



**MODIFICATION REQUEST:**  
**61 Mobbs Lane, Epping (former Channel 7  
site)**  
**(MP 10\_0107 MOD 4)**  
**Torrens Title Subdivision of Building 3 and  
associated land into 13 lots**



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

March 2012



MODIFICATION REQUEST  
at Mopps Lane, Epping (former Channel 7  
site)  
(NP 10 0107 MOD 6)  
Torrens Title Subdivision of Building 3 and  
associated land into 13 lots



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## EXECUTIVE SUMMARY

This report is an assessment of a section 75W modification application MP10\_0107 (MOD 4) 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 the description of the approved development in Schedule 1 of the Instrument of Approval for MP 10\_0107 to permit the subdivision of the land associated with Building 3 into 12 neighbourhood lots ranging in size between 281.5 m<sup>2</sup> and 325 m<sup>2</sup> and one 168 m<sup>2</sup> neighbourhood property lot. The proposed lots will form part of a Neighbourhood Scheme, which would be a subsidiary scheme to the Community Scheme covering the whole of 61 Mobbs Lane, Epping, which was approved under an earlier project application (MP08\_0258 MOD 3).

The modification application was placed on the department's website and Parramatta City Council (Council) was notified in writing. The Council advised that it raises no objection to the application.

The department has assessed the merits of the proposed modifications and considers them to be minor in nature. The modifications would not result in any design changes to the development from the previous approval, and would not give rise to any environmental impacts. In addition, the proposed Plan of Subdivision is consistent with the concept plan for the community title subdivision approved under MP08\_0258 MOD 3. On this basis, the department considers that the modification application should be approved.



## 1. BACKGROUND

### 1.1 The Site

The site is known as 61 Mobbs Lane, Epping. It is approximately 24km from the Sydney CBD within the Parramatta Local Government Area (see **Figure 1**). The buildings approved under MP 10\_0107 (as modified) are currently under construction.

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.

