

Parramatta Local Environmental Plan 2011 - Amt. No.14 - 181 James Ruse Drive, Camellia

Proposal Title : **Parramatta Local Environmental Plan 2011 - Amt. No.14 - 181 James Ruse Drive, Camellia**

Proposal Summary : **The planning proposal seeks to amend the following planning controls:**

- **rezone the land from B5 Business Development to part B4 Mixed Use and part RE1 Public Recreation;**
- **increase the maximum height of buildings from 9-12m to 0-86m (i.e. a range of heights from 'nil' meters above proposed underground containment cells and to a maximum of 28 storeys elsewhere);**
- **increase the maximum FSR from 1.5:1 to 5:1;**
- **remove a 30m Foreshore Building Line; and**
- **insert a site specific clause to restrict development above proposed underground containment cells.**

PP Number : **PP_2014_PARRA_004_00** Dop File No : **14/08269**

Proposal Details

Date Planning Proposal Received :	10-Jul-2014	LGA covered :	Parramatta
Region :	Metro(Parra)	RPA :	Parramatta City Council
State Electorate :	PARRAMATTA	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

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

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings : 2,400 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 500

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

If No, comment :

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

If Yes, comment : **To the regional team's knowledge, there have been no meetings or communications with registered lobbyists regarding this planning proposal.**

Supporting notes

Internal Supporting Notes : **The proposal was received from Council on 8 May, 2014 although no supporting studies were provided. The lodgement date has been amended to reflect the date when the majority of the required information was received and final discussions with council officers were completed.**

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The planning proposal will facilitate a mixed use development at 181 James Rouse Drive, Camellia, comprising residential towers (approximately 2,400 dwellings), retail and commercial uses, as well as, public open space.**

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

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

Comment : **The planning proposal seeks to amend the following planning controls:**

- rezone the land from B5 Business Development to part B4 Mixed Use and part RE1 Public Recreation;
- increase the maximum height of buildings from 9-12m to 0-86m (i.e. a range of 'nil' meters above the underground containment cells and up to 28 storeys elsewhere);
- increase the maximum FSR from 1.5:1 to 5:1;
- remove the 30m Foreshore Building Line; and

- insert a site specific clause to restrict development above the underground containment cells.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

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

6.3 Site Specific Provisions

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 :

d) Which SEPPs have the RPA identified?

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

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SREP (Sydney Harbour Catchment) 2005

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

SEPP No 55 - REMEDIATION OF LAND

The site contains approximately 78,893 cubic metres of contaminated soils containing asbestos, heavy materials and hydrocarbons, having been occupied for a range of industrial purposes including, James Hardie operations from 1962 to 1993.

The site is identified on the list of NSW contaminated sites notified by the Environment Protection Authority (EPA). The site is vacant and most of the site has a bitumen/cement surface acting as a sealed cap to prevent exposure of the contaminated materials.

The SEPP requires that a planning proposal may rezone land for residential use only if the planning authority:

(a) has considered whether the land is contaminated; and

(b) is satisfied that the land is suitable in its contaminated or future rehabilitated state for residential use; and

(c) is satisfied that the land will be remediated prior to residential use.

A Site Audit Statement was prepared by Rod Harwood of Environmental Strategies Pty Ltd dated 30 September (refer to Documents tab), 2013, that certifies the site, if remediated in accordance with the nominated Remedial Action Plan (see below), can be made suitable for residential uses.

The applicant has lodged a development application (DA) with Parramatta City Council seeking consent for the remediation of the site to make it suitable for the proposed future land uses. A Remediation Action Plan has been prepared and has received "in-principle" support from the EPA (letter dated 29 October, 2013). The remediation DA and in-principle support from the EPA indicate that the site may be suitably remediated prior to residential use.

The planning proposal is therefore considered to be consistent with the SEPP at this stage.

Referral of the planning proposal to the Environment Protection Authority is recommended, should the planning proposal proceed.

SREP SYDNEY HARBOUR CATCHMENT

The site is within the "Sydney Harbour Catchment" area and is affected by the

"Wetlands Protection Areas" defined in the SREP.

The proposal is consistent with the relevant planning principle of the SREP with regard to the rehabilitation of watercourses, wetlands, riparian corridors, remnant vegetation and ecological connectivity. Although, the following matters within the SREP are relevant:

- "development that is visible from the waterways or foreshores is to maintain, protect and enhance the unique visual qualities of Sydney Harbour"

Comment: The construction of multiple tower buildings of up to 28 stories that encroach within less than 30m of the waterway may be considered to be inconsistent with achieving the above planning principle.

