



PLANNING PROPOSAL

Prepared for a revised Gateway Determination

181 James Ruse
Drive, Camellia

Planning Proposal drafts

Proponent's versions:

No.	Author	Version
1.	Statewide Planning P/L	November 2012
2.	Statewide Planning P/L	March 2014
3.	Statewide Planning P/L	September 2014 - No.1 of 2 (for Gateway Determination)
4.	Statewide Planning P/L	18 November 2014 comprising September 2014 version and supplementary information (for detailed assessment)

Council's versions:

No.	Author	Version
1.	Parramatta City Council	11 May 2015 (Council meeting)
2.	Parramatta City Council	2 June 2015 (Revised Gateway Determination)

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EXECUTIVE SUMMARY

This Planning Proposal seeks a change to the land use zoning, height of buildings, floor space ratio and foreshore building line provisions in Parramatta Local Environmental Plan (LEP) 2011 to allow for the mixed use development comprising a mix of retail, commercial and high density residential development on the subject site.

Land adjacent to the Parramatta River foreshore is sought to be rezoned to allow it to be used for public recreation purposes and dedicated to Council for public use, enabling the extension of the publicly accessible Parramatta River Foreshore open space network.

This site and adjoining foreshore is heavily contaminated given the historic use of the site for industrial purposes. This planning proposal provides economic incentive for the site to be remediated prior to redevelopment being undertaken.

The subject site forms a gateway site to the Camellia Precinct, which is identified in the State Government's Metropolitan Strategy as a key precinct required to grow Greater Parramatta as Sydney's Second CBD.

Council endorsed a Discussion Paper for the future of the Camellia Precinct (bounded by James Ruse Drive, the Parramatta River, Duck River and the M4 motorway) at its meeting on 10 March 2014. The Discussion Paper includes a draft land use concept plan for the Camellia Precinct that suggests a future mixed use precinct at the north western corner, centred around Camellia rail station and including the subject site.

In December 2014, Council resolved to support the development of a structure plan for the Camellia Precinct in partnership with the NSW Department of Planning & Environment. Studies are being undertaken to inform the final structure plan, which are expected to be released in mid-2015.

Pursuing the subject planning proposal prior to the completion of the broader strategic work for the Camellia Precinct recognises the following:

- a. the strategic importance of the site's location within proximity to the Camellia industrial precinct, the University of Western Sydney (UWS) and key transport routes.
- b. the considerable benefit of the subject site being remediated, given the potential risks to public health and the environment.
- c. the site is unproductive in its current contaminated and vacant state from a land use perspective.

A draft version of the planning proposal was reported to Council on 28 April 2014. A conditional Gateway Determination dated 8 August 2014 was issued by the Department of Planning and Environment (DP&E) on account of the DP&E identifying the need for extensive investigations and analyses in a number of areas before any progression of the planning proposal. Refer to **Attachment 1**.

Following the Gateway Determination, the proponent submitted a suite of post-Gateway reports and studies addressing flood impact, acid sulfate soils, employment lands analysis, traffic and transport assessment, flora and fauna, health

and safety, noise, odour and land use conflict, public utilities report, urban design analysis and masterplan, management of underground containment cells, site contamination and proposed remediation. A detailed assessment was conducted which was considered by Council at its 11 May 2015 Council meeting where Council resolved:

- (a) **That** Council adopt the revised heights listed in the table option B consistent with the outcome of the Statewide Planning draft Planning Proposal and urban design scheme as the controls for maximum building heights and floor space ratios to be included in the revised planning proposal with
 - A 35 metre maximum height for foreshore buildings;
 - A 126 metre maximum height for the development site;
 - A floor space ratio of 5.3:1 of the development site.
- (b) **That** Council authorises the CEO:-
 - To prepare the amendments to the draft revised planning proposal at Attachment 1 in accordance with the Council endorsed option for the maximum building heights and floor space ratios;
 - To correct any minor anomalies of a non-policy and administrative nature that may arise during the plan amendment process;
 - To include the following amendment:-

All development applications for the site must include a “Design Excellence Process” with a Design Integrity Panel in accordance with the Director General guidelines.
- (c) **That** Council’s amended planning proposal be submitted to the DP and E for the purposes of seeking a revised Gateway Determination.
- (d) **That** during the community consultation of the planning proposal further consultation be undertaken with the relevant public authorities concerning a suitable ‘satisfactory arrangements’ clause to address Section 117 Direction 6.1 Approval and Referral Requirements.
- (e) **That** as required by Section 117 Direction 4.1 Acid Sulphate Soils, a copy of the Acid Sulphate Soils Study (part of the Remediation Action Plan) be provided to the Director General of the Department of Planning and Environment prior to the commencement of community consultation.
- (f) **That** a report be put to Council to the outcome on the community consultation of the planning proposal.
- (g) **That** Section 2.3 of the planning proposal be amended to remove the reference to a 7 metre exclusion zone and instead that the local clause permit roads, pedestrian access-ways, road related infrastructure and landscaping works above the containment cells before it is forwarded to the Department of Planning and Environment for a revised Gateway Determination.
- (h) **Further, that** the advice from the EPA on the 7 metre exclusion zone and Senior Project Officer – Land Use Planning memorandum dated 8 May 2015 be forwarded to the DP and E with the planning proposal.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The objective of this planning proposal is to seek the rezoning of land at 181 James Ruse Drive, Camellia to facilitate a mixed use development comprising residential apartments, retail and commercial uses; and public open space along the Parramatta River Foreshore.

The site at 181 James Ruse Drive comprises the following allotments in **Table 1** and is depicted on the Site Location Plan at **Figure 1**.

Table1 - Land allotments and site area

Title Description	Area on title (sqm)
Lot 1 DP128720	625.9
Lot 2 DP128720	1145
Lot 3 DP128720	746.2
Lot 4 DP128720	518.4
Lot 1 DP2737	904.2
Lot 2 DP2737	670.3
Lot 3 DP2737	784.1
Lot 4 DP2737	784.1
Lot 5 DP2737	866.3
Lot 6 DP2737	638.6
Lot 7A DP418035	1126
Lot 9A DP418035	657.6
Lot 1 DP499552	1473.5
Lot 2 DP512655	13000
Lot 2 DP549496	3882
Lot 10 DP610228	937.7
Lot 1 DP668318	18717.8
Lot 2 DP6856	670.3
Lot 3 DP6856	670.3
Lot 4 DP6856	670.3
Lot 5 DP6856	670.3
Lot 6 DP6856	670.3
Lot 7 DP6856	670.3
Lot 8 DP6856	784.3
Lot 9 DP6856	784.3
Lot 10 DP6856	784.3
Lot 11 DP6856	1031
Lot 12 DP6856	670.3
Lot 13 DP6856	670.3
Lot 14 DP6856	670.3
Lot 15 DP6856	670.3
Lot 16 DP6856	670.3
Lot 17 DP6856	670.3
Lot 25 DP6856	1707
Lot 1 DP724228	762

Lot 1 DP927064

5862

TOTAL

67,236.2

A key outcome resulting from the development of the site will be the overall remediation of the site and restoration of the foreshore area.

Council's resolution of 11 May 2015 which resolved a FSR of 5.3:1 will realise a total GFA of 314,820 sqm. Relying on the indicative concept plans submitted in the proponent's Urban Design Report, redevelopment of the site will consist of:

- Approximately 3,100 residential units;
- Approximately 15,000 sqm retail / commercial floorspace; and
- approximately 4,250 car spaces
- an internal network of private access roads; and
- 9,750 sqm RE1 Public Recreation zoned land.



Figure 1 – Site Location Plan

PART 2 – EXPLANATION OF PROVISIONS

The proposal seeks an amendment to *Parramatta LEP 2011* to rezone land at 181 James Ruse Drive, Camellia from B5 Business Development to part B4 Mixed Use and part RE1 Public Recreation, allowing maximum building heights ranging from 35 metres (10 storeys) to 126 metres (40 storeys) and a maximum floor space ratio (FSR) of 5.3:1.

This planning proposal also seeks to reduce the foreshore building line (FBL) to 25 metres measured from the site's northern boundary.

A summary of the planning proposal amendments are set out in **Table 1** below and detailed in the existing and proposed maps in Part 4 – Mapping.

Table 1: Summary of LEP Amendments

SUMMARY OF PROPOSED LEP AMENDMENTS		
CURRENT (PLEP 2011)		PROPOSED
Zoning	B5 Business Development Zone	- B4 Mixed Use Zone (59,400 m²*) - RE1 Public Recreation Zone (9,570m²*)
FSR	1.5:1	- RE1 zone: No FSR notation - B4 zone: 5.3:1 FSR
Height of Buildings	9m and 12m	- RE1 zone: No height notation - B4 zone: 35 metres for foreshore area and 126 metres for the remaining area
Foreshore Building Line	30m	25 metres

* Indicative only

Figures 2 to 6 in Part 4 Mapping illustrate the existing controls in Parramatta LEP 2011 whilst **Figures 7 to 11** illustrate the proposed changes to the zoning, building height, FSR, foreshore building line and the Key Sites Map.

The proposal also seeks the insertion of new site specific local clauses within Parramatta Local Environmental Plan 2011 as follows:

1. Design Integrity Panel process
2. Site Remediation
3. No development over 'containment cells'
4. Satisfactory Arrangements

The legal drafting of the clauses will be undertaken by Parliamentary Counsel in conjunction with Council. Below is an explanation of the proposed clauses.

2.1 Design Integrity Panel process

Due to the significant proposed increases in building heights and floor space ratio, visibility from the Parramatta River and foreshores and the scenic importance of the

site, buildings on the site should be required to deliver a high standard of design quality through a Design Integrity Panel process.

The process will involve the preparation of a brief which will be endorsed by the Design Integrity Panel. The Panel will be made up of nominees of: the proponent; Council; and the Director-General of the DP&E. The Panel endorses the nominated architect to ensure the architect has the experience and skill to achieve the objectives of the brief.

The proposed steps for the Design Integrity Panel process are as follows:

1. A design brief is prepared by the applicant stating an intention to rely on the Design Integrity Panel process* which then goes to the consent authority.
2. Design Integrity Panel is selected in accordance with the DP&E's Design Excellence guidelines.
3. The design brief is signed off by the Design Integrity Panel in accordance with the DP&E's Design Excellence guidelines.
4. The architect is engaged by the applicant.
5. The architect prepares a design consistent with the design brief and in accordance with the DP&E's Design Excellence guidelines.
6. The Design Integrity Panel signs off the design in accordance with the DP&E's Design Excellence guidelines.
7. Presentation to Design Integrity Panel to award design integrity.
8. Reports and letter completed
9. Pre-DA stage – architect presents to Design Integrity Panel.
10. DA stage – architect presents to Design Integrity Panel.
11. Construction Certificate stage – architect presents to Design Integrity Panel.
12. Occupational Certificate stage – architect presents to Design Integrity Panel.

* This step differs from the current Design Integrity Panel process because normally when the Design Integrity Panel process is followed there has already been some consideration of a concept design which is not possible in this case. This step also differs from the DG's Guidelines.

A design bonus is not available via this alternate design path. Instead, a design bonus is only available to a winning scheme that is the result of a Design Competition Process.

The proposed sub-clause would be similar to sub-clause 22B(5) in *Parramatta City Centre LEP 2007* however, the DG's certification would not be required. It may also sit within the design excellence clause which is being delivered by a number of other planning proposals before the DP&E.

It is also proposed to include the subject site on a key sites map in Parramatta LEP 2011.

This clause is further justified in Section 5.3.

