

APPENDIX G. ENVIRONMENTAL PLANNING INSTRUMENTS CONSIDERATION

State Environmental Planning Policy (Major Projects) 2005

State Environmental Planning Policy (Major Projects) 2005 outlines the types of development declared to be a Major Project for the purposes of Part 3A of the Act.

For the purposes of the SEPP certain forms of development may be considered a Major Project if the Minister (or his delegate) forms the opinion that the development meets criteria within the SEPP.

On 6 September 2005, the Minister for Planning endorsed a submission which recommended that the Channel Seven site be considered for inclusion within Schedule 3 of the Major Projects SEPP as a potential State significant site. The submission referred to the development proposed under the concept plan and advised the Minister that the Channel Seven redevelopment was of a kind described in Schedule 1, Group 5, Clause 13 of the SEPP, namely:

“Development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines are important in achieving State or regional planning objectives”.

As the capital investment value of Channel Seven redevelopment is in the order of \$160 million and therefore exceeded the \$50 million criteria the Minister agreed that the development was a Major Project. In doing so the Minister satisfied himself that the development was important in achieving State or regional planning objectives on the basis the proposal would:

- contribute to renewal of existing areas under the Metropolitan Strategy;
- be accessible to regional transport corridors and access routes, and be a desirable residential location in close proximity to employment areas such as Macquarie Park;
- contribute to Metropolitan Strategy objectives of social mix by providing greater/better housing mix, dwelling size, and capacity to contribute to State strategies for affordable housing;
- be an efficient utilisation of land; and
- support major public infrastructure providing an opportunity to support major public infrastructure specifically the Chatswood-Epping rail link.

On 6 September 2005, the Minister agreed to consider the Channel Seven site as a potential State significant site for listing in Schedule 3 of Major Projects SEPP. Following submission by the proponent of a study justifying the requested SEPP listing, the Department undertook the required exhibition and merit assessment of the rezoning. The Department also satisfied the requirements of Sections 37-39 of the EP & A Act concerning the making of State policies.

In early August 2006 State Environmental Planning Policy (Major Projects) 2006 (Amendment No. 6) was gazetted which amended the Major Projects SEPP by listing the Channel Seven site as a State significant site in Schedule 3 of that Policy. The gazetted provisions provide for residential and open space development, as well as broad development controls relating to density, height and built form.

Clause 5(1) provides that development on the site exceeding a capital investment value of \$5 million is subject to Part 3A of the EP & A Act and the Minister is the approval authority.

Pursuant to Section 36(1)(a) of the EP & A Act, the provisions within the Major Projects SEPP as they apply to the Channel Seven site prevail over the provisions of the Parramatta LEP. Accordingly, the proposed development is permissible and the Minister is the approval authority.

The Department has considered the provisions within the SEPP and has concluded that Concept Plan proposes uses that are consistent with the objectives in the General Residential Zone Public Recreation Zones. The preferred project report complies with the development controls with respect to height, density, dwelling yield and gross floor area as summarised in Table 1 below.

Table 1: Compliance with Major Projects SEPP (Amendment No. 6)

Provision	Proposal	Comment
10(2) Development for the purpose of a dwelling must not be carried out if it would result in: (a) an average density of more than 73 dwellings per hectare on the Channel 7 site, or	73 dwellings/hectare	Complies.
(b) there being more than 650 dwellings (whether of the same or different types) on the Channel 7 site, or	650 dwellings of various types including terraces, multi unit housing, and residential flat buildings	Complies.
(c) the total gross floor areas for dwellings within the Channel 7 site exceeding 80, 000 square metres.	79, 500 (excluding 15% floor space for balconies and only 8% for inefficiencies).	Complies however all potential balconies at 1.4m wall height are included in 80, 000m ² gross floor space and this factors 20% inefficiencies.

State Environmental Planning Policy 11 – Traffic Generating Developments (SEPP 11)

The main objectives of SEPP 11 are to ensure that the Traffic Authority is made aware of and is given an opportunity to make representations in respect of development set out in Schedules 1 and 2. The scale of development proposed exceeds several criteria within these schedules. The Roads and Traffic Authority (RTA) have been consulted accordingly. Their comments have been duly considered and their suggested conditions of approval have been incorporated into the modifications of the Concept Plan approval.

