

TO: 9623 9764

1 December 2006

The General Manager  
Penrith City Council  
PO Box 60  
Penrith NSW 2750

Dear Sir/Madam,

**OWNERS CONSENT - Proposed Land Clearing for Agricultural Purposes**  
**[REDACTED] Orchard Hills**

As Owners of the above property we give consent for PGH Environmental Planning to lodge a Development Application on the subject property and act on our behalf in relation to any other matters regarding this Development Application.

We also consent to Council Officers entering the premises during normal office hours for the purpose of conducting inspections in relation to this application.

If you have any questions please do not hesitate to contact Mr Joe Borg on 0416 303 434.

Yours faithfully

[REDACTED]

← Please Print name

← Please Print name.

## DETERMINATION OF DEVELOPMENT APPLICATION

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

### DESCRIPTION OF DEVELOPMENT

DA No.

Description of development

Classification of development

Land Clearing - Modification to Boundary Setbacks

The classification of the building(s) forming part of this consent is as follows:

- NA

### DETAILS OF THE APPLICANT

Name & Address

SPRINGWOOD NSW 2777

### NOTES

1. Your attention is drawn to the attached conditions of consent in attachment 1.
2. You should also check if the modification of the development requires a Construction Certificate to reflect the modification to the development consent subsequently issued by Council.
3. It is recommended that you read the Advisory Note enclosed with this consent.

## DETAILS OF THE LAND TO BE DEVELOPED

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Legal Description:

Property Address:

ORCHARD HILLS NSW 2748

## DECISION OF CONSENT AUTHORITY

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In accordance with Sections 81(1)(a) and 96 of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

Date from which consent operates	27 March 2007
Date the consent expires	27 March 2010
Date of this decision	27 March 2007 as amended on 18 July 2008 under Section 96 of the Environmental Planning and Assessment Act.

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

## RIGHT OF APPEAL

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1. The applicant can appeal against this decision in the Land and Environment Court within 12 months of receiving this notice. The applicant cannot appeal if a Commission of Inquiry was held and the development is designated or integrated development, or State significant development.
2. If the application was for designated development and a written objection was made in respect to the application, the objector can appeal against this decision to the Land and Environment Court within 28 days after the date of this notice. The objector cannot appeal if a Commission of Inquiry was held.

If the applicant appeals against this decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

## REASONS

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

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

## POINT OF CONTACT

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

Assessing officer

Contact telephone number



## SIGNATURE

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Name

Ruth Byrnes

Signature



For the Development Services Manager

## ATTACHMENT 1: CONDITIONS OF CONSENT

### GENERAL

- 1 The development must be implemented substantially in accordance with the stamped-approved plans issued by Penrith City Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.
- 1a A permanent physical barrier (such as a fence) to prevent inadvertent damage to riparian zones, is to be placed at their landward extent in all locations. The barrier needs to be appropriate to the site and be designed to:
  - be suitable for any flooding issues
  - not impede the function of the vegetation as a corridor linkage
  - be suitable as a maintenance edge for any open space management such as mowing/slashing/ploughing etc;
  - be fire proof;
  - be stock proof to prevent stock having access for grazing in the riparian areas.
- 2 **Deleted**  
  
**As amended 18 July 2008 under Section 96 of the Environmental Planning and Assessment Act 1979.**
- 3 **Deleted**  
  
**As amended 18 July 2008 under Section 96 of the Environmental Planning and Assessment Act 1979.**
- 4 **Deleted**  
  
**As amended 18 July 2008 under Section 96 of the Environmental Planning and Assessment Act 1979.**
- 5 **Deleted**  
  
**As amended 18 July 2008 under Section 96 of the Environmental Planning and Assessment Act 1979.**
- 6 All cleared vegetation is to be chipped and mulched appropriately. No cleared

vegetation is to be burnt.

- 7 During the land clearing operations, no trucks are to use Sweetwater Grove to access the property.

## ENVIRONMENTAL MATTERS

- 8 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the land clearing phase of the development**. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

- 9 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
- 10 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No. 20 (Hawkesbury-Nepean River) (No. 2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
- 11 All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.

Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.

## CONSTRUCTION

- 12 Works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:
  - Mondays to Fridays, 7am to 6pm
  - Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise

- 8am to 1pm
- No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

## **ADVICE**

- A Any intensive activities proposed to be carried out on the property (such as cattle feed lots, market gardens and the like) will require a separate development application.

Ruth Byrnes

Signature

A black rectangular box redacting the signature of Ruth Byrnes.

For the Development Services Manager

This plan/document relates to:  
Development Application



Ref: PGH 05-0202A (April 2008)

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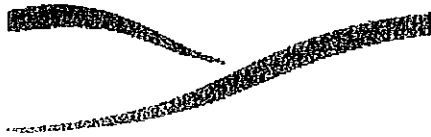
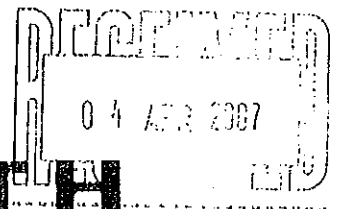
This plan/document relates to  
Development Application  
No: 061859



Ref: PGH 05-0202A (April 2008)



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# PENRITH CITY COUNCIL

*Serving Our Community*

## DETERMINATION OF DEVELOPMENT APPLICATION

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

### DESCRIPTION OF DEVELOPMENT

DA No.



