



**Planning &
Infrastructure**

**MODIFICATION REQUEST:
61 Mobbs Lane, Epping (former Channel 7
site)
(MP 10_0107 MOD 2)
*Strata Subdivision of Buildings 1 and 2***



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

December 2011

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EXECUTIVE SUMMARY

This report is an assessment of the modification application (MOD 2) 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 and 3 at 61 Mobbs Lane, Epping.

The purpose of modification (MP10_0107 MOD 2) is to amend the development description to include strata subdivision and to allow for the strata subdivision of Buildings 1 and 2. Strata subdivision of Building 3 does not form part of the modification request.

The modification application was placed on the department's website and Parramatta City Council was notified in writing. No submissions were received from the public. Parramatta City Council lodged a submission and did not object to the application.

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 design changes to the development from the previous approval and will not give rise to environmental impacts or significant changes to the approved development. The strata plans are also consistent with the plans approved by the Planning Assessment Commission (PAC).

The department recommends that the proposed modification application should be approved subject to the amendment of Conditions "A1" (*Development Description*), "A2" (*Development in Accordance with Plans and Documentation*) as outlined in the Instrument of Modification Approval.

1. BACKGROUND

1.1 The Site

The site is known as 61 Mobbs Lane, Epping. It is approximately 24km 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 8.9ha, with a frontage of approximately 500 metres 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 proportion of the site is generally flat, while the western portion is undulating. The site has a change in elevation of approximately 30 metres from east to west. A drainage line flows into Terry's Creek along the north western section of the site.

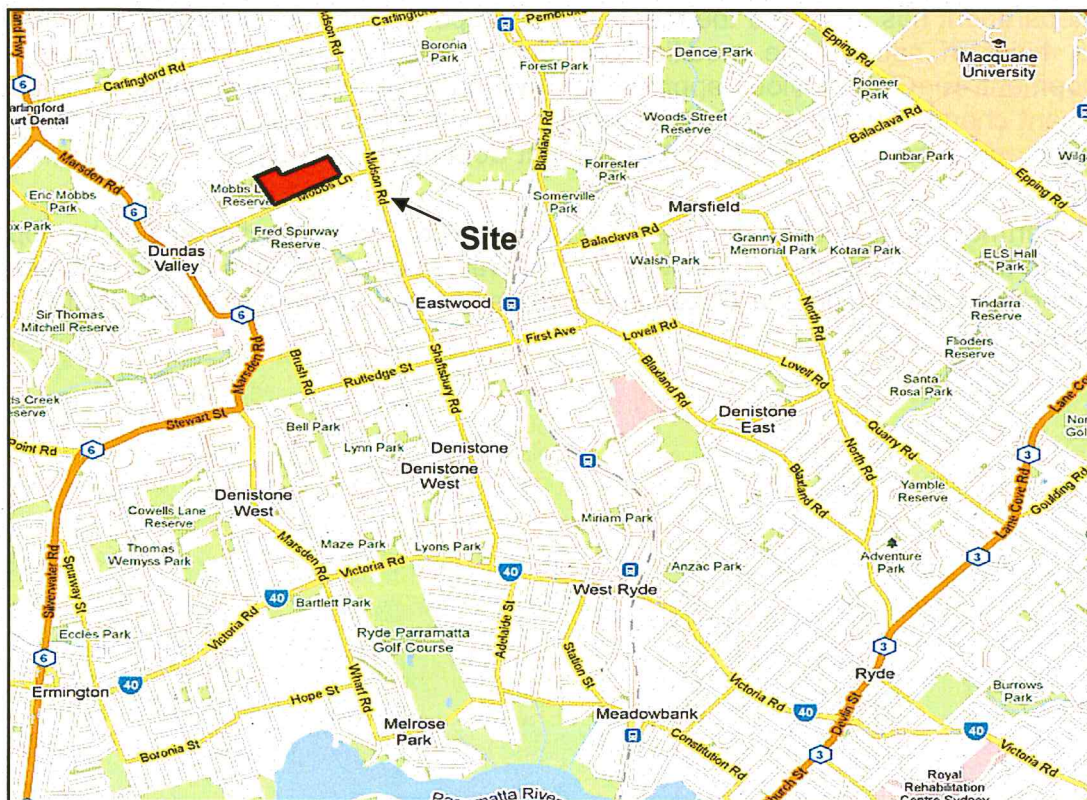


Figure 1: Site location

1.2 Approval History

On 1 August 2006, State Environmental Planning Policy (Major Projects) 2005 (Amendment No.6) 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.

On 22 August 2008, the then Minister for Planning approved a Concept Plan (MP05_0086) for the site.

On 14 July 2010, a Project Application (MP08_0258) was approved by the Planning Assessment Commission (PAC) for the Early Works Package which included:

- demolition of existing structures and tree removal;

- construction of final land forms and landscaping;
- internal and external road works;
- services, utilities and stormwater management works;
- a child care facility and communal resident facilities; and
- 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 on the site.

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 approved the construction of two residential flat buildings comprising a total of 134 units with associated basement level car parking and landscaping (MP 08_0257) on 15 September 2010. These two buildings were identified as Buildings 4 and 5.

Buildings 1, 2 and 3 (MP 10_0107)

On the 17 January 2011, Buildings 1, 2 and 3 were approved, comprising 16 x 3 bedroom townhouses and 12 x four bedroom townhouses.

Building 1 was approved for a three-storey residential flat building located along the southern boundary comprising 5 x 3 bedroom townhouses. Five double garages resulting in 10 car spaces are located at ground level to the rear of the building.

