

PENRITH CITY COUNCIL

NOTICE OF DETERMINATION

DESCRIPTION OF DEVELOPMENT

Application number:	DA17/1301
Description of development:	Torrens Title Subdivision x 2 Lots
Classification of development:	N/A

DETAILS OF THE LAND TO BE DEVELOPED

Legal description:	Lot 3008 DP 1184498
Property address:	15 Engineers Place, PENRITH NSW 2750

DETAILS OF THE APPLICANT

Name & Address:	Rygate And Company Pty Limited Suite 904, Level 9, 89 York Street SYDNEY NSW 2000
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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	2 February 2018
Date the consent expires	2 February 2020
Date of this decision	1 February 2018

POINT OF CONTACT

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

Assessing Officer:	Clare Aslanis
Contact telephone number:	+612 4732 8195

NOTES

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 Sydney West 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.

Sydney West Planning Panels

If the application was decided by the Sydney West Planning Panel, please refer to Section 18 of the Greater Sydney Commission Act 2015 and Section 23H 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 with the plans tabled below, 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.

<u>Plan</u>	<u>Numbered</u>	<u>Drawn By</u>	<u>Dated</u>
Detail Plan	77983_DET	Rygate Surveyors	1 August 2017
Draft Subdivision Plan	77983	Gregory Jon Frith	12 December 2017

Utility Services

- 2 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

- 3 Prior to the issue of the Subdivision Certificate, a restriction as to user and positive covenant relating to the:

- a) Stormwater management systems (including water sensitive urban design)

Shall be registered on the title of the property for stormwater works on Proposed Lot 1. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Stormwater and Drainage for Building Developments policy.

- 4 **Prior to the Issue of a Subdivision Certificate**, documentary evidence and/or certificates must be submitted to Council to show that all works have been completed in accordance with this Development Consent 16/0357, DA16/0357.01 and its accompanying Construction Certificate.

Subdivision

5 Submission of the original Linen Plan and six (6) 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.

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) A right of carriageway 3.5m wide (minimum) shall be created over proposed Lot 2 in accordance with the stamped approved correspondence prepared by Urban Growth NSW dated 19 August 2016 and as highlighted on the stamped approved plans under DA16/357.01, sufficient passing width to be provided within the boundaries of the northern end of the subject site (Lot 3008, DP 1184498) adjacent to the northern pull-in bay located on Lot 3007 DP 1184498, to allow for vehicles to pass a waste collection truck when parked in the pull-in bay.
- b) Residue Allotment - no development or building shall be allowed or be permitted to remain on proposed Lot 2 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.
- c) Right of footway

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

7 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) Easement for support-the provision of an easement of support to cover all embankments that extend into the lots if the batters are steeper than 5:1.
- b) 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.
- c) other

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

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:	Clare Aslanis
Signature:	

For the Development Services Manager