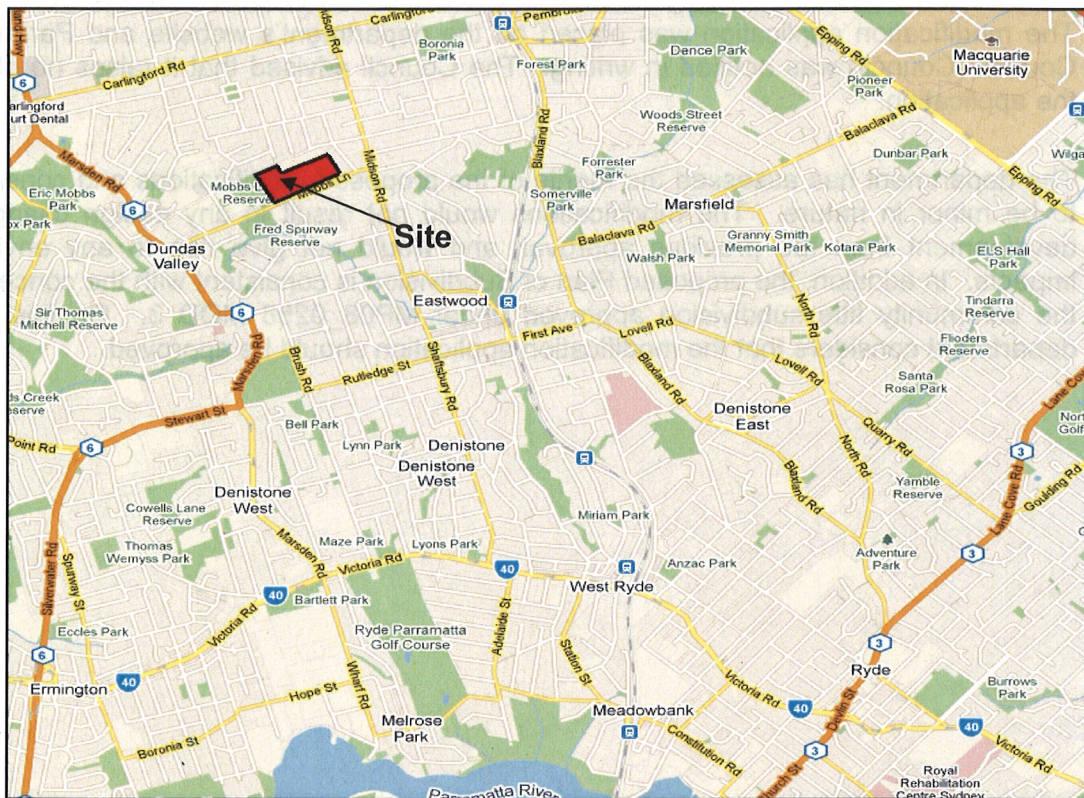


Figure 1: Site location

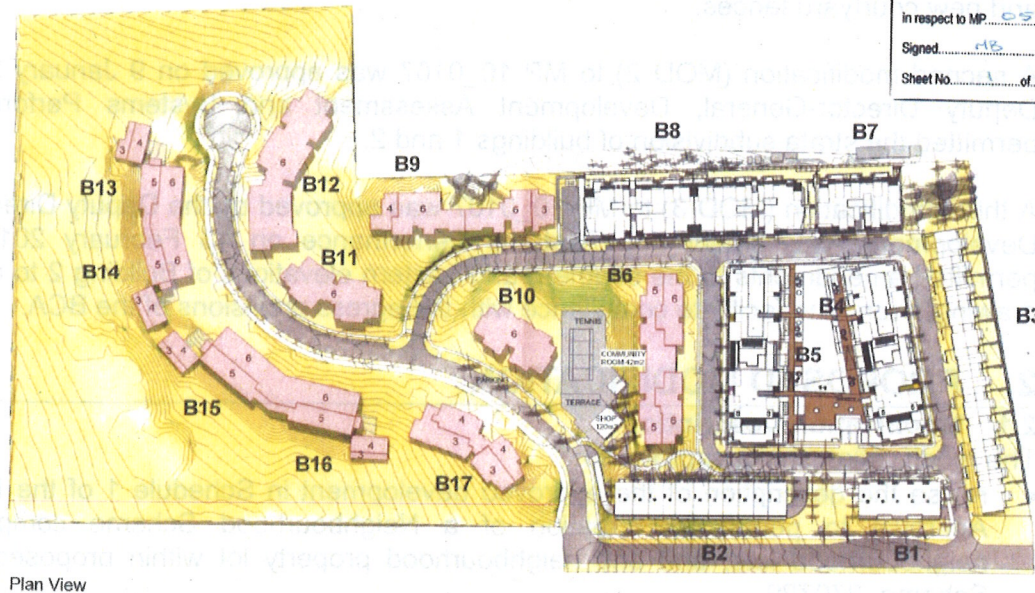
### 1.2 Approval History

#### 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.

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.





Planning
Issued under the Environmental Planning and /
Approved Section 75W Modification Applies
No. <u>2</u> granted on the...
In respect to MP <u>C5-0030</u>
Signed <u>HP</u>
Sheet No. <u>1</u> of <u>2</u>

**Figure 2:** Building Envelopes Approved under the Concept Plan.

### Early Works Approval

The Planning Assessment Commission (PAC) approved a project application (MP 08\_0158) on 14 July 2010, for early works within the Concept Plan area. The approved works include:

- demolition of existing structures and tree removal
- construction of final land forms and landscaping
- internal and external roadworks
- services, utilities and stormwater management works
- a child care facility and private communal resident facilities
- consolidation of all lots within the Concept Plan area, and re-subdivision into a Community Title allotment, and one freehold lot for the approved child care centre.

The early works approval has subsequently been modified three times. The approved modifications include:

- revisions to drawing numbers SK-1019-01, SKC01 and DA01-DA04 to permit changes to the approved stormwater management system
- approval of an amended tree removal plan
- amendments to the approved community plan of subdivision to permit staged subdivision
- insertion of a new condition (Condition C19) to regulate the planting of replacement trees within the Concept Plan area.

It should be noted that the Community Plan (Plan No. 270729) approved under the early works application (as amended) has been submitted to the Land and Property Management Authority (LPMA) for registration. The LPMA has advised that registration can occur, pending the finalisation of a positive covenant to provide the Council access to the neighbourhood association property.

