

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

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

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

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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 investigated 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 of 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 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.

Panel Recommendation

Recommendation Date : 03-Nov-2011

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to undertake further analysis of contamination on the site and revise the Remediation Action Plan as per the requirements of the Office of Environment and Heritage to ensure consistency with SEPP 55 Remediation of Land.

2. Council is to demonstrate that the planning proposal has been prepared in accordance with a floodplain risk management plan and is consistent with the principles and guidelines of the Floodplain Development Manual 2005. Council is to amend the planning proposal to justify the inconsistency with the S117 Direction 4.3 Flood Prone Land prior to the commencement of community consultation.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public

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exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

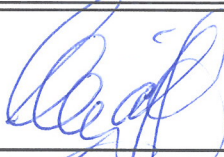
- Office of Environment and Heritage
- State Emergency Services
- Sydney Metro Catchment Management Authority

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil McGiffin

Date:

11.11.11
