

MODIFICATION REQUEST:
61 Mobbs Lane, Epping (Former Channel 7 Site)
Amendment of conditions relating to the timing of
installing traffic lights - 61 Mobbs Lane, Epping
(MP05_0086 MOD 3, MP10_0158 MOD 3, MP10_0107
MOD 9 and MP08_0258 MOD 6)



Director-General's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act 1979

February 2013

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1. BACKGROUND

1.1 Proposal

On 5 March 2012, Meriton Apartments Pty Ltd (Meriton) lodged a section 75W modification seeking approval to re-word Modification B4.4 of the Channel 7 Concept Plan approval at 61 Mobbs Lane, Epping. Concurrent section 75W applications were also lodged to modify the project approvals for the early works project (MP08_258 MOD 6), buildings 1, 2 and 3 (MP10_107 MOD 9), and buildings 7 and 8 (MP10_0158 MOD 3). The modifications were requested to facilitate an increase in the number of units that can be occupied, prior to the construction and operation of the traffic signals at the Mobbs Lane/Marsden Road intersection. A location plan identifying the proximity of the intersection to the subject site is provided at **Figure 1**, and images of the existing intersection are provided at **Figure 2**.



Figure 1: Location of the Subject Site and the Mobbs Lane/Marsden Road Intersection



Figure 2: North Bound (left) and West Bound (right) View of the Existing Intersections

The proponent has revised the extent of the modification, being the total number of units it is seeking to occupy prior to the construction and operation of the traffic signals, on six separate occasions. The most recent revision to the modification applications (dated 11 January 2013) seeks approval to increase the number of units that may be occupied from 149 to 477. It is important to note that there is a child care centre approved on the south western corner of the site, and the request for 477 units to be occupied is predicated on this part of the development not being constructed in the short term.

1.2 The Site

The site is located at 61 Mobbs Lane, Epping and is approximately 24 km from the Sydney CBD within the Parramatta Local Government Area (see **Figure 3**). The site was previously utilised by Channel 7 as television studios and associated facilities.

The site has an area of 8.9 ha, with approximately 500 m frontage to Mobbs Lane. The surrounding development is predominantly low density detached residential dwellings. A TAFE Campus adjoins the site on the north eastern boundary.

The eastern portion of the site is generally flat, while the western portion is undulating. The site has a change in elevation of approximately 30 m from east to west. A drainage line flows into Terry's Creek along the north western section of the site.

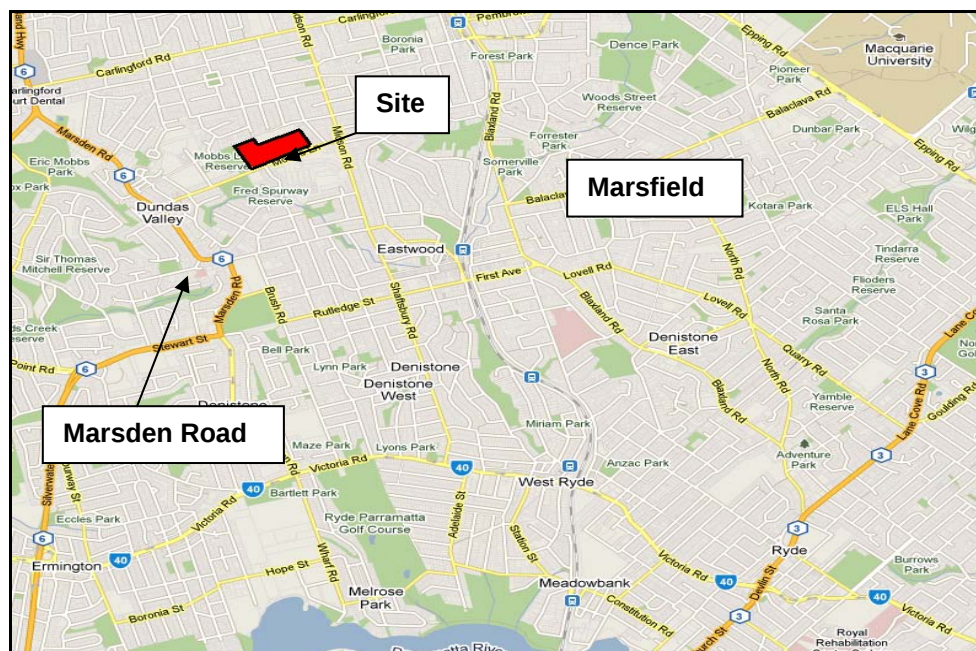


Figure 3: Site Location

1.3 Approval History

State Significant Site Listing

On 16 August 2006, State Environmental Planning Policy (Major Projects) 2005 (Amendment No. 6) was gazetted, which amended the Major Projects SEPP (now known as the Major Development SEPP) by listing the site as a State Significant Site in Schedule 3 of the SEPP.

