



**MODIFICATION REQUEST:
61 Mobbs Lane, Epping (former Channel 7
site)
(MP10_0107 MOD 8)
Staged Strata Subdivision of Buildings 1 & 2**



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

August 2012

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1. BACKGROUND

1.1 The Site

Meriton Apartments Pty Ltd, has lodged a section 75W application seeking the staged strata subdivision of Buildings 1 and 2 (MP10_0107 MOD 8). The site is known as 61 Mobbs Lane, Epping and is approximately 24km from the Sydney CBD within the Parramatta Local Government Area (see **Figure 1**). The site is described as the former Channel 7 site, having previously been used by Channel 7 for their television studios and associated facilities.

The site has an area of 8.9 ha, with a frontage of approximately 500m 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.

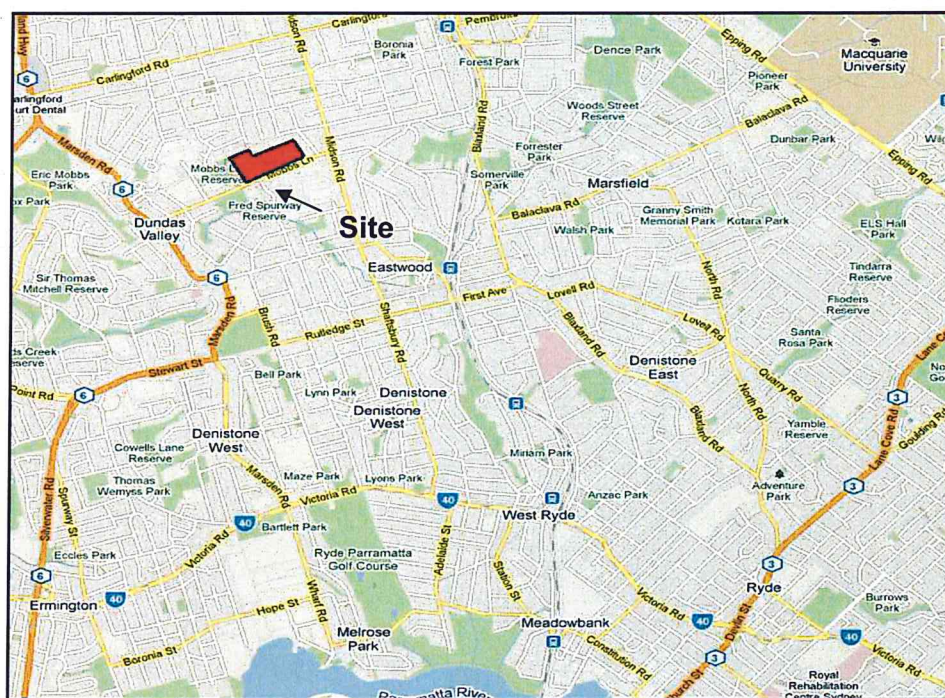


Figure 1: Site location

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 2006, the then Minister for Planning approved a Concept Plan (MP 05_0086) for the redevelopment of the site for residential and public open space uses.

Buildings 1, 2 and 3

On 17 January 2011, the Planning Assessment Commission 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 at 61 Mobbs Lane, Epping (see **Figure 2**).

A modification (MOD 1) to MP10_0107 was approved by the Deputy Director-General, Development Assessment and Systems Performance on 21 October 2011. MOD 1 permitted an amendment to the unit mix, internal and external design changes, new landscaped areas, and new courtyard fences.

A second modification (MOD 2) to MP10_0107 was approved on 9 January 2012, by the Deputy Director-General Development Assessment and Systems Performance, and permitted the strata subdivision of buildings 1 and 2.

MP10_0107 MOD 3 was approved by the Deputy Director-General, Development Assessment and Systems Performance on 13 February 2012. MOD 3 permitted amendments to the southern and eastern elevations of Building 2 to correct minor drawing errors and facilitate compliance with the egress provisions of the Building Code of Australia.