### Buildings 1, 2 and 3

On 17 January 2011, the PAC approved a project application (MP 10\_0107) for the construction of buildings 1, 2 and 3, and associated car parking and landscaping works at 61 Mobbs Lane, Epping.

A modification (MOD 1) to MP 10\_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 MP 10\_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.

A third modification (MOD 3) to MP 10\_0107 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 BCA.

## 2. PROPOSED MODIFICATION

### 2.1 Modification Description

The modification seeks approval to:

- revise the description of the approved development in Schedule 1 of the Instrument of Approval to permit the creation of a Neighbourhood Scheme comprised of 12 neighbourhood lots, and one neighbourhood property lot within proposed Community Scheme 270729
- modify Condition A2 to insert the proposed Plan of Subdivision.

Figures 3, 4 and 5 depict the approved and proposed plans of subdivision.

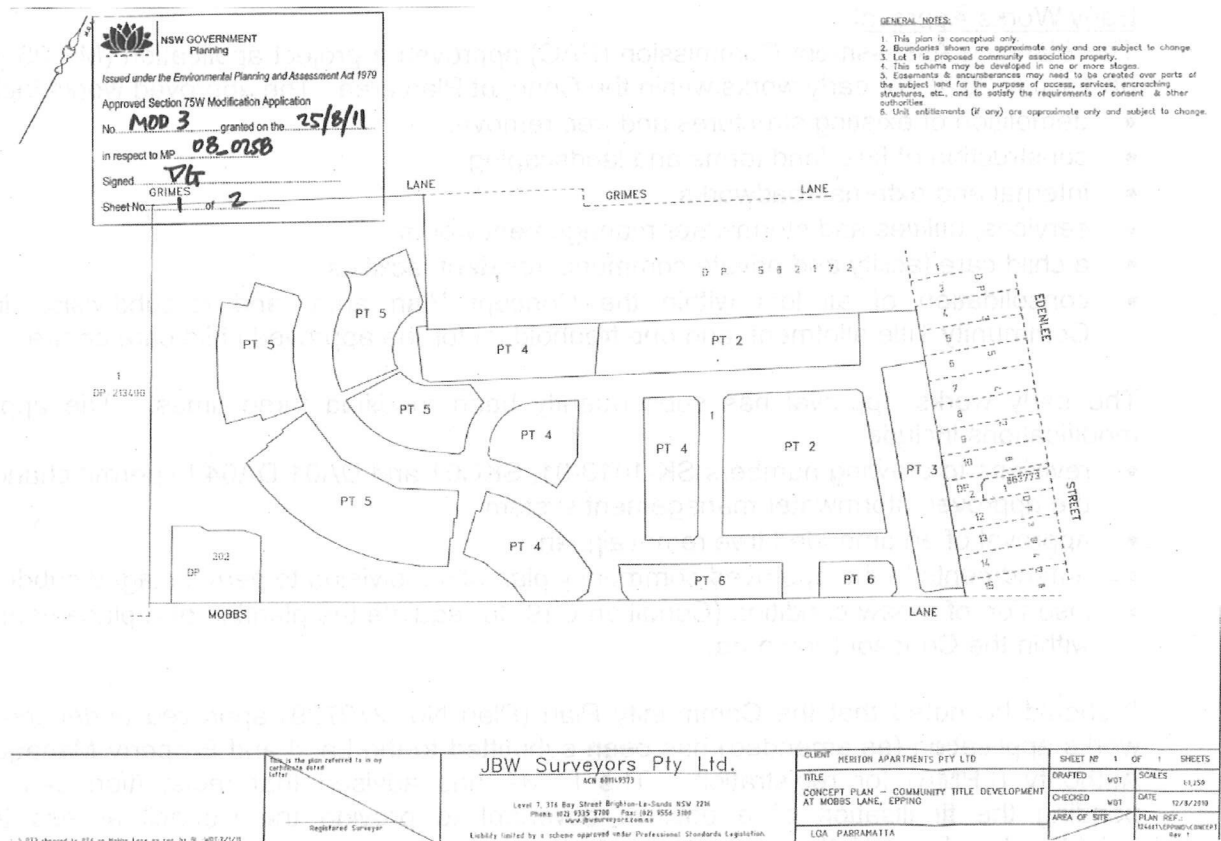
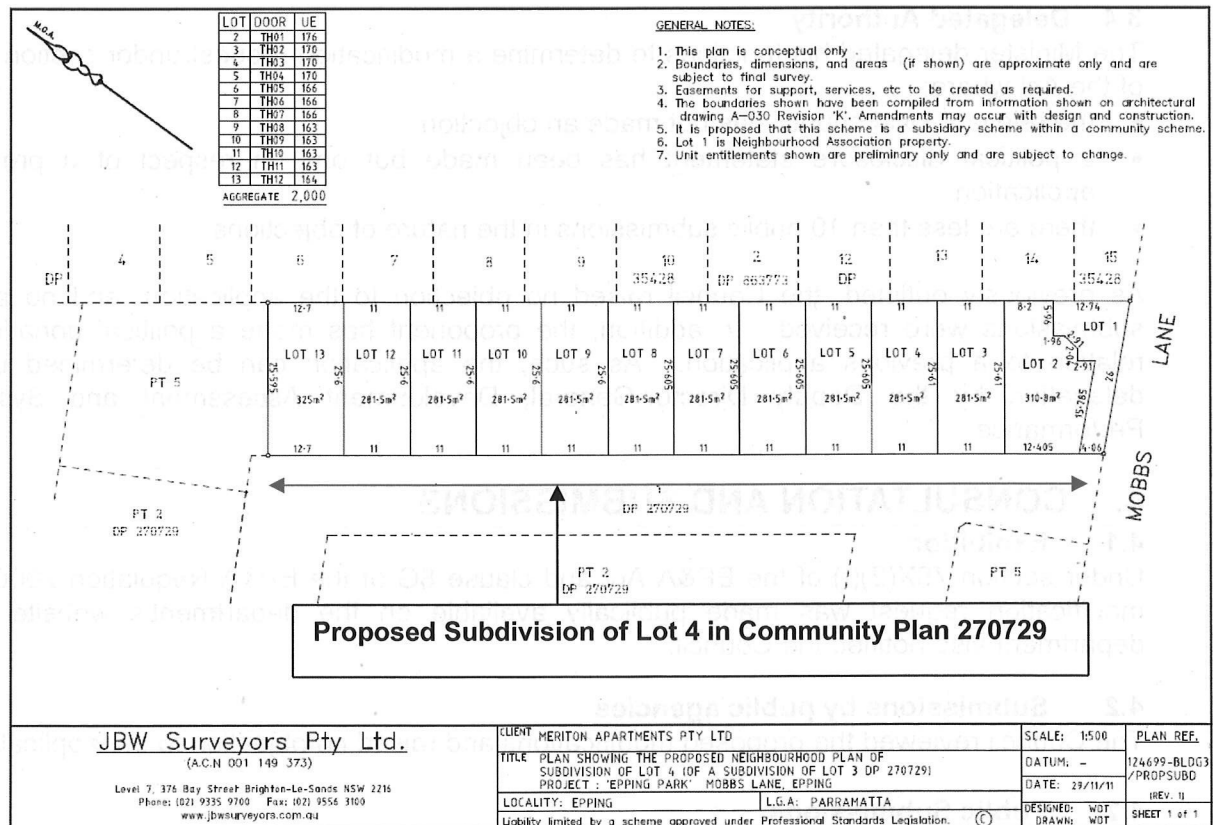
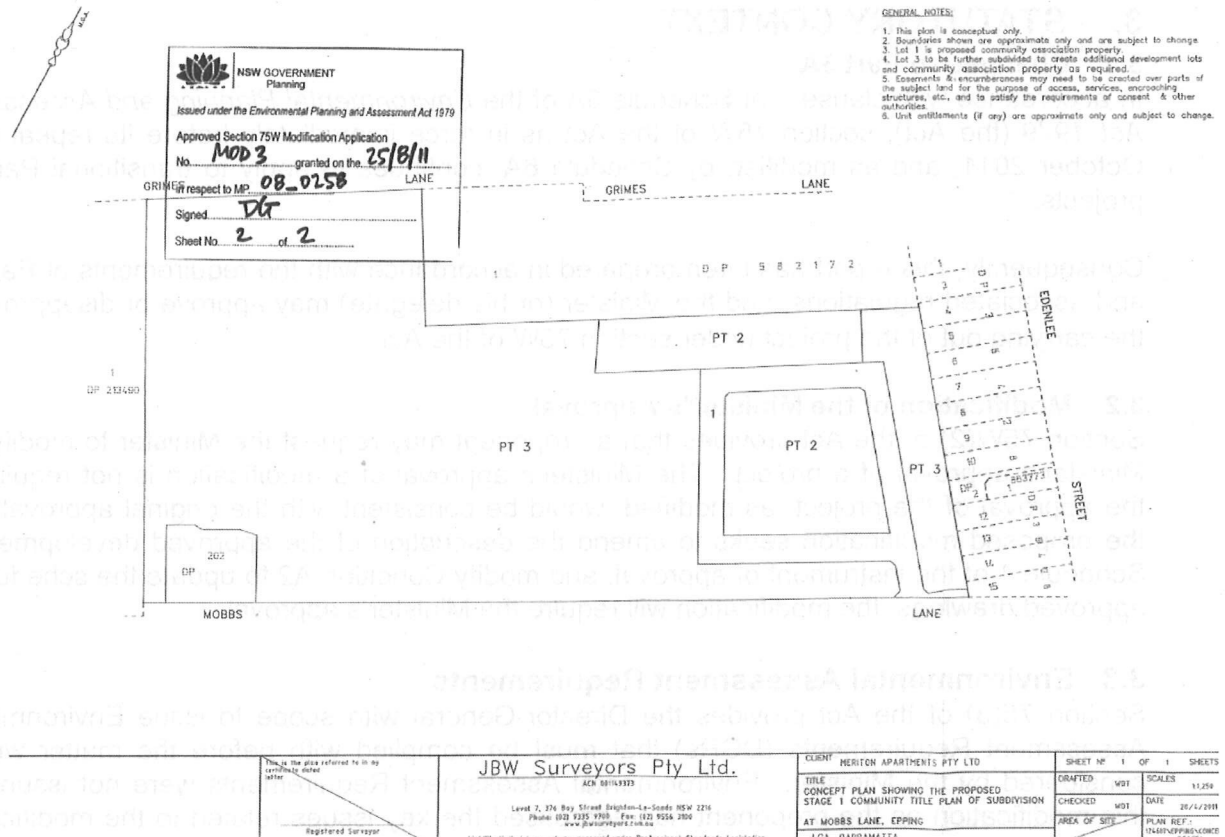