Concept Plan (MP05_0086)

The Mobbs Lane Concept Plan (MP05_0086) was approved by the then Minister for Planning on 22 August 2006, for the redevelopment of the site for residential and open space purposes. The approval permitted:

- the construction of a maximum of 650 dwellings with a maximum gross floor area of 80,000 m², and maximum floor space ratio of 0.89:1;
- no more than 73 dwellings/ha;
- development to a maximum of 6 storeys; and

- 3.1 ha of public open space and a child care centre.

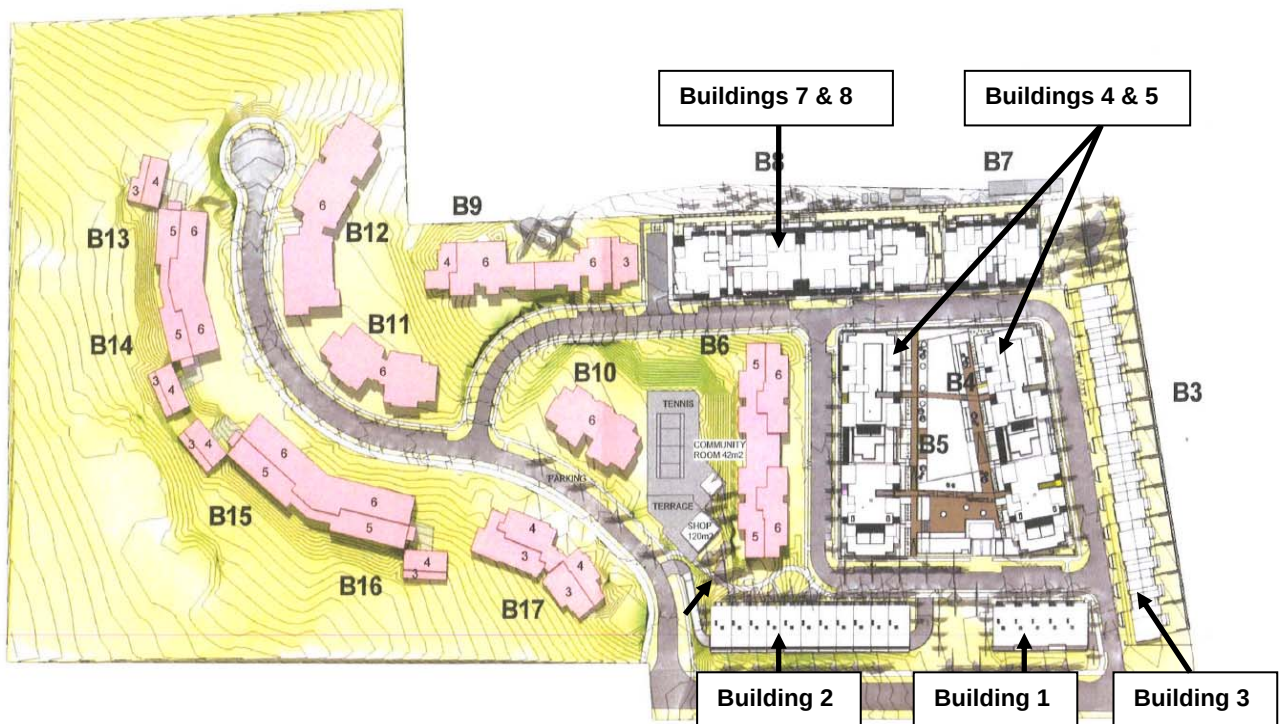


Figure 4: Approved Concept Plan Layout

A modification to the concept plan was approved by the Executive Director, Strategic Sites and Urban Renewal on 23 November 2008 (MOD 1). This modification permitted amendments to revise the timing for the submission of contamination, Aboriginal archaeological and historic archaeological investigations, and geotechnical investigations. In addition, the application amended the timing for the submission of the landscaping plan and public domain plans.

On 21 Feb 2011, the then Minister for Planning approved a second modification (MOD 2) that permitted an increase in the number of dwellings from 650 to 800.

The third modification, which is the subject of this assessment report, was lodged on 5 March 2012.

A fourth modification application (MOD 4) to reduce the length of the internal road providing access to the buildings within Stage 3 has been lodged by the proponent and is currently under assessment by the department.

Early Works Approval (MP08_0258)

The early works package was approved by the Planning Assessment Commission (PAC) on 14 July 2010. The early works approval permitted the following:

- demolition of existing structures and tree removal;
- construction of final landforms including internal and external roads;
- reticulation of services and stormwater management works;
- landscaping of the public and private domain;
- construction of a child care centre;
- construction of private communal facilities; and
- consolidation of existing lots, subdivision into a community title allotment, and the Torrens title subdivision of the land associated with the child care centre.

The early works approval has been modified on five occasions. A summary of the approved modifications is provided in **Table 1** below.

