

MODIFICATION REQUEST:

61 Mobbs Lane, Epping (Former Channel 7 Site)

Internal reconfiguration and minor design changes to Buildings 7 and 8 (MP 10_0158 MOD 2)



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

March 2012

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EXECUTIVE SUMMARY

This report is an assessment of a section 75W modification application (MP10_0158 MOD 2) lodged by Meriton Apartments (the proponent) requesting modifications to the project approval for MP 10_0158, which permitted the construction of Buildings 7 and 8 at 61 Mobbs Lane, Epping.

The application seeks approval to modify drawing numbers A7101, A7200, A8104 to A8106, A8200 and A8201 to improve the visual appearance of the façades, increase the functionality of the floor plans for buildings 7 and 8, provide larger courtyards for apartments G02 in building 7, and G10 and G11 in building 8 and relocate the roller door providing access to the basement car park in building 8.

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. However, it was concerned that the courtyards associated with apartments G02, G10 and G11 may encroach on the area identified for public open space within the Concept Plan.

The department has assessed the merits of the proposed modifications, and with the exception of the proposed changes to the courtyards associated with apartments G02, G10 and G11, considers them acceptable on the basis that they will improve the appearance and functionality of the approved buildings. On this basis, the department considers that the proposed modification application should be approved, subject to the conditions outlined in the Instrument of Modification.

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 site is currently under construction, with buildings 4 and 5 close to completion.

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

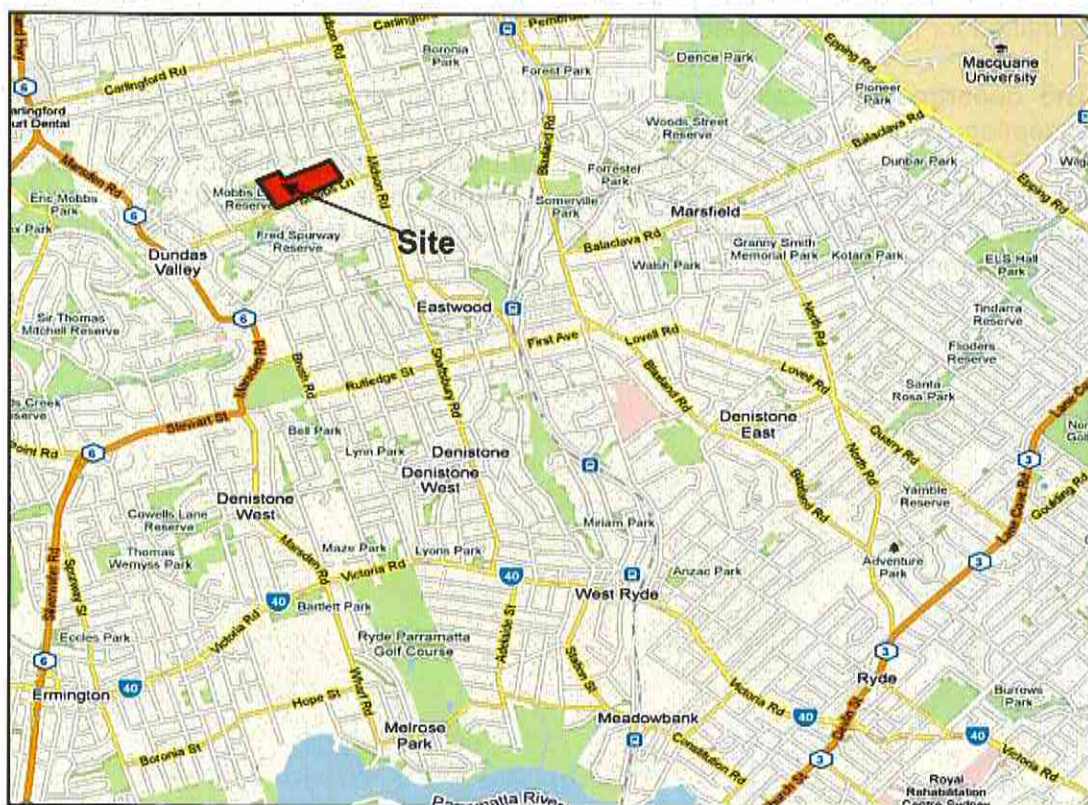


Figure 1: Site location

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 7 and 8

On 12 July 2011, the Planning Assessment Commission approved the residential development for the construction of buildings 7 and 8 (MP10_0158), providing a total of 127 residential units, 173 basement car parking spaces and 11 parking spaces at street level, excavation and associated landscaping.

