NSW GOVERNMENT | Planning & Infrastructure

MODIFICATION REQUEST:
61 Mobbs Lane, Epping (Former Channel 7 Site)
(MP 10_0107 MOD 3)
Minor Design Changes to Building 2

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

February 2012

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EXECUTIVE SUMMARY

This report is an assessment of a section 75W modification application (MP10_0107 MOD 3) lodged by Meriton Apartments (the proponent) requesting modifications to the project approval for MP 10_0107, which permitted the construction of Buildings 1, 2 and 3 at 61 Mobbs Lane, Epping.

The application seeks approval to modify drawing number A1005-B (Revision A) B2 Elevations, to rectify minor inconsistencies between the approved floor plans and elevations for townhouses 6 and 16. Specifically, these inconsistencies relate to the exclusion of an upper level balcony on the southern elevation of townhouse 16, and the arrangement of windows on the eastern elevation of townhouse 6. In addition, the application seeks approval to:

- revise the location of the basement level exit doors for townhouses 8, 10 and 13 to ensure compliance with the egress requirements of the Building Code of Australia (BCA)
- realign the stairs and pathways associated with the three basement level exit doors
- modify the southern elevation to alter the dimensions of the louvres associated with the basement car park
- amend Condition A2 of the Instrument of Approval to update drawing numbers A1002-A (Revision A) B2 Lower Parking Level, A1002-B (Revision A) B2 Parking Level and A1005-B (Revision A) B2 Elevations.

Documents, including the plans were made publicly available on the department's website, and consultation was undertaken with Parramatta City Council (Council). The Council advised that it raises no objection to the application.

The department has assessed the merits of the proposed modifications and considers them acceptable on the basis that they:

- correct minor inconsistencies in the approved drawings
- will ensure compliance with the egress requirements of the BCA
- will provide improved solar access and ventilation for townhouse 6
- would not result in any changes to the approved building envelope, or reduce the levels of privacy at townhouse 5.

On this basis, the department considers that the proposed modification application should be approved.

1. BACKGROUND

1.1 The Site

The site is known as 61 Mobbs Lane, Epping. It is approximately 24 km from the Sydney CBD within the Parramatta Local Government Area (see **Figure 1**). The approved buildings are currently under construction.

The site has an area of 8.9 ha, with a frontage of approximately 500 m 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 portion of the site is generally flat, while the western portion is undulating. The site has a change in elevation of approximately 30 m from east to west. A drainage line flows into Terry's Creek along the north western section of the site.