Table 1: Summary of Modifications

Modification Number	Approval Date	Approved Modifications
1	22 November 2010	Amendments to the operational storm water management methods.
2	25 August 2011	Removal of 16 additional trees and modification of conditions A2 and C19 to reflect the revisions to the approved tree management plan.
3	25 August 2011	Modification of Schedule 1, Part A and Condition A2 to permit community title subdivision.
4	Withdrawn	N/A.
5	10 July 2012	Increase in the number of approved child care centre places from 59 to 70, internal and external design changes to the child care centre including increasing the outdoor play area to 550 m ² and reconfiguration of the car parking layout, increase in the number of approved car spaces from 15 to 18, insertion of hours of operation for the child care centre, and deletion of Condition A7(a).
6	Current modification being determined.	Amendment of Condition C4 to increase the number of units that can be subject to the issue of occupation certificates prior to the commencement works associated with upgrading the Mobbs Lane/Marsden Road intersection.
7	18 December 2012	Amendments to the community title subdivision plan.

MP10_0107 Buildings 1, 2 and 3

On 17 January 2011, the PAC approved a project application (MP10_0107) for the construction of 28 townhouses, known as buildings 1, 2 and 3, and associated car parking and landscaping works.

This approval has been modified on seven occasions. A summary of the approved modifications is provided in **Table 2** below.

Table 2: Summary of Modifications

Modification Number	Approval Date	Approved Modifications
1	21 October 2011	Conversion of 16 townhouses from three bedroom to four bedroom dwellings, minor design changes, and modification of Condition A2 to update the schedule of approved drawings.
2	9 January 2012	Modification of Condition A1 to permit strata subdivision, and modification of Condition A2 to inserting five additional subdivision plans.
3	13 February 2012	Minor external design changes and modification of Condition A2 to update the schedule of approved drawings.
4	21 March 2012	Modification of the development description in Part A Schedule 2 to include the subdivision of land associated with building 3 into 12 neighbourhood lots, and modification of Condition A2 to insert plans of subdivision.
5	16 April 2012	Minor design changes to building 3, and modification of Condition A2 to update the schedule of approved drawings.
6	Withdrawn	N/A.
7.	22 May 2012	Modification of Condition E2 to ensure the road works to Mobbs Lane are complete prior to the release of the final Occupation Certificate.
8.	5 September 2012	Modification of Condition A1 to permit staged strata subdivision and staged development of building 2, and the insertion of six additional staged strata subdivision plans in Condition A2.
9.	Current modification being determined.	Modification of Condition B2 to increase the number of Occupation Certificates that can be issued prior to the commencement works associated with upgrading the Mobbs Lane/Marsden Road intersection.

MP10_0158 Buildings 7 and 8

On 12 July 2011, the PAC approved a project application permitting the construction of buildings 7 and 8 (MP10_0158). The approved development included 127 residential apartments, 173 basement car parking spaces, 11 on-street parking spaces, excavation and landscaping works.

This project approval has been modified on four occasions. It should be noted that the department is also currently assessing a sixth modification to this application. A summary of the approved and proposed modifications is provided in **Table 3** below.

Table 3: Summary of Modifications

Modification Number	Approval Date	Approved Modifications
1	29 November 2011	Modification of Schedule 2, Condition A1 to include subdivision in the development description, and modification of Condition A2 to include the subdivision plans in the schedule of approved drawings.
2	12 March 2012	Minor external design changes and internal reconfiguration of units, modification of Condition A2 to update the schedule of approved drawings, and re-wording of Condition B1(b) to ensure an appropriate amount of adaptable apartments are provided on site.
3	Current modification being determined.	Amendment of Condition B2 to increase the number of Occupation Certificates that can be issued prior to the commencement of works associated with upgrading the Mobbs Lane/Marsden Road intersection.
4	30 June 2012	Minor external design changes and internal reconfiguration of units, modification of Condition A2 to update the schedule of approved drawings, and re-wording of Condition B1(b) to correct a typographical error.
5	19 November 2012	Revisions to the car parking layout, modification of Condition A2 to update the schedule of approved drawings, modification of Condition A10 to require the proponent to submit amended plans for the basement car park, and re-wording of Condition E2 to change the timing of road improvement works.
6.	Currently under assessment	Modification seeking to relocate the car park entrance to the car park of buildings 7 and 8.

1.4 Voluntary Planning Agreement

It should be noted that the proponent has entered into a voluntary planning agreement (VPA) with Parramatta City Council (council) pursuant to the requirements of Condition B2 of the project approval for MP10_0107. In this regard, the VPA requires the proponent to signalise the Mobbs Lane/Marsden Road intersection prior to the occupation of the 225th dwelling in accordance with the drawings and specifications approved by the RMS.

In order to rectify any potential non-compliance with the VPA, the proponent has lodged a separate request with the council seeking approval to alter the provisions of the VPA to correspond with the wording of the proposed section 75W modifications.

