

1 December 2011

Mr Anthony Witherdin
Department of Planning
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Dear Mr Witherdin

**STATEMENT OF ENVIRONMENTAL EFFECTS: SECTION 75W APPLICATION TO MAJOR PROJECT
MP NO.08_0257 STAGE 1 (BUILDINGS 4 & 5) – 61 MOBBS LANE, EPPING**

INTRODUCTION

Pursuant to Section 75W (1) (a) of the *Environmental Planning and Assessment Act 1979*, a 'modification of approval' is sought to vary a number of Conditions pertaining to Major Project MP No. 08_0257 Stage 1 (Buildings 4 & 5) as approved on 15 September 2010. The modifications are intended to clarify any ambiguities in the implementation of the consent and to ensure that the development of the site occurs in an efficient and sequential manner.

THE SITE

Site Context

The subject is located at 61 Mobbs Lane, Epping in the Parramatta local government area. The site is 89,190 sqm in extent and is situated approximately 1.4km from both Epping and Eastwood rail stations. The site has close to 500m frontage to Mobbs Lane which is accessed via Midson Road to the east, and Marsden Road to the west.

The site is bounded to the south by Mobbs Lane, to the east by single houses fronting Edenlee Street, to the north by a branch of Ryde Horticultural TAFE, to the northwest by rear yards of single houses and some dual occupancies, and to the west by Mobbs Lane Reserve open space bushland. The site is located approximately 5k from Macquarie Shopping Centre and approximately 3k from Eastwood Shopping Centre where a full range of goods and services are available to the community.

The site is legally comprised of several allotments described as Lots 1 & 2 DP732070, Lot 2 DP582172, Lots 1 & 2 DP129023 and Lot 1 DP57089. Currently the site is under demolition.

Approvals Background

On 1 August 2006, State Environmental Planning Policy (Major Projects) 2005 (Amendment No.6) was gazetted which amended the Major Projects SEPP by listing the site as a State Significant Site in Schedule 3. This effectively rezoned the site and established design parameters.

On 22 August 2008, the Minister approved a Concept Plan (MP 05-0086) for residential development, landscaped open space, and associated facilities.

On 14 July 2010, the Early Works Package (MP 08_0258) was approved by the Minister of Planning. A copy of the consent is attached in **Annexure A**.

On 15 September 2010, the Planning Assessment Commission approved a Project Application for 'Stage 1 – Residential Development, including:

*Construction of Buildings 4 and 5 consisting of 134 residential units with associated basement car parking; and Landscaping and associated works to publicly accessible open space". A copy of the consent is attached in **Annexure B**.*

On 27 January 2011, MOD1 pertaining to the above, for the timing of the Voluntary Planning Agreement was approved; and

On 28 May 2011, MOD2 pertaining to the above, for minor design refinements was approved.

PROPOSED AMENDMENTS

The current proposed amendments pertain to the implementation of a number of Conditions relating to subdivision, street numbering, works as executed plans and dilapidation reports. These amendments to Project Approval N0.08_0257 Stage 1 are intended to clarify any ambiguities in the implementation of the consent, to ensure that occupation occurs in a logical, sequential manner.

Condition A8 Further Approvals

Should be deleted, as Subdivision approval has already been granted, under the Early Works approval, MP08_0258. A set of stamped Land Subdivision Plans have been approved. A full copy of the Early Works Approval is enclosed in **Annexure A**. Therefore there is no need to repeat this requirement as it creates uncertainty for the Certifying Authority.

Condition E2 Subdivision Certificate

This Condition should be deleted as the requirement to obtain a Subdivision Certificate (under 109J) has no relationship to occupation of buildings.

If the Condition was intended to relate to a Strata Certificate we similarly request that the Condition be deleted as the *Environmental Planning and Assessment Act, 1979* does not list occupation as a pre-condition for obtaining a Strata Certificate. Moreover, the Conveyancing Regulations require the issue of an occupation certificate prior to settlement.

Condition E3 Compliance Report

As above, this clause should be deleted as Subdivision approval has already been granted, under the Early Works approval, MP08_0258. Therefore there is no need to repeat this requirement as it creates uncertainty for the Certifying Authority.

Condition E4 Street Numbering

This issue has already been conditioned via the Early Works Approval. Refer to Condition E9 Street Numbering of the Early Works Approval, MP08_0258. Therefore there is no need to duplicate the Condition. It has appropriately been incorporated as part of the Early Works Approval which covers the entire site and should be deleted from this Consent. By doubling up, this creates confusion for the Certifying Authority.

Condition E8 Works as Executed Plans

This Condition should be deleted as Stormwater has been fully addressed and Conditioned as part of the Early Works Approval, MP08_0258. Refer to Condition B20, Stormwater and Drainage Works, E1 – On Site Detention Systems, and E12, Works as Executed Plan. Once again by repeating this Condition it creates confusion for the Certifying Authority and potentially doubles up on work, creating delays in the construction and final occupation of the buildings and creating an unnecessary financial burden on the project.

Additionally there is no on site detention facility within buildings 4 and 5. The on-site detention facility is in fact located within the basin at the western end of the site. Accordingly, it is more appropriately dealt with as part of MP08_0258.

Condition E9 Post Construction Dilapidation Report

This Condition should be deleted as this matter has been previously conditioned as part of the Early Works Approval, MP08_0258. Refer to Condition C13, Dilapidation Report of Adjoining Structures and E11, Post Construction Dilapidation Report.

Further, in terms of the location of Buildings 4 & 5, they are not located adjoining any existing structures. Currently they are surrounded by a construction site. In the future Buildings 4 & 5 will be surrounded by Building 3 to the west, and to the north Building 7 & 8.

JUSTIFICATION FOR THE MINOR CHANGES

The need for the proposed minor amendments has occurred for the following reasons:

- To reduce any ambiguity in the implementation of the Conditions;
- To ensure that there is no doubling up on Conditions;
- To clarify the action that is required;
- To assist the Certifying Authority in their role;
- To reduce delays in construction, as matters may have been addressed previously; and
- To reduce the financial burden associated with compliance.

RECOMMENDATIONS

It is recommended that the following conditions be deleted from Project Approval MP No. 08_0257 Stage 1 (Buildings 4 & 5) as approved on the 15 September 2010.

- Condition A8 Further Approvals;
- Condition E2 Subdivision Certificate;
- Condition E3 Compliance Report;
- Conditions E4 Street Numbering;
- Condition E8 Works as Executed Plans; and
- Condition E9 Post Construction Dilapidation Report

CONCLUSION

The modifications are intended to clarify any ambiguities in the implementation of the consent and to ensure that the development of the site and subsequent occupation of such occurs in an efficient and sequential manner.

For the above reasons, the development as modified is considered to be substantially the same development approval as originally granted.

Therefore the Minister's support in this regard is cordially requested.

Yours faithfully

MERITON APARTMENTS PTY LIMITED

A handwritten signature in black ink, appearing to read 'W. Gordon'.

WALTER GORDON

Manager Planning and Development