

Our Ref: M190009

30 January 2024

Mr Christopher Eldred  
Senior Planning Officer – Regional Assessments  
Department of Planning and Environment  
30 Park Avenue  
COFFS HARBOUR NSW 6855  
Delivered by email to: [christopher.eldred@planning.nsw.gov.au](mailto:christopher.eldred@planning.nsw.gov.au)

Dear Chris,

**ADDITIONAL INFORMATION RESPONSE – DA 9876 Mod 4 (PAN 385706)  
14 – 98 OLD CASTLEREAGH ROAD, PENRITH**

This letter has been prepared on behalf of the applicant in response to a Request for Additional Information (RFI) letter from Penrith Council dated 28 November 2023, regarding DA 9876 Mod 4. The purpose of this submission is to respond to the concerns raised by Penrith Council regarding the proposed subdivision strategy. We thank you for providing us with the opportunity to address Council's outstanding concerns and we look forward to collaborating to achieve a positive outcome for the proposal.

Council's primary concern is the efficiency in carrying out the subdivision strategy with separate lot owners for the three (3) existing lots.

Specifically, Council have provided the following comments:

*"a) The proposed subdivision strategy complicates future subdivision of the site for a number of reasons, primarily associated with there being separate lot owners for the 3 existing lots:*

- *If road infrastructure not to be dedicated as public road, the creation of rights of carriageway over temporary turning heads between stages (including owner's consent from the separate lots owner) will be required. It must be demonstrated that each and every stage can operate independently in terms of access, entry and exit in a forward direction, manoeuvring, servicing and stormwater management.*
- *Any drainage infrastructure constructed outside the extent of road to be dedicated as public road will require the creation of suitable drainage easements, with the corresponding owner's consent.*
- *The proposed community title lots/staging do not align with existing lot boundaries, meaning singular lots will need to be created that bridge two existing land parcels.*
- *Owner's consent would also need to be resolved during works for matters such as diversion swales to sediment basins on-site that cross lot boundaries.*

*b) It is recommended that a condition similar to DA 9876 E6 be added to the consent if approved by the consent authority, that will address the enforce the above as required via the provision of registration of "matters" on title."*



PLANNING INGENUITY

Suite 210, 531-533 Kingsway  
Miranda NSW 2228  
P 02 9531 2555

Suite 6, 65-67 Burelli St  
Wollongong NSW 2500  
P 02 4254 5319





## RESPONSE

The land ownership is split and these matters need to be dealt with to facilitate orderly delivery of the land.

### Road Infrastructure

Roads are dedicated to Council as part of the consent. Owners consent has been provided for this development application and lodged with the application. The application does not include any changes to physical works on the site or arrangements of the road layout. Access, entry and exit in a forward direction, manoeuvring, servicing and stormwater management will take place in accordance with the approval.

### Drainage Infrastructure

We are favourable of Council enforcing a development consent condition to this effect, suggested wording as follows:

*Prior to the issue of a subdivision certificate, any drainage infrastructure constructed outside the extent of road to be dedicated as public road will require a suitable drainage easement to be shown on the plan of subdivision.*

### Community Title Staging

The creation of single lots bridging two existing land parcels is common practice. The creation of a lot does not change ownership. Ownership is changed with a Transfer (dealing) at the time of registration with NSW LRS. If a new lot were to be created, spanning two former lots, the certificate of title will come back with the ownership listed as the two former owners in the parts formerly owned.

### Owners Consent

Owners consent for this DA and the works has been lodged with the application. There are no changes to the proposed works on site.

### Condition E6

Council have recommended that a condition similar to Condition E6 of DA 9876 be added to the Mod 4 future consent, if approved. As it stands, Condition E6 is considered appropriate in alleviating Council's concerns. Additionally, existing Condition E12 ensures the construction of all internal roads at each stage are carried out to Council's satisfaction prior to the release of a subdivision certificate.

*E6. Prior to the issuing of a Subdivision Certificates for any stage of the development, the Applicant must provide to the Certifier evidence that all matters required to be registered on title, including easements, have been lodged for registration or registered at the Land Registry Services.*

E12. Prior to issue of the relevant Subdivision Certificate for that stage or commencement of operation of that stage, the Applicant must complete the construction of all internal roads of that stage to the satisfaction of Council.

## CONCLUSION

We submit that the additional documentation provided adequately addresses the issues raised by Council through the existing conditions of consent associated with DA 9876. Mod 4 does not seek to change these conditions and the Staging Plan for the community title subdivision clearly indicates all lots will have access to a roadway and essential services connections and staged Subdivision Certificates will require verification of such.

Should you require any further information or clarification in this regard, please do not hesitate to contact the undersigned on 02 95312555.

Yours faithfully,  
Planning Ingenuity Pty Ltd



Sophie Perry  
**DIRECTOR**