This request was considered by the council at its meeting of 11 February 2013. In this regard, the council resolved to revise the VPA to provide consistency with the proposed modifications.

2. PROPOSED MODIFICATION

2.1 Modification Description

The application seeks approval to re-word Modification B4.4 of the Channel 7 Concept Plan approval (MP06_0086); Condition C40 of MP08_0258 (early works); Condition B3 of MP10_107 (buildings 1, 2 and 3); and Condition B2 of MP10_0158 (buildings 7 and 8) to allow for an additional 252 apartments, or a total of **476**, to be occupied (i.e. subject to the issue of an Occupation Certificate) prior to Mobbs Lane/Marsden Road traffic signals becoming operational. As the wording of the concept plan modification and the relevant conditions of each project approval differ, the current and proposed wording of the modification/conditions are reproduced in full below. In short, the proponent is seeking to occupy additional buildings prior to the Mobbs Lane/Marsden Road intersection upgrade being completed.

Modification B4.4 of MP05_0086 (Channel 7 Concept Plan)

The requirements of the modification in its current form are as follows:

B4.4 *The intersection at Marsden Road and Mobbs Lane is to be constructed and operational prior to the issue of an Occupation Certificate for the 150th dwelling on the site as provided in the 'Preferred Project Report' dated December 2010, prepared by Architectus or within 24 months from the date of this approval (MP05_0086 MOD 2), whichever occurs first.*

Meriton is seeking to delete the modification and replace it with the following:

B4 Transport and Access

B4.4 *The approved road signals at the intersection of Marsden Road and Mobbs Lane shall be fully constructed and operational prior to the issue of an Occupation Certificate for the 477th dwelling on the former Channel 7 site.*

Condition C40 of MP08_0258 (Early Works Project)

The condition in its current form is as follows:

C40 RTA Requirements

(a) *The proposed signals at the intersection of Marsden Road/ Mobbs Lane shall be fully constructed and operational prior to release of the any Occupation Certificate by the Certifying Authority for part of the development that exceeds 150 dwellings with a child care centre or 225 dwellings without a child care centre.*

Certified copies of the civil/traffic signal design plans at the Marsden Road/Mobbs Lane intersection shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate by the Certifying Authority for any part of the development that exceeds 150 dwellings with a child care centre or 225 dwellings without a child care centre and commencement of road / signal works.

The developer must pay the full 10 year traffic signal operation maintenance cost.

Meriton is seeking to delete the condition and replace it with the following:

C40 RTA Requirements

(a) *The approved road signals at the intersection of Marsden Road and Mobbs Lane shall be fully constructed and operational prior to the issue of an Occupation Certificate for the 477th dwelling on the former Channel 7 site.*

Condition B3 of MP10_0107 (Buildings 1, 2 and 3)

The condition in its current form is as follows:

B3 Traffic Signal works to Marsden Road/ Mobbs Lane Intersection

Certified copies of the civil traffic signal design plans at the Marsden Road/Mobbs Lane intersection approved by MP 08_0258, drawn by a suitably qualified person, shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate by the Certifying Authority for any part of the development that exceeds 150 dwellings with a child care centre or 225 dwellings without a child care centre and commencement of road/signal works.

The approved road signals at the intersection of Marsden Road/Mobbs Lane shall be fully constructed and operational prior to the release of any Occupation Certificates by the Certifying Authority for part of the development that exceeds 150 dwellings with a child care centre or 225 dwellings without a child care centre.

Meriton is seeking to delete the condition and replace it with the following:

B3 Traffic Signal works to Marsden Road/Mobbs Lane Intersection

The approved road signals at the intersection of Marsden Road and Mobbs Lane shall be fully constructed and operational prior to the issue of an Occupation Certificate for the 477th dwelling on the former Channel 7 site.

Condition B2 of MP10_0158 (Buildings 7 and 8)

The condition in its current form is as follows:

B2 Traffic Signal works to Marsden Road/Mobbs Lane Intersection

The approved road signals at the intersection of Marsden Road and Mobbs Lane shall be fully constructed and operational prior to the issue of an Occupation Certificate for the 150th dwelling on the former Channel 7 site, or within 24 months from the date of the approval of MP05_0086 MOD 2, whichever occurs first.

Meriton is seeking to delete the condition and replace it with the following:

B2 Traffic Signal works to Marsden Road/Mobbs Lane Intersection

The approved road signals at the intersection of Marsden Road and Mobbs Lane shall be fully constructed and operational prior to the issue of an Occupation Certificate for the 477th dwelling on the former Channel 7 site.

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Project Approvals

In accordance with clause 3 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and the associated regulations, and the Minister (or his delegate) may approve or disapprove the modifications under section 75W of the EP&A Act.

