

PLANNING PROPOSAL - 181 JAMES RUSE DRIVE CAMELLIA

October 2011

Location:

181 James Ruse Drive, Camellia is a vacant site located between James Ruse Drive and the Carlingford line rail corridor, on the southern bank of the Parramatta River. The site has an area of approximately 6 hectares. The site is located to the west of the Camellia heavy industrial precinct, to the north of Rosehill Racecourse and south of the University of Western Sydney. A location map is attached to this planning proposal.

1. Objectives or Intended Outcomes:

The objective of the Planning Proposal is to include shop top housing in the range of permissible land uses at 181 James Ruse Drive, Camellia.

2. Explanation:

The planning proposal seeks to amend the comprehensive 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 PLEP 2011. The maximum height and floor space ratio provisions applying to the site under PLEP 2011 would remain unchanged at 12 metres and 1.5:1 respectively.

Shop top housing, as defined by the Standard Instrument, means one or more dwellings located above ground floor retail premises or business premises.

3. Justification:

A. The need for the planning Proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of a strategic study. The site at 181 James Ruse Drive is, however, included within the area for investigation under the River Road, Rosehill, Camellia Study (RRCS), for which heritage, contamination and flood investigations are to be carried out, with funding under the Department of Planning & Infrastructure's LEP Acceleration Fund. These studies will inform opportunities for urban renewal within the area of investigation.

(Note: the contamination study for RRCS excludes the site at 181 James Ruse Drive, given the more in depth remediation report prepared and submitted with this Planning Proposal.)

A Remedial Action Plan (RAP) for the site, dated July 2011, has been prepared addressing contamination from previous activities carried out on the site by former land owners; including James Hardie and Company Pty Ltd. Asbestos represents the main site contaminant. An electronic copy of the RAP accompanies this planning proposal.

The remediation activities have been considered under SEPP 55 – Remediation of Land.

Asbestos content in the soil profile is estimated to be approximately 64,200m³ and ground water has been found to be contaminated with heavy metals, lead and zinc at levels above the guidelines. The RAP recommends as follows:

“The Department of Environment, Climate Change and Water (DECCW) have a hierarchy of remediation to ensure that the most responsible and feasible options are considered. Due to the large amount of contaminated fill (approx 64 200m³) that needs to be managed and the nature of the material it is preferable to handle the material onsite. As a large portion of the final site surface will be covered by concrete or asphaltic type materials, a cap and contain approach was considered most feasible. The contaminated materials would therefore be buried in a lined containment cell on-site and covered by concrete. Car parking or retail will be designated over the location of the containment cell for the redevelopment of the site.

An underground storage tank is known to have been located on the site. Remedial works will be required to remove the tank and manage any contaminated soils if it is still onsite.

Groundwater will be monitored to determine if the removal of the contaminated materials has decreased lead and arsenic levels or whether it is naturally occurring.

A long term management plan will need to be developed to ensure the material remains encapsulated.

It is believed that providing the requirements for the remediation of the site as outlined in the RAP are followed that the site can be remediated to a level where the risk to human health and the environment is minimised and that the requirements for retail and high rise residential development can be met.”

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Council sought the inclusion of shop top housing as an additional permitted use for the site at 181 James Ruse Drive as part of Parramatta LEP 2011, as outlined in the history attached to this planning proposal submission. This was not agreed to by the Department of Planning and Infrastructure in finalising the plan. The reason is understood to be the need to address land contamination.

Given the requirements of SEPP 55 (Remediation of Land) to consider land contamination and remediation in the zoning and rezoning of land, the suitability of the land for residential development should be addressed as a planning proposal.

3. Is there a net community benefit?

The site is located at the interface of the Camellia Peninsula and Parramatta, along James Ruse Drive. Council recognises that the site is strategically located to the south of the University of Western Sydney, as well as a river front location. Residential development on the site would take advantage of these features of the site's location as well as employment opportunities in nearby industrial precincts and the Parramatta CBD. The site is presently vacant and in a run down condition and there would be a net community benefit in the redevelopment of the site, including site remediation to address contamination.