On 21 March 2012, a fourth modification (MOD 4) to MP10_0107 was approved by the Deputy Director-General, Development Assessment and Systems Performance, which amended the description of the approved development in Schedule 1 of the Instrument of Approval to include Torrens Title subdivision.

On 16 April 2012, a fifth modification (MOD 5) was approved by the Deputy Director-General, Development Assessment and Systems Performance, for external design changes to Building 3.

On 5 March 2012, MP10_0107 MOD 6 was lodged requesting to delay the installation of traffic signals at the intersection of Mobbs Lane and Marsden Road. The modification raised a number of issues and as a result was withdrawn on 20 July 2012.

MP10_0107 MOD 7 was approved on 22 May 2012 by the Deputy Director-General, Development Assessment and Systems Performance. It modified a condition relating to the timing of road improvement works along Mobbs Lane to ensure consistency with the Early Works Approval and insertion of a new condition which prevents resident access into Road 1 on the site. The approved building envelopes for Building 1 and 2 are depicted in **Figure 2** overleaf.

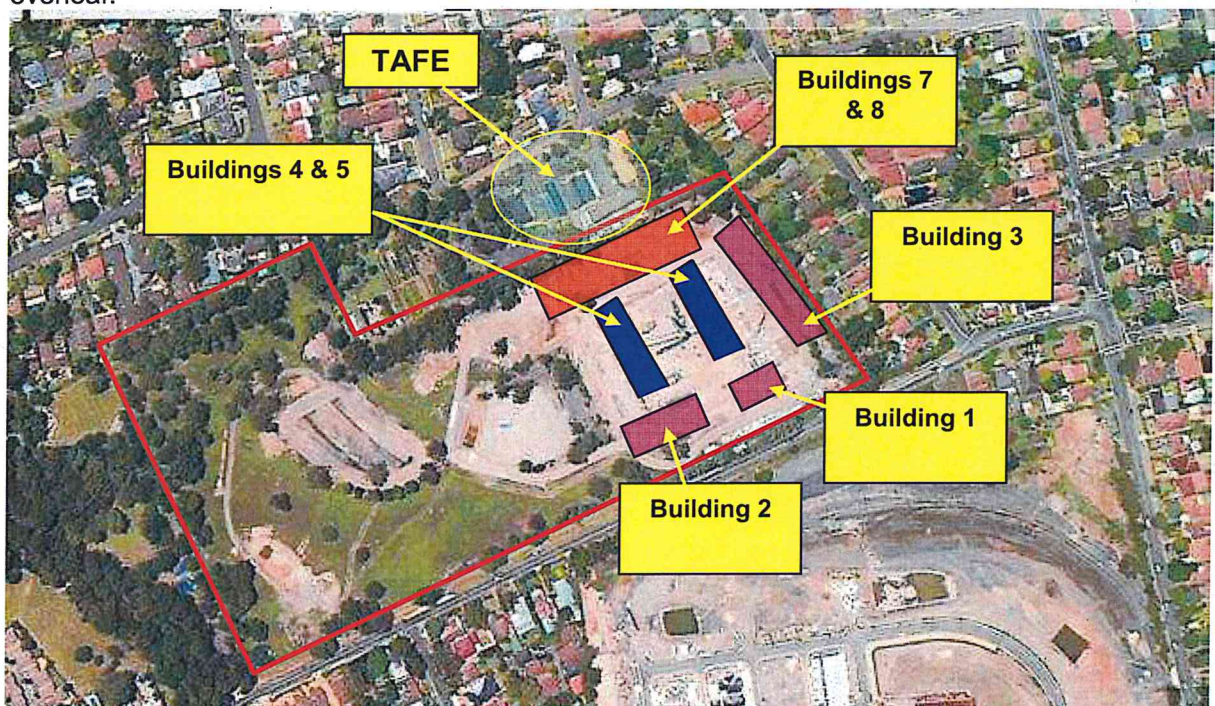


Figure 2: Aerial view identifying Buildings 1 and 2.