A modification (MOD 1) to MP 10_0158 was approved by the Deputy Director-General, Development Assessment and Systems Performance on 28 November 2011. MOD 1 permitted the strata subdivision of Buildings 7 and 8.

2. PROPOSED MODIFICATION

2.1 Modification Description

The modification (MOD 2) seeks approval to undertake minor internal and external alterations to buildings 7 and 8. The proposed modifications are outlined below:

Building 7

- creation of a landscaped courtyard adjacent to apartment G02, and extension of the courtyard adjacent to apartment G06
- reconfiguration of the landscaped area adjacent to the building lobby
- reconfiguration of the egress stair on the northern boundary of the site
- introduction of glass balustrades and metal louvers to the courtyard fences on all elevations.

Building 8

- removal of nib walls on the southern elevation of apartments 004 and 005
- reconfiguration of the courtyards adjacent to apartments 010, 011 to 013
- removal of a window within the bedrooms of apartments 107, 204, 309, 310, 409 and 410
- minor internal reconfiguration of apartments 106 on the ground and first floors
- reconfiguration of louver screens, courtyard fences and relocation of the car park roller door on the western elevation
- reconfiguration of louver screens and courtyard fences on the southern elevation.

2.2 Justification for Modification

Meriton is seeking to modify the project approval to improve the visual appearance and functionality of buildings 7 and 8.

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.

3.1 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.

3.2 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. DGRs were not issued for this modification as the proponent has addressed the key issues related 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
- a political disclosure statement has been made
- 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. 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 under delegation by the Deputy Director-General, Development Assessment and Systems Performance.

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. However, the Council advised that it was concerned about the potential loss of public open space associated with the creation of a courtyard along the western boundary of apartment G02 within building 7, and the extension of the courtyards adjacent to apartments G10 and G11 in building 8.

4.2 Public Submissions

No submissions were received from the public.

5. ASSESSMENT

The department considers the key issues for the proposed modification to be:

- compliance with the Concept Plan
- compliance with existing conditions of approval
- residential amenity
- vehicular access.

5.1 Compliance with the Concept Plan

The Council advised that it is concerned that creating a courtyard along the western boundary of apartment G02 in building 7, and the extension of the courtyards on the eastern boundary of apartments G10 and G11 of building 8 would result in a reduction in the public open space identified in the Concept Plan.

The department has reviewed the requirements of the Concept Plan and is satisfied that the proposed courtyards are located within the 'R1 General Residential Zone' and not the 'RE1 Public Recreation Zone' (see **Figure 3**), and therefore the proposed modifications would not result in any non-compliance with the requirements of the Concept Plan.

