

Include shop top housing as a permissible land use at 181 James Ruse Drive, Camellia

Proposal Title : **Include shop top housing as a permissible land use at 181 James Ruse Drive, Camellia**

Proposal Summary : **The planning proposal seeks to amend Parramatta LEP 2011 by the inclusion of shop top housing as an additional permitted use on the site at 181 James Ruse Drive, Camellia.**

PP Number : **PP_2011_PARRA_002_00** Dop File No : **10/22473**

Proposal Details

Date Planning Proposal Received :	17-Oct-2011	LGA covered :	Parramatta
Region :	Sydney Region West	RPA :	Parramatta City Council
State Electorate :	PARRAMATTA	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	181 James Ruse Drive		
Suburb :	Camellia	City :	Parramatta
		Postcode :	2142
Land Parcel :			

DoP Planning Officer Contact Details

Contact Name : **Michael Druce**
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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
 Contact Number :
 Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro West Central subregion	Consistent with Strategy :	Yes

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MDP Number :

Date of Release :

Area of Release (Ha)
:Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment : 28 October 2011
To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning the proposal.

Supporting notesInternal Supporting
Notes :**BACKGROUND**

- On 5 October 2010, in response to a submission from the proponent received during public exhibition of the draft Principal LEP, the Parramatta Council resolved to add shop-top housing as a permissible use on the subject site (via Schedule 1 Additional Permitted Uses).

- It is worth noting that the proponent also asked (as part of its submission) for straight residential development (i.e. residential flat buildings) to be permitted on the site and for building controls to be significantly increased. Council resolved not to increase controls (retaining a 12m height limit) nor permit straight residential on the subject site, and to write to the proponent encouraging it to prepare and submit a planning proposal for the site.

- Substantial changes to the draft LEP proposed by the council after the first exhibition were re-exhibited, however, the proposal to permit shop top housing on the site was not included in the re-exhibited material.

- The draft LEP submitted to the department under former section 68 of the Environmental Planning and Assessment Act 1979, contained shop top housing as an additional permitted use on this site. However this was removed by the Department as:

- a. the proposal is for the former James Hardie site, and there may be contamination issues that must be considered under State Environmental Planning Policy No 55 – Remediation of Land prior to changing LEP controls that may increase risk to health from contamination (such as permitting residential development on the site).

- b. the site is in an area where flooding, traffic management and items of State heritage significance are key issues. The introduction of residential development on the site is likely to require consideration of these issues, potentially via appropriate studies and/or consultation with the relevant agencies.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The stated objective of the planning proposal is to include shop top housing in the range of permissible land uses at 181 James Ruse Drive, Camellia.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal seeks to amend the Parramatta LEP 2011 by the inclusion of shop top housing in Schedule 1 - Additional Permitted Uses, relating to the site at 181 James Ruse Drive, Camellia. The site is zoned B5 Business Development under Parramatta LEP 2011. The maximum height and floor space ratio provisions applying to the site would remain unchanged at 12 metres and 1.5:1 respectively.**

Shop top housing is defined by Parramatta LEP 2011 as 'one or more dwellings located above ground level retail premises or business premises'.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

* May need the Director General's agreement

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SREP (Sydney Harbour Catchment) 2005

SREP No. 28 – Parramatta

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

A. 117 1.1 Business and Industrial Zones

This direction applies where a planning proposal may affect land within an existing or proposed business or industrial zone.

This Direction is relevant in this case as the addition of the use 'Shop Top Housing' (a sub-term of 'Residential Accommodation') has the potential to impact on the business activities permissible in the B5 zoning for the site.

Potential land use conflict associated with business activities that can generate high levels of noise and include heavy vehicle movements 24 hours a day (such as 'Warehouse or distribution centres') and the proposed residential development may be an issue.

Council will need to consider this issue and demonstrate how it will manage any

potential land use conflicts through a study or strategic work that supports the proposal to introduce residential development into this business zone and identifies appropriate controls or standards to ensure that the shop top housing is designed to minimise land use conflicts.

B. 117 4.3 Floodprone Land

This direction applies where a planning proposal creates, removes or alters a zone or a provision that affects flood prone land. This proposal intends to introduce a residential use (shop top housing) in a business zone in an area of flood prone land (see Parramatta City Council Flood Map).

As such it is inconsistent with the direction, specifically (6) a planning proposal must not contain provisions that apply to flood planning areas which:

- (6a) permit development in floodway areas; and
- (6d) are likely to result in substantially increased requirement for government spending on flood mitigation measures or services.

The provisions of the planning proposal (to introduce a residential use) are not considered as being of minor significance and accordingly Council will need to demonstrate that the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Flood Development Manual 2005 ((9a) of the Direction). In addition to issues related to building within flood prone land, key issues that pertain to this site as detailed in Appendix L of the Flood Development Manual 2005 during flood events relate to L6.2 Effective Warning Time and, L6.8 Effective Flood Access.

The planning proposal, as submitted, does not indicate whether the above issues have been considered by the Floodplain Risk Management Committee nor whether they have been incorporated into a floodplain risk management plan.

