

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/1301
Proposed development:	Torrens Title Subdivision x 2 Lots
Property address:	15 Engineers Place, PENRITH NSW 2750
Property description:	Lot 3008 DP 1184498
Date received:	15 December 2017
Assessing officer	Clare Aslanis
Zoning:	Zone B2 Local Centre - LEP 2010
Class of building:	N/A
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for 2 lot Torrens title subdivision at 15 Engineers Place PENRITH. Under Penrith Local Environmental Plan 2010, the proposal is defined as subdivision. The subject site is zoned B2 Local Centre and the proposal is consistent with the objectives for the site.

An assessment under Section 79C of the Environmental Planning and Assessment Act 1979 has been undertaken and the application is recommended for approval, subject to recommended conditions.

Site & Surrounds

The subject site is a vacant allotment located on the northern side of Penrith Railway Station within the Thornton Estate and is known as 15 Engineers Place, Penrith (Lot 3008 in DP1184498). The site is a corner allotment with frontage to Engineers Place to the east and Lord Sheffield Circuit to the south, north and west. The allotment is irregular in shape and has a total area of 4778sqm.

The subject site contains an 8 storey serviced apartment building that is currently under construction and located on the south-eastern end of the lot which has an area of 2744sqms. The north-western end of the site will be subject to a future development application for a similarly scaled commercial development. Each end of the lot is proposed to be separated by a pedestrian through-site link spanning east-west between Lord Sheffield Circuit and Engineers Place.

Development in the vicinity is predominantly newly constructed dwellings, town houses and vacant allotments. Several residential flat buildings are currently under construction along Engineers Place and Lord Sheffield Circuit. It is expected that the site to the immediate east will contain residential flat building. Vacant lots to the west and north-west of the site are the subject of a current planning proposal for residential flat buildings. The public entry to Penrith Railway Station is located 60 metres to the south.

Proposal

The proposed development involves the Torrens title subdivision of one lot into two. The resulting allotments will be 1354m² and 1390m² respectively.

Easements for footway, light & air and carriageway are also proposed to ensure space for waste collection and pedestrian through-links.

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

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

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies
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	Complies

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
C1 Site Planning and Design Principles	Complies
C2 Vegetation Management	N/A
C3 Water Management	N/A
C4 Land Management	N/A
C5 Waste Management	N/A
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	N/A
C11 Subdivision	Complies
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	Complies

Section 79C(1)(a)(iia) 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

The proposed subdivision involves no physical works and is therefore unlikely to result in any significant environmental impacts. The lot size and pattern will facilitate a future development that is able to be consistent with the master plan and DCP for the North Penrith site.

The proposal will not result in any increase in density nor traffic.

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

The site is suitable for the proposed subdivision as the resulting allotments are consistent with the approved master plan and desired future uses for the site.

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 given the minor nature of the proposal.

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Development Engineer	No objections - subject to conditions

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

The proposed development will not generate any significant issues of public interest.

Section 94 - Developer Contributions Plans

Condition C4 of MP10-0075 (as amended) and Condition B8 of MP10-0078 (as amended) set out the rates for Section 94 contributions for residential dwellings within the Thornton Estate, consistent with the Ministerial Cap for Section 94 plans. The Conditions state that:

1. Contributions shall be made payable to Penrith City Council for the purposes of District Open Space Facilities at a rate per dwelling type, as shown below:

Development Type	Contribution
<i>Residential flat building, Multi dwelling housing and Shop-top housing</i>	<i>\$1,566 for each new dwelling</i>
<i>Dwelling houses, Dual occupancies and subdivision</i>	<i>\$2,427.30 for each new dwelling or new lot</i>
<i>Housing for older people</i>	<i>\$1,174.50 for each new dwelling.</i>

2. The contributions are to be paid to Council prior to Construction Certificate being issued for a dwelling,

3. Deferred or periodic payments may be permitted subject to agreement from Council. Council may require the applicant to provide a bank guarantee for the full amount of the contribution or the outstanding balance,

4. If not paid within the current quarterly period, the contribution will be reviewed at the time of payment in accordance with the adopted Section 94 Plan.

Note: Section 94 Contributions are not required for the community facility or any other non-residential development.

Based on the above requirements, contributions are charged for dwellings. No dwellings are proposed as part of this development application and therefore no contributions apply.

Conclusion

In assessing this application against the relevant environmental planning policies, being Penrith Local Environmental Plan 2010, 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 DA17/1301 for a two lot Torrens title subdivision at 15 Engineers Place, Penrith, be approved subject to the attached conditions.

CONDITIONS

General

1 A001

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 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.

Engineering

3 K505 - Restriction as to User and Positive Covenant

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 K - Special Condition

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 M008 - Linen Plan

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 M009 - 88B Instrument

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 M009 - 88B Instrument

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 Q008 - Subdivision Certificate

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.