential lot	Yes	Yes	NA
4061	Integrated small lot	Yes	Yes	NA
4062	Integrated small lot	Yes	Yes	NA
4063	Integrated small lot	Yes	Yes	NA
4064	Integrated small lot	Yes	Yes	NA
4065	Integrated small lot	Yes	Yes	NA
4066	Integrated small lot	Yes	Yes	NA
4067	Integrated small lot	Yes	Yes	NA
4068	Integrated small lot	Yes	Yes	Yes
4069	Integrated small lot	Yes	Yes	NA
4070	Integrated small lot	Yes	Yes	NA
4071	Integrated small lot	Yes	Yes	Yes
4072	Integrated small lot	Yes	Yes	NA
4073	Integrated small lot	Yes	Yes	NA
4074	Integrated small lot	Yes	Yes	NA
4075	Standard residential lot	Yes	Yes	NA
4076	Standard residential lot	Yes	Yes	NA
4077	Standard residential lot	Yes	Yes	NA
4078	Standard residential lot	Yes	Yes	NA
4079	Standard residential lot	Yes	Yes	NA
4080	Standard residential lot	Yes	Yes	NA
4081	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
4082	Standard residential lot	Yes	Yes	NA
4083	Standard residential lot	Yes	Yes	NA
4084	Standard residential lot	Yes	Yes	NA
4085	Standard residential lot	Yes	Yes	NA
4086	Standard residential lot	Yes	Yes	NA
4087	Standard residential lot	Yes	Yes	NA
4088	Standard residential lot	Yes	Yes	NA
4089	Standard residential lot	Yes	Yes	Yes

As was the case with the previous proposal, 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.

As was the case in for the approved proposal, it is considered that, subject to restrictions being imposed on the land, the applicant has demonstrated that the integrated small lot 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 restrictions currently in place on the consent can be adjusted for the new design achieving the same outcome as previously approved by the panel.

The applicant has further requested to modify approved conditions that restricted a number of allotments to single storey so that it only would apply to the integrated small lots adjoining the established Appin residential area. In response to this request the proposed lots have been assessed afresh in terms of the appropriateness of retaining this requirement. It is considered that the character of the subdivision will meet the objectives of the DCP if the single storey requirement is removed from the majority of the allotments. The exceptions to this are:

- Lots 3116, 3117 and 3118 (as they adjoin the existing Appin urban area; and
- Lots 3095, 3096, 3097 and 3098 (as they adjoin Appin Road and would be visible from it. If a cluster of two storey integrated small lot houses were constructed in this location it would change the visual character of Appin for motorists entering the village and would have character impacts outside of the new residential area.)

Agricultural Lands Development Control Plan

No further matters arise.

Poultry Development Control Plan

No further matters arise.

2.2.4 Provisions of Relevant Voluntary Planning Agreements

There are no relevant voluntary planning agreements.

2.2.5 Impact of Development

Natural Environment

No further matters arise.

Built Environment

No further matters arise.

Social and Economic Impacts

No further matters arise.

2.2.6 Suitability of the Site

No further matters arise.

2.2.7 Submissions

The subject application was notified to previous submitters in accordance with Council's Development Control Plan for the notification and advertising of development proposals. One submission was received objecting to the proposal.

While the submission referred to the subject application to modify, it also referred to another application to modify a development consent on the same land (ID522-07, the infrastructure consent). The matters raised in the submission largely concerned the details of the proposed modification to the infrastructure consent. For completeness, a consideration of the relevant matters raised in submissions received in respect of the application to modify ID522-07 is provided below:

Concern	Assessor Comment
The proposed roundabout location is more dangerous.	The proposed roundabout has been considered by Council Engineers, the Roads and Traffic Authority of NSW and an independent road safety auditor. In all cases it was found satisfactory.
Insufficient access for vehicles to the neighbouring properties from the proposed roundabout, particularly when towing a boat, caravan or trailer.	The proposed roundabout has been considered by Council Engineers, the Roads and Traffic Authority of NSW and an independent road safety auditor. In all cases it was found satisfactory. It is noted that the amended lot layout provides for adequate road reserve to accommodate the roundabout as approved under ID522-07.
Noise from road works	It is unclear how the relocation of the roundabout by moving it further away from the dwellings could result in increased noise impacts.
Noise from braking vehicles	It is unclear how the relocation of the roundabout by moving it further away from the dwellings could result in increased noise impacts.
Emergency access if there is an accident on the roundabout	The applicant has proposed an alternative emergency access location that has been supported by Council Engineers and the Roads and Traffic Authority of NSW.

