



## Planning & Environment

### ***MODIFICATION REQUEST:***

***61 Mobbs Lane, Epping  
(former Channel 7 site)***

***(MP 08\_0258 MOD 8)***

***Amendment to subdivision plan***

***(MP 11\_0046 MOD 2) - Stage 3***

***Strata Subdivision of Building 13 and Staged  
Strata Subdivision of Buildings 11, 12, 14, 15  
and 16.***



Secretary's  
Environmental Assessment Report  
Section 75W of the  
*Environmental Planning and Assessment Act 1979*  
**August 2014**

Cover Photograph: Aerial photograph of the site

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# 1. INTRODUCTION

The purpose of this report is to assess two requests to modify the Early Works Approval (MP 08\_0258) and the Project Approval for Stage 3 (MP 11\_0046) of the Mobbs Lane community residential development scheme under Section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

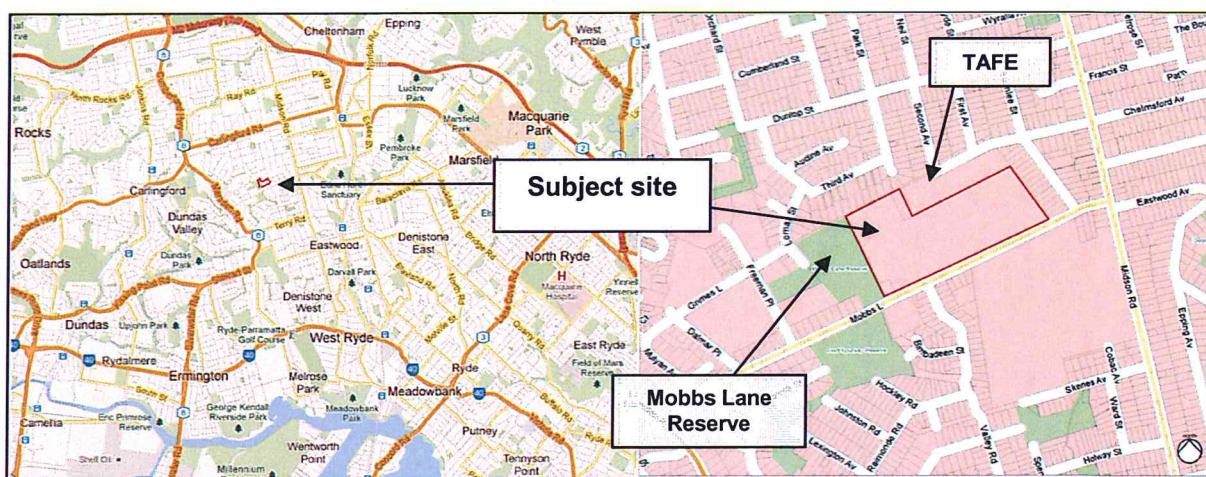
The proposed modification to the Early Works Approval seeks to amend the lot boundary and subdivision plan of the future Stage 3 site, Lot 12.

The proposed modification to the Project Approval for the Stage 3 residential development site seeks to strata subdivide Building 13 and introduce a staged strata subdivision over the land where Buildings 11, 12, 14, 15 and 16 are to be located.

## 1.1 Site Description

The site is located at 61 Mobbs Lane, Epping and is approximately 24 km from the Sydney CBD within the Parramatta Local Government Area (see **Figure 1**). The site was previously utilised by Channel 7 as television studios and associated facilities.

The site has an area of 8.9 hectares, with a frontage of approximately 500 metres to Mobbs Lane. It has a change in elevation of approximately 30 metres from east to west down to Mobbs Lane Reserve. The surrounding development is predominantly low density detached residential dwellings. A TAFE Campus adjoins the site on the north eastern boundary.