2.2 Site remediation clause

Given that the site and the adjoining river foreshore are known to be contaminated, Council must be satisfied that both areas will be remediated before the land is used for any of the future land uses that will become permissible as a result of the successful completion of the planning proposal.

It is proposed to include a local clause within Parramatta LEP 2011 to provide that development consent must not be granted for development on the subject land unless the consent authority is satisfied that the land and the adjoining river foreshore will be remediated to make the land suitable for the purpose for which development is proposed to be carried out, before the land is used for that purpose.

This clause is further justified in Section 5.2.

2.3 No development over 'containment cells' clause

The proposed site remediation involves the excavation and burying of contaminated materials on the site in underground concrete-walled and capped cells. The cells proposed will be approximately 7m deep and linear in shape to fit beneath proposed future roadways or landscaped areas.

These cells will be a long term constraint to certain development on the site and should be reflected in the planning controls in the LEP. It is proposed to include a site specific clause in Parramatta LEP 2011 to specify that no buildings will be permitted above the location of the containment cells.

The Gateway Determination issued by the Department of Planning and Environment for the planning proposal requires that the site specific clause to restricting development above containment cells is to include the restriction on land within 7 metres of the containment cells. However, the Remediation Action Plan (RAP) only indicates that the land above the containment cells can be used for sealed vehicular roadways.

The proponent has submitted a letter of clarification from the consulting engineer indicating that the 7 metres "construction exclusion zone" is only required around the containment cells during construction and that after the cells have been constructed, the construction exclusion zone will not be required and will not preclude any future building alignment from being located in this zone.

On 6 May 2015, the EPA confirmed that the RAP does not require a 7 metre exclusion zone for development. Therefore, should the DP&E agree, the intent of the local clause will be to limit development above the containment cells only (ie. such as roads, pedestrian access-ways, road related infrastructure and landscaping works and the like). Refer to correspondence at **Attachment 2**.

This clause is further justified in Section 5.2.

2.4 Satisfactory Arrangements Clause

Planning instruments can contain provisions in a clause to provide that development consent is not to be granted until "satisfactory arrangements" have been made for the provision of required public infrastructure and essential services. In relation to the subject proposal, this would include transport infrastructure

upgrades (local and regional), the supply of water, electricity and disposal and management of sewage.

It is proposed to include a site specific local clause in Parramatta LEP 2011 to provide that development consent must not be granted for development on the subject site unless satisfactory arrangements for servicing the land, including the supply of water, the supply of electricity and the disposal and management of sewage have been made and further that satisfactory arrangements have been made for local and regional transport infrastructure upgrades to mitigate the impact of future development of the site.

The clause is on account of the proposed development requiring local infrastructure upgrades such as electricity and sewer infrastructure.

This clause is further justified in Sections 5.2, 8.5 and 10.1.

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

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

The subject planning proposal was originally lodged with Council in October 2012 and at the time was not supported by any strategic study or report.

In early 2014, a Discussion Paper was prepared by Council for the Camellia Precinct (bounded by James Ruse Drive, the Parramatta River, Duck River and the M4 motorway). The Discussion Paper was the direct result of stakeholder feedback on the precinct's strategic advantages, challenges and opportunities and was a significant milestone in developing a long term vision for Camellia.

The Discussion Paper includes a draft land use concept plan that suggests a future mixed use area in the north-western part of the precinct, centred on Camellia railway station (including the subject site). Typically, mixed use precincts are substantially developed for residential purposes together with some retail and commercial uses. Other parts of the precinct are likely to support a variety of employment land uses, including business, industrial, warehousing and logistics. A mixed use zoning for the subject site is broadly consistent with the draft land use concept plan within the Discussion Paper.

The Sydney Metropolitan Strategy (A Plan for Growing Sydney) released in December 2014 identifies the growth of the Camellia Precinct (along with Westmead Health, North Parramatta, Rydalmere) in supporting the importance of Parramatta as Sydney's second CBD.

In December 2014, Council resolved to support the development of a Structure Plan for the Camellia Precinct in partnership with the Department of Planning and Environment (DP&E). The structure plan will build on Council's work to date with Camellia stakeholders and provide a framework for future redevelopment and rezoning. DP&E have committed significant funding to deliver necessary studies for the precinct, including transport, traffic and access, contamination, flooding and economic feasibility studies. These studies will inform the final structure plan, which is expected to be in place by mid-2015.

Parallel to the strategic planning work being undertaken by Council and DP&E, a separate 'designated development' application had been lodged by the land owner with respect to the remediation of the site which would determine the ability to remediate the land for alternate uses. This application is still under assessment.

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

As stated above, Council resolved to support the development of a Structure Plan for the Camellia Precinct in partnership with the DP&E. Further studies will be undertaken to inform the final structure plan expected to be in place by mid-2015.

The subject planning proposal, seeking a mixed use zoning for the site, is broadly consistent with the draft land use concept plan within the Camellia Discussion

Paper. Pursuing the planning proposal prior to the completion of the broader study recognises the following:

- a. The strategic importance of the site's location within proximity to the Camellia industrial precinct, the University of Western Sydney (UWS) and key transport routes.
- b. the considerable benefit of the subject site being remediated, given the potential risks to public health and the environment.
- c. The site is unproductive in its current contaminated and vacant state from a land use perspective.

The precinct wide Structure Plan may inform the outcomes of the exhibition of the subject planning proposal as might the Structure Plan inform this planning proposal process.

Section B – Relationship to strategic planning framework.

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

3.1 NSW 2021

NSW 2021: A Plan to make NSW number one is the NSW Government's 10-year plan setting out goals for economic development, services, infrastructure, local environments and community. NSW 2021 emphasises the need to rebuild the economy and recognises Parramatta as:

- the Premier Regional City and central connecting point for Sydney.
- the city best positioned in the medium term to locate a critical mass of jobs close to where people live in Western Sydney.
- essential to solving Sydney-wide transport congestion, pollution, commute times and declining productivity.
- a future anchor of the Global Economic Corridor and location for key knowledge jobs.

The planning proposal is consistent with this plan in its aim to turn an unproductive and contaminated site into a development site that is suitable for both residential and employment land uses in a strategic location that will boost housing and employment growth in Western Sydney.

3.2 A Plan for Growing Sydney

A Plan for Growing Sydney (the Sydney metropolitan strategy) was released in December 2014 and is the NSW Government's 20-year plan for the Sydney Metropolitan Area. It provides direction for Sydney's productivity, environmental management, and liveability; and for the location of housing, employment, infrastructure and open space.

The Plan identifies the Sydney Metropolitan Area as having two CBDs Sydney-North Sydney, and Greater Parramatta. The importance of Parramatta's role as Sydney's second CBD will grow, with Parramatta CBD integrated with the surrounding precincts of Westmead Health, North Parramatta, Rydalmere Education, and Camellia.

The Strategy identifies three planning principles that will guide how Sydney grows:

- Principle 1: Increasing housing choice around all centres through urban renewal in established areas
- Principle 2: Stronger economic development in strategic centres and transport gateways
- Principle 3: Connecting centres with a networked transport system

The planning proposal supports the principals of the Metropolitan Strategy through the increase in housing choice via urban renewal. The site is also strategically located within proximity to existing (and potential) transport networks. The redevelopment of the currently vacant site will result in a mix of residential, commercial and retail uses enabling the economic use of the land and supports the future Camellia precinct redevelopment as well as the viability of the nearby Rydalmere Education Precinct and the Parramatta CBD.

Key to Sydney's success is Western Sydney, in particular the growth of greater Parramatta (including Westmead, North Parramatta, Rydalmere and Camellia). A renewed focus on Western Sydney will be supported by investment in infrastructure including improved roads, rail links, Parramatta Light Rail investigations, and a new airport at Badgerys Creek.

Specific actions within the Metropolitan Strategy seek the following with respect to Camellia:

Action 1.2.1: Grow Parramatta as Sydney's second CBD by connecting and integrating Parramatta CBD, Westmead, Parramatta North, Rydalmere and Camellia

The Government will work with Parramatta City Council to: grow Greater Parramatta by connecting and integrating the precincts which provide jobs, goods and services including Parramatta CBD, Westmead, Rydalmere, Parramatta North and Camellia with the existing commercial core.

Action 1.3.3: Deliver Priority Revitalisation Precincts

*Three priority locations have been identified within the Parramatta to Olympic Peninsula Priority Growth Area - Wentworth Point, Carter Street, Lidcombe and **Camellia**. The Government will:*

- *develop a structure plan for Camellia to underpin future redevelopment of the area;*
- *identify medium and long-term opportunities for urban renewal across the Greater Parramatta to Olympic Peninsula Priority Growth Area.*

Furthermore, Camellia is identified as a potential 'green grid' project for Parramatta that proposes planning and development of an interconnected system of natural landscapes, local open spaces and strategic parks within major commercial, employment and residential precincts.

The planning proposal is broadly consistent with the above actions, through urban renewal of a significant site at the gateway to the Camellia Precinct focussed around the existing railway station and potential future transport corridors. The planning proposal, which seeks mixed use development on the site, is also broadly consistent

with the draft land use concept plan prepared as part of the Camellia Discussion Paper that will be used to inform the Camellia Structure Plan.

Amending the planning controls as sought by this planning proposal will assist in contributing to the green grid adjacent to Parramatta River through the dedication of remediated foreshore land to Council to be zoned RE1 Public Recreation, allowing for connections to the waterway along an existing Parramatta River foreshore network. It will also protect existing mangrove vegetation (subject to remediation of the foreshore) and enhance the vegetative corridor along the waterway through foreshore embellishment and restoration works.

3.3 Draft West Central Sub-Regional Strategy

The draft West Central Sub-Regional Strategy 2007 was prepared under the NSW Government's 2005 Metropolitan Strategy. The NSW state government is currently working on updated sub regional plans to be prepared in consultation with Councils and the local community. The sub regional strategy will deliver the key deliverables of the Metropolitan Strategy as it relates to the sub region. Of particular relevance to the subject site are:

- *Investigate urban renewal options in Camellia and develop a structure plan to guide future development;*
- *Work with Parramatta Council to: recognise and plan Greater Parramatta as a transformational place;*
- *Plan Greater Parramatta as Sydney's second CBD and Western Sydney's number one location for employment and health and education services, supported by a vibrant mixture of land uses and cultural activity, with the Parramatta River foreshore as a focus for recreational activities;*
- *Provide capacity for long-term employment growth in Greater Parramatta, particularly in its CBD;*
- *Provide capacity for additional mixed-use development in Parramatta CBD and surrounding precincts including offices and retail in Parramatta CBD, health services in Westmead, an education hub around the new University of Western Sydney Campus, a technology and education precinct in Rydalmere, arts and culture in Parramatta, a sports precinct around Parramatta Stadium and housing in all precincts;*
- *Improve transport connections between Greater Parramatta and other Western Sydney centres and precincts, commencing with Macquarie Park via Carlingford, Castle Hill via Old Northern Road, Bankstown and Sydney Olympic Park;*
- *Improve walking and cycling connections between the Parramatta CBD, the Greater Parramatta precincts, Parramatta River and their surrounding area.*

The proposal is largely consistent with the direction of future sub-regional planning as indicated to date in the draft West Central Sub-Regional Strategy.

3.4 NSW Long Term Transport Master Plan

The NSW Long Term Transport Master Plan sets the direction for transport planning for the next 20 years, providing a framework for transport policy and investment decisions that respond to key challenges. The Master Plan supports Council's Light

Rail proposal which will connect 'Greater Parramatta' (including Camellia, Rydalmere, North Parramatta and Westmead) to Parramatta and Greater Sydney.

