



**Planning &
Infrastructure**

**MODIFICATION REQUEST:
61 Mobbs Lane, Epping (former Channel 7
site)
(MP08_0258 MOD 7)
Changes to the Community Title Subdivision
Plan**



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

December 2012

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1. BACKGROUND

1.1 The Site

Meriton Apartments Pty Ltd, has lodged a section 75W application seeking changes to the approved community title subdivision plan to include a second stage of subdivision (MP08_0258 MOD 7).

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 its 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.

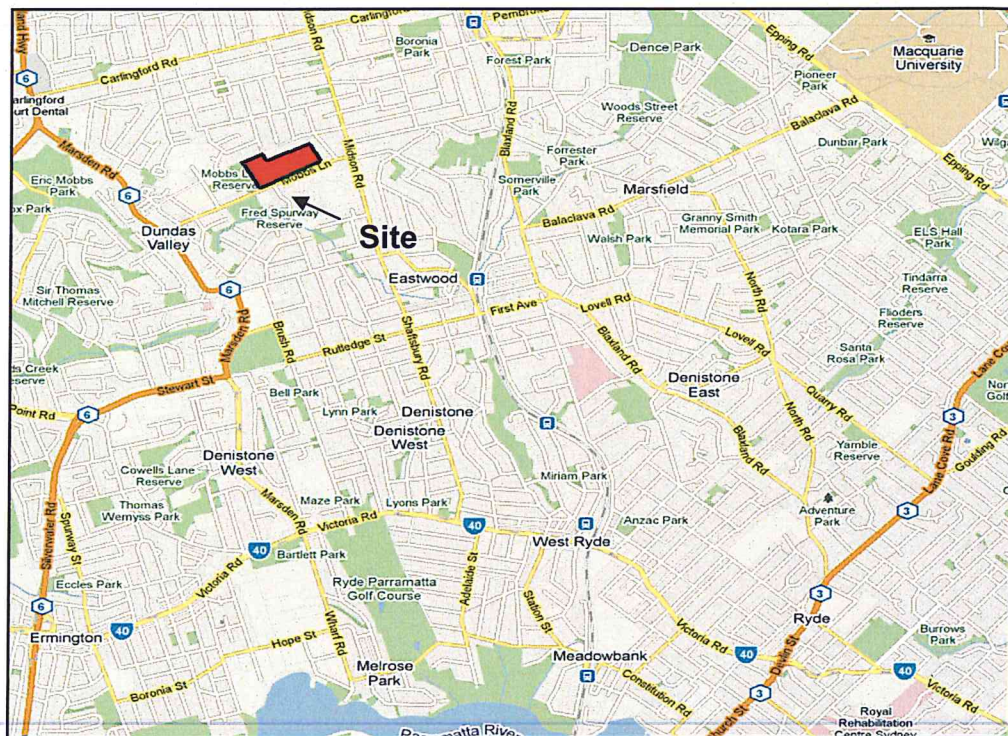


Figure 1: Site location

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.

MP08 0258 Early Works Package

The Early Works Package was approved by the Planning Assessment Commission (PAC) on 14 July 2010, and sought 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
- a child care facility
- private communal facilities
- consolidation of existing lots and subdivision into a community title allotment and Torrens title for the proposed child care centre.

A modification (MOD 1) to the Early Works Approval was approved by the then Director, Urban Assessments on 22 November 2010. MOD 1 permitted stormwater management facilities on the site.

On 25 August 2011, the PAC approved a revised Tree Removal Plan for the removal of selected trees (MOD 2) and amended the Community Title Plan of Subdivision (MOD 3). MOD 3 allowed one staged community title subdivision plan, which included approved road works and boundaries pertaining to buildings 1, 2, 3, 4, 5, 6, 7 and 8 (stage 1).

MOD 4 was withdrawn on 20 July 2012 due to issues raised in submissions relating to the installation of traffic signals at the intersection of Mobbs Land and Marsden Road.

