



**MODIFICATION REQUEST:
61 Mobbs Lane, Epping (Former Channel 7
Site)
(MP 10_0107 MOD 1)**



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

October 2011

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EXECUTIVE SUMMARY

This report is an assessment of the modification application (MOD 1) lodged under section 75W of the *Environmental Planning and Assessment Act 1979* (the Act) by Meriton Apartments (the proponent) requesting modifications to project approval MP 10_0107, which allowed for the construction of 28 residential townhouses within Buildings 1, 2 & 3 at 61 Mobbs Lane, Epping.

The department placed the modification application on the department's website and notified Parramatta City Council in writing. No comments were received from council, and no public submissions were received.

The department has assessed the merits of the proposed modifications and considers them to be minor in nature. The modifications do not result in any increases in building height or gross floor area, and will not give rise to environmental impacts or significant changes to the approved development.

The department recommends that the proposed modification application should be approved. The modification only involves replacement of drawings with new drawings showing the changes, so requires an amendment to Condition 2 of the approved project.

1. BACKGROUND

Meriton Apartments Pty Ltd is seeking approval to modify major project MP 10_0107, which allowed for the construction of 28 residential townhouses within Buildings 1, 2 & 3 at 61 Mobbs Lane, Epping.

1.1 The Site

The site, known as 61 Mobbs Lane, is situated on the northern side of Mobbs Lane, approximately 24 km from the Sydney CBD within the Parramatta Local Government Area (see **Figure 1**). The buildings on the site were previously utilised by Channel 7 as television studios and associated facilities.

The site has an area of 8.9 ha, with a frontage of approximately 500 m to Mobbs Lane. The surrounding development is predominantly low density detached residential dwellings which are mainly characterised by Californian Bungalows and Federation style architecture. 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.