Figure 3: Approved Community Plan of Subdivision





### 3. STATUTORY CONTEXT

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#### 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 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 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.

As previously outlined, the Council raised no objection to the application, and no public submissions were received. In addition, 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.

### 4. CONSULTATION AND SUBMISSIONS

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#### 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

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The key issues for the proposed modifications are outlined and addressed below.

### 5.1 Consistency with the Plan of Subdivision Approved Under MP 08\_0258 MOD 3

The configuration of the proposed lots is consistent with the approved plan of subdivision. It should be noted that the approved Plan of Subdivision has been submitted to the Land and Property Management Authority (LPMA) for registration. The LPMA has advised that registration will occur, pending the finalisation of a positive covenant to provide the Council access to the neighbourhood association property.

### 5.2 Consistency with the *Community Land Development Act 1989* (CLD Act)

Section 26(2) of the CLD Act specifies that a consent authority must not grant consent to a subdivision affected by a neighbourhood plan unless it also gives consent to a proposed development contract for the neighbourhood scheme that complies with Schedule 2 of the Act.

The proponent has provided a Neighbourhood Development Contract that complies with the requirements of Schedule 2 of the CLD Act (see **Appendix C**). As such it is recommended that the Deputy Director-General, Development Assessment and Systems Performance approve the Neighbourhood Development Contract, and certify on the contract that approval has been granted to the development proposed by the instruments, plans and drawings that comprise the development contract, and that the instruments are not inconsistent with the development approval.