MOD 5 was approved on 10 July 2012 by the Deputy Director-General, Development Assessment & Systems Performance. MOD 5 approved an increase in the number of child care places from 59 to 70, permitted hours of operation of the centre, and internal and external design changes to accommodate the increase in child places.

MOD 6 proposes to amend the timing of the installation of traffic signals at the intersection of Mobbs Land and Marsden Road. This application is currently under consideration by the department.

2. PROPOSED MODIFICATION

2.1 Modification Description

The modification seeks to amend the approved Community Title subdivision plan concerning Stage 1 to include the next stage of community title subdivision (Stage 2 Buildings 6, 9, 10 and 17). The modification is sought to allow for further subdivision of the site, and incorporates Buildings 6, 9 and 10 approved in Stage 2 by the Deputy Director-General, Development Assessment and Systems Performance on 28 May 2012. Building 17 was not approved as part of the Stage 2, but nevertheless forms part of the subdivision, the subject of this modification. In order to facilitate the changes, the modification proposes to replace the two approved subdivision plans (**Figure 2 and 3**) with one subdivision plan (**Figure 4**).

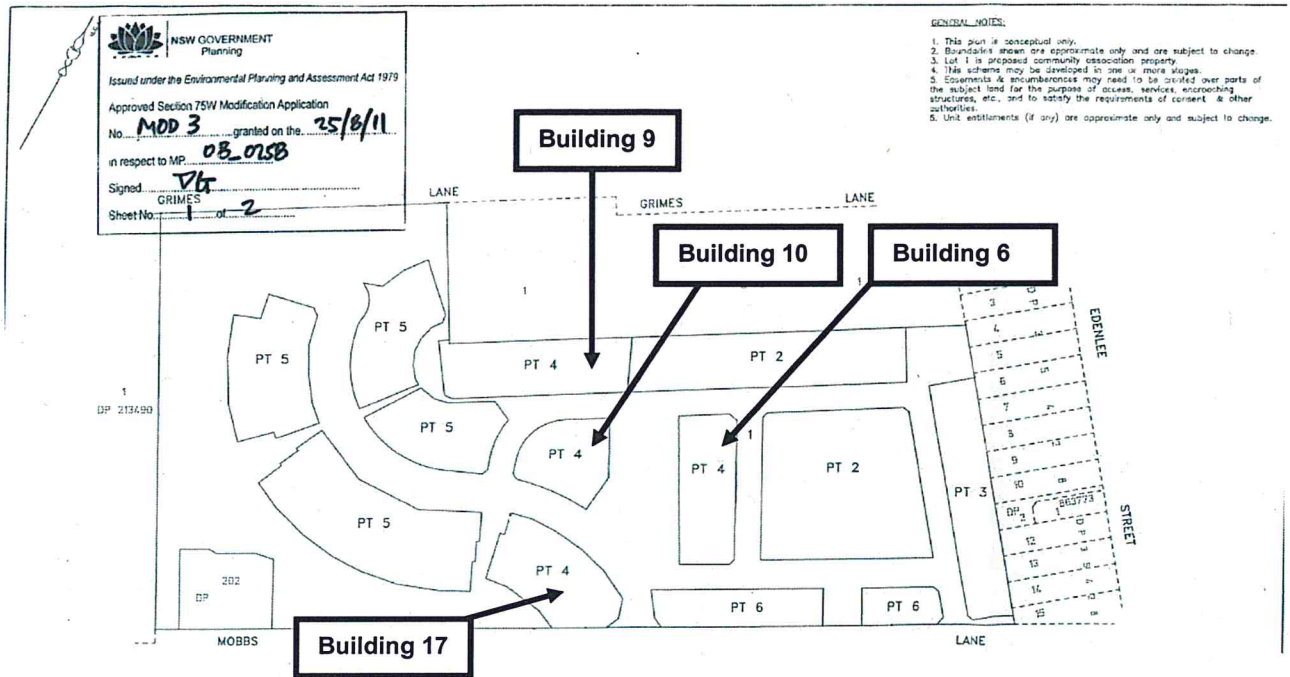


Figure 2: Approved Community Title Plan

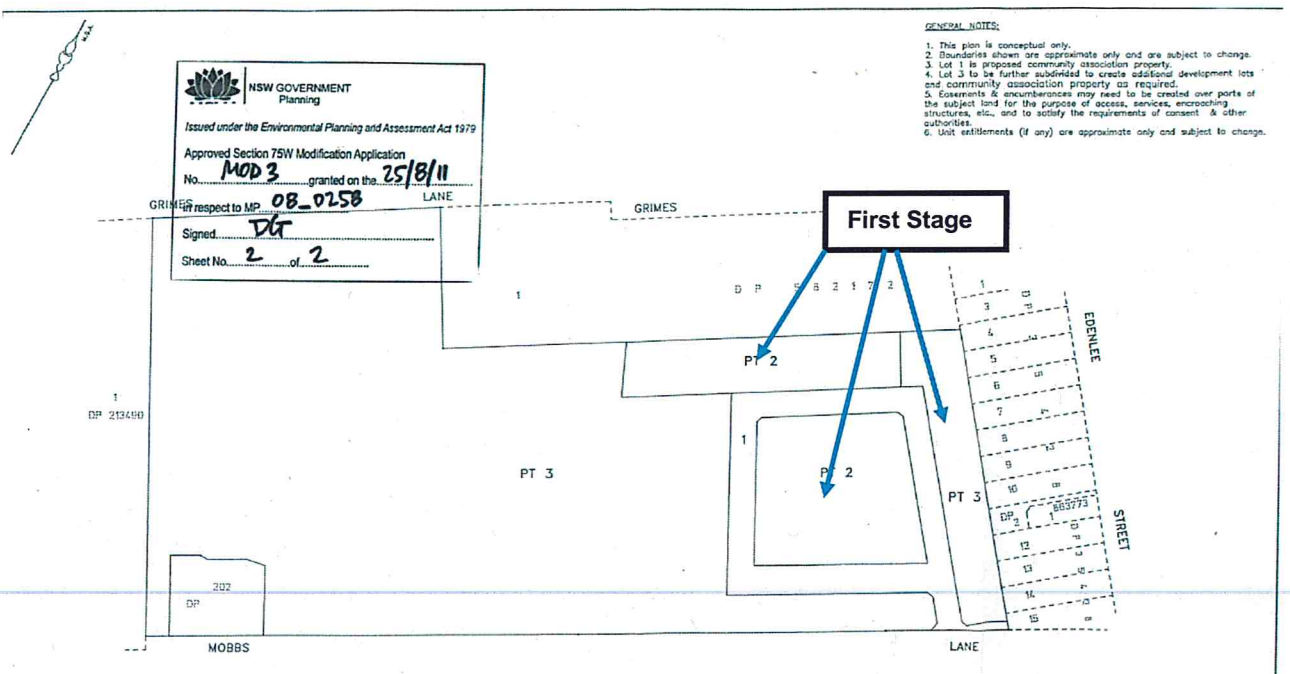


Figure 3: Approved Community Title Plan Stage 1

structures, etc., until the necessary requirements of the authorities.
d. * Denotes future community association property.

