



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.	DA12/0786.02
Description of development	Section 96 Modification to an Approved Subdivision to Amend the Subdivision Boundary and Amend Condition 6(c) Relating to Site / Vegetation Management Plans.
Classification of development	The classification of the building(s) forming part of this consent is as follows: <ul style="list-style-type: none">▪ Class N/A

DETAILS OF THE APPLICANT

Name & Address	Whelans Insites Pty Ltd Level 12, 80 Clarence Street SYDNEY NSW 2000
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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

Legal Description: Lot 1 DP 1144668
Property Address: 86-94 Andromeda Drive CRANEBROOK NSW 2749

DECISION OF CONSENT AUTHORITY

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	12 November 2012
Date the consent expires	12 November 2014
Date of this decision	09 November 2012 as amended on 28 April 2014 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

1. The applicant can appeal against this decision in the Land and Environment Court within six (6) months of receiving this Notice of Determination.

You cannot appeal if a Commission of Inquiry was held for the subject development application, or if the development is a 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

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

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

Assessing officer	Hannah Van De Werff Senior Environmental Planner
Contact telephone number	(02) 4732 7714

SIGNATURE

Name	Hannah Van De Werff
Signature	

For the Development Services Manager

ATTACHMENT 1: CONDITIONS OF CONSENT

GENERAL

- 1 The development must be implemented substantially in accordance with the following plan 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.

	Plan No.	Prepared By	Date
Plan Proposed Subdivision of Lot 1 in DP 1144668 The Northern Road and Cassar Crescent Cranebrook	Job Ref C743UR	Whelans Insites	16.8.2012

As amended by Plan of Proposed subdivision of Lot 1 in DP 1144668 Andromeda Drive, Cranebrook, Job Ref I117, DWG No P14-2 prepared by Whelan Insites dated 14.11.13 (Rev A).

As amended on 28 April 2014 under Section 96 of the Environmental Planning and Assessment Act, 1979.

- 2 Separate development applications shall be submitted to Penrith City Council for any future subdivision of Lot 101.

UTILITY SERVICES

- 3 All services (water, sewer, electricity, telephone and gas) are to be installed within the proposed public roads before final inspection of the engineering works.

Prior to the release of the linen plan, the following service authority clearances shall be obtained:

- a Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. This is required prior to the issue of the Subdivision Certificate and
- a letter from Integral Energy stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the subdivision, including any necessary easements; and
- a letter from an approved telecommunications service provider that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision, including any necessary easements.

These clearances are to be submitted to the Principal Certifying Authority.

LANDSCAPING

- 4 No trees are to be removed from within the subdivision without the prior consent of Penrith City Council. Any trees to be removed as part of the engineering work are to be shown on engineering plans submitted for Council's consideration and subsequent approval.

SUBDIVISION (GENERAL)

- 5 Submission of the original Linen Plan and ten (10) copies.

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.
- 6 The linen plan of subdivision is to be supported by an 88B instrument creating a Restriction as to User or easement regarding the following:
- a) Access to The Northern Road is prohibited.
 - b) No further development of Lot 101 can occur unless appropriate provision is made for access, services and drainage
 - c) The existing vegetation areas are to be retained and managed in accordance with the Vegetation Management Plan reference 610.11706V2.0 prepared by SLR Global Environmental Solutions and dated 16 January 2014.

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

As amended on 28 April 2014 under Section 96 of the Environmental Planning and Assessment Act, 1979.

- 7 A Surveyors Certificate is to be lodged with the application for a Subdivision Certificate that certifies that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

SECTION 94

- 8 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Cultural Facilities. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$369.00 is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The \$94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for Cultural Facilities may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 9 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for District Open Space. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$5,354.00 is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for District Open Space may be inspected at Council's Civic Centre, 601 High Street, Penrith.

- 10 This condition is imposed in accordance with Penrith City Council's Section 94 Contributions Plan(s) for Footpath Construction in Established Residential Areas. Based on the current rates detailed in the accompanying schedule attached to this Notice, \$243.00 is to be paid to Council **prior to a Construction Certificate being issued for this development** (the rates are subject to quarterly reviews). If not paid within the current quarterly period, this contribution will be reviewed at the time of payment in accordance with the adopted Section 94 plan. The projected rates of this contribution amount are listed in Council's Fees and Charges Schedule.

Council should be contacted prior to payment to ascertain the rate for the current quarterly period. The S94 invoice accompanying this consent should accompany the contribution payment.

The Section 94 Contributions Plan for Footpath Construction in Established Residential Areas may be inspected at Council's Civic Centre, 601 High Street, Penrith.

CERTIFICATION

- 11 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.

Hannah Van De Werff

Signature

For the Development Services Manager