- "development is to avoid or minimise disturbance of acid sulfate soils"

Comment: The site is affected by category 4 acid sulfate soils.

Referral to the Sydney Metropolitan Catchment Management Authority and EPA is recommended, should the planning proposal proceed.

SECTION 117 DIRECTION 1.1 BUSINESS AND INDUSTRIAL ZONES

The proposal is inconsistent with this Direction as, in theory, it will reduce the total potential floor space for employment uses by changing the zoning from B5 Business Development to predominantly permit a residential use.

It is envisaged that future redevelopment of the site will incorporate approximately 25,000sq.m. of employment floorspace, mostly comprising fine grain retail outlets.

It is considered that this inconsistency is justified on the basis that the site is not currently used for employment generating purposes and, according to the planning proposal, it is not viable to remediate under the current zone. Therefore the site, under its current zone, holds limited opportunities to generate any future employment.

While this is the case, Council intends to obtain and review a potential loss of employment land study and subsequently address this direction. In these circumstances it is considered that consideration of this direction be held until Council provides this further advice.

SECTION 117 DIRECTION 2.1 ENVIRONMENT PROTECTION ZONES

The proposal is generally consistent with the objective of facilitating the protection and conservation of environmentally sensitive areas as it intends to rezone a strip of land along the entire river foreshore of the site to RE1 Public Recreation.

While this is the case, the Direction requires that a planning proposal does not modify development standards for environmental protection purposes. The proposal may be seen as being inconsistent with this requirement in this regard as it intends to modify the 30m Foreshore Building Line (FBL) to a 20m FBL. The land is currently subject to clause 6.7 Foreshore Building Line, within Parramatta LEP 2011. The proposal to remove the 30m FBL is not supported as:

- (i) the average width of 48m for the proposed RE1 boundary is skewed by a proposed park in the north-east corner of the site and the predominant RE1 zone width of 20m from the waterway is more relevant;
- (ii) without maintaining the existing FBL, future redevelopment of the site may result in multi storey buildings in relative closer proximity to the open space corridor, negatively impacting upon amenity;

- (iii) the Office of Water guideline of 20m regarding setbacks to riparian zones is a minimum and should be adjusted according to site specific circumstances; and, Council has indicated that a site survey is required to determine whether a 20m wide setback is adequate depending on whether the site boundary at mean high water mark is below the top of bank and part of the river;
- (iv) the mangroves and the river are items of environmental heritage and the FBL serves to protect their scenic, environmental and community values;
- (v) this section of the waterway, in proximity to the Parramatta CBD, can be considered to be of regional recreational potential and planning for the site should seek to maximise this potential community benefit by the retaining the FBL on the site in consistency with its 30m width along the river on adjoining sites.

Referral to the Office of Environment and Heritage, as well as, the Office of Water is recommended, should the planning proposal proceed.

SECTION 117 DIRECTION 2.3 HERITAGE CONSERVATION

The proposal is consistent with this Direction as there are existing provisions within Parramatta LEP 2011 to facilitate the conservation of heritage which will not be amended by the proposal.

The following heritage matters apply to the site:

- (i) the foreshore wetland vegetation is listed as an item of local environmental heritage significance in Parramatta LEP 2011;
- (ii) under the Sydney Harbour Catchment SREP, the natural, scenic, environmental and cultural qualities of the foreshore area should be protected;
- (iii) The site is affected by a number of historic view corridors from within the Harris Park Conservation Area that traverse the site (Harris Park is identified as an Area of National Significance under Parramatta LEP 2011); and
- (iv) development of the site will impact on historic view corridors and panoramas to and from Elizabeth Farm House at Rosehill which is identified as an item of State heritage significance under Parramatta DCP 2011.

The Heritage Impact Study and Heritage View Analysis indicate that the proposal will not have a negative impact on nearby heritage items and historic views. The north-east corner of the site is most sensitive to historic views and this will be rezoned RE1 which will assist to minimise any impacts.

Referral to the Office of Environment and Heritage for comment on heritage matters is recommended, should the planning proposal proceed.