Building 2 is three storeys and contains 11 x 3 bedroom townhouses. Eleven double garages are located in a basement level comprising 22 car spaces. Four visitor car parking spaces are provided for Buildings 1 and 2 are located on the street adjacent to Building 4 and 5 (Refer to **Figure 13**).

Building 3 is a part one, part two-storey residential building located along the eastern boundary providing 12 x 4 bedroom townhouses. Each townhouse contains ground level double garages with provision of a single visitor car space on the driveway of each dwelling. The resulting on-site car park spaces and visitor car park spaces for Building 3 totals 24 and 12 respectively.

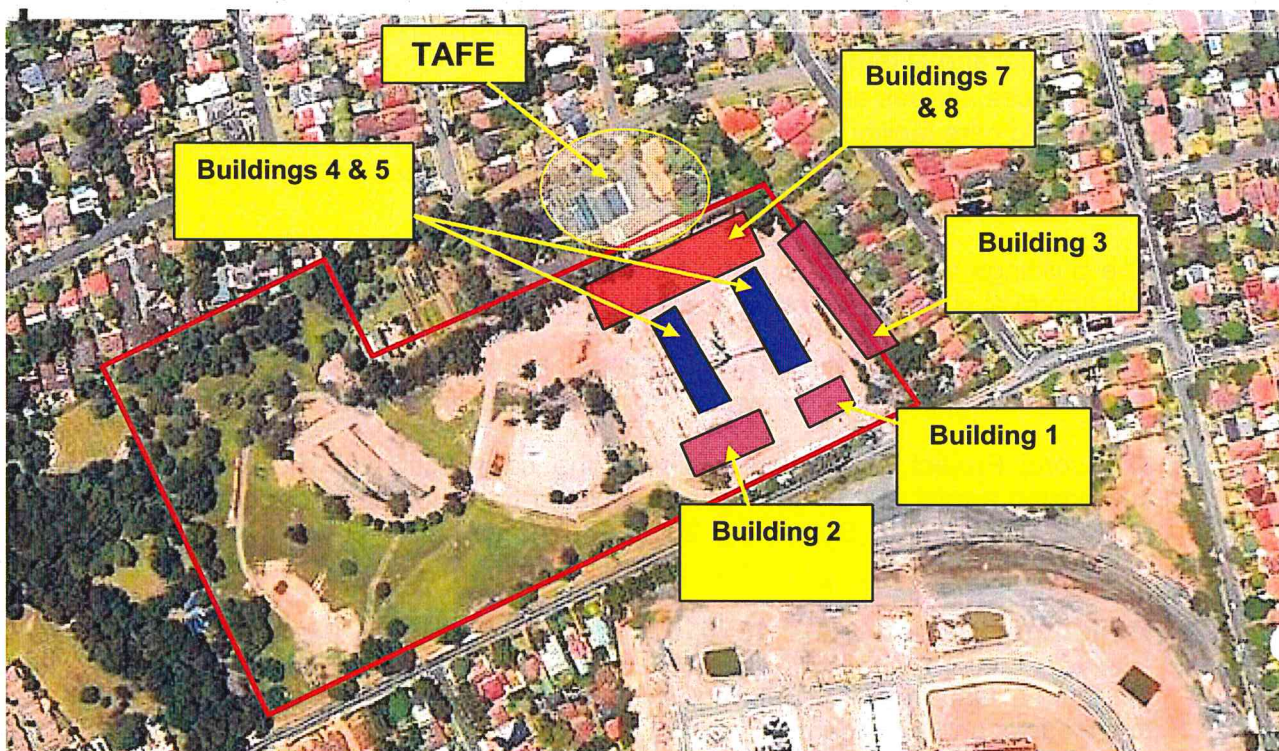


Figure 2: Aerial view identifying Buildings 1, 2 and 3.

On the 21 October 2011, a modification application (MOD 1) to MP 10_0107 was approved by the Acting Deputy Director-General, as delegate of the Minister for Planning and Infrastructure, for various design changes to Buildings 1 and 2, including amendment of the unit mix, internal and external design changes, new landscaped areas and new courtyard fences.

