

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 4)



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

June 2012

© Crown copyright 2012
Published June 2012
NSW Department of Planning & Infrastructure
www.planning.nsw.gov.au

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

1. BACKGROUND

1.1 The Site

Meriton Apartments Pty Ltd, has lodged a section 75W application (MP10_0158 MOD 4), seeking to modify the design of buildings 7 and 8 located at 61 Mobbs Lane, Epping. The site 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 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.

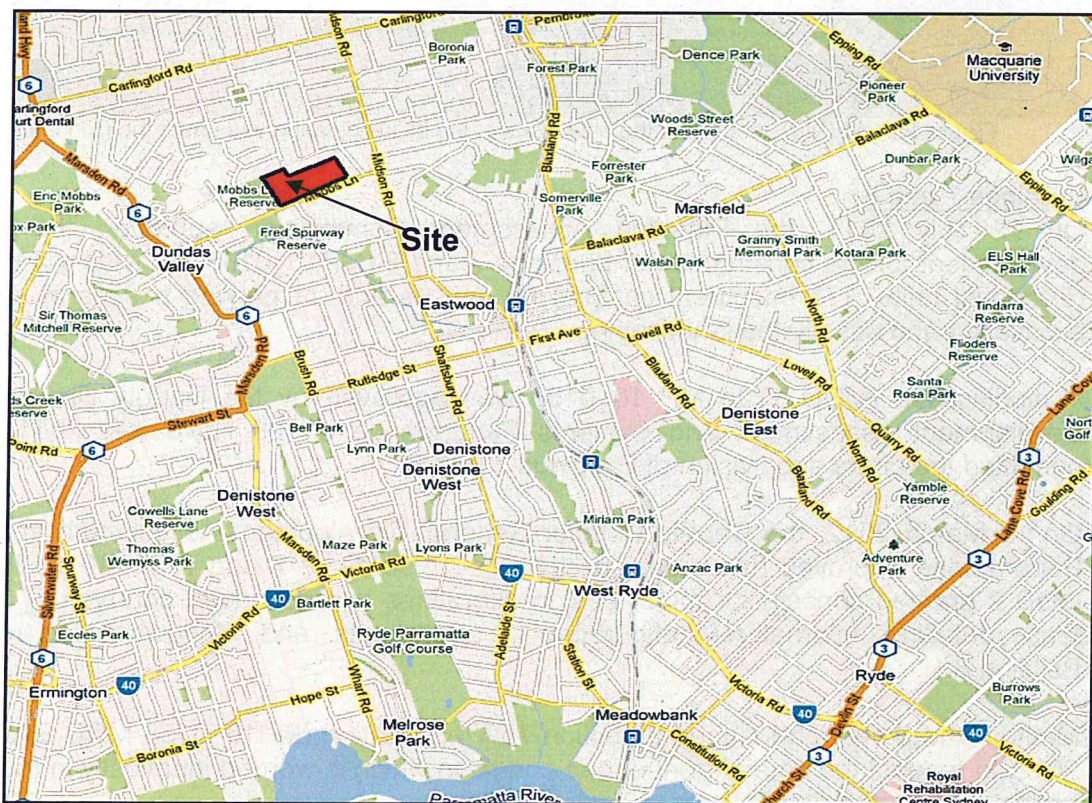


Figure 1: Site location

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.

On 12 March 2012, the Deputy Director-General, Development Assessment and Systems Performance approved minor design changes to Buildings 7 and 8 (MP10_0158 MOD 2). MOD 2 granted consent for minor design alterations to landscaped courtyards, changes to fence detailing, internal re-configuration of apartments, and windows being removed in Building 8.

Meriton (the proponent) lodged a section 75W application (MP10_0158 MOD 3) on 5 March 2012, to request the amendment of one condition which is worded identically in four separate project approvals listed below:

- Condition B4 (B4.4) of MP05_0086 (Concept Plan)
- Condition C40 (a) of MP08_0258 (Early Works Package)
- Condition B3 of MP10_0107 (Buildings 1,2 and 3)
- Condition B2 of MP10_0158 (Buildings 7 and 8).