State Environmental Planning Policy 32 – Urban Consolidation (Redevelopment of Urban Land) (SEPP 32)

SEPP 32 aims to promote new housing in areas where there is existing public infrastructure, transport and community facilities, close to employment, leisure and other opportunities. The intent of the SEPP is to reduce the rate at which land is released for development on the fringe of existing urban areas. The objectives are to ensure that urban land suitable for multi-unit housing and related development is made available for development in a timely manner resulting in an increase in the availability and diversity of housing within a particular locality.

The Minister must consider whether urban land is no longer needed or used for the purposes for which it is currently zoned or used, whether it is suitable for redevelopment for multi unit housing and related development in accordance with the aims and objectives of the policy. The site is located within a well established urban area in close proximity to public transport infrastructure and other services and facilities. Its redevelopment accords in principle with the aims and objectives of this policy.

The policy sets out criteria for determining the regional significance of a site through the formulation of a Regional Environmental Plan (REP) pursuant to Division 3 of Part 3 of the Act. The Minister may consider a site as suitable for inclusion within an REP if he is satisfied that the redevelopment would contribute to urban consolidation. The nomination of the site in Schedule 3 of the Major Projects SEPP with appropriate land use controls is considered to achieve this aim.

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

SEPP 55 promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The proponent has submitted a phase 1 preliminary environmental site assessment which concludes that some low level contamination may exist in restricted areas of the site. The recommended modifications require that a full contaminated land survey be undertaken in accordance with SEPP 55 prior to the lodgement of an initial application on the site.

State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65)

SEPP 65 aims to improve the design quality of residential flat development. Part 2 sets out a number of design principles which should be adhered to. These include;

Principle 1: Context

Good design is a creative process which, when applied to towns and cities, results in the development of great urban places, buildings, streets, squares and parks.

The Concept Plan for the site has been prepared following a comprehensive contextual analysis of the site and its immediate context. The site is large enough to provide a transition from low density housing to higher density on the site. The Concept Plan provides for lower scale development on the fringes of the site rising to 6 storey buildings to the centre. In this sense, the buildings and their strategic siting as proposed, represent an appropriate response to the context. The proposed form of the buildings, ensure that the buildings fit the context and make a positive contribution to the quality and identity of the area.

Principle 2: Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.

Building form and heights have been sensitively located across the site having regard to the scale of development adjoining and adjacent the site. Courtyard houses are located on the eastern side of the site adjoining existing single dwellings. Residential flat buildings are well separated from single dwellings on nearby properties by parkland separation and low buildings at the site interface with existing residential. The Concept Plan provides a transition in scale to surrounding lower scaled buildings. The Concept Plan also provides for generous setbacks and uses the existing vegetation on the site to provide added visual absorption of the proposed development.

Principle 3: Built form

Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.

The Concept Plan provides buildings aligned to streets and the topography of the land. Built form is defined by building envelopes and will contribute to the character of the area and the public domain. The buildings will enhance the quality of the streetscape through their design while retaining the character of the surrounding area by adopting design influences from the era of the surrounding development. Further design details will be developed for future Major Project/Development Applications for individual buildings.

Principle 4: Density

Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).

The proposed density is appropriate for the site which lies in close proximity to two train stations and served by a wide range of services. The proposed development will perform adequately in terms of traffic impacts and the surrounding residential amenity. The proposal assists in achieving State Government Policy in respect of urban consolidation.

Principle 5: Resource, energy and water efficiency

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.

The layout and design of building footprints and the proposed landscape works combine to achieve a high level of energy efficiency. The proponent has also undertaken a water sensitive urban design strategy. The Concept Plan will also be modified to include BASIX to be assessed for future Major Project/Development Applications.

Principle 6: Landscape

Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

The location of the building envelopes will enable the design of the future buildings to respond to the natural constraints of the site. The preliminary and required landscape plan(s) represents an integrated landscaping solution to the site, incorporating perimeter planting with a range of plant types to soften the visual impact of the built form. Overall the proposed landscaping solution and retention of existing established vegetation contributes to the positive image and contextual fit of the development.

Principle 7: Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development.

The issues of architectural design are yet to be addressed. However, the Concept Plan is capable of providing amenity through good design considering physical, spatial and environmental quality during major application stage of the proposal. The proponent has committed to ensuring compliance with this principle. Amenity will be further assessed at future applications.

Principle 8: Safety and security

Good design optimises safety and security, both internal to the development and for the public domain.

Safety and security will be considered during detailed design in subsequent applications. The Concept Plan commits to providing well defined and identifiable pedestrian entries, casual surveillance of the surrounds through orientation of balconies living areas and windows.

Principle 9: Social dimensions

Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities.