**Figure 1:** Site Location

## 1.2 Approval History

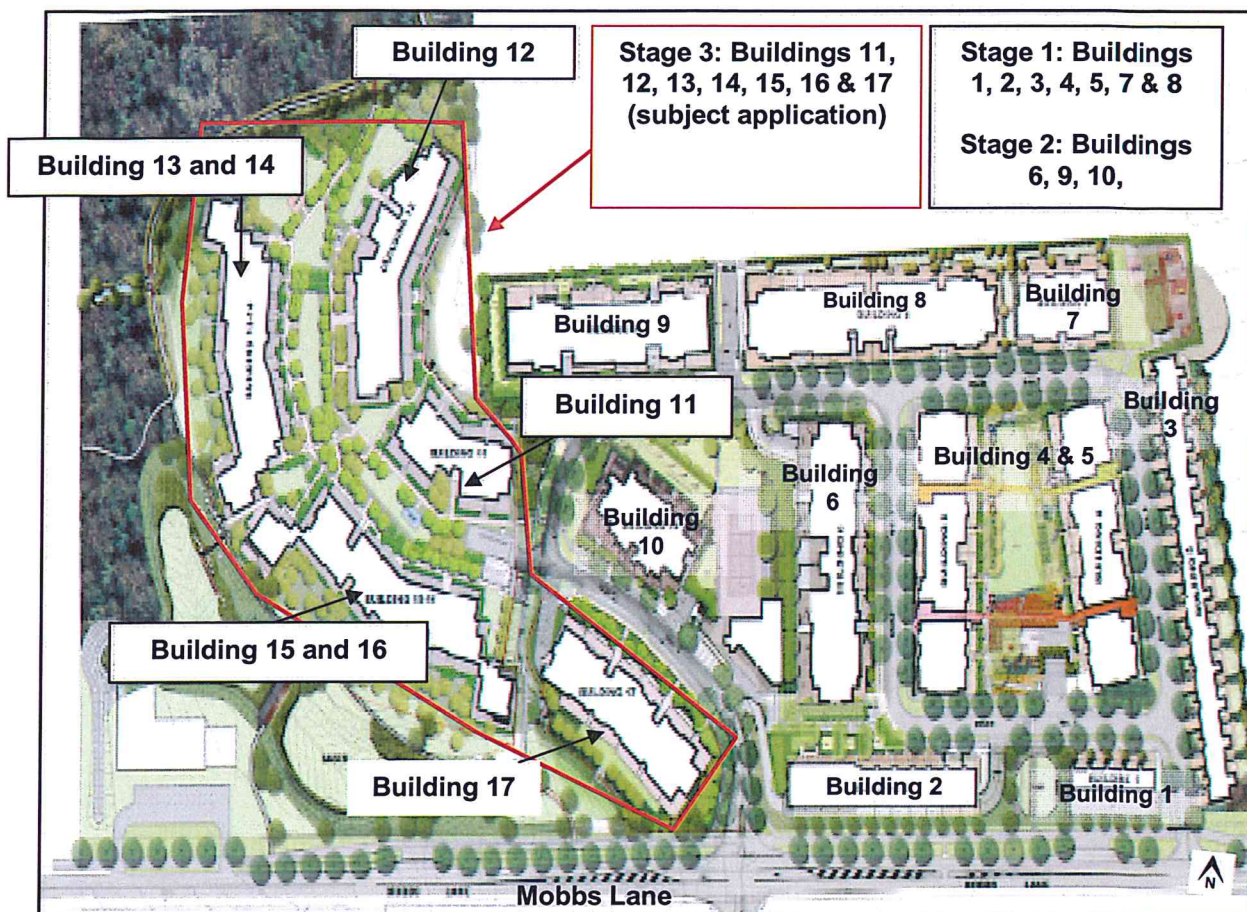
### Concept Plan (MP 05\_0086)

On 22 August 2006, the then Minister for Planning approved a Concept Plan for the redevelopment of the site for residential and public open space purposes. The approval permitted:

- the construction of a maximum of 650 dwellings with a maximum gross floor area of 80,000 m<sup>2</sup>, and maximum floor space ratio of 0.89:1;
- a maximum density of 73 dwellings per hectare;
- development to a maximum of 6 storeys; and
- 3.1 hectares of public open space and a child care centre.

The Concept Plan was subsequently modified on 23 November 2008 (MOD 1), 21 February 2011 (MOD 2), and 28 February 2013 (MOD 3). The approved Concept Plan layout (as modified) is depicted in **Figure 2**.





**Figure 2: Approved Concept Plan layout**

## **Project Applications**

### **Early Works Approval (MP 08\_0258)**

On 14 July 2010, the Planning Assessment Commission (PAC) approved early works on the site including:

- 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; and
- consolidation of existing lots and subdivision into a community title allotment and Torrens title for the proposed child care centre.

The early works approval has been modified on seven different occasions, therefore the subject application which seeks to amend the boundary of the lot 12 is Modification 8.

### **Stage 3 (MP 11\_0046)**

On 30 May 2013, the Executive Director Development Assessment Systems and Approvals approved the Stage 3 residential development including:

- construction of five residential flat buildings known as Buildings 11, 12, 13/14, 15/16 and 17 comprising of 324 apartments; with a total GFA of 30,455.72 m<sup>2</sup>; and
- construction of associated basement car parking containing 427 car parking spaces (374 for Buildings 11 to 16 and 53 for Building 17), and landscaping.

It is important to note that the construction of Building 17 will be undertaken as part of this Project Approval for Stage 3. However, the department has previously approved a



modification to the separate Stage 2 Project Approval (MP 11\_0048 MOD 2), which included the staged strata subdivision of Building 17.

A modification request for Stage 3 Project Approval (MP 11\_0046 MOD 1) was previously submitted and withdrawn before determination. Therefore this application for strata subdivision of Building 13 and staged strata subdivision of Buildings 11, 12, 14, 15 and 16 only, and is Modification 2.

## **2. PROPOSED MODIFICATION**

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### **2.1 Modification 8 to Early Works Approval (MP 08\_0258)**

The modification application seeks approval for amendments to the subdivision plan of Lot 12, which is the main part of Stage 3 of the site, where the future Buildings 11, 12, 13, 14, 15 and 16 will be located.

The proposal seeks to amend the approved community title subdivision plan to align the boundary of Lot 12 to provide a more regular shaped allotment as demonstrated in the comparison of the approved and proposed subdivision plans in **Figures 3 and 4**.

### **2.2 Modification 2 to Stage 3 Project Approval (MP 11\_0046)**

The modification application seeks approval to:

- strata subdivide Building 13; and
- stage the strata subdivision of Buildings 11, 12, 14, 15 and 16.

