

Planning Report

Section 75W Application

61 Mobbs Lane, Epping: Stage 3

Staged strata subdivision and strata development contract

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1 Introduction

This Planning Report relates to a Section 75W Application seeking consent from Department of Planning and Infrastructure to amend Major Project Application MP11_0046.

The subject Section 75W Application seeks staged strata subdivision and a related strata development contract.

This Report:

- describes the site and its surrounding area,
- details the nature of the proposed development, and
- undertakes an assessment of any likely impacts arising from the proposal.

The conclusion is reached that the proposal is acceptable with regard to all relevant planning issues.

2 Site and Surroundings

The subject site is located at 61 Mobbs Lane, Epping in the Parramatta local government area. The site is 89,190 sqm in extent. 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 legally comprised of several allotments described as Lots 1 & 2 DP732070, Lot 2 DP582172, Lots 1 & 2 DP129023 and Lot 1 DP57089.1.



Figure 1: Site location within Epping - showing approximate boundary



Figure 2: Aerial view within Epping - showing approximate boundary

The site is located approximately 5k from Macquarie Shopping Centre and approximately 3k from Eastwood Shopping Centre and Epping Shopping Centres. A full range of goods and services are available at these nodes of activity including rail, shopping centres, medical facilities and tertiary education opportunities.

To the immediate west of the site is a public recreation area, with a playground and walking trails. To the south of the site, is Mobbs Lane road and a large site currently under construction for residential purposes. To the east of the site are single detached houses fronting Eden lee Street and to the north is a branch of the Ryde Horticultural TAFE.

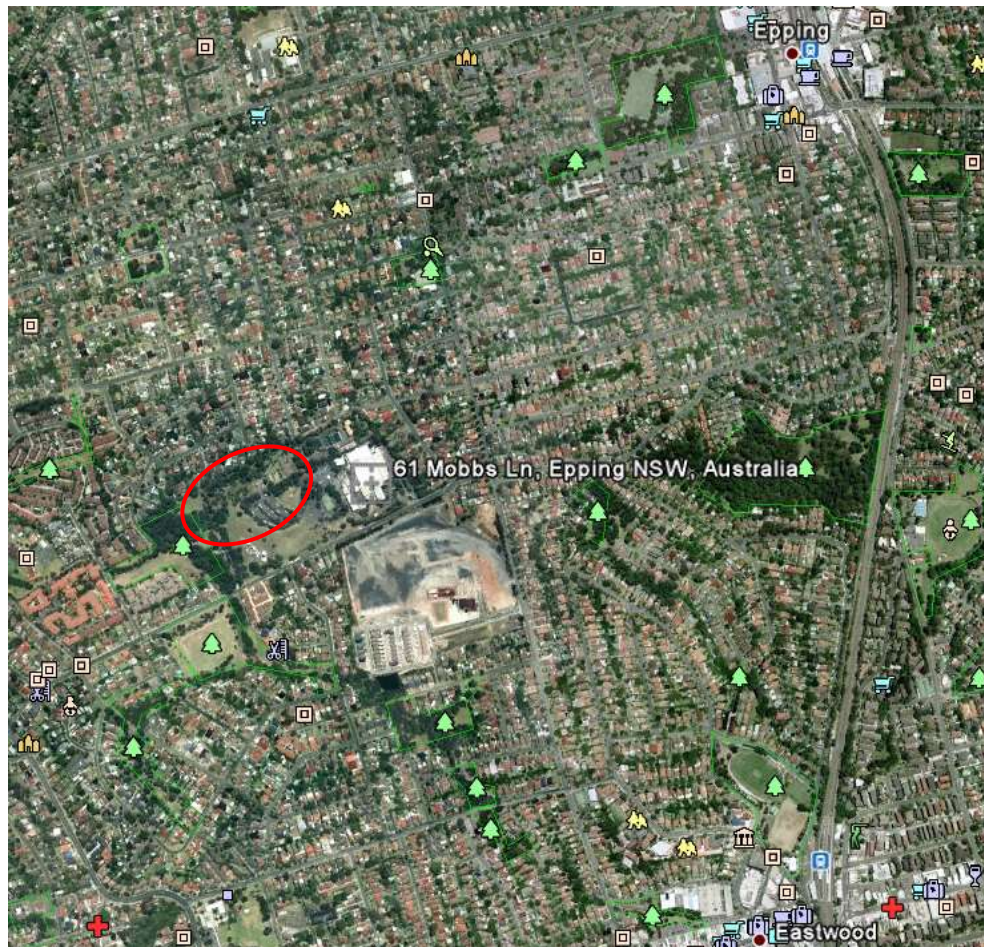


Figure 3: Aerial views of site showing neighbourhood location, in proximity to Epping and Eastwood Centres