MOD 3 seeks to amend the condition contained in Condition B2 of MP10_0158 to extend the timeframe for the installation of the traffic signals. There are also three other modification requests that are currently before the department, seeking to amend the same condition in the three other projects listed above. Submissions have been made by Parramatta City Council (council) and the Roads and Maritime Services (RMS) in relation to the modification request. Concerns raised include safety and traffic impacts, and delays in administrative requirements. Given the issues that have been raised by council and the RMS, the assessment of this application is on hold until Meriton has satisfactorily resolved council's and RMS's objections.

2. PROPOSED MODIFICATION

2.1 Modification Description

The subject modification (MOD 4) seeks approval to undertake minor internal and external design changes to buildings 7 and 8. The proposed modifications are outlined below:

Building 7

- Relocation of the bedroom window along the same wall and at the same height in apartments 101, 201, 301, 401 and 501, for structural reasons
- Portion of the bedroom wall has been replaced with glazing in apartments G07, 107, 207, 307, 407 and 507, to create an architectural feature and increase light access into the bedroom.

Building 8

- Relocation of the bedroom window along the same wall and at the same height in apartments 111, 101, 120, 208, 201, 215, 304, 305, 314, 401, 407, 505 and 514, for structural reasons
- Re-configuration of a portion of the internal space in apartments 101, 120, 305, 314, 505 and 514, by changing the location of the front entrance into each apartment and extending the dining room into a portion of redundant corridor space.

2.2 Justification for Modification

Meriton is seeking to modify the project approval to improve the visual appearance, structural integrity and functionality of Buildings 7 and 8. Specifically, the proposed changes improve the aesthetics and light access to Building 7, by replacing a portion of the bedroom wall with glass. The changes add an architectural element to the eastern elevation of Building 7, which can be perceived from the adjacent public park. The proponent has also relocated windows in both buildings for structural reasons, and the proposed layout changes to units in Building 8 improve the functionality aspect of the design by reactivating redundant space.

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 amend 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. DGRs were not issued for this modification as the proponent has addressed the key issues related to the modification request.

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.

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 (the original project 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 notified council.

4.2 Submissions by public agencies

Parramatta City 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

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

5.1 Residential Amenity

Privacy

Windows have been relocated along the same wall in Building 7 apartments 101, 201, 301, 401, 501. **Figure 3** shows the window position in unit 507. The proponent has also proposed window re-positioning in Building 8, apartments 111, 101, 120, 208, 201, 215, 304, 305, 314, 401, 407, 505 and 514. The proposed changes only apply to the re-positioning of the windows, for structural purposes, and do not affect the size of the windows. The window relocations in the subject apartments do not directly face neighbouring windows and therefore do not impede on the privacy of the adjacent apartments. Accordingly, the department considers there are no privacy issues for the proposed relocation of windows in Building 7 and 8.

Solar access and visual appearance

The proposed glazed wall in the affected apartments is north-east orientated and allows indirect light to access the bedroom from the private open space (see **Figure 3**). The addition of the glazing will also add an architectural element to the units and will therefore improve the aesthetic quality of the bedrooms. The department considers that the proposed glazing will enhance solar access into the bedrooms, the visual appearance of the apartments, and will have an insignificant impact on the reduction of the living floor space adjacent to the bedroom.

