

# PENRITH CITY COUNCIL

## NOTICE OF DETERMINATION

### DESCRIPTION OF DEVELOPMENT

|                                |                                                                                                     |
|--------------------------------|-----------------------------------------------------------------------------------------------------|
| Application number:            | DA13/1412                                                                                           |
| Description of development:    | Subdivision Only - Seven Lot Subdivision Creating Five Future Residential Lots and Two Residue Lots |
| Classification of development: | N/A                                                                                                 |

### DETAILS OF THE LAND TO BE DEVELOPED

|                    |                                             |
|--------------------|---------------------------------------------|
| Legal description: | Lot 11 DP 1176163                           |
| Property address:  | 11 Lakeside Parade, JORDAN SPRINGS NSW 2747 |

### DETAILS OF THE APPLICANT

|                 |                                                                         |
|-----------------|-------------------------------------------------------------------------|
| Name & Address: | Maryland Development Company Pty Ltd<br>PO Box 4<br>PARRAMATTA NSW 2124 |
|-----------------|-------------------------------------------------------------------------|

### DECISION OF CONSENT AUTHORITY

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.

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

|                                  |                   |
|----------------------------------|-------------------|
| Date from which consent operates | 12 September 2014 |
| Date the consent expires         | 12 September 2017 |
| Date of this decision            | 3 September 2014  |

## POINT OF CONTACT

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

|                           |                |
|---------------------------|----------------|
| Assessing Officer:        | Aimee Lee      |
| Contact telephone number: | (02) 4732 7429 |

## NOTES

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### **Reasons**

The conditions in the attached schedule have been imposed in accordance with Section 80A 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 Section 82A of the Environmental Planning and Assessment Act 1979 within 6 months of receiving this Notice of Determination.

You cannot make this request if the development is Designated Development, Integrated Development or State Significant development or if the application was decided by a Joint Regional Planning Panel.

### **Appeals in the Land and Environment Court**

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.

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.

### **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 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.

### **Joint Regional Planning Panels**

If the application was decided by a Joint Regional Planning Panel, please refer to Section 23H of the Environmental Planning and Assessment Act, 1979 (as amended) for any further regulations.

## OTHER APPROVALS

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### APPROVAL BODIES(Delete this section if not applicable)

| APPROVAL BODY NAME     | DATE OF<br>GENERAL<br>TERMS OF<br>APPROVAL | REF. NO.                        | NO. OF<br>PAGES | RELEVANT LEGISLATION |
|------------------------|--------------------------------------------|---------------------------------|-----------------|----------------------|
| NSW Rural Fire Service | 22 January<br>2014                         | D13/2941<br>DA13120590137<br>NL | 2               | Rural Fires Act 1997 |
|                        |                                            |                                 |                 |                      |
|                        |                                            |                                 |                 |                      |

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.

## ATTACHMENT 1: CONDITIONS OF CONSENT

### General

- 1 The development must be implemented substantially in accordance with the following stamped approved plans, 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.

| Documents                          | Plan No.            | Prepared By     | Date             |
|------------------------------------|---------------------|-----------------|------------------|
| Plan of Subdivision                | D646-VC 12-001a.dwg | Whelans Insites | 3-10-13          |
| Statement of Environmental Effects | -                   | Lend Lease      | 28 November 2013 |
| Bushfire Protect Assessment        | 09SUTBUS-0001       | Ecological      | 14 February 2014 |

**Note:** This consent does not approve future development forms on the created allotments as this would be subject to separate Development Applications.

- 2 The conditions imposed by the NSW Rural Fire Service as outlined within the Bush Fire Safety authority correspondence dated 22 January 2014 are to be completed prior to the issue of the Subdivision Certificate. This includes the creation of restrictions on title reflecting the 'inner protection area' requirements as outlined within Planning for Bushfire Protection.

### Environmental Matters

- 3 The development shall be carried out in accordance with the procedures set out in the Western Precinct Contamination Management Plan and the conditions and procedures set out in the Site Audit Statements relating to the Western Precinct.

### Utility Services

- 4 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.

## Engineering

5 **Prior to the issue of a Subdivision Certificate**, the following compliance documentation shall be submitted to the Principal Certifying Authority. A copy of the following documentation shall be provided to Council where Council is not the Principal Certifying Authority:

- a) Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries.

## Subdivision

6 The proposed subdivision shall not encroach on any statutory boundary clearances or setbacks. A plan prepared by a registered surveyor showing the relative position of all buildings to the proposed boundaries shall be submitted to the Principal Certifying Authority.

7 Submission of the original Linen Plan and five (5) 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.

## Certification

8 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:      | Aimee Lee |
| Signature: |           |

For the Development Services Manager