The planning proposal will result in redevelopment of a site adjacent to the existing Camellia heavy railway station and potential Camellia light railway stop. An indicative diagram of the potential light rail stops as they relate to the subject site is provided within the Camellia Discussion Paper at attachment 4. The planning proposal would not impede any future light rail corridor and could provide for mixed residential and commercial development to support future patronage of the desired light rail network.

3.5 State Infrastructure Strategy 2014

The NSW State Infrastructure Strategy 2014 is a 20 year plan to deliver a wide range of Infrastructure across NSW including public transport, roads, water, education, health, energy, international gateways, sports, culture, and environmental tourism. In particular the strategy includes reference to *Parramatta Public Transport Improvements*:

- Improving connectivity from Parramatta to growing employment precincts and other strategic destinations in Western Sydney and Global Economic Corridor.
- *Light rail and/or Bus Rapid Transit could potentially support Parramatta's role as Sydney's second CBD. Initial analysis suggests that the most viable corridors are:*
 - Macquarie Park – *a specialised employment precinct*
 - Castle Hill – *high levels of commuter flows*
 - Bankstown – *enabling broader educational and social journeys*
 - Sydney Olympic Park – *a recreational and employment centre*

As stated above, the planning proposal would not impede any future light rail corridor and will support future patronage of future transport connections.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

4.1 Parramatta 2038 Community Strategic Plan

Parramatta 2038 is a 25 year Strategic Plan for the City of Parramatta. The Plan formalises a series of 'big ideas' for Parramatta and the region including:

- *the development of Parramatta CBD, Westmead, Camellia and Rydalmere*
- *a Light Rail network and Local and Regional Ring Roads*
- *the Parramatta River entertainment precinct*
- *a connected series of parks and recreation spaces.*

The Plan details "What might change?" and states:

Areas around the CBD, Westmead, Rydalmere and Camellia will change the most. When plans for improving the city with better parklands, light rail, river pathways, and better motorway connections (M4, M2 and WestConnex) are realised, more housing and more jobs will be created in a sustainable way that minimizes impacts on existing and future residents. Growth is likely along light rail corridors, around rail stations and on bus priority routes.

The planning proposal is largely consistent with the delivery of the 'big ideas' including development of a key site in Camellia, being at the gateway to the Precinct and adjacent to the Rydalmere Education precinct, particularly the University of Western Sydney Parramatta Campus.

As previously detailed, the site is adjacent to the existing Camellia Railway Station and potential light rail stop. The proposal will not impede the delivery of any future light rail routes.

The proposal will result in the remediation of the land, including the foreshore and the dedication of the foreshore land for public recreation purposes including revegetation. The additional foreshore land will allow future connections along the Parramatta River as an extension of the existing Parramatta River foreshore network.

4.2 Camellia Discussion Paper

The Camellia Discussion Paper was prepared to synthesise the Camellia Precinct's strategic advantages, challenges and opportunities so as to assist with working towards a long term vision for the precinct in consultation with landowners and businesses.

As previously detailed in Section 1 the Paper was prepared by Council in early 2014 as a direct result of stakeholder feedback.

The Discussion Paper includes a draft land use concept plan that suggests a future mixed use area in the north-western part of the precinct, centred on Camellia railway station (including the subject site). Typically, mixed use precincts are substantially developed for residential purposes together with some retail and commercial uses. Other parts of the precinct are likely to support a variety of employment land uses, including business, industrial, warehousing and logistics. A mixed use zoning for the subject site is broadly consistent with the draft land use concept plan within the Discussion Paper.

The proposal is consistent with the draft guiding principles of Discussion Paper, in particular:

- 1. Allow for some mixed use development, including residential, in the north-western part of the precinct fronting James Ruse Drive and adjacent to the Carlingford Railway line.*
- 6. Improve the viability of existing public transport options in the precinct by focussing any new residential development intensification around the existing rail stations at Rosehill and Camellia and also providing for a new Camellia ferry wharf on the Parramatta River in the north-western part of the precinct.*

A copy of the Discussion Paper is available at http://www.parracity.nsw.gov.au/data/assets/pdf_file/0010/141400/Camellia_Discussion_Paper_-_Stakeholder_Consultation_Draft.pdf.

In December 2014, Council resolved to support the development of a structure plan for the Camellia Precinct in partnership with the Department of Planning and Environment (DP&E). The structure plan will build on Council's work to date with Camellia stakeholders and provide a framework for future redevelopment and rezoning. DP&E have committed significant funding to deliver necessary studies for

the precinct, including transport, traffic and access, contamination, flooding and economic feasibility studies. These studies will inform the final structure plan, which is expected to be in place by mid-2015.

The DP&E has written to Council on 29 January 2015 advising that any planning proposals that have been put forward for the Camellia Precinct should be considered on their merits with regard to their particular infrastructure requirements and can be assessed by Council concurrent to the work on the land use and infrastructure plan. In doing so the DP&E suggests that Council have regard to any potential impact on the vision on the wider Camellia Precinct.

5. Is the proposal consistent with applicable State Environmental Planning Policies?

The SEPPs and SREPs applicable to the subject planning proposal are:

- *SEPP 32 – Urban Consolidation*
- *SEPP 55 – Remediation of Land*
- *SEPP 65 - Design Quality of Residential Flat Development*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment)*

5.1 SEPP 32 – Urban Consolidation

The SEPP 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 SEPP also aims to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling:

- the location of housing in areas where there are existing public infrastructure, transport and community facilities, and*
- increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and*
- the reduction in the rate at which land is released for development on the fringe of existing urban areas.*

Subject to Clause 6 of the SEPP the Council.... and the Minister must consider whether urban land is no longer needed or used for the purposes for which it is currently zoned or used, whether it is suitable for redevelopment for multi-unit housing and related development in accordance with the aims and objectives of this Policy and whether action should be taken to make the land available for such redevelopment.

Through the Camellia Discussion Paper and the Metropolitan Strategy, both Council and the Department of Planning and Environment have identified the option of the rezoning of the land to permit mixed use development. The planning proposal, seeks rezoning of land to permit mixed use development, including residential development is consistent with the Discussion Paper and the aim of the SEPP.

5.2 SEPP 55 – Remediation of Land

Clause 6 of the SEPP (extracted below) requires that land contamination issues be considered in a rezoning proposal.

6 Contamination and remediation to be considered in zoning or rezoning proposal

- (1) *In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*
- (a) the planning authority has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
 - (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

Note. In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.

- (2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.*
- (3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).*
- (4) The following classes of land are identified for the purposes of this clause:*
 - (a) land that is within an investigation area,*
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
 - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The site has a history of industrial use, most recently with the closure of the James Hardie Factory in the 1992/1993. The subject site is identified on the list of NSW contaminated sites notified to the Environment Protection Authority (EPA). It is also subject to a Public Positive Covenant (Notice AA746178PC dated 6 July 2004) under section 88E(3) of the *Conveyancing Act 1919* and section 29 of the *Contaminated Land Management Act 1997*.

The most recent former use of the site is referred to in Table 1 to the *Contaminated land planning guidelines* being *asbestos production and disposal*.

Various environmental studies have been prepared for the site including Phase 1 and Phase 2 Site Assessments that describe the contaminated nature of the site and recommend a remediation action strategy. The site contains significant volumes of contaminated materials including asbestos, heavy metals and hydrocarbons, having previously been occupied for a range of industrial purposes.

The proponent has lodged a development application (DA/750/2013) seeking approval to remediate the site. A separate DA is expected to be lodged for the remediation of the foreshore. DA/750/2013 is being assessed by Council in consultation with other authorities, including the Environment Protection Authority (EPA), and is identified as 'designated development' pursuant to Schedule 3 of the *Environmental Planning & Assessment Regulation 2000*.

Council, as the Responsible Planning Authority for the planning proposal, must be satisfied that the site is able to be remediated to make the land suitable for all proposed future land uses within the proposed zones. Council has sought advice from the EPA to be able to address the SEPP 55 requirements. This is in addition to the specific Gateway requirement for Council to have regard to the EPA comments to inform the planning proposal prior to public exhibition.

EPA comments were received 25 March 2015 and are provided at **Attachment 3**. The EPA has advised that the proponent's revised remediation strategy is suitable and will enable the site to be made suitable in its remediated state for the proposed future land uses.

The EPA advises that the remediation of the site and the river foreshore, (which is also contaminated) must occur in order to make the land suitable for the intended future land uses that are part of the planning proposal. This planning proposal therefore includes a local clause within Parramatta LEP 2011 to provide that development consent must not be granted for development on the subject land unless the consent authority is satisfied that the land and the adjoining river foreshore will be remediated to make the land suitable for the purpose for which development is proposed to be carried out, before the land is used for that purpose (refer to Section 2.2).

Furthermore, as SEPP 55 also requires consideration of contamination in determining a development application, the matter will need to be addressed as part of any future development application on the site. (Note: in between this draft planning proposal being referred to the DP&E and revised Gateway Determination being issued, further progress on the development application may be made and this section will be updated at the time of exhibition of the planning proposal to ensure this document reflects the most up to date status).

In relation to Transport for NSW (TfNSW) land holdings, following consultation with TfNSW, Council has been advised that asbestos contamination on the site may have resulted in cross contamination of the adjacent Sydney Trains Carlingford Line Corridor. TfNSW has requested that the proponent should commit to comprehensive sampling and, if required, remediation of asbestos contamination along that section of the Carlingford Line fronting the development. Refer to the TfNSW's response dated 12 February 2015 at **Attachment 3**.

5.3 SEPP 65 - Design Quality of Residential Flat Development

Clause 28 of the SEPP requires that in preparing an environmental planning instrument that makes provision for residential flat development, a provision shall be included in the instrument or plan to ensure the achievement of design quality in accordance with the design quality principles and have regard to the publication *NSW Residential Flat Design Code 2002*. It is noted that SEPP 65 will be required to be considered during the assessment of any future development on the site that includes three or more storeys and four or more dwellings.

As part of the subject planning proposal it is intended to include a local clause within Parramatta Local Environmental Plan 2011 which enables a design integrity panel process consistent with Council's resolution of 11 May 2015. Refer Section 2.1 in Part 2. This requires an amendment to the *Parramatta LEP 2011* Key Sites Map.

5.4 Sydney Regional Environmental Plan (Sydney Harbour Catchment)

The *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP) applies to the waters and tributaries of Sydney Harbour. It includes zoning for land below mean high water mark, identifies strategic foreshore sites, heritage items and wetland protection areas. The objectives and principles outlined in Sections 2 and 13 seek to "*recognise, protect, enhance and maintain Sydney Harbour and its catchment... as a national public asset... for existing and future generations*".

The Gateway Determination issued by the DP&E on 8 August 2014 required Council to further consider the proposal in terms of the SREP with particular reference to:

- The wetlands protection areas defined in SREP 2005;
- 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.

The river foreshore and the area of the site adjacent to the Parramatta River is designated as Wetland Protection Area under the SREP. The mangroves adjacent to the site. The objectives of this plan in relation to the wetlands and the matters for consideration when a consent authority determines a development application include the preservation, protection, restoration and rehabilitation of wetlands.

Due to contamination this area will need to be remediated. This will involve removal of contaminated soils and mangrove vegetation, restoration and revegetation. This planning proposal and future development of the site provide an opportunity to rehabilitate a degraded section of the foreshore and also to increase public access along the foreshore, another of the planning principles in the SREP. Remediation of the foreshore and removal of the mangroves will require approval of various Government authorities and Council. Comments will be sought from the Department of Primary Industries (Office of Water and NSW Fisheries), Office of Environment and Heritage and Roads and Maritime Services (RMS) - as land below mean high water mark is owned by RMS - during public exhibition of the planning proposal.