SECTION 117 DIRECTION 3.1 RESIDENTIAL ZONES

This Direction applies as significant residential development is proposed to be permitted. The proposal is inconsistent with this Direction as the planning proposal does not contain a requirement that residential development is not permitted until the land is adequately serviced or arrangements satisfactory to Council have been made to service it. It is recommended that the planning proposal be amended to indicate it will seek to introduce a suitable clause in Council's LEP.

The planning proposal identifies the need for upgrading of existing utility services and road infrastructure as well as the possible need to upgrade social and community

infrastructure, including school capacity. The planning proposal intends to address these matters post Gateway determination.

Referral to the Department of Education and Communities, Roads and Maritime Services, Sydney Water and Endeavour Energy is recommended, should the planning proposal proceed.

SECTION 117 DIRECTION 3.4 INTEGRATED LAND USE AND TRANSPORT

The proposal is considered to be consistent with this Direction as it will improve access to housing, employment, retail services and the foreshore by walking, cycling and bus transport. Further, the site is located within 400m of Camellia train station, albeit - the station is not located on a major trunk line and services during the peak period are 40 minutes apart.

SECTION 4.1 ACID SULFATE SOILS

This Direction requires an Acid Sulfate Soils Study to be considered where there is a proposed intensification of land uses on land containing acid sulfate soils. The planning proposal is inconsistent with this Direction as the study does not consider the appropriateness of the change of land use given the presence of acid sulfate soils. The planning proposal notes that it is considered to be capable of being consistent once a further study is undertaken post Gateway.

It is recommended that an Acid Sulfate Soils Study be prepared and provided to Council for further assessment prior to exhibition of the planning proposal.

SECTION 117 DIRECTION 4.3 FLOOD PRONE LAND

The subject site is affected by the 1 in 20 year flood event, the 1 in 100 year flood event and the probable maximum flood event. Approximately 60% of the site is inundated during a 1 in 100 year event and lies within the High Hydraulic Hazard Zone. Development within the High Hydraulic Hazard Zone is contrary to Parramatta Council's Floodplain Risk Management Policy.

Council officers have indicated in a report to the Council meeting of 28 April, 2014 that the applicant's supporting Flood Study is deficient including being carried out on the basis of the site being within a medium flood risk precinct.

The planning proposal is inconsistent with this Direction, although it states that it considers the proposal can comply with the Direction when further studies are undertaken post Gateway.

It is recommended that Council satisfactorily addresses this inconsistency prior to exhibition of the planning proposal.

SECTION 117 DIRECTION 6.3 SITE SPECIFIC PROVISIONS

This Direction does not apply as the proposed provision will not allow a particular development to be carried out.

While this is the case, it is intended that a site specific local provision applies that "no development is permitted in the area above the underground containment cells other than roads, pedestrian access-ways, road related infrastructure and landscaping works."

It is considered that this clause is inadequate and inconsistent with the Remediation Action Plan (page 8 of Council report) which indicates that buildings and underground services/structures are not to be located above or within seven (7) meters of the containment cells.

Consequently, it is recommended that the planning proposal be amended, prior to public exhibition, so that the proposed site specific provision reflects this constraint.

SECTION 117 DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The planning proposal is generally consistent with the Plan as it proposes to increase housing and employment in an existing urban area in proximity to bus and rail transport.

OTHER CONSIDERATIONS

FLOOR SPACE RATIO CONTROL

The proposal intends to set an FSR of 5:1 for the subject site although Council's report dated 28 April, 2014 indicates that the actual intended FSR, as determined by the development concept and resultant developable land, is approximately 11.4:1.

It is recommended that the planning proposal be amended to reflect the actual intended FSR.

TRAFFIC

A Traffic Impact and Parking Assessment Report has been prepared by Mott MacDonald. On the basis of 2012 traffic survey volumes and assuming that proposed RMS Pinch Point works are completed (as outlined at page 26 of the report), the proposed development will generate a satisfactory level of service (LOS) at the proposed site access point, although the LOS at the Hassall Street intersection will be operating near capacity in the AM peak and will be unsatisfactory at the PM peak.

Referral to Roads and Maritime Services for comment on potential traffic impacts is recommended, should the planning proposal proceed.