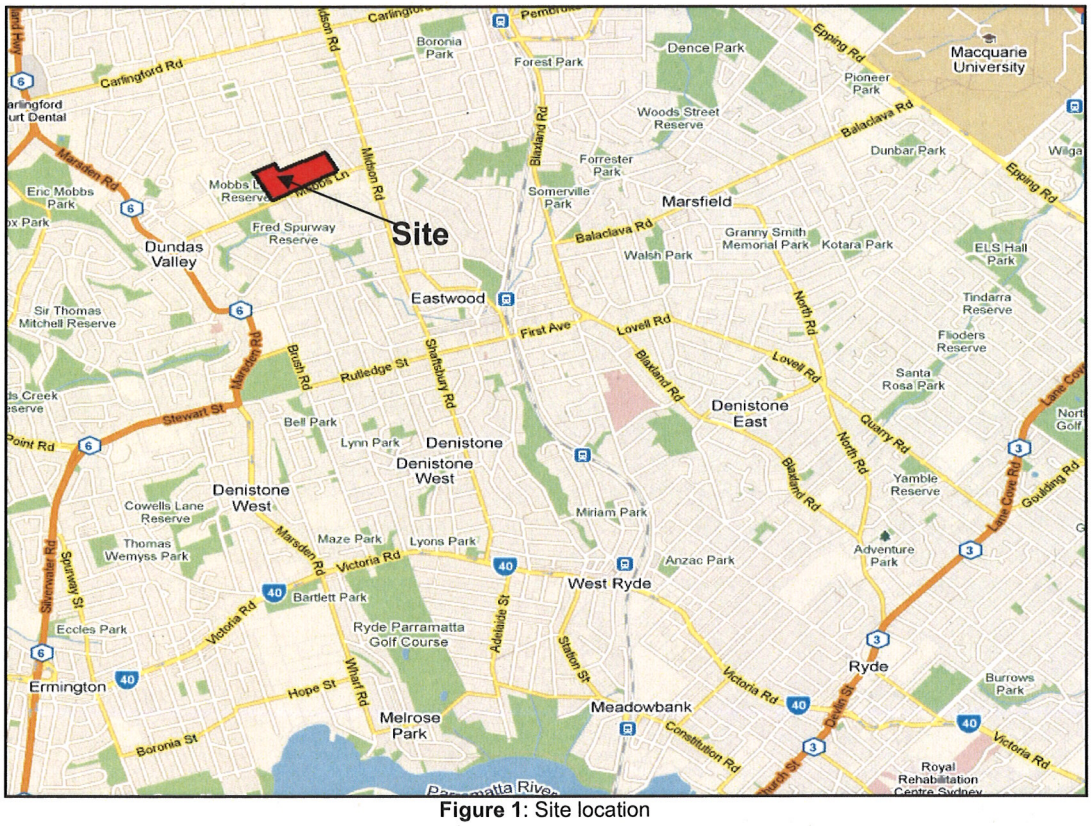


Figure 1: Site location

1.2 Approval History

State Significant Site Listing and Concept Plan

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 (MP 05_0086) for the redevelopment of the site for residential and public open space uses. The Concept Plan was subsequently modified under delegation on 23 