The SREP states that development *should maintain, protect and enhance views; and the scenic quality of foreshores and waterways*. Furthermore development *must minimise any adverse impacts on views and vistas to and from public places, landmarks and heritage items; and should not detract from the character of the waterways and adjoining foreshores*. In relation to the impact on the visual qualities of

the river foreshore and impact upon views, consideration has been given both to the foreshore building line and the height of buildings adjacent to the foreshore to ensure minimal impact. This is achieved through appropriate building heights and densities adjacent the foreshore. Should the planning proposal proceed, the foreshore area adjacent to the river will be dedicated to Council for the purpose of public open space, enabling improved views to the river from a currently privatised space. It is noted that future development on the site would be subject to a separate development application that will further address the requirements of the SREP in more detailed design processes.

The site is known to contain Acid Sulfate Soils. An Acid Sulfate Soils Management Plan will be required prior to the disturbance of the site as part of the remediation process. Existing controls within Clause 6.1 of Parramatta LEP 2011 relating to acid sulphate soils will apply to all future development applications for the site.

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

The 117 Directions applicable to the subject planning proposal are:

- 1.1 Business and Industrial Zones*
- 2.1 Environment Protection Zones*
- 2.3 Heritage Conservation*
- 3.1 Residential Zones*
- 3.4 Integrated Land use and Transport*
- 4.1 Acid Sulphate Soils*
- 4.3 Flood Prone Land*
- 6.1 Approval and Referral Requirements*
- 6.3 Site Specific provisions*
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036*

A comprehensive address of each of the relevant Section 117 Directions is provided in **Table 3** below.

Table 3 – Assessment against the relevant Section 117 Directions

117 Direction	Comment
1 Business and Industrial Zones	The planning proposal is considered to be inconsistent with this Direction due to the proposed zoning change from a B5 Business Development zone to a B4 Mixed Use zone, as the latter zone is typically dominated by residential development rather than employment uses. The indicative development concept for the subject site indicates that there will potentially be approximately 3,100 residential units and approximately 15,000 sqm retail/commercial floorspace. The proposal is considered to be justified as the B4 Mixed use zone will allow for the viable remediation of the site, whilst retaining capacity for inclusion of employment generating land uses. The proposal will result in a net gain in floor space for employment uses, given that the site is vacant and unlikely to be viable for redevelopment under the current zoning, given the substantial cost of remediating the site to remove contaminated materials.

	Further, the strategic precinct analysis for Camellia currently underway is investigating a future mixed use precinct, centred around Camellia rail station and including the subject site. Typically, mixed use precincts are substantially developed for residential purposes together with some retail and commercial uses. Other parts of the Camellia precinct may be included in business or industrial zones that do not permit residential development and therefore would support employment land uses, including business, industrial, warehouse and logistics. In this broader context, the subject site will contribute towards sustaining employment opportunities.
2.1 Environment Protection Zones	The planning proposal is consistent with this Direction. SREP 2005 includes part of the subject land adjacent to the river as Wetlands Protection Area. Due to contamination, this area will need to be remediated. This will involve removal of contaminated soils and mangrove vegetation, restoration and revegetation. The planning proposal and future development of the site provide an opportunity to rehabilitate a degraded section of the foreshore. The planning proposal includes provisions to zone the area adjacent to the river as RE1 Public Recreation. Furthermore, the provisions of SREP 2005 will continue to apply to the site to manage the environmentally sensitive wetland area. The site is also identified as “Riparian Land and Waterways” on the Natural Resources—Riparian Land and Waterways Map <i>Parramatta LEP 2011</i>. Clause 6.5 of the LEP requires that before determining a development application the consent authority must consider any adverse impacts of the proposed development upon: water quality; natural flow regime and paths, stability of the bed, shore and banks and the groundwater system. This provision will continue to apply to the site to manage environmentally sensitive areas.
2.3 Heritage Conservation	The planning proposal is consistent with this Direction. The site is not affected by heritage listing under <i>Parramatta LEP 2011</i> and the existing heritage protection provisions in the LEP will continue to apply to nearby heritage listed items. The mangroves on the southern bank of the Parramatta River adjacent to the site are listed as a heritage item (Wetlands Parramatta River) under <i>Parramatta LEP 2011</i>. The mangrove area is contaminated will need to be remediated. This will involve removal of contaminated soils and mangrove vegetation, restoration and revegetation, subject to all necessary approvals. As indicated previously in Section 2.2 Contamination, the site will need to be remediated before it can be developed and this will include the mangroves adjoining the site. An appropriate local clause will ensure it is remediated prior to any future residential use of the land.
3.1 Residential Zones	The planning proposal is consistent with this Direction and proposes to include a clause in <i>Parramatta LEP 2011</i> addressing the requirement for satisfactory arrangements for servicing the land and also to introduce a clause relating to design excellence provisions for the development of the land. The planning proposal by its nature proposes to allow for housing that reduces the consumption of land on the urban fringe as it proposes to replace an existing business zone within an existing urban area with a mixed use zoning that will permit high density residential housing.
3.4 Integrated Land Use and Transport	The planning proposal is consistent with this Direction. The planning proposal will result in redevelopment of a site adjacent to the existing Camellia heavy railway station and will potentially be serviced by future light rail under investigation by the State government and Council. Mixed use development on the site will integrate housing and jobs in the one location and also in proximity to existing employment centres nearby, including Rydalmere, Camellia, and Parramatta CBD. The land proposed to be zoned RE1 Public Recreation will allow for pedestrian and cycling connections along the Parramatta River foreshore.

4.1 Acid Sulfate Soils	The proposal is consistent with this Direction. The Remediation Action Plan (RAP) prepared for the site, indicates that an environmental investigation has confirmed the site contains acid sulfate soils. The RAP indicates that an Acid Sulfate Soils Management Plan will be prepared prior to the commencement of remediation works to address acid sulfate soils during remediation and post redevelopment of the site. Existing controls within Clause 6.1 of <i>Parramatta LEP 2011</i> relating to acid sulphate soils will apply to all future development applications for the site.
4.3 Flood Prone Land	The planning proposal is inconsistent with this Direction as significant increases in the development of land should not occur on flood prone land. The proponent has provided justification for the inconsistency using a merit based approach, as provided for in the NSW Government's Floodplain Development Manual 2005. This justification is considered to be acceptable. The incursion of residential development over the high hazard area of the site can be managed to an acceptable and minimal level of risk, given the characteristics of the proposed development. The site has all three flood hazard categories (low, medium and high), with the high hazard closest to the river. The basement and podium infrastructure proposed to support the residential development in the low and medium hazard areas make it possible to support residential development in the high hazard area and achieve flood based objectives. No access is required to the development through areas of high risk hazard. The site works proposed to remove contaminated material and place this into below ground containment cells means that the site levels are able to be engineered to provide a new land base for the roads and retail/commercial level at the podium level and apartment buildings above the 1 in 100 year flood level and flood planning level. The basement car park entry would have a crest at the flood planning level (1:100 year level plus 0.5m freeboard). The proponent's report indicates that the evacuation of the basement areas is to be included in a flood response plan. Results of the previous flood modelling of pre and post development scenarios were reviewed in the proponent's post Gateway flood information to verify no significant additional floodwater impacts on downstream properties. Future development applications with more detailed building design and flood assessment will be required to address the Flood Planning Clause 6.3 in Parramatta LEP 2011 and the Flooding controls in Parramatta DCP 2011.
6.1 Approval and Referral Requirements	Section 117 Direction 6.1 Approval and Referral Requirements states that a planning proposal that includes provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority must have the approval of the Minister or public authority to the inclusion of that provision before the planning proposal undergoes community consultation. Planning proposals must be substantially consistent with this Direction. The "satisfactory arrangements" clause and the remediation of land clauses in the subject planning proposal will involve referrals, consultation or concurrence of a Minister or public authority once the terms are further investigated. Due to the complexities of the subject site and the substantial site remediation required, the planning proposal LEP amendment will take some time to finalise. It is therefore proposed that during the public exhibition phase of the planning proposal, further consultation be undertaken with the relevant public authorities concerning a suitable 'satisfactory arrangements' clause with the intention of achieving substantial consistency with the section 117 Direction 6.1 as the Gateway Determination issued 8 August 2014 requires key agencies receive a copy of the endorsed planning proposal and supporting studies.
6.3 Site Specific Provisions	The planning proposal is inconsistent with this Direction, however, the inconsistency is considered to be justified. The planning proposal includes several site specific provisions. The proposed site specific local clauses are required due to the complexities of the site and the substantial site remediation required to ensure the site is adequately remediated

	and serviced for the proposed land uses. Similar provisions are often included in planning instruments for urban release areas or contaminated areas. As such, the site specific local clauses included in the planning proposal are considered to be consistent with approaches taken in other planning instruments and the inconsistency with the Section 117 Direction justified.
7.1 Implementation of the Metro Plan for Sydney 2036	The planning proposal is consistent with this Direction. The proposal is consistent with the NSW Government's A Plan for Growing Sydney as outlined in Part 3, Section B.

Section C – Environmental, social and economic impact

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

A Flora and Fauna Assessment dated September 2014 and a Riverbank Management Plan dated October 2014 accompany the planning proposal at **Attachments 6 and 7**.

The Flora and Fauna Assessment indicates that the site is extensively cleared of vegetation and the vegetation that does exist is dominated by planted native and exotic species. No threatened fauna species were found on the site. There is potential for bats and migratory species such as wetland birds to pass through the site. The proposed rezoning provides the opportunity to improve the habitat available for native flora and fauna in the riparian corridor.

The Riverbank Management Plan addresses the foreshore area along the southern bank of the Parramatta River adjacent to the site, which is vegetated with mangroves. This area is contaminated with asbestos and will need to be remediated. This will involve removal of contaminated soils and mangrove vegetation, restoration and revegetation. The mangroves are protected under the NSW Fisheries Management Act and are listed as a heritage item (Wetlands Parramatta River) under Parramatta LEP 2011. The site is also included in the Wetland Protection Area under *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP 2005).

Remediation of the foreshore and removal of the mangroves will require approval of various Government authorities and Council. It is understood this will be the subject of a development application to be lodged by the proponent at a future stage.

During public exhibition of this planning proposal, comments will be sought from the Department of Primary Industries (Office of Water and NSW Fisheries), Office of Environment and Heritage and Roads and Maritime Services.

Furthermore, the site is identified as "Riparian Land and Waterways" on the Natural Resources—Riparian Land and Waterways Map *Parramatta LEP 2011*. Clause 6.5 of the LEP requires that before determining a development application the consent authority must consider any adverse impacts of the proposed development upon: water quality; natural flow regime and paths, stability of the bed, shore and banks and the groundwater system.

8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

8.1 Land Contamination & Remediation

This matter is addressed under in Section 5.2 under the heading *SEPP 55 – Remediation of Land*

8.2 Management of Underground Containment cells

As previously detailed, the site is contaminated and is subject to a separate development application seeking to remediate the site (DA/750/2013). The proposed site remediation involves the excavation and burying of contaminated materials on the site in underground concrete-walled and capped cells. The cells are approximately 7 metres deep and linear in shape to fit beneath proposed future roadways or landscaped areas. These cells will be a long term constraint to development on the site.

It is proposed to include a local clause within Parramatta Local Environmental Plan 2011 to ensure that no buildings or underground services/structures will be permitted in the location of the containment cells (including a 7 metre buffer). Refer to **Attachment 8**.

