

**MODIFICATION REQUEST:
61 Mobbs Lane, Epping (former Channel 7
site)
(MP08_0258 MOD 2 and 3)**



Description of Modification Request

- MOD 2 – Tree Removal
- MOD 3 – Subdivision Amendments

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

August 2011

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EXECUTIVE SUMMARY

This report is an assessment of two Modification Applications (MOD 2 and MOD 3) by Meriton Apartments (the Proponent) requesting modifications to Project Approval MP08_0258 – Early Works Package, to allow for the removal of sixteen (16) trees and for amendments to the proposed subdivision of the site including the provision of staged subdivision.

The Environmental Assessment (EA) for the modifications was made publicly available on the Department's website, and consultation was undertaken with Parramatta City Council. Council commented on the proposed tree removal and future replacement planting of new trees.

The Department has assessed the merits of the proposed modifications and is satisfied that any resultant environmental impacts can be adequately mitigated and managed.

The Department considers that the proposed two modification applications should be approved subject to the imposition of additional conditions.

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1. BACKGROUND

1.1 The Site

The site, known as 61 Mobbs Lane, is situated on the northern side of Mobbs Lane, 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.

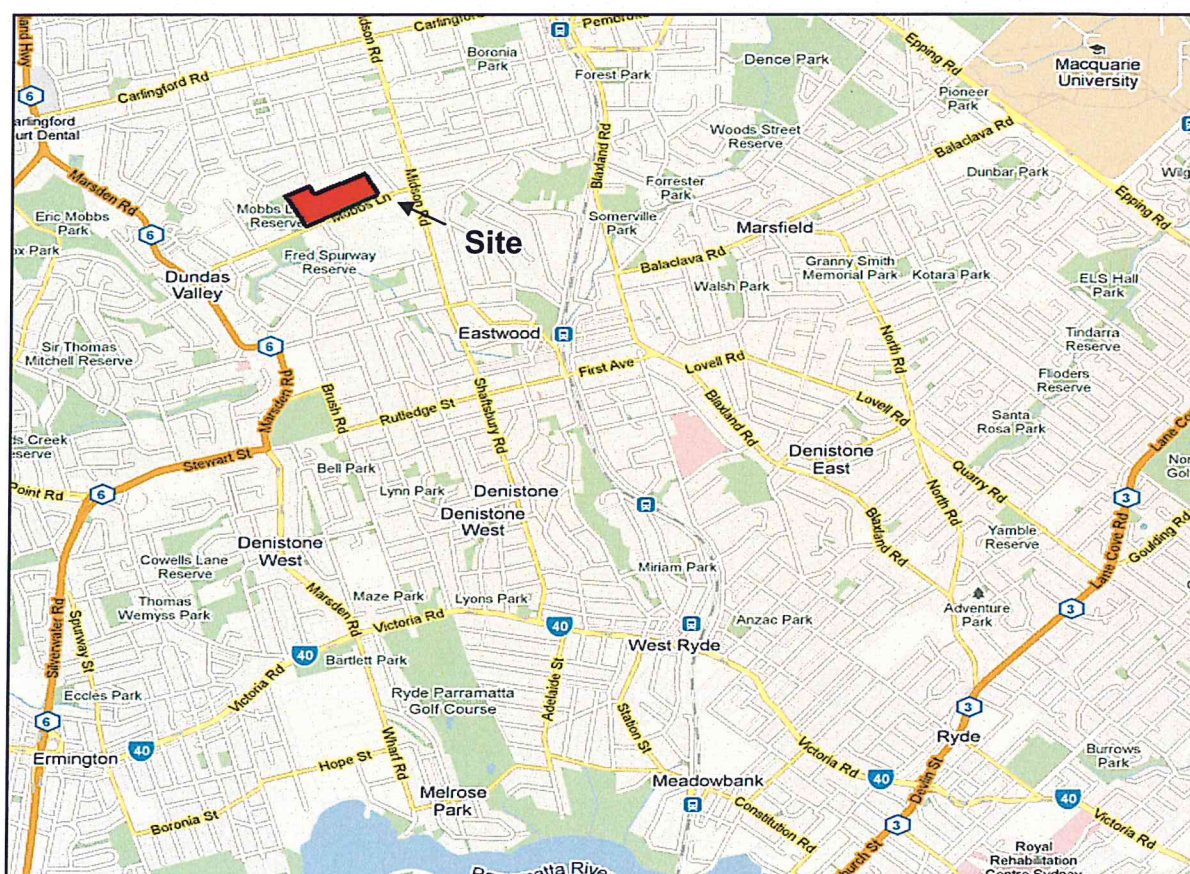


Figure 1: Site location

1.2 Approval History

On 1 August 2006, the State Environmental Planning Policy (Major Projects) 2005 (Amendment No.6) was gazetted which amended the Major Projects 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 then Minister for Planning 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.

A modification (MOD 1) to MP08_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 (MP08_0257) on 15 September 2010.

1.3 Justification for Modification

Modification 2 seeks approval for the removal of selected trees due to their poor condition and location near services and road upgrade works. The original project approval included approval for limited tree removal, however further trees have been identified as requiring removal.

Modification 3 seeks approval for subdivision amendments to clarify the future staged community titling of the approved residential development that is currently under construction.

Accordingly, both modification applications seek approval to amend the list of plans and documentation listed in Condition A2 to include the revised tree removal plan and subdivision plans and amend Condition C19 in relation to the tree restoration plan.

2. PROPOSED MODIFICATION

2.1 Modification Description

Modification 2

Modification 2 seeks approval for the removal of sixteen (16) trees on the site as a result of the poor condition/health of the trees and the location of the trees in relation to proposed services and road upgrade works.

The Proponent has submitted an Arboricultural Assessment Report, prepared by Tree and Landscape Consultants, which identifies the trees to be removed and their current condition.