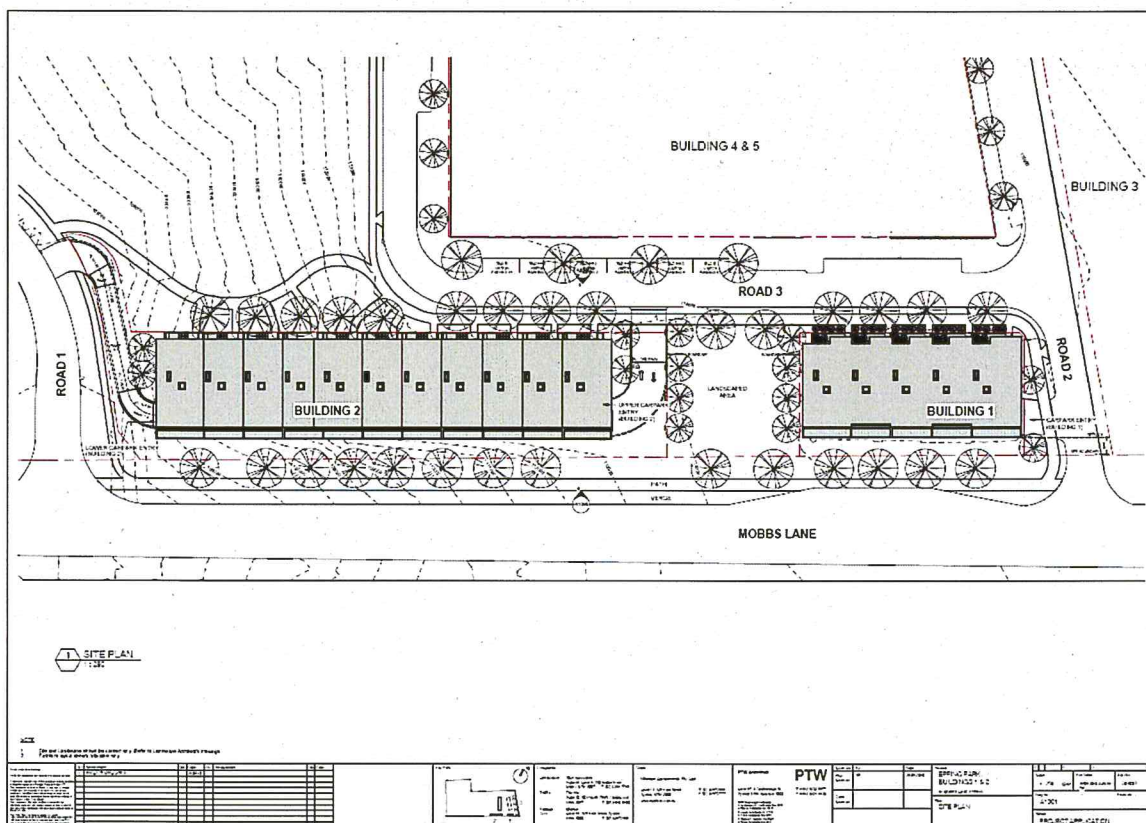


Figure 3: Site plan identifying Building 1 and 2.

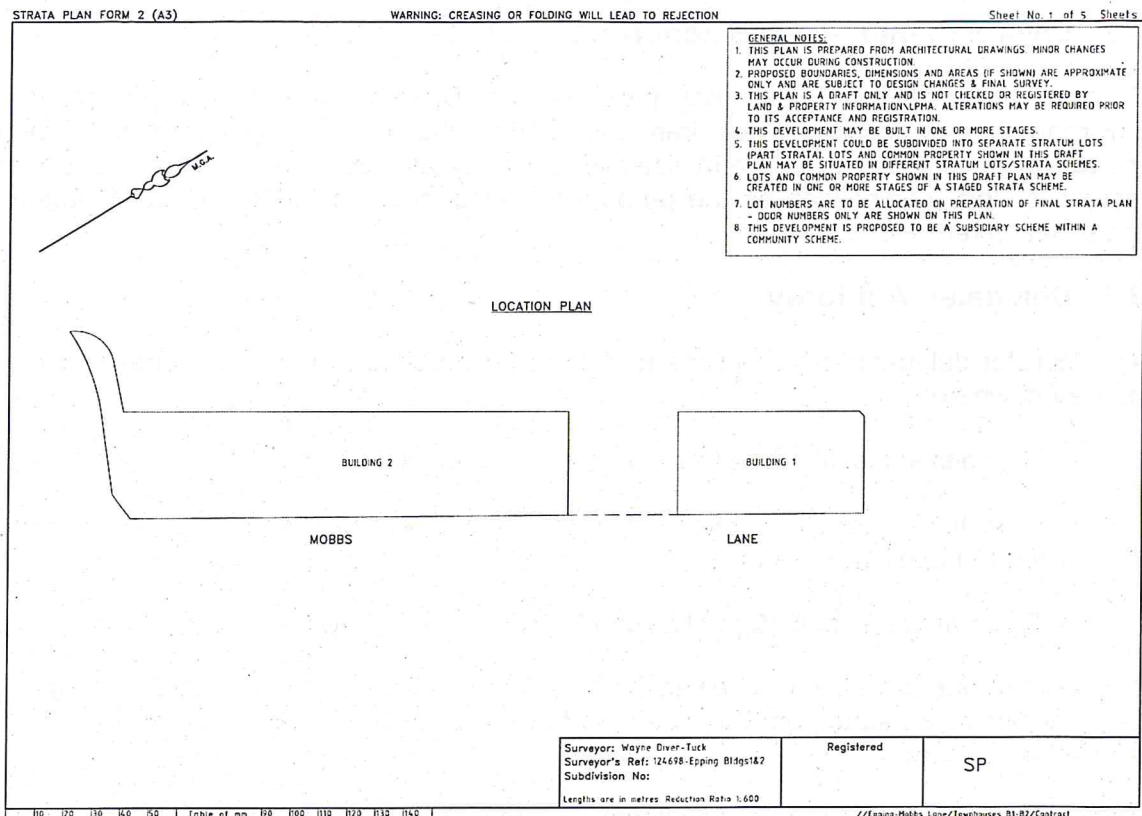


Figure 4: Corresponding strata plan identifying Buildings 1 and 2.

2. PROPOSED MODIFICATION

2.1 Modification Description

The modification seeks to:

- Amend the description of the development to include strata subdivision relating to buildings 1 and 2, and
- Obtain approval for the strata subdivision of Buildings 1 and 2.

2.2 Justification for Modification

The modification application seeks approval for the mechanism to enable residential apartments located in Buildings 1 and 2 to be strata subdivided.

3. STATUTORY CONTEXT

3.1 Modification of the Minister's Approval

Section 75W(2) of the *Environmental Planning and Assessment Act 1979* (the EP&A 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 A1 and A2 to include strata subdivision, the modification will require the Minister's approval.

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. Environmental Assessment Requirements were not issued for this modification as the proponent had addressed the key issues related to the modification request.

3.3 Delegated Authority

The Minister delegated his functions to determine a modification request under section 75W of the Act where:

- The relevant local council has not made an objection; and
- 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.