In order to seek approval for the above, the first stage strata subdivision is proposed to be over Building 13 comprising Lots 1 to 36 (Stage 1 as shown in **Figure 5**). The second stage is outlined in the Strata Development Contract (SDC) submitted with the application to create the development lot (Lot 37), which is proposed to be subdivided for the creation of future strata lots over the land of the approved Buildings 11, 12, 14, 15, and 16 (Stage 2 as shown in **Figure 6**).

Accordingly, the Project Approval for Stage 3 (MP 11\_0046) will need to be amended to include:

- a revised project description in Condition A1 of the Instrument of Approval to include strata subdivision of Building 13, and the future staged strata subdivision of Buildings 11, 12, 14, 15 and 16;
- the insertion of plans for the strata subdivision of Building 13 in Condition A2; and
- additional conditions providing the requirements to be satisfied prior to issue of the strata subdivision certificate.

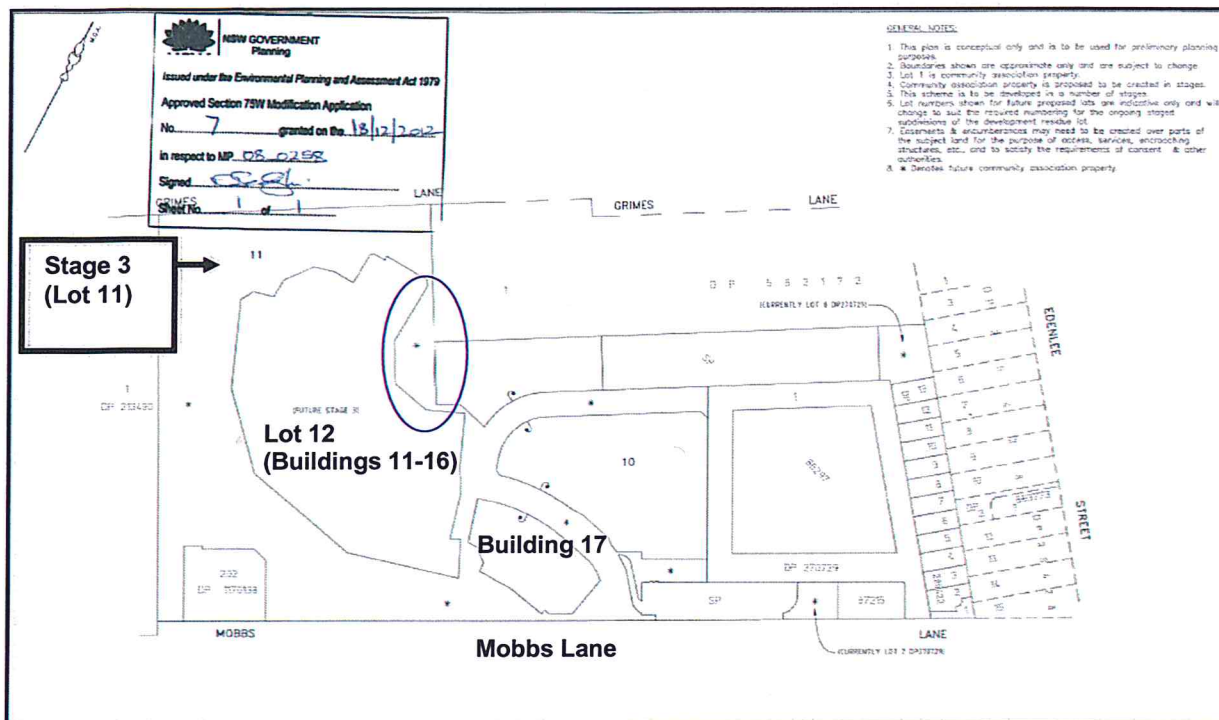


Figure 3: Approved community title staged subdivision plan

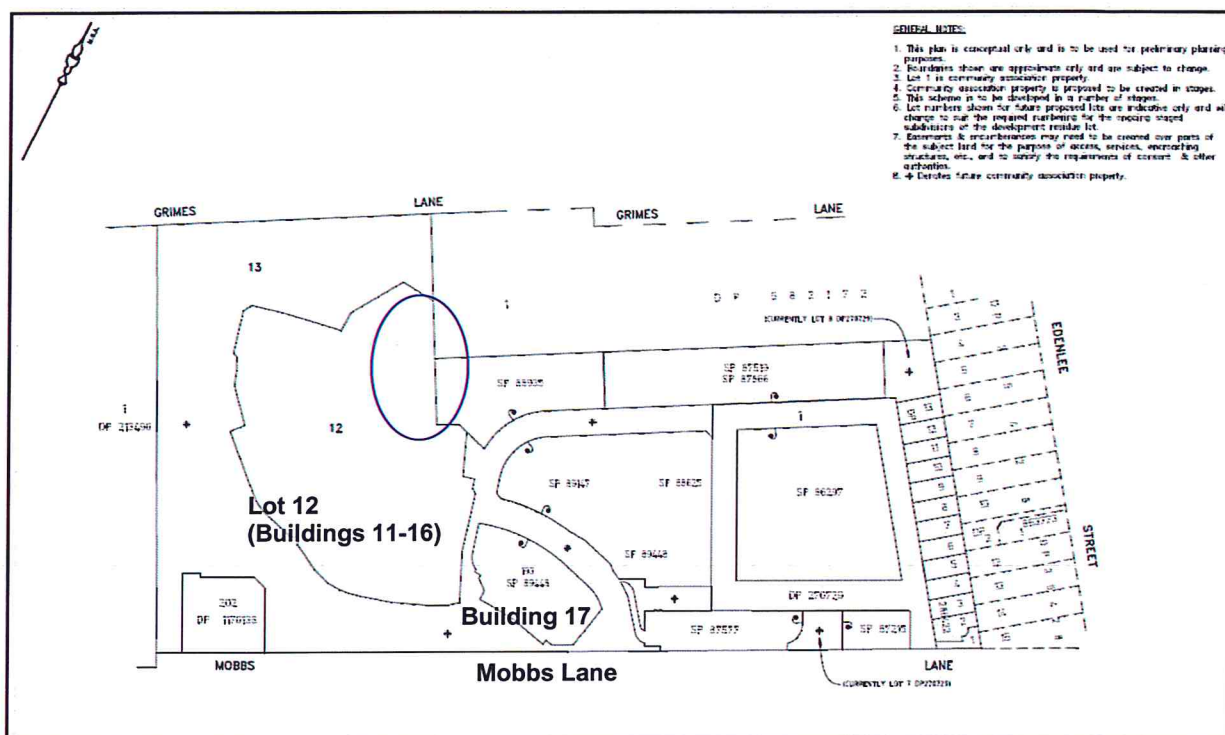
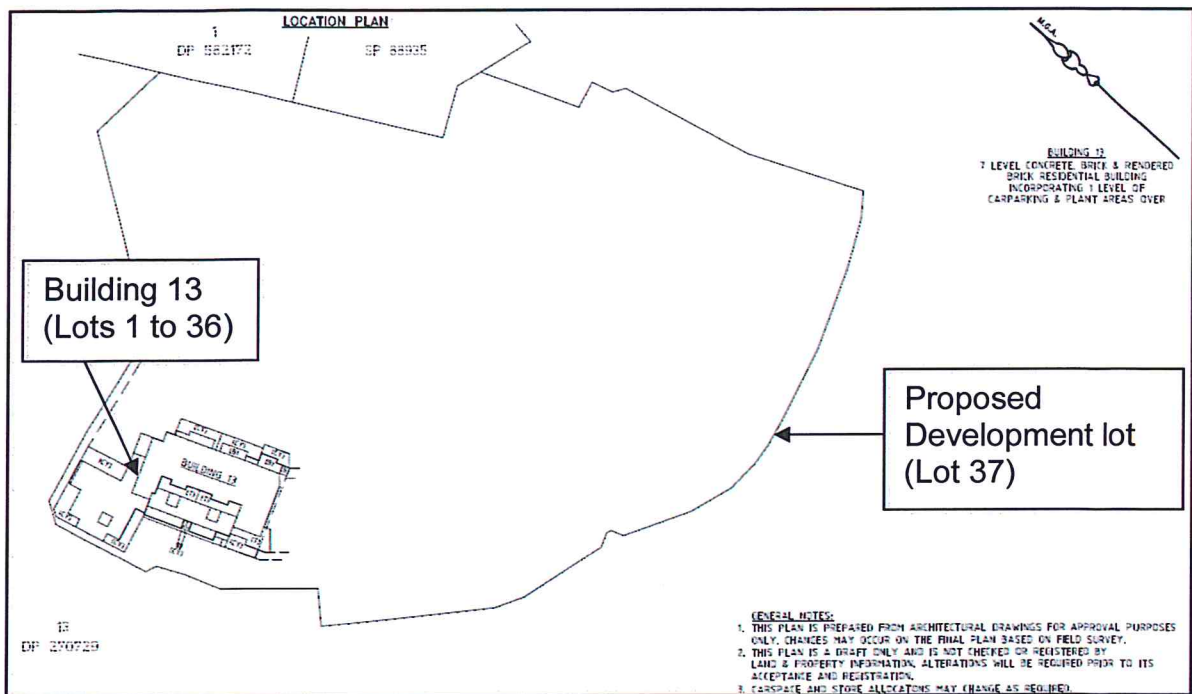
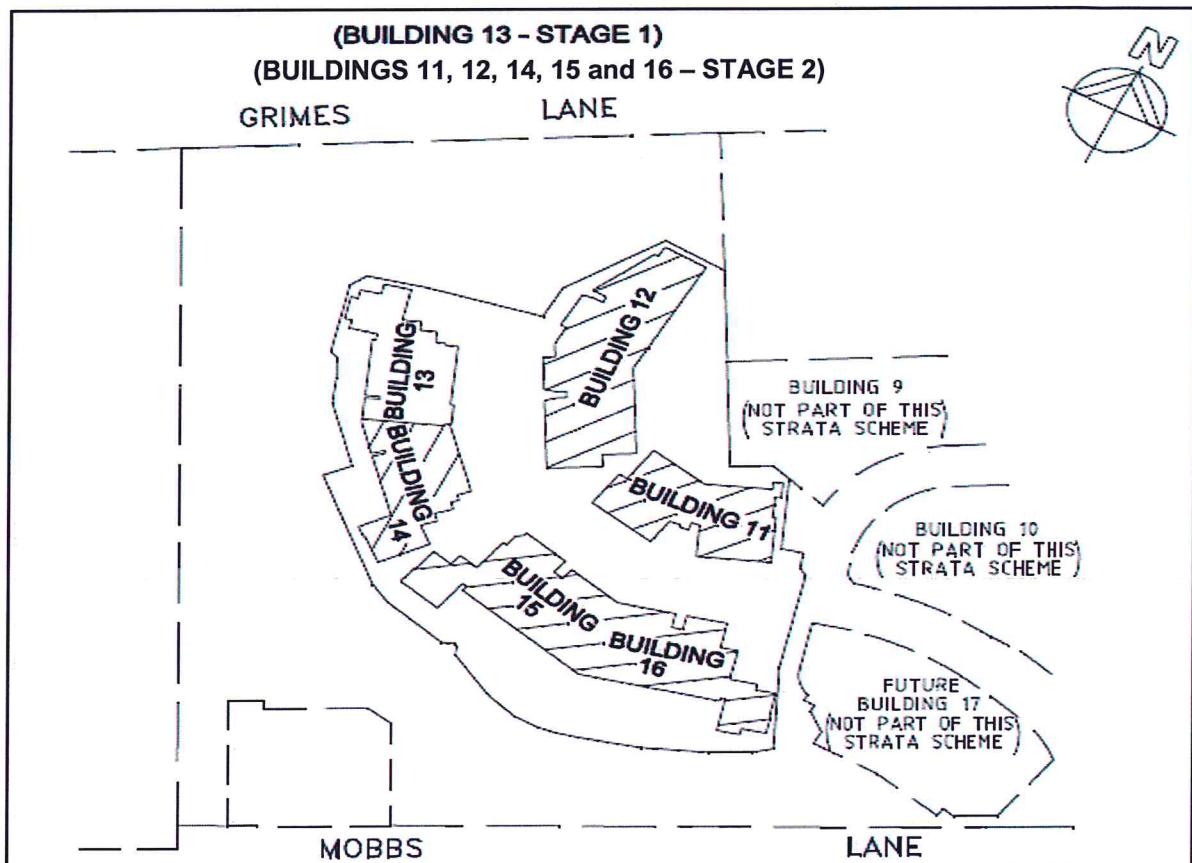