Description of development

Land Clearing

Classification of development

The classification of the building(s) forming part of this consent is as follows:

- n/a

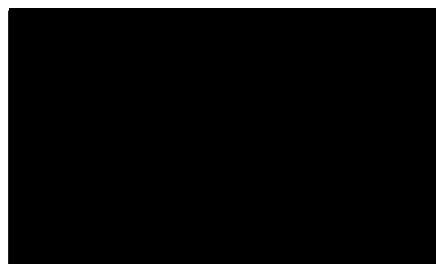
### DETAILS OF THE APPLICANT

Name & Address

PGH Environmental Planning  
PO Box 714  
SPRINGWOOD NSW 2777

### NOTES

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



## DETAILS OF THE LAND TO BE DEVELOPED

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Legal Description:

Property Address:

ORCHARD HILLS

## DECISION OF CONSENT AUTHORITY

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

Date from which consent operates 27 March, 2007  
Date the consent expires 27 March, 2010 (3 years Integrated DA)  
Date of this decision 27 March, 2007

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

## OTHER APPROVALS

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### APPROVAL BODIES:

APPROVAL BODY NAME	DATE OF GENERAL TERMS OF APPROVAL	REF. NO.	NO. PAGES	OF RELEVANT LEGISLATION
Department of Natural Resources	12 January 2007	ERM2007- 7024	3 + 5 attachments	Water Management Act 2000

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

## RIGHTS OF APPEAL

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1. The applicant can appeal against this decision in the Land and Environment Court within 12 months of receiving this notice. The applicant cannot appeal if a Commission of Inquiry was held, or the development is State Significant Development.
2. If a written objection was made in respect to the Application for Designated Development, the objector can appeal against Council's decision to the Land and Environment Court within 28 days after the date of this Notice. The objector cannot appeal if a Commission of Inquiry was held.
3. If the applicant appeals against Council's decision, objector(s) will be given a notice of the appeal and the objector(s) can apply to the Land and Environment Court within 28 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.
4. An appeal to the Land and Environment Court is made by lodging an application to the Court in accordance with the Rules of the Court.

## REASONS

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

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

## POINT OF CONTACT

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

Assessing officer	Ruth Byrnes
Contact telephone number	

## SIGNATURE

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Name	Ruth Byrnes
Signature	

For the Development Services Manager

## ATTACHMENT 1: CONDITIONS OF CONSENT

### GENERAL

- 1 The development must be implemented substantially in accordance with the stamped-approved plans issued by Penrith City Council, the application form and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.
- 2 A copy of the Part 3A permit issued by the Department of Natural Resources under the Water Management Act 2000 shall be submitted to the Principal Certifying Authority, **prior to works commencing**. A copy of the approval shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.
- 3 The Vegetation Management Plan is to be submitted to Council for approval **prior to any works** being undertaken.
- 4 The Vegetation Management Plan is to provide vegetation screening for the western boundary bordering the properties within "The Vines" estate, of Sweetwater Grove and Muscatel Way.
- 5 To maintain amenity between properties, a minimum vegetation buffer of 10 metres is to be maintained around all property boundaries.
- 6 All cleared vegetation is to be chipped and mulched appropriately. No cleared vegetation is to be burnt.
- 7 During the land clearing operations, no trucks are to use Sweetwater Grove to access the property.

### ENVIRONMENTAL MATTERS

- 8 Erosion and sediment control measures shall be installed **prior to the commencement of works on site** including approved clearing of site vegetation. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the land clearing phase of the development**. These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

- 9 All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
- 10 No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No. 20 (Hawkesbury-Nepean River) (No. 2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
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- Mondays to Fridays, 7am to 6pm
  - Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
  - No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and do not involve the use of equipment that emits noise are not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

## ADVICE

- A Any intensive activities proposed to be carried out on the property (such as cattle feed lots, market gardens and the like) will require a separate development application.

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Name: Ruth Byrnes

Signature:   
For the Development Services Manager

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This plan/document relates to  
Development Application

No: 0 6 1 8 5 9



COUNCIL DOES NOT ATTEST TO  
THE ACCURACY OF DESIGN PLANS



Ref: PGH 05-0202A (April 2008)

Hon. Robert Stokes MP  
Minister for the Planning  
GPO Box 5341  
Sydney NSW 2001

Hon. Matt Kean MP  
Minister for Energy and Environment  
GPO Box 5241  
Sydney NSW 2001