No submissions have been received from the public. Council has not made an objection. A political disclosure statement has been made in respect of a previous application but not the subject modification.

Accordingly, the modification application is able to be determined by the Deputy Director-General, Development Assessment & Systems Performance, under delegation.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X(2)(f) of the EP&A Act and clause 8G of the EP&A Regulation 2000, the modification request was made publically available on the department's website.

The department also consulted council, who made a submission in relation to the modification application.

Parramatta City Council

A submission by Parramatta City Council was forwarded to the department. No objection to the modification application was raised subject to consistency between the strata and approved architectural plans, and the appropriate allocation of car parking to each of the units.

4.2 Public Submissions

No submissions were received from the public.

5. ASSESSMENT

The key issues for the proposed modifications are outlined and addressed below.

5.1 Consistency between strata plans and currently approved plans

The proposed strata subdivision of the buildings will not result in any change to the approved design. An examination of the strata plans and corresponding approved architectural plans

did not result in the identification of any inconsistencies. The approved architectural plans and related strata plans are shown in **Figures 5-12**.

The department has reviewed the strata plans and corresponding approved architectural plans and considers the identification of each dwelling, courtyard space, balcony area, common area, car parking spaces, storage area and planter on the strata subdivision plans to be consistent. In this regard, the proposed strata subdivision of the buildings is considered appropriate and is supported.

As a result of the proposed strata subdivision, the proponent seeks to amend the description of the development to include reference to the strata subdivision of buildings 1 and 2. This will require amendment to Condition A1 of the Project Approval (refer to **Appendix C** for the amended condition).

The proposed strata subdivision of the buildings is supported as stated above. Therefore no issue is raised to amending the description of the development to make reference to strata subdivision.

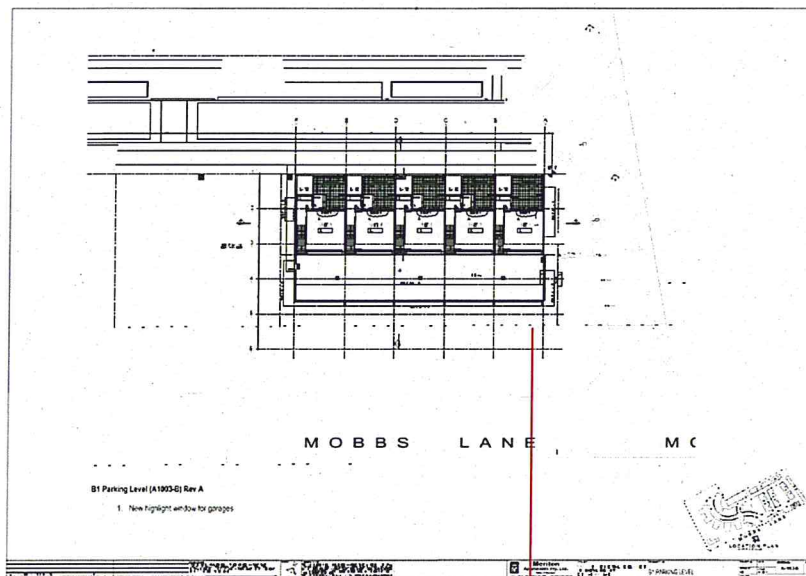


Figure 5: Building '1' Parking Level approved plan.

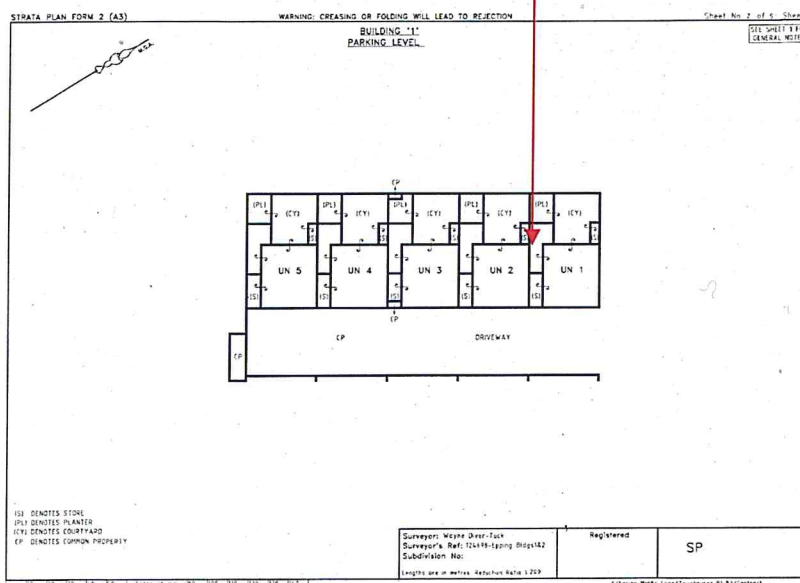


Figure 6: Building '1' Parking Level proposed strata subdivision plan.