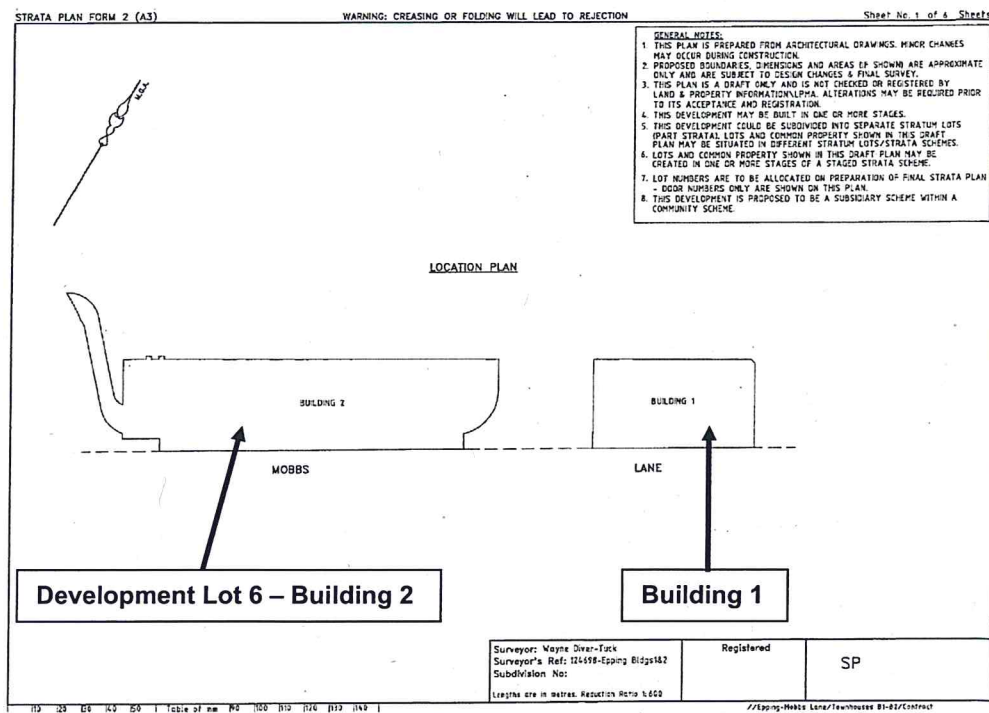
2. PROPOSED MODIFICATION

2.1 Modification Description

The modification application relates to Buildings 1 and 2. Both buildings are three-storey in height consisting of 16 townhouses altogether.

The modification seeks to:

- amend the description of the Project Approval in Schedule 1 to include staged strata subdivision relating to buildings 1 and 2, by creating a new Development Lot 6 (Building 2);
- stage the development of Building 2, to allow for another possible future development lot; and
- modify Condition A2 to insert six proposed strata subdivision plans.



3. STATUTORY CONTEXT

3.2 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 the description of the approved development in Schedule 1 of the instrument of approval, and modify Condition A2 to update the schedule of approved drawings, the modification will require the Minister's approval.

3.3 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. Environmental Assessment Requirements were not issued for this modification as the proponent has addressed the key issues relevant to the modification requests.

3.4 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 application; and
- there are less than 10 public submissions in the nature of objections.

No submissions have been received from the public and Parramatta City Council (council) raised no objection to the application. The proponent has made a political donation in relation to a previous application. As such, the application can be determined under delegation by the Deputy Director-General, Development Assessment and Systems Performance.

3.5 Strata Act

The modification requests approval for the staged strata subdivision of Buildings 1 and 2. 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:

- (a) the lot intended to be subdivided is identified in the proposed strata plan as a development lot, and
- (b) the development application is accompanied by a proposed strata development contract.

The modification contains the requisite proposed strata plan (i.e. the development lot 6) and Strata Development Contract.

