



Our reference: P-853617-J3M6  
Contact: Gavin Cherry  
Telephone: (02) 4732 8125

17 February 2025

ATTN: Chris Eldred

Email: [Christopher.Eldred@dpie.nsw.gov.au](mailto:Christopher.Eldred@dpie.nsw.gov.au)

Dear Chris Eldred,

**Council Response to Notice of Modification - DA9876-Mod-6 -  
Modification to subdivision – Nepean Business Park at 14-98 & 70-98 Old  
Castlereagh Road, Castlereagh, NSW,**

Thank you for providing Penrith City Council the opportunity to comment on the abovementioned Modification.

Council staff have reviewed the information referred on 4 February 2025.

Council supports the proposal to change the approved public roads to private roads within a community title subdivision scheme. However, the following comments are raised with respect to the additional suggested condition amendments: -

**1. Engineering Considerations**

- a) 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.
- b) 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.

Penrith City Council  
PO Box 60, Penrith  
NSW 2751 Australia  
T 4732 7777  
F 4732 7958  
[penrith.city](http://penrith.city)

- c) Concern is raised with the suggested deletion of Condition B7 for the same reasons as outlined above.
- d) 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.
- e) Condition E12 is recommended to be amended to reflect the following revised wording:

*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.*

- f) Concern is raised with the suggested deletion of Condition E35. The following alternate wording is suggested:

*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.*

- g) 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 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).

## **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.

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

Should you require any further information regarding the comments, please contact me on (02) 4732 8125.

Yours sincerely,

Gavin Cherry  
Development Assessment Coordinator

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NSW 2751 Australia  
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F 4732 7958  
[penrith.city](http://penrith.city)