3.2 Environmental Assessment Requirements

Section 75(3) of the EP&A Act provides the Director-General with scope to issue Environmental Assessment Requirements (DGRs) that must be complied with before the matter will be considered by the Minister. DGRs were not issued for this modification as the information submitted by the proponent was sufficient to conduct a full assessment of the proposal.

3.3 Delegated Authority

The Minister delegated his powers and functions to determine modifications made under section 75W of the EP&A Act to the Executive Director, Development Assessment Systems and Approvals where:

- the relevant local council has not made an objection;
- a political disclosure statement has been made, but only in respect of a previous related application; and
- there are less than 10 public submissions in the nature of objections commenting on the proposal.

No submissions have been received from the public and the council resolved to withdraw its objection to the applications. The proponent has made a political donation in relation to a previous application. As such, the application can be determined under delegation by the Executive Director, Development Assessment Systems and Approvals.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X(2)(f) of the EP&A Act, the Director-General is required to make a modification request publicly available. The department placed the modification request on its website on 20 March 2012. This satisfies the requirements of section 75X(2)(f) of the EP&A Act.

4.2 Public Authority Submissions

The department referred the applications and subsequent revisions to the council and Roads and Maritime Services (RMS) for comment. A summary of the comments is provided below.

Council

Council officers advised the department via email dated 13 February 2013, that the council, at its meeting of 11 February 2013, resolved to:

- advise the department that it has concerns about further delays to the installation of the traffic lights associated with the development at 61 Mobbs Lane, however it acknowledges that these delays are now unavoidable; and
- advise the department that it does not object to modifying the Concept Plan, the relevant project approvals and the VPA, to permit up to 324 dwellings being occupied if a child care centre is operating on site, or up to 447 dwellings without.

Whilst the department acknowledges the council's most recent response, it notes that the council's comments dated 16 November 2012 raised a number of concerns in relation to the content of the proponent's traffic report dated 8 October 2012. The most recent report to the council does not explain how these issues have been overcome. In this regard, the council's original concerns with the traffic report are as follows:

- the traffic report does not indicate how many of the 148 apartments with occupation certificates were actually occupied on the date of the traffic survey;
- the application does not provide a breakdown of the apartment mix for future units which Meriton is seeking to issue occupation certificates for;
- the traffic report does not indicate the date the survey was undertaken or the time at which surveys were conducted;
- the use of the afternoon peak to determine traffic generation rates is inappropriate as the morning peak generates larger volumes of traffic;
- the report did not incorporate traffic associated with construction workers and construction vehicles accessing the site; and
- deferring the installation of the traffic signals would result in adverse safety impacts.

RMS

To date RMS has not provided comments on Meriton's current request to occupy a total of 477 dwellings prior to the signalisation of the Mobbs Lane/Marsden Road intersection. Notwithstanding, RMS in emails dated 12 and 15 November 2012, advised that the traffic report dated 8 October 2012 was incomplete. As such RMS considers that the traffic report does not provide appropriate justification to increase the number of dwellings that can be occupied prior to the Mobbs Lane/Marsden Road traffic signals becoming operational.

In addition, RMS advised that as the application seeks to utilise survey data to estimate traffic generation rates in lieu of relying on established data, this data would need to be collected over a 12 month period in order to provide an appropriate sample from which average traffic generation rates for each type of dwelling could be estimated.

Alternately, the RMS advised that the proponent could model the existing intersection to determine when it should be signalised. In order to do this, a traffic survey should be undertaken to obtain current traffic movements. The current traffic volumes and predicted

rate of traffic growth could then be used to estimate future traffic volumes and determine when traffic signals would need to be operational.

As the council's latest correspondence does not resolve the technical deficiencies in the proponent's traffic report dated 8 October 2012, and the concerns raised by the RMS remain outstanding, the department engaged Gennaoui Consulting Pty Ltd (Gennaoui Consulting) to undertake a review of the proponent's traffic report dated 8 October 2012, and the supplementary traffic note dated 17 January 2013. The terms of the review were as follows:

- advise whether a one day survey is sufficient to predict actual residential vehicle movements;
- advise whether the surveyed residential vehicle movements are accurate and can be relied on rather than the estimated traffic generation rate (which is based on the RMS Guidelines), noting the issues raised by the council and RMS;
- advise whether the assumptions and conclusions of the proponent's revised traffic report are acceptable; and
- advise whether the revised dwelling threshold rate is acceptable (447 dwellings without a child care centre or 324 dwellings with a child care centre), or provision of an alternate threshold rate.

The conclusions of this review are discussed in detail in Section 5 of this report.

4.3 Public Submissions

No public submissions were received by the department.

5. ASSESSMENT

The department has assessed the proposed modification and has determined that the following issues require assessment:

- traffic impacts associated with permitting an increase in the number of dwellings that can be occupied prior to the signalisation of the Mobbs Lane/Marsden Road intersection; and
- non-compliances with the existing conditions of approval.