3 Proposed Modifications

3.1 Existing Consent

On 30 May 2013, the Department of Planning issued its consent (MP11_0046) for the following development:

'Stage 3' Residential Development, comprising:

- *Construction of five residential flat buildings known as Buildings 11, 12, 13/14, 15/16 and Building 17 comprised of 324 apartments; with a total GFA of 30,455.72 m²; and*
- *Construction of associated basement car parking and landscaping containing 427 car parking spaces (374 for buildings 11 to 16 and 53 for Building 17).*

3.2 Proposed Amendments

Pursuant to section 75W(1)(a) of the *Environmental Planning and Assessment Act 1979*, this application seeks approval to strata subdivide Buildings 12, 13 and 14 and stage the strata subdivision of buildings 11, 15 and 16 located within Stage 3.

Under section 28B of the *Strata Schemes (Freehold Development Act) 1973* (Strata Act), a consent authority must not, at the same time, grant development consent for the subdivision of land by a strata plan and the subsequent subdivision of a lot in that plan by a strata plan of subdivision unless:

- The lot intended to be subdivided is identified in the proposed strata plan as a development lot;
- The development application is accompanied by a proposed strata development contract; and
- The consent authority has certified in the approved form that the application will not contravene any condition of development consent or the provisions of any environmental planning instrument (EPI) that was in force when the consent was granted, except to the extent specified in the certificate.

The proposed modification is consistent with the requirements of section 28B because:

- The lot intended to be subdivided is identified in the proposed strata plan is identified as a development lot;
- The application includes a Draft Strata Development Contract prepared in accordance with the requirements of section 28C of the Strata Act; and
- The proposed modification application is generally consistent with the project approval (as modified) and the provisions of the relevant EPI(s).

In order to facilitate the proposed modification, the Instrument of Approval will need to be amended to:

- Revise the description of the project in Condition A1 to include the strata subdivision of Buildings 12, 13 and 14 and stage the strata subdivision of buildings 11, 15 and 16; and
- Modify Condition A2 to insert plans of strata subdivision for Buildings 12, 13 and 14.

3.3 Proposed Conditions

3.3.1 Condition A1

It is proposed to amend condition A1 as follows:

'Stage 3' Residential Development, comprising:

- *Construction of five residential flat buildings known as Buildings 11, 12, 13/14, 15/16 and Building 17 comprised of 324 apartments; with a total GFA of 30,455.72 m²; and*
- *Construction of associated basement car parking and landscaping containing 427 car parking spaces (374 for buildings 11 to 16 and 53 for Building 17); **and***
- **Staged strata subdivision.**

3.3.2 Condition A2

It is proposed to amend condition A2 to reference the submitted plans.

4 Planning Assessment

This section undertakes an assessment of the proposal under relevant issues of consideration.

4.1 Environmental Planning Instruments

4.1.1 State Environmental Planning Policy (Major Projects) 2005

The SEPP identifies the zoning of the site to be General Residential and Public Recreation. The proposal is permitted in the zone subject to consent.

There are no other clauses of the SEPP that are particularly relevant in the assessment of the proposal.

4.2 Development Control Plans

4.2.1 Parramatta Development Control Plan 2011

Parramatta Development Control Plan 2011 applies to the subject site. There are no provisions of the DCP that are particularly relevant in the assessment of the proposal.

4.3 Likely Impacts

The environmental impacts of the development have already been taken into consideration in the assessment of the original Development Application for construction of the development.

The strata subdivision will have no adverse impact on the availability of services, vehicular access, use of common facilities, and open space. The subdivision will have no change to unit configurations or any other built form element on the site and, further, it will not change the use of any part of the site.

The proposal will have no adverse impacts.

5 Conclusion

The subject Section 75W Application seeks staged strata subdivision and a related strata development contract.

It is considered that the proposal provides an appropriate response to the planned development of the site and will assist in the orderly and economic development of the land.

The proposal satisfies assessment of all relevant issues and all relevant provisions of the applicable planning controls.

It is therefore submitted that the Minister grant approval to the Section 75W Application and amend the Major Project approval in the manner requested.