The Remediation Action Plan prepared in conjunction with DA/750/2013 indicates that the land above the containment cells is to be used for sealed vehicular roadways and that buildings and underground services/structures are not to be located above or within a specified area (7 metres) of the containment cells.

As part of the Gateway Determination issued by the DP&E dated 8 August 2014, a requirement was included; that the planning proposal include a site specific clause restricting development above the containment cells or within 7 metres of the containment cells.

The proponent has submitted a letter of clarification from the consulting engineer indicating that the 7 metres “construction exclusion zone” is only required around the containment cells during construction and that after the cells have been constructed, the construction exclusion zone will not be required and will not preclude any future building alignment from being located in this zone. This matter will be investigated further during the public exhibition of this planning proposal.

A report addressing the future management of the underground contamination containment cells is provided at **Attachment 8**. The report indicates that the cells will require ongoing management and monitoring in the long term, with a Site Management Plan to be approved by the EPA, to ensure the cells remain intact and undisturbed.

8.3 Acid Sulfate Soils

The proponent has submitted a letter dated 15 October 2014 prepared by URS Australia Pty Ltd, (the company that prepared the Remediation Action Plan (RAP) accompanying DA/750/2013 for site remediation) indicating that an environmental investigation has confirmed the site contains acid sulfate soils (refer **Attachment 9**). The RAP indicates that an Acid Sulfate Soils Management Plan must be prepared prior to the commencement of remediation works to address acid sulfate soils during remediation and post redevelopment of the site.

Section 117 Direction 4.1 Acid Sulfate Soils requires that an acid sulfate soils study assess the appropriateness of the change of land use as part of a planning proposal that proposes an intensification of land uses. In the case of the subject land, a preliminary acid sulfate soils assessment has been prepared and the development application for the remediation of the site identifies that an Acid Sulfate Soils Management Plan is to be prepared prior to the commencement of remediation works. Existing controls within Clause 6.1 of Parramatta LEP 2011 relating to acid sulphate soils will apply to all future development applications for the site.

8.4 Flood Impact

The proponent has submitted a revised Flood Impact Study dated September 2014 addressing previous concerns raised by Council including potential flood impacts on other properties; impacts on the river catchment (including flood storage volume); and adequate environmental safeguards and control measures (including evacuation and flood-time emergency response). Following further review by Council the proponent provided subsequent additional information dated 5 December 2014. (refer to **Attachment 10**).

The additional information indicated that as the site has all three (low, medium and high) flood hazard categories, with the high hazard closest to the river. The basement and podium infrastructure proposed to support the residential development in the low and medium hazard areas make it possible to support residential development in the high hazard area and achieve flood based objectives. No access is required to the development through areas of high risk hazard.

The site works proposed to remove contaminated material and place this into below ground containment cells means that the site levels are able to be engineered to provide a new land base for the roads and retail/commercial level at the podium level and apartment buildings above the 1 in 100 year flood level and flood planning level. The basement car park entry would have a crest at the flood planning level (1:100 year level plus 0.5m freeboard). The proponent's report indicates that the evacuation of the basement areas is to be included in a flood response plan.

Results of the previous flood modelling of pre and post development scenarios were reviewed in the proponent's post Gateway flood information to verify no significant additional floodwater impacts on downstream properties.

Future development applications with more detailed building design and flood assessment will be required to address the Flood Planning Clause 6.3 in Parramatta LEP 2011 and the Flooding controls in Parramatta DCP 2011.

8.5 Traffic & Transport Impact

The proponent submitted a Traffic and Parking Assessment dated November 2014 (refer **Attachment 11**) to accompany the updated urban design analysis and master plan development scenario for the site. The assessment concludes:

The Camellia Development, juxtaposed with the neighbouring developments on River Road West and Grand Avenue, created significant challenges in achieving an operational and satisfactory road transport solution.

It is recommended the following infrastructure be considered in achieving a satisfactory level of service 'D' when assessing the Camellia Site for rezoning:

- *Construction and formalization of a four lane link road between Wentworth Street in the south and Grand Avenue, to the north,*
- *Reconstruction of traffic signals at the intersection of Parramatta Road and Wentworth Street,*
- *The construction of a two (2) lane circulating roundabout on Grand Parade to facilitate access to the Camellia Development,*
- *Substantial reconstruction of the traffic signals on James Ruse Drive at Hassall Street,*
- *The installation of traffic signals on James Ruse Drive at River Road West,*
- *The construction of an underpass beneath James Ruse Drive to facilitate access to the Camellia Development site.*

The Traffic and Parking Assessment was referred to RMS and Sydney Trains for comment in late November 2014. Transport for NSW (TfNSW) provided a response dated 12 February 2015 with a follow up response on 17 April 2015 incorporating comments from RMS and Sydney Trains (refer **Attachments 4 and 5**). The comments in summary are:

- that prior to public exhibition of the planning proposal, there is a proposed LEP clause included requiring that satisfactory arrangements are to be made to mitigate the impacts of proposed development of the site on the State transport network prior to residential development being permitted.
- that prior to public exhibition the proponent is more specific about commitments to undertake transport network infrastructure upgrades and in relation to railway corridor remediation and access.
- that prior to the rezoning to permit residential development occurring, the proponent is encouraged to identify the necessary infrastructure and satisfactory arrangements for transport network upgrades with TfNSW.
- that a Transport Management and Accessibility Plan (TMAP) be prepared by the proponent to confirm the extent, scale, feasibility and timing of the mitigation measures proposed, as well as confirm the extent of further impacts of the development on regional transport infrastructure, including, but not limited to James Ruse Drive and Grand Avenue/Hassall Street intersection.
- that the proponent undertake further modelling preferably using a mesoscopic modelling tool and that the TMAP and mesoscopic modelling inform the proponent's commitments to transport network upgrades.
- that the proponent develops a clear statement of commitments to mitigate the impacts of the development and the timing for the provision of the works, including any necessary approvals from adjoining land owners.
- that site specific DCP provisions be prepared to protect future residents from noise and vibration, to ensure that no barriers or impediments to efficient freight movements are introduced as a result of the development on the site.
- that the proponent should commit to comprehensive sampling and if required, remediation of asbestos contamination along the section of the Carlingford Line fronting the development.
- that the proponent should consult with TfNSW on a design layout for the site that does not preclude the cost effective strip property acquisition of that section of

the proponent's land adjacent to the Carlingford railway line if required in the future.

- that TfNSW does not support a proposal for a Camellia Ferry Wharf and TfNSW does not support exhibiting material that proposes a wharf at Camellia.

As noted in Section 2.4, planning instruments can contain provisions in a clause to provide that development consent is not to be granted until “satisfactory arrangements” have been made for the provision of required public infrastructure and essential services. In relation to the subject proposal, this would include transport infrastructure upgrades (local and regional), the supply of water, electricity and disposal and management of sewage. A proposed local clause is included in the draft revised planning proposal at **Attachment 1**.

Section 117 Direction 6.1 Approval and Referral Requirements (refer also to Table 3, Part 3) states that a planning proposal that includes provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority must have the approval of the Minister or public authority to the inclusion of that provision before the planning proposal undergoes community consultation. Planning proposals must be substantially consistent with this Direction. It is therefore proposed that during the public exhibition phase of the planning proposal, further consultation be undertaken with the relevant public authorities concerning the specific nature of a suitable “satisfactory arrangements” clause with the intention of achieving substantial consistency with the section 117 Direction 6.1.

TfNSW has also indicated in a follow up response that instead of having TfNSW as a co-signatory to the voluntary planning agreement (VPA) for the final suite of infrastructure between Council and the proponent, the preference is that any infrastructure identified that was wholly State infrastructure would be the subject of a separate VPA between the proponent and the DP&E (refer to **Attachment 4**). Refer also to Section 9.3 Voluntary Planning Agreement Offer.

8.6 Health and Safety, Noise Odour, Land Use Conflict

The subject site is currently vacant and is bound by the Parramatta River to the north, James Ruse Drive to the west, Carlingford railway line to the east and light industrial uses to the south. The site is accessed from Grand Avenue North via an existing battleaxe handle and is zoned B5 Business Development as detailed on the existing zoning maps at **Attachment 12**.

The adjoining land uses and zones are as follows:

- To the north (on the opposite side of Parramatta River): University of Western Sydney Parramatta (Rydalmere) campus (zoned SP2 Infrastructure).
- To the west (on the opposite side of James Ruse Drive): light industrial/bulky goods retail units/ Rosehill Bowling Club (zoned IN1 General Industrial and RE2 Private Recreation).
- To the east (on the opposite side of railway line): range of manufacturing industries and waste recycling (zoned IN3 Heavy Industry).
- To the south: light industrial/bulky goods retail units, Sydney Water pumping station/ Camellia Railway Station/ vacant land used as overflow parking to service Rosehill Racecourse (zoned B5 Business Development).

- Rosehill racecourse and overflow car parking is located further south on the southern side of Grand Avenue.
- Land further west at 2-12 River Road West and 2 Morton Street (river frontage) have recently been rezoned from IN1 General Industrial to B4 Mixed Use and are the subject of recent residential development approvals.
- An existing Aldi Supermarket and office complex is located on the opposite side of Camellia Railway Station.
- An existing retail hub is located on the corner of Hassall Street and James Ruse Drive.

The Camellia Discussion Paper includes a draft Land Use Concept Plan that indicates a mixed use zoning around Camellia Railway Station (including the subject site). This mixed use precinct would be adjoined by a business-oriented land use transition zone to the east along Parramatta River and Grand Avenue; and the Rosehill Racecourse Entertainment Precinct to the South. These zones would act as a buffer between the mixed use zone and industrial zones within the central portion of the precinct.

The proponent has submitted a Health and Safety Report dated October 2014 (refer to **Attachment 12**). This report concludes that whilst the surrounding land uses (predominantly industrial and the rail corridor) could have an impact on the amenity of the proposed future use of the site for mixed use development, their impact would not be of such magnitude that would significantly impact on the health and safety of future residents and workers. Potential amenity impacts are anticipated to be manageable though detailed design considerations when development applications are prepared.

Further consideration of potential noise, vibration and air quality will be required to be considered as part of any future development application on the site, specifically as it relates to residential development.

8.7 Urban Design Analysis

The proponent has submitted an Urban Design Analysis dated August 2014 (refer to **Attachment 12**), Masterplan dated November 2014 (refer to **Attachment 14**) and Landscape Architects Design Statement dated October 2014 (refer to **Attachment 15**). These documents provide an urban and landscape design strategy underpinning the future development of the site, indicative future development concept for the site, including internal private roads, building footprints, building heights, building type and use, building alignments, foreshore building setback, indicative public domain plan, circulation and connectivity.

The Urban Design Analysis and Masterplan submitted provide a vision for the site “to create an interactive, urban living environment within a rehabilitated river setting”. In relation to density, the urban design analysis indicates that the site requires adequate development capacity to support the extensive remediation required to rehabilitate the site. The proponent’s studies supported a building height of 50 metres (14 storeys) for foreshore buildings and 113 metres (35 storeys) for the remainder of the land proposed to be zoned B4 Mixed Use, along with a FSR of 5:1.

Council Officers undertook a detailed assessment of the proponent’s supporting studies which was included in a Council report considered on 11 May 2015. This analysis proposed three options to Council with respect to the height and FSR controls.

Council's preferred alternate option comprises of the following development standards:

- **RE1 Public Recreation Zone:**
 - **FSR:** no FSR notation (uncoloured)
 - **Height:** no height notation (uncoloured).
- **B4 Mixed Use Zone:**
 - **FSR:** 5.3:1 FSR; and
 - **Height:** 35 metres for foreshore area and 126 metres for the remaining area.