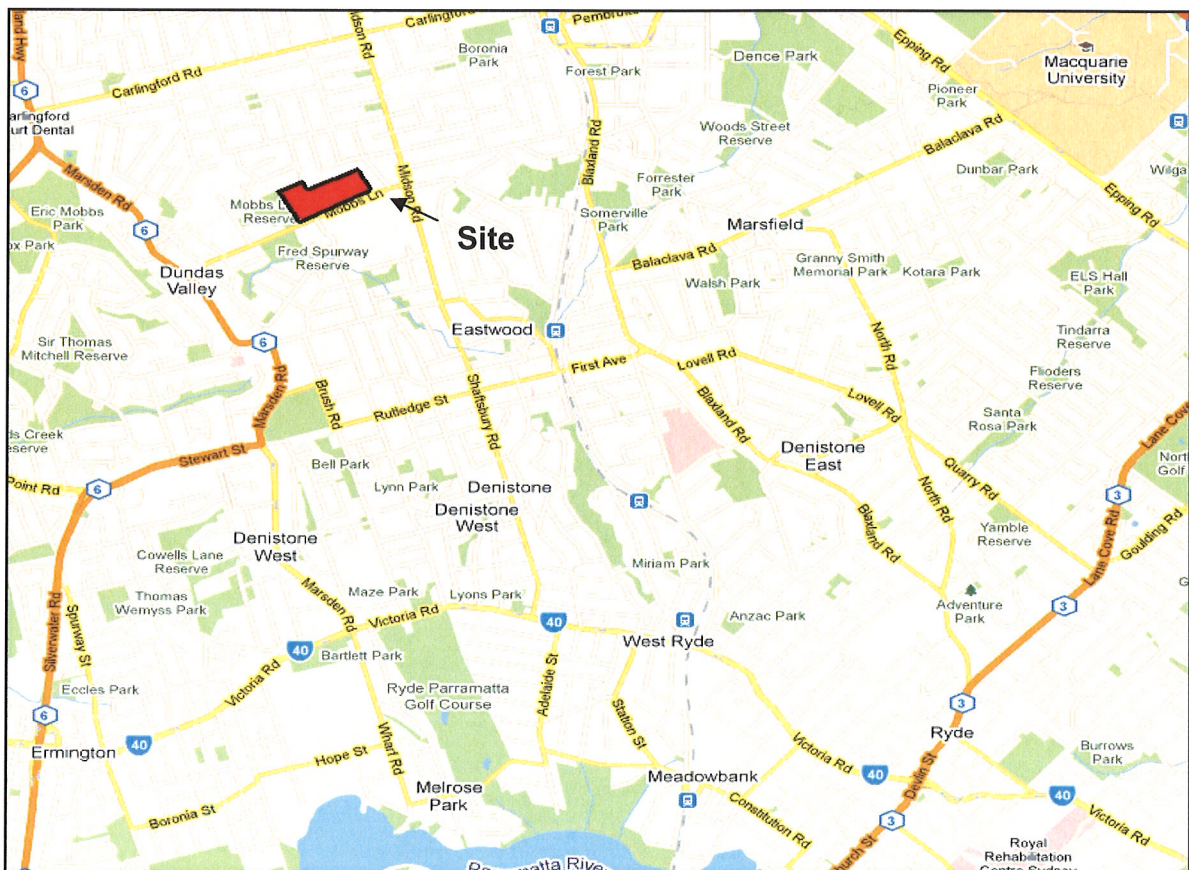


Figure 1: Site location

1.2 Approval History

On 1 August 2006, State Environmental Planning Policy (Major Projects) 2005 (Amendment No. 6), (now State Environmental Planning Policy (Major Development) 2005), was gazetted which amended the Major Projects SEPP by listing the site as a State Significant Site in Schedule 3 of the SEPP.

Concept Plan

On 22 August 2008, the then Minister for Planning approved a Concept Plan (MP 05_0086) for residential and open space development at the former Channel 7 site which allowed for:

- a maximum of 650 dwellings
- a maximum of 80,000 m² gross floor area
- a maximum floor space ratio of 0.89:1
- no more than 73 dwellings per ha
- a maximum height of six storeys
- 3.1 ha of public open space and a child care centre.

Modification 1 to the Concept Plan (MP 05_0086) was approved on 23 December 2008 to enable for the construction of a temporary marketing suite on the site.

On 21 February 2011, the then Minister for Planning approved a second modification (MOD 2) to the Concept Plan (MP 05_0086). It allows for the following:

- an increase in the number of dwellings from 650 to 800 dwellings
- amends the dwelling mix requiring a minimum of 5% one bedroom dwellings and a maximum of 15% three bedroom+study dwellings within the development
- deletes the total envelope area and 73 dwellings per hectare requirements
- replaces the gross floor area definition
- includes a 120 m² neighbourhood shop
- increases car parking spaces on the site
- increases the total common open space by an additional 4,265 m².

Project Applications

On 14 July 2010, a project application (MP 08_0258) was approved by the Planning Assessment Commission (PAC) for the Early Works Package which includes:

- demolition of existing structures and tree removal
- construction of final land forms and landscaping of the public and private domain
- internal and external road works
- services, utilities and stormwater management works
- a child care facility and communal resident facilities
- consolidation of existing lots and subdivision into a community title allotment and Torrens title lot for the proposed child care centre.

The buildings associated with the former Channel 7 Studios have been demolished under this approval and the early works are currently being undertaken. A modification (MOD 1) to MP 08_0258 was subsequently approved on 22 November 2010, to amend the approved stormwater management facilities on the site.

A second project application (MP 08_0257) for the site was approved on 15 September 2010. It allowed for the construction of two residential flat buildings comprising a total of 134 units with associated basement level car parking and landscaping.

On 17 January 2011, a third project application (MP 10_0107) was approved by the PAC to allow for construction of Buildings 1, 2 and 3 on the site. **This approved project is the subject of the current modification application.** The approved buildings are described as follows:

Table 1: Approved Project Components

Building 1	3 storey residential building located along southern boundary fronting approved internal 'road 3', providing 5 x three bedroom residential townhouses. Rear double garages located at ground floor level, accessed off 'road 2'. Private open space is provided in the form of upper level balconies and courtyards.
Building 2	3 storey residential building located along the southern boundary of the Channel 7 site, fronting approved internal 'road 3', providing 11 x three bedroom residential townhouses. Rear double garages located at basement level, with split accesses off internal 'road 2', and 'road 1'. Private open space is provided in the form of upper level balconies and courtyards.
Building 3	Part 1 and part 2 storey residential building located along the eastern boundary of the Chanel 7 site, providing 12 x four bedroom townhouses, with double garages and landscaping.

Figure 2 shows the approved building layout which provides for a total of 28 townhouses, with associated garage car parking and landscaping.