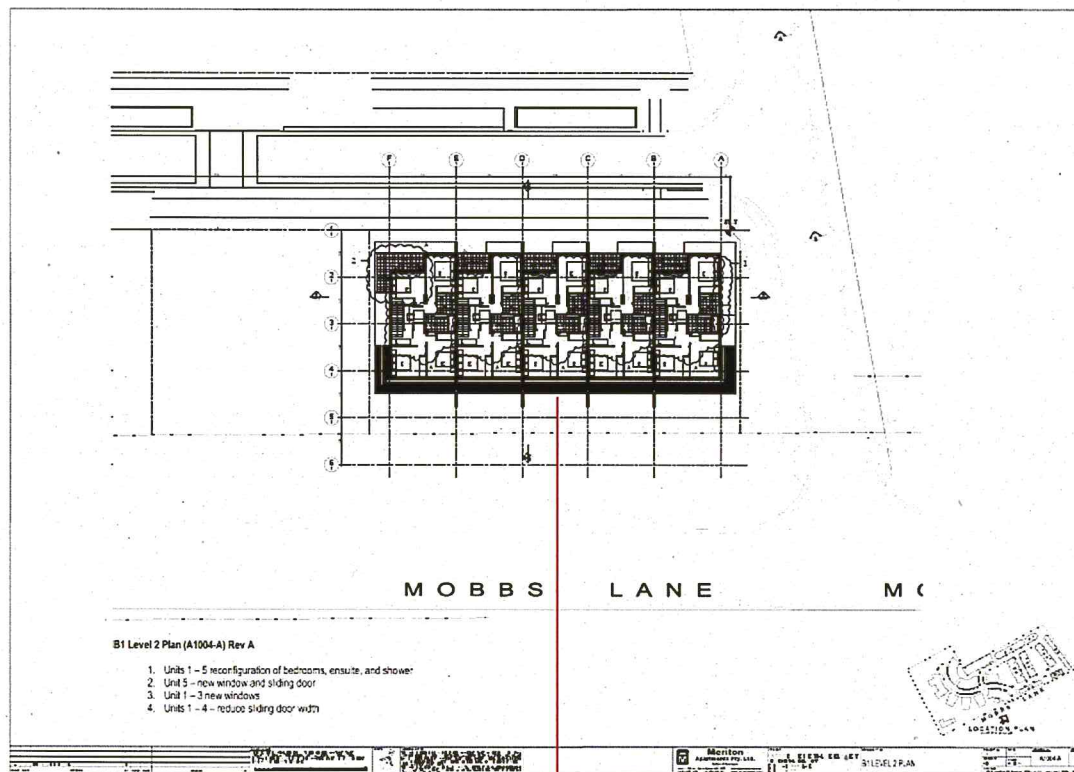


Figure 7: Building '1' Level 2 Plan approved plan.

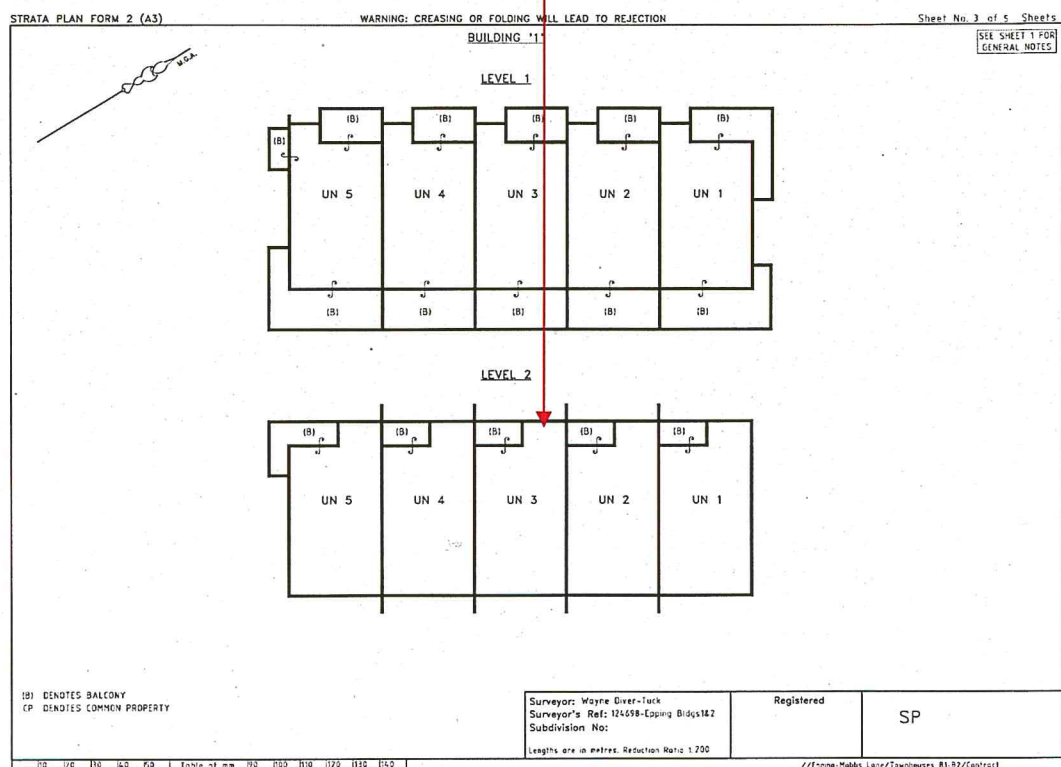


Figure 8: Building '1' Level 1 and Level 2 proposed strata subdivision plan.

