

MODIFICATION REQUEST:

61 Mobbs Lane, Epping (Former Channel 7 Site)

**Modification to the car park layout for
Buildings 7 and 8 (MP 10_0158 MOD 6)**



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

February 2013

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1. BACKGROUND

1.1 The Site

Karimbla Construction Services Pty Ltd (proponent), on behalf of Meriton Apartments Pty Ltd, has lodged a section 75W application seeking to allow the relocation of the car park entrance door to buildings 7 and 8 (MP10_0158 MOD 6). The site is known as 61 Mobbs Lane, Epping and 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 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.

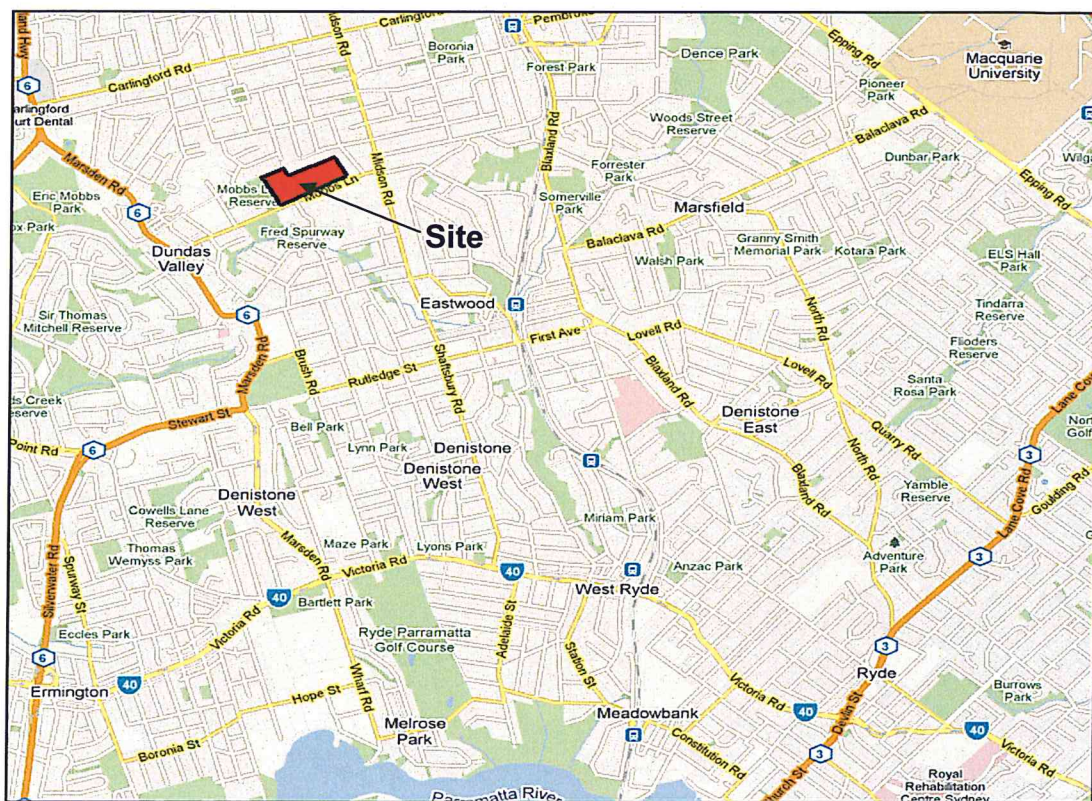


Figure 1: Site location

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 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** overleaf.