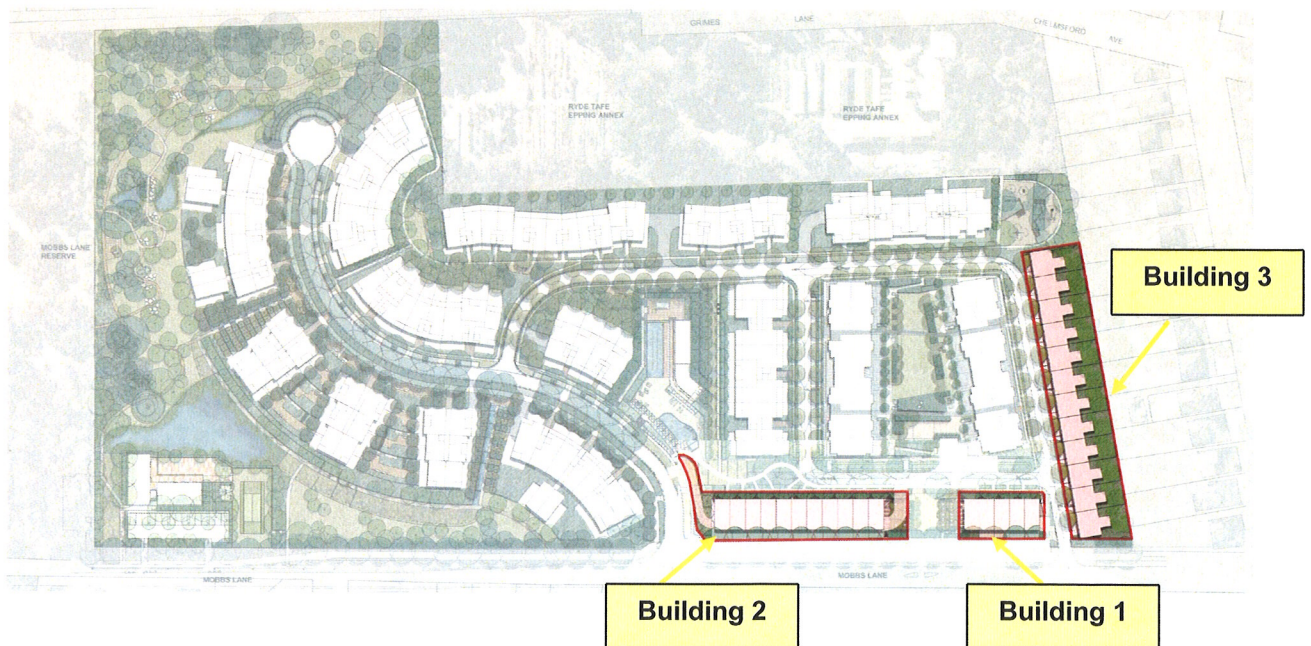


Figure 2: Approved layout for Buildings 1, 2 and 3, MP10_0107.

2. PROPOSED MODIFICATION

2.1 Modification Description

The proposal seeks to modify Condition A2 of the approval of MP 10_0107 to reflect the following changes to Buildings 1 and 2:

- amendment to the number of bedrooms to allow all three-bedroom townhouses to be four-bedroom townhouses by the relocation of bathroom ensuites and other internal reconfigurations
- reconfiguration of units' internal areas
- change in RLs to apartments within Building 2
- changes to RLs of ramps and driveways
- new landscaped areas
- new glass and masonry courtyard fences (1.8 m in height)
- new windows and reconfiguration of approved windows
- reconfiguration of entries
- new doors and balustrades
- reduction in skylights.

No changes to Building 3 are proposed as part of this modification. The proposed modifications are listed in detail in **Table 1** below.