This equates to a total GFA of 314,820 sqm for the land proposed to be zoned B4 Mixed Use.

The proponent's Urban Design Analysis, Masterplan and Landscape Architects Design Statement are provided at **Attachments 13, 14 and 15**. As stated above, Council Officers undertook a detailed assessment of the proponent's urban design investigations which is included in the Council report considered on 11 May 2015 (Item No. 9.3 and section entitled 'Building Heights and Floor Space Ratio').

8.8 Foreshore Building Line

This planning proposal seeks to reduce the Foreshore Building Line (FBL) from 30m to 25m measured from the existing cadastral boundary adjacent to the Parramatta River. The FBL proposed will represent the boundary between the B4 Mixed Use zone and the RE1 Public Recreation zone for approximately 65% of the site's frontage adjacent to the river. The remaining 35% has a greater setback to the river of approximately 65m, which is protected by the proposed RE1 zone for this area. This will provide for a variable setback of buildings to the river adjacent to an area of public open space.

The existing FBL along the Parramatta River varies from 15m to 30m, with the 15m setback applied further west of the subject site, closer to the Parramatta CBD on the southern shore of the river. The FBL then widens to 30 metres on both sides of the river, including the subject site. The objectives of the FBL are to protect the visual amenity of the waterway and foreshore of Parramatta River as well as protect natural foreshore processes. The FBL also provides opportunities for providing continuous public access along the foreshore of the river.

A reduction of the FBL from 30m to 25m on the subject site (as proposed) is considered to be capable of achieving these objectives, subject to the site and the foreshore area being suitably remediated and the mangrove area reinstated. A building setback greater than 25m would effectively be achieved over 35% of the site frontage at the river with the proposed area of public open space that would increase the protection of visual amenity of the foreshore and waterway of the Parramatta River.

Furthermore, the proponent has undertaken further surveying of the MHWL, indicating that the site's cadastral boundary be extended further into the waterway. This additional survey information has not been relied upon as it has not been registered and amended to title. However, should the survey of MHWL be registered, the cadastre would be updated on future LEP maps. The FBL for the site would then more closely represent a 30m setback.

8.9 Heritage Impact

There are a number of heritage items listed under Parramatta LEP 2011 in the vicinity of the subject land as shown on the existing Heritage LEP map (refer to Part 4

Mapping). This includes the mangroves located at the river foreshore adjacent to the subject site. This area is contaminated with asbestos and will need to be remediated. This will involve removal of contaminated soils and mangrove vegetation, restoration and revegetation. The mangroves are protected under the NSW Fisheries Management Act and are listed as a heritage item (Wetlands Parramatta River) under Parramatta LEP 2011.

Remediation of the foreshore and removal of the mangroves will require approval of various Government authorities and Council. It is understood this will be the subject of a development application to be lodged by the proponent at a future stage. Consideration of impacts of future development on other nearby heritage items will require heritage impact statements at the time of lodgement of development applications for future land uses.

During public exhibition of the planning proposal, comments will be sought from the Department of Primary Industries (Office of Water and NSW Fisheries), Office of Environment and Heritage and RMS (land below mean high water mark is owned by RMS).

Historic views from Elizabeth Farm, (which is located to the south-east of the subject site), towards the former female Orphan School located on the University of Western Sydney site to the north of the subject site are also relevant and are subject to provisions in Parramatta Development Control Plan (DCP) 2011. Consideration of this historic view is provided in the Urban Design Analysis prepared by the proponent (see **Attachment 13**). Future development applications will need to consider the provisions of the DCP with regard to the historic views.

9. Has the planning proposal adequately addressed any social and economic effects?

9.1 Employment Lands

The proponent has provided an Economic Impact Assessment report dated November 2014, which includes information addressing the potential loss of employment land (refer **Attachment 16**). The report indicates 13,180sqm of retail/commercial floor space as a result of the planning proposal generating 745 full time and part time jobs post construction.

Section 117 Direction 1.1 Business and Industrial Zones is relevant to the subject planning proposal and is addressed in Table 3 at Question 6, Section B in Part 3. The Economic Impact Assessment addresses the s117 direction and concludes that whilst the proposal would result in the loss of land zoned B5 Business Development for industrial style/bulky goods employment, the proposal will result in a net gain in floor space for employment uses, given that the site is vacant and unlikely to be viable for redevelopment under the current business zoning, given the substantial cost of remediating the site to remove contaminated materials.

The generation of mixed used development on the site with retail/commercial floorspace combined with residential development is identified as being consistent with the State government's Metropolitan Strategies for Sydney to provide housing and employment opportunities in strategic locations.

Further, the strategic precinct analysis for Camellia currently underway is investigating a future mixed use precinct, centred around Camellia rail station and including the

subject site. Typically, mixed use precincts are substantially developed for residential purposes together with some retail and commercial uses. Other parts of the Camellia precinct may be included in business or industrial zones that do not permit residential development and therefore would support employment land uses, including business, industrial, warehouse and logistics. In this broader context, the subject site will contribute towards sustaining employment opportunities.

The subject planning proposal is regarded as being inconsistent with s117 direction 1.1 Business and Industrial Zones due to the proposed zoning change from a B5 Business Development zone to a B4 Mixed Use zone, as the latter zone is typically dominated by residential development rather than employment uses. However, the inconsistency is considered to be justified as the B4 Mixed use zone will allow for the viable remediation of the site, whilst retaining capacity for inclusion of employment generating land uses.

9.2 Social impact Assessment

Council is working in partnership with the NSW Department of Planning & Environment to develop a structure plan for the Camellia Precinct. Studies are being undertaken to inform the final structure plan, which is expected to be completed by mid-2015. This includes a study of community infrastructure requirements. The social infrastructure requirements of the planning proposal can be assessed by Council concurrent to the work on the precinct structure plan. Council will also be consulting with NSW Health and the Department of Education and Communities during the public exhibition of the planning proposal.

9.3 Voluntary Planning Agreement (VPA) Offer

A draft offer for a Voluntary Planning Agreement was submitted by the proponent on 12 February 2015 with a revised offer submitted on 12 May 2015. The revised offer is currently undergoing detailed analysis in accordance with Council's Planning Agreements Policy. (Note: in between this draft planning proposal being referred to the DP&E and revised Gateway Determination being issued, further progress on the draft VPA may be made and this section will be updated at the time of exhibition of the planning proposal to ensure this document reflects the most up to date status of the VPA).

Section D – State and Commonwealth interests

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

10.1 Utilities

The proponent has submitted a Services Infrastructure Report dated September 2014 addressing the adequacy of water, sewer, electricity and gas services for the future land uses on the site. This report indicates that the site is able to be serviced by reasonable upgrades of local infrastructure for water, sewer, power, gas and telecommunications (refer **Attachment 17**)

Council received written responses from Endeavour Energy (dated 22 October 2014) and Sydney Water (dated 10 October 2014) in response to requests for comments on the planning proposal (Refer **Attachment 18**)

The response from Sydney Water states that preliminary investigation indicates that the existing water supply has sufficient capacity to cater for the estimated additional

water demands. In relation to sewer, the existing trunk wastewater supply has limited capacity to cater for the proposed future land uses. Detailed requirements will be provided by Sydney Water at the section 73 application phase, once development consent has been granted for the future development of the site.

Sydney Water has provided the proponent with a Feasibility Letter dated 23 September 2014 indicating that the developer will need to construct additional water mains and sewers within the site.

The response from Endeavour Energy to Council indicates that whilst it has no objections to the proposed rezoning of the land to permit a future mixed use development, the existing electrical infrastructure surrounding the site cannot support the indicated proposed development, which will require a number of new underground cables from Endeavour Energy's Rosehill Zone Substation to the development site and also potentially a number of distribution substations.

As part of the subject planning proposal it is intended to impose a local clause within Parramatta Local Environmental Plan 2011 addressing the requirement for satisfactory arrangements for servicing the land, including the supply of water, the supply of electricity and the disposal and management of sewage.

At a recent interagency forum on the Camellia/Rosehill Planning Framework, the location of a major pipeline was identified as a significant item of infrastructure potentially requiring a setback or exclusion zone for buildings. This may have significant implications for the development standards sought by the applicant and will be considered by relevant agencies during the public consultation period.

10.2 Roads & Transport

Matters relating to Road and Transport Infrastructure are detailed in Section 8.5 under the heading *Traffic & Transport Impact*.

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

The following State Government agencies have been consulted during the assessment of the planning proposal including:

- Environmental Protection Authority (EPA)
- Endeavour Energy
- Sydney Water
- Roads & Maritime Services (RMS)
- Sydney Trains

Comments from the Office of Environment and Heritage, Office of Water and the University of Western Sydney were sought when the earlier version of the planning proposal was lodged in November 2012. Further comments will be sought during the public exhibition of the revised planning proposal.

Matters raised by the EPA are detailed in Section 5.2 under the heading *SEPP 55 Remediation of Land*.

Matters raised by Transport for NSW (incorporating comments of RMS and Sydney Trains) are detailed in Section 8.5 under the heading *Traffic & Transport Impact*.

Matters raised by Endeavour Energy and Sydney Water are detailed in Section 10.1 under the heading *Utilities*.

Written responses from EPA and TfNSW are provided at **Attachments 3, 4 and 5** with responses from Endeavour Energy and Sydney Water at **Attachment 18**.

During public exhibition of the planning proposal and supporting studies, comments will be sought from:

- 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.

This is as stipulated in the Gateway Determination dated 8 August 2015.

PART 4 – MAPPING

The maps below at Figures 2 to 6 illustrate the existing controls which are extracted from *Parramatta LEP 2011* whilst Figures 7 to 11 illustrate the proposed changes.

