

23 March 2011

Mr Michael Woodland  
Director Metropolitan and Regional Projects South  
Department of Planning  
23-33 Bridge Street  
SYDNEY NSW 2000

Dear Michael,

**Section 75W Modification to Project Approval (MP09\_0217) at 120-128 Herring Rd, Macquarie Park for Staged Subdivision**

**INTRODUCTION**

This letter accompanies an application made under Section 75W of the Environmental Planning and Assessment Act 1979 with respect to a proposed modification to Major Project Approval MP09\_0217 that granted Project Approval for *Staged Subdivision* of the site.

The Project Approval was granted on 20<sup>th</sup> January 2011 for the site is known as 120-128 Herring Road, Macquarie Park.

The proposed modification to the Project Approval arises for the following reasons:

- Condition B1 of the Project Approval requires modifications to the plans to ensure that they are worded to identify the easement for access will be for pedestrian and cycleway a minimum of 2.5m in width across proposed Lot 11; and
- To rectify some minor drafting errors with respect to certain numeric measurements of the Stage 2 summary plan.

Therefore in order to ensure clarity and avoid confusion in the future, we seek approval from the Department of Planning (DOP) for the minor revision to the Staged Subdivision plans.

**BACKGROUND**

On behalf of Lipman Properties Pty Ltd, a Concept Plan and two Project Applications were submitted in May 2010 in accordance with Part 3A of the *Environmental Planning and Assessment Act 1979* for land at 120-128 Herring Road, Macquarie Park.

The proposal sought approval of the following three Part 3A applications, submitted for concurrent assessment and approval:

1. Concept Plan approval for the height, bulk and configuration of 5 residential apartment buildings on separate allotments with associated components such as a new local access road, landscaping and car parking.
2. Project Application for the staged Subdivision of the Development Site which will result in 7 allotments at completion of the Concept Plan development, with each of the 5 residential

apartment buildings on 5 separate allotments and the new local access road on 2 allotments (to be dedicated to Council upon completion of the road).

3. Project Application approval for the construction of Building A and the construction of the south-eastern portion of the new local access road along the south frontage of Building A and a temporary sales and marketing office.

Three separate approvals were issued by the DOP on 20<sup>th</sup> January 2011. This application relates to the Project Approval for Staged Subdivision.

## PROPOSED DESIGN AMENDMENTS

The notation on the Stage 1A Subdivision Plan (Proposed Lot 11) for the proposed easement for access is proposed to be amended to remove the previous reference as a "Right of Footway Variable Width (x)" to be now known as an "**Easement for Access (Pedestrian and Cycle) 2.5 wide (x)**". This change will make it clearer as to the prescribed use of the access as well as the dimensions, in accordance with the requirements of Condition B1 of the Project Approval.

The other amendment to the plans is very minor as they relate to some minor errors to the dimensions on Sheet 1 of the Stage 2 Subdivision Plan. Sheet 1 is the "summary" sheet for the Stage 1A subdivision, with the following Sheets 2 and 3 providing the detailed drawings for the subdivision. The labelling of some dimensions along the road and the cul-de-sac on the Sheet 1 summary sheet were not updated to reflect the minor design change to the cul-de-sac that occurred during the submission of the PPR. The dimensions on Sheets 2 and 3 remain unchanged as they are correct and therefore the proposed changes will ensure the summary dimensions on the summary sheet are consistent with the detailed sheets.

Overall, the modifications do not change the approved subdivision plans, rather they seek to rectify minor matters for clarification to avoid future confusion.

## SECTION 75W MODIFICATION TO CONDITIONS

In order to facilitate the proposed design changes, this Section 75W application seeks to modify the following Conditions of Approval as documented in MP09\_0217. Reduced copies of the plans prepared by Cameron Phillip Miles Surveyor from Denny Linker & Co, dated 2 March 2011 is provided at **Attachment A**.

The Section 75W application seeks to modify Condition A2 to update the architectural drawing list prepared by Cameron Phillip Miles Surveyor.

Drawing No.	Revision	Name of Plan	Date
091120.DP.STG1A	8	Sheet 1 of 3	2/3/2011
091120.DP.STG1A	8	Sheet 2 of 3	2/3/2011
091120.DP.STG1A	8	Sheet 3 of 3	2/3/2011
091120.DP.STG2	8	Sheet 1 of 3	2/3/2011
091120.DP.STG2	8	Sheet 2 of 3	2/3/2011
091120.DP.STG2	8	Sheet 3 of 3	2/3/2011

It is noted that the Stage 1 Subdivision plans remain unchanged.

## ENVIRONMENTAL ASSESSMENT

The proposed modifications do not change the approved staged subdivision of the site. Since Condition B1 required greater clarification to the labelling for the proposed pedestrian/cycleway on the Stage 1A plan, it was considered prudent to seek the formal approval for updating the plans.

After re-looking at the plans a minor error was discovered on the summary Sheet 1 for the Stage 2 drawings, and therefore the updated plans will ensure that the dimensions are consistent with those shown on the approved Sheets 2 and 3 of the Stage 2 subdivision.

Therefore the proposed modifications are extremely minor, without any physical consequence.

## CONCLUSION

By updating the staged subdivision drawings, the plans will be consistent with the modification requirement of the Project Approval. The plans will also be free from any errors, preventing any confusion with respect to the dimensions on the Stage 2 subdivision.

If you have any questions or queries about the information provided, please don't hesitate to contact me on 8233 9955.

Yours sincerely,

A handwritten signature in black ink that reads "Stephen White". The signature is written in a cursive, flowing style.

Stephen White  
Associate Director

Encl    ***Attachment A Drawings by Cameron Phillip Miles Surveyor from Denny Linker & Co***