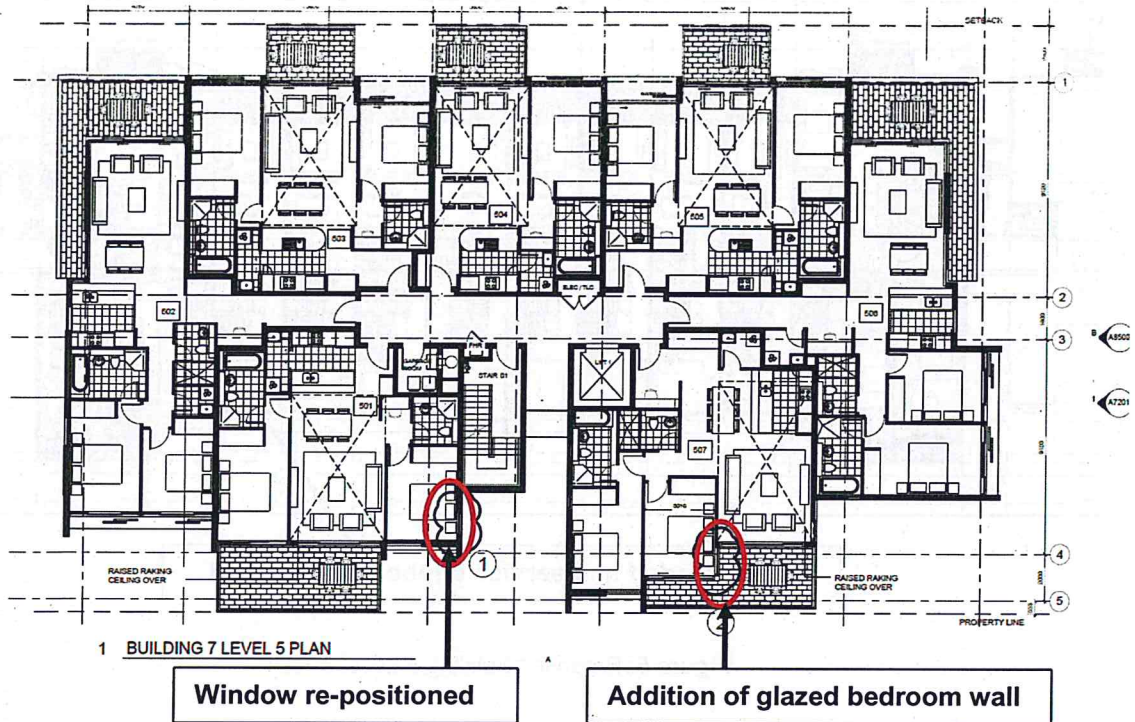


Figure 3: Proposed Building 7 Level 5 Plan

Re-configuration of units

Units 101, 120, 305, 314, 505, and 514 in Building 8 have been re-configured to activate redundant corridor space, which only served the purpose of accessing service cupboards (see **Figure 4**). The proponent has relocated these service cupboards to allow the extension of the units to include a dining space as depicted in **Figure 5**. The extension will result in an increase in floor area by approximately 11.6m² for these 6 units (but will not affect the total gross floor area). The re-configuration will allow for a more functional design and provide greater amenity to the units. The department notes there are no issues associated with changes to the layout of the affected units, as access to the service cupboards is available from the main corridor, and egress to the fire exits remains unaffected.