Concern	Assessor Comment
High traffic volumes on Appin Road.	Appin Road is a regional road, being the main route between Campbelltown and Wollongong. This results in significant traffic volumes that are not associated with this development. The proposed roundabout has been considered by Council Engineers, the Roads and Traffic Authority of NSW and an independent road safety auditor. In all cases it was found satisfactory.

2.2.8 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.

2.3 Section 91 Assessment – Integrated Development

2.3.1 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.

2.3.2 Section 100B – Rural Fires Act, 1997

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

2.4 Section 94 Assessment – Developer Contribution Requirements

The proposal would result in the creation of 336 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 332 allotments.

ATTACHMENTS

1. Original Approved Plans
2. Amended Plans
3. Amended Bushfire Safety Authority issued by NSW Rural Fire Service

RECOMMENDATION

That Application to Modify Development Consent No. 010.2010.00000455.002 be determined by approval and the development consent be amended in the following manner:

Conditions 1(1), (2) and (4) be modified to read:

- (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 336 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 submitted in respect of Application to Modify Development Consent No. 010.2010.00000455.002.
- (4) Development shall take place in accordance with the endorsed plans, prepared by Lockley Land Title Solutions and submitted in respect of Development Application No. 010.2010.00000455.002, except where varied by the following conditions:

Condition 2(1) be modified to read:

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

Conditions 3(1) and (4) be modified to read

- (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.
 - 3116, 3117, 3118, 3095, 3096, 3097 and 3098.
- (4) Vehicle access for Lots 1039, 1044, 2025, 2036, 2057, 2061, 2072, 3024, 3034, 3037, 3066, 3070, 3095, 3098, 4068, may be permitted only from the secondary frontage. In this condition **secondary frontage** means the longer of the two street frontages.

Conditions 3(2) and (3) be deleted from the consent.

Conditions 8(1) and (2) be modified to read:

- (1) Payment of a Contribution for 45 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)	\$11 430
ii)	Open Space, Sport & Recreation (Precinct)	\$499 770
iii)	Library & Community Facilities (Shire)	\$53 910
iv)	Library & Community Facilities (Precinct)	\$71 100
v)	Transport & Traffic (Roads & Intersections)	\$81 270
vi)	Transport & Traffic (Cycleways)	\$15 165
vii)	Bushfire Protection	\$1 350
viii)	Plan Administration	\$25 245

TOTAL	\$759 240
-------	-----------

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 80 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)	\$20 320
ii)	Open Space, Sport & Recreation (Precinct)	\$888 480
iii)	Library & Community Facilities (Shire)	\$95 840
iv)	Library & Community Facilities (Precinct)	\$126 400
v)	Transport & Traffic (Roads & Intersections)	\$144 480
vi)	Transport & Traffic (Cycleways)	\$26 960
vii)	Bushfire Protection	\$2 400
viii)	Plan Administration	\$44 880
	TOTAL	\$1 349 760

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.

Conditions 8(3) and (4) be added to read:

- (3) Payment of a Contribution for 118 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 3.

The current amount payable is:

i)	Open Space, Sport & Recreation (Shire)	\$29 972
ii)	Open Space, Sport & Recreation (Precinct)	\$1 310 508
iii)	Library & Community Facilities (Shire)	\$141 364
iv)	Library & Community Facilities (Precinct)	\$186 440
v)	Transport & Traffic (Roads & Intersections)	\$213 108
vi)	Transport & Traffic (Cycleways)	\$39 766
vii)	Bushfire Protection	\$3 540
viii)	Plan Administration	\$66 198
	TOTAL	\$1 990 896

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.

- (4) Payment of a Contribution for 89 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 4.

The current amount payable is:

i)	Open Space, Sport & Recreation (Shire)	\$22 606
ii)	Open Space, Sport & Recreation (Precinct)	\$988 434
iii)	Library & Community Facilities (Shire)	\$106 622
iv)	Library & Community Facilities (Precinct)	\$140 620
v)	Transport & Traffic (Roads & Intersections)	\$160 734
vi)	Transport & Traffic (Cycleways)	\$29 993
vii)	Bushfire Protection	\$2 670
viii)	Plan Administration	\$49 929
	TOTAL	\$1 501 608

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.