Before the planning proposal can proceed to exhibition the issues arising from this direction will need to be satisfactorily addressed and Council will need to demonstrate that the proposed rezoning has been considered by the Floodplain Risk Management Committee and incorporated in a floodplain risk management plan.

C. SEPP 55 - Remediation of Land

The site is understood to be highly contaminated and subject to SEPP 55 - Remediation of Land.

A Remedial Action Plan (RAP) has been submitted with the planning proposal which details the remediation measures claimed to meet the guidelines for the proposed activities for the site. The proponent has submitted the RAP to the Office of Environment (OEH) for approval. However, OEH has indicated that it does not support the proposed remediation. As such Council will need to ensure that approved remediation measures are adopted prior to the finalisation of this amendment.

Council should be directed to resolve this issue prior to exhibition.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided a site location map. It is considered this would be adequate for exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council proposes an exhibition period of minimum 28 days. Community consultation will include notice in the local newspaper, on Council's website and written notices to land owners in the vicinity of the site (including University of Western Sydney and Sydney Turf Club).

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? No

If No, comment :

The following should occur prior to exhibition:

1. Adequate consideration and response to requirements of S117 directions (specifically 1.1 and 4.3);
2. Completion of and incorporation of outcomes of appropriate studies (eg. heritage, flooding and traffic); and
3. Preparation of an adequate remediation action plan (endorsed by OEH)

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Principal Parramatta LEP 2011 was made on 7 October 2011.

Assessment Criteria

Need for planning proposal :

Council had previously sought the inclusion of shop top housing for this site as part of Parramatta LEP 2011 and this was included as part of the S68 submission. The Department did not agree to this and recommended that the Minister's delegate remove this provision from the final instrument. See 'Background' in Internal Notes for further supporting information.

Council states that the planning proposal is not the result of a strategic study. However, the site is included within the investigation area of the River Road, Rosehill, Camellia Study (RRCS) for which heritage, contamination and flood investigations are being carried out. This is being funded under the Department's LEP Acceleration Fund.

Consistency with strategic planning framework :

The Draft West Central Regional Strategy (Draft WCSRS) shows the site as part of the Camellia/Rosehill Heavy Manufacturing precinct and identifies it as a mixed use/employment precinct. Reference is made in the Draft WCSRS to the artificial and natural barriers that isolate this precinct, protecting the amenity of the surrounding areas.

The Metropolitan Plan for Sydney 2036 identifies the retention of strategically important industrial land, including the Camellia peninsular, as one of its aims.

This site is somewhat separated from the Camellia heavy industrial precinct by the rail corridor. It is not included in the precinct zoned for heavy industrial under either the Parramatta LEP 2011 or the (now repealed for Parramatta) SREP 28. Rather it is zoned B5 Business Development under Parramatta LEP 2011. This permits a range of employment uses including business, office, retail and warehouse or distribution uses.

The addition of shop top housing to the range of permissible uses would allow for dwellings to be located above ground floor retail or business premises. The site was not examined under Council's Residential Development Strategy. However, Council argues that this additional use would support nearby industrial precincts and the University of Western Sydney by providing a range of services and residential accommodation.

Environmental social economic impacts :

The site is located on Parramatta River and would require consideration of impact on mangroves and any fish habitats. The wetlands at the interface with Parramatta River are heritage listed. Additionally, there are historic view corridors between heritage items at

Elizabeth Farm and the former Female Orphan School on the UWS site.

The Heritage Council has provided comments on the proposal concluding that it does not support the planning proposal. They note that Council has recently commissioned heritage consultants to review historic views in Rosehill/Camellia and that the study is in draft form and additionally that the findings of the study should inform decision making about the location, form bulk and scale of development on the site. This is supported.

The Heritage Council also argues that the issue of historic view corridors should be addressed prior to the planning proposal proceeding through the Gateway as the most appropriate time for it to be addressed is at the planning proposal stage. This position is not supported as the planning proposal does not change or increase the planning controls that are already in place on the site (ie. a maximum height of 12 metres and a floor space ratio of 1.5:1). Parramatta Council argues that these elements of heritage conservation can be addressed at the DA stage. This is supported with the proviso that the findings of the above mentioned historic view study informs DA decisions.

The site is flood affected and is discussed under the relevant 117 direction earlier in the report. Council argues that Parramatta LEP and DCP 2011 include provisions for floodprone land that are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual and as such flood issues on the site would be addressed at the DA stage. However, with a proposed change of use to a form of residential development, 117 4.3 requires that a more rigorous consideration of flood issues is undertaken and considered by the Floodplain Risk management Committee. The 117 Direction also requires this outcome to be formally endorsed by the Director General.

The site is mapped as Class 4 on the Acid Soils Map. This would be addressed at DA stage.

The site is highly contaminated and subject to SEPP 55 - Remediation of Land. A Remedial Action Plan has been submitted with the planning proposal which details the remediation measures claimed to meet the guidelines for the proposed activities for the site. This has been submitted by the applicant to OEH. OEH indicated that it does not support the proposed remediation. The agreement of OEH to the remediation plan for the site is required before the change in use to shop top housing (residential use) can be made.