5.1 Traffic Impacts

The application now seeks approval to modify the Concept Plan and relevant project approvals to increase the number of dwellings that can be occupied across the site from 149, in the event that a child care centre is operational, or 224 in the event that a child care centre is not operating, to **477** prior to the Mobbs Lane/Marsden Road traffic signals becoming operational.

It is important to note that the request to increase the number of dwellings that can be occupied across the site to **477** is predicated on the approved child care centre not being operational. Furthermore, following the submission of the most recent revision to the applications, the RMS approved the design of the Mobbs Lane/Marsden Road intersection, and construction of the intersection commenced on 7 February 2013. Based on the current work program, it is anticipated that the signals will be operational within six to nine months (between August and November 2013).

The current request has been supported by a traffic report prepared by GTA consultants dated 8 October 2012, and a supplementary traffic report dated 17 January 2013. These reports conclude that increasing the number of dwellings that can be occupied to **447** prior to the Mobbs Lane/Marsden Road traffic signals becoming operational, would not result in any adverse traffic impacts. The rationale for supporting the proposed increase in the number of dwellings to be occupied is as follows:

- the trigger values for the signalisation of the Mobbs Lane/Marsden Road intersection were derived from the Sydney Regional Advisory Committee's (SRDA) assessment of the

traffic report prepared by Masson Wilson Twiney (MTW) to support the Concept Plan application. This MTW report concluded that the site could generate 159 vehicle movements per hour in the am peak, and 123 movements per hour in the pm peak before it would reach the equivalent level of traffic previously generated by Channel 7 studios. If the RMS traffic generation rates for residential development were applied to the site (0.54 trips in the peak hour per dwelling), this would equate to the equivalent of 228 dwellings without a child care centre, or 150 dwellings if the approved child care centre was operational;

- in order to determine whether the MTW modelling was overly conservative GTA undertook a survey on 28 August 2012. On this date 148 dwellings were complete and occupied;
- following a comparison of the traffic generation rates estimated by MTW and the survey data collected by GTA, it was concluded that the approved development currently generates 37 per cent less traffic in the pm peak hour;
- traffic distribution rates predicted under the MTW report were also compared to the GTA survey data. In this regard, it was concluded that traffic distribution patterns in the pm peak differed from those predicted by MTW, with actual distribution being five per cent lower along Marsden Road;
- given that the traffic generation and distribution rates identified in the survey differed from the predictions of the MTW report, GTA concluded that there was spare capacity at the Mobbs Lane/Marsden Road intersection. The additional capacity was predicted to be in the order of 25 vehicles per hour in the pm peak (a total of 148 trips per hour, compared to a total of 123 in the MTW report). When applying the traffic generation rates derived from the survey (0.33 trips in the pm peak per dwelling) the dwelling threshold triggering the signalisation of the Mobbs Lane/Marsden Road intersection would increase to 447 dwellings without a child care centre (222 additional dwellings), or 324 dwellings (174 additional dwellings) if the child care centre is operational; and
- based upon the current occupation rates provided by Meriton (an average of 5 dwellings per week), it is anticipated that the intersection will be complete three months before the proposed trigger rate is reached (a total of 447 dwellings). **Figure 5** identifies the predicted occupation of buildings to December 2013, assuming that the relevant conditions of approval are modified as requested.