B. Relationship to Strategic Planning Framework:

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The draft West Central Sub-Regional Strategy 2007 prepared under the NSW Government's 2005 Metropolitan Strategy variously shows the site as a mixed use/employment precinct, but also includes the land within the large Camellia/Rosehill Heavy Manufacturing precinct. Reference is made to the man made and natural buffers that isolate this precinct and protect the amenity of surrounding areas. The Metropolitan Plan for Sydney 2036 also identifies the retention of strategically important industrial land, including the Camellia peninsula as one of its aims.

The site at 181 James Ruse Drive is somewhat separated from the Camellia heavy industrial precinct by the rail corridor and it has not been included in the precinct zoned for heavy industrial either under SREP 28 or the Parramatta LEP 2011.

The site is zoned B5 Business Development under Parramatta LEP 2011, which 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 land uses would allow, subject to development consent, dwellings to be located above ground floor retail premises or business premises. This range of uses would support nearby industrial precincts and the University of Western Sydney by providing a range of services and residential accommodation.

5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

181 James Ruse Drive was not examined under Council's Residential Development Strategy 2006, prepared as part of the strategic investigation for Council's comprehensive LEP. The permissibility of shop top housing on the site in conjunction with retail and business premises would, however, provide opportunities for the redevelopment of the site to support surrounding activities including UWS and nearby industrial precincts.

6. Is the planning proposal consistent with applicable state environmental planning policies?

Relevant State Environmental planning Policies (SEPPs) include:

- Sydney Regional Environmental Plan 2005 - Sydney Harbour Catchment: The land is subject to SREP – Sydney Harbour (at the interface with the Parramatta River). The SREP seeks to protect and enhance the foreshore and waterway area, whilst enhancing foreshore public access. The site is subject to a foreshore building line and riparian protection clause under Parramatta LEP 2011, so the SREP has similar objectives, which would be assessed at DA stage. It would be desirable to obtain public access along the river foreshore as part of the future development of the site.
- SEPP 32 – Urban Consolidation (Redevelopment of Urban Land) - Aims to promote the orderly and economic use and development of land by enabling urban land, which is no longer required for the purpose for which it is currently zoned or used, to be redeveloped for multi-unit housing and related

development. The planning proposal, by proposing the permissibility of multi unit housing in the form of shop top housing for the site at 181 James Ruse Drive is consistent with this SEPP.

- SEPP 55 – Remediation of Land. The planning proposal is accompanied by a Remedial Action Plan which considers SEPP 55 and concludes that the site can be remediated to a level where the risk to human health and the environment is minimised and that the requirements for retail and high rise residential development can be met. Such remediation would require development consent as a category 1 remediation work under SEPP 55.
- Sydney Regional Environmental Plan 28 – Parramatta – SREP 28. The site was previously zoned as James Ruse Drive Mixed Use within the Camellia Precinct of SREP 28. The SREP no longer applies since Parramatta LEP 2011 has now been made.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions (s117 Directions) are as follows:

- 1.1 Business and Industrial Zones

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified strategic centres.

This direction requires that a planning proposal give effect to this direction and retain existing business and industrial zones, retain opportunities for employment and services potential in business zones.

The B5 zone which applies to the site permits a range of employment generating land uses. The opportunity for employment uses on the site is not considered to be diminished significantly by the proposal to permit shop top housing, since the maximum height provisions and FSR are likely to contain the extent of residential development. Furthermore, shop top housing by definition requires that ground floor activities be for retail premises or business premises. Retail premises, as defined by the Standard Instrument, includes a broad range of activities, including bulky good premises, food and drink premises, garden centres, hardware and building supplies, landscaping materials supplies, plant nurseries, and shops. Business premises, as defined by the Standard Instrument, would also permit a range of occupations, professions or trades, such as banks, post office, hairdressers, dry cleaners, travel agencies.

Development of the site for retail and business premises and shop top housing could provide support for other strategic centres such as the Parramatta CBD and UWS.

The Planning Proposal is considered to be consistent with this direction.

- 2.1 Environment Protection Zones

The objective of this direction is to protect and conserve environmentally sensitive areas.

The area along the riverfront of 181 James Ruse Drive is environmentally sensitive. It is protected by a 30m foreshore building line and is subject to Clause 6.5 of Parramatta LEP 2011, aimed at protecting riparian land. The wetlands at the river front adjoining the site are also protected by heritage listing. Detailed assessment of environmental impacts will be required at DA stage.

