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**SECTION 4.55(1A) MODIFICATION APPLICATION (SSD 7173 MOD 5) FOR PROPOSED AMENDMENT TO THE SUBDIVISION PLAN**

**PROPERTY AT: 585-649 MAMRE ROAD, ORCHARD HILLS (LOT 2171 DP 1153854)**

Dear John,

Reference is made in relation to the subject Modification Application (SSD 7173 MOD 5) that was lodged with the NSW Department of Planning & Environment (DP&E) on 7 November 2018 for the proposed amendments to the Subdivision Plan (as approved under SSD 7173 MOD 2) at the identified Subject Site – proposed Lots 10, 11 & 12, 585-649 Mamre Road, Orchard Hills (First Estate – Lot 2171 DP 1153854).

Following a review of the NSW DP&Es request for the Response to Submissions (RTS) dated 3 December 2018, the matters raised have been taken into consideration and are accurately addressed in the response matrix, that is attached to this letter. It is considered that this information now provides NSW DP&E with all the necessary facts and relevant particulars related to the proposed development subject to this Modification Application; therefore, enabling the assessment to be finalised and the proposal determined

We look forward to the NSW DP&Es feedback on the information provided and look forward to progressing with the assessment of this Modification Application.

Should you wish to discuss further, please contact the undersigned on 0413 555 638.

Yours Faithfully,

Andrew Cowan  
Director  
Willowtree Planning Pty Ltd  
ACN 146 035 70

## **Section 4.55(1A) – SSD 7173 MOD 5**

Proposed Amendment to the Subdivision Plan – Proposed Lots 10, 11 & 12, 585-649 Mamre Road, Orchard Hills

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### **Enclosed:**

- **Appendix 1 – Civil Engineering (Stormwater) Letter of Support**
- **Appendix 2 – Architectural Plans**
- **Appendix 3 – Snack Brands (SSD 9429) Civil Engineering Plans**

## Section 4.55(1A) – SSD 7173 MOD 5

Proposed Amendment to the Subdivision Plan – Proposed Lots 10, 11 & 12, 585-649 Mamre Road, Orchard Hills

| Table 1: Response Matrix   |  |
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| Relevant Entities Response to Submissions  | Formalised Response  |
| <b>Penrith City Council (Gavin Cherry – Development Assessment Coordinator)</b>  |  |
| <p><b>Planning Considerations:</b></p> <p><i>The rationale for the creation of irregular boundary lines between proposed Lot 10 and Lot 11 and the creation of Lot 12 is not clear and requires clarification to address orderly development principles. The following clarification is therefore sought to enable further consideration of the proposal:</i></p> <ul style="list-style-type: none"> <li><i>The applicant is requested to confirm the strategic intention for Proposed Lot 12 (severance area). It would appear that this lot is potentially being set up for future road widening of Mamre Road or an intersection upgrade for future road works. The statement as submitted does not address this adequately and references future consolidation with Lot 1 without explanation as to how Proposed Lot 12 is related to Lot 1 and what the long term strategic intention is for these resulting severed allotments. To consider the appropriateness of lot creation, the intended use and function of the proposed lots must be understood and the resulting boundaries of proposed Lot 12 must be sufficient to achieve its intended function, without future impost on Lot 10 if severance is sought at this point in time.</i></li> </ul> | <p>The strategic intention proposed for the Subject Site (First Estate), with regard to proposed Lot 12 is indicative of the future road widening of Mamre Road, which would subsequently impact on the following land portions, including:</p> <ul style="list-style-type: none"> <li>Proposed Lot 12; and,</li> <li>Lot 1 DP 1233392.</li> </ul> <p>The intention is to amalgamate both identified lots pursuant to the road widening taking place; hence, why proposed Lot 12 is not being serviced at this point in time, as it will be serviced through augmentation of the allotment to the north.</p> <p>As mentioned above, a future DA will be undertaken and submitted to the relevant consent authority, for which the proposed development would utilise the permissibility of the IN1 General Industrial zone under <i>State Environmental Planning Policy (Western Sydney Employment Area) 2009</i> (SEPP WSEA), for which both land portions are zoned accordingly under the SEPP. A draft schematic further illustrating the potential outcome of the identified land portions is provided in <b>Appendix 2</b>.</p> <p>Additionally, the intention behind proposed Lot 12, is considered to be in accordance with the Conditions of Consent provided by the NSW DP&amp;E with regard to SSD 7173, including Condition "C1", concerning 'access' that specifies the following:</p> <ul style="list-style-type: none"> <li>"This internal access road shall: <ul style="list-style-type: none"> <li>(a) Be linked to the proposed James Erskine Drive and Mamre Road intersection (fourth leg) (as proposed by RMS and depicted in the gazetted Access Strategy in the Mamre West Land Investigation Area Development Control Plan, August 2016), once constructed."</li> </ul> </li> </ul> |

