



Mr Greg Dyer
Chief Executive Officer
Parramatta City Council
PO Box 32
PARRAMATTA NSW 2124

14/08269

Dear Mr Dyer,

Planning proposal to amend Parramatta Local Environmental Plan 2011

I am writing in response to your Council's letter dated 5 May 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land at 181 James Ruse Drive, Camellia, from B5 Business Development to part B4 Mixed Use and part RE1 Public Recreation, vary the maximum height of buildings for the majority of the site up to 86m and reduce the maximum height of buildings for other parts of the site to zero metres, increase the maximum floor space ratio from 1.5:1 to 5:1, vary the existing 30m foreshore building line applying to the land; and insert a site specific clause to restrict development above proposed underground containment cells.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council will be aware of the structure planning investigations for the Greater Camellia precinct currently under way. These investigations are strategically important to supporting growth within Parramatta, however are not an impediment to progressing this planning proposal. The relationship between Council's planning proposal and this broader work can be considered iteratively as both projects progress.

The planning proposal, as submitted, involves inconsistencies with a number of S117 Directions (1.1 Business and Industrial Zones, 2.1 Environment Protection Zones, 3.1 Residential Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land). The Department has determined these inconsistencies are not minor and Council will be required to provide further justification in respect of each inconsistency. Council is to give consideration to all the relevant S117 Directions upon receiving additional information to be provided by the proponent and provide the Department with justification for any unresolved inconsistency.

Information addressing S117 Direction 3.1 Residential Zones is required. Council should consider amending the planning proposal to introduce a provision within the Local Environmental Plan that residential development is not permitted until the land is serviced or arrangements satisfactory to Council have been made to service the land.

Following receipt of the additional information as identified in the Gateway determination, Council is to be satisfied of its adequacy in support of the proposal, and if necessary, seek revision of the planning proposal under Section 56(6) of the Act.

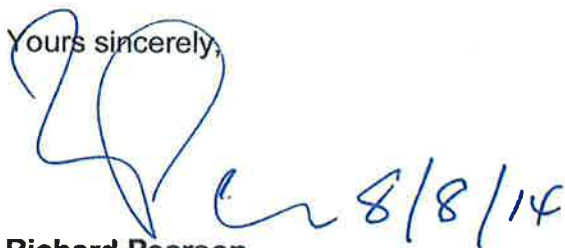
Prior to exhibition of the planning proposal, Council is to provide a copy of the additional information to the Director, Metropolitan Delivery (Parramatta), Department of Planning and Environment, for information, including a copy of the latest Site Audit Statement and Remedial Action Plan.

The amending Local Environmental Plan is to be finalised within 24 months of the week following the date of the Gateway determination. Council's request for the Department of Planning and Environment to draft and finalise the Local Environmental Plan should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete Local Environmental Plans by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Lillian Charlesworth of the Department of Planning and Environment's regional office to assist you. Ms Charlesworth can be contacted on (02) 9860 1560.

Yours sincerely,

A handwritten signature in blue ink, followed by the date 8/8/14, also in blue ink.

Richard Pearson
Deputy Secretary
Housing, Growth and Economics

Encl:
Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2014_PARRA_004_00): to rezone and vary development controls for land at 181 James Ruse Drive, Camellia.

I, the Deputy Secretary, Housing, Growth and Economics at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act 1979 that an amendment to the Parramatta Local Environmental Plan 2011 to rezone land at 181 James Ruse Drive, Camellia, from B5 Business Development to part B4 Mixed Use and part RE1 Public Recreation, vary the maximum height of buildings for the majority of the site up to 86m and reduce the maximum height of buildings for other parts of the site to zero metres, increase the maximum floor space ratio from 1.5:1 to 5:1, vary the existing 30m foreshore building line applying to the land; and insert a site specific clause to restrict development above proposed underground containment cells should proceed subject to the following conditions:

1. Council is to ensure the following information is placed on public exhibition with the Planning Proposal:
 - an assessment of site contamination and details of proposed remediation;
 - a flood impact assessment, including assessment of external flooding impacts and consideration of the Parramatta City Council Floodplain Risk Management Policy;
 - an acid sulfate soil study that considers the appropriateness of the proposed change of land use given the presence of acid sulfate soils;
 - an analysis which considers the potential loss of employment land;
 - a traffic and transport assessment;
 - a flora and fauna assessment;
 - a report which considers potential land use conflicts, including impacts on the health and safety of future residents and workers (noise, odour, etc);
 - a report which considers the requirement for upgrades to utility infrastructure including energy, water and sewer;
 - an urban design analysis and master plan which provides refinement and justification for the proposed building heights and density; and
 - a report providing details for the future management of the underground contamination containment cells.
2. The planning proposal is to be amended as follows:
 - to be presented as a Council endorsed proposal in Council's standard planning proposal format and with the Council logo attached;
 - the proposed FSR is to accurately reflect the proposed development concept;
 - the site description is to include Lot and DP numbers;
 - a map showing the location and name of heritage items in the vicinity of the site is to be included;
 - Figure 1 is to include a map of the existing foreshore building line;
 - all maps at Figures 1 and 2 are to indicate the site boundary and be sufficiently large to ensure legibility;
 - the proposed site specific clause in relation to development above containment cells, is to be amended to add the words "or within 7 metres of"

- after the word "above", to ensure consistency with the recommendations of the Remedial Action Plan prepared for the site;
 - the amount of retail and commercial floor space proposed is to be stated consistently on pages 21 and 29;
 - an explanation is to be included at Table 4 under 1.1 Business and Industrial Zones as to how the figure of 889 post construction permanent full-time jobs was derived; and
 - remove all references that the site is nominated or proposed as a Mixed Use zone in the Draft West Central Subregional Strategy as this is premature at this stage.
- 3. Prior to exhibition, Council is to justify the proposed reduction of the foreshore building line in the planning proposal, taking into consideration its relationship with other adjoining properties along the Parramatta River where the current 30 metres building line exists, and the need to ensure that adequate controls are in place to protect the scenic importance and amenity of the river and its surrounds, as well as the use of the foreshore for recreation and other purposes.
- 4. Council is to further consider the proposal in terms of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, with particular reference to:
 - The wetlands protection areas defined in the Sydney Regional Environmental Plan;
 - The need for development that is visible from the waterways or foreshores to maintain, protect and enhance visual qualities; and
 - The need to avoid or minimise disturbance of acid sulfate soils.
- 5. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Environment Protection Authority
 - Office of Environment and Heritage
 - Roads and Maritime Services
 - Sydney Trains
 - Sydney Water
 - Endeavour Energy
 - Department of Primary Industries (Office of Water & NSW Fisheries)
 - NSW Health
 - State Emergency Service
 - University of Western Sydney
 - Sydney Metropolitan Catchment Management Authority
 - Department of Education and Communities.

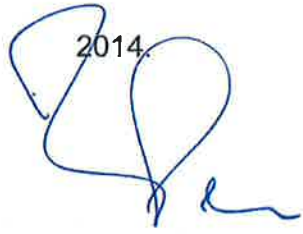
Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

Council is to consult the Environment Protection Authority, Endeavour Energy, Sydney Trains and Roads and Maritime Services prior to public exhibition and any comments are to be included and inform the planning proposal, where relevant.

- 6. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2013)*.
7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).
8. The timeframe for completing the LEP is to be **24 months** from the week following the date of the Gateway determination.

Dated 8 day of August 2014.



Richard Pearson
Deputy Secretary
Housing, Growth and Economics

Delegate of the Minister for Planning