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

If No, explain :

Parramatta City Council has forwarded the planning proposal to the Department aware that some inconsistencies have not been adequately justified, on the basis that the applicant seeks a conditional Gateway approval prior to further financial outlay on additional studies. It is indicated that it is anticipated these studies will enable the s117 Directions to be adequately addressed.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

The maps provided require amendment. Should the proposal proceed, the following condition should apply:

The planning proposal is to be amended prior to public exhibition to:

- include a site map to identify the subject land and including the lot and DP number(s);
- all diagrams on Figures 1 and 2 are to identify the site boundary;
- Figures 1 and 2 are to be enlarged sufficiently such that all details shown on the diagrams are legible;
- include within Figure 1 a map of the existing foreshore building line;
- include a map showing the location of heritage items in the vicinity.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment :

The planning proposal indicates that the exhibition period should be a minimum of 28 days and lists various public authorities which may be consulted. This is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **In February 2012 the Director General's Requirements 606 were issued for the Site Soil Remediation Work.**

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment : **Parramatta Council in it's covering letter dated 5 May, 2014 requests that a conditional Gateway determination be issued that requires the proponent, prior to public exhibition, to satisfactorily addresses outstanding issues by providing additional studies and information, including:**

- site contamination and remediation;
- flood impacts;
- acid sulfate soils;
- potential loss of employment land;
- traffic and transport;
- flora and fauna;
- social impact;
- health and safety;
- potential land use conflicts;
- infrastructure upgrades;
- urban design analysis and master plan;and
- management of environmental containment cells.

This approach assumes that all outstanding issues can be satisfactorily addressed and that the proposal will proceed to public exhibition. This approach is supported.

It is considered that noise and odour studies should also be undertaken to determine whether the site is suitable for high density residential use in this regard and, if necessary, whether any identified impacts can be addressed by suitable alleviation measures.

Proposal Assessment

Principal LEP:

Due Date : **October 2011**

Comments in
relation to Principal
LEP :

This proposal will amend Parramatta LEP 2011 - the principal LEP.

Assessment Criteria

Need for planning
proposal :

The site has been largely unused (other than for storage purposes) for many years following heavy contamination from a former James Hardy factory and other former industrial uses on the site.

It is indicated the development of the site has not been realised owing to the need for remediation.

It is noted that a draft discussion paper prepared by Parramatta Council in March 2014 entitled "The Future of Camellia Precinct" suggests that the site may be suitable for a mixed use zone. The planning proposal intends to implement the draft guiding principles of the discussion paper via a proposed mixed use zone for the site.

Consistency with strategic planning framework :

DRAFT METROPOLITAN STRATEGY FOR METROPOLITAN SYDNEY 2031

The proposal is consistent with the draft Strategy as it will increase residential density in a highly strategic location in proximity to Parramatta CBD, within walking distance (400m) of Camellia Railway Station, near employment opportunities and the University of Western Sydney (UWS - Parramatta campus). Proposed non-residential uses will also contribute to the creation of new employment opportunities.

DRAFT WEST CENTRAL SUBREGIONAL STRATEGY

The proposal erroneously states that the draft Strategy identifies the site for future mixed use. The draft Strategy at figure 9 mistakenly identifies the site as an existing mixed use employment area. However, the proposal is considered not to be generally inconsistent with the draft Strategy.

PARRAMATTA 2038 COMMUNITY STRATEGIC PLAN

The planning proposal is consistent with this Plan in respect of an increase in residential density in close proximity to Parramatta CBD, thereby improving vitality within the CBD, stimulating new business and supporting the viability of upgrades to the public transport system.

PARRAMATTA ECONOMIC DEVELOPMENT STRATEGY

The proposal is consistent with this Strategy as it will locate jobs close to homes (via a mixed use redevelopment), attract new employment uses to Parramatta via the provision of 25,000sq.m. of retail and commercial floorspace, build the capacity for innovation by providing complementary land uses in relative proximity to the University of Western Sydney (UWS) and activate this section of the riverbank.

Environmental social economic impacts :

ENVIRONMENTAL IMPACTS

The proposal provides a key community and environmental benefit in facilitating the remediation of a heavily contaminated site. Although the site is strategically located, it is currently underutilised and requires rezoning and appropriate development standards to ensure the economic viability of remediation works.

Although remediation and redevelopment will require the removal of the heritage listed mangrove area and all vegetation on the site, this is essential to ensure thorough remediation. The mangroves and the site would be replanted as part of the site redevelopment.

The full extent of potential environmental impacts is unknown, as the suitability of the site with regard to flooding and acid sulfate soils has not been determined. Additional studies are required to address these issues. It is also necessary to identify any measures which may be appropriately applied via the rezoning process to ensure the long-term management of the proposed environmental containment cells.