Figure 4 Proposed boundary realignment of Lot 12 (key change shown in Blue)



**Figure 5:** Proposed strata subdivision of Building 13 (Lots 1 to 36) and proposed development Lot 37 for future staged strata division.



**Figure 6:** General layout of the future staged strata subdivision scheme (**Stage 1:** Building 13 and **Stage 2:** Buildings 11, 12, 14, 15 and 16).



## 3. STATUTORY CONTEXT

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### 3.1 Modification of a Minister's Approval

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A of the EP&A Act, continues to apply to Section 75W modification applications for Part 3A projects.

The application has been lodged pursuant to Section 75W of the EP&A Act, which provides for the modification of the Minister's approval including "revoking or varying a condition of the approval or imposing an additional condition of the approval".

Consequently, this report has been prepared in accordance with the requirements of Part 3A and the associated regulation, the Minister (or delegate) may approve or disapprove of the carrying out of the project under Section 75W of the EP&A Act.

### 3.2 Environmental Assessment Requirements

In this instance, it was not considered necessary to notify the proponent of Environmental Assessment Requirements pursuant to Section 75W(3) of the EP&A Act as sufficient information was provided to assess the applications.

### 3.3 Delegated Authority

Although Parramatta City Council raised no objection to the application, less than 10 public submissions of objection were received, and there is no record of a political donation disclosure statement being made, the department considers that the applications should nevertheless be referred to the Planning Assessment Commission.

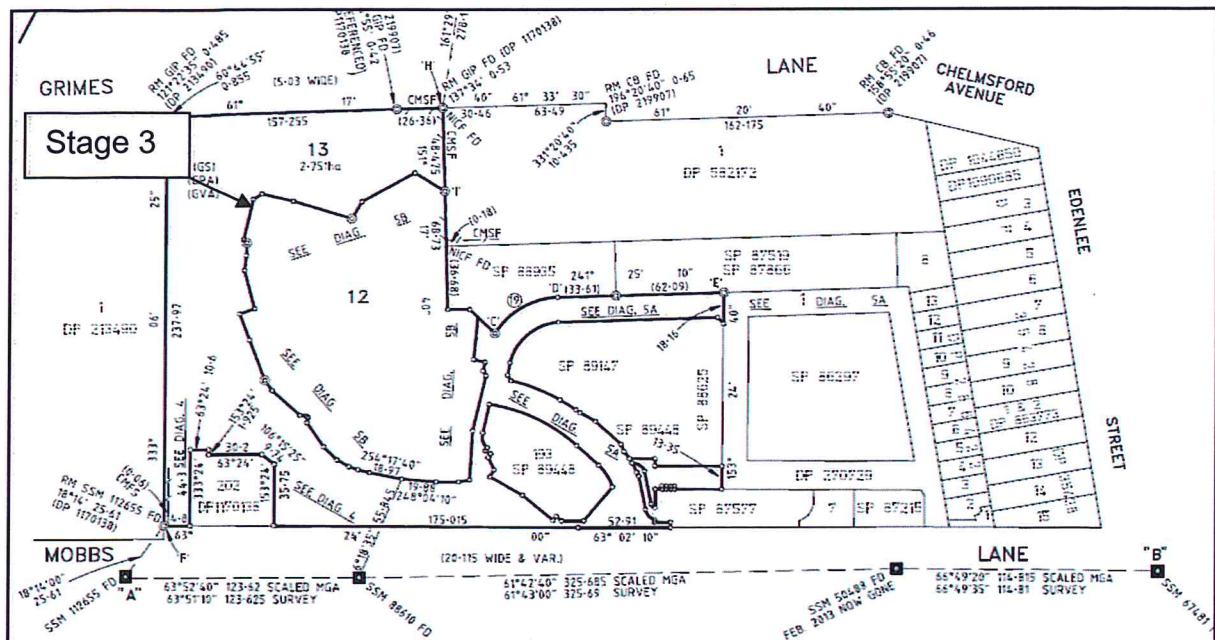
Consistent with the then Minister for Planning & Infrastructure's delegation dated 14 September 2011, the application can be determined by the PAC.