Development pursuant to this Planning Proposal is able to address this direction.

- 2.3 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

Whilst there are no heritage listed items on 181 James Ruse Drive, the wetlands (which includes mangroves) at the interface of the site with the 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. Protection of these elements of heritage conservation would be fully assessed at DA stage.

Development pursuant to this Planning Proposal is able to address this direction.

- 3.1 Residential Zones

The objectives of this direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services,
- (c) to minimise the impact of residential development on the environment and resource lands.

Planning Proposals that propose to permit residential development must have regard to this direction.

Council prepared a Residential Development Strategy (2006) as part of the strategic investigation for Council's comprehensive LEP. 181 James Ruse Drive was not examined under the RDS. However, the permissibility of shop top housing on the site in conjunction with retail and business premises would provide opportunities for the redevelopment of the site to support surrounding activities including UWS and nearby industrial precincts.

The provision of shop top housing in this locality could give workers in this area the chance of residing closer to their work place, minimising travelling times to and from work.

The site is located in proximity of public transport (the Carlingford rail line). Energy and water supply services may require upgrading to service future development of the site. Road infrastructure may also require upgrading, particularly intersection upgrades and signalisation. This would be given detailed planning consideration at DA stage, as would the impact of residential development on the environment.

Development pursuant to this Planning Proposal is able to address this direction.

- 3.4 Integrating Land Use and Transport

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve planning objectives related to the accessibility of development to public transport, opportunities to promote walking and cycling and minimizing car trips.

The site has proximity to public transport, being immediately adjacent to Camellia train station, although the service frequency on the Carlingford rail corridor is presently less than optimal. Until the rail infrastructure/service is upgraded, it is likely that the development on the site will be predominantly accessed by car, particularly given its location on James Ruse Drive, a major connecting road. However, future opportunities for the development of the site include linkage to shared pedestrian/cycleway paths being developed along the Parramatta River and connecting major precincts, including UWS, to the Parramatta CBD.

There is also the opportunity to reduce car trips because shop top housing would be associated with retail and business premises which may offer everyday goods and services to residents, thereby reducing the need to make car trips for such goods and services. Opportunity for pedestrian connection across the Parramatta River would also open up pedestrian activity between the site and the university. Other employment opportunities nearby include the industrial precincts or the Parramatta CBD.

The Planning proposal is considered to be consistent with this direction.

- 4.1 Acid Sulfate Soils

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

Development on the site will need to address the probability of acid sulfate soils occurring. The land falls under Class 4 for works requiring development consent under Clause 6.1 Acid Sulfate Soils of Parramatta LEP 2011.

Development pursuant to this Planning Proposal is able to address this direction.

- 4.3 Flood Prone Land

The objectives of this direction include that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*. Whilst the Planning Proposal does not seek to rezone 181 James Ruse Drive to a residential zone, consideration should be given to this direction as it is proposed to permit residential development as an additional permitted use.

Parramatta LEP & DCP 2011 include provisions for development of flood prone land that are consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*. The site is flood affected and future development will require a design that addresses flood constraints. This would be given detailed planning consideration at DA stage.

Development pursuant to this Planning Proposal is able to address this direction.

- 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The direction prevents a Planning Proposal from referring to or containing drawings of a particular development proposal and instead requires selection of an appropriate zone for a site that allows that land use, or inclusion of the particular land use within the applicable zone or allowing the land use on the relevant land.

The subject Planning Proposal seeks to implement the third of these options, that is, to allow shop top housing as an additional permitted use at 181 James Ruse Drive. This is considered the most appropriate option for the site, having regard to the site's location and characteristics. The B5 zone is predominantly an employment zone and therefore it is not proposed to add shop top housing as an additional permitted within the zone.

- 7.1 Implementation of the Metropolitan Plan for 2036

The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.

The Sydney Metropolitan Plan 2036 focuses on the integration of land use and transport planning and emphasises connections and networks within Sydney as a 'city of cities'. The site at 181 James Ruse Drive is in a key location in a precinct that has been identified with opportunities for urban renewal. (Council is currently considering a Planning Proposal for 2-12 River Road West, within the River Road West industrial precinct, for a mixed use development including a substantial residential component.) It represents an opportunity for renewal of a vacant and under utilised site to support strategic centres and locations including Parramatta CBD, the Camellia industrial precinct and the University of Western Sydney. This will address objectives of the Metropolitan Plan of strengthening Parramatta's position as Sydney's second CBD.