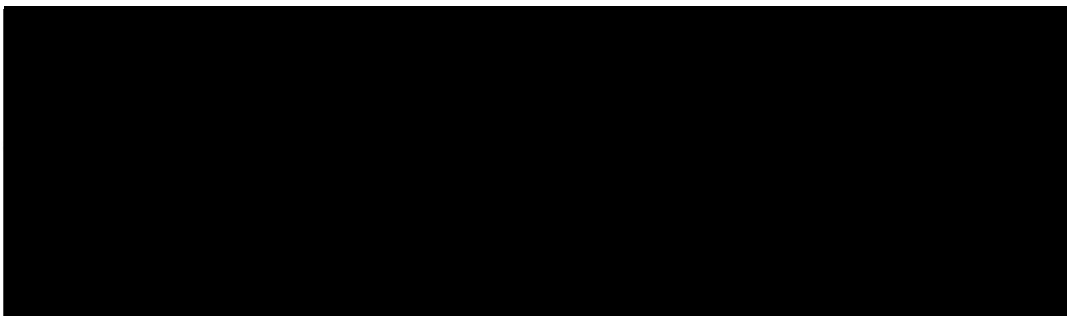
Re:- Draft Cumberland Plain Conservation Plan

This is in addition to the general submission to the department by Orchard Hills residents attached.

I Ajmair Chauhan of 2 Bordeaux Place, Orchard Hills and Joe Borg of Lot 101 Sweetwater Grove, Orchard Hills have the following additional concerns:

- We collectively own over 150 acres of land in the Orchard hills area. However due to the North South Rail being built Transport for NSW want to forcefully acquire approximately half of this. This will cut any access off to our properties to the East.
- Due to the contentious newly proposed E2 zoning on the Northern boundary of 101 Sweetwater Grove this will cut any access to our properties to the North.
- With the new Orchard Hills station due to be built within approximately 600m North of these properties there will be prime 'Certified-Urban Capable' land within walking distance to this station that will sit in limbo as access has been cut off due to the new proposed E2 zoning.
- We would like an assurance that if these new E2 zonings do eventuate that services and access in the form of roads will be allowed through these zones. In doing so it would insure that large parcels of land that the department itself has identified as 'Certified Urban Capable' and are so close to transport like the M4 motor way and the new Metro station are not left out from further development.
- We believe that the current roads accessing the sites IE Bordeaux Place and Sweetwater Grove will not be allowed to be used for large residential traffic to come through as this is a rural area with rural roads. Therefore, access via the Northern boundary will be needed.
- Finalizing any environment zonings without first having regard to the overall master planning of the Orchard Hills area will result in anomalies like the ones highlighted above even though it was not the intention of the department to create them.
- It is therefore requested that the Draft Cumberland Plain Conservation Plan be put on hold until firstly a proper ground-based study has been undertaken and secondly detailed Planning of the Orchard Hills area has been done.

Your Faithfully







**Hon. Sussan Ley MP  
Minister for the Environment  
PO Box 6022  
House of Representatives  
Parliament House  
CANBERRA ACT 2600**

**Hon. Matt Kean MP  
Minister for Energy and Environment  
GPO Box 5341  
SYDNEY NSW 2001**

**Dear Ministers,**

**RE: DRAFT CUMBERLAND PLAIN CONSERVATION PLAN**

As a resident and landowner of Orchard Hills, I have serious concerns about aspects of the proposed biodiversity conservation zoning as detailed in the Draft Cumberland Plain Conservation Plan. My concerns are based on the following points:

- Residents understand that even though some gave permission to access their property, the Department decided to map vegetation to determine the vegetation biodiversity conservation area, by mostly using the assessment process of conducting a desk top review and aerial photo interpretation and was peer reviewed by an independent process. We question this process as it has not resulted in an accurate portrayal of the environment.
- In 2017, a map was produced showing the biodiversity conservation zone for NSW following the legislation of the Biodiversity Conservation Act 2016. For the Orchard Hills area the biodiversity conservation zone is a lot different to the currently advertised Cumberland Plain Conservation Plan (Conservation Zone).
- The difference between the 2017 biodiversity conservation zone and the currently exhibited biodiversity conservation zone is of concern as there are significant anomalies. The Draft Cumberland Plain Conservation Plan does not address the anomalies. I request that details of the rationale justifying the differences between the two conservation zoning plans be provided.
- I believe that in order to provide an accurate base plan that can be defended for the proposed biodiversity conservation zoned in Orchard Hills, an on-site assessment

should be carried out on all affected properties to determine the value and integrity of any biodiversity conservation present.

- The credibility of the proposed biodiversity conservation zones is questionable if there has been no on site assessments of all affected properties. I believe this is required now before any finalisation of the conservation areas is sought. Under the Biodiversity Conservation Act the on site field assessment methodology is a requirement.
- I wish it noted that landowners were not contacted directly to discuss the proposal and how it affects their site specifically. This fact has been verified by the Department of Planning, which calls into question the fairness and diligence of the process.

In light of the above I request that the following be conducted:

1. An onsite inspection of all affected properties be undertaken, before the draft plan is finalised.
2. Provide all evidence gathered to date specific to the Orchard Hills area, be made available to the affected residents.
3. Dates, times and location of any inspection conducted in the Orchard Hills area be made available.
4. That an audit of policy and procedure be conducted to ensure that the residents of Orchard Hills have been afforded due process and diligence.

Until such time that a detailed on-site assessment is carried out on all affected properties in Orchard Hills with the proposed biodiversity conservation zoning I request that the draft plan be withdrawn.

Yours faithfully,