### 3.4 Strata Schemes

MP 11\_0046 MOD 2 seeks approval to strata subdivide Building 13, and stage the strata subdivision of Buildings 11, 12, 14, 15 and 16 within Lot 12 in proposed Community title plan DP 270729 (**Figure 7**). Lot 12 was created by the subdivision approval issued by the department for MP08\_0258, however it is a proposed plan as the lot has not yet been registered with Land and Property Information.

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:

- the lot intended to be subdivided is identified in the proposed strata plan as a development lot;
- the development application is accompanied by a proposed strata development contract; and
- the consent authority has certified in the approved form that the application will not contravene any condition of development consent or the provisions of any environmental planning instrument (EPI) that was in force when the consent was granted, except to the extent specified in the certificate.



**Figure 7: Proposed community plan of subdivision that will create Lot 12 DP 270729**

The department is satisfied that the proposed modification is consistent with the requirements of Section 28B for the following reasons:

- the land proposed for subdivision under the proposed strata plan is identified as a development lot (Lot 37, refer to **Figure 5**);
- the application includes a Draft Strata Development Contract prepared in accordance with the requirements of Section 28C of the Strata Act; and
- the modification application is consistent with the Project Approval and the provisions of State Environmental Planning Policy (Major Development) 2005 which is the applicable EPI for the site.

Given the above, it is recommended that the PAC sign the form provided at **Appendix C** to certify that the application will not contravene any conditions of the Project Approval, or the provisions of any EPI(s), prior to approving the proposed modification.

## 4. CONSULTATION AND SUBMISSIONS

### 4.1 Notification

Under Section 75W of the EP&A Act, a request for a modification of an approval does not require public exhibition, however, under Section 75X(2)(f) of the EP&A Act, the department is required to make the modification request publicly available. In this instance, the modification request was made available on the department's website and was referred to Parramatta City Council. No submissions were received from the public.

### 4.2 Parramatta City Council

Council does not object to the modification applications as outlined below:

#### MP08\_0258 MOD 8

Parramatta City Council raised no objection to the proposed boundary adjustment of Lot 12, providing it would not result in impacts on the VPA requirements and provision (or use) of the public domain on site.



## MP11\_0046 MOD 2

Council raised no objection to the strata subdivision of Building 13 and staged strata subdivision of Buildings 11, 12, 14, 15 and 16 subject to:

- no additional burdens are to be placed on Council or Council owned assets;
- the proposed strata plans reflect the approved plans for the construction of the buildings; and
- car parking is appropriately allocated to dwellings, where at a minimum each dwelling is to be allocated 1 car space and visitor spaces are to be allocated in accordance with the approval.

