

17 January 2011

**Project Application for residential development (Buildings 1, 2 and 3)  
at 61 Mobbs Lane, Epping (former Channel 7 site)**

**Background**

On 16 August 2006, the site was declared a State Significant Site under the former State Environmental Planning Policy (SEPP) - Major Projects (now known as the Major Development SEPP). A concept plan was approved on 22 August 2006 for residential development for up to 650 dwellings with a maximum height of 6 storeys. A modification to the concept plan was approved under delegation by the Executive Director (Strategic Sites and Urban Renewal) on 23 December 2008 to allow for the development of a temporary marketing suite.

On 14 July 2010, the Planning Assessment Commission (PAC) approved a project application (MP 08\_0258) for early works comprising demolition of existing structures, construction of roads, utilities, stormwater management works, a child care centre and private resident facilities. A second project application (MP 08\_0257) was approved by the PAC on 15 September 2010 for the construction of two residential flat buildings (Buildings 4 and 5) providing a total of 134 units. The current project application is for the development of Buildings 1, 2 and 3 on the site.

**The Project Application**

This application seeks approval for:

- construction of three (3) buildings (Buildings 1, 2 and 3) providing a total of 28 townhouses with associated garage car parking and landscaping to Building 3.

**Delegation to the Commission**

The application was submitted with a Political Donations Disclosure Statement disclosing a reportable political donation. Consequently, the project meets the terms of delegation and the Planning Assessment Commission may determine the Project under delegated authority. On 20 December 2010, the Director General of the Department of Planning referred the project application (MP 10\_0107) to the Planning Assessment Commission for determination under a delegation issued by the Minister on 18 November 2008.

The Commission consisted of Emeritus Professor Kevin Sproats (chair), Mr Garry Payne AM (member of the PAC) and Mr Richard Thorp (member of the PAC). They met with Departmental staff, Mr Andrew Smith and Ms Caroline Owen on 14 January 2011 for a briefing.

**Key issues**

The DG's report identified the following key issues:

- compliance with the approved Concept Plan and State Significant Site controls,
- streetscape/urban design, and
- residential amenity

The DG's report concluded that the works as proposed in this project application are largely consistent with the approved concept plan (as modified).

A total of 34 submissions from the public and agencies were received by the Department during the public exhibition period. The Department considered the issues raised in these submissions can be addressed through appropriate conditions of consent and is satisfied that potential impacts have been adequately addressed by the proponent via the Environmental Assessment, Preferred Project Report, Statement of Commitments and the Department's recommended conditions of approval.

### **Commission's Comment**

The Commission members have examined the documents and plans provided by the Department.

The Commission sought clarification on the derivation of the 56 off street car parking spaces for the residential dwellings and the requirement to permanently mark all off street parking spaces as recommended in the design modification outlined in condition B1(c).

At the briefing, the Department confirmed that the 56 off street parking spaces is based on Council's DCP requirement for 2 car spaces per dwelling. These parking spaces will be provided within the garages associated with each dwelling. It was noted each dwelling in Building 3 has the capacity for 2 additional car spaces (i.e. a total of 4 car spaces per dwelling) which would create a total of 80 off street parking spaces for the development.

The Department also confirmed that the permanent marking of off street parking spaces is a requirement of Council. After reviewing the conditions, the Commission did not consider it necessary to permanently mark off street parking spaces which will be provided in garages. As such, the Commission has deleted the design modification proposed in condition B1(c).

The Commission noted condition B10 was unclear on the obligations of the Certifying Authority in relation to noise generated from plant equipment. To minimise potential confusion, the Commission amended the condition to read as follows:

#### **B10. Noise from plant in residential zone**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the operation of any mechanical ventilation or noise generating plant will not exceed more than 5db (A) above the background level during the day, and shall not exceed the background level at night (10.00pm – 6.00am), when measured at the boundary of the site.

Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

The Commission is satisfied that the issues raised in submissions have been fully considered by the Department in their assessment and support their recommended conditions of approval except as amended by the Commission. The application should be approved subject to conditions.



**Emeritus Prof. Kevin Sproats**  
PAC Chair



**Garry Payne AM**  
PAC Member



**Richard Thorp**  
PAC Member