

22 June 2025

Cameron Sargent
Team Leader, Key Sites and TOD Assessments
Department of Planning, Housing and Industry
4 Parramatta Square, 12 Darcy Street,
Parramatta NSW 2150

Attn: Rodger Roppolo

Re: Mowbray Road, Lane Cove North, Affordable Housing (SSD-71687208)
Proposed stratum subdivision

Dear Cameron,

This letter seeks to include stratum subdivision of the approved development at Mowbray Road, Lane Cove North, Affordable Housing Development as part of the modification currently being assessed by the Department (SSD-71687208-Mod-2).

Proposed stratum subdivision

The stratum subdivision would enable separate ownership and management of the approved social and affordable housing.

The stratum plan which is included at Attachment A will create the following stratoms:

- Affordable house stratum (Lot 1 in the draft stratum plan):
 - 43 apartments with a dwelling mix of 17 x 1 bedroom and 26 x two bedroom
 - 21 car spaces including 2 accessible spaces
 - 16 bicycle storage spaces and 14 bike rack spaces
- Social housing stratum (Lot 2 in the draft stratum plan):
 - 43 apartments with a dwelling mix of 19 x 1 bedroom and 24 x two bedroom
 - 21 car parking spaces including 2 accessible spaces
 - 30 bike storage spaces and 10 bike rack spaces

The stratum subdivision will also allocate shared facilities. The 'ownership' of the shared facilities are as per the boundaries defined in the draft stratum plan, however both lots will benefit the use of the shared facilities via the relevant easements, including Easement for Recreation, Easement to use Lift, Right of Access, Right of Vehicle Access, Easement for Services, Loading Dock and Garbage Collection, Emergency Egress, Fire services, Access to Shared Facilities etc.

The proposed stratum subdivision is consistent with the conditions of approval of the SSDA which requires:

- 43 social housing dwellings and 43 affordable housing dwellings.
- A minimum of 42 car parking space including 4 accessible spaces
- A minimum of 70 on-site bicycle parking spaces.

The proposed stratum subdivision is also consistent with the allocation and dwelling mix of social and affordable housing which was outlined in the original application (see Attachment B).

Consideration of Section 4.55 of the EP&A Act

Section 4.55 of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) sets out provisions relating to modifications.

Section 4.55(1A) sets out provisions relating to modifications involving minor environmental impact which are addressed in Table 1.

Section 4.55(3) applies to all modifications and requires:

- Consideration of the matters referred to in section 4.15(1), but only so far as the matters are of relevance to the application,
- The reasons given by the consent authority for the grant of the consent sought to be modified, but only so far as the reasons are of relevance to the application.

Section 4.15(1) is addressed in Table 2.

The proposed modification does result in any impact on the reasons for approval given by the consent authority.

Table 1: Consideration of 4.55(1A) matters

Section 4.55(1A) matter	Consideration
a) it is satisfied that the proposed modification is of no or minimal environmental impact, and	The proposed modification seeks to enable separate ownership and management of the social and affordable housing which was approved through SSD-71687208. This ownership arrangement was detailed in the original application and is reflected in the approval. The stratum subdivision will not result in any change to the approved dwelling yield, mix or building design. Accordingly, it is considered that the proposed stratum subdivision will have no environmental impact.
(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and	The proposed modification seeks to enable separate ownership and management of the social / affordable housing which was approved through SSD-71687208. The proposed stratum subdivision is consistent with the conditions of approval of the SSDA which requires the provision of 43 social housing dwellings and 43 affordable housing dwellings. The proposed stratum subdivision is also consistent with the allocation and dwelling mix of social and affordable housing which was outlined in the original application (see Attachment B). The stratum subdivision will not result in any change to the approved dwelling yield, mix or building design. Accordingly, it is considered that the proposed stratum subdivision of the approved social and affordable housing is substantially the same development.

Section 4.55(1A) matter	Consideration
(c) it has notified the application in accordance with— (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and	DPHI will notify the modification in accordance with any relevant requirements.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	Any submissions made would be considered in the assessment of the modification.

Table 2: Assessment against S4.15(1) of the EP&A Act

Section 4.15(1) matter	Consideration
The provisions of any environmental planning instrument (EPI)	The provisions of relevant EPI's were assessed in the EIS and further in the original Modification 2 application report. The compliance with relevant EPIs will not change as a result of the proposed stratum subdivision.
The provisions of any proposed instrument that is or has been the subject of public consultation under this Act or that has been notified by the consent authority.	Not applicable
The provisions of any Development Control Plan (DCP)	The provisions of the relevant DCP were assessed in the EIS, and further in the original Modification 2 application report. The compliance with relevant DCPs will not change as a result of the proposed stratum subdivision.
The provisions of any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F	Not applicable
The provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> (the Regulations), to the extent that they prescribe matters for the purposes of this paragraph	Clause 61 of the Regulations set out additional matters for consideration by a consent authority for the purposes of 4.15(1) of the EP&A Act. None of these matters is relevant to the proposed modification.

Section 4.15(1) matter	Consideration
The provisions of any coastal zone management plan (within the meaning of the Coastal Protection Act 1979)	Not applicable.
The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The modification will not result in any significant adverse social, environmental or economic impacts. The development has significant social and economic benefits through the delivery of social and affordable housing. The proposed stratum subdivision will support delivery of the building by enabling separate ownership and management of the social and affordable housing.
The suitability of the site for the development	The site has been demonstrated to be suitable for the development through original SSD approval.
Any submissions made in accordance with this Act or the regulations	Any submissions received during the notification of the proposed modification will be considered as part of the assessment of the modification.
The public interest	The proposal is considered to be in the public interest as it increases social and affordable housing, whilst supporting streetscape and character. The proposed stratum subdivision will support delivery of the building by enabling separate ownership and management of the social and affordable housing.

Should you have any queries about the above matters, please do not hesitate to contact Anna Johnston on 0401 330 707.

Yours sincerely,



Regards,

Michael File

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Director

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