



15 March 2018

Penrith City Council
PO Box 60
Penrith NSW 2751

Dear Sir / Madam,

SUBDIVISION CERTIFICATE | DA17/1301 FOR X2 TORRENS TITLE SUBDIVISION LOTS AT 15 ENGINEERS PLACE, PENRITH

This letter provides a table itemising how the conditions of the above referred consent has been satisfied or explains how the intent of the condition has been met, as per discussions with Council's Senior Environmental Planners.

Table 1 – DA17/1301 Conditions of Consent

Condition	Comment
<p>General</p> <p>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.</p> <ul style="list-style-type: none">• Detail Plan - 77983_DET - Rygate Surveyors - 1 August 2017• Draft Subdivision Plan - 77983 - Gregory Jon Frith - 12 December 2017	<p>1. Refer to the submitted Final Plan of Subdivision and the section 88B instrument which is prepared in accordance with the approval documents and the following plans:</p> <ul style="list-style-type: none">• Detail Plan - 77983_DET - Rygate Surveyors - 1 August 2017• Subdivision Plan - 77983 - Gregory Jon Frith - 12 December 2017
<p>Utility Services</p> <p>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.</p> <p>Prior to the release of the linen plan, the following service authority clearances shall be obtained:</p>	<p>2. Refer to the following appended documents:</p> <ul style="list-style-type: none">• a Section 73 Compliance Certificate – submission to follow once received shortly.• a statement prepared by S4B Studio stating that satisfactory arrangements have been made for electricity supply to all proposed allotments in the

Subdivision Certificate Letter



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<ul style="list-style-type: none"> • 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. <p>These clearances are to be submitted to the Principal Certifying Authority.</p>	<ul style="list-style-type: none"> • subdivision, including any necessary easements; and • a statement prepared by S4B Studio stating that satisfactory arrangements have been made for underground telephone services to all proposed allotments in the subdivision
<p>Engineering</p> <p>3 Prior to the issue of the Subdivision Certificate, a restriction as to user and positive covenant relating to the:</p> <p>a) Stormwater management systems (including water sensitive urban design)</p> <p>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.</p>	<p>3. Stormwater management of the site was approved and has been implemented on proposed Lot 1 in accordance with DA16/0357.</p> <p>The stormwater management system has been designed and built to Penrith City Council's Stormwater Drainage for Building Developments and Water Sensitive Urban Design policies, as per Condition 46 in DA16/0357 which required consistency with the aforementioned Council policy prior to the release of the Construction Certificate for any works.</p>
<p>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.</p>	<p>4. The works approved under the Quest DA (DA16/0357) do not directly relate to the development approved under the subdivision DA (DA17/1301).</p> <p>In this regard, the assessing planner sent communication dated 6 February 2018 [RE: FW: Notice of Determination of DA17/1301 for Torrens Title</p>



Condition	Comment
	<p>Subdivision x 2 Lots at 15 Engineers Place, PENRITH NSW 2750] stating:</p> <p><i>The condition relating to works being completed on DA16/0357 should be applied to all works relevant to the subdivision, rather than the issue of an Occupation Certificate. The works include:</i></p> <ol style="list-style-type: none"><i>1. Construction of the indented laneway at the northern part of proposed Lot 2</i><i>2. Creation of a trafficable space in the location of the proposed Easements A, B and C</i> <p>The applicant sent correspondence to Council on 7 February 2018 (appended to this table) stating:</p> <p><i>Just to clarify the works related to the subdivision, namely the indented laneway (in lot 2) and creating trafficable space in proposed Easements A, B and C. We understand that these items are currently completed sufficiently to satisfy requirements with this clause. I note that the through site link will be undergoing further design refinement (as requested by Brett Newbold) as part of the lot 2 DA proposal. These will be issued to council in the next 2 weeks as part of the DRP review, will cc you in on these FYI.</i></p> <p><i>Please advise if this is not your understanding.</i></p> <p>In response, the assessing planner sent communication dated 9 February 2018 [RE: FW: Notice of Determination of DA17/1301 for Torrens Title Subdivision x 2 Lots at 15 Engineers Place, PENRITH NSW 2750] stating:</p> <p><i>That is correct – the final pedestrian through link is subject to further works that will be captured by conditions of consent for building works. The space provided satisfies the requirements of the subdivision approval.</i></p> <p>Refer to attached correspondence.</p>