The site is highly degraded and mostly hard surfaced. There will be no impacts on flora and fauna, other than the removal and replanting of the adjoining mangroves, which is essential for remediation purposes.

ECONOMIC IMPACTS

The site is currently vacant and non-employment generating. Although the proposal will result in a loss of potential employment generating floor space (businesses, warehousing and bulky goods premises are currently permitted), the proposal will generate construction, and permanent, post-construction employment given the proposed 25,000sq.m. of retail and commercial floorspace.

Increased residential density will help support the viability of proposed future transport improvements including a new ferry wharf adjoining the site and a light rail network. Transport improvements will generate further economic benefits beyond the site. Similarly, redevelopment of the site has the potential to create momentum for the redevelopment and revitalisation of Camellia.

The proposal will generate the need to upgrade utility infrastructure (energy, water and

wastewater), road intersections and possibly social and community facilities and services such as education. The proposal indicates these needs will be investigated post Gateway.

SOCIAL IMPACTS

The proposal will benefit workers and students by providing additional housing in proximity to the Parramatta CBD and the University of Western Sydney. The broader community will benefit from improved access to the Parramatta River as the proposal includes a minimum 20m wide strip of public open space adjoining the waterway (providing new pedestrian and cycleway links along the foreshore) and a large pocket park in the north-east corner of the site.

The suitability of the site for high density residential use has not been explored in terms of compatibility with existing adjoining uses including James Rouse Drive, the railway line and heavy industry. In this context, issues of noise, odour (from nearby waste treatment facilities and industrial uses), health and safety are relevant.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
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Timeframe to make LEP :	24 months	Delegation :	DDG
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Public Authority Consultation - 56(2)(d) :	Sydney Metropolitan Catchment Management Authority Department of Education and Communities Office of Environment and Heritage Transport for NSW Department of Health Transport for NSW - Sydney Trains Transport for NSW - Roads and Maritime Services State Emergency Service Sydney Water University of Western Sydney Other
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :	Council has acknowledged that there is inadequate information to support the planning proposal at this stage and has requested a conditional Gateway determination that requires additional information to be provided to Council for its assessment and, if necessary, amendment of the planning proposal.
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Identify any additional studies, if required. :

If Other, provide reasons :

Council's covering letter dated 5 May, 2014 provides a list of additional studies that are required prior to public exhibition.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons :	The planning proposal indicates that upgrading of services is likely to be required to support the scale of development proposed, including:
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- energy, water and waste water;
- education;
- roads and footpaths; and
- social and community infrastructure.

The planning proposal indicates that further identification of infrastructure needs will take place post Gateway.

Documents

Document File Name	DocumentType Name	Is Public
cover letter.pdf	Proposal Covering Letter	Yes
Parramatta City Council_08-05-2014_Planning Proposal - 181 James Ruse Drive, Camellia_Part 1.pdf	Proposal	Yes
Parramatta City Council_08-05-2014_Planning Proposal - 181 James Ruse Drive, Camellia_Part 2.pdf	Proposal	Yes
121005 Urbis Urban Design Report.pdf	Study	Yes
Traffic Report.pdf	Study	Yes
Camellia Heritage Assessment Report. May 2012.pdf	Study	Yes
Heritage View	Study	Yes
Analysis_181JamesRuseDrive_UpdatedAug2012.pdf		
Camellia West Flood Assessment Report .pdf	Study	Yes
TREH-I-2011.08.04-Hawkeswood Flora & Fauna-CJ-R.pdf	Study	Yes
TREH-I-2012.06.04-Hawkeswood Mangrove-CJ-R.pdf	Study	Yes
20C-12-0107-TRP-266050-3 - Acoustic Assessment for DA.pdf	Study	Yes
Camellia Economic Impact Assessment.pdf	Study	Yes
Remediation Feasibility Advice.pdf	Study	Yes
Environmental Strategies - Site Auditor Statement.pdf	Study	Yes
2013 10 28 EPA letter to Statewide - In-Principle support of Remedial Action Plan.pdf	Study	Yes

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
 - 6.3 Site Specific Provisions
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **DELEGATIONS**

Council has not requested delegation given the regional significance of the proposal.

It is recommended that the planning proposal proceeds, subject to the following conditions:

1. Prior to exhibition:

- 1.1 Council is to obtain the following contemporary studies:
 - site contamination and remediation;
 - flood impacts;
 - acid sulfate soils;
 - potential loss of employment land;
 - traffic and transport;

- flora and fauna;
- social impact;
- health and safety;
- potential land use conflicts (including noise and odour);
- infrastructure upgrades;
- urban design analysis and master plan; and
- management of environmental containment cells.