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| <ul style="list-style-type: none"><li>▪ <i>The internal boundary arrangement of the approved subdivision plan (as per SSD 7173 MOD 2) seems more logical and provides for regular shaped lots. The boundaries of proposed Lot 10 and 11 subject of this application are now irregularly shaped and it is unclear as to the benefit/reasoning behind the proposed subdivision pattern as revised. While the statement of environmental effects references separate development applications (SSD9429) for built form works, it is not clear how this separate application dictates or requires the irregular boundary conditions proposed as part of this modification application.</i></li></ul> | <p>Proposed Lot 12 would respond accordingly to Condition C1 mentioned above, via the future inclusion of a slip lane and future proposed development, which would satisfy the condition imposed, ultimately linking the internal access road to Mamre Road and James Erskine Drive (once upgraded / constructed).</p> <p>The proposed allotment boundaries have been designed in accordance with the operational requirements of the end user (Snack Brands). The irregular area on Lot 10 adjacent to the western boundary is intended to provide a space for future infrastructure that will be required to serve the stage 2 development. This infrastructure will need to be located on the same lot as the future development for Authority compliance. This area was selected to mitigate the visual impact of the future infrastructure from the Mamre Road and Distribution Drive.</p>   |
| <p><b>Engineering Considerations:</b></p> <p><u>Severance Area (Lot 12):</u><br/><i>It has been indicated that the proposed lot 12 is not to be serviced at this point in time. However, a lawful point of discharge for stormwater drainage is required and has not been demonstrated to the proposed lot.</i></p> <p><u>Stormwater Plans:</u><br/><i>The proposed Civil &amp; Stormwater Plans as submitted are not civil drawings and appear to be a copy of subdivision plan with hand written drainage notes.</i></p>   | <p>As mentioned above, proposed Lot 12 will be amalgamated with Lot 1 DP 1233392 at a later point in time, for which one (1) allotment would be created. The amalgamation would be undertaken in response to the proposed intersection upgrade proposed, as a result of the widening of Mamre Road. Any current stormwater drainage for proposed Lot 12 would be indicative of previously approved plans provided in SSD 7173 MOD 2 and SSD 9429 (currently under assessment), for which the stormwater drainage is considered satisfactory.</p> <p>Any future development proposed on the amalgamated lot would take into consideration any stormwater drainage requirements, for which civil engineering plans would be designed in accordance with the relevant Council requirements and engineering standards.</p> <p>The Civil Engineering (Stormwater) Letter of Support (refer to <b>Appendix 1</b>), provided by Costin Roe Consulting has been amended to remove any hand-written drainage notes, for which detailed civil engineering plans have been</p> |

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| <p><i>A revised civil design drawing with level notations and associated contours is required which details the proposed drainage measures and any earthworks necessary to achieve this drainage scheme.</i></p> <p><i>This also includes the location and width requirements for the identified easement over proposed Lot 10 benefiting Lot 11 and whether the proposal includes the installation of a underground drainage pipe.</i></p> <p><i>The plan(s) should also detail how the amended lot arrangement and indicated catchment splits (as evident within Proposed Lot 10) can be accommodated without additional or revised earthworks to achieve the drainage design as approved.</i></p> | <p>utilised accordingly. <b>Appendix 1</b> is considered to satisfactorily address the proposed amendments to the Subdivision Plan with regard to proposed Lots 10-12.</p> <p>With regard to this Modification Application, the civil engineering design drawings remain consistent with what has been submitted to the NSW DP&amp;E with regard to SSD 9429 for assessment (refer to <b>Appendix 3</b>), as well as being in line with the design drawings that have been previously approved under SSD 7173 MOD 2. There is no intention to change the levels under this Modification Application, for which the Site will continue to drain as previously approved under SSD 7173 MOD 2.</p> |
| <b>Sydney Water (Growth Planning &amp; Development Team)</b>   |   |
| <p><i>We have reviewed the modification application and have determined that this development does not require additional assessment by Sydney Water at this stage.</i></p>  | <p>Noted and agreed.</p>  |
| <b>NSW Roads and Maritime Services (RMS) (Zhaleh Alamouti – A/Senior Manager Land Use Assessment, North West Precinct)</b>   |   |
| <p><i>This Application represents the fifth Modification Application to SSD 7173 which seeks to make amendments to the Subdivision Plan (as approved under SSD 7173 MOD 2) concerning Lots 7 &amp; 9, entailing the creation of three (3) new proposed allotments – Lots 10, 11 &amp; 12 (severance area); and, the removal of reference to Lots 7 &amp; 9.</i></p> <p><i>In this regard, Roads and Maritime raises no objections to the proposed modifications and reiterates that the conditions of its letter dated 20 November 2017 (attached) remain applicable to the proposal.</i></p>  | <p>Noted and agreed. The conditions provided in the letter dated 20 November 2017 have been and will continue to be adhered to accordingly.</p>   |
| <b>NSW Rural Fire Service (RFS) (Kalpana Varghese – Team Leader, Development Assessment and Planning)</b>  |   |
| <p><i>The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and raises no objections subject to compliance with our previous advice for SSD 7173 dated 17 June 2016.</i></p>   | <p>Noted and agreed.</p>  |

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**Appendix 1**  
Civil Engineering (Stormwater) Letter of Support

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## **Appendix 2** Architectural Plans

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**Appendix 3**  
Snack Brands (SSD 9429) Civil Engineering Plans