

**APPENDIX A. MODIFICATIONS TO CONCEPT PLAN**

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**ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979**

**DETERMINATION OF THE PARKLANDS (CHANNEL SEVEN) CONCEPT PLAN (MPA No. 05\_0086)**

**(File No. 9039153)**

I, the Minister for Planning, pursuant to Section 75O of the *Environmental Planning & Assessment Act, 1979*, determine The Parklands (Channel Seven) Concept Plan (MPA No. 05\_0086) referred to in the attached Schedule 1, by **granting approval** subject to the modifications in the attached Schedule 2.

The reasons for modifications are:

- (1) To encourage good urban design and a high standard of architecture
- (2) To adequately mitigate the environmental impact of the development.
- (3) To maintain the amenity of the local area.

Frank Sartor MP  
**Minister for Planning**

Sydney,

2006

## SCHEDULE 1

### PART A — TABLE

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|--|---|
| <b>Application made by:</b>              | Sydney Broadcast Property Pty. Ltd.   |
| <b>Application made to:</b>              | Minister for Planning   |
| <b>On land comprising:</b>               | Lots 1 & 2 DP732070, Lot 2 DP582172, Lots 1 & 2 DP570891, and Lot 4 DP219907 at 61 Mobbs Lane, EPPING.                        |
| <b>Local Government Area</b>             | Parramatta City   |
| <b>For the carrying out of:</b>          | A detailed description of the proposal approved to is described in Modification A1, Part A, Schedule 2                        |
| <b>Capital Investment Value</b>          | \$ 160 million (approximately)  |
| <b>Type of development:</b>              | Concept approval under Part 3A of the EP&A Act  |
| <b>Determination made on:</b>            | 22 August 2006  |
| <b>Determination:</b>                    | Concept approval is granted subject to the modifications in the attached Schedule 2.  |
| <b>Date of commencement of approval:</b> | This approval commences on the date of the Minister's approval.   |
| <b>Date approval is liable to lapse</b>  | 5 years from the date of determination unless specified action has been taken in accordance with Section 75Y of the EP&A Act. |

### DEFINITIONS

In this approval the following definitions apply:

**Act** means the Environmental Planning and Assessment Act, 1979 (as amended).

**BCA** means the Building Code of Australia.

**Channel Seven Site** has the same meaning as the land identified in Part A of this schedule

**Council** means Parramatta City Council.

**Department** means the Department of Planning or its successors.

**Director General** means the Director General of the Department of Planning

**Minister** means the Minister for Planning.

**Project** means development that is declared under Section 75B of the Act to be a project to which Part 3A of the Act applies.

**Proponent** means the person proposing the carry out of development comprising all or any part of the project, and includes persons certified by the Minister to be the proponent.

**Regulations** means the Environmental Planning and Assessment Regulations, 2000 (as amended).

**RTA** means the Roads and Traffic Authority.

**The Parklands (Channel Seven) Concept Plan 2005** means the project described in Schedule 2, Part A, Modification A1 and the accompanying plans and documentation described in Schedule 2, Part A, Modification A2.

## SCHEDULE 2

### MODIFICATIONS TO THE PARKLANDS (CHANNEL SEVEN) CONCEPT PLAN

#### CONCEPT PLAN No 05\_0086

#### PART A – ADMINISTRATIVE MODIFICATIONS

##### **A1. Development Description**

Concept approval is granted only to the carrying out the development solely within the concept plan area as described in the document titled “*The Parklands, 61 Mobbs Lane, Epping – Preferred Project Report*” prepared by Architectus (dated May 2006) including the following modifications:

- (1) Up to 650 dwellings;
- (2) Up to 80, 000 m<sup>2</sup> maximum gross floor area (representing a floor space ratio of 0.89:1 over the entire Channel Seven site and including any terraces and balconies to be calculated as part of floor area or gross floor area);
- (3) Up to 96,000 m<sup>2</sup> total envelope area (including any terraces and balconies to be calculated as part of floor area or gross floor area and all building inefficiencies comprising, but not limited to, building entrances, foyers, lobbies, stair and lift voids, underground services and car parking, plant and machinery, and communal recreation areas);
- (4) No more than 73 dwellings per hectare on land;
- (5) A maximum height number of 6 storeys and height distribution in accordance with figure 8.9 of the preferred project report dated May 2006 (note 7 storey buildings are not permitted on this site).
- (6) The development must provide a minimum of 5% one-bedroom dwellings;
- (7) The development must not exceed 15% provision of 3-bedroom+study dwellings;
- (8) Landscaped public open space (no less than 3.1 hectares) and private open space;
- (9) Associated services and infrastructure;
- (10) Land use distribution, building heights, densities, dwelling mixes and types; and
- (11) Strata and torrens title subdivision

subject to compliance with the modifications of this approval.

