

Our Ref: M190009

21 March 2025

Erin Murphy
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: Erin Murphy

Dear Erin,

RESPONSE TO COUNCIL COMMENTS
14-98 & 70-98 Old Castlereagh Road (DA9876-MOD-6)

We act as town planning consultants to the applicants of the above property and prepared the original Statement of Environmental Effects. Specifically, we have been instructed to respond to issues raised by Council in their Response to Notice of Modification letter dated 17 February 2025.

We note Council are overall supportive of the proposal to change the approved public roads to private roads. However, have raised some concerns reproduced in the table below. We thank Council and the Department for providing us with the opportunity to address these matters and look forward to working with the Department to achieve a positive outcome for the site. The issues raised by Council are addressed below.

Summary of Council Issues and Responses	
Council Comment	Response
1. Engineering Considerations	
a) <i>Condition A1 should be modified to include reference to Enspire Solutions Pty Ltd SK0113-200044-00 Rev 4 dated 10/10/2024, in the table referring to approved plans.</i>	The table in Condition A1 is to be modified to include Enspire Solutions Pty Ltd SK0113-200044-00 Rev 4 dated 10/10/2024.
b) <i>Concern is raised with the suggested deletion of Condition B6 as a plan of management is still required via a Community Title Management Statement irrespective of whether the roads are within public or private ownership. Regard should be given to the Registrar General Guideline requirements for a community title scheme including requirements within Schedule 2 of the Community Land Development Act 2021.</i>	<p>Condition B6 currently states:</p> <p><i>Prior to issue of the first Construction Certificate or Subdivision Works Certificate, a public domain plan, prepared by a suitably qualified person and in consultation with Council, must be submitted to the satisfaction of the Planning Secretary. The public domain plan must detail the design, maintenance and management (including pedestrian management) of streets.</i></p> <p>We propose to modify Condition B6 to state as follows:</p> <p><i>Civil engineering plans showing the details of the design, maintenance and management of private roads and footpaths which will be accessed by the public shall be submitted with the Subdivision Works Certificate and a copy provided to Council prior to the issue of the Subdivision Works Certificate.</i></p>



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



Summary of Council Issues and Responses	
c) <i>Concern is raised with the suggested deletion of Condition B7 for the same reasons as outlined above.</i>	Condition B7 will be retained.
d) <i>Concern is raised with the suggested deletion of Condition B17 as any plans would still need to be approved in order to ensure compliance with Council's policies and guidelines.</i>	Condition B17 will be retained.
e) <i>Condition E12 is recommended to be amended to reflect the following revised wording:</i> Condition 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 a suitably qualified Private Certifier.	We agree with the recommended rewording of Condition E12.
f) <i>Concern is raised with the suggested deletion of Condition E35. The following alternate wording is suggested:</i> Condition E35 - Complete construction of all subdivision works covered by the Subdivision Works Construction Certificate(s). Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation.	<p>Condition E35 currently states:</p> <p><i>Complete construction of all subdivision works covered by the Subdivision Works Construction Certificate(s). Completion of works includes the submission and acceptance by Council of all work as executed drawings plus other construction compliance documentation and payment of a maintenance/defects bond to Council in accordance with Council's adopted fees and charges.</i></p> <p>We propose to modify Condition E35 to state as follows:</p> <p><i>Complete construction of all subdivision works covered by the Subdivision Works Construction Certificate(s). Completion of works includes the submission to Council of work as executed drawings plus other construction compliance documentation prior to the registration of the Community Title subdivision. Payment of a maintenance/defects bond to Council in accordance with Council's adopted fees and charges for those works within the public road reserve prior to the registration of the Community Title subdivision.</i></p>
g) <i>Concern is raised with the suggested deletion of Condition E39. There needs to be determination of benefiting and burdened land that then informs where easements are to be located and which</i>	<p>Condition E39 currently states:</p> <p><i>Prior to the issue of any subdivision certificate, any drainage infrastructure constructed outside the extent of road to be</i></p>

Summary of Council Issues and Responses

authority is then empowered to vary, modify or extinguish such title affections. Changes to the titling scheme does not negate the need for easements (such as drainage easements) as well as positive covenants and restrictions relating to water management infrastructure).

dedicated as public road will require a suitable drainage easements and Restriction on the Use of Land pursuant to 88B of the Conveyancing Act 1919 to be shown on the plan of subdivision. Penrith City Council is to be identified as the party to vary or modify the easement or restriction.

We propose to modify Condition E39 to state as follows:

Prior to the issue of any subdivision certificate, any drainage infrastructure constructed outside the extent of road to be dedicated as public road will require a suitable drainage easements and Restriction on the Use of Land pursuant to 88B of the Conveyancing Act 1919 to be shown on the plan of subdivision. Penrith City Council is to be identified as a party to vary or modify the easement or restriction where appropriate

2. Traffic Management Considerations

a) *In the assessment of the proposal, the consent authority is requested to ascertain and appropriately capture requirements for street lighting assessment, design and approval given the roads are no longer intended to be dedicated as a public road.*

To be determined by the Department.
A suitable condition can be imposed with regard to street lighting (AS/NXS 1158.3.1:1999).

b) *In the assessment of the proposal, the consent authority is requested to ascertain and appropriately capture requirements and processes for street naming.*

To be determined by the Department.
A suitable condition can be imposed that sets out appropriate requirements for street naming.

CONCLUSION

We consider that the additional details and justifications submitted with this response letter address the concerns raised by Council.

If you have any questions, please do not hesitate to contact the undersigned on 9531 2555.

Yours faithfully,

Planning Ingenuity Pty Ltd



Charlotte Startari
SENIOR PLANNER