

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA14/1505
Proposed development:	Strata Title Subdivision x 2 Lots (Proposed Lot 2219 William Hart Drive)
Property address:	Coreen Avenue, PENRITH NSW 2750
Property description:	Lot 1195 DP 1171491
Date received:	27 November 2014
Assessing officer	Clare Aslanis
Zoning:	ZONE R1 GEN RES - PT 7 NTH PEN PCCLEP 2008 ZONE RE1 PUB REC - PT 7 NTH PEN PCCLEP2008
Class of building:	N/A
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for the subject development on the subject site and the proposal is a permissible land use with Council consent

Site & Surrounds

The 40 hectare North Penrith site is centrally located directly adjacent to Penrith Railway Station and immediately to the North of the Penrith City Centre. It is a strategic site, located within the Penrith Regional Centre as identified in the Metropolitan Plan 2036 and North West Draft Subregional Strategy. The greater locality is characterised by a mixture of residential, industrial and recreational uses. Large industrial activities are located to the north on the opposite side of Coreen Avenue. New industrial development is located immediately to the west of the site with the residential suburb of Penrith located further to the east.

On 9 November 2011, the Minister for Planning approved a concurrent Concept Plan (MP 09-04536) and Project Application (MP 10-0078), which was followed by the gazettal of an amendment to the Penrith City Centre Local Environmental Plan 2008 for the redevelopment.

The land subject to this application is located on proposed lot 2219 William Hart Drive, with rear access via Stoddart Lane, PENRITH. The site is rectangular in shape and approximately 289m² in size.

Proposal

The proposed development involves:

- Strata subdivision of an approved dwelling and studio loft.

Plans that apply

- Penrith Local Environmental Plan 2008 (City Centre)
- Development Control Plan 2006
- North Penrith Design Guidelines
- 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

An assessment has been undertaken of the application against relevant criteria within Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) and the application is satisfactory subject to recommended conditions of consent.

Penrith Local Environmental Plan 2008 (City Centre)

Provision	Compliance
Clause 2 - Aims of the Plan	Complies
Clause 12 - Zoning of land to which this plan applies	N/A
Clause 13 - Zone objectives	N/A
Clause 15 - Additional permitted uses for particular land	N/A
Clause 16 - Subdivision consent requirements	Complies
Clause 17 - Temporary use of land	N/A
Clause 21 - Height of buildings	N/A
Clause 22 - Architectural roof features	N/A
Clause 23 - Sun Access	N/A
Clause 24 - Floor space ratio	N/A
Clause 25 - Minimum building street frontage	N/A
Clause 26 - Design Excellence	N/A
Clause 27 -Car parking	N/A
Clause 28 - Ground floor development within B3 and B4	N/A
Clause 29 - Building separation	N/A
Clause 30 - Ecologically sustainable development	N/A
Clause 31 - Serviced apartments	N/A
Clause 32 - Exceptions to development standards	N/A

Clause 33 - Land acquisition within certain zones	N/A
Clause 34 - Development on proposed classified roads	N/A
Clause 35 - Classification and reclassification of public land	N/A
Clause 36 - Community use of educational establishments	N/A
Clause 37 - Classified roads	N/A
Clause 38 - Development in proximity to a rail corridor	N/A
Clause 39 - Preservation of trees or vegetation	N/A
Clause 40 - Heritage conservation	N/A
Clause 41 - Bush fire hazard reduction	N/A
Clause 42 - Development for group homes	N/A
Clause 43 - Crown development and public utilities	N/A
Clause 44 - Location of sex services premises and restricted premises	N/A
Schedule 1 - Additional permitted uses	N/A
Clause 45 - Application of Part	N/A
Clause 46 - Interpretation	N/A
Clause 48 - Suspension of covenants, agreements and instruments	N/A
Clause 49 - Land use zones	N/A
Clause 50 - zone objectives and land use table	Complies
Clause 51 - Height of buildings	N/A
Clause 52 - Development near zone boundaries	N/A
Clause 53 - Architectural roof features	N/A
Clause 54 - Heritage Conservation	N/A
Clause 55 - Earthworks	N/A
Clause 56 - Savings provision relating to pending applications	N/A
Clause 47 - Certain planning instruments cease to apply to the land	N/A

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

The Stage 2 Penrith Planning Proposal was placed on public exhibition on 13 May 2014. The relevant sections of the Planning Proposal have been reviewed and there are no proposed changes to the controls relating to development within the North Penrith Precinct.

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

Development Control Plan 2006

Provision	Compliance
Chapter 4.7 - Guidelines for subdivision	Complies

North Penrith Design Guidelines

Provision	Compliance
North Penrith Design Guidelines	Complies

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

There are no planning agreements applying to this application.

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

Likely impacts of the proposed development as identified throughout the assessment process include:

- ***Natural resources and systems eg. Air, water, soil***

The development is not subject to flooding, subsidence or slip.

- ***The character of the place and its local and regional context***

The proposal is consistent with the bulk, scale, colour and design of other development in the locality.

The development is unlikely to significantly impact on the amenity of the area and the streetscape.

The development is compatible with the surrounding and adjacent land uses.

The development is unlikely to significantly impact the amenity of the area in terms of solar access, visual and acoustic privacy, access to views or vistas.

- ***Heritage conservation***

The property is not identified as having heritage significance.

- ***Access, traffic and transportation impacts***

The development is unlikely to significantly impact on the local road system.

The existing / proposed access arrangements and car parking on site will be adequate for the development.

- ***Practical remediation measures to alleviate any concern and protect the environment.***

The proposed development will have no impact on soil erosion and sedimentation.

- ***Health, safety and compatibility issues***

The proposed development is sensitive to environmental conditions and site attributes.

The proposed development safeguards the health and safety of the occupants.

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

The proposed strata subdivision is appropriate as the dwellings have been designed in a manner consistent with the character of the locality. The site is not identified as bushfire prone, flood prone, or as containing any significant vegetation. For these reasons the site is suitable for the proposed strata subdivision.

Section 79C(1)(d) Any Submissions

Community Consultation

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

The proposal provides a development that is compatible with the existing streetscape and the proposed strata subdivision will have no adverse impacts on the amenity of the area. The development has provided for additional housing in the area and is therefore in the public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, the proposal satisfies the aims, objectives and provisions of these policies. In its current form, the proposal will have a positive impact on the surrounding character of the area. The approved design is site responsive, complies with key development standards and the proposed strata subdivision 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 DA14/1505 for Strata Subdivision at proposed Lot 2219 William Hart Drive, Penrith be approved subject to the attached conditions.

General

1 [A001](#)

The development must be implemented substantially in accordance with the plans numbered 14554 SP (Sheets 1 and 2 of 2), drawn by Richard A. Hogan 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 approved plans and by the following conditions.

Utility Services

2 [G001 - Installation of services and Service Clearances \(subdivision\)](#)

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.

Subdivision

3 [M008 - Linen Plan](#)

Prior to the issue of a Strata Certificate, submission of the original Linen Plan and ten (10) copies shall be made.

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.

4 [M014 - Surveyors certificate](#)

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.

Certification

5 [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 any of the conditions in this consent or the development consent DA14/0653 are outstanding.