December 2008, to clarify the timing for the lodgement of a number of management plans. The approved building envelopes are depicted in **Figure 2** overleaf.

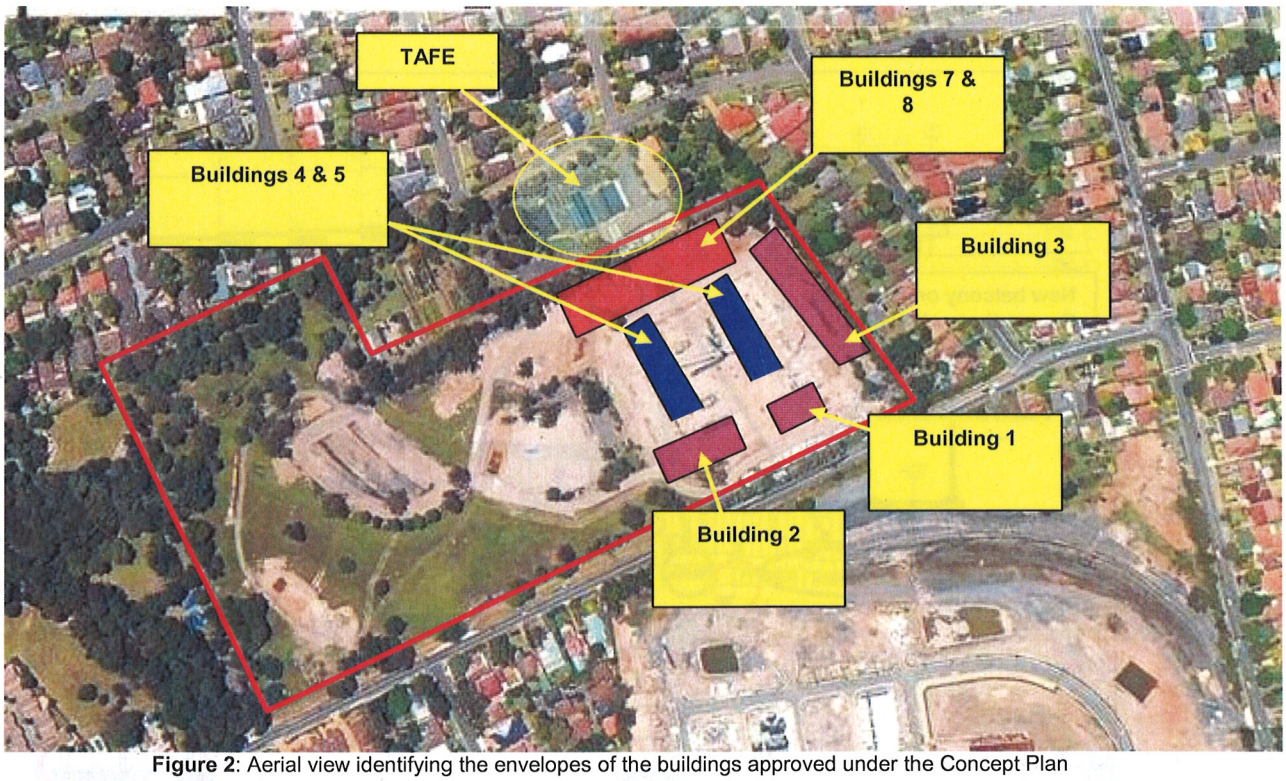


Figure 2: Aerial view identifying the envelopes of the buildings approved under the Concept Plan

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.

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.

The proponent has lodged a fourth modification (MOD 4), which seeks approval to amend the description of the approved development in Schedule 1 of the Instrument of Approval to include Torrens Title subdivision. This modification is currently under assessment.

2. PROPOSED MODIFICATION

2.1 Modification Description

The modification (MOD 3) seeks approval to:

- amend the southern elevation of building 2 to include an upper level balcony at townhouse 16
- reconfigure the windows on the eastern elevation of building 2 to provide consistency with the approved floor plans, and improve solar access and ventilation within townhouse 6
- re-align the basement egress doors and stairs servicing townhouses 8 to 12 and 13 to 16
- modify the southern elevation to alter the dimensions of the louvers associated with the basement car park.

The proposed modifications are depicted in **Figure 3**.

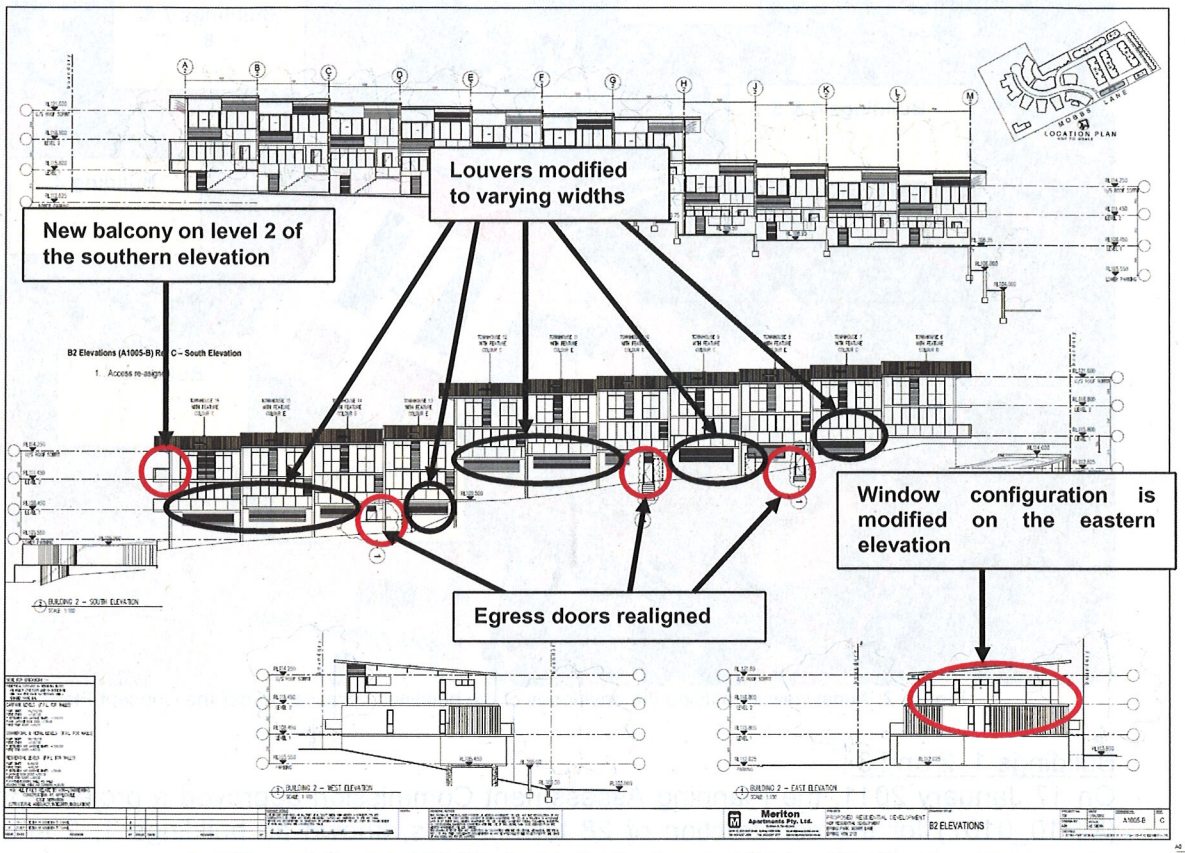


Figure 3: Proposed Modifications to the Southern and Eastern Elevations

2.2 Justification for Modification

Meriton is seeking to modify the project approval to address inconsistencies between the approved floor plans and elevations. Specifically, the approved drawings have been revised to include an additional balcony on the southern elevation of townhouse 16, and reconfigure the windows on the eastern elevation of building 2. Annotated plans depicting the inconsistencies between the approved floor plans and elevations are provided at **Figures 4** and **5**.

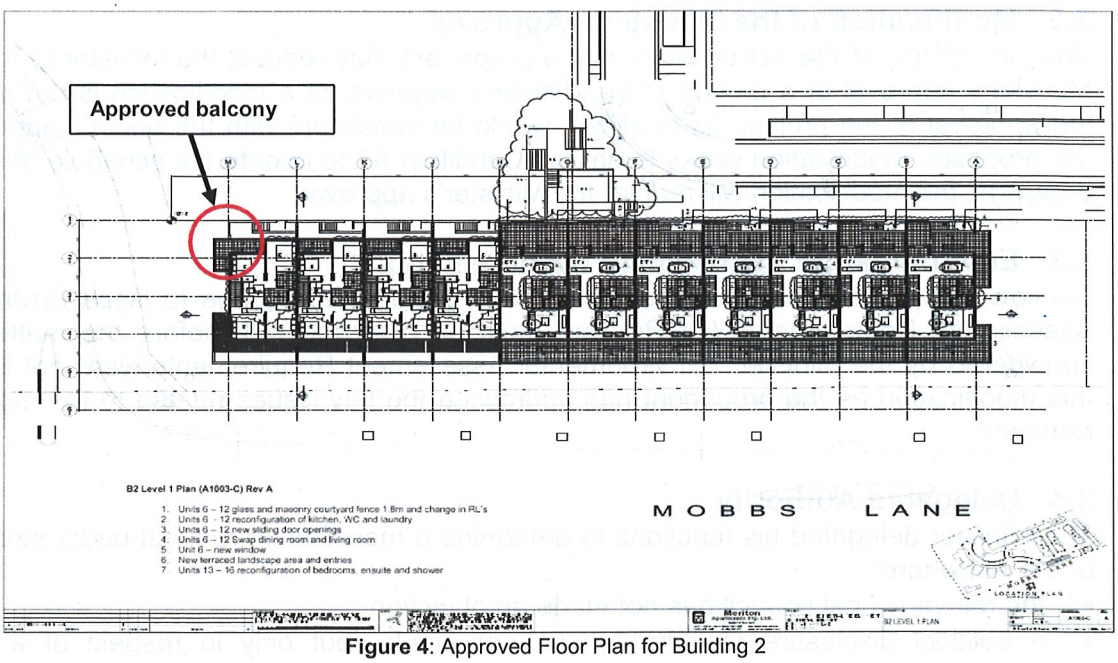


Figure 4: Approved Floor Plan for Building 2

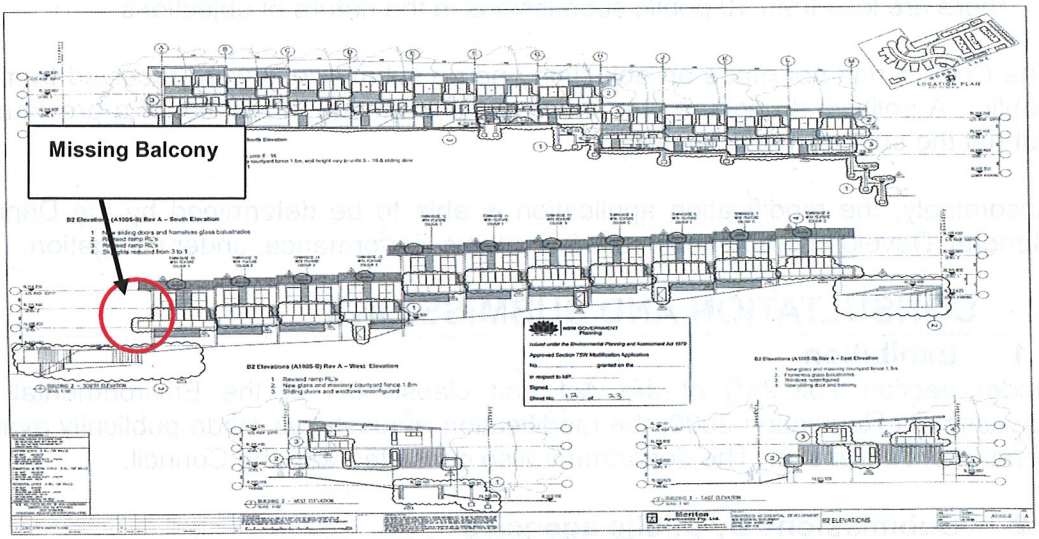


Figure 5: Approved Southern Elevation

In addition, the application seeks to reconfigure the location of the basement egress doors servicing townhouses 6 and 12 and 13 to 16, to ensure compliance with part D1.4 of the BCA.

3. STATUTORY CONTEXT

3.1 Changes to Part 3A

In accordance with clause 3 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (the Act), section 75W of the Act as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

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

3.2 Modification of the Minister's Approval

Section 75W(2) of the 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 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 related 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
- a political disclosure statement has been made, but only in respect of a previous application
- there are less than 10 public submissions in the nature of objections.

The Council has not made an objection and no submissions were received from the general public. 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 Act and clause 8G of the Environmental Planning & Assessment Regulation 2000, the modification request was made publically available on the department's website. The department also consulted with the Council.

4.2 Submissions by public agencies

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

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 Rectification of Drawing Errors

The proponent has identified inconsistencies between the approved floor plans and the elevations for building 2 (drawing numbers A1005-B and A1003-D). As previously stated, these inconsistencies relate to the exclusion of an upper level balcony on the southern elevation of townhouse 16, and the incorrect positioning of windows on the eastern elevation of townhouse 6. Diagrams identifying the inconsistencies between the approved floor plans and elevations, and how these will be rectified via the submission of revised plans are provided at **Figures 6** and **7** overleaf.

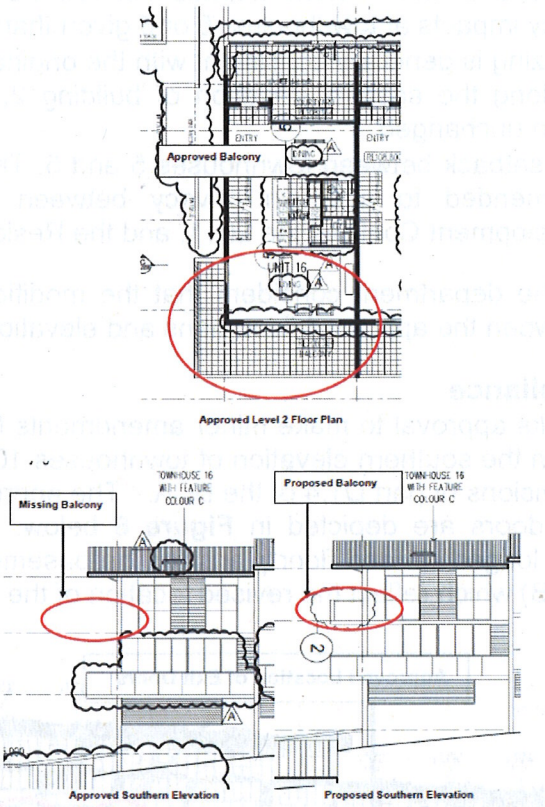


Figure 6: Proposed Revisions to the Southern Elevation to Correct Drawing Errors

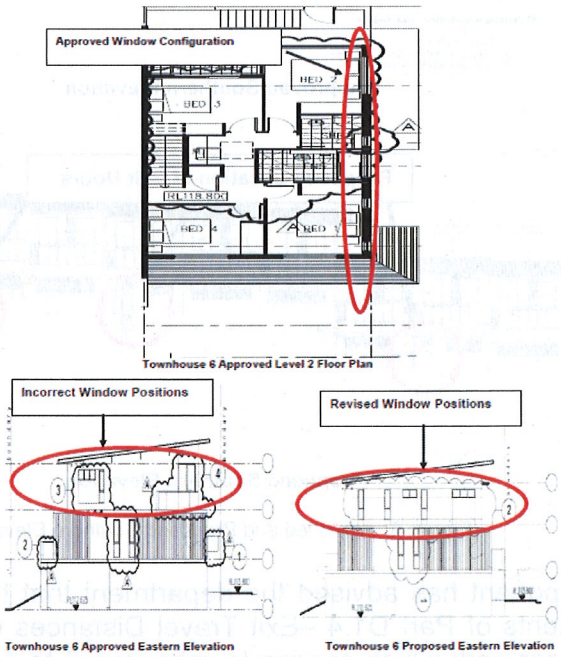


Figure 7: Proposed Revisions to the Eastern Elevation to Correct Drawing Errors

Comment: The department is satisfied that there are no inconsistencies between the approved floor plans and the revised elevations. In addition, the department considers that

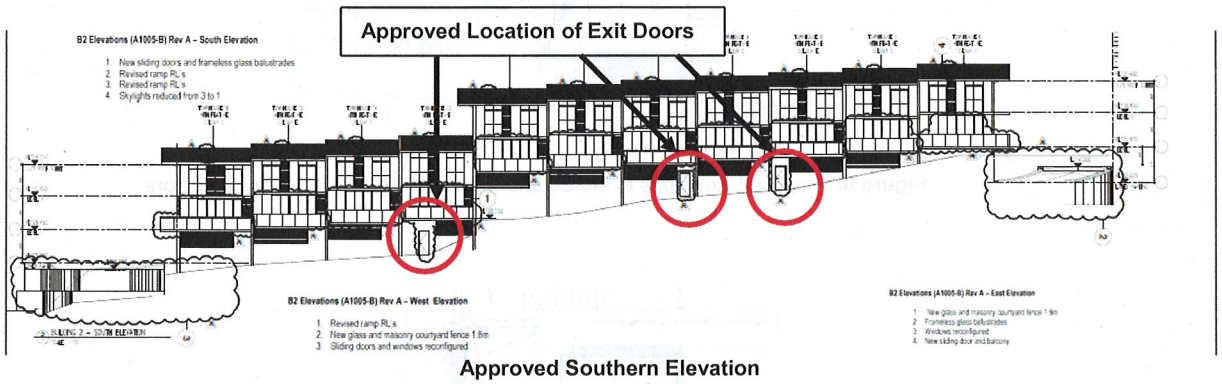
the revisions proposed to the eastern elevation of townhouse 6 would not result in any unacceptable privacy impacts at townhouses 5 or 6 given that:

- the extent of glazing is generally consistent with the original project approval, and the use of the rooms along the eastern elevation of building 2, and the western elevation of building 1 remain unchanged
- there is a 33 m setback between townhouses 5 and 6. This exceeds the minimum 12 m setback recommended to maintain privacy between two habitable rooms in the Parramatta Development Control Plan 2011, and the Residential Flat Design Code.

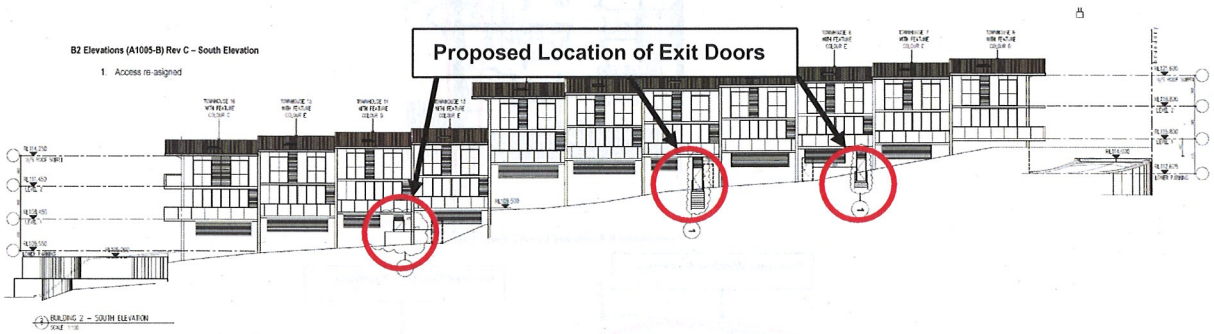
Given the above, the department considers that the modifications proposed to rectify the inconsistencies between the approved floor plans and elevations are acceptable.

5.2 BCA Compliance

The application seeks approval to make minor amendments to the location of the basement exit doors located on the southern elevation of townhouses 10 and 13, to ensure compliance with the egress provisions of part D1.4 of the BCA. The approved and proposed locations of the basement exit doors are depicted in **Figure 8** below. It should be noted that the proponent has also lodged revised floor plans for the basement car park (drawing numbers A1002-A and 1002-B) which reflect the revised location of the basement exit doors.



Approved Southern Elevation



Proposed Southern Elevation

Figure 8: Approved and Proposed Southern Elevation

Comment: The proponent has advised the department that the approved drawings do not satisfy the requirements of Part D1.4 –Exit Travel Distances of the BCA, as the exit doors from the basement car park which service townhouses 6 to 12 and 13 to 16 are located in excess of 20 m from a public road. The department has reviewed the revised elevations and basement level plans, and is satisfied that the proposed modifications would ensure the travel distance from the garages of townhouses 10 and 13 would not exceed 20 m. Given the above, the department supports this modification.

6. CONCLUSION

The department has considered the proposed modifications to the project approval for MP 10_0107, and the key issues associated with these modifications. The department is satisfied that the proposed modifications are acceptable given that they would correct inconsistencies between the approved floor plans and elevations, address a non-compliance with the egress provisions of the BCA, and would provide improved solar access and ventilation to townhouse 6, without compromising the privacy of the adjacent dwelling. Furthermore, the proposed modifications would not result in any change to the bulk, scale or height of the development.

It is therefore recommended that the modification application be approved, as outlined in the recommended Instrument of Modification.

7. RECOMMENDATIONS

It is recommended that the Deputy Director-General, Development Assessment & Systems Performance:

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**).

1/2/12

A/Director
Metropolitan and Regional Projects North

2.2.12

Executive Director
Major Projects Assessment

Deputy Director-General
Development Assessment & Systems Performance

APPENDIX A MODIFICATION REQUEST

See disk attached.

APPENDIX B SUBMISSIONS

See the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=5054

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

I, the Deputy Director-General, Development Assessment & Systems Performance, as delegate of the Minister for Planning and Infrastructure under delegation executed on 1 October 2011, approve the modification of the project application referred to in schedule 1, subject to the conditions in schedule 2.

Deputy Director-General, Development Assessment & Systems Performance

Sydney 13th February 2012

SCHEDULE 1

PART A — TABLE

Application No.:	**MP 10_0107**
Proponent:	Meriton Apartments Pty Ltd
Approval Authority:	Minister for Planning and Infrastructure
Land:	**61 Mobbs Lane, Epping (former Channel 7 site)**
Project:	Residential Development including: • Construction of Buildings 1, 2 and 3 consisting of 28 townhouses with associated garage car parking and landscaping to Building 3.
Modification Number:	**MP10_0107 MOD 3**
Modification	The proposed changes include: • amending the southern elevation of Building 2 to show the profile of the approved balcony • reconfiguration of the windows on the eastern elevation of Building 2 • relocation of the basement level pedestrian egress doors and louvers on the southern elevation of Building 2 • amending the BASIX Certificate number to reflect the most recent BASIX Certificate for the development.

SCHEDULE 2

PART A – ADMINISTRATIVE CONDITIONS

In Part A, Condition A2 – Development in Accordance with Plans and Documentation, delete the following drawings:

Drawing No.	Revision	Name of Plan	Drawn By	Date
A1002-A	A	B2 Lower Parking Level	Meriton Apartments Pty Ltd	7/1/2011
A1002-B	A	B2 Parking Level	Meriton Apartments Pty Ltd	7/1/2011
A1005-B	A	B2 Elevations	Meriton Apartments Pty Ltd	7/1/2011

and replace them with:

Drawing No.	Revision	Name of Plan	Drawn By	Date
A1002-A	B	B2 Lower Parking Level	Meriton Apartments Pty Ltd	01.30.12
A1002-B	B	B2 Parking Level	Meriton Apartments Pty Ltd	01.30.12
A1005-B	C	B2 Elevations	Meriton Apartments Pty Ltd	01.24.12

END OF MODIFICATIONS TO MP 10_0107 - MOD 3