

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0694
Proposed development:	Strata Title Subdivision x 2 Lots
Property address:	69 Nepean Avenue, PENRITH NSW 2750
Property description:	Lot 15 DP 14827
Date received:	28 July 2017
Assessing officer	Clare Aslanis
Zoning:	Zone R2 Low Density Residential - LEP 2010
Class of building:	Class 1a , Class 10a
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for strata subdivision of existing dual occupancy at 69 Nepean Avenue, Penrith. The subject site is zoned R2 Low Density Residential under Penrith Local Environmental Plan 2010 and the proposal is a permissible land use in the zoning with Council consent.

Background

DA06/1030 was approved on 13 October 2006 for the demolition of existing structures and construction of an attached two storey dual occupancy.

DA08/1001 was approved on 23 October 2008 for the strata subdivision of the existing dual occupancy, however has since lapsed.

Site & Surrounds

The subject site is situated on the western side of Nepean Avenue, South of Fitch Avenue. The site is 1862m² in area and slopes slightly from the street frontage, then steeply down to the Nepean River at the rear of the site.

The site is currently occupied by an attached 2 storey Dual Occupancy approved under delegated authority 13 October 2006 (DA06/1030), with each unit consisting of 3 bedrooms, dining, lounge, a parlour and associated car parking. Unit 1 also comprises a detached studio.

The residential units that currently exist on the site as part of the above approval, have separate driveways that serve each unit.

Proposal

The proposed development includes the following aspects:

Strata Subdivision of Lot 15 DP 14827 (69 Nepean Avenue) to form two lots with the following dimensions:

- Part 1 - 1158m² and is to include in addition to unit 1, a double garage, a double carport, 1 storey studio and lap pool;
- Part 2 - 933m² and is to include in addition to unit 2, a single garage, single carport, outdoor terrace and a proposed right of footway, 1.5 metres wide.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

Planning Assessment

• Section 79C - Evaluation

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

The site falls within the Hawkesbury-Nepean catchment and as such is subject to Sydney Regional Environmental Plan (SREP) No. 20 – Hawkesbury Nepean River. The SREP 20 provision aims to ensure that the development does not negatively impact on water quality, fauna and flora habitats.

The proposal is identified as a Riverine Scenic Area and involves subdivision. As a result and under Clause (16) of the SREP - Land uses in riverine scenic areas requires consent for subdivision. The development for the dual occupancy was considered to be in accordance with this plan, and is considered that the proposal for subdivision does not detract from the aims and objectives of SREP 20.

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies
Clause 2.6 Subdivision - consent requirements	Complies
Clause 4.1 - Minimum subdivision lot size	N/A

Section 79C(1)(a)(ii) The provisions of any draft environmental planning instrument

There are no draft Environmental Planning Instruments that apply to the proposal.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	Complies
C3 Water Management	Complies
C4 Land Management	Complies
C5 Waste Management	N/A
C6 Landscape Design	Complies
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	Complies
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	Complies
D2.1 Single Dwellings	N/A
D2.2. Dual Occupancies	Complies
D2.3 Secondary Dwellings	N/A
D2.4 Multi Dwelling Housing	N/A
D2.5 Residential Flat Buildings	N/A
D2.6 Non Residential Developments	N/A

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to this application.

Section 79C(1)(a)(iv) The provisions of the regulations

This section is not applicable for the subject application.

Section 79C(1)(b)The likely impacts of the development

Given the nature and scale of the proposal there will be little impact on the locality arising from the 2 lot strata subdivision of the subject property. The building and associated car parking is existing on the site and thus will not generate further traffic movements.

Section 79C(1)(c)The suitability of the site for the development

The application proposes a 2 lot Strata subdivision of an existing attached dual occupancy development at the subject address. The proposal will simply be a formal recognition of the individual suites already associated with the existing building. The proposal complies with the relevant LEP and DCP and as such the site is considered suitable for the proposed development.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Clause 4.4 of Appendix F4 of Penrith Development Control Plan 2014, the proposed development did not have to be notified to nearby and adjoining residents.

Section 79C(1)(e)The public interest

The proposal is consistent with the relevant planning controls and therefore is considered to be in the public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010 and Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies.

The proposed design is site responsive, complies with key development standards and is in the public interest.

The site is suitable for the proposed development, the proposal is in the public interest, and there is unlikely to be negative impacts arising from the proposed development.

Therefore, the application is worthy of support, subject to recommended conditions.

Recommendation

1. That DA17/0694 for Strata Subdivision - 2 Lots at Lot 15 DP 14827 69 Nepean Avenue PENRITH, be approved subject to the attached conditions

General

1 [A001](#)

The development must be implemented substantially in accordance with the plans drawn by Matthew Freeburn and received at Council on 28 July 2017 with the development application and stamped approved by 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.

Subdivision

2 [M008 - Linen Plan](#)

Submission of the original Linen Plan and ten (10) copies. The Linen Plan must indicate that:

All drainage easements, rights of way, restrictions and covenants are to be included on the linen plan.

All dedications of roads/drainage 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.

Certification

3 [Q009 - Strata Certificate](#)

A Strata Certificate shall be obtained from the Principal Certifying Authority prior to lodgement of the strata plan with the Land and Property Information division of the Department of Lands. The Strata Certificate will not be issued if:

- (a) any of the conditions in this consent or the development consent DA06/1030 issued for the building on the land are outstanding, and
- (b) if the Final Occupation Certificate for the building, the subject of the strata plan, has not been issued.