1.2 Following receipt of these studies, Council is to review these studies to ensure their adequacy in support of the proposal, and if necessary, seek revision of the planning proposal under section 56(6) of the Act.

1.2.1 Council is to provide a copy of all studies to the Director, Metropolitan Delivery Office - Parramatta, Department of Planning and Environment, for information, including a copy of the latest Site Audit Statement and Remedial Action Plan.

1.3 Council is to consider all the relevant section 117 directions in light of its review of the studies and, where necessary justify any inconsistencies and seek approval for these inconsistencies. This review is to include the need to include a requirement in the planning proposal that it intends to introduce a provision in the LEP that residential development is not permitted until the land is serviced or arrangements satisfactory to Council have been made to service the land, to satisfy the requirements of section 117 direction 3.1 Residential Zones.

1.3.1 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 SREP;
- . 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.

1.4 The planning proposal is to be amended:

- 1.4.1 to be presented as a Council endorsed proposal in Council's standard planning proposal format and with the Council logo attached.**
- 1.4.2 the proposed FSR is to accurately reflect the proposed development concept;**
- 1.4.3 the site description is to include lot and DP numbers;**
- 1.4.4 a map showing the location and name of heritage items in the vicinity of the site is to be included;**
- 1.4.5 Figure 1 is to include a map of the existing foreshore building line;**
- 1.4.6 all maps at Figure 1 and Figure 2 are to indicate the site boundary and be sufficiently large to ensure legibility.**
- 1.4.7 the proposed site specific clause is to be amended to add the words "or within 7 meters of" after the word "above".**
- 1.4.8 the amount of retail and commercial floor space proposed is to be stated consistently on page 21 and page 29;**
- 1.4.9 an explanation is to be included in 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**
- 1.4.10 remove all references that the site is nominated or proposed as a Mixed Use zone in the Draft West Central Subregional Strategy.**

2. Further, prior to exhibition, Council is to fully justify the proposed amendment of the Foreshore Building Line in the planning proposal, taking into

consideration its relationship with other adjoining properties along the river where the current 30 meter 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 recreational and other purposes.

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

- (a) the planning proposal must be 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 identified in section 5.5.2 of 'A Guide to Preparing LEPs Department of Planning and Infrastructure 2012).

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

- Environment Protection Authority
- Office of Environment and Heritage
- Transport for NSW - Road and Maritime Services
- Transport for NSW - Sydney Trains
- Sydney Water
- Endeavour Energy
- Department of Primary Industries - Office of Water
- NSW Department of Health
- State Emergency Services
- University of Western Sydney
- Sydney Metropolitan Catchment Management Authority
- NSW 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.

6. A public hearing is not required to be held 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 instance in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be 24 months from the week following the date of the Gateway Determination.

Supporting Reasons :

Provided all planning issues can be adequately addressed, the proposal provides a key community and environmental benefit in facilitating the remediation of heavily contaminated land, and given its strategic location, development of a currently underutilised and well located site.

Although remediation and redevelopment will require the removal of the locally heritage listed mangrove area and all vegetation on the site, this is essential to ensure thorough remediation. The mangroves and the site would be replanted as part of the site redevelopment.

The full extent of potential environmental impacts is unknown, as the suitability of the site, particularly with regard to flooding and acid sulfate soils, has not been finally determined. Additional studies are consequently required to address these issues.

On this basis, it is considered that the planing proposal should proceed, provided adequate supporting information is provided to justify the proposal. In particular:

- a. whether the site is suitable for residential use given the presence of category 4 acid sulfate soils;
- b. whether the site is suitable for residential use given that approximately 60%

of the site is within the High Hydraulic Hazard Zone with regard to flood risk;

c. whether the site is suitable for residential use given potential land use conflicts with heavy industry in the vicinity, particularly with regard to noise, odour, health and safety.

d. the reason why the proposed site specific provision does not adequately reflect the requirements of the Remediation Action Plan;

e. clarification over the proposed floor space ratio not accurately reflecting the intended redevelopment scenario;

f. adequate justification for the proposed removal of the foreshore building line; and

g. information regarding the proposal's consistency with relevant Section 117 Directions.

Signature:



Printed Name:

T DORAN

Date:

11/7/14