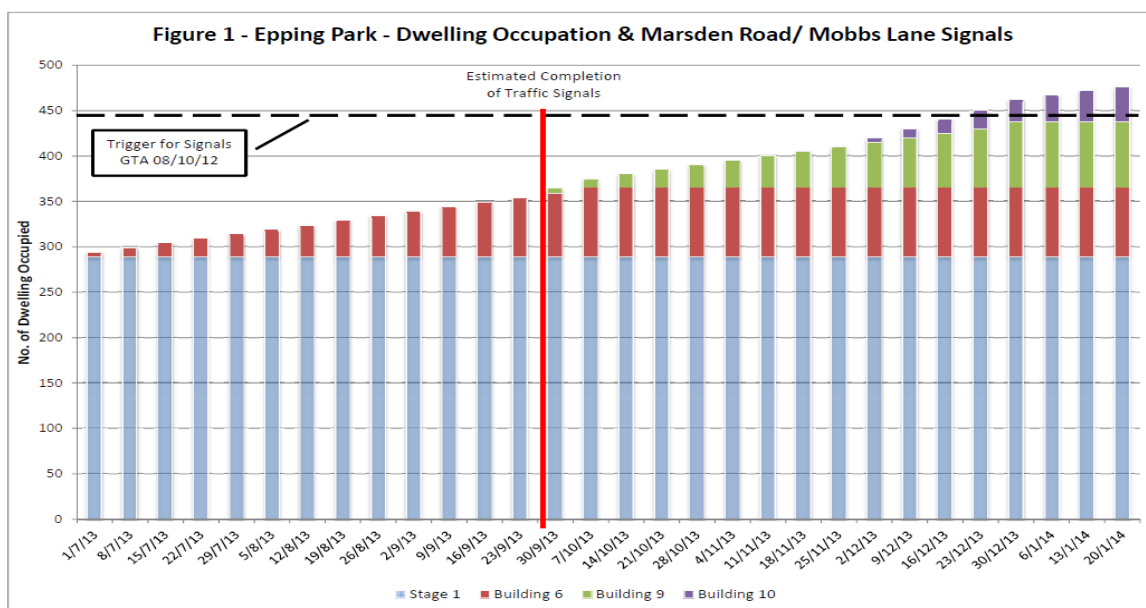


Figure 5: Anticipated Schedule of Occupation

Furthermore, the traffic note dated 17 January 2013, addresses the RMS' request for the traffic report to adopt the RMS guideline rates for residential development. In this regard, GTA refutes the use of the RMS guideline rates, on the basis that these rates are derived from surveys undertaken in the 1980s. Furthermore, GTA notes that MTW adopted the traffic generation rates for 'medium density residential development', when the site should have been classified as 'high density residential development'. The use of this rate would result in a lower traffic generation rate of 0.29 trips per dwelling during peak hour, which is lower than the surveyed rate for the site (0.33 trips in the pm peak per dwelling). As such GTA concluded that the survey data will give more accurate traffic generation rates in comparison to the RMS guideline rates.

The department notes that the revised traffic reports were based on a request to occupy a total of **447** dwellings, and have not been amended to support Meriton's most recent request dated 11 January 2013, which seeks to increase the number of dwellings that can be occupied across the site prior to the traffic signal being operational to **477**.

In order to determine the veracity of the proponent's traffic modelling the department engaged Gennaoui Consulting to undertake a review of the traffic report prepared by GTA Consultants dated 8 October 2012, and the supplementary traffic report dated 17 January 2013. The review concluded that:

- relying on a one day survey immediately after the occupation of the buildings is inappropriate on the basis that traffic patterns are unlikely to be established until the building has been occupied for at least six months. Furthermore, reliance on a one day survey will not provide statistically valid data;
- GTA's alternate approach which seeks to apply the RTA rate for 'high density' developments (0.29 trips per unit) in lieu of utilising survey data is not appropriate on the basis that this trip rate was derived from developments within metropolitan sub-regional centres, and the subject site is not located within close proximity to such a centre. As such the assumptions of the MTW report prepared to support the Concept Plan should continue to be used until more statistically valid survey results are obtained;
- GTA has adopted the pm peak traffic generation rate to determine its revised dwelling threshold (0.33 trips per dwelling per hour) despite the survey identifying that the am peak generates a higher number of trips (0.36 trips per dwelling per hour). Given the above, the morning peak should be adopted to ensure a conservative approach is taken.
- a review of the MTW report revealed that the traffic distribution rate specified by GTA is incorrect, as 27 per cent of traffic was originally predicted to utilise Marsden Road, not 30 per cent as specified by GTA. Taking into consideration this adjustment, GTA's report would support the occupation of 132 additional dwellings (356 in total) if the child care centre is not operational, or 95 additional (244 total) dwellings if the child care centre is operational. Notwithstanding, the use of these rates is not supported on the basis that the survey data is statistically flawed;
- a more appropriate approach to determine a dwelling threshold would be to look at the impact of additional traffic on the current operation of the Mobbs Lane/Marsden Road and Mobbs Lane/Misdon Road intersections. In this regard, the report prepared by MTW indicated that both intersections operate at a satisfactory level of service (LOC) 'C', with spare capacity available. Furthermore, the more recent traffic report prepared by Transport and Traffic Planning Associates (TTPA) in December 2010, to support modification 2 to the Concept Plan confirms that these intersections still retain spare capacity; and
- if the 141 dwellings remaining in stage 1 are occupied it would generate 72 additional trips. It is considered that 141 additional dwellings could be occupied without unduly affecting the operation of the intersections, provided that the child care centre is not operational. This would take the total number of dwellings that could be occupied without the Mobbs Lane/Marsden Road intersection being signalised up to 289. Notwithstanding, this number could be revised subject to the proponent undertaking four additional surveys

on a Tuesday and Thursday during the am and pm periods. These surveys should be undertaken two weeks apart.

The department has reviewed the recommendations of the report prepared by Gennaoui Consulting and has concluded that:

- the use of a one day traffic survey is inappropriate for devising a revised threshold for the number of dwellings that could be occupied prior to the operation of the traffic signals;
- in lieu of appropriate survey data, it would be more appropriate to increase the number of occupation certificates that can be issued across the site based upon the extent of the spare capacity available at the Mobbs Lane/Marsden Road and Mobbs Lane/Misdon Road intersections. In this regard there would be sufficient capacity at these intersection to accommodate the occupation of 141 additional dwellings (a total of **289**); and
- subject to the proponent revising its modelling assumptions as per the recommendations contained in the Gennaoui report, and undertaking revised modelling and assessment, it would be appropriate to allow the proponent the opportunity to request the occupation of additional dwellings, subject to the approval of the Director-General.

Given the above, the department recommends that the instruments of approval for MP05_0086, MP10_0158, MP10_0107 and MP08_0258 be amended to delete the relevant conditions of approval and replace them with the following condition:

"The approved road signals at the intersection of Marsden Road and Mobbs Lane shall be fully constructed and operational prior to the issue of an Occupation Certificate for the 289th dwelling at 61 Mobbs Lane, Epping if the child care centre is not operational, or the 207th dwelling if the child care centre is operational.

The number of dwellings occupied across the site could be increased subject to:

- *the proponent undertaking new surveys between 7:00 am and 9:00 am and 4:30 pm and 6:30 pm on a Tuesday and a Thursday in the same week, followed by a similar survey two weeks later;*
- *the proponent providing a revised traffic report that:*
 - *revises the assumptions of the traffic report prepared by GTA Consulting dated 8 October 2012, and the traffic note dated 17 January 2013 in accordance with the recommendations of the report prepared by Gennaoui Consulting dated 7 February 2013; and*
 - *assesses the impacts associated with permitting the occupation of additional dwellings on site on the operation of the Mobbs Lane/Marsden Road and Mobbs Lane/Misdon Road intersections, taking into consideration the results of the new traffic surveys.*

In addition, the report must be submitted to the Director-General for approval".

5.2 Non-Compliances with Conditions B2 and B3 of MP10_0107 and MP10_0158

The department notes that the proponent's certifier has issued a number of construction certificates which facilitate the construction of 476 dwellings on site. This is inconsistent with the requirements of conditions C40, B2 and B3 of MP08_0258, MP10_0107, and MP10_0158, which limits the number of dwellings that can be constructed to 149 (with a child care centre) or 224 (without a child care centre) prior to the completion of the Mobbs Lane/Marsden Road intersection upgrade. Despite this non-compliance, the department notes that:

- whilst the approvals were structured to ensure additional dwellings were not constructed until the traffic signals were operational, the department considers the critical issue relates to the timing of building occupation, which is the time at which the additional traffic will impact on the operation of the traffic signals; and
- the proposed modifications will resolve these compliance issues on the basis that the proposed wording of conditions B2 and B3 will:

- (a) remove the requirement for the proponent to obtain the RMS' approval for the design of the Mobbs Lane/Marsden Road intersection prior to the issue of a Construction Certificate permitting the construction of up to 224th dwellings on site (without a child care centre); and
- (b) permit the occupation of up to 289 dwellings across the site.

6. CONCLUSION

The department has assessed the proposed modifications and does not support the proponent's request to amend the conditions of approval to increase the number of dwellings that may be occupied to 477 without the traffic signals being operational. This is primarily due to the quality of the information contained in the proponent's traffic reports dated 8 October 2012, and 17 January 2013.

Notwithstanding, the conclusions of the department's independent traffic study acknowledge that there is sufficient capacity at the Mobbs Lane/Marsden Road and Mobbs Lane/Misden Road intersections to facilitate the occupation of up to 289 dwellings across the site if the child care centre is not operational (or 207 if the child care centre is operational). This would allow the occupation of 65 additional dwellings when compared to the current conditions of approval.

Furthermore, the report acknowledges that subject to the proponent undertaking appropriate traffic surveys and updating the assumptions of the traffic report to reflect the worst case traffic conditions, there may be scope to further increase the number of dwellings that could be occupied. As such, the department has recommended modifications to the instruments of approval for MP05_0086, MP10_0158, MP10_0107 and MP08_0258, which reflect the recommendations of the department's independent advice.

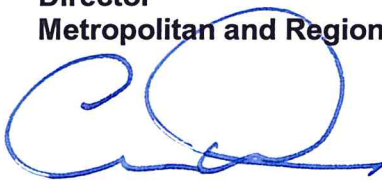
7. RECOMMENDATION

It is recommended that the Deputy Director-General, Development Assessment and Systems Performance:

- a) **consider** the findings and recommendations of this report; and
- b) **approve** the section 75W modifications in accordance with the instruments of approval provided at Tag A.



**Director
Metropolitan and Regional Projects North**



28.2.13

**Executive Director
Development Assessment Systems and Approvals**

APPENDIX A MODIFICATION REQUEST

See the Department's website at:

<http://majorprojects.planning.nsw.gov.au>

APPENDIX B SUBMISSIONS

See the Department's website at:

<http://majorprojects.planning.nsw.gov.au>

APPENDIX C RECOMMENDED MODIFYING INSTRUMENTS