Condition	Comment
<p>Subdivision</p> <p>5 Submission of the original Linen Plan and six (6) copies. The Linen Plan must indicate that:</p> <p>All drainage easements, rights of way, restrictions and covenants are to be included on the linen plan.</p> <p>All dedications of roads/drainage are to be undertaken at no cost to Penrith City Council.</p> <p>The following information is to be shown on one (1) copy of the plan.</p> <ul style="list-style-type: none"> 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. 	<p>5. Refer to the submitted Draft Plan of Subdivision which indicates the following:</p> <ul style="list-style-type: none"> [A] Right of Footway 4.55 & 6 Wide [B] Right of Footway 1.45 Wide [C] Easement for Light and Air 1.45 Wide [D] Right of Carriageway <p>If required, drainage easement to be implemented in accordance with the building works DA16/0357.</p> <p>Plan number 77983_DET indicates the footprint of the Quest building approved under DA16/0357. Refer to Attached I.</p> <p>All drainage and services has been approved under the building works DA (DA16/0357) and accordingly no easements are required to be included on the linen plan.</p>
<p>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:</p> <p>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.</p> <p>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,</p>	<p>6. a) The assessing planner sent correspondence on 13 February 2018 [RE: FW: Notice of Determination of DA17/1301 for Torrens Title Subdivision x 2 Lots at 15 Engineers Place, PENRITH NSW 2750] stating:</p> <p><i>The 3.5m refers to the space required for a truck to service the lot. We appreciated that this can be catered for within the space already provided and therefore you should argue that it has met the intent of the condition of consent.</i></p> <p>The intent of Condition 6(a) of this consent (DA17/1301) and Condition 7 of DA16/0357.07 is to achieve sufficient passing width to be provided within the boundaries of the northern end of Lot 3008, DP 1184498 to allow vehicles to pass a waste collection truck when parked in the pull-in bay. A variable width for 'right of carriageway' over Lot 2 has been created (refer to section 88B instrument). This will allow for a waste truck to pull-in and for other vehicles to pass,</p>



Condition	Comment
<p>electricity and telephone), any outstanding contributions or consolidation with adjoining lots.</p> <p>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.</p>	<p>without impacting the design and functionality of the site. The appended Road Layout Plan (2196810E-C201) prepared by Parsons Brinckerhoff submitted during the assessment of DA16/0357.07 shows the required pull-in bay. This plan shows that the variable width for 'right of carriageway' over Lot 2 provides sufficient passing width for a vehicle when a truck is parked within the pull-in bay.</p> <p>b) Noted. Satisfactory service arrangements and the payment of contributions will occur once a DA is lodged and determined by Council.</p> <p>c) Refer to clause 1 of the submitted section 88B instrument which nominates Penrith City Council.</p>
<p>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:</p> <p>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.</p> <p>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.</p> <p>c) other - Council shall be nominated as the only authority permitted to modify, vary or rescind such restriction as to user.</p>	<p>a) No easement required as no embankment batters are steeper than 5:1.</p> <p>b) Noted. Satisfactory service arrangements and the payment of contributions will occur once a DA is lodged and determined by Council.</p> <p>c) Refer to clause 1 of the submitted section 88B instrument which nominates Penrith City Council.</p>
<p>Certification</p> <p>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.</p>	<p>The assessing planner sent communication dated 6 February 2018 [RE: FW: Notice of Determination of DA17/1301 for Torrens Title Subdivision x 2 Lots at 15 Engineers Place, PENRITH NSW 2750] stating: As part of the subdivision certificate you should provide a document that itemises each condition and explains how the intent has been met for those conditions.</p>



Condition	Comment
	This letter seeks to explain how the intent of each of the above conditions have been achieved.

Please call undersigned on (02) 8233 7631 should you have any further questions.

Yours sincerely,

Ryan Macindoe
Senior Consultant

Attachment A: Section 88B Instrument

Attachment B: Plan of Subdivision

Attachment C: Communication Services Availability Letter

Attachment D: Electrical Services Availability Letter

Attachment E: Traffic Signage Plan (2196810E-C201) prepared by Parsons Brinckerhoff submitted during the assessment of DA16/0357.07 showing the required pull-in bay

Attachment F: Stamped Approved Plans and Notice of Determination for DA17/1301

Attachment G: Stamped Approved Plans and Notice of Determination for 16/0357

Attachment H: Email Correspondence from Assessing Planner

Attachment I: Building Footprint Plan



ATTACHMENT A: SECTION 88B INSTRUMENT





ATTACHMENT B: PLAN OF SUBDIVISION





ATTACHMENT C: COMMUNICATION SERVICES AVAILABILITY LETTER





ATTACHMENT D: ELECTRICAL SERVICES AVAILABILITY LETTER





**ATTACHMENT E: TRAFFIC SIGNAGE PLAN (2196810E-C201) PREPARED BY
PARSONS BRINCKERHOFF SUBMITTED DURING THE ASSESSMENT OF
DA16/0357.07 SHOWING THE REQUIRED PULL-IN BAY**





ATTACHMENT F: STAMPED APPROVED PLANS AND NOTICE OF DETERMINATION FOR DA17/1301





ATTACHMENT G: STAMPED APPROVED PLANS AND NOTICE OF DETERMINATION FOR 16/0357





ATTACHMENT H: EMAIL CORRESPONDENCE FROM ASSESSING PLANNER





ATTACHMENT I: BUILDING FOOTPRINT PLAN