##### **A2. Development in Accordance with Plans and Documentation**

The development shall also be generally consistent with the following plans and documentation:

- (1) “*The Parklands, 61 Mobbs Lane, Epping – Preferred Project Report – Appendices*” produced by Architectus (May 2006).

Except for otherwise provided by the plans and documentation described in Modification 1, Schedule 2 and the Department’s modifications of approval as set out in Schedule 2, and the proponent’s statement of commitments.

##### **A3. Inconsistency Between Plans and Documentation**

- (1) In the event of any inconsistency between the plans and documentation described in Modifications A1 and A2, Schedule 2 the plans and documentation described in Modification A1, Schedule 2 prevail.

- (2) In the event of any inconsistency between the modifications of this concept approval and the plans and documentation described in Modifications 1 and 2, Schedule 2 the modifications of this concept approval prevail.

**A4. *Lapsing of Approval***

Approval of The Parklands (Channel Seven) Concept Plan shall lapse 5 years after the determination date in Part A of Schedule 1 unless an application is submitted to carry out a project or development for which concept approval has been given.

**A5. *Determination of Future Applications***

The determination of future applications for development is to be generally consistent with the terms of approval of Concept Plan No. 05\_0086 as described in Part A of Schedule 1 and subject to the modifications of approval set out in Parts A and B of Schedule 2.

**PART B – DEPARTMENT OF PLANNING’S MODIFICATIONS**

**B1. *Development Control***

Any significant departure from Modifications A1 and A2, Part A, Schedule 2 will require lodgement of further detailed plans and documentation to the Department addressing, and where required revising, the internal road network and associated development envelopes to reflect and extend the surrounding street pattern.

Any revised plans and documentation will provide (but not be limited to):

- (1) An urban design strategy, including detailed analysis of the physical, environmental, social, cultural and economic aspects of the site informing opportunities and constraints, resulting in an agreed urban design outcome.
- (2) An analysis of existing buildings, including building height and footprints, significant vegetation, surrounding street and block pattern, existing delineation of public and private open space, topography and view corridors.
- (3) An appropriate street pattern, built form, building height, open space, view corridors, density, vegetation strategy, entry points, detention basin, car parking and traffic management and road hierarchy.

The timing, format and content of further detailed plans and documentation to be lodged in respect of Modification B1, Part A, Schedule 2 will be agreed and approved by the Department, in consultation with Council and other agencies, where appropriate.

The Director General will determine whether a future application for development constitutes a significant departure from this approval. A significant departure will require submission and approval of a new concept plan proposal.

**B2. *Technical Audit***

The proponent will undertake a technical audit to ensure absolute consistency between the plans and documentation set out at Modification A2, Part A, Schedule 2 within three months of the determination date in Part A of Schedule 1 of Concept Plan No. 05\_0086, or as otherwise determined by the Director General, to provide consistency between the plans and documentation, to the satisfaction of the Department, in consultation with Council where appropriate.

**B3. *Community Consultation***

A detailed programme for community consultation will be formalised by the proponent and agreed by the Department in consultation with Council where appropriate within three months after the

determination date in Part A of Schedule 1 of Concept Plan No. 05\_0086, or as otherwise determined by the Director General, to the satisfaction of the Department, in consultation with Council and local stakeholders where appropriate.

#### **B4. Transport and Access**

**B4.1** The proponent will submit further detailed plans and documentation addressing the following issues within three months of the determination date in Part A of Schedule 1 of Concept Plan No. 05\_0086, or as otherwise determined by the Director General, to the satisfaction of the Department, in consultation with Council and other agencies where appropriate.

- (1) Traffic volumes generated by the potential child care centre.
- (2) Approach and departure routes of traffic travelling to and from the site.
- (3) Maximising ingress to and egress from the site via Mobbs Lane.
- (4) Signalised intersections at the junction of Mobbs Lane and Midson Road.
- (5) Signalised intersections at the junction of Mobbs Lane and Marsden Road.
- (6) Roundabout on Mobbs Lane adjacent to the Brickworks site.
- (7) Public transport accessibility.
- (8) Permeability for pedestrians.
- (9) Accessibility for cyclists.

The proponent will implement appropriate measures to address the above issues to the satisfaction of the Department, in consultation with Council and other agencies where appropriate.

**B4.2** Prior to the lodgement of an initial application for development on the subject site the proponent will implement the recommendations and modifications in set out in Sydney Regional Advisory Committees letter to the Department dated 24 January 2006 to the satisfaction of the Department, in consultation with Council and other agencies where appropriate.