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 notified the council.

4.2 Submissions by public agencies

The council reviewed the proposed modifications and raised no objection to the application.

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 Staged strata subdivision

The proposed modifications highlight the staging of Buildings 1 and 2, with the creation of a new Development Lot 6 (Building 2). Building 2 is months behind in construction than Building 1, therefore the staged strata subdivision is proposed to allow Building 1 to be occupied while construction continues on Building 2. The approved strata subdivision plans for Building 2 and proposed Development Lot 6 are shown in **Figures 5-8**.

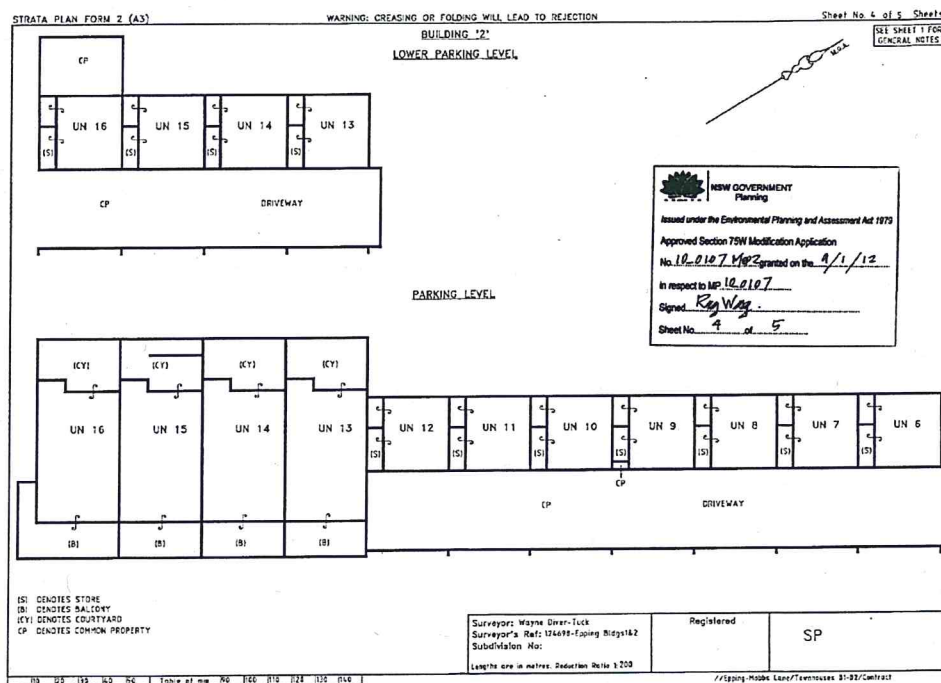
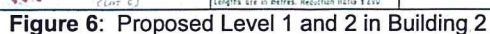