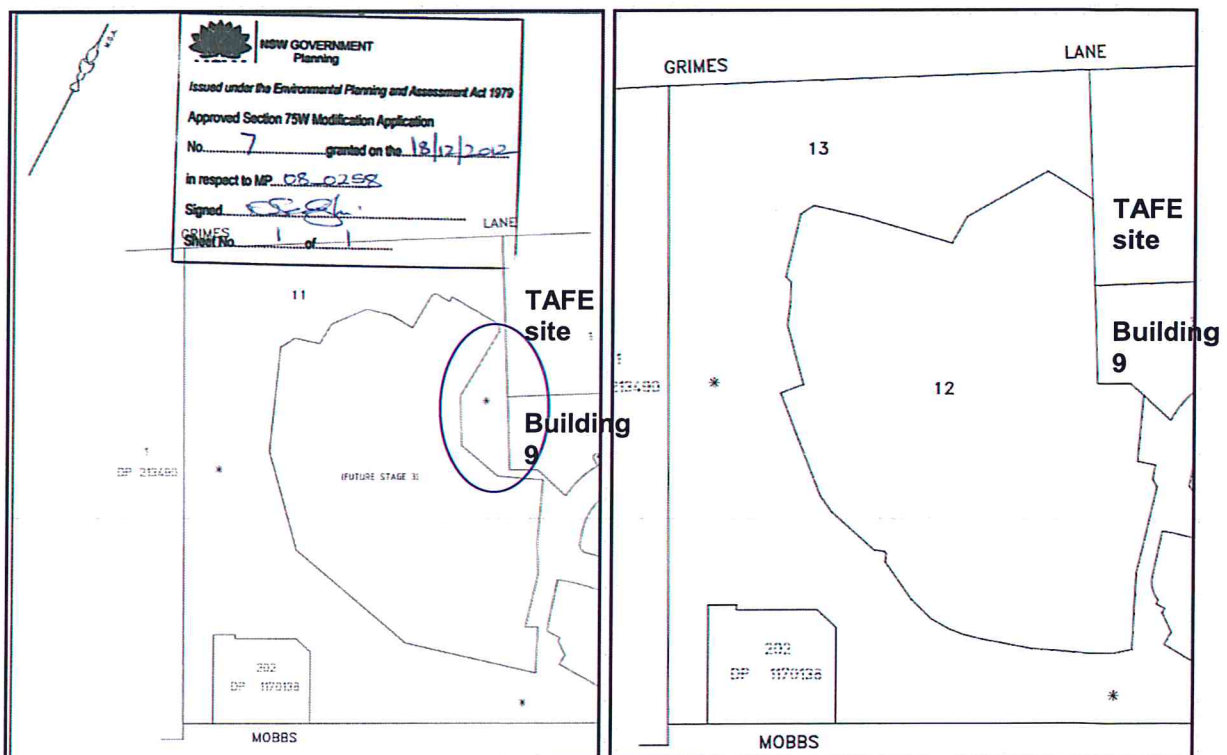
The department considers that the strata plans are consistent with the approved plans, and that car parking will be allocated in accordance with the approval.

## 5. ASSESSMENT

The department's assessment of the key issues associated with the proposed modifications is discussed below.

### 5.1 Modification 8 to Early Works Approval (MP 08\_0258)

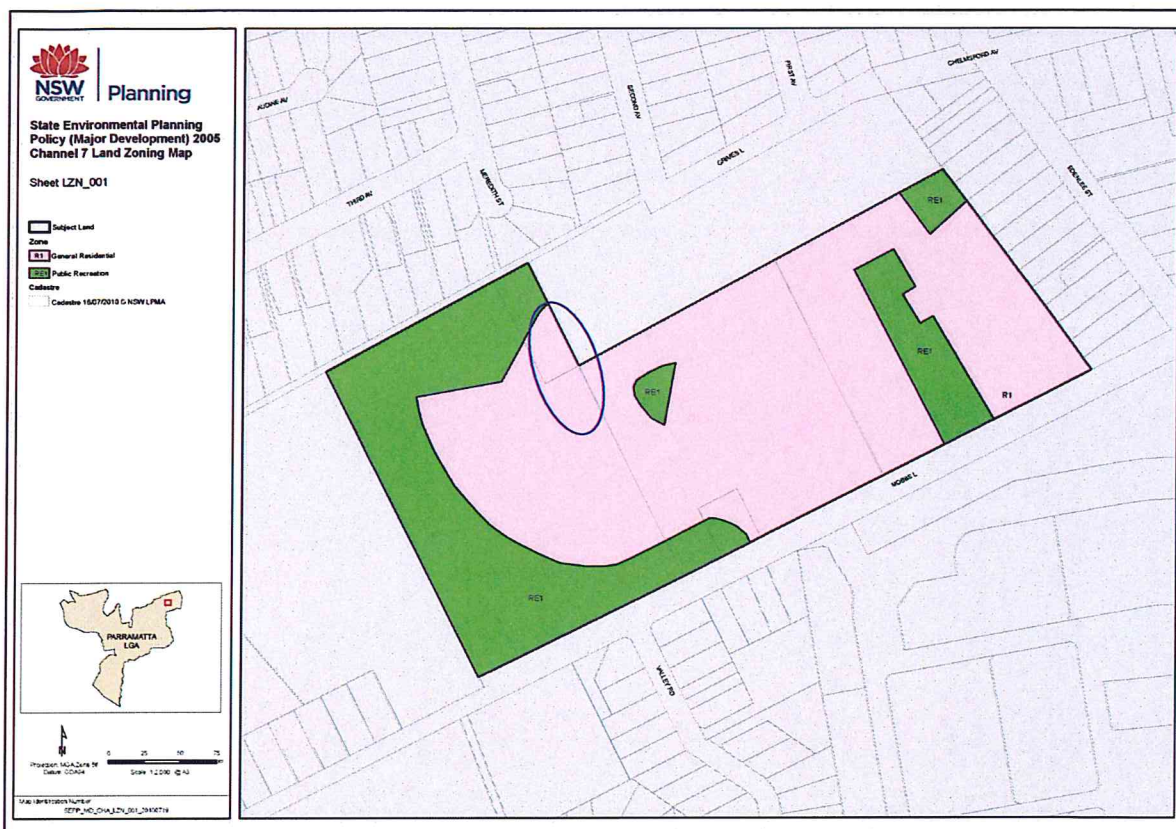
The proposal seeks to modify the approved community title subdivision plan to realign the lot boundaries and include additional land into Lot 12. The key changes is shown in blue outlined, however the comparison plans provided in **Figure 8** demonstrate that all boundaries are proposed to be slightly adjusted.



