

**MODIFICATION REQUEST:**

**61 Mobbs Lane, Epping (Former Channel 7 Site)**

**Amendment to Conditions A10 and E2 for  
Buildings 7 and 8 (MP 10\_0158 MOD 5)**



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

November 2012

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## 1. BACKGROUND

### 1.1 The Site

Meriton Apartments Pty Ltd, has lodged a section 75W application (MOD 5) seeking to modify Conditions A10 and E2 of MP10\_0158 which approved the construction 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.

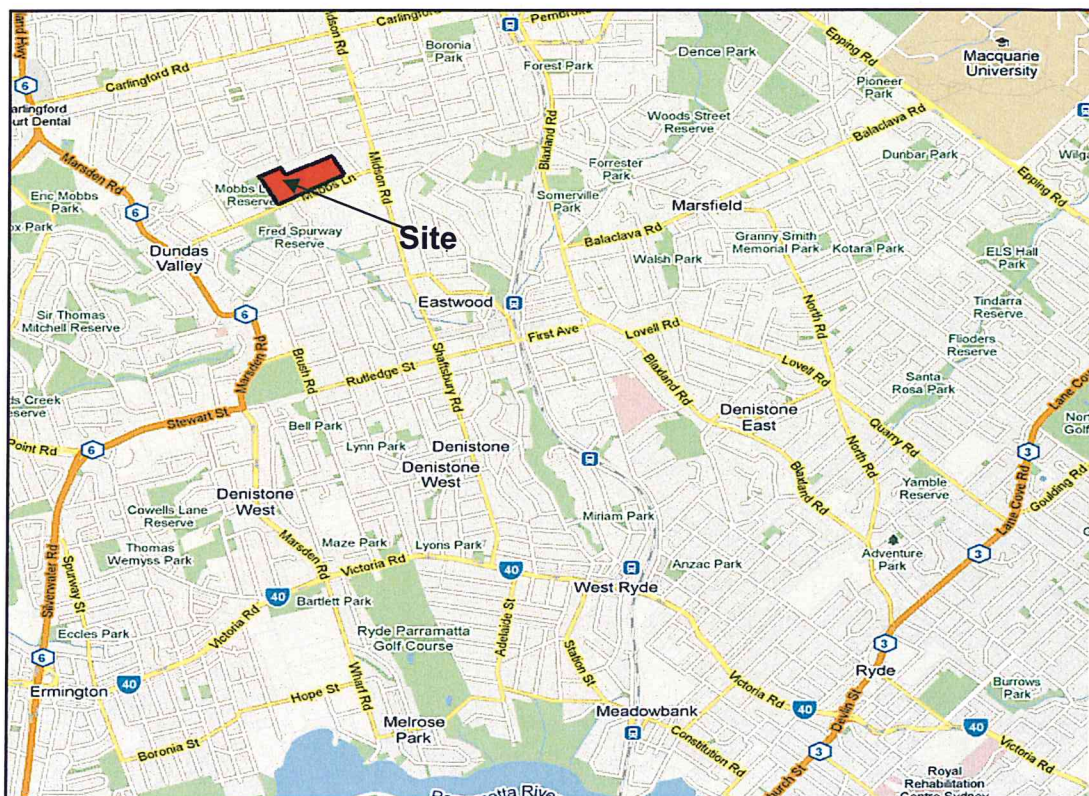


Figure 1: Site location

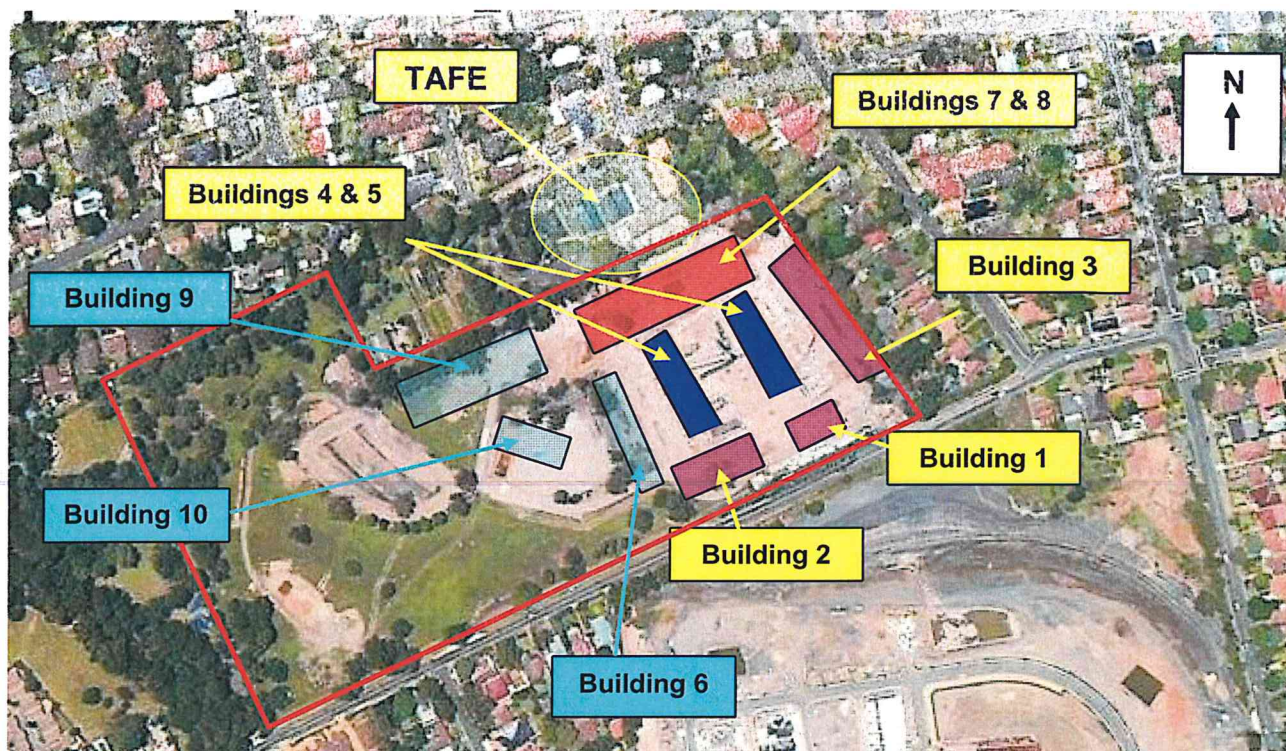
### 1.2 Approval History

#### 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 2006, 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 approved building envelopes are depicted in **Figure 2** below.





**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 approval for minor design alterations to landscaped courtyards, changes to fence detailing, internal re-configuration of apartments, and windows being removed in Building 8.

MOD 3 is currently under consideration by the department.

MP10\_0158 MOD 4 was approved by the Deputy Director-General, Development Assessment and Systems Performance on 30 June 2012. MOD 4 granted approval for minor external design changes to both buildings and internal reconfiguration of six apartments in Building 8.



## **2. PROPOSED MODIFICATION**

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### **2.1 Modification Description**

#### Condition A10 Amended Strata Plans (MP10\_0158 MOD 1)

Condition A10 requires 17 car spaces on Sheet 4 of 23 of the Strata Plans (Car parking Level 1 Lower) to be noted as visitor parking on common property. Meriton has requested that the department amend Condition A10 as they want to relocate some visitor parking spots on Level 1 Lower to Level 1 Upper. This is because the approved visitor parking bays are clustered on Level 1 Lower which only services Building 8. As a result, there is no visitor parking on Level 1 Upper which services Building 7.

#### Condition E2 Road Works to Mobbs Lane

The proponent is also seeking to amend the timing of occupation for Buildings 7 and 8 contained in Condition E2 to provide consistency with the Statement of Commitments and Condition C24 of the early works approval (MP08\_0258). It will also provide consistency with the two other project approvals that form part of the Stage 1 residential development (i.e. MP10\_0107 – Buildings 1, 2 and 3, and MP08\_0257 – Buildings 4 and 5. All three of these project approvals require road works to be completed prior to the issue of a final Occupation Certificate, which is contrary to Condition E2 for Buildings 7 and 8 which requires the works to be completed prior to any Occupation Certificate.

### **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 Conditions A10 and E2, 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 Road Improvement Works

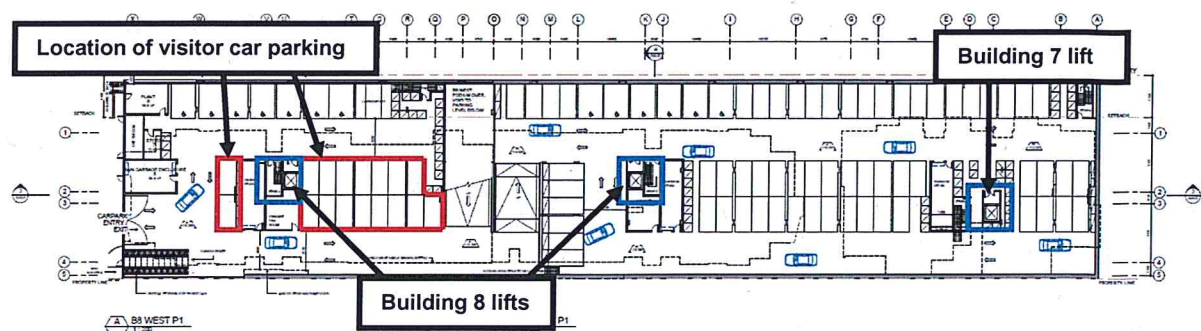
The modification proposes to amend Condition E2 to provide consistency with the three other project approvals. This includes changing the timing of the road improvements works from being completed prior to issue of any Occupation Certificate for Buildings 7 and 8, to prior to the final occupation certificate for stage 1. The road improvement works under the early works approval include the right turn bay into Road 1, bus bay, pedestrian refuge and footpaths along Mobbs Lane. Buildings 7 and 8 are planned to be completed in the next month, and therefore the modification will allow both buildings to be occupied.

To ensure consistency with the three project approvals, the department considers it appropriate to amend the timing of road improvement works to be completed prior to the issue of the final Occupation Certificate.

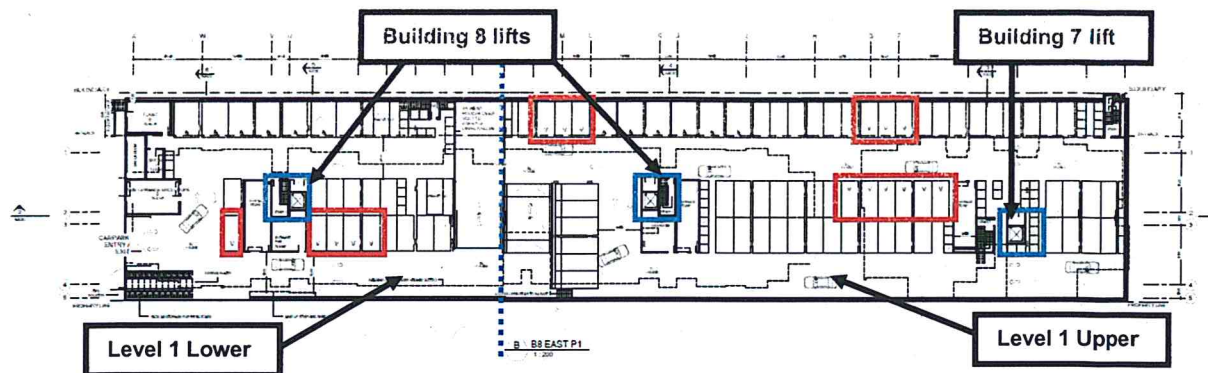
### 5.2 Visitor Car Parking Compliance

Condition A10 – Strata Plans of MP10\_0158 MOD 1 requires 17 car spaces to be notated as visitor parking on Sheet 4 of 23 of the Strata Plans, and submitted to the Director-General and the Certifying Authority prior to the issue of a Strata Certificate. All 17 visitor car spaces were required to be located in one section on the Level 1 lower car park (see **Figure 3**).

Meriton is now seeking approval of drawing number A0011A which disperses 17 visitor car parking spaces across both the Level 1 lower and level 1 upper car parks (see **Figure 4**).



**Figure 3: Approved Level 1 Lower and Upper Car Parking**



**Figure 4: Proposed Visitor Car Parking Spaces**

The department has considered Meriton's preferred visitor car parking locations and is satisfied that it will allow for a more functional layout as visitors will be able to park in locations that are in close proximity to lifts for both Building 7 and 8. The approved location of visitor car parking is located near a lift to Building 8 only (see **Figure 3**) and the department considers that this will create confusion for visitors attempting to gain access to Building 7.

The revised location of visitor car parking will reduce safety issues associated with visitors attempting to walk within the basement and using the internal car ramp in order to change lifts to gain access to Building 7. In addition, the dispersed visitor car spaces will better cater for the long length of car park level 1.

To implement the proposed changes, the department notes the following changes to the approval need to be undertaken:

- Update drawing A0011 of the schedule of approved drawings in Condition A2.
- Amend the first bullet point in Condition A10 by deleting reference to drawing A0011 dated 5 April 2011, and replacing it with drawing A0011A dated 25 October 2012.
- Amend the second bullet point in Condition A10 requiring the proponent to submit revised Strata Plans (Sheets 4, 5 and 6 of 23) that reflect the locations of the visitor parking spaces approved under drawing A0011A and denote all visitor parking spaces as common property.



## 6. CONCLUSION

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The department has considered the request to modify MP10\_0158 and the key issues associated with these modifications. The proposed amendment to the timing of roads works and occupation of Buildings 7 and 8 now provides consistency with the early works approval. And furthermore, the revised visitor car parking plan provides a more functional layout and the number of visitor car spaces is compliant with the project approval.

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

## 7. RECOMMENDATION

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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**).

  
16/11/12.  
Director  
Metropolitan and Regional Projects North

  
16.11.12  
Executive Director  
Major Projects Assessment

  
19/11/12  
Deputy Director-General  
Development Assessment & Systems Performance



## **APPENDIX A      MODIFICATION REQUEST**

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See the Department's website at:  
<http://majorprojects.planning.nsw.gov.au>

## **APPENDIX B SUBMISSIONS**

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No submissions in the nature of objections were received.

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## **APPENDIX C    RECOMMENDED MODIFYING INSTRUMENT**

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