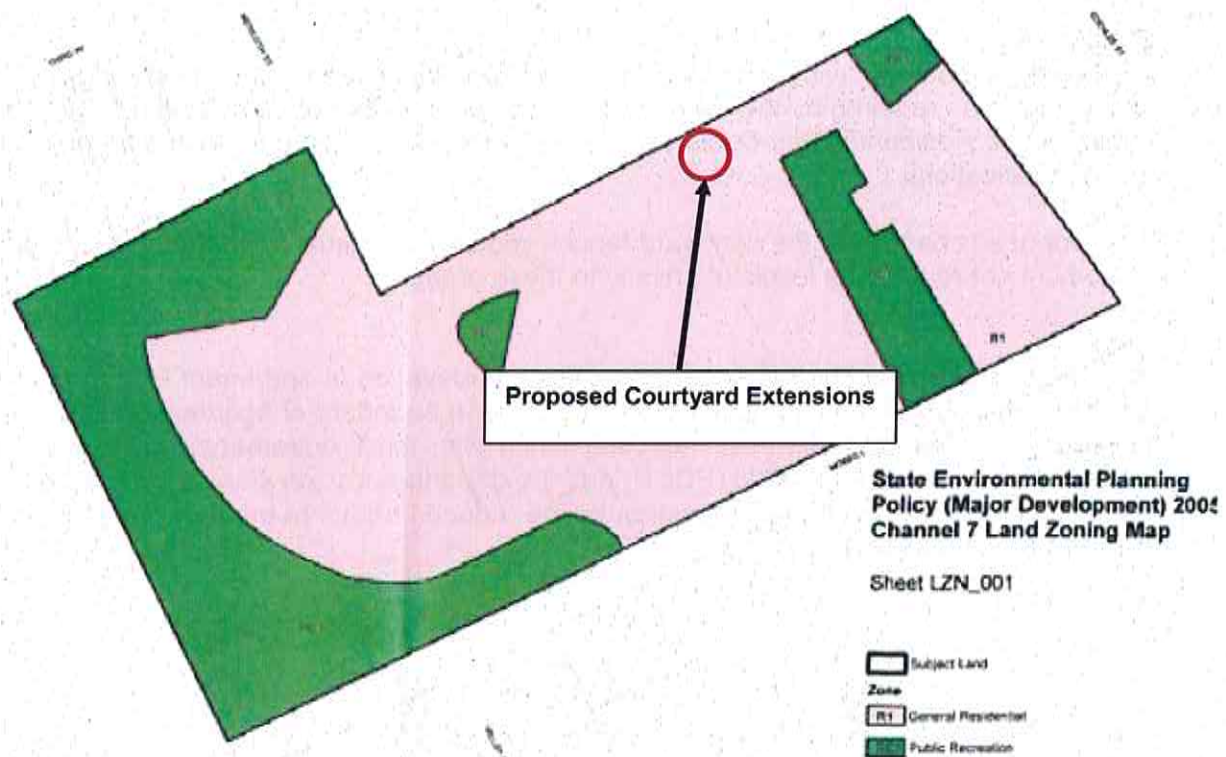


Figure 3: Concept Plan Zoning Map

5.2 Compliance with Existing Conditions of Approval

Condition B1(b) of the project approval requires the proponent to provide evidence that the 13 adaptable units identified on the approved drawings comply with the requirements for 'Adaptable House Class C' dwellings as per the requirements of AS 4299 - *Adaptable Housing*, prior to the issue of a Construction Certificate. The department notes that only nine adaptable units are identified on the proposed drawings.

As the proponent's Environmental Assessment (EA) did not specify whether it sought to reduce the number of adaptable apartments, the department requested that the proponent

advise whether this modification was omitted in error. The proponent advised that the accessible apartment symbol was left off the apartments on levels 4 and 5 in error, and it intends to provide 13 adaptable apartments as per the current conditions approval.

Condition B1 (b) requires the proponent to confirm that the 13 adaptable apartments depicted on the approved drawings comply with the requirements of AS 4299 prior to the issue of a Construction Certificate. In order to provide clarity that the proponent will still need to provide 13 adaptable units, the department recommends the following changes to Condition B1 (b):

- (b) ~~The 13 adaptable units identified on the architectural plans must that~~ comply with the requirements for Adaptable House Class D dwellings of AS 4299 – Adaptable Housing **must be identified on the plans submitted for the issue of a Construction Certificate.**

5.3 Residential Amenity

The application proposes the removal of windows in apartments 107, 204, 309, 310, 409 and 410, the reconfiguration of courtyard spaces and associated fencing and minor internal reconfigurations of the floor plans for apartment 106 (on the ground and first floor) of building 8. In addition, the application proposes the creation of a new courtyard along the western elevation of apartment G02 in building 7, and the extension of the courtyards along the eastern boundary of apartments G10 and G11 in building B8.

Overlooking

All distances between windows associated with habitable rooms within buildings 7 and 8 exceed 12 m as required by the *Parramatta Development Control Plan 2005* (PDCP) and the department's *Residential Flat Design Code*. As such, the department raises no objection to these modifications.

The proposed changes to the courtyard fences improve the visual appearance of the building and would not reduce the levels of privacy to these areas.

Setbacks

The creation of a new courtyard along the western elevation of apartment G02 in building 7, and the extension of the courtyards along the eastern boundary of apartments G10 and G11 in building B8 would result in a non-compliance with the requirements of the *Parramatta Development Control Plan 2005* (PDCP) and the department's *Residential Flat Design Code*, as the setback between these courtyards will be reduced from 6 m to approximately 3 m (see **Figures 4 and 5** below).

