

08412  
9 December 2008

Director-General  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2000

Attention: Michael Woodland

Dear Mr Haddad

**MODIFICATION TO MP 05\_0086  
CONCEPT PLAN APPROVAL FOR THE PARKLANDS, EPPING**

I refer to the abovementioned Concept Plan Approval for The Parklands site at Mobbs Lane, Epping (the former Channel Seven site) and a meeting held today with officers of the Department concerning proposed modifications to that approval.

We are writing on behalf of the applicant, Sydney Broadcast Property Pty Limited (SBP) to request that the Minister (or her delegate) modify the Concept Plan Approval MP 05\_0086 under Section 75W of the *Environmental Planning and Assessment Act 1979*.

The Minister's determination of the Concept Plan Approval (MP 05\_0086) includes a number of conditions (as described in more detail below) which require further action by the proponent prior to the lodgement of an initial application for development or with future applications. It is our view that the intent of the conditions was not to limit minor works required to facilitate the development but rather to relate to the commencement of major or residential redevelopment of the site. To that end, the proposed changes to the conditions will allow facilitation of the overall project with remaining major issues addressed prior to the initial residential application for development or at the time of applications for earthworks (as appropriate and relevant).

SBP is now keen to commence development of the site with an application for a Marketing Suite proposed to be lodged prior to the end of 2008. In our opinion the original intent of the conditions would not be altered or affected by modification to allow minor development such as the Marketing Suite to proceed, with the requirements of the relevant conditions satisfied at an appropriate stage commensurate with the scale of future applications, particularly initial residential development.

Should the relevant conditions below not be changed, applications for key early works and minor development with no major impacts would not be able to be lodged. Any further or longer term delays to the project would have serious implications to the overall delivery of, and program for, development of the site, including public open space and community facilities and other public benefits resulting from the approval.

**1.0 CHANGES SOUGHT TO RELEVANT CONDITIONS**

To provide the greatest flexibility to SBP to facilitate and commence the redevelopment consistent with the Concept Plan, and to allow minor works and development such as the Marketing Suite, without affecting the intent of the conditions, we propose the following changes be made to the relevant conditions with deletions struck through and additions underlined.

**B8 – Contamination Investigation**

*Prior to the lodgement of an initial application for earthworks or residential development (whichever is the sooner) on the subject site a contamination study for the subject site will be formalised by the proponent and agreed by the Department, in consultation with Council where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate. The contamination investigation will be prepared and undertaken by a suitably qualified person(s).*

**Justification** – Whilst the contamination investigation for the site is completed and lodged, the lodgement of a minor and temporary development prior to agreement of the Department of the investigation should not be precluded at this stage. The contamination investigation has determined that the location of the Marketing Suite is not affected by contaminants. Given the location of the Marketing Suite, and its minor and temporary nature, it would be unnecessarily delayed by full and early satisfaction of this condition in its current guise.

**B9 – Landscaping Plan and Public Domain Management**

*Prior to the lodgement of an initial application for residential development on the subject site a landscaping plan and public domain management plan for the subject site will be formalised by the proponent and agreed by the Department, in consultation with Council where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council.*

*The landscaping plan and public domain management plan will be prepared and undertaken by a suitably qualified person(s) and will provide (but not be limited to):*

- (1) A safe pedestrian environment that seeks to minimise contacts and conflicts with the road network, by providing green linkages/corridors to/from the main open space areas.*
- (2) Open space that is perceived unequivocally by members of the public, by its proper site planning and design, to be welcoming, accessible and inclusive.*
- (3) Well designed engineering functions that do not dominate or alienate the use and enjoyment of open space.*
- (4) Facilities that will attract users to the park, including facilities that (one) normally associates with successful design of open space.*
- (5) Retention of significant vegetation that will enhance the amenity of the development, helping to place the development within its local context.*

**Justification** – Additional time is required for a detailed landscaping and public domain management plan to be formalised. Whilst work has commenced on this plan based on a more detailed design for the site, the proposed Marketing Suite application would be delayed awaiting finalisation and formalisation of the plan. Given the minor and temporary nature of the Marketing Suite, it would be unnecessarily delayed by full and early satisfaction of this condition in its current guise.

**B10 – Aboriginal Archaeological and Archaeological Investigation**

*Future applications for earthworks or residential development on the subject site will be accompanied by an Aboriginal heritage and archaeological investigation to be formalised by the proponent and agreed by the Department, in consultation with Council where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate. The Aboriginal archaeological and archaeological investigation will be prepared and undertaken by a suitably qualified person(s).*

**Justification** – The minor and temporary nature of the Marketing Suite proposal does not warrant full and early compliance with this condition in its current guise. It would be most appropriate to address wider Aboriginal and non-Aboriginal archaeological matters when major earthworks and permanent development is proposed. It should be noted that the recently submitted Archaeological study indicates that there is no archaeological potential in the vicinity of the site.

**B11 – Geotechnical Investigation**

*Future applications for earthworks or residential development on the subject site will be accompanied by a geotechnical investigation to be formalised by the proponent and agreed by the Department, in consultation with Council where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate. The geotechnical investigation will be prepared and undertaken by a suitably qualified person(s).*

**Justification** – The minor and temporary nature of the Marketing Suite proposal does not warrant full and early compliance with this condition in its current guise. It would be most appropriate to address geotechnical matters when major earthworks and permanent development is proposed.

**2.0 PLANNING AND ENVIRONMENTAL ASSESSMENT ISSUES**

The proposed modifications will provide the level of flexibility required to commence the initial phases of development, consistent with the approval, and without raising any additional environmental planning assessment issues. In our view, these modifications do not warrant any further advertising, notification or exhibition for public comment, or consultation with Council and other agencies.

We trust this request for a modification contains all the necessary information and can be processed promptly to allow minor development on the site (i.e. Marketing Suite) consistent with the Concept Plan Approval and the intent of the conditions / modifications at the time of approval.

Consistent with the provisions of relevant legislation, please also find enclosed the fee of \$750.00 for the assessment of the request.

Please be assured that SBP continues to commit considerable resources to satisfy a number of these conditions as soon as practical. For instance, contamination investigations and an Aboriginal heritage and archaeological investigation have recently been concluded and reports will shortly be submitted to the Department.

If you have any queries or would like to discuss this matter further, please do not hesitate to contact me on Ph.9409 4940 or oklein@jbaplanning.com.au.

Yours sincerely



Oliver Klein  
Principal Planner