The proposed buildings respond to the social context of the area by providing increased housing choice close to a wide range of social and economic facilities in the area. The proposal will also enable better pedestrian connections for the local pedestrian network by links through the site via Grimes Lane walk and Mobbs Lane footpath/cycleway.

Principle 10: Aesthetics

Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The proponent has taken the principles of this policy into account when designing the development. The modifications of the approval within the instrument of approval together with the proponent's statement of commitments provide an obligation to develop the site in accordance with SEPP 65.

State Environmental Planning Policy (Building Sustainable Development Index: BASIX) (BASIX SEPP)

Regulations under the Act have established a scheme to encourage sustainable residential development (the BASIX scheme) to ensure consistency in the State wide implementation of the BASIX scheme. The proponent has endorsed these general principles and has agreed to future compliance with the BASIX SEPP. The modification of the Concept Plan will require that all future applications be subject to BASIX SEPP requirements.

Parramatta Local Environmental Plan 2001

The Parramatta Local Environmental Plan 2001 (Parramatta LEP) zones the site Special Uses 5(a) (Television Station), which prohibits residential and open space development. However, as discussed above the proposal is permissible development by virtue of the provisions within the EP & A Act and Schedule 3 of the Major Projects SEPP.

Regional Strategies

Sydney Metropolitan Strategy Discussion Paper (December 2004)

The Discussion Paper outlines a number of “Directions” which identifies visions, challenges, directions, priorities, actions and ideas for growth and change in Sydney over the next 30 years. Directions 1 (Plan for Balanced Growth within Natural Resource Constraints), 5 (Renew Existing Areas) and 7 (Connect Centres with the Transport Network) appear most relevant:

Direction 1 states that in Sydney, policies will provide for 60 to 70 percent of housing development to take place in established areas and 30 to 40 percent in identified greenfield “growth centres” over the next 25 to 30 years. Redevelopment of this site for residential development should be encouraged to ensure an appropriate mix and density of development is adopted and any environmental impacts arising from the Concept Plan proposal can be adequately mitigated.

Direction 5 states that new housing should be located in existing areas, focused in centres and corridors, be well planned and designed with access to good public transport, services, parks and recreation. Redevelopment within existing residential areas creates opportunities to provide greater mix of housing and choice to buy or rent at a range of prices. The site is located within an established urban area in close proximity to Epping shopping centre and has good access to existing public transport corridors. The Concept Plan provides a mix of housing types, open space, recreation and community facilities and associated infrastructure.

Direction 7 states that the Government is seeking to build upon the comprehensive transport network that connects centres where jobs, services and people are located. The site is considered to be well served by public transport. The site lies within close proximity to Epping and Eastwood train stations. Buses also connect the site to these rail services. It is considered that the proposal is appropriately situated to take advantage of the existing public transport.

City of Cities – A Plan for Sydney’s Future (December 2005)

This document is the final component of the Metropolitan Strategy and identifies subject areas or strategies. Of particular relevance to the Concept Plan is “housing” and “transport” strategies. The housing strategy seeks to ensure that the supply of appropriate and well located housing will be provided to meet the needs of the increasing and diversifying population. The proposed development will provide greater housing supply and choice to community and will encourage policies, particularly those which seek to encourage urban consolidation.

The West Central region (including Parramatta LGA) is anticipated to provide 95,000 additional dwellings in existing areas within the next 25 years. The residential component of the Concept Plan proposal will make a useful contribution towards achieving this target.

The transport strategy aims to encourage rail and bus networks to connect centres by fast, frequent and direct rail services connecting centres across the City. The site is considered to be well served by public transport. The site lies within close proximity of Epping and Eastwood train stations. Buses also connect the site to these rail services. It is considered that the proposal is appropriately situated to take advantage of the existing public transport.

OTHER ACTS AND APPROVALS

Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1997

The EPBC Act commenced on 16 July 2000. The EPBC Act includes the assessment and approvals system for actions that have a significant impact on:

- Matters of National Environmental Significance (NES); and
- The environment on Commonwealth land.

Should an action be determined to likely have a significant impact, an approval from the Commonwealth Minister for the Environment and Heritage is required.

The EPBC identifies seven matters of national environmental significance being:

1. World Heritage properties;
2. National Heritage places;
3. RAMSAR wetlands of international significance;
4. Nationally listed threatened species and ecological communities;
5. Listed migratory species;
6. Commonwealth marine areas; and
7. Nuclear actions.

The Environmental Assessment identified that no NES matters or Commonwealth land are likely to be impacted by the proposal and therefore an approval from the Commonwealth Minister is not required.