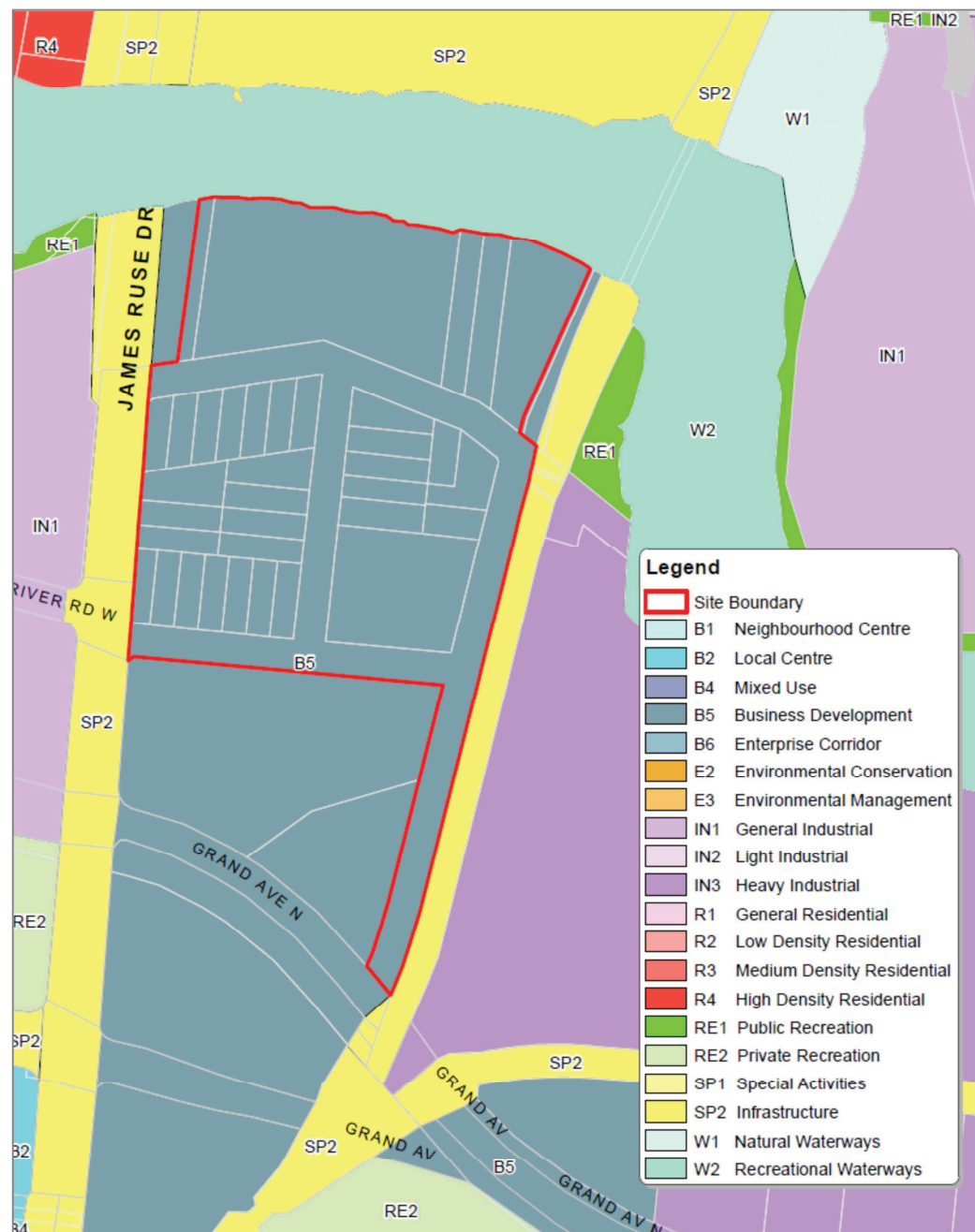


Figure 2 – Existing zoning extracted from the PLEP 2011 Land Zoning Map

Figure 2 above illustrates the existing B5 Business Development zone over the site.

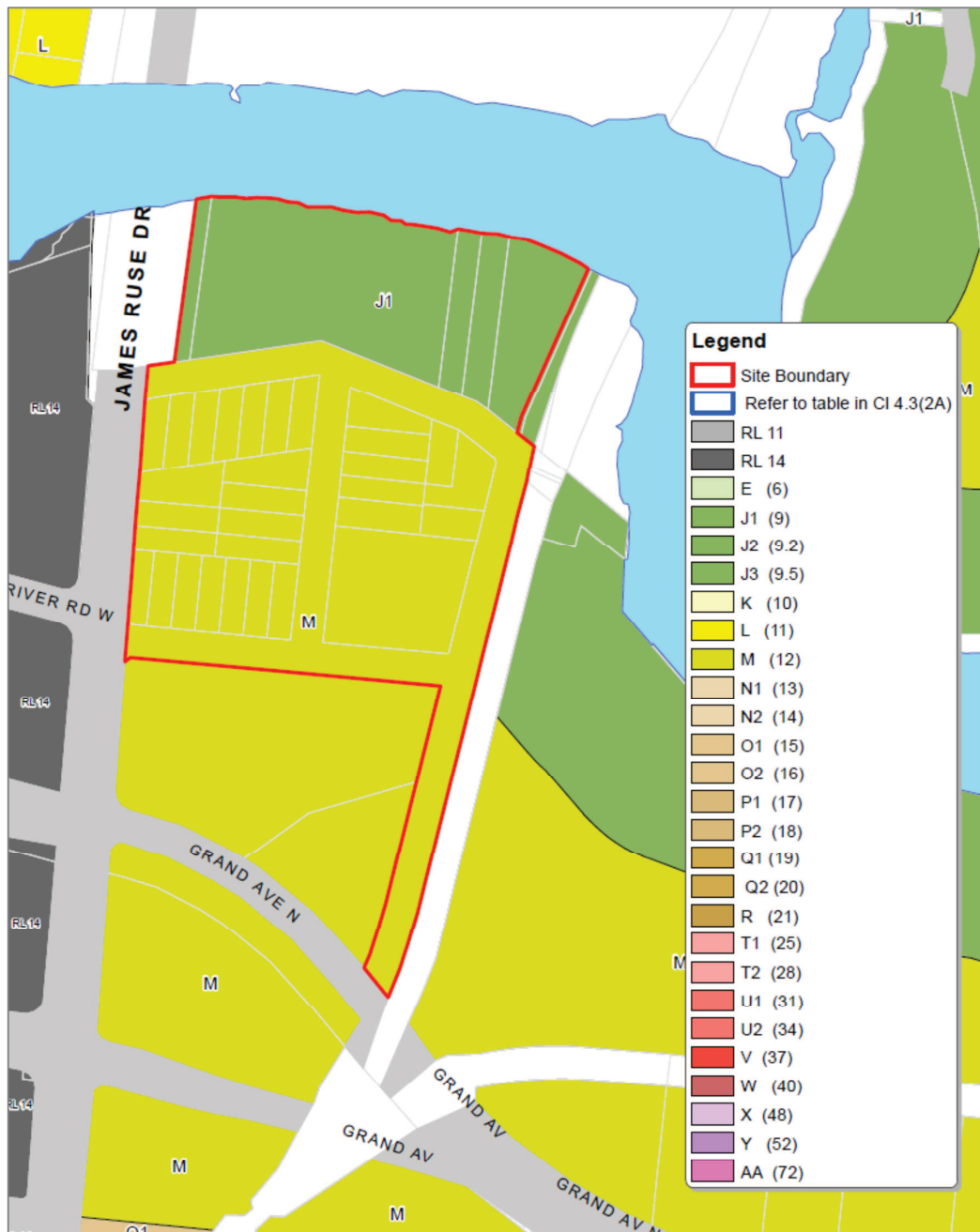


Figure 3 – Existing building heights extracted from the PLEP 2011 Height of Buildings Map

Figure 3 above illustrates the existing two heights applying to the site – the 9 metre maximum building height at the foreshore and the 12 metre maximum building height over the remainder of the site.

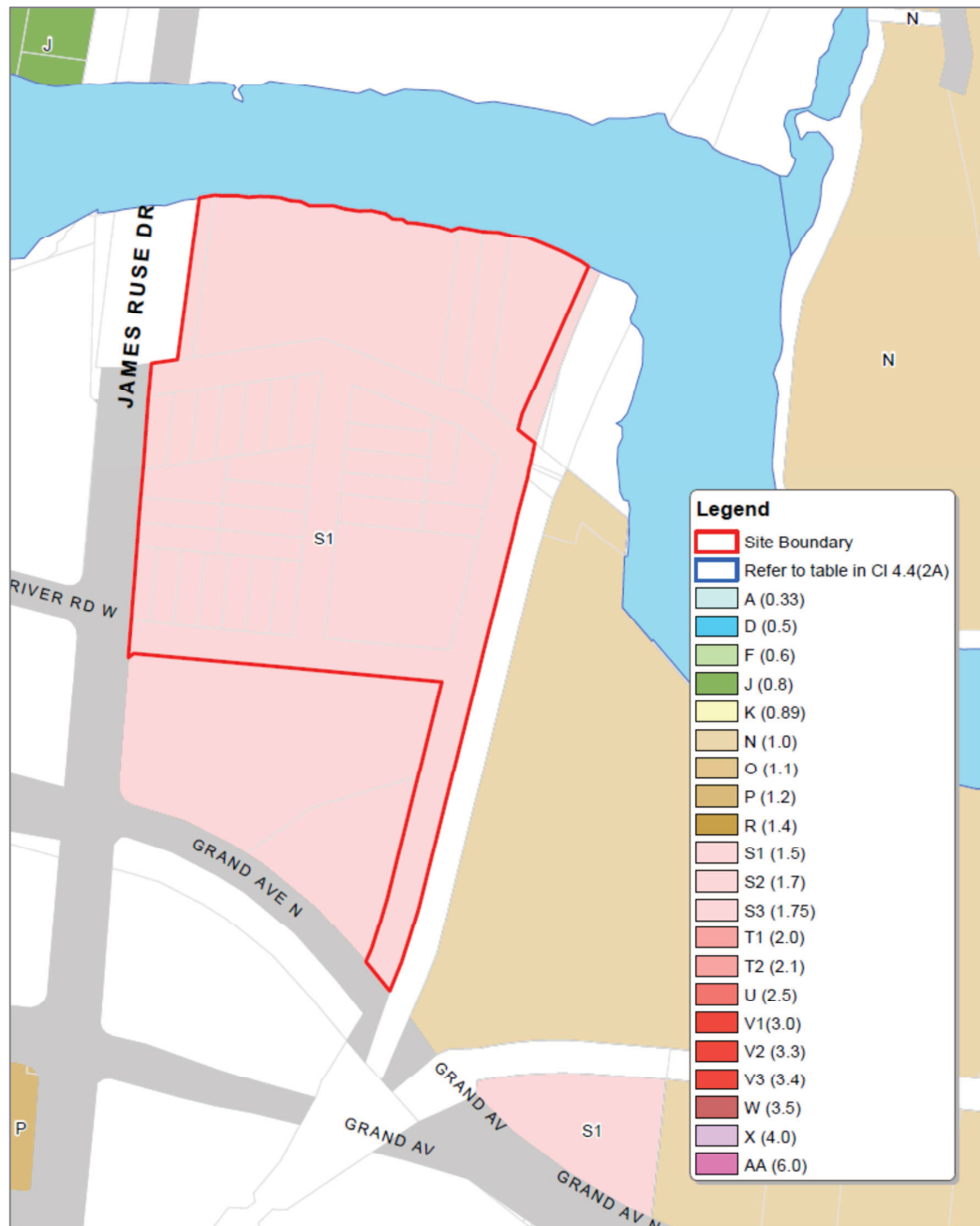


Figure 4 – Existing floor space ratio extracted from the PLEP 2011 Floor Space Ratio Map

Figure 4 above illustrates the existing 1.5:1 FSR which applies to the entire site as well as to the adjoining land to the south.



Figure 5 – Existing heritage items extracted from the PLEP 2011 Heritage Map

Figure 5 above illustrates the existing heritage items encroaching on the site at the foreshore area or are located adjacent to the site.