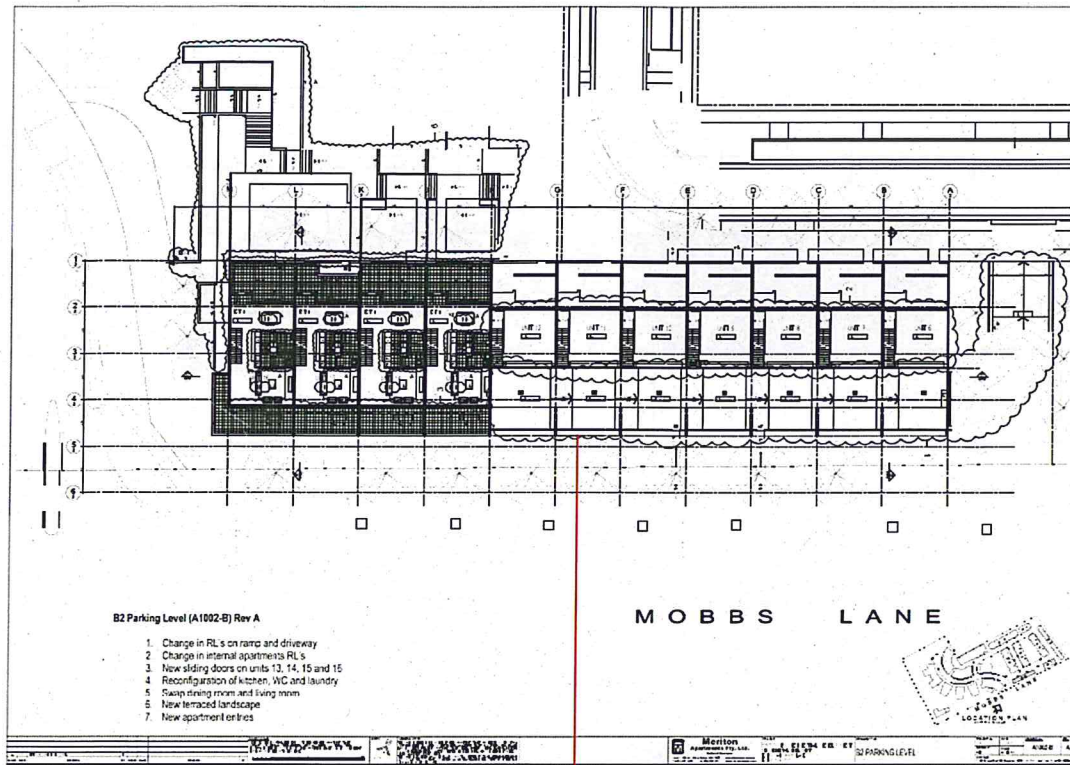


Figure 9: Building '2' Parking Level approved plan.

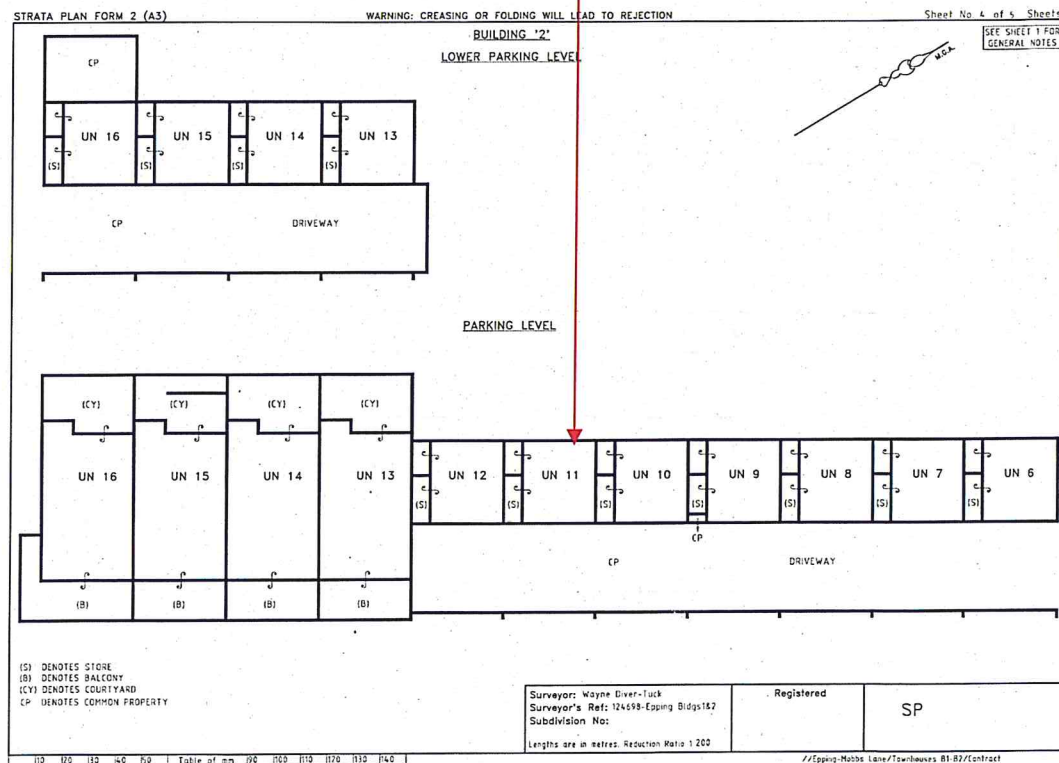


Figure 10: Building '2' Lower Parking Level and Parking Level proposed strata subdivision plan.