The site has proximity to the existing rail corridor between Clyde and Carlingford which offers opportunities for longer term upgrades in public transport accessibility, such as the Parramatta to Epping rail link, which is also consistent with objectives of the Metropolitan Plan.

The Planning Proposal is considered to be consistent with this direction.

C. Environmental, social and economic impact:

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The river front location of the site would require that consideration be given to environmental aspects, including the presence of mangroves along the river frontage of the site. The site is subject to a 30 metre foreshore building line and Clause 6.5 Water Protection under Parramatta LEP 2011. These matters would be addressed at DA stage.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The site is flood affected and subject to Clause 6.3 Flood Planning under the Parramatta LEP 2011. Clause 6.1 Acid Sulfate Soils is also applicable as the site is shown as Class 4 on the Acid Sulfate Soils map. These aspects of the site would be assessed at development application stage.

The remediation of the site to address contamination in accordance with an approved Remedial Action Plan would also be a requirement for the future development of the site.

10. How has the planning proposal adequately addressed any social and economic effects?

Social/historical effects: The site is affected by the view corridor to and from Elizabeth Farm in Harris Park and the former Female Orphan School on the UWS site. However, this planning proposal does not seek to increase the maximum permissible height for the site and the impact of any future development on the view corridor would be addressed at DA stage.

Economic effects: The opportunity for employment uses on the site is not considered to be diminished significantly by the proposal to permit shop top housing, since the maximum height provisions and FSR are likely to contain the extent of residential development. Furthermore, shop top housing by definition requires that ground floor activities be for retail premises or business premises. Retail premises, as defined by the Standard Instrument, includes a broad range of activities, including bulky goods premises, food and drink premises, garden centres, hardware and building supplies, landscaping materials supplies, plant nurseries, and shops. Business premises, as defined by the Standard Instrument, would also permit a range of occupations, professions or trades, such as banks, post office, hairdressers, dry cleaners, travel agencies.

D. State and Commonwealth interests:

11. Is there adequate public infrastructure for the planning proposal?

Energy and water supply services may require upgrading to service future development of the site. Road infrastructure may also require upgrading, particularly intersection upgrades and signalisation. This would be given detailed planning consideration at DA stage.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation has yet occurred with relevant authorities for this Planning Proposal. It would be proposed to consult with the following during the public exhibition period, subject to favourable Gateway determination:

- Department of Environment Climate Change and Water (contamination report and site remediation)
- Any other authorities required as a result of Gateway determination.

Note: The Roads & Traffic Authority and the Ministry of Transport were consulted in 2009 and provided comments on the land owner's submission (which was considered during the preparation of Parramatta LEP 2011) to permit a range of business and specialty retailing activities. Copies of the replies from these authorities are attached.

4. Community Consultation

Council would also consult with land owners in the vicinity of the site, including UWS and Sydney Turf Club (Rosehill Racecourse).

An exhibition period of a minimum of 28 days is proposed.

Community consultation will include a notice in the local newspaper and on Council's web site as well as written notice to land owners in the vicinity of the site.

Attachments:

1. History of 181 James Ruse Drive, Camellia during the preparation of Parramatta LEP 2011
2. Location Map
3. RTA letter dated 17 September 2009
4. Ministry of Transport letter dated 24 September 2009
5. Remedial Action Plan (CD-ROM)

Attachment 1

History of 181 James Ruse Drive, Camellia during the preparation of Parramatta LEP 2011

During the preparation of the Principal Parramatta LEP, the owner of 181 James Ruse Drive, Camellia requested a 'spot rezoning' of the site by way of amendment to Sydney Regional Environmental Plan 28 (the then applicable planning instrument) to allow a range of uses on the site, including 'big box retail' (e.g. Bunnings, Officeworks, Costco), ancillary retail and service uses, with an increase to height from 12m to 21m and increased FSR from 1.5:1 to 2.5:1. This request was lodged in December 2008. Subsequent discussions with the owner confirmed that the proposal should be considered as part of the draft LEP process.