Conditions 9 (4), (5) and (9) be modified to read:

- (4) Building envelopes shall be nominated and indicated on the Linen Plan for Proposed Lot 1010, each corner lot and each lot with an area less than 700m². The building envelope is to be the area to accommodate construction of a dwelling and its access driveway. The envelope shall be designed to the satisfaction of Council, having regard to road safety and any front and secondary setbacks and private open space requirements that apply under any relevant Development Control Plan and Environmental Planning Instruments as in force at the time the application for the Subdivision Certificate is lodged.

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) and 3(4) of this consent. The authority to release, vary or modify the restriction shall be Wollondilly Shire Council.
- (9) No allotment in Stage 4 may be registered until all lots in Stages 1, 2 and 3 have been registered. This condition does not authorise the sub staging of this development beyond that identified in the approved staging plan.

Attachment to Report	
JRPP No.	2010SYW070
DA No.	010.2010.00000445.002
Attachment	Original Approved Plans and Consent



**NOTICE TO APPLICANT OF DETERMINATION OF APPLICATION
INTEGRATED DEVELOPMENT CONSENT 010.2010.00000455.001
Environmental Planning and Assessment Act, 1979**

TO:

Walker Corporation Pty Limited
GPO Box 4073
SYDNEY NSW 2001

Being the applicant(s) for Development Application 010.2010.00000455.001 relating to:

Appin Road, Appin

**Lots: 101 & 102 DP: 1093666, Lot: 201 DP: 749272, Lot: 1 DP: 819972,
Lot: 1 DP: 1133077**

APPROVED DEVELOPMENT:

Subdivision of 5 lots into 337 residential lots, 8 open space lots, 2 residual lots and one road lot.

DETERMINATION DATE: 1 December 2010

Pursuant to the Section 81 of the Act, notice is hereby given that the above application has been determined by the Sydney West Joint Regional Planning Panel by granting consent, subject to the conditions attached.

Notes:

- (1) Except where a condition specifies a limit to the duration of the consent, this approval will expire if the development is not commenced within five (5) years of the determination date appearing above.
- (2) Development Consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the lapse date.
- (3) Where construction work is proposed, the granting of development consent is the first step in the process. Before construction work may commence, a Construction Certificate must be obtained from Council or an accredited certifier.
- (4) Should you feel aggrieved by the panel's decision in this matter, or object to the conditions imposed, you are entitled to lodge, in accordance with Section 97(1) of the Act, an appeal with the Land and Environment Court of NSW within twelve (12) months of the date appearing above. Forms for such are obtainable from the Local Court at your request.
- (5) This application has not been considered by the Planning Assessment Commission.

Should you wish to discuss Council's decision or the conditions imposed you may contact Council's Development Services Section on (02) 4677 1100.

Yours faithfully

**Grant Rokobauer
Senior Development Assessment Planner
DEVELOPMENT SERVICES**

DA10/7110P2

All Correspondence to PO Box 21 Picton NSW 2571
62-64 Menangle Street Picton DX: 26052 Picton Phone: 02 4677 1100 Fax: 02 4677 2339
Email: council@wollondilly.nsw.gov.au Web: www.wollondilly.nsw.gov.au ABN: 93 723 245 808

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.sydneywater.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) The overhead high voltage line on the eastern boundary in the site and 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 off Appin Road link be provided through the site and along Council land (south of the site boundary and west of Appin Road) between the development and the Appin Commercial District with appropriate safety considerations in accordance with the Wollondilly Cycle Plan, 2008.

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 predominately 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 1(5), 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.