Table 2: Proposed Modifications

Plan	Description
<i>Cover Sheet (A-1000)</i>	<ul style="list-style-type: none"> • amendment of the number of bedrooms in each unit (all units to contain four bedrooms where previously approved for three bedrooms)
Building 1 Modifications	
<i>B1 Level 1 Plan (A1003-A) Rev A</i>	<ul style="list-style-type: none"> • internal reconfiguration of kitchen, WC and laundry • swap dining room and living room • new window in unit 5 • new sliding door in unit 1
<i>B1 Parking Level (A1003-B) Rev A</i>	<ul style="list-style-type: none"> • a new highlight window for all units' garages
<i>B1 Level 2 Plan (A1004-A) Rev A</i>	<ul style="list-style-type: none"> • units 1-5 reconfiguration of internal walls for additional bedroom by removing bedroom 2's ensuite, replacing it with bedroom 4, extending its internal walls and reducing the landing/lounge area by 1.2 m • reduction bedroom 2's storage area • addition of separate shower area and reconfiguration of existing shared toilet/bath by reduction of bedroom 2's length and extending into landing/lounge area • unit 5 new window and sliding door • unit 1-3 new windows • units 1-4 reduction in sliding door width
<i>B1 Roof Plan (A1004-B) Rev A</i>	<ul style="list-style-type: none"> • units 1-5 skylights reduced from 3 to 1
<i>B1 Elevations (A1005) Rev A – North Elevation</i>	<ul style="list-style-type: none"> • new glass and masonry courtyard fence 1.8 m • units 1-5 new highlight windows • units 1-5 (level 1) new window configuration • units 1-4 (level 2) new window configuration • unit 5 new sliding door
<i>B1 Elevations (A1005-A) – West</i>	<ul style="list-style-type: none"> • new glass and masonry courtyard fence 1.8 m

Plan	Description
<i>Elevation</i>	<ul style="list-style-type: none"> additional grooves in wall (all levels) and new window configuration
<i>B1 Elevations (A1005-A) – South Elevation</i>	<ul style="list-style-type: none"> units 1-5 sliding doors reconfigured and frameless glass balustrades
<i>B1 Elevations (A1005-A) Rev A – East Elevation</i>	<ul style="list-style-type: none"> new glass and masonry courtyard fence 1.8 m additional grooves in wall (all levels) and new window reconfiguration
<i>B1 Elevations (A1005) Rev A – North Elevation</i>	<ul style="list-style-type: none"> new glass and masonry courtyard fence 1.8 m units 1-5 new highlight windows units 1-5 (level 1) new window configuration units 1-4 (level 2) new window configuration unit 5 new sliding door
<i>B1 Elevations (A1005-A) – West Elevation</i>	<ul style="list-style-type: none"> new glass and masonry courtyard fence 1.8 m additional grooves in wall (all levels) and new window configuration
<i>B1 Sections (A1006-A) Rev A</i>	<ul style="list-style-type: none"> new glass and masonry courtyard fence 1.8 m
Building 2 Modifications	
<i>B2 Lower Parking Level (A-1002) Rev A</i>	<ul style="list-style-type: none"> changes in RLs, units' garages from 105.45-106.500 changed to 105.55-106.30 change in RLs on ramp and on driveway, from 105.45 to 105.550-106.30
<i>B2 Parking Level (A1002-B) Rev A</i>	<ul style="list-style-type: none"> change in RLs on ramp and driveway, from 114.00-112.8 to 113.700-112.625 change in RL to apartments from 112.800-110.050 to 112.625-110.825 units 13-16 new sliding doors reconfiguration of kitchen, WC and laundry swap dining room and living room new terraced landscape area new apartment entries
<i>B2 Level 1 Plan (A1003-C) Rev A</i>	<ul style="list-style-type: none"> units 13-16 reconfiguration of internal walls for additional bedroom by removing bedroom 2's ensuite, replacing it with bedroom 4, extending its internal walls and reducing the landing/lounge area by 1.2 m reduction bedroom 2's storage area addition of separate shower area, reconfiguration of existing shared toilet/bath by reduction of bedroom 2's length and extending into landing/lounge area units 6-12 new glass and masonry courtyard fence 1.8 m and change in RL units 6-12 reconfiguration of kitchen, WC and laundry units 6-12 swap dining room and living room unit 6 new window new terraced landscape area and entries units 13-16 reconfiguration of internal walls for bedrooms, ensuite and shower units 13-16 conversion of lounge/landing area into fourth bedroom
<i>B2 Level 2 Plan (A1003-D) Rev A</i>	<ul style="list-style-type: none"> units 13-16 skylights reduced from 3 to 1 units 6-12 reconfiguration of internal walls for bedrooms, ensuite and shower units 6-12 conversion of lounge/landing area into fourth bedroom