**B4.3** The proponent will submit further documentation and plans in support of future applications for development on the subject site which provide detailed design of road cross sections, intersection of geometry and manoeuvrability of service vehicles to the satisfaction of the Department, in consultation with Council and other agencies where appropriate.

#### **B5. Planning Agreements**

A planning agreement and/or development contributions framework shall be prepared and executed within three months of the determination date in Part A of Schedule 1 of Concept Plan No. 05\_0086, or as otherwise determined by the Director General.

The planning agreement and/or development contributions framework shall nominate the proponent, Council and other agencies (as relevant) as the affected parties and will be agreed to by the Department, in consultation with Council and other agencies where appropriate.

The planning agreement and/or development contributions framework shall address (but not be limited to) the provision and procurement of:

- (1) Community facilities - including demand for, size, and location of a childcare centre.
- (2) Public open space – including design, tenure, and management.
- (3) Traffic calming measures – including design, tenure, and management.

- (4) Utilities infrastructure - including demand, capacity, and location of an electricity zone substation.

**B6. Child Care Centre**

The final location of the proposed child care centre referred to in “*The Parklands, 61 Mobbs Lane, Epping – Preferred Project Report*”, and modification B5 above, is to be determined through the Planning Agreement that will be entered into between the proponent, the Council, and any other agencies as appropriate.

The final location of the child care centre, whether on or off site, shall be subject to the approval of the Director General prior to the execution of the Planning Agreement.

**B7. Staging Plan**

Prior to the lodgement of an initial application for residential development on the subject site a detailed staging plan showing:

- (1) dwelling numbers;
- (2) gross floor areas and total envelope area;
- (3) unit type, and
- (4) dwelling mix.

The staging plan will be formalised by the proponent and agreed by the Department, in consultation with Council, and other agencies where appropriate and implemented by the proponent to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate.

**B8. Contamination Investigation**

Prior to the lodgement of an initial application for development 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).

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

Prior to the lodgement of an initial application for 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 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.

**B10. Aboriginal Archaeological and Archaeological Investigation**

Future applications for 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).

**B11. Geotechnical Investigation**

Future applications for 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).

**B12. Sub Consultant Reports**

The proponent will implement all the recommendations set out within "*The Parklands, 61 Mobbs Lane, Epping – Preferred Project Report – Appendices*" produced by Architectus (May 2006) in any future applications for development on the subject site to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate. Each report may require updating as determined by the Department or Council.

(Note: Under Modification A3, in the event of any inconsistency between the recommendations of any sub-consultant report, and the requirement of these modifications, then the modifications shall prevail).

**B13. Stormwater Modelling**

Prior to the issuance of certificates of occupancy for any building on the site, the proponent will provide detailed hydrological, hydraulic, water balance and water quality modelling in accordance with the NSW Department of Conservation Guidelines – "*Managing Urban Streams and Urban Stormwater: Treatment Techniques*" to the satisfaction of the Department, in consultation with Council, and other agencies where appropriate.

**B14. Stormwater Management**

Prior to the issuance of certificates of construction, the proponent shall prepare and submit plans and relevant documentation to the Department for approval demonstrating compliance with, or evidence of the following matters:

- (1) The open drainage channel through the site (north-western side) from Grimes Lane is required to be preserved in order to maintain stormwater drainage discharge from upstream catchments (e.g: First Avenue, Second Avenue, etc);
- (2) The upstream catchment run off can be safely managed and conveyed through the site from the north and north-eastern side of the Channel Seven site;
- (3) Any proposed detention storage strategy will demonstrate zero increase in flooding or stormwater flows;
- (4) Any proposed detention storage strategy will result in significantly reduced frequencies of inundation;

- (5) All piped drainage infrastructure located on the site is designed to convey 20 year ARI flows generated on the site;
- (6) Provision of stormwater pipes under mobs lane to discharge site run off (off the site) to nearby Terry's Creek;
- (7) Installation of Pollution Control Devices (PCD's) along various drainage outlets discharging runoff from the developed site; and
- (8) Rehabilitation of existing drainage outlets and the open drainage channel.

In undertaking the above the proponent shall take into consideration the following:

- (1) Any relocation or adjustment of existing stormwater infrastructure is to be undertaken at the proponent's expense and subject to the requirements of Council.
- (2) The proponent is to enter into a suitable Deed of Agreement with the Council relating to stormwater infrastructure which provides Council with rights of access and protects Council's interests.

**B15. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

Future applications for development on the subject site shall be in accordance with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 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.