Economic effects: Council states that the opportunity for employment uses will not be diminished significantly and rather, with the broadening of activities to include retail (as part of Shop Top Housing) economic activity may be enhanced.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 Month	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Catchment Management Authority - Sydney Metro Office of Environment and Heritage Department of Primary Industry (Fisheries) Department of Transport NSW Transport NSW Roads and Traffic Authority State Emergency Service		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **Yes**

If Yes, reasons : **Prior to exhibition Council needs to provide further information to satisfy the requirements of S117 directions 1.1 (Business and Industrial Zones) and 4.3 (Flood Prone Land). The Director General's agreement to these inconsistencies is required.**

A Remediation Action Plan for the site, which has been endorsed by the Office of Environment, is to be provided and made available for exhibition with the planning proposal.

In addition, the Department needs to be satisfied that Traffic Management and Heritage issues have been adequately addressed prior to exhibition. As such it is recommended that the planning proposal package, including these studies, be resubmitted prior to exhibition.

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

The Department of Transport has previously requested Council to prepare a transport management accessibility plan (TMAP) in relation to the site. However this was in context of a greater range of uses and development of the site than this planning proposal. Nevertheless, Council should consult with Transport and seek advice on requirements for a Transport Study to support this planning proposal.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Letter Planning Proposal 181 James Ruse Drive.pdf	Proposal Covering Letter	Yes
Planning Proposal 181 James Ruse Drive.pdf	Proposal	Yes
Parramatta City Council Flood Map.pdf	Map	Yes
RTA letter.pdf	Study	Yes
Ministry of Transport letter.pdf	Study	Yes
heritage council.pdf	Study	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

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Additional Information : It is recommended that the planning proposal be given approval to proceed with the following conditions.

1. That an amended planning proposal package be resubmitted to the Department under section 56(2) prior to exhibition that incorporates the following:

A) the outcomes and recommendations of the heritage and flood investigations, being carried out as part of the River Road, Rosehill, Camellia Study (RRCS), relevant to the site are incorporated as part of the planning proposal.

B) the requirements of S117 directions 1.1 (Business and Industrial Zones) and 4.3 (Flood Prone Land) are met to the satisfaction of the Director General, specifically:

>> 1.1 Business and Industrial Zones - Council is to demonstrate how it will manage any potential land use conflicts through a study or strategic work that supports the proposal to introduce residential use into this business zone and identifies appropriate controls or standards to ensure that the shop top housing is designed to minimise land use conflicts.

>> 4.3 Floodprone Land - Council is to demonstrate (under 9a of the Direction) that the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Flood Development Manual 2005, and that the proposed rezoning has been considered by Council's Flood Risk Management Committee and incorporated in a floodplain risk management plan.

C) Consideration of traffic management and transport issues generally be addressed. This includes consultation with the Department of Transport for advice and direction of requirements for a transport study in relation to the planning proposal.

D) That the Remedial Action Plan for the site is endorsed by the Office of Environment and Heritage and then reflected in the planning proposal.

2. That consultation with the following public authorities under S56 (2)(d) is undertaken:

Catchment Management Authority - Sydney Metro

Office of Environment and Heritage

Department of Primary Industry (Fisheries)

Department of Transport NSW

Transport NSW

Roads and Traffic Authority

State Emergency Service

3. That the planning proposal should be placed on exhibition for a period of 28 days.

4. That a period of 12 months be given for completion.

Supporting Reasons : The planning proposal seeks to amend the Parramatta LEP 2011 by the inclusion of shop top housing in Schedule 1 - Additional Permitted Uses, relating to the site at 181 James Ruse Drive, Camellia. The site is currently zoned B5. Other business zones would allow a range of uses inappropriate for this site such as Retail Premises, including shops, and some forms of straight Residential including Residential Flat Buildings. Therefore the use of Schedule 1 is supported in this instance.

The addition of shop top housing to the range of permissible uses would allow for dwellings to be located above ground floor retail or business premises. Although the site was not examined under Council's Residential Development Strategy, it is agreed that this additional use would support nearby industrial precincts and the University of Western Sydney by providing a range of services and residential accommodation.

The site is included within the investigation area of the River Road, Rosehill, Camellia Study (RRCS) for which heritage, contamination and flood investigations are being carried out. This is being funded under the Department's LEP Acceleration Fund.

In order for the planning proposal to proceed there are a number issues that need to be addressed prior to exhibition. These include resolution of S117 direction requirements, completion and incorporation of study findings in the areas of heritage, flooding and

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traffic. In addition site contamination is a major issue that is likely to generate a high level of public interest (the site was used by James Hardie for many years). A Remediation Action Plan (RAP) has been prepared by the proponent and submitted to the Office of Environment (OEH) for approval. However, OEH has indicated that it does not support the proposed remediation. As such Council will need to ensure that approved remediation measures are adopted prior to the finalisation of this amendment. Council should be required to resolve this issue prior to exhibition.

As there is a significant amount of supporting material (studies etc) to be provided with the planning proposal it is appropriate that it be placed on exhibition for a period of 28 days.

Signature:



Printed Name:

Tim Archer

Date:

28/10/11