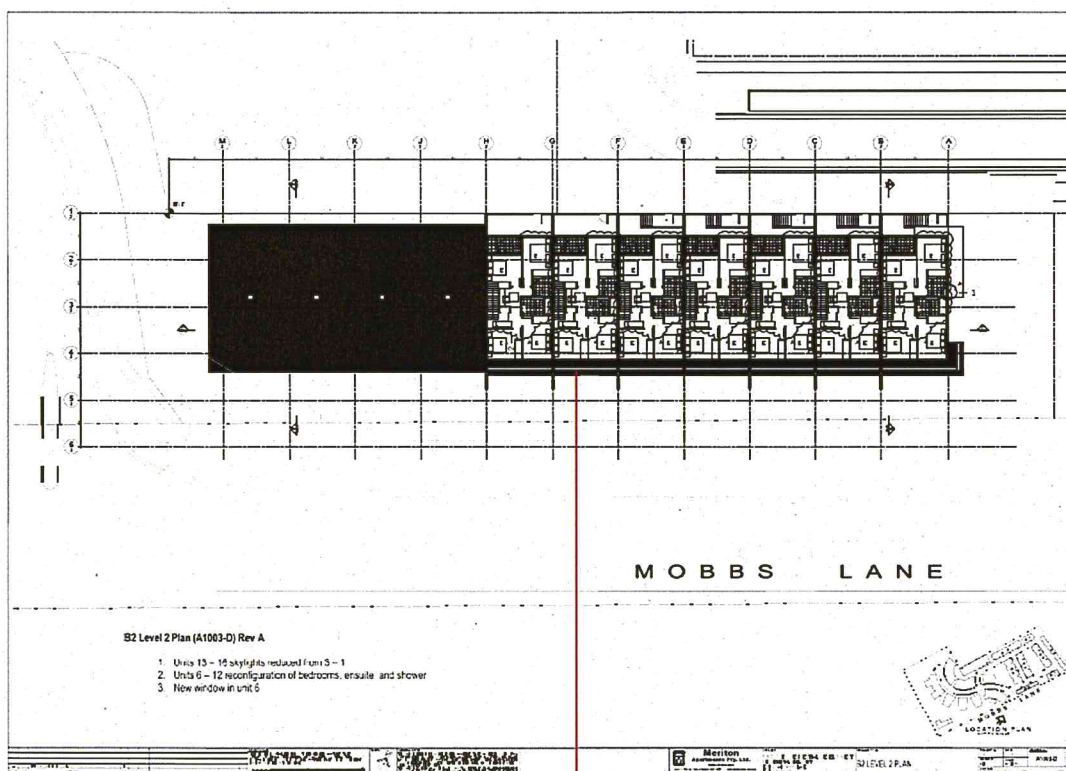


Figure 11: Building '2' Level 2 Plan approved plan.

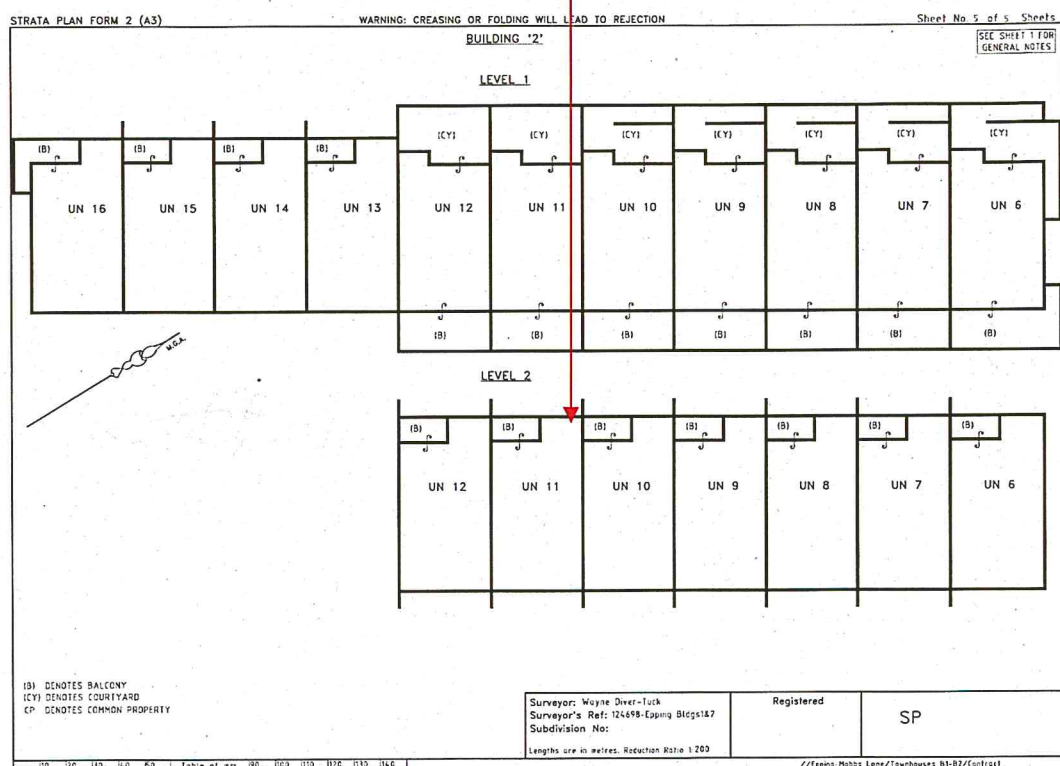


Figure 12: Building '2' Level 1 and Level 2 proposed strata subdivision plan.

5.2 On-site car parking

On-site car park allocations indicated on the strata plans are consistent with the plans approved under the project approval. In order to ensure on-site car parking maintains consistency with the planning approval, a condition shall be added to the approval stating a

total of 32 on-site car spaces are to be provided for the 16 dwellings contained in Buildings 1 and 2 (refer to **Appendix C** for the amended condition).

The allocation of unit car parking for Building 1 is as follows:

No of bedrooms	Number of Units	Approved car spaces	Strata spaces	Plan car
4 bedrooms	5	10	10	

The allocation of unit car parking for Building 2 is as follows:

No of bedrooms	Number of Units	Approved car spaces	Strata spaces	Plan car
4 bedrooms	11	22	22	

5.3 Visitor car parking

The provision of visitor car park spaces was assessed under the original application. Four visitor spaces were approved for Buildings 1 and 2 at the rate of 1 space per 4 dwellings (see table overleaf). The visitor spaces are not identified on the submitted strata plans as they are located on the street adjacent to Building 4 and 5 as indicated in **Figure 13**.

