

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA21/0808
Description of development:	Torrens Title Subdivision Of A Residue Lot into 2 Lots
Classification of development:	N/A

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 1 DP 1226122
Property address:	16 Chapman Street, WERRINGTON NSW 2747

DETAILS OF THE APPLICANT

Name & Address:	Lendlease Communities (Werrington) Pty Ltd Tower 3 Level 14 300 Barangaroo Avenue BARANGAROO NSW 2000
-----------------	--

DECISION OF CONSENT AUTHORITY

In accordance with Section 4.18(1) (a) of the Environmental Planning and Assessment Act 1979, consent is granted subject to the conditions listed in attachment 1.

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

Date from which consent operates	31 January 2022
Date the consent expires	31 January 2027
Date of this decision	28 January 2022

POINT OF CONTACT

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

Assessing Officer:	Jake Bentley
Contact telephone number:	+61247328087

NOTES

Reasons

The conditions in the attached schedule have been imposed in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979 as amended.

Conditions

Your attention is drawn to the attached conditions of consent in attachment 1.

Certification and advisory notes

You should also check if this type of development requires a construction certificate in addition to this development consent.

It is recommended that you read any Advisory Note enclosed with this notice of determination.

Review of determination

The applicant may request Council to review its determination pursuant to Division 8.2 of the Environmental Planning and Assessment Act 1979 within twelve months of receiving this Notice of Determination.

These provisions do not apply to designated development, complying development or crown development pursuant to Section 8.2(2) of the Environmental Planning and Assessment Act 1979.

Appeals in the Land and Environment Court

The applicant can appeal against this decision in the Land and Environment Court within twelve months of receiving this Notice of Determination.

There is no right of appeal to a decision of the Independent Planning Commission or matters relating to a complying development certificate pursuant to clause 8.6(3) of the Environmental Planning and Assessment Act 1979.

Designated development

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 56 days after the date of this notice.

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 56 days after the date of this appeal notice to attend the appeal and make submissions at that appeal.

Sydney Western City Planning Panels

If the application was decided by the Sydney Western City Planning Panel, please refer to Section 2.16 of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

ATTACHMENT 1: CONDITIONS OF CONSENT

General

- 1 The development must be implemented substantially in accordance the following stamped approved plans and supporting information received with the application, except as may be amended in red or by the following conditions within this consent:
 - Plan of Subdivision of Lot 1257 in DP 1272642, prepared by Terry Edward Bartlett dated 29 October, 2021,
 - Plan of Proposed Subdivision of Lot 1257 DP 1272642 Spinfex Road, Werrington, prepared by Proust & Gardner and dated 6 December, 2021, and
 - New South Wales Rural Fire Service General Terms of Approval, dated 13 January, 2022 and reference number DA20211202005281-Original-1.
- 2 The development shall comply with the New South Wales Rural Fire Service General Terms of Approval, dated 13 January, 2022 and reference number DA20211202005281-Original-1 and in the Bush Fire Safety authority for the said development.
- 3 **Prior to the issue of a Subdivision Certificate**, the subject residue site shall be registered with NSW Land Registry Services (LRS). Evidence of registration shall be provided with the subdivision certificate application.

Engineering

- 4 **Prior to the issue of any Subdivision Certificate**, the following easements shall be created on the plan of subdivision:
 - a) Easements for drainage.

Subdivision

5 Prior to the issue of the Subdivision Certificate, the following is to be submitted:

An original plan of subdivision and associated administration sheets. The plan of subdivision must indicate, where relevant:

- All drainage easements, rights of way, restrictions and covenants.
- All proposed dedications of roads/drainage/public reserve, which are to be undertaken at no cost to Penrith City Council.

The following information is to be shown on one (1) copy of the plan:

- The location of all buildings and/or other permanent improvements shall comply with any statutory boundary clearances or setbacks as defined by the Building Code of Australia and Council's resolutions.
- All existing services are wholly contained within the lot served and/or covered by an appropriate easement.

Prior to lodgement of the Subdivision Certificate Application, street address numbering must be obtained/approved by Penrith City Council's Rates Team. Proposed street addresses can be forwarded to council@penrith.city for approval.

6 Prior to the issue of a Subdivision Certificate, the linen plan of subdivision is to be supported by an 88B instrument creating a Restriction as to User or easement regarding the following:

Residue Allotment - no development or building shall be allowed or be permitted to remain on the named lot unless satisfactory arrangements have been made with Penrith City Council for services (water, sewer, electricity and telephone), any outstanding contributions or consolidation with adjoining lots.

Council shall be nominated as the only authority permitted to modify, vary or rescind such restriction as to user.

Certification

7 A Subdivision Certificate is to be obtained prior to the release of the linen plan of subdivision. The Subdivision Certificate will not be issued if any of the conditions in this consent are outstanding.

SIGNATURE

Name:	Jake Bentley
Signature:	

For the Development Services Manager