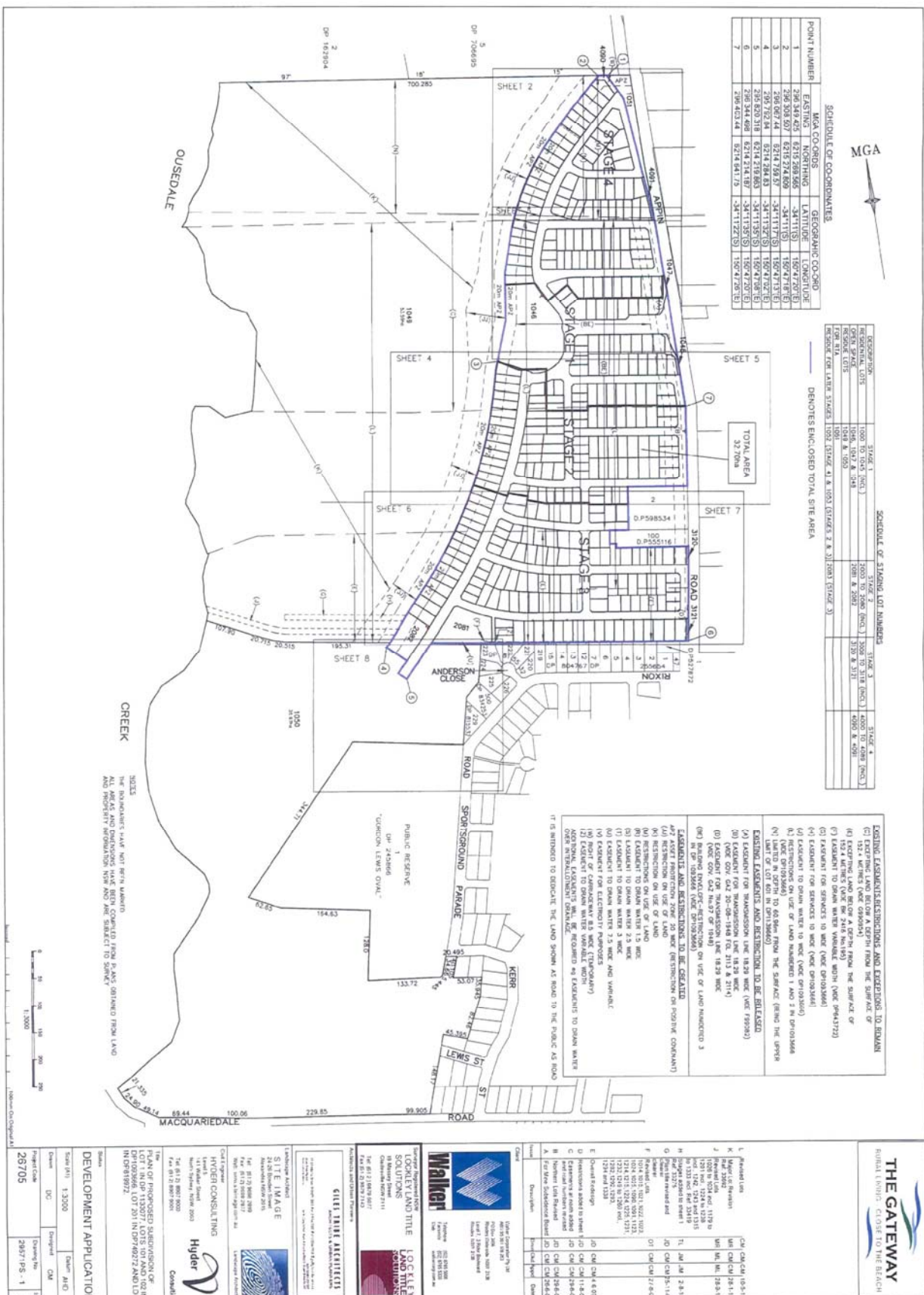
(3) This Clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

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.	2010SYW070
DA No.	010.2010.00000445.002
Attachment	Proposed Amended Plans



Attachment to Report	
JRPP No.	2010SYW070
DA No.	010.2010.00000445.002
Attachment	Amended Bushfire Safety Authority

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

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	
TRIM No.	DA10/7110P2
PROP No.	
25 MAR 2011	
AUTH. No.	
ASSIGNED TO:	Grant

Your Ref: 10.2010.455.1
Our Ref: D11/0248
DA11022876440 DS

ATTENTION: G S Rokobauer

24 March 2011

Dear M Rokobauer

**Integrated Development for 165-289 Appin Road & 55 Macquariedale Road
Appin**

I refer to your letter dated 17 February 2011 seeking general terms of approval for the above Integrated Development in accordance with section 96 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:

1. The development proposal is to comply with the subdivision layout identified on the drawing prepared by Walker Corporation numbered 29571PS-1, issue K, dated 28 January 2011.

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. To achieve this, the following conditions shall apply:

2. 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. To achieve this, the following conditions shall apply:

ID:76440/70526/5

Page 1 of 2

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

General Advice – consent authority to note

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

Reviewed determination

This letter is in response to additional information submitted and supersedes our previous approval dated 23 August 2010.

For any queries regarding this correspondence please contact Doug Stevens on 8741 5175.

Yours sincerely



Nika Fomin

Team Leader Development Assessment and Planning

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