Figure 5: Approved lower parking and parking level in Building 2



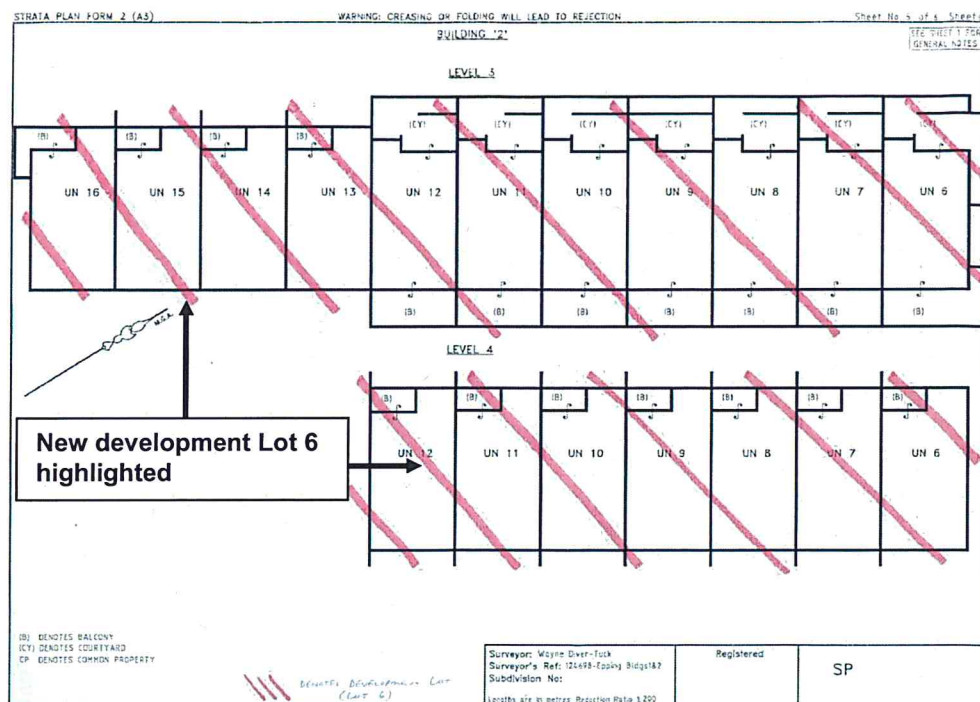


Figure 8: Proposed Level 1 and 2 in Building 2

The department has reviewed the proposed staged strata subdivision of Buildings 1 and 2 and considers the plans to be consistent with the approved strata subdivision plans (MP10_0107 MOD 2). On this basis, the department considers the proposed staging acceptable. Accordingly, Condition A1 of the Project Approval will require amendment to reflect staged strata subdivision of Buildings 1 and 2.

5.2 Staged development of Building 2

Building 2 is a three storey building located along the southern boundary of the site. Rear double garages are located at basement level, with split accesses off internal 'road 2,' and 'road 1.' Figure 9 depicts the Building 2 on the sloping site.



Figure 9: South-west elevation of Building 2

The modification seeks approval to stage the development of Building 2, with a possible future development lot. Due to the site topography, the SDC seeks flexibility in allowing the option for the creation of another development lot if one part of the building is completed at a faster construction rate. This will allow occupancy of the completed part of the building. The future development lot will then need to be strata subdivided when completed.

The department considers that there are no issues with staging the development for Building 2, with the possibility of a future development lot. In addition, the department considers the modification is consistent with the Project Approval and on this basis the staged development of development Lot 6 (Building 2) is considered acceptable.

6. CONCLUSION

The department has considered the request to modify MP10_0107 and the key issues associated with these modifications. The proposed staged strata subdivision plans for Buildings 1 and 2 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. The MOD 8 application is also accompanied by the requisite information required pursuant to the Strata Act.

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

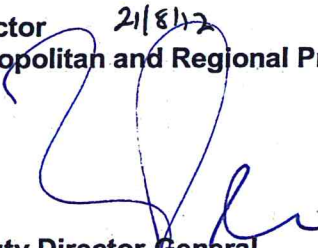
7. RECOMMENDATIONS

It is recommended that the Deputy Director-General:

- a) **Consider** the findings and recommendations of this report;
- b) **Approve** the proposed Strata Development Contract under section 28B(1) of the *Strata Schemes (Freehold Development) Act 1973 (Strata Act)*, and certify the proposed Strata Development Contract, in accordance with section 28B(2) of the Strata Act;
- c) **Approve** the modifications, subject to conditions, under section 75W of the *Environmental Planning and Assessment Act, 1979*, and;
- d) **Sign** the attached Instrument of Modification Approval (**Tag A**)


Director
Metropolitan and Regional Projects North

 23.8.12
Executive Director
Major Projects Assessment

 5/9/12
Deputy Director-General
Development Assessment and Systems Performance

APPENDIX A MODIFICATION REQUEST

See the Department's website at:
<http://majorprojects.planning.nsw.gov.au>

APPENDIX B SUBMISSIONS

No submissions were received by the department.

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT