

Part 3A Concept Outline and Preliminary Assessment

Darling Walk, Darling Harbour

Submitted to
Department of Planning
On Behalf of Sydney Harbour Foreshore Authority

December 2006 ■ 06030

JBA Urban Planning Consultants Pty Ltd operates under a Quality Management System. This report has been prepared and reviewed in accordance with that system. If the report is not signed below, it is a preliminary draft.

This report has been prepared by: Kirk Osborne

Signature



Date 01/12/06

This report has been reviewed by: Leslie Bull

Signature



Date 01/12/06

Contents

1.0 Introduction	1
1.1 Project Background	2
2.0 Site Analysis	3
2.1 Site Location and Context	3
2.2 Site Description	4
2.3 Existing Development	5
3.0 Relevant Planning Instruments and Controls	9
3.1 Relevant Planning Instruments	9
4.0 Outline of Concept	11
4.1 Capital Investment Value	13
5.0 Preliminary Environmental Considerations	14
5.1 Compliance with Statutory Plans	14
5.2 Metropolitan Strategy	14
5.3 Site Suitability	14
5.4 Built Form	15
5.5 Public Domain and Streetscape	15
5.6 Traffic and Access	16
5.7 Views of Councils/Agencies	17
6.0 Conclusion	18

Figures

1	Locality Plan	3
2	Darling Walk Site Plan	4
3	Existing development	5
4	View to former Sega World and The Outback Centre	6
5	North east view to Darling Walk from Tumbalong Park	6
6	View east across lake to existing building	7
7	View north across lake to existing building	7
8	Existing ground floor retail	8
9	View south along Harbour Street	8
10	Aerial view of Darling Walk	11
11	Indicative Building Height envelope	12
12	Site access image to be included	13
13	Public Transport services	16

Tables

1	Land comprising Darling Walk development	4
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Appendices

A	Letter from Department of Planning
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1.0 Introduction

This report is submitted to the Department of Planning (hereafter referred to as 'the Department') to assist the Director General in determining the level and scope of the environmental assessment for the lodgement of a Concept Plan application under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for Darling Walk at Darling Harbour.

Darling Harbour is one of the world's leading waterfront and entertainment precincts which was opened to the public in 1988, after 150 years of industrial use. Since the opening of Darling Harbour there have been a number of upgrades to ensure the area remains an attractive and successful harbourside precinct to residents, tourists and visitors. These upgrades have included:

- Cockle Bay development;
- King Street Wharf development;
- Refurbishment of Harbourside Shopping Centre;
- Opening of Darling Harbour 8 Cruise Passenger Terminal; and
- Planned redevelopment of East Darling Harbour

The redevelopment of Darling Walk is the next milestone in the development of Darling Harbour. The Darling Walk site has traditionally had a focus as a family friendly retail and entertainment precinct. The predominant building at Darling Walk is the purpose built Sega World, a large ticketed indoor entertainment facility which opened in 1997. Sega World has since ceased operation and as a purpose built facility it is unsuitable for alternative uses and in need of redevelopment.

This report has been prepared by JBA Urban Planning Consultants Pty Ltd on behalf of the applicant and proponent, Sydney Harbour Foreshore Authority (Foreshore Authority) and is based on information provided by:

- the Foreshore Authority;
- Cox Richardson; and
- Transport and Traffic Planning Associates.

This report follows the letter received from the Department dated 2 May 2006 which states that the Minister for Planning has formed the opinion that the proposed development is a major project under Part 3A of the EP&A Act. In accordance with the Department's draft guidelines titled *Concept Plan Application Process under Part 3A*, this outline and preliminary assessment has been prepared to assist the preparation of the Director General's Environmental Assessment Requirements for the level and scope of environmental assessment to accompany a subsequent Part 3A Application. A copy of the Department's letter is included in **Appendix A**.

The purpose of this report is to:

- describe the site;
- outline the proposed development concept; and
- provide a preliminary environmental assessment.

This report includes the following information relevant to the proposal:

- description of the site and its location;
- capital investment value;

- the planning controls applying to the site;
- an outline of the concept plan; and
- identification of environmental considerations associated with the site.

1.1 Project Background

The site is owned by the Foreshore Authority and is identified as 'Core Land' under the Sydney Harbour Foreshore Authority Act 1998. Core land is land vested in the Foreshore Authority and cannot be disposed of freehold. However where appropriate, the Foreshore Authority can grant a leasehold interest in the site. Darling Walk is core land and therefore is able to be developed and leasehold interest granted.

Following the demise of Sega World the Foreshore Authority took control of the site in 2003 to enable redevelopment to proceed. The Foreshore Authority is currently conducting a Tender program to select a party to design, develop and deliver a new commercial office and complimentary retail servicing patrons working in and visiting the precinct, with associated car parking.

The Darling Walk Tender program is a four stage process comprising:

- Initial registration (Stage 1);
- A call for proposals from project proponents (Stage 2);
- Refined proposals and detailed designs from short-listed project proponents (Stage 3); and
- Detailed negotiations with winning project proponent (Stage 4).

Proponents have been shortlisted for Stage 3 of the tender program which will be called in February 2007.

The Department of Planning, in consultation with the Foreshore Authority, is preparing a new Environmental Planning Instrument (EPI) for the Foreshore Lands which is consistent with current state planning legislation and provides guidance through land use zoning principles and standards for activities and development. It is anticipated that the EPI will not be completed prior to the completion of the Concept Plan or when subsequent Project Applications are lodged.

As limited planning guidelines are available the Foreshore Authority is seeking to develop a Concept Plan for the site to provide certainty to the market, whilst allowing the winning project proponent flexibility to create an innovative, commercially viable development.

2.0 Site Analysis

2.1 Site Location and Context

Darling Walk is located within the Darling Harbour precinct on the western edge of Sydney Central Business District. It is located on the eastern side of Darling Harbour, adjacent to the western side of Harbour Street.

The site is immediately south of the Western Distributor, north of the Chinese Garden and east of Tumbalong Park.

Town Hall Railway Station is approximately 400 metres to the north-east and Central Station is approximately 800 metres to the south-east.

The site's locational context is shown at **Figure 1**.



■ The Site

Figure 1 – Locality Plan

2.2 Site Description

The allotments of land to which the proposed Concept Plan applies are identified in **Table 1** below.

Table 1 Land comprising Darling Walk development

Lot	Deposited Plan
318	DP 871455
319	DP 871455
314	DP 869004
37	DP 870306
52	DP 1009561
53	DP 1009561
403	DP 8625010
404	DP 8625010
405	DP 8625010
305	DP 787105
306	DP 787105
7	DP1048307
8	DP1048307
9	DP1048307
10	DP1048307

The site includes the building footprint and associated public domain improvements referred to as the Zone of Influence.

The site is low lying and irregular in shape. The indicative building footprint (shaded blue in **Figure 2**) is approximately 15,030m².

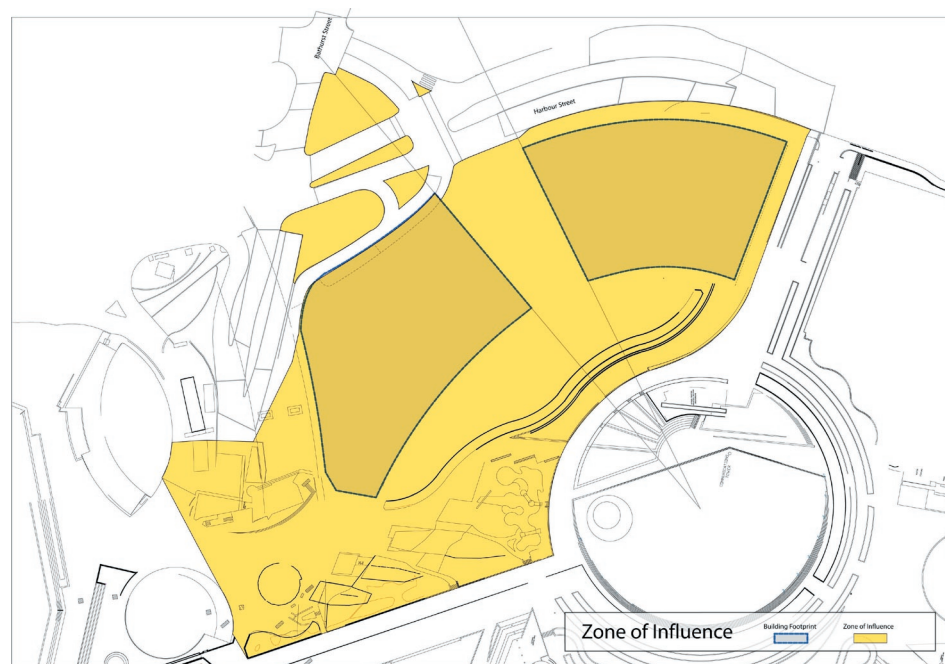


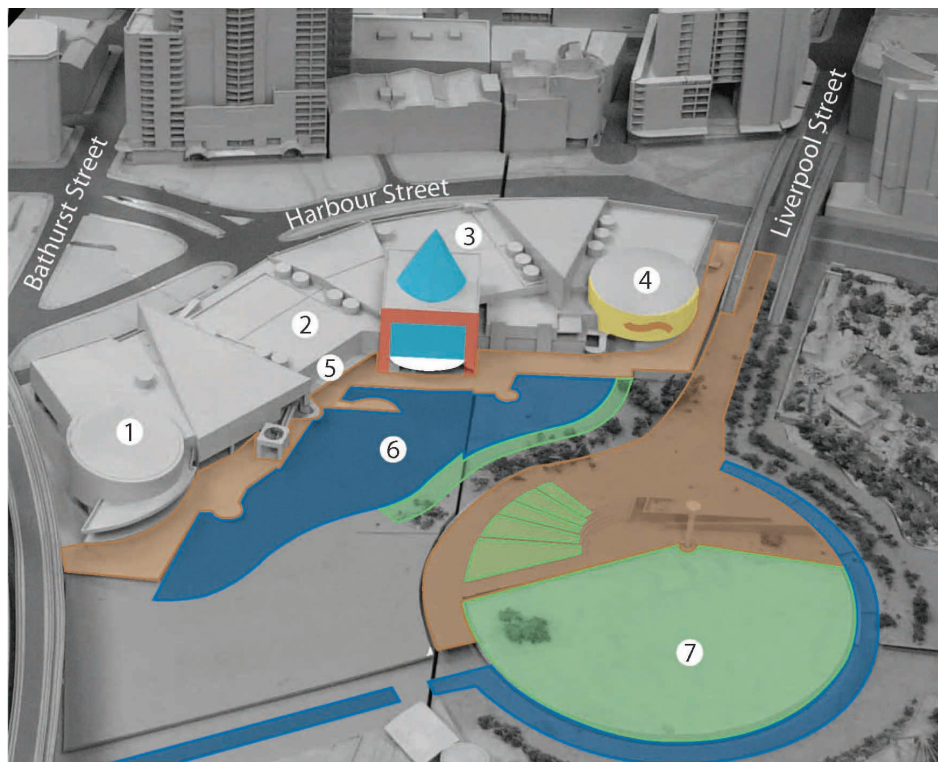
Figure 2 – Darling Walk Site Plan

2.3 Existing Development

The site currently comprises a large area of public domain space (referred to as the Zone of Influence in **Figure 2**) and the purpose built 2 storey Sega World building, constructed as a games and amusement complex. The building also houses a range of entertainment, retailing and tourism uses (see **Figures 3 to 9**).

Sega World has now closed and the remaining tenants include (refer to **Figure 3**):

- McDonalds Restaurant (including Drive Thru);
- The Outback Centre; and
- Retail and food outlets eg Gloria Jeans Coffee.



- 1 - Former One World Sport
- 2 - McDonalds
- 3 - Former Sega World
- 4 - The Outback Centre
- 5 - Food Outlets/Retail
- 6 - Lake
- 7 - Tumbalong Park

Figure 3 – Existing development

The current gross lettable area of the existing building is approximately 15,500m².

The building façade is clad in prefabricated panels and includes a glass sphere structure protruding above the roof line.

The Children's Playground, small lake and Tumbalong Park are immediately to the west. Tumbalong Park is a large multipurpose green space used for community events and performances.

The site has frontage to Harbour Street between Bathurst St and Liverpool Street. There are two key pedestrian links to the site from the CBD. These are the Bathurst Street pedestrian bridge, which is the principal link to the CBD and

Town Hall and the Liverpool Street pedestrian bridge which is the secondary connection between Darling Walk/Darling Harbour South and the southern CBD. Due to the construction of the Cross City Tunnel the Bathurst Street Bridge has been newly constructed. There is a supplementary pedestrian link into the existing development.



Figure 4 – View to former Sega World and The Outback Centre



Figure 5 – North east view to Darling Walk from Tumbalong Park



Figure 6 – View east across lake to existing building



Figure 7 – View north across lake to existing building



Figure 8 – Existing ground floor retail



Figure 9 – View south along Harbour Street

3.0 Relevant Planning Instruments and Controls

3.1 Relevant Planning Instruments

The following planning instruments and development control plans apply to the site:

- State Environmental Planning Policy (Major Projects) 2005;
- Darling Harbour Development Plan No.1;
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005; and
- State Environmental Planning Policy Traffic No.11 – Traffic Generating Development.

It is noted that s.75R of the EP&A Act provides that environmental planning instruments (other than SEPPs) do not apply to or in respect of an approved project.

State Environmental Planning Policy (Major Projects)

The Major Projects SEPP identifies certain categories of development and certain specified sites that are subject to assessment and determination under Part 3A of the EPA Act. The Minister for Planning is the consent authority for Part 3A projects.

The Darling Walk site is located within the Sydney Harbour Foreshore site, identified at Clause 10 of Schedule 2 of the Major Project SEPP. Developments with a capital investment value of greater than \$5m on these sites (and declared by the Minister) are subject to the provisions of Part 3A of the Act.

Darling Harbour Development Plan No.1

The principal environmental planning instrument applying to the site is the Darling Harbour Development Plan No.1 (DHDP). Under Schedule 6 Part 7 section 23(1) of the *Environmental Planning and Assessment Act* the Darling Harbour Development Plan is taken to be a regional environmental plan.

Clause 3 of the DHDP contains the following objectives:

- (a) to promote the development of the Darling Harbour area as part of the State's Bicentennial Program,*
- (b) to encourage the development of a variety of tourist, educational, recreational, entertainment, cultural and commercial facilities within that area, and*
- (c) to make provision with respect to controlling development within that area.*

Clause 6 of the DHDP specifies certain development that may be carried out with a permit:

"Development for the purposes of tourist, educational, recreational, entertainment, cultural or commercial facilities..."

Schedule 1 of DHDP also specifies development that may be carried out with a permit. This includes:

“...child care centres, commercial premises, carparking stations,... entertainment centres, professional consulting rooms,... recreation facilities...and shops.”

The land uses proposed for the redevelopment of Darling Walk are permissible and not inconsistent with the DHDP.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;

The Darling Walk site falls within the Sydney Harbour Catchment and therefore Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Harbour REP) applies to the site. The site is specifically within the Foreshores and Waterways area defined in the Harbour REP.

Clause 20 of the Harbour REP contains a set of matters for consideration “that are to be taken into account by consent authorities before granting consent under Part 4 of the Act”. The matters of consideration relate to:

- Biodiversity, ecology and environmental protection;
- Public access to, and use of, foreshores and waterways;
- Maintenance of a working harbour;
- Interrelationship of waterway and foreshore uses;
- Foreshore and waterway scenic quality;
- Maintenance protection and enhancement of views; and
- Boat storage facilities.

State Environmental Planning Policy No. 11 – Traffic Generating Developments (SEPP 11)

Development proposals of a certain size are required to be forwarded to the Roads and Traffic Authority (RTA) for comment. Where a copy of a development application has been forwarded to the RTA, the consent authority shall not determine the application until it has received a representation with respect to the application from the RTA.

Under SEPP 11, development for the following purposes is required to be referred to the RTA:

“...(c) the erection of a building for the purposes of shops and commercial premises where the gross floor area of the building is or exceeds 4 000 square metres or the enlargement or extension of a building used for the purposes of shops and commercial premises where the gross floor area of that enlargement or extension is or exceeds 4 000 square metres,

(d) the erection of a building for the purposes of commercial premises where the gross floor area of the building is or exceeds 10 000 square metres or the enlargement or extension of a building used for the purposes of commercial premises where the gross floor area of that enlargement or extension is or exceeds 10 000 square metres,”.

4.0 Outline of Concept

The subject development proposes the redevelopment of the area known as Darling Walk (refer to **Figure 10**), for business uses comprising office space, complementary retail servicing patrons working in and visiting the precinct and upgrades to the public domain area.



Figure 10 – Aerial view of Darling Walk

The vision for the redevelopment of Darling Walk is to create a world class, environmentally sustainable development that will increase Darling Harbour's working population as well as expanding leisure and retail opportunities for visitors and workers.

The proposed principle use of the site is a commercial office development with complimentary retail servicing people working and visiting the precinct. The development is aiming to increase the working population of the precinct as well as provide expanded leisure and retail facilities for visitors.

There will be significant passive and active public domain improvements and the project is seeking to retain the sites relevance as a family/children's venue by enhancing links to Tumbalong Park and the Children's Playground.

The Concept Plan for Darling Walk will address the broad parameters of the proposed redevelopment and focus principally on height and envelope controls and urban design principles.

The Concept Plan will:

- provide a vision for the site;
- outline the key urban design objectives for the site; and
- give direction to project proponents regarding acceptable development of the site.

The Concept Plan will include:

- General principles;
- Site specific design guidelines;
- Built form objectives and requirements; and
- Public domain objectives and requirements.

The proposed building heights are based on the outcomes of the Cox Richardson Urban Design Guidelines November 2006.

The study recommendations are based on an assessment of the:

- Urban context;
- Urban design principles;
- Built form of surrounding development;
- Surrounding infrastructure; and
- Overshadowing and Solar Access.

Key Design Parameters

The key design parameters of the Concept Plan are:

- **Land use** – business uses comprising office and complimentary retail and a range of related uses including tourist facilities, public amenities, health/ medical facilities. Residential, industrial and large commercial storage facilities are specifically excluded uses.
- **Gross Floor Area** – indicative GFA of 64,000m², comprising approximately 59,000m² of commercial space and 5,000m² of retail and other uses.
- **Building Height Envelope** – an indicative building height envelope of approximately 37.3m is proposed, with the perimeter sections fronting Tumbalong Park and the Chinese Garden of Friendship set to a lower height limit with the upper storeys setback. (refer to **Figure 11**).



Figure 11 – Indicative Building Height envelope

Note: the height of the existing building, measured to the base of the central cone is RL 25m, and measured at the top of the cone is RL 45m.

The proposed building heights and envelope will be refined during the tender process and preparation of project approvals.

- **Public Domain** – improvements to the public spaces to generally enhance Darling Harbour South. Improvements to the public domain in the Zone of Influence (refer to **Figure 2**) including interactive water feature/pond, Children's Playground, pedestrian bridges and information/security office.
- **Building Footprints** – as illustrated in **Figure 12**.
- **Parking** – basement car parking is to be provided on site and is not proposed to exceed 800 spaces. Approximately 200 car parking spaces are to service the commercial office space and up to 600 commercially operated public car parking spaces.
- **Vehicle access** – the primary access points will be via a slip road off Harbour Street only.
- **Pedestrian through site links** – enhancement of north – south linkages for pedestrians from Cockle Bay through to the Chinese Garden and Harbour/Liverpool Streets. Enhancement of the pedestrian link from the CBD to Pyrmont through the northern end of the site (refer to **Figure 12**).

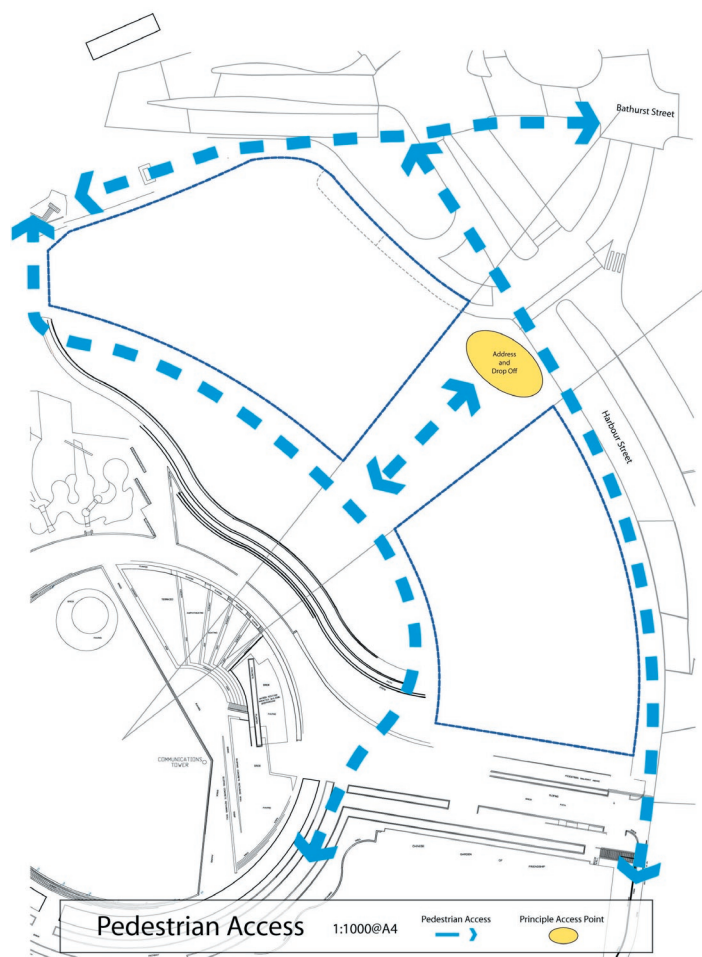


Figure 12– Site access image to be included

4.1 Capital Investment Value

The capital investment value of the development is estimated to be approximately \$350 million

5.0 Preliminary Environmental Considerations

The information below has been prepared to assist the Director General in identifying the general requirements and key environmental issues associated with the project.

5.1 Compliance with Statutory Plans

The proposed development is permissible under DHDP and is consistent with its objectives and controls. There are no FSR or height controls applying to the site.

5.2 Metropolitan Strategy

The Metropolitan Strategy seeks to consolidate 'Global Sydney' as the centre for national and international business, a recreation and entertainment destination for the Sydney region and national and international destination for tourism.

The strategy has also set targets to supply an additional 6.8 million m² of commercial floorspace across Sydney and increase jobs in key strategic centres by 236,000. Specifically the Strategy is seeking to increase employment in Sydney City by 50,000 jobs, which will require approximately an additional 1-1.3 million m² of commercial/retail floorspace.

The redevelopment of Darling Walk represents an opportunity to provide large floor plate commercial office space on the western fringe of the CBD and contribute to the city's future supply of commercial floorspace. Opportunities to provide a large development site in this area of the city are limited due to existing development patterns and planning controls.

5.3 Site Suitability

The site is unzoned, but subject to the development controls contained in the DHDP. The proposal seeks to redevelop the precinct for commercial and retail uses which are permissible under the DHDP.

The proposed development is a response to the changing nature of the entertainment and recreation market and the evolving character of Darling Harbour and seeks to provide a contemporary commercial and retail development that adds to the Darling Harbour experience and connects Darling Harbour South to the CBD.

5.4 Built From

The key issues associated with the built form for the site will be:

- Density;
- Height;
- Floorspace;
- Shadows to the public domain;
- How the built form relates to the CBD;
- Relationship of the built form to the public domain; and
- Visual impacts and opportunities for improved view corridors.

The building footprint is consistent with the existing development. The proposed heights and setbacks are consistent with the recommendations of the urban design study and are compatible with surrounding development.

5.5 Public Domain and Streetscape

The site's current building effectively creates a barrier between Darling Harbour and the CBD. There is a need to reinvigorate the Harbour Street streetscape and establish an address to Darling Harbour on Harbour Street. A key outcome of the proposed redevelopment will be the creation of a new, vibrant public domain for the site.

There is a challenge in balancing future worker aspirations for the public domain, and visitor and family aspirations for the public domain within the Zone of Influence.

The proposed public domain improvements will be designed and addressed in more detail as part of a future Project Application. Future public domain works will be required to demonstrate that:

- they are sympathetic to the quality of the existing public domain;
- provide improved connections to all existing pedestrian paths and public spaces;
- provide direct access from the new development to existing open spaces;
- provide an upgraded lake/water body;
- consider opportunities to integrate a new playground experience within the zone of influence;
- the public domain will be safe at night and times during low usage;
- materials and elements are compatible and complement elements in the existing public domain;
- public art is integrated into the landscape; and
- landscaping and trees will:
 - create a quality urban park environment consistent and compatible with Tumbalong Park and Palm Grove;
 - screen and highlight views and vistas;
 - articulate entry and egress points such as pedestrian circulation areas; and
 - ameliorate environmental conditions.

5.6 Traffic and Access

A preliminary assessment of the traffic and parking implications of the development envisaged for Darling Walk has been undertaken by Transport and Traffic Planning Associates to estimate the impacts of traffic generation on the performance of the existing road network.

The assessment identified:

- The existing road network servicing the site;
- The existing traffic controls applying to the road system in the vicinity of the site;
- The prevailing traffic conditions based on traffic survey's;
- The proximity of public transport services to the site (refer to **Figure 13**); and
- The pedestrian links to the site.

Assessment of the traffic, parking and transportation aspects of the proposed development concluded that:

- The traffic movements generated by the development could be accommodated on the road system without any unsatisfactory capacity or safety impacts;
- There are a range of public transport services within easy walking distance of the site that would accommodate additional demand; and
- The potential pedestrian links to and through the precinct connecting the CBD and Darling Harbour would adequately accommodate pedestrian demands.

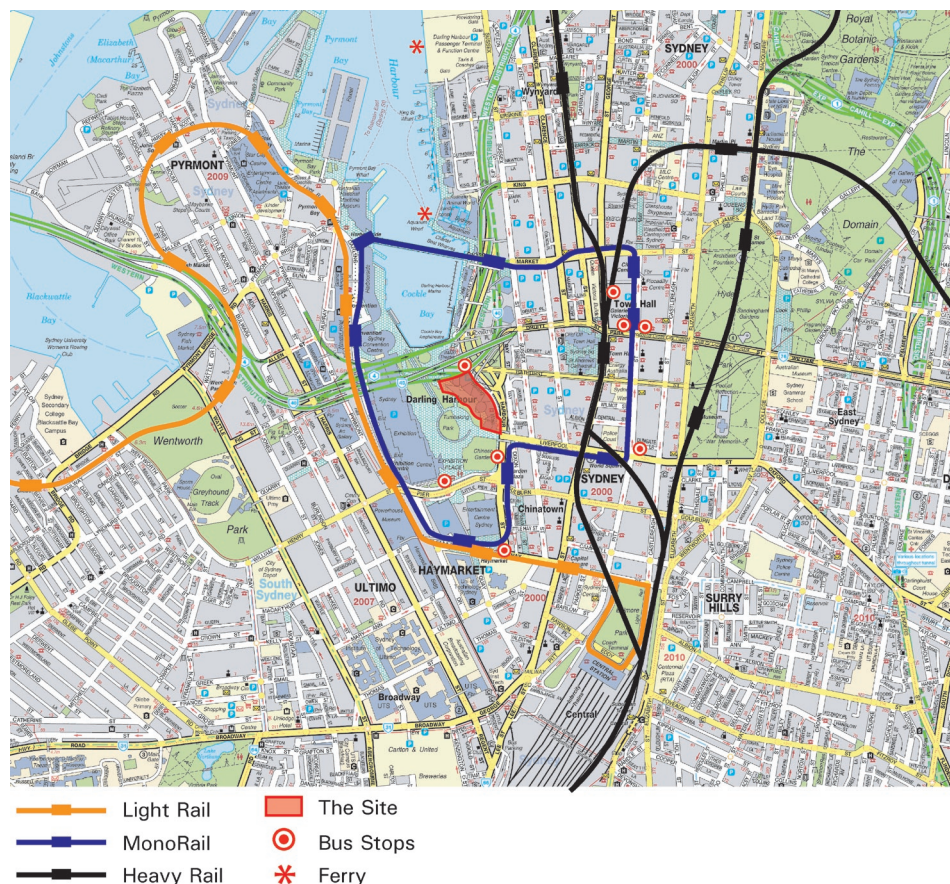


Figure 13– Public Transport services

5.7 Views of Councils/Agencies

The Department of Planning has been consulted on Darling Walk in conjunction with the preparation of background studies supporting the proposed Darling Harbour Environmental Planning Instrument.

The RTA has been consulted on the site ingress and egress on a preliminary basis.

6.0 Conclusion

The proposed redevelopment of Darling Walk is permissible and consistent with the objectives and controls of the planning instruments that apply to the site.

Darling Walk is one of the few sites in Darling Harbour South that has become available for redevelopment and reinvigoration in recent years. The Foreshore Authority proposes to redevelop Darling Walk into a commercial and retail precinct.

As limited planning guidelines are available the Foreshore Authority is seeking approval for a Concept Plan for the site to provide certainty to the market, whilst the Tender program for the redevelopment site is conducted.

It is intended the Concept Plan for Darling Walk will only address the broad parameters of the proposed redevelopment and focus principally on height and floorspace controls and urban design principles.

In summary, the key issues associated with the project include:

- Built form;
- Public domain and streetscape works; and
- Traffic and access.

It is intended that a separate project application(s) will be sought for the demolition of the existing buildings and construction of a new office and retail development and car park. Such an application would address the detailed design, construction and operational aspects of the development.

The information contained in this outline and preliminary assessment is to assist the Director General in determining the level and scope of an environmental assessment for the lodgement of a Concept Plan application under Part 3A of the EP&A Act.

Having regard to the above and in accordance with provisions in Part 3A of the EP&A Act, we request that the Director General issue the environmental assessment requirements for the development proposal.

Letter from Department of Planning



NSW GOVERNMENT
Department of Planning

900Z MAY 2 0

Contact: Josephine Wing
Phone: (02) 9228 6528
Fax: (02) 9228 6540
E-mail: Josephine.wing@planning.nsw.gov.au

Our ref: MP 05_0054
Your ref:
File: 9041971

Sydney Harbour Foreshore Authority
c/o Sara Roach
JBA Planning
Level 2, 97 Pacific Hwy
North Sydney NSW 2060

Dear Ms Roach,

Subject: MP 06_0054 Major Development Application- Redevelopment of Darling Walk, Darling Harbour

I refer to your letter dated 18 January 2006 in which you requested confirmation that your proposal is a Major Project to which Part 3A of the *Environmental Planning and Assessment Act, 1979* (the Act) applies.

I am writing to advise you that the Director General, as a delegate of the Minister, formed the opinion on 19 April 2006 that your proposal is a Project and that Part 3A of the Act applies. Consequently, you may now apply for the approval of the Minister to carry out this Project.

In seeking the Minister's approval, Section 75E of the Act requires you to lodge an application for your Project with the Director General. The application you will lodge with the Director General for the Project must include a completed Application Form, a Preliminary Assessment based on the information contained in this Schedule, and the correct fee. I have enclosed an Application Form with this letter, along with a schedule that identifies what information should be addressed in the Preliminary Assessment and the fees to be paid.

In your letter, you indicated that you would submit a Concept Plan for this Project. The Minister will consider your request to submit a Concept Plan after you lodge your application. Please ensure that your application clearly states your intention to submit a Concept Plan and that your Preliminary Assessment addresses all the information concerning Concept Plans in the attached schedule. Once your application has been accepted by the Director General, I will advise you of the Minister's decision to authorise a Concept Plan.

If you have any questions concerning any of the above matters or information required for the Preliminary Assessment, you should contact Josephine Wing during normal business hours on the phone number 9228 6528 or via e-mail to Josephine.wing@planning.nsw.gov.au.

Yours sincerely

Heather Warton
Director
Urban Assessments

Schedule – Information required at lodgement

Application form	You must complete in full the Application for a Major Project form enclosed.
Preliminary Assessment – Purpose	<p>The purpose of the Preliminary Assessment is to assist the preparation of the Director General's Environmental Assessment Requirements.</p> <p>The purpose of the Preliminary Assessment is to culminate in a summary of the "Key Issues". Key Issues are those matters that if not addressed satisfactorily may lead to refusal of the project.</p>
Preliminary Assessment – Identifying Key Issues	<p>"Key Issues" will emerge from:</p> <ul style="list-style-type: none"> (a) the proponent's consultation with all relevant agencies and groups, and (b) from the proponent's assessment of the proposed project against applicable environmental planning instruments, policies, guidelines and other relevant planning documents. <p>"Key issues" could include, but may not be limited to:</p> <ul style="list-style-type: none"> (a) non-compliances with known relevant planning controls; (b) known community concerns about the development proposed; (c) potential environmental impacts associated with construction, operation, or occupation of a project; (d) likely environmental risks; (e) constraints arising from the peculiarities of a project site. <p>"Key Issues" should not include those aspects of a proposed project that comply with known planning controls; where there are no community concerns or where there are no other contentious matters.</p>
Preliminary Assessment – Information to be addressed	<p>The Preliminary Assessment should include:</p> <ul style="list-style-type: none"> (a) a written and graphical description of the project and any ancillary components, including relevant preliminary plans; (b) the location(s) and a map identifying the site(s)/alignment/corridor; (c) the planning provisions applying to the site and whether the project is permitted under the prevailing EPIs, DCPs, policies, etc, and if the project is inconsistent with such instruments/plans/policies; (d) the views of the other agencies, local council and/or the community if known; (e) an identification of any study or investigations undertaken for the preparation of the Metro Strategy or other regional or local strategies that may affect the Project;
Application Fee	\$1000.00, based on set fee for lodgement of a MP application. Outstanding fee's (to be determined) are to be paid at the lodgement of the Environmental Assessment.
Copies of Documentation	10 copies of all documentation lodged (including plans)
Electronic Version of Documents	<p>1 CD in Rich Text Format of all documentation lodged, and 1 CD in PDF format of all documentation lodged, and All plans should be in PDF format.</p> <p>Note: In the event that the documentation exceeds 5 Megabytes, you should contact the liaison officer prior to lodgement. Please be aware that you may be required to prepare a website for your Project.</p>

Acceptance of Application	The Director General will not accept your application until such time as you complete all the information required by this schedule, the accompanying fee, and a completed application form
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