## 6. CONCLUSION

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The department has considered the request to modify MP 10\_0107 and the key issues associated with these modifications. The proposed subdivision of building 3 is recommended for approval on the basis that the proposed lot boundaries are consistent with the architectural drawings approved for Building 3, and the community subdivision of 61 Mobbs Lane approved under MP08\_0258.

## 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 proposed Neighbourhood Development Contract under section 26(2) of the *Community Land Development Act 1989* (CLD Act), and certify on the proposed Neighbourhood Development Contract, in accordance with section 26(5) of the CLD Act, that consent has been granted to the development proposed by the instruments, plans and drawings that comprise the development contract, and that the instruments are not inconsistent with the development consent;
- 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**

1313112

Executive Director,  
**Major Projects Assessment**

Deputy Director-General  
**Development Assessment & Systems Performance**



## **APPENDIX A    MODIFICATION REQUEST**

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See disk attached.

## **APPENDIX B SUBMISSIONS**

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No submissions were received by the department.

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# **APPENDIX C     DRAFT     NEIGHBOURHOOD     DEVELOPMENT CONTRACT**

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APPROVED FORM 27

COMMUNITY LAND DEVELOPMENT ACT 1989

## **NEIGHBOURHOOD DEVELOPMENT CONTRACT**

### **WARNING**

- 1     This contract contains details of a neighbourhood scheme that is proposed to be developed on the land described in it. Interested persons are advised that the proposed scheme may be varied, but only in accordance with section 16 of the Community Land Management Act 1989.  
  
If the scheme forms part of a staged development, interested persons are advised of the possibility that the scheme may not be completed and may be terminated by Order of the Supreme Court.
  - 2     This contract should not be considered alone, but in conjunction with the results of the searches and inquiries normally made in respect of a lot in the scheme concerned. Attention is drawn in particular to the management statement registered at the office of the Registrar-General with this contract, which statement sets out the management rules governing the scheme and provides details of the rights and obligations of the lot owners under the scheme.
  - 3     Further particulars about the details of the scheme are available in:
    - \*             Master Plan Approval MPA No. 05-0086 dated 22 August 2006 granted by the Minister of Planning, as amended from time to time;
    - \*             Early Works Approval MPA No 08\_0258 dated 14 July 2010 granted by the Planning Assessment Commission of NSW, as amended from time to time; and
    - \*             Construction of Building 3 MPA No 10\_0107 dated 17 January 2011, granted by the Planning Assessment Commission of NSW, as amended from time to time.
  - 4     The terms of this contract are binding on the original proprietor and any purchaser, lessee or occupier of a lot in the scheme. In addition, the original proprietor covenants with the neighbourhood association and with the subsequent proprietors jointly and with each of them severally to develop the land the subject of the neighbourhood scheme in accordance with the Project Approval as modified or amended from time to time with the consent of the Approval Authority.
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## **PART 1**

### **DESCRIPTION OF DEVELOPMENT**

#### **1 DESCRIPTION OF LAND**

Lots 2-13 in the neighbourhood plan registered with this development contract.

#### **2 AMENITIES**

There are no amenities proposed within the neighbourhood scheme.

#### **3 THEME AND ARCHITECTURAL DESIGN**

The development will provide an innovative new housing style which will provide flexibility to satisfy the needs of various generations.

The dwellings to be constructed on the land will be of a similar style and constructed of similar materials and finishes. Architectural guidelines applying to the dwellings to be constructed are to be those adopted by under the community management statement registered with DP270729.

#### **4 LANDSCAPING**

Landscaping will be generally in accordance with the approved landscaping plan forming part of Project Approval MP 10\_0107, being plan number DA-1021-02 prepared by Sturt Associates, as modified from time to time.

Front fencing will be constructed and finished generally in accordance with plan number A-3008 (overall street elevations) prepared by PTW Architects forming part of Project Approval MP 10\_0107, as modified from time to time.

#### **5 PICTORIAL REPRESENTATION**

On the date of this development contract the erection of all dwellings is substantially completed for the 12 lots as depicted in plan number A-3008 (overall street elevations) prepared by PTW Architects forming part of Project Approval MP 10\_0107, as modified from time to time.