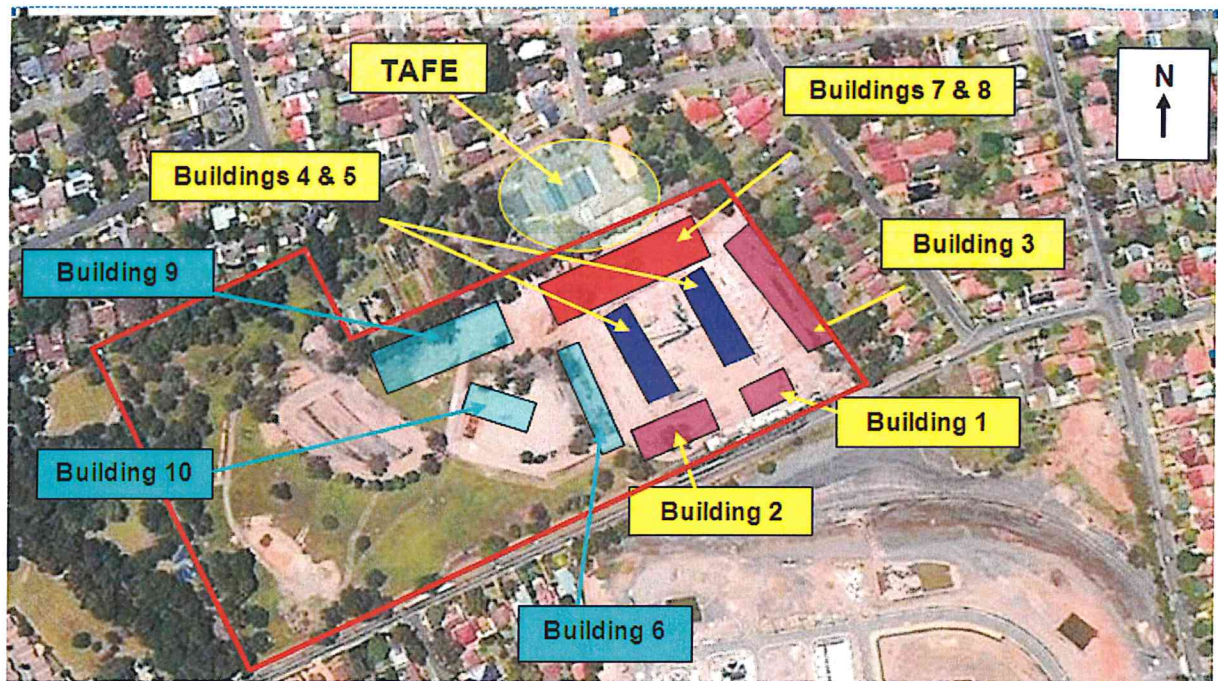


Figure 2: Aerial view identifying the envelopes of the buildings approved under the Concept Plan

Buildings 7 and 8

On 12 July 2011, the Planning Assessment Commission approved the construction of buildings 7 and 8 (MP10_0158), which include 127 residential units, 173 basement car parking spaces and 11 parking spaces at street level. The application also approved excavation and associated landscaping works.

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 permitted minor design alterations to a number of courtyards, changes to fence detailing, internal re-configuration of apartments, and the removal of a number of windows in building 8.

On 5 March 2012, Meriton lodged a modification (MOD 3) seeking approval to amend the timing of installation of traffic lights at the intersection of Mobbs Lane and Marsden Road. This modification 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.

On 19 November 2012, the Deputy Director-General, Development Assessment and Systems Performance approved MP10_0158 MOD 5. The approval permitted the relocation of visitor car parking spaces within the basement car park, and amended the timing of occupation for buildings 7 and 8.

2. PROPOSED MODIFICATION

2.1 Modification Description

The proponent is seeking approval to relocate the car park entrance from the southern end of the western elevation of building 8 to the northern end of the western elevation. The proposed modification is sought to provide consistency with the car park entrance depicted in the elevation approved under MP10_0158 MOD 2 (**Figure 3**).

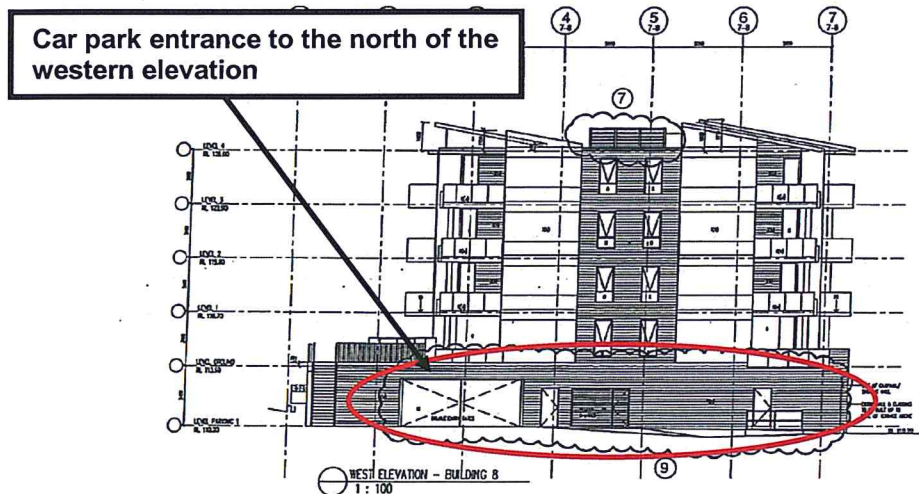


Figure 3: Approved Building 8 Elevation (MOD 2)

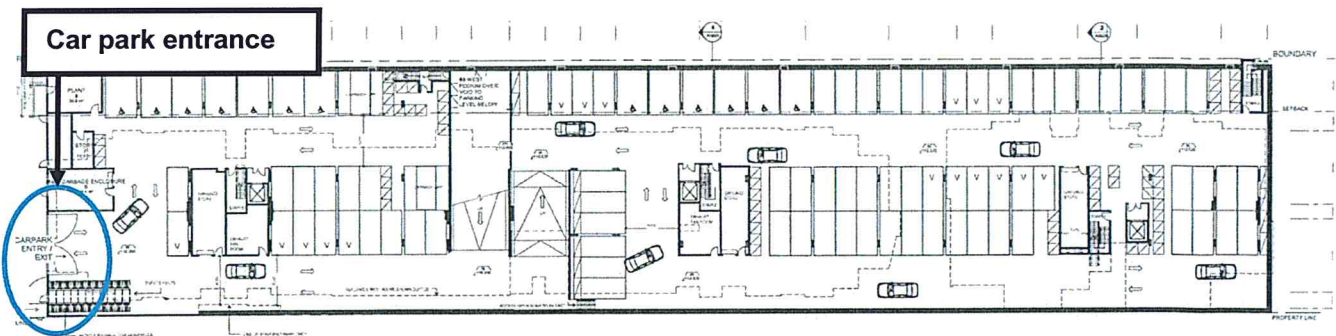


Figure 4: Approved Level 1 Lower and Upper Car Park Plan (MOD 5)

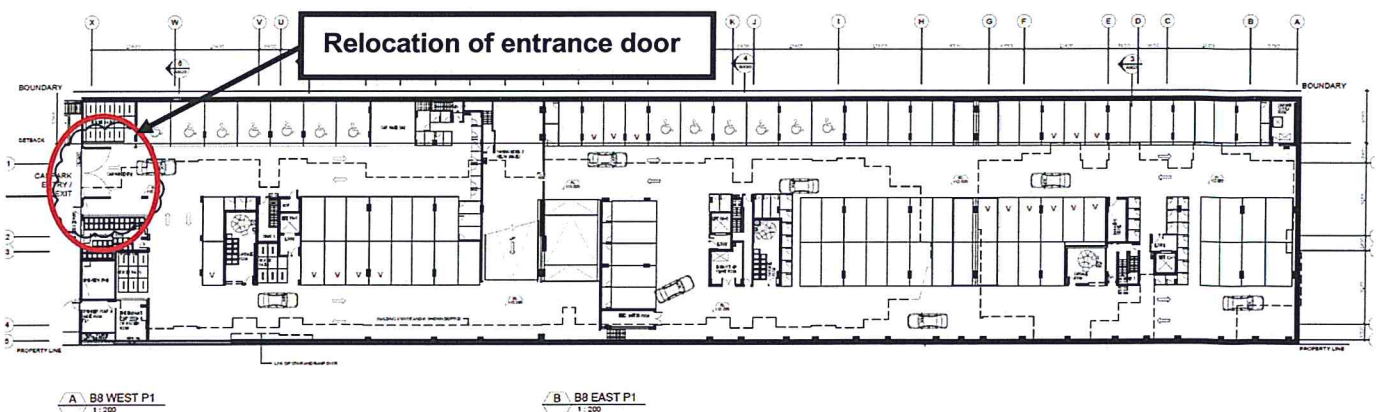


Figure 5: Proposed Level 1 Lower and Upper Car Park

3. STATUTORY CONTEXT

3.1 Continuing Operation of Part 3A to Modify Project Approvals

In accordance with clause 3 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A 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 the associated regulations, and the Minister (or his delegate) may approve or disapprove the modifications under section 75W of the EP&A Act.

3.2 Modification of the Minister's Approval

Section 75W (2) of the EP&A 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 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 EP&A 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 the Executive Director, Development Assessment Systems and Approvals to determine modification requests under section 75W of the EP&A 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; and
- there are less than 25 public submissions in the nature of objections.

No submissions have been received from the public and Parramatta City Council (council) raised no objection to the application. The proponent has made a political donation in relation to a previous application. As such, the application can be determined under delegation.

4. CONSULTATION AND SUBMISSIONS

4.1 Exhibition

Under section 75X(2)(f) of the EP&A 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 the council.

4.2 Submissions by public agencies

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

5.1 Relocation of Car Park Entrance

The approved plan indicates the car park entrance on the south of the western elevation for Building 8. As highlighted in section 2.1 **Figure 3**, the approved elevation of Building 8 shows the car park roller door to be located to the north of the western elevation for Building 8. The proposed entrance has been relocated to the north to allow for consistency with the approved elevation drawing.

The department considers the relocation of the car park entrance to the north to ensure consistency with the elevation drawing approved under MP10_0158 MOD 2 is appropriate, and will not result in any adverse traffic impacts. In addition, the proposed car park entrance caters for the topography on site to improve construction. As a result of the proposed relocation of the car park entrance, minor internal reconfiguration of service rooms and bicycle storage spaces will be necessary. The department considers these changes are minor and will not reduce the functional aspect of the car park.

The department therefore, considers the proposed relocation of the car park entrance to the north of the western elevation acceptable.

5.2 Administrative Amendment – Condition A10

The first bullet point in Condition A10 requires strata plan sheet 4 of 23 to be amended to reflect the car park entrance to the south, as shown in the approved car park plans A0011A and A8101. The department notes that this bullet point will need to be deleted as the approved strata plan already depicts the car park entrance to the north, and is therefore consistent with the proposed car park plan.

6. CONCLUSION

The department has considered the request to modify MP10_0158 and the associated key issues. The relocation of the car park entrance will provide consistency with the elevation drawing approved under MOD 2. The department considers no traffic and functional impacts will arise from the proposed modification.

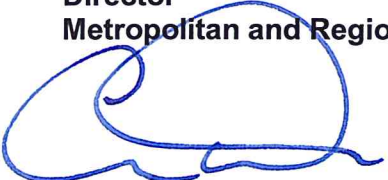
It is therefore recommended that the amended car park plan A0011C be approved as outlined in the recommended Instrument of Modification Approval.

7. RECOMMENDATION

It is recommended that the Delegate:

- 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
Development Assessment Systems and Approvals

28.2.13

APPENDIX A MODIFICATION REQUEST

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

APPENDIX B SUBMISSIONS

No submissions were received by the department.

APPENDIX C RECOMMENDED MODIFYING INSTRUMENT