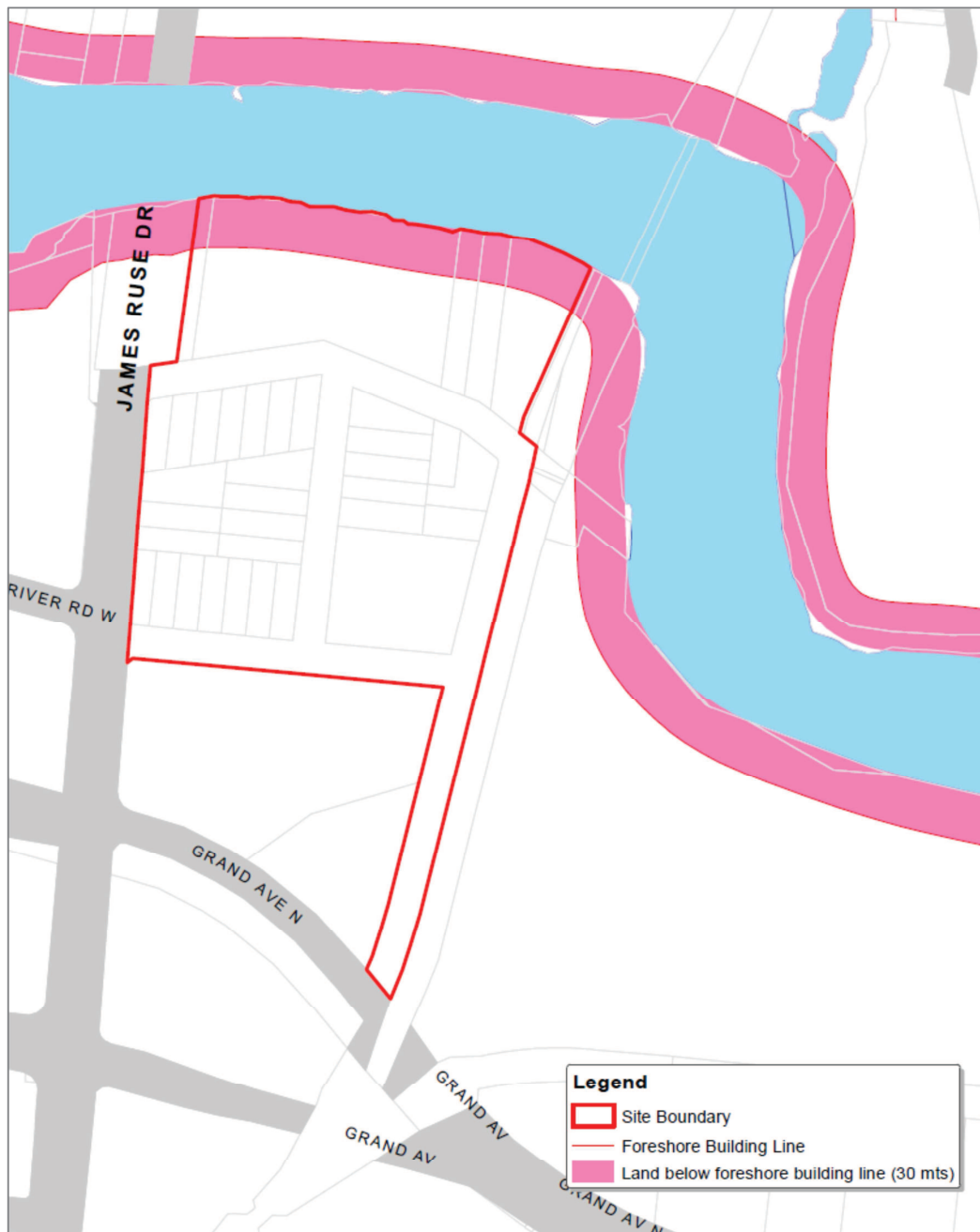


Figure 6 – Existing foreshore building line extracted from the *PLEP 2011* Foreshore Building Line Map

Figure 6 above illustrates the 30 metre foreshore building line at the foreshore area.

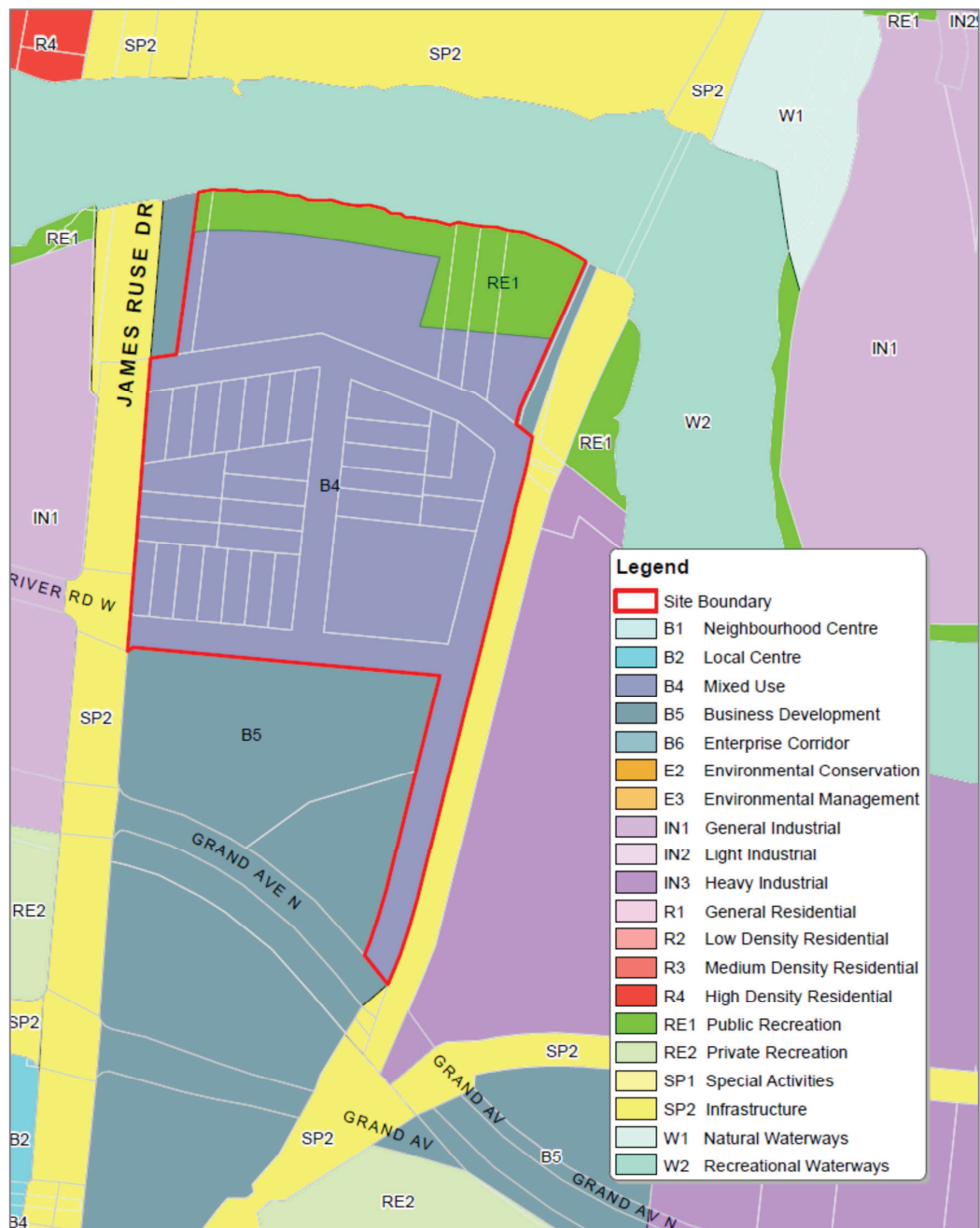


Figure 7 – Proposed amendment to the PLEP 2011 Land Zoning Map

Figure 7 above illustrates the proposed RE1 Public Open Space zone and the proposed B4 Mixed Use zone over the site.

Figure 7 highlights the remaining B5 Business zone parcels at the foreshore to the east of the site (adjacent to the Carlingford Railway) and to the west of the site (adjacent to James Ruse Drive). These sites are owned by Sydney Water and RMS respectively and the current B5 zoning over these sites will be resolved by way of a Housekeeping LEP amendment. (See also discussions at Figures 8 and 9).

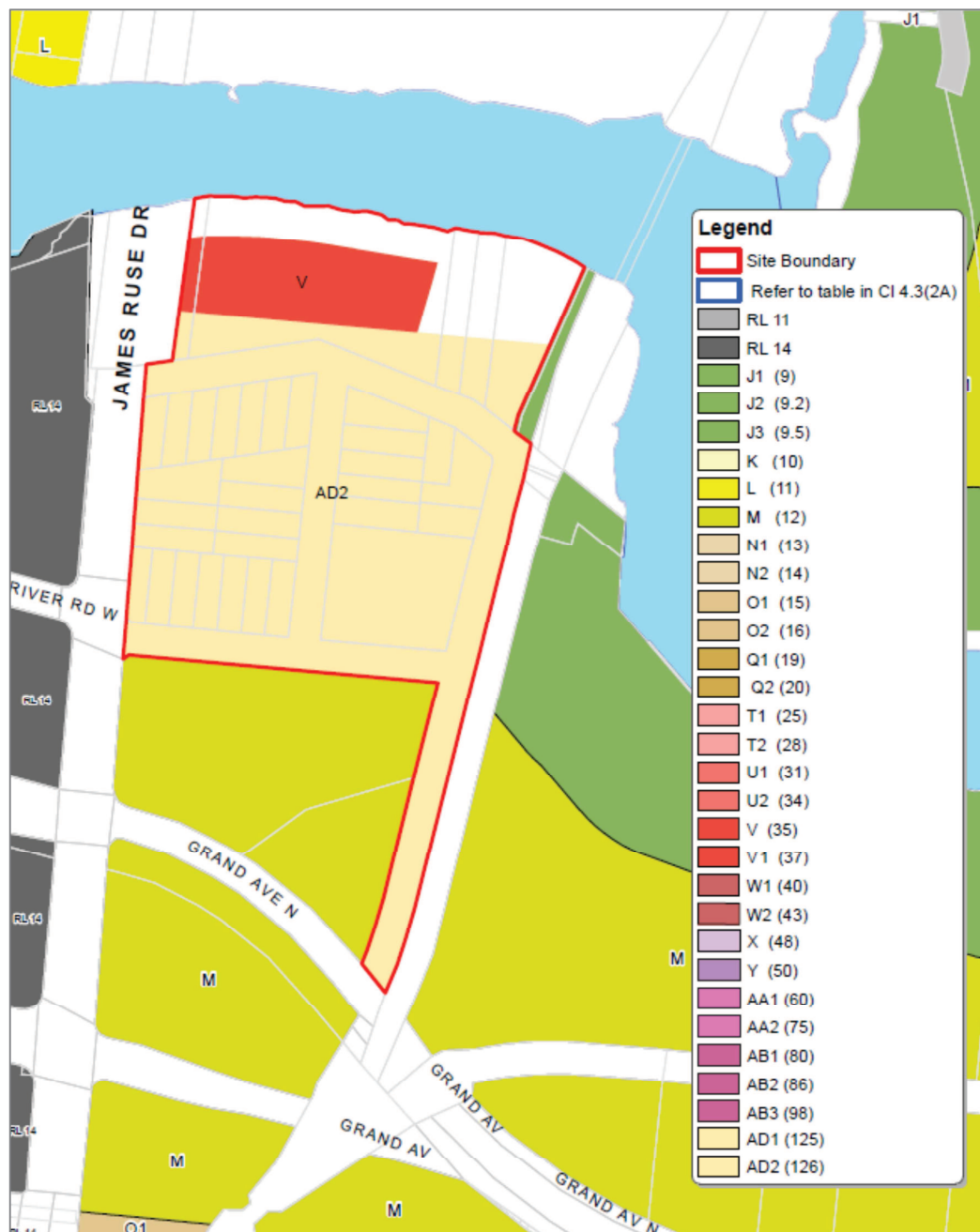


Figure 8 – Proposed amendment to the PLEP 2011 Height of Building Map

Figure 8 above illustrates proposed maximum building heights of 35 metres for foreshore buildings and 126 metres over the remaining part of the site which is proposed to be zoned to B4 Mixed Use. The land proposed to be zoned RE1 Public Open Space will have no height notation (ie. will be uncoloured).

Figure 8 also illustrates the current 9 metre height over the Sydney Water site at the foreshore adjacent to the Carlingford Railway. Whilst a minor anomaly, this will be resolved by way of a separate Housekeeping amendment.