Under the draft Parramatta LEP, the site was proposed to be zoned B5 Business Development, which at that stage would have permitted some of the uses proposed for the site in the above proposal, with others needing to be added as permissible uses within the B5 zone or in Schedule 1 as additional permitted uses.

Council resolved at its meeting on 9 March 2009 in relation to 181 James Ruse Drive, Camellia:

- (a) *That an amendment to Schedule 1 of the Parramatta draft comprehensive LEP be made, prior to the public exhibition of the plan, to include in accordance with clause 2.5 of the draft LEP, a reference to the Costco outlet as a restricted retail premises.*
- (b) *That Council not support increasing the height and FSR controls to 21 metres and 2.5:1 respectively.*
- (c) *Further, that due to the importance of the Camellia peninsula and its interface with Parramatta and its present rundown appearance, Council supports the inclusion of specialty retail into the objectives of the B5 zone.*

The then Department of Planning subsequently requested a specific resolution of Council under Section 54 of the EP&A Act in respect of the inclusion of the proposal for this site as part of the draft Parramatta LEP, which was made at the Council meeting on 27 April 2009. Council requested that the draft LEP allow bulky goods retailing on the site as a permissible use under the B5 zone as well as a 'Costco' use and a supermarket to be included in Schedule 1 - additional permitted uses.

The Department subsequently notified Council (on 27 July 2009) that Council could continue with the preparation of the draft LEP for 181 James Ruse Drive and that Council should consult with the NSW Roads and Traffic Authority and the Department of Transport in relation to traffic, transport and car parking issues. This consultation was undertaken and copies of the responses were provided to the Department in October 2009.

Council, when finalising its adopted version of the draft Parramatta LEP for the s64 submission seeking the Department's authorisation to proceed to public exhibition, made a resolution to clarify the land uses proposed to be permitted on land at 181 James Ruse Drive, Camellia. At its meeting on 7 December 2009, Council resolved:

“That Council remove any ambiguity of the planning controls on 181 James Ruse Drive to have the range of retailing allowed on the site to also include ‘shops’ and to allow more than one supermarket, as permissible uses in the zone”.

The Department was requested to authorise the inclusion of this amendment in the draft LEP for public exhibition. However, the Department declined to support this request, when the s65 certificate was issued on 15 February 2010, as it was considered to be inconsistent with the s54 submission.

The draft Parramatta LEP was publicly exhibited from 1 March – 23 April 2010. Council considered submissions to the public exhibition on 5 October 2010. In respect of 181 James Ruse Drive, Council resolved:

“That Council adopt the zone as indicated within the exhibited plan, being (B5) and deleting reference to ‘a supermarket’ and that the range of land uses be broadened to include retail and ‘shop top housing’ (20M height limit) within that zone.

Further Council recognises that this land is a key link to UWS to the north, as well as taking advantage of the future Parramatta to Epping Rail Link.

The owner of the land should be invited to meet with Council to discuss a planning proposal for the site that would include a mix of land uses including residential, together with the creation of an open space corridor along the river and a pedestrian link across the river to the University.”

The draft LEP submitted to the Department under s68 in October 2010 and January 2011 therefore included development for the purposes of shops and shop top housing in Schedule 1 as additional permitted uses for 181 James Ruse Drive Camellia and increased the maximum height to 20m for ‘shop top housing’ under Clause 4.3 - Height of Buildings for this site (with all other development having a maximum height of 12m). The LEP Height of Buildings Map also reflected this.

The owners of 181 James Ruse Drive were advised of Council’s decision of 5 October 2010, including the invitation to meet with Council to discuss a planning proposal for the site to include a mix of land uses including residential, together with the creation of an open space corridor along the river and a pedestrian link across the river to the University.

The owners have met with senior Council staff on several occasions during 2011 and it is understood it is their intention to lodge a planning proposal.

Parramatta LEP 2011 was notified on Friday 7 October 2011 and the finalised plan allows shops as an additional permitted use for 181 James Ruse Drive in Schedule 1, but **does not permit shop top housing** (to a height of 20m), such that the maximum height for the site is 12m for all development.

Attachment 2

Location Map: 181 James Ruse Drive, Camellia

