

MEMORANDUM

Reference: PPSSWC-134 (Council Reference: DA21/0047)
 To: Sydney Western City Planning Panels Secretariat
 From: Gavin Cherry, Development Assessment Coordinator
 Date: 20 September 2021

Response to Questions from Sydney Western City Planning Panel

Subject: DA21/0047 for Construction & Embellishment of Penrith City Park including Amenities Building, Pergola Structures, Water Features, Seating, Lighting & Signage & Related Landscaping, Utility Servicing, Stormwater Management Infrastructure, Allen Place Car Park Modifications & Road Works at 134-144 Henry Street and 42-50 Station Street, Penrith

I refer to the subject Development Application and an email received on 20 September 2021 from the Sydney Western City Planning Panel Secretariat seeking clarification on the following matters:-

Request for Clarification / Advice	Penrith Council Response
Is all of the land community land – deemed or otherwise?	The land subject of the development application is currently classified as Operational Land. This has been verified with Council's Property Department.
Can current zones remain without a planning proposal to RE1?	The proposed works (recreation area, roads and carpark) are permissible land uses in both the RE1 and B4 zone and it is considered that the application can be favourably determined as recommended, without dependency on a Planning Proposal for rezoning.
Implications of the Roads Act 1993 (specifically Section 138) on the ability to grant development consent by the Panel.	Condition No. 34 as recommended requires a Section 138 Roads Act application for any works in a road reserve. Condition No. 35 separately requires a S138 Roads Act application for civil upgrades works in Henry Street, Station Street, Gaymark Lane and Allen Place. It is not considered that applications under the Roads Act impede the ability for the Panel to favourably determine the development application and a Section 138 Roads Act application is considered a suitable mechanism to address works proposed in the road reserve before the road is closed.

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	It is further noted that Council is the applicable Roads Authority for the affected roads.
Implications of community land provisions within Chapter 6 Part 2 of the Local Government Act 1993 (particularly ss 35, 36, 36G, 44 and 47E) on the ability to grant development consent by the Panel.”	<p>As the land subject of this application is currently classified as Operational Land, Chapter 6, Part 2 (Clauses 35, 36, 36G, 44 and 47E) of the Local Government Act, 1993 are not considered to be applicable at this point in time. These provisions only relate to Community Land which is not the current classification of the subject allotments.</p> <p>A decision to reclassify the land to “Community Land” would be a separate process that would be subject to the provisions of Division 1, Clause 33 and Clause 34 of the Local Government Act 1993 and would include at that time, the preparation of a Plan of Management in accordance with Clause 36.</p>



Gavin Cherry
Development Assessment Coordinator