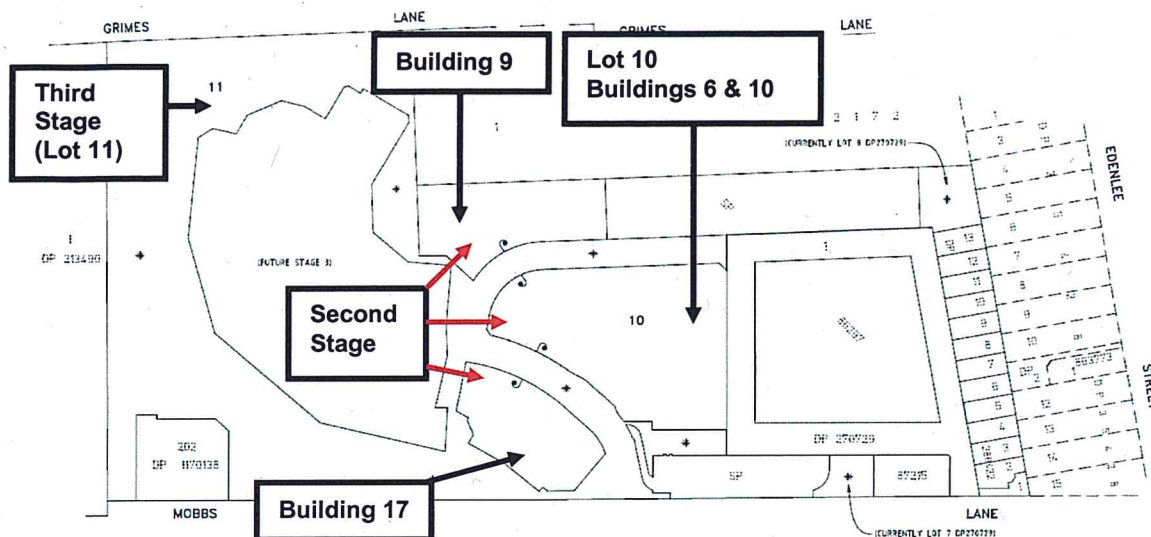


Figure 4: Proposed Community Title Staged subdivision plan

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 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.

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

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 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.

3.4 Strata Schemes (Freehold Development) Act 1973 (Strata Act)

Under section 28B of the 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 relates to a community title plan that subdivides the land into lots and common property. A strata plan divides a building into lots and common property. As the modification does not relate to a strata plan, but seeks to only vary the approved community title subdivision plan to include reference to Stage 2, section 28B of the Strata Act does not apply in this instance.

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

5.1 Community Title Staged Subdivision Plan

The approved community title subdivision plan includes the first stage that reflects the road works and boundaries pertaining to Buildings 1, 2, 3, 4, 5, 6, 7 and 8. The proposed modification seeks to allow further subdivision to include the second stage of the community title subdivision plan. This includes road works approved under Stage 2 and the boundaries for Buildings 6, 9, 10 and 17. The community scheme is proposed to be developed in a number of stages and the plan also notes the future Stage 3 subdivision.

The department considers that the proposed community title staged subdivision plan to include the second stage of community title subdivision acceptable, and the modification request identifies lots that are to be strata subdivided in the future. In addition, the department has sought advice regarding the need for a strata development contract to accompany the modification. The department was advised that a strata development contract was not necessary as the community title plan subdivides the surface of land into lots and common property rather than a building (strata plan).

The department therefore considers the proposed changes to include the second stage of community title subdivision highlighting common property and boundaries for Buildings 6, 9, 10 and 17 appropriate.

6. CONCLUSION

The department has considered the request to modify MP08_0258 and considers no significant environmental impacts will result from the modifications. The proposed community title plan outlines Stage 2 and further identifies the future Stage 3 subdivision.

It is therefore recommended that amended community title plan be approved as outlined in the recommended Instrument of Modification Approval.

7. RECOMMENDATIONS

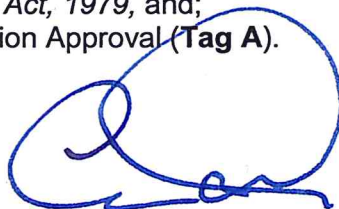
It is recommended that the Deputy Director-General:

- a) **Consider** the findings and recommendations of this report;
- b) **Approve** the modification, 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**).



Director
Metropolitan and Regional Projects North

7/12/12



Executive Director
Major Projects Assessment

11.12.12

Deputy Director-General
Development Assessment and Systems Performance