Plan	Description
	<ul style="list-style-type: none"> new window in unit 6
<i>B2 Roof Plan (A1004-C) Rev A</i>	<ul style="list-style-type: none"> units 6-16 skylights reduced from 3 to 1
<i>B2 Elevations (A1005-B) Rev A – North Elevation</i>	<ul style="list-style-type: none"> new landscape area units 6-12 reduce sliding doors new glass and masonry courtyard fence 1.8 m units 6-12 wall height vary and sliding door size increase on Level 1
<i>B2 Elevations (A1005-B) Rev A – South Elevation</i>	<ul style="list-style-type: none"> new sliding doors and frameless glass balustrades revised ramp RL skylights reduced from 3 to 1
<i>B2 Elevations (A1005-B) Rev A – East Elevation</i>	<ul style="list-style-type: none"> new glass and masonry courtyard fence 1.8 m frameless glass balustrades windows reconfigured new sliding door and balcony
<i>B2 Elevations (A1005-B) Rev A – West Elevation</i>	<ul style="list-style-type: none"> revised RL new glass and masonry courtyard fence 1.8 m sliding doors and windows reconfigured
<i>B2 Sections (A1006-B) Rev A</i>	<ul style="list-style-type: none"> change in RL levels on ramp and driveway 1.8 m masonry and glass fence

2.2 Justification for Modification

The proposed modifications provide additional architectural detailing of Buildings 1 and 2. The reconfigurations of the units and addition of bedrooms to units are designed to better meet future occupants' needs, increase privacy and improve light and ventilation. The modifications also allow for compliance with the BCA provisions that require specific distances between skylights. The changes to the parking levels and driveways and ramps assist in meeting Condition B1 of the original approval. The amendments to the landscaped area improve the layout in the context of the slope of the land.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval – transitional Part 3A projects

In accordance with clause 3 of Schedule 6A of the EP&A Act, section 75W of the 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 associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the project under section 75W of the Act.

Section 75W(2) of the Act provides that a proponent may request the Minister to modify the Minister's approval of a project. The Minister's approval of a modification is not required if the approval of the project as modified would be consistent with the original approval. As the proposed modification seeks to amend conditions and is not consistent with the original; approval the Minister's (or his delegate's) approval is required.

3.2 Environmental Assessment Requirements

Section 75(3) of the 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 proponent had addressed the key issues in the modification request.

3.3 Delegated Authority

The Minister's current Instrument of Delegation which took effect on 1 October 2011, enables the Deputy-Director-General to determine section 75W applications where the 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.

The Deputy Director-General can determine the section 75W application as the local council has not made an objection, a political disclosure statement was made in respect to the original project application but not the subject modification application, and there were no public submissions received.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X(2)(f) of the Act, the Director-General is required to make the modification request publicly available. The modification application was displayed on the Department of Planning and Infrastructure website from 26 July 2011 until 12 August 2011. Parramatta City Council was notified in writing and invited to make comment. At the time of writing this report, the department received no submissions in response to the modification request.

5. ASSESSMENT

The department considers the key issues for the proposed modification to be:

- dwelling mix
- residential amenity
- car parking
- Residential Flat Design Code.

5.1 Dwelling Mix

Buildings 1 and 2 were approved only as three-bedroom townhouses. Building 1 was approved for 5 x three-bedroom residential townhouses and Building 2 was approved for 11 x three-bedroom residential townhouses. Building 3, which is not the subject of this modification, was approved for 12 x four-bedroom townhouses.

This modification proposes the conversion of all the three-bedroom townhouses in Buildings 1 and 2 to a total of 16 x four-bedroom townhouses. Consideration of dwelling mix requires an assessment against the approved Concept Plan (MP 05_0085 MOD 2). Condition A1 contains the following requirement relating to dwelling mix:

The original assessment of the project application considered this requirement and applied this to the four-bedroom dwellings proposed in Building 3. The assessment found that the 12 x four-bedroom dwellings would equate to only 2% of the total number of dwellings in the development (i.e. 12/650 – 650 being the total number of units approved under the Concept Plan).

As discussed previously in section 1.2, the Concept Plan was amended to increase the number of dwellings from 650 to 800. Using the new figure of 800 dwellings for the overall development, the subject modification would result in a total of 28 x four-bedroom dwellings (12 approved + 16 proposed) which would equate to only 3.25% (i.e. 26/800) of the overall development, which complies with Condition A1.

The modification also complies with Condition A1 if you account for the two other buildings (Buildings 4 & 5) that were approved under MP08_0257. The approved project provides for 134 units, none of which are 3-bedroom+study dwellings. Hence, the 3.25% figure remains unchanged.

Therefore, the department considers that the subject modification complies with Condition A1 whether it is looked at in isolation or together with MP08_0257.

State Environmental Planning Policy No. 65 (SEPP 65) and the Residential Flat Design Code (RFDC) requires new developments provide a mix of housing types to cater for different budgets and housing needs. Generally three -bedroom apartments are considered to cater for families. The proposed four-bedroom dwellings will also fulfill this need. The proposed additional bedroom will assist in meeting the aims of SEPP 65 and RFDC as they provide a diversity of apartment types within the development.

On the whole, the department supports the proposed dwelling mix as it is consistent with the approved Concept Plan (as modified), and the aims and objectives of SEPP 65 and the RFDC, and does not result in changes to bulk and scale or height.

5.2 Residential Amenity

Privacy

New windows and window configurations are proposed for Buildings 1 and 2. All distances between habitable room windows within Buildings 1 and 2, exceed 12 m as required by the *Parramatta Development Control Plan 2005* (PDCP). This separation distance mitigates any overlooking privacy impacts.

The proposed new glass and masonry courtyard fences (1.8 m in height) improve the privacy of the private courtyards in Buildings 1 and 2. As these courtyards do not face the public domain, the proposed fences will not impede passive surveillance of the surrounding public domain.

Open Space

The modification includes a new terraced landscaped area and entry for Building 2 at the parking level and a new landscaped area and entry at Level 1. These landscaped areas seek to improve the relationship with the slope of the land and will improve residential amenity. No environmental impacts will result from these modifications.

No changes to private open space areas are proposed.

5.3 Car Parking

Car Parking spaces

The approved development contains two off-street parking spaces per dwelling. No changes to the number of car parking spaces are proposed. However, the PDCP car parking provisions are based on dwelling mix and it is proposed to change the dwelling mix.

The PDCP does not contain car parking provisions for four-bedroom dwellings. However, the draft Parramatta Development Control Plan 2011 (draft PDCP) car parking provisions require four-bedroom dwellings to have two car parking spaces per unit within residential flat buildings (not within 400 m walking distance of railway station and transit corridors).

As the proposed development is further than 400m walking distance of a railway station, the proposed modification complies with the draft PDCP car parking provisions as it continues to provide two off-street car parking spaces per dwelling.

Basement height

Heights of the basement levels have been modified to allow for sufficient vehicle clearance from service piping located on the ceiling and improve relationship with the slope gradient. These changes are required for compliance with Condition B1 of the original approval. This condition requires compliance with AS2890.1-2004, specifically ensuring driveway and ramp gradients comply and adequate ground clearance for vehicles is provided.

Changes to the finished floor levels (FFL) of the garages for the lower parking level of Building 2 are shown in **Figure 3** overleaf. The garages for units 13 and 14 are slightly lowered (10-20 cm) and for unit 16 it is raised (10 cm). The FFL changes to the garages at the parking level of Building 2 are shown in **Figure 4**. The FFLs for units 6-9 are slightly decreased (2-17cm), and the FFLs for units 10-12 are raised (2-75cm). The RLs for the parking level driveway and ramp have a minor decrease (17cm).

The changes to the FFLs and RLs of Building 2 at the lower parking and parking levels will result in a gentler slope into and within the parking garages. These amendments are minor and will not increase the height of the basement above ground level or the overall height of the buildings. Also, they are required in order to comply with Condition B1 of the original approval. Therefore, the department considers these amendments are acceptable.

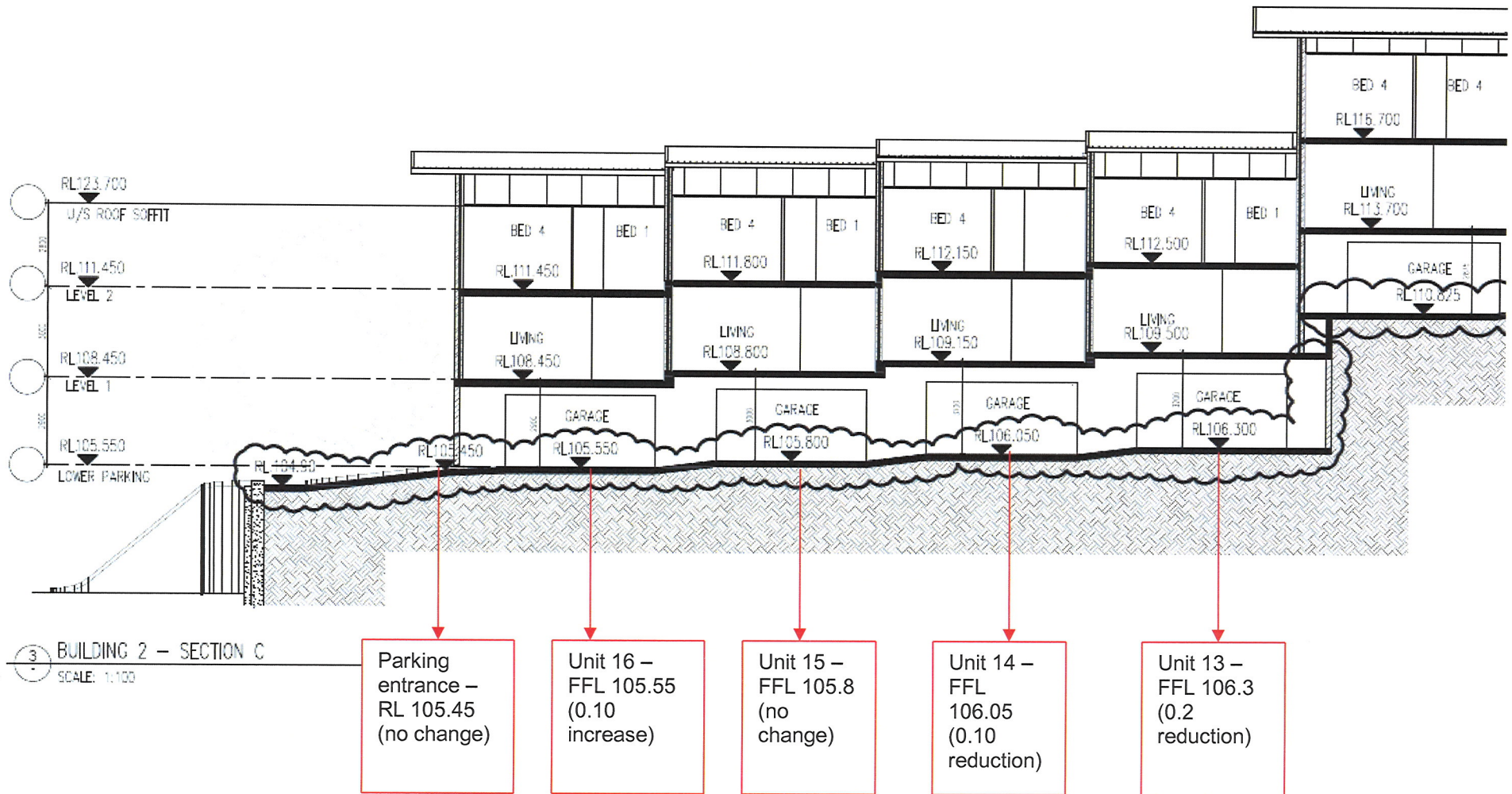


Figure 3: Building 2 Lower Parking Level Section

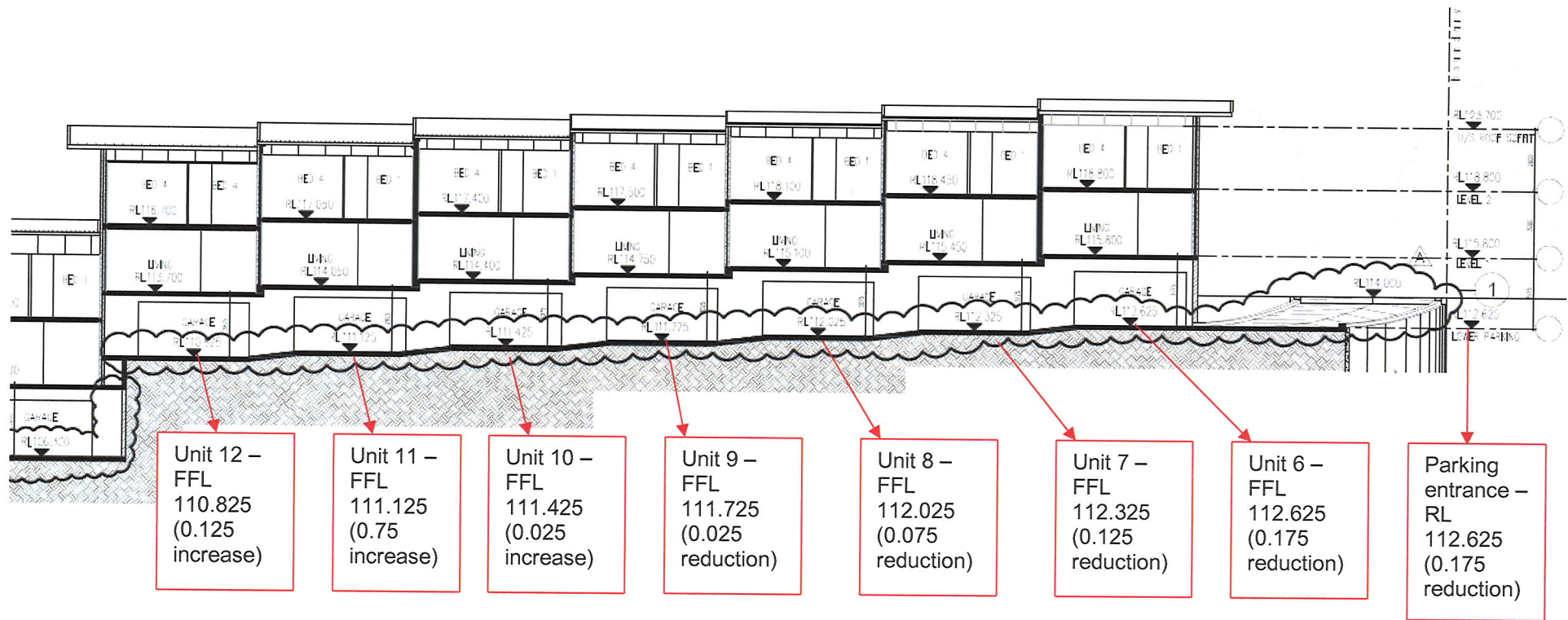


Figure 4: Building 2 Parking Level Section

5.4 Residential Flat Design Code

The modification includes a number of reconfigurations to internal living, dining, kitchen and bathroom areas and to the distances between skylights.

The RFDC seeks to ensure that the spatial arrangement of apartments is functional and well organised. There are no changes to the overall apartment or balcony sizes proposed. However, the internal apartment layouts are modified. The ensuite bathrooms have been relocated and the secondary lounge areas/landings in each unit have been reduced in size to allow for the additional bedroom. Although the landing areas will be reduced, the reduction is minimal allowing for proper internal circulation.

The RFDC objectives also include designing buildings to contribute to the safety of the public domain. As living areas are generally utilised more frequently than dining areas, facing them towards Mobbs Lane increases passive surveillance and safety of the public domain. This modification results in an improved environmental outcome in this regard.

The changes to the units' internal layouts will not impede upon natural ventilation or daylight access. The proposed skylight modifications assist in maximising natural daylight to the units as the buildings are not north facing. Therefore, the proposed modifications are considered to be consistent with the RFCD.

5.5 ESD

The proponent has submitted an amended BASIX certificate satisfying the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. The BASIX commitments include: all units to have instantaneous hot water systems and individual single phase reverse cycle air conditioning (2 star cooling and 3 star heating, total roof area of Building 1 to be harvested for 4500L rain tank connected to landscaping and all toilets, total roof area of Building 2 to be harvested for 9900L rain tank connected to landscaping and all toilets, doors and windows single glazed U 6.600 and SHGC 0.53 and skylights to be single glazed clear.

6. CONCLUSION

The department has considered the requested modifications to project approval MP 10_0107 and considered the key issues associated with these modifications. The proposed modifications are considered to be minor, mostly internal, and will not result in significant changes to the approved development.

The department has prepared an Instrument of Modification Approval (**Tag A**) which has removed the approved architectural plans and includes references to the new modified architectural plans and updated BASIX certificate.

The department is satisfied that all the impacts of the proposal have been satisfactorily addressed. It is therefore recommended that the modifications be approved in accordance with the Instrument of Modification Approval.

7. RECOMMENDATIONS

It is recommended that the A/Deputy Director-General:

- a) **Consider** the findings and recommendations of this report;
- b) **Approve** the modifications, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act, 1979* and;
- c) **Sign** the attached Instrument of Modification Approval (**Tag A**).



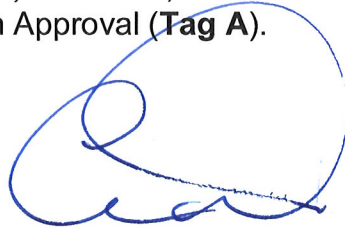
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**A/Deputy Director-General
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10/10/11



**Executive Director
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9.10.11