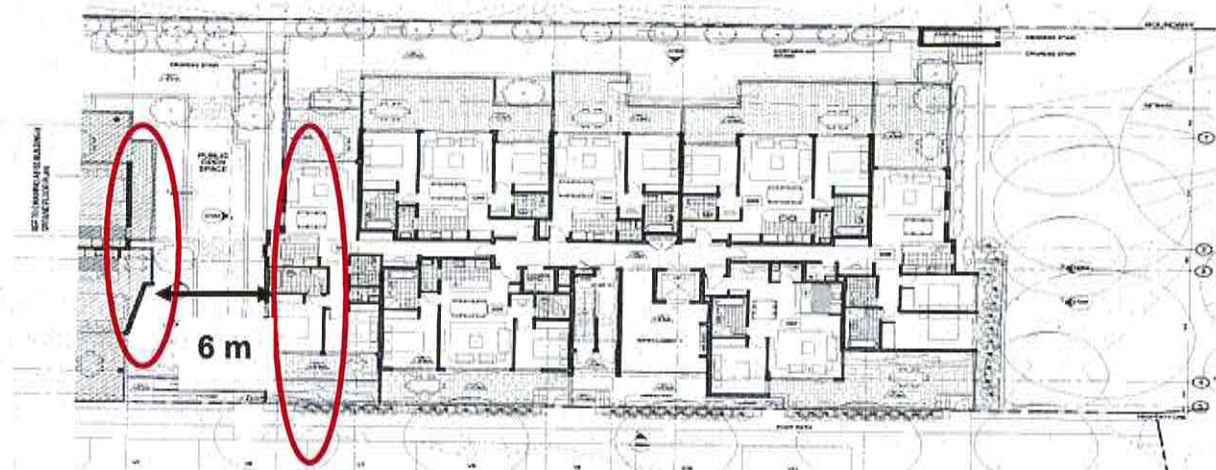


Figure 4: Existing Setback between Apartments G02, G10 and G11

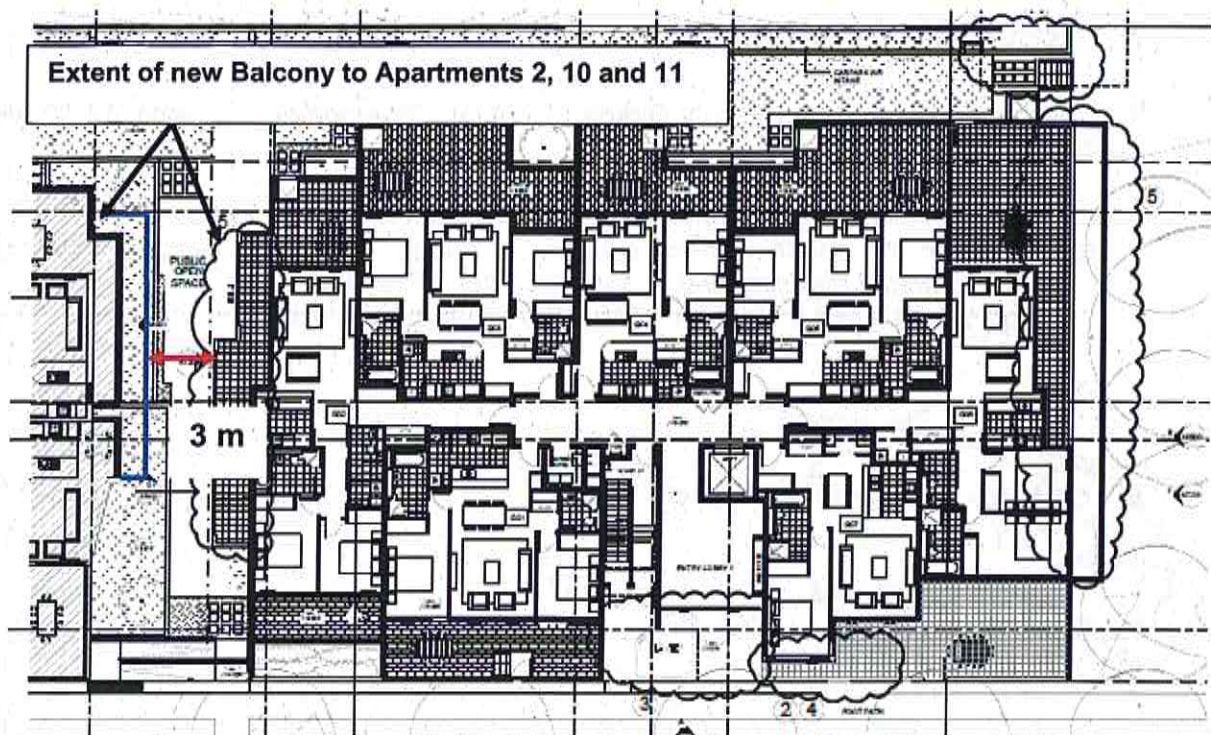


Figure 5: Proposed Setback between Apartments G02, G10 and G11

The department does not support this change on the basis that it would result in a poor outcome for the future occupants of these apartments. As such, the department has included conditions in the Instrument of Modification to clarify that this component of the application is not approved.

5.4 Vehicular Access

The application seeks approval to alter the location of the car park roller door on the western elevation of building 8. The department notes that the proponent has not sought to alter the corresponding basement plan to reflect this change. The proponent has advised that changes to the corresponding basement plan are not necessary as the proponent's certifier has confirmed that he is satisfied that the proposed modification would not result in any adverse traffic impacts, and as such this aspect of the proposal can be dealt with when he certifies the Construction Certificate drawings. Given the above, the department is satisfied that the proposed relocation of the roller door is acceptable.

6. CONCLUSION

The department has considered the proposed modifications to the project approval for MP 10_0158 (as modified), and the key issues associated with these modifications. The department is satisfied that with the exception of the changes to the courtyards adjacent to apartments G02, G10 and G11, the proposed modifications would improve the functionality and visual appearance of buildings 7 and 8. 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 Instruments 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**).


Director
Metropolitan and Regional Projects North


Executive Director
Major Projects Assessment

 12/3/12
Deputy Director-General
Development Assessment & Systems Performance

APPENDIX A MODIFICATION REQUEST

See disk attached.

APPENDIX B SUBMISSIONS

No submissions in the nature of objections were received.

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 12 March 2012

SCHEDULE 1

PART A — TABLE

Application No.:	MP 10_0158
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: <ul style="list-style-type: none">• Construction of two residential flat buildings, Buildings 7 and 8 of the approved Concept Plan (as modified), ranging in height between 3 and 6 storeys;• 127 residential units;• 173 basement car parking spaces and 11 parking spaces at street level;• Excavation; and• Associated landscaping.
Modification Number:	MP10_0158 MOD 2
Modification	<p>The proposed changes include:</p> <p><u>Building 7</u></p> <ul style="list-style-type: none">• Creation of a landscaped courtyard adjacent to apartment G02, and extension of the courtyard adjacent to apartment G06;• Reconfiguration of the landscaped area adjacent to the building lobby;• Reconfiguration of the egress stair on the northern boundary of the site; and• Introduction of glass balustrades and metal louvers to the courtyard fences on all elevations. <p><u>Building 8</u></p> <ul style="list-style-type: none">• Removal of nib walls on the southern elevation of apartments 004 and 005;• Reconfiguration of the courtyards adjacent to apartments 010, 011 to 013;• Removal of a window within the bedrooms of apartments 107, 204, 309, 310, 409 and 410;• Minor internal reconfiguration of apartments 106 on the ground and first floors;

- Reconfiguration of louver screens, courtyard fences and relocation of the car park roller door on the western elevation; and
- Reconfiguration of louver screens and courtyard fences on the southern elevation.

SCHEDULE 2

PART A – TERMS OF APPROVAL

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

Architectural Drawings prepared PTW Architects			
Drawing No.	Revision	Name of Plan	Date
A7101	Project Application re-issue	Architectural Plans	5/4/2011
A7200	Project Application re-issue	Architectural Plans	5/4/2011
A8103	Project Application re-issue	Architectural Plans	5/4/2011
A8104	Project Application re-issue	Architectural Plans	5/4/2011
A8105	Project Application re-issue	Architectural Plans	5/4/2011
A8106	Project Application re-issue	Architectural Plans	5/4/2011
A8200	Project Application re-issue	Architectural Plans	5/4/2011
A8201	Project Application re-issue	Architectural Plans	5/4/2011

and replace them with:

Architectural Drawings prepared PTW Architects			
Drawing No.	Revision	Name of Plan	Date
A7101A	Section 96 Issue	Building 7 Ground Floor Plan	23.12.2011
A7200	Revision A	B7 Elevations	19.01.12
A8103A	Section 96 Issue	Building 8 Ground Floor Plan	23.12.2011
A8104A	Section 96 Issue	Building 8 Level 1 & 2 Plan	23.12.2011
A8105A	Section 96 Issue	Building 8 Level 3 & 4 Plan	23.12.2011
A8106A	Section 96 Issue	Building 8 Level 5 and Roof Plan	23.12.2011
A8200	A	B8 Elevations Sheet 1	19.01.12
A8201	A	B8 Elevations Sheet 2	19.01.12

Note: The extension of the balconies adjacent to Apartments G02, 010 and 011 are not approved as part of this application.

PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

In Part B, Condition B1 (b) – delete (b) and replace it with:

- (b) 13 adaptable units that comply with the requirements for Adaptable House Class D dwellings of AS 4299 – Adaptable Housing must be identified on the plans submitted for the issue of a Construction Certificate.

END OF MODIFICATIONS TO MP10_0158 - MOD 2