The report recommends that the removal of these trees be undertaken by a qualified Arboriculturist and that the replacement of alternate trees be undertaken as part of the landscape works for the development.

This modification requires an amendment to Condition A2 of the Early Works Project Approval (MP08_0258) in relation to the plans and documentation and Condition C19 in relation to the tree restoration plan.

Modification 3

Modification 3 seeks approval for subdivision amendments to clarify the future staged community titling of the approved residential development that is currently under construction. The four community title subdivision plans approved under MP08_0258 are to be replaced with one staged community title subdivision plan. The modification also includes the first stage of the community title plan that reflects the current road works approval and boundaries pertaining to buildings 1, 2, 3, 4, 5, 6, 7 and 8.

This modification requires an amendment to Schedule 1 Part A of the Early Works Project Approval (MP08_0258) relating to the description of the development and Condition A2 in relation to the subdivision plans.

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 Condition A2 and C19, 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 in the modification request.

3.3 Delegated Authority

On 28 May 2011, the Minister delegated his powers and functions under Section 75W of the EP&A Act to the Planning Assessment Commission for:

- Applications which are not for major infrastructure development and Proponent is not a public authority (other than a local authority), and
- Applications where a statement has been made disclosing a reportable political donation in relation to the project, and
- Applications where a statement has been made disclosing a reportable political donation in connection with any previous concept or project application.

The project meets the above criteria as the Proponent has disclosed a reportable political donation, made within the period 2 years prior to the submission of the original project application. The Planning Assessment Commission can therefore determine the modification request under delegated authority.

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 Parramatta City Council, who made a submission in relation to both modifications.

A summary of the issues raised in Council's submission is provided below.

4.2 Public Authority Submissions

One submission was received from public authorities, being Parramatta City Council.

Parramatta City Council

Council provided the following comments and recommendations in relation to Modification 2 for tree removal:

- Initially Council raised concerns that the arborist report did not relate to all the proposed trees to be removed and that justification should be provided for the removal of all the trees.
- The Proponent submitted a second arborist report providing justification for the additional tree removal.
- Council initially objected to the removal of selected trees, however the Proponent provided further plans demonstrating that the trees were located within the vicinity of services and road upgrade works and warranted removal.
- Council provided confirmation that it agrees that the trees are of poor health and located within the building envelope or impacting on services and therefore their removal is warranted.
- Council made a recommendation that in lieu of the 16 trees to be removed, that the Proponent plant 20 new trees of 75 litre pot size. The Department has considered this recommendation and has incorporated a condition requiring the like-for-like replacement of trees of 75 litre pot size.

With regards to Modification 3, Council raised no objection, provided that the proposed subdivision amendments do not impact on the existing Voluntary Planning Agreement (VPA) for the site. The Proponent has confirmed that the proposed modification will not impact on the existing VPA.

4.3 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 Tree Removal (MOD 2)

The Proponent has submitted an arborist report that justifies the proposed tree removal. The 16 trees proposed to be removed are either of poor health or located within the vicinity of proposed services and road upgrade works. Therefore they are required to be removed in order to allow for the approved residential development. The Proponent has submitted a tree removal plan that confirms the location of services in proximity to the trees.

Council has reviewed the Proponent's documentation and acknowledges that the 16 trees are required to be removed due to poor health and proximity to services. To compensate for the proposed tree removal, Council has recommended that 20 new trees of 75 litre pot size be planted on the Mobbs Lane frontage as part of the early works package and that the trees be of the following species: Brush Box, Sydney Blue Gum and Turpentine.

The Proponent responded by suggesting that 9 trees be planted on the subject site, arguing that it would be inappropriate to plant the trees along the Mobbs Lane frontage due to the services and road upgrade works being located along the frontage.

The Department has considered Council's recommendation and the Proponent's response and agrees that replacement trees should be planted in a suitable location on the site, avoiding the Mobbs Lane frontage. The Department considers that 16 new trees should be planted (75 litre pot size) given the modification involves the removal of 16 trees.

As such Condition C19 is recommended to be amended to include this requirement, with the location of the trees subject to the future approval of the Director General of the Department of Planning and Infrastructure (or his delegate).

5.2 Subdivision (MOD 3)

Modification 3 proposes the replacement of four existing concept community title subdivision plans into one detailed community title subdivision plan and to allow for staged subdivision within the development. Modification 3 also proposes the Stage 1 community title subdivision plan for the site.

The proposed amendments to the approved subdivision are considered to be consistent with the intent of the original approval and will provide clarity in terms of future staged subdivision of the approved residential development. In this regard, no objection is raised to Modification 3.

Amendments to the description of the development and plans are recommended accordingly.

6. CONCLUSION

The Department has considered the requested modifications to Project Approval MP08_0258 and considered the key issues associated with these modifications. The proposed modifications are considered to be minor and do not result in a significant change to the approved development. An amended condition is recommended requiring the proponent to replace the trees proposed to be removed and the amended community title subdivision plans achieve the same outcome as the original subdivision plans.

It is therefore recommended that the modifications be approved subject to amended conditions.

7. RECOMMENDATIONS

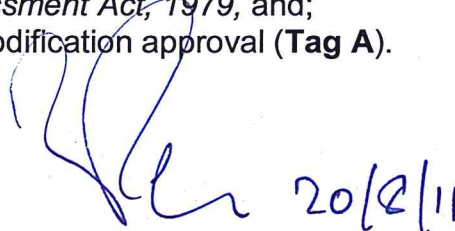
It is recommended that the Planning Assessment Commission:

- 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**).



Executive Director
Major Project Assessment

18.8.11



Deputy Director General
Development Assessment & Systems
Performance

15/8/11



Director-General

22/8/2011