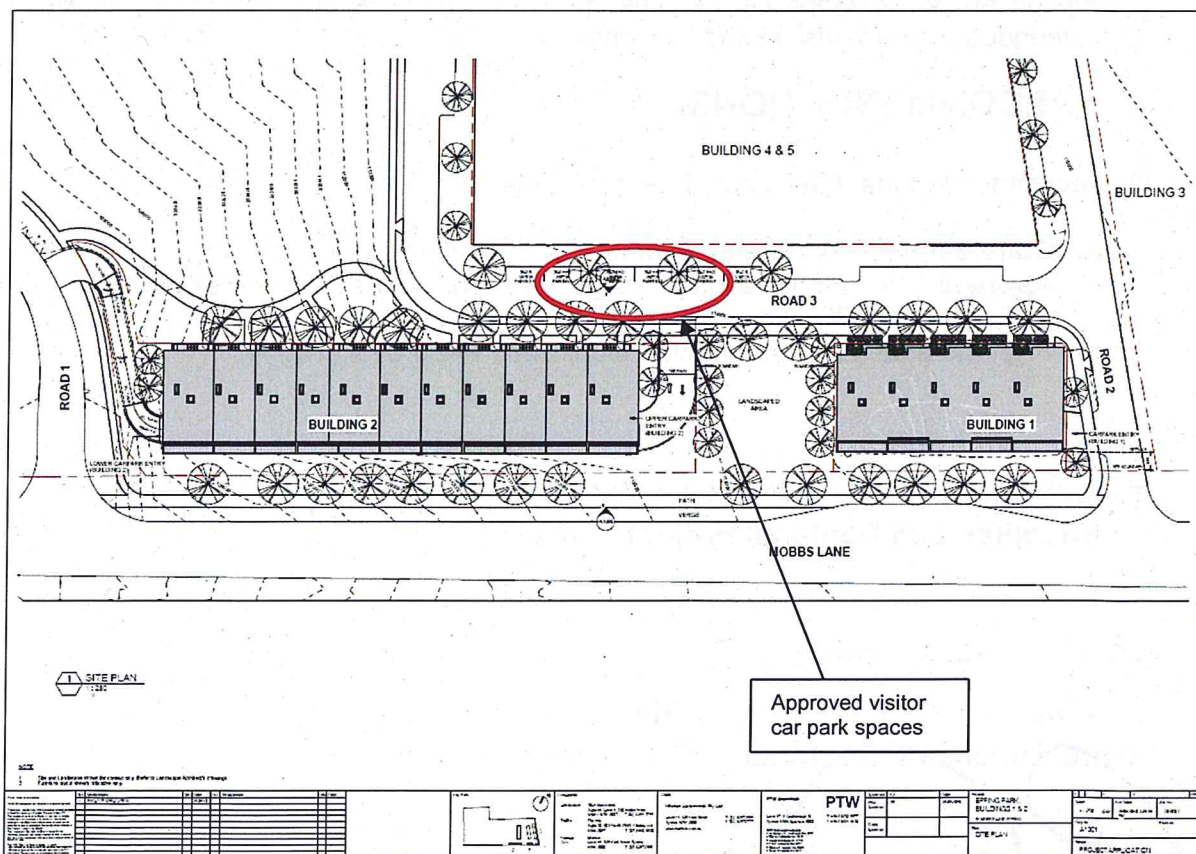


Figure 13: Approved plan 'A1001', prepared by PTW Architects and dated 26.08.10, identifying the number and location of visitor car park spaces.

The allocation of visitor car parking spaces for Buildings 1 and 2 is as follows:

Number of Units	Rate	Approved visitor car spaces
16	1 visitor space per 4 dwellings	4

No change is proposed to the number of dwellings contained in Buildings 1 and 2 or the provision of visitor parking spaces. In this regard, no issue is raised by the department. However, to ensure these spaces are maintained as per the original approval, an additional condition shall be imposed requiring the future community title subdivision of the road reserve to identify the location of the spaces as visitor car spaces only. Details of compliance with this requirement shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate for Building 1 and 2.

6. CONCLUSION

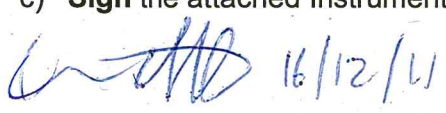
The department has considered the requested modifications to Project Approval MP10_0107 and the key issues associated with these modifications. The proposed strata subdivision plans are considered to be consistent with the approved architectural plans. As a result, no change to the approved design of the development will arise from the modification.

It is therefore recommended that the strata subdivision plans be approved and the description of the development be amended to include the subdivision as outlined in the recommended Instruments of Modification Approval.

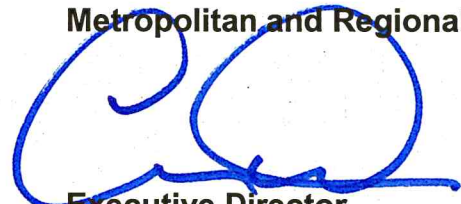
7. RECOMMENDATIONS

It is recommended that the Deputy Director-General:

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

 16/12/11
Team Leader
Metropolitan and Regional Projects North

 16/12/11
Director
Metropolitan and Regional Projects North

 21.12.11
Executive Director
Major Projects Assessment