

From: [Gavin Cherry](#)
To: [Chris Eldred](#)
Cc: [Natalie Stanowski](#); [Katelyn Davies](#); [Michelle Niles](#); [Katelyn Davies](#)
Subject: Council Comments DA 9876 MOD 3- Notice of Exhibition - Penrith Lakes Employment Lands Subdivision and Works – Modification 3 to amend the Torrens Title subdivision of the site to retain the existing lot layout while the environmental lands are subdivided.
Date: Monday, 14 August 2023 9:59:40 AM
Attachments: [image003.png](#)
[image004.jpg](#)
[image006.png](#)
[image007.jpg](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)

Morning Chris

Thanks so much for the advice. Really appreciate it.

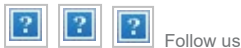
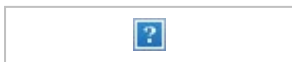
I can confirm that Council raises no concerns with the suggested amendment as it relates to subdivision and consolidation staging rather than any changes to the development or intended dedications.

It would however be greatly appreciated if DPE could advise if / when there is any confirmation on intended land ownership / dedication as this has significant implications for Council in terms of foreshore management and recreational connections including broader strategic intentions for the Great River Walk.

regards

Gavin Cherry
Development Assessment Coordinator
Development Services

E Gavin.Cherry@penrith.city
T [+61247328125](tel:+61247328125) | F +612 4732 7958 | M _
PO Box 60, PENRITH NSW 2751
www.visitpenrith.com.au
www.penrithcity.nsw.gov.au



From: Chris Eldred <Christopher.Eldred@dpie.nsw.gov.au>
Sent: Monday, August 14, 2023 9:54 AM
To: Gavin Cherry <gavin.cherry@penrith.city>
Cc: Natalie Stanowski <natalie.stanowski@penrith.city>; Katelyn Davies <Katelyn.Davies@penrith.city>; Michelle Niles <Michelle.Niles@planning.nsw.gov.au>
Subject: RE: DA 9876 MOD 3- Notice of Exhibition - Penrith Lakes Employment Lands Subdivision and Works – Modification 3 to amend the Torrens Title subdivision of the site to retain the existing lot layout while the environmental lands are subdivided.

EXTERNAL EMAIL: This email was received from outside the organisation.

Use caution when clicking any links or opening attachments.

Good Morning Gavin,

Under the original development consent, the environmental land remain in private ownership. No changes to this are proposed to this as part of this modification.

The modification seeks to amend the Torrens title subdivision as part of the subdivision of the environmental land. The existing lot layout (minus the environmental land) is proposed to be retained for the residual lots (rather than that single residual lot that is currently approved). The approved and proposed Torrens Title Subdivisions are identified below:



The three residual Torrens Title lots are proposed to be consolidated prior to the Community Title Subdivision.

Regards,

Chris Eldred

Senior Planning Officer, Regional Assessments

Planning and Assessment | Department of Planning and Environment

T 02 8289 6855 | **E** christopher.eldred@planning.nsw.gov.au

30 Park Ave Coffs Harbour NSW 2450

www.dpie.nsw.gov.au



The Department of Planning and Environment acknowledges that it stands on Aboriginal land.

We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Gavin Cherry <gavin.cherry@penrith.city>

Sent: Friday, 11 August 2023 1:51 PM

To: Michelle Niles <Michelle.Niles@planning.nsw.gov.au>

Cc: Natalie Stanowski <natalie.stanowski@penrith.city>; Katelyn Davies <Katelyn.Davies@penrith.city>

Subject: DA 9876 MOD 3- Notice of Exhibition - Penrith Lakes Employment Lands Subdivision and Works – Modification 3 to amend the Torrens Title subdivision of the site to retain the existing lot layout while the environmental lands are subdivided.

Hi Michelle,

I have received notification of the above MOD and seek some clarification from DPE on what is proposed and why.

It seems from a review of the SEE that the applicant is seeking to stage the subdivision to allow for the excision of environment zoned land from the employment zoned land. If this is the case, then the amendment is actually to staging of the subdivision to allow excision prior to lot consolidation and re-subdivision. Can you confirm if I have understood this correctly?

In addition there is no clear address in the SEE (that I could locate) as to what will happen with the excised land. It is critical to understand who will be receiving the land intended for excision, if its excision is intended for dedication to a Government Authority. Is there any executed VPA for land dedication that sets up the requirement for land excision and if so, who to?

Confirmation on the above is critical to understand if Council has any concerns or comments to raise. Of key note is that land cannot be dedicated to a government authority unless it is captured within an executed VPA or otherwise captured by a Contribution Plan. This has been the subject of recent Court judgements. To my understanding neither exists but I may be incorrect.

Your urgent confirmation / advice would be greatly appreciated.

regards

Gavin

Gavin Cherry
Development Assessment Coordinator
Development Services

E Gavin.Cherry@penrith.city
T [+61247328125](tel:+61247328125) | F +612 4732 7958 | M _
PO Box 60, PENRITH NSW 2751
www.visitpenrith.com.au
www.penrithcity.nsw.gov.au