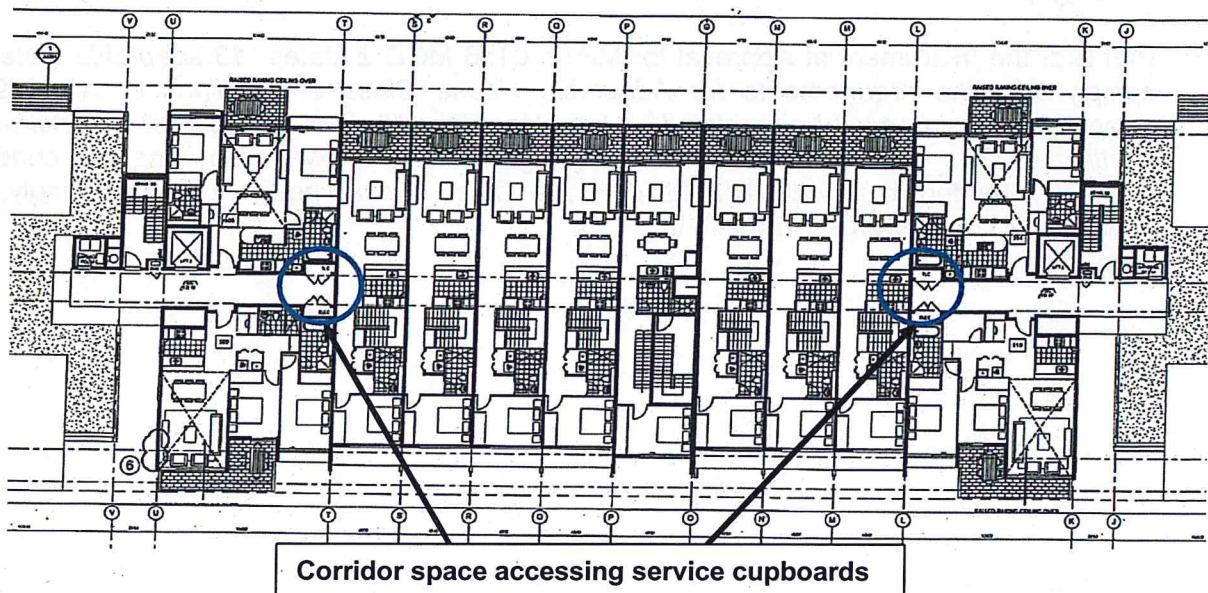


Figure 4: Approved Building 8 Level 5 Plan

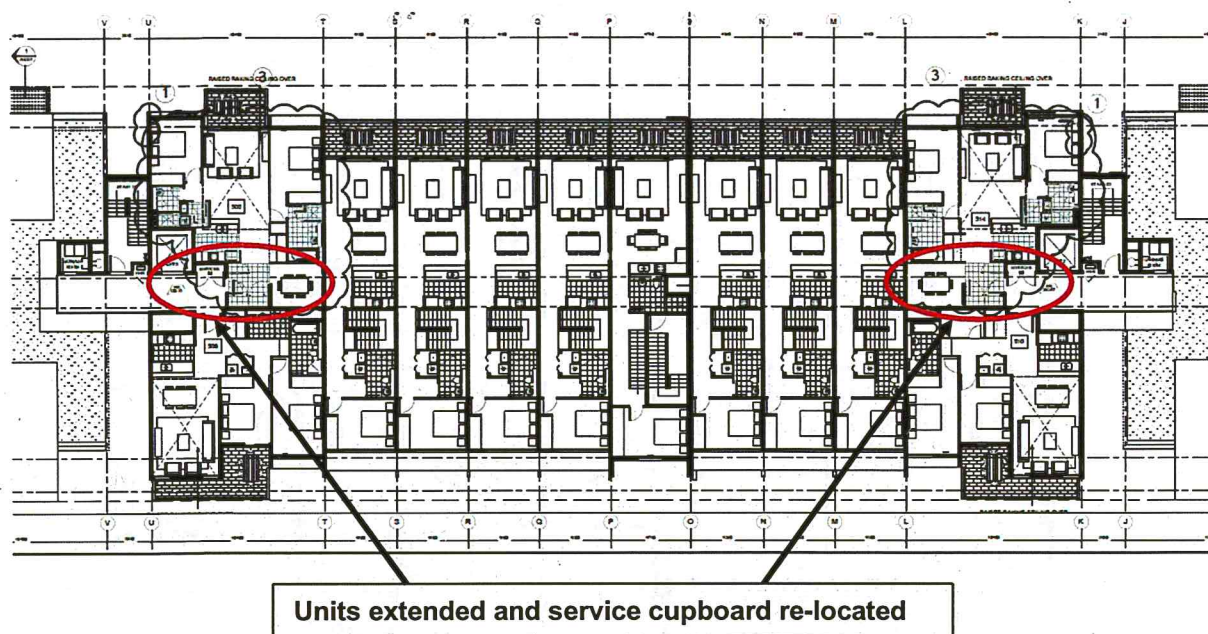


Figure 5: Proposed Building 8 Level 5 Plan

BASIX compliance

The proponent's BASIX consultant provided advice on the new glazed wall additions to units G07, 107, 207, 307, 407, and 507 in Building 7. The consultant advised all changes are less than 5% and according to section 4.8 *Multi-Unit Dwellings* in the department's BASIX Thermal Comfort Protocol 2009, an amended BASIX certificate was not necessary.

5.2 Compliance with Existing Conditions of Approval

Adaptable units

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.

Part B of the Instrument of Approval for MP10_0158 MOD 2 states "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." The department has noted a typographical error when applying this condition and had intended to include Adaptable House Class C dwellings not D. Accordingly, this condition will be re-worded to Class C.

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 the proposed modifications are acceptable given that the proposed changes will not cause loss in privacy and light, and will improve the functionality and visual appearance of buildings 7 and 8. Furthermore, the proposed modifications would not result in any changes to the bulk, scale or height of the buildings.

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

7. RECOMMENDATION

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

- 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 13/6/12
Metropolitan and Regional Projects North

Executive Director
Major Projects Assessment

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