**Figure 8:** Approved plan (Future Stage 3) and proposed plan with additional land incorporated into Lot 12

The proponent considers that this modification will allow for a better management approach of the part of the site between Buildings 11 and 12 the adjoining TAFE facility and Building 9 (within a separate Strata Plan) to the east. This land is currently within a broader community title lot which would require its broader community management.

Incorporation of this land within Lot 12 will transfer the management and maintenance of this space from all buildings within the Concept Approval to the future body corporate of Buildings 11 – 16. This is considered an acceptable outcome, noting that the space is not identified as accessible open space within the approval or the zoning for the site (**Figure 9**).



**Figure 9:** Zoning Map indicating residential (pink) and public open space (green) zones across the site

The proposal will not affect the requirements of the approval, any areas of public open space or the Voluntary Planning Agreement between Council and the proponent.

The other minor realignments seek to rationalise the boundaries of the lot consistent with the Stage 3 approval. On this basis the department considers that the modification to MP08\_0258 is acceptable.

## 5.2 Modification 2 to Stage 3 Project Approval (MP 11\_0046)

### 5.2.1 Strata Subdivision Consistency with the Project Approval

The Stage 3 Project Approval included construction of 5 residential flat buildings known as Buildings 11, 12, 13/14, 15/16 and 17 comprising of 324 residential apartments with associated basement car parking including 427 car park spaces (374 for Buildings 11-16 and 53 for Building 17).

As previously outlined Building 17 no longer forms part of the Stage 3 development for the purposes of subdivision. Building 17 forms part of the subdivision for Stage 2 of the residential development comprising Buildings 6, 9, 10 and 17.

Having regard to the proposal to strata subdivide Building 13, the department has reviewed the submitted draft strata plans to ensure consistency with the already approved layout for Building 13.



The final draft strata plans are generally consistent with the approved plans and provide sufficient detail for the department to be satisfied that the strata subdivision will be consistent with the Project Approval.

In addition, Lots 1 to 36 within Building 13 have all been allocated car parking spaces in accordance with the Project Approval. Visitor parking, accessible parking and storage areas are also generally consistent with the approved plans. On this basis, the strata subdivision of Building 13 is acceptable.

### **5.2.2 Staging (Staged Strata Subdivision)**

The proposed strata subdivision will be carried out in stages with an initial strata plan registered for Building 13, (as detailed above). Future strata plans will be registered for Buildings 11, 12, 14, 15 and 16 to strata subdivide these buildings within development lot 37 in accordance with the Strata Development Contract (SDC). The department has reviewed the SDC and is satisfied that the:

- the SDC accurately defines the development lot 37 to which the SDC applies;
- the SDC has been prepared in accordance with the requirements of the Strata Act; and
- the SDC is consistent with the Project Approval and the provisions of State Environmental Planning Policy (Major Development) 2005.

The department considers this is an appropriate approach to stage the subdivision of the residential development.

## 6. CONCLUSION & RECOMMENDATION

The proposal seeks to modify the Early Works Approval to realign the boundaries of Lot 12 within the approved community subdivision plan and modify the Stage 3 Project Approval to permit strata subdivision of Building 13 and staged strata subdivision of Buildings 11, 12, 14, 15 and 16.

The department has considered the proposals, and the key issues associated with these modifications. The proposed modifications do not change the original assessment for the site's suitability for this community residential development, and therefore the department is satisfied the modifications are acceptable and generally consistent with the original Early Works and Project Approvals.

It is therefore recommended that the modification applications be approved, as outlined in each of the recommended Modifying Instrument of Approvals (**Appendix D**).

It is recommended that the PAC:

- a) **consider** the findings and recommendations of this report;
- b) **approve** the proposed Strata Development Contract (**Appendix C**)
- c) **approve** the modification, subject to conditions, under Section 75W of the EP&A Act and;
- d) **sign** each of the attached Instrument of Modification Approvals (**Appendix D**).

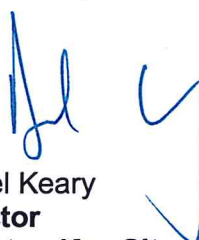
Prepared by: Fiona Gibson – Planning Officer  
Industry, Key Sites and Social Projects

Endorsed by:



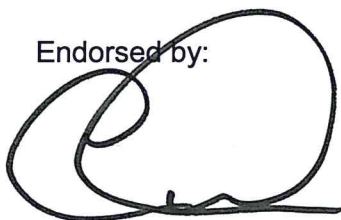
Ben Lusher  
**Manager**  
Key Sites & Social Projects

Endorsed by:



Daniel Keary  
**Director**  
Industry, Key Sites & Social Projects

Endorsed by:



29.8.14

Chris Wilson  
**Executive Director**  
Development Assessment Systems and Approvals



## APPENDIX A    MODIFICATION REQUESTS

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See the department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6479](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6479)

and

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6639](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6639)

## **APPENDIX B SUBMISSIONS**

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See the department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6479](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6479)

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[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=6639](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6639)



**APPENDIX C    STRATA DEVELOPMENT CONTRACT**

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