



New South Wales

Channel 7 Former Epping Site Protection Bill 2006

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to protect the Channel 7 Former site at Epping (*the site*):

- (a) by ensuring that Parramatta City Council (*the Council*) remains the consent authority for any application to carry out development on the site, and
- (b) by prohibiting the carrying out of excessive development on the site, and
- (c) by requiring community consultation in relation to the carrying out of development on the site.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 defines certain words and expressions used in the proposed Act.

Part 2 Parramatta City Council is consent authority

Clause 4 provides that the Council is the consent authority in relation to the carrying out of any development on the site.

Clause 5 prevents the making or operation of any declaration under the *Environmental Planning and Assessment Act 1979* that the carrying out of development on the site is a project to which Part 3A of that Act applies or that has the effect of making development on the site a project or part of a project to which Part 3A of that Act applies. Any such declaration that has been made or is made has no effect to the extent to which it applies to the site.

Part 3 Development of site requires consent

Clause 6 provides that development (other than exempt development) on the site cannot be carried out except with development consent under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Clause 7 provides that the Council must not consent to the carrying out of development on the site unless it has taken into consideration the concept plan prepared under proposed Part 4.

Part 4 Concept plan for site

Clause 8 requires the Council to prepare and implement a concept plan for the site.

Clause 9 requires the Council to consult with the Community Consultative Forum in preparing a concept plan.

Part 5 Community consultation

Clause 10 provides that the Council must not consent to the carrying out of development on the site unless it is satisfied that the local community has been properly informed of the proposed development. In particular, the Council must not consent to an application for development consent unless the development application has been publicly notified in accordance with the *Environmental Planning and Assessment Act 1979* as if it were advertised development and the Council has taken into account any objections received as part of that notification procedure.

Clause 11 makes it the duty of the Council to establish an effective procedure for community consultation concerning the management of land at the site reserved as public open space and the development of the concept plan for the site.

Clause 12 provides for the establishment of a Community Consultative Forum.

Part 6 Miscellaneous

Clause 13 provides that the proposed Act applies despite any provision of any other Act, or of any regulation or environmental planning instrument, and that nothing in the proposed Act prevents the making of an environmental planning instrument that imposes additional restrictions on development on the site or on the Council's ability to consent to such development.

Clause 14 provides for the making of regulations under the proposed Act.

Clause 15 repeals Part 4 (Channel 7 site) of Schedule 3 to *State Environmental Planning Policy (Major Projects) 2005* as a consequence of the operation of proposed section 5 (3).



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New South Wales

Channel 7 Former Epping Site Protection Bill 2006

No. , 2006

A Bill for

An Act to make Parramatta City Council the consent authority for any development on the site at Epping known as the former Channel 7 site, to prohibit excessive development on the site; and for other purposes.

Clause 1 Channel 7 Former Epping Site Protection Bill 2006

Part 1 Preliminary

The Legislature of New South Wales enacts: 1

Part 1 Preliminary 2

1 Name of Act 3

This Act is the *Channel 7 Former Epping Site Protection Act 2006*. 4

2 Commencement 5

This Act commences on the date of assent. 6

3 Definitions 7

(1) In this Act: 8

Community Consultative Forum means the Community Consultative Forum established under section 12. 9
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the Council means Parramatta City Council and includes any successor of Parramatta City Council. 11
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the site means the former Channel 7 site at Epping being Lots 1 and 2, DP 732070, Lot 2, DP 582172, Lots 1 and 2, DP 570891 and Lot 4, DP 219907, known as 61 Mobbs Lane, Epping. 13
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(2) Words and expressions that are used in this Act and that are defined in the *Environmental Planning and Assessment Act 1979* or the regulations under that Act have the same meaning as in that Act or those regulations. 16
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Part 2	Parramatta City Council is consent authority	1
4	Parramatta City Council is consent authority in relation to site	2
	The Council is the consent authority in relation to the carrying out of any development on the site.	3 4
5	Part 3A of EP&A Act does not apply to change consent authority	5
(1)	After this Act commences, a declaration must not be made under section 75B of the <i>Environmental Planning and Assessment Act 1979</i> :	6 7
(a)	that the carrying out of development on the site is a project to which Part 3A of that Act applies, or	8 9
(b)	that has the effect of making the carrying out of development on the site a project or part of a project to which Part 3A of that Act applies.	10 11 12
(2)	Any such declaration has no effect to the extent to which it applies to the site.	13 14
(3)	Any declaration under section 75B of the <i>Environmental Planning and Assessment Act 1979</i> that the carrying out of development on the site is a project to which Part 3A of that Act applies, or that has the effect of making the carrying out of development on the site a project or part of a project to which Part 3A of that Act applies, that was made before the commencement of this Act is revoked to the extent to which it applies to the site.	15 16 17 18 19 20 21

Clause 6 Channel 7 Former Epping Site Protection Bill 2006

Part 3 Development of site requires consent

Part 3	Development of site requires consent	1
6	All development of site requires consent	2
(1)	Development cannot be carried out on the site except with development consent under Part 4 of the <i>Environmental Planning and Assessment Act 1979</i> .	3 4 5
(2)	This section does not apply to any exempt development within the meaning of any environmental planning instrument that applies to the site.	6 7 8
7	Concept plan must be considered	9
	The Council must not consent to the carrying out of development on the site unless it has taken into consideration the concept plan prepared under Part 4.	10 11 12

Part 4	Concept plan for site	1
8	Council must prepare and implement a concept plan for site	2
	The Council must prepare and implement a concept plan for the site.	3
9	Consultation on concept plan	4
	In preparing a concept plan under this Part, the Council must consult with the Community Consultative Forum.	5
		6

Part 5	Community consultation	1
10	Informing the community of development applications	2
(1)	The Council must not consent to the carrying out of development on the site unless it is satisfied that the local community has been properly informed on the proposed development.	3 4 5
(2)	In particular, the Council must not consent to an application for development consent unless:	6 7
(a)	the development application has been publicly notified in the manner required for advertised development under the <i>Environmental Planning and Assessment Act 1979</i> , and	8 9 10
(b)	the Council has taken into account any objections received as part of that notification procedure.	11 12
11	Community consultation	13
	It is the duty of the Council to establish an effective procedure for community consultation concerning the development of a concept plan for the site under Part 4.	14 15 16
12	Community Consultative Forum	17
(1)	The procedure for community consultation is to include the establishment of a Community Consultative Forum.	18 19
(2)	The Community Consultative Forum is to consist of 6 residents of the City of Parramatta appointed by the Lord Mayor of the Council.	20 21
(3)	The membership and procedure of the Community Consultative Forum is (subject to this section) to be as provided by the regulations.	22 23
(4)	The regulations may make provision for or with respect to the appointment of members, their term of office and removal and the filling of vacancies.	24 25 26
(5)	The Community Consultative Forum is to meet at least once in each quarter starting on 1 January, 1 April, 1 July and 1 October.	27 28

Part 6	Miscellaneous	1
13	Application of Act	2
(1)	This Act applies despite any provision of any other Act, or of any regulation or environmental planning instrument.	3 4
(2)	Nothing in this Act prevents the making of an environmental planning instrument that imposes additional restrictions on the carrying out of development on the site or on the Council's ability to consent to such development.	5 6 7 8
14	Regulations	9
	The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	10 11 12 13
15	Consequential amendment of State Environmental Planning Policy (Major Projects) 2005	14 15
	As a consequence of the revocation referred to in section 5 (3), Part 4 (Channel 7 site) of Schedule 3 to <i>State Environmental Planning Policy (Major Projects) 2005</i> is repealed.	16 17 18