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## **PART 2**

### **ORIGINAL PROPRIETOR'S RIGHTS AND UNDERTAKINGS**

During the development, the original proprietor has the following rights relating to the ingress, egress, movement and parking of vehicles to, from and on the parcel during development and the permitted uses of neighbourhood property.

- development activities of a nature as disclosed in the community management statement and pursuant to restricted property by-laws in the community management statement and the neighbourhood management statement. The construction and access zones are the whole of the neighbourhood parcel as shown on the neighbourhood plan. Access to and from the neighbourhood parcel (including the lot 1 neighbourhood property to complete the landscaping if required and lots 2-13 being the townhouses) will be via community property accessways restricted in favour of the developer under a developer's restricted property law.
- working and access hours as permitted under the terms of condition D11 of Project Approval MP 10\_0107, which are between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays (as modified from time to time).
- carry out during permitted working and access hours all necessary landscaping works, services works and construction works.

The original proprietor undertakes not to cause any unreasonable inconvenience to the proprietors of lots in the scheme and to repair without delay any damage caused to association property by development activities.

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**PART 3**

**SIGNATURE, CONSENTS, APPROVALS**

DATED                      day of                      2012

Execution by the Original Proprietor:

**EXECUTED** by **KARIMBLA PROPERTIES**    )  
**(NO. 9) PTY LTD (ACN 102 955 635)** in        )  
accordance with section 127 of the        )  
Corporations Act:

.....  
Signature of Director

.....  
Signature of Director/Secretary

.....  
Name of Director

.....  
Name of Director/Secretary

**Certificate of Approval**

It is certified:

- (a) that the Approval Authority has approved the development described in Major Project Approval No MP10\_0107 dated 17 January 2011 as amended from time to time;
- (b) that the terms and conditions of this development contract are not inconsistent with that Project Approval.

Date: .....

Signature on behalf of Approval Authority .....

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## **APPENDIX D    RECOMMENDED MODIFYING INSTRUMENT**

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# 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

2012

### SCHEDULE 1

#### PART A — TABLE

<b>Application No.:</b>	<b>MP 10_0107</b>
<b>Proponent:</b>	Meriton Apartments Pty Ltd
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	<b>61 Mobbs Lane, Epping (former Channel 7 site)</b>
<b>Project:</b>	<b>Stage 1- Residential Development</b> , including: <ul style="list-style-type: none"><li>• Construction of Buildings 1, 2 and 3 consisting of 28 townhouses with associated garage parking and landscaping</li></ul>
<b>Modification Number:</b>	<b>MP10_0107 MOD 4</b>
<b>Modification</b>	The proposed changes include: <ul style="list-style-type: none"><li>• Amending the development description to include reference to permit the subdivision of the land associated with Building 3 into 12 neighbourhood lots ranging in size between 281.5 m<sup>2</sup> and 325 m<sup>2</sup> and one 168 m<sup>2</sup> neighbourhood property Lot.</li><li>• Amending Condition A2 by inserting an additional subdivision plan.</li></ul>





## SCHEDULE 2

### PART A

**To reflect the subdivision of land associated with Building 3, the description of the development is amended to read as follows:**

- Construction of Buildings 1, 2 and 3 consisting of 28 townhouses with associated garage car parking and landscaping to Building 3.
- Strata subdivision of Buildings 1 and 2.
- **Subdivision of the land associated with Building 3 into 12 neighbourhood lots ranging in size between 281.5m<sup>2</sup> and 325m<sup>2</sup> and one 168m<sup>2</sup> neighbourhood property Lot.**

**Amend Condition A2 by inserting the following table, in relation to the subdivision plans:**

Subdivision Plans prepared by JBW Surveyors Pty Ltd			
Drawing No.	Revision	Name of Plan	Date
Plan Ref. 124699-BLDG3/PROPSUB D  SHEET 1 of 1	1	Plan Showing the Proposed Neighbourhood Plan of Subdivision of Lot 4 (of a Subdivision of Lot 3 DP 270729)	29/11/11

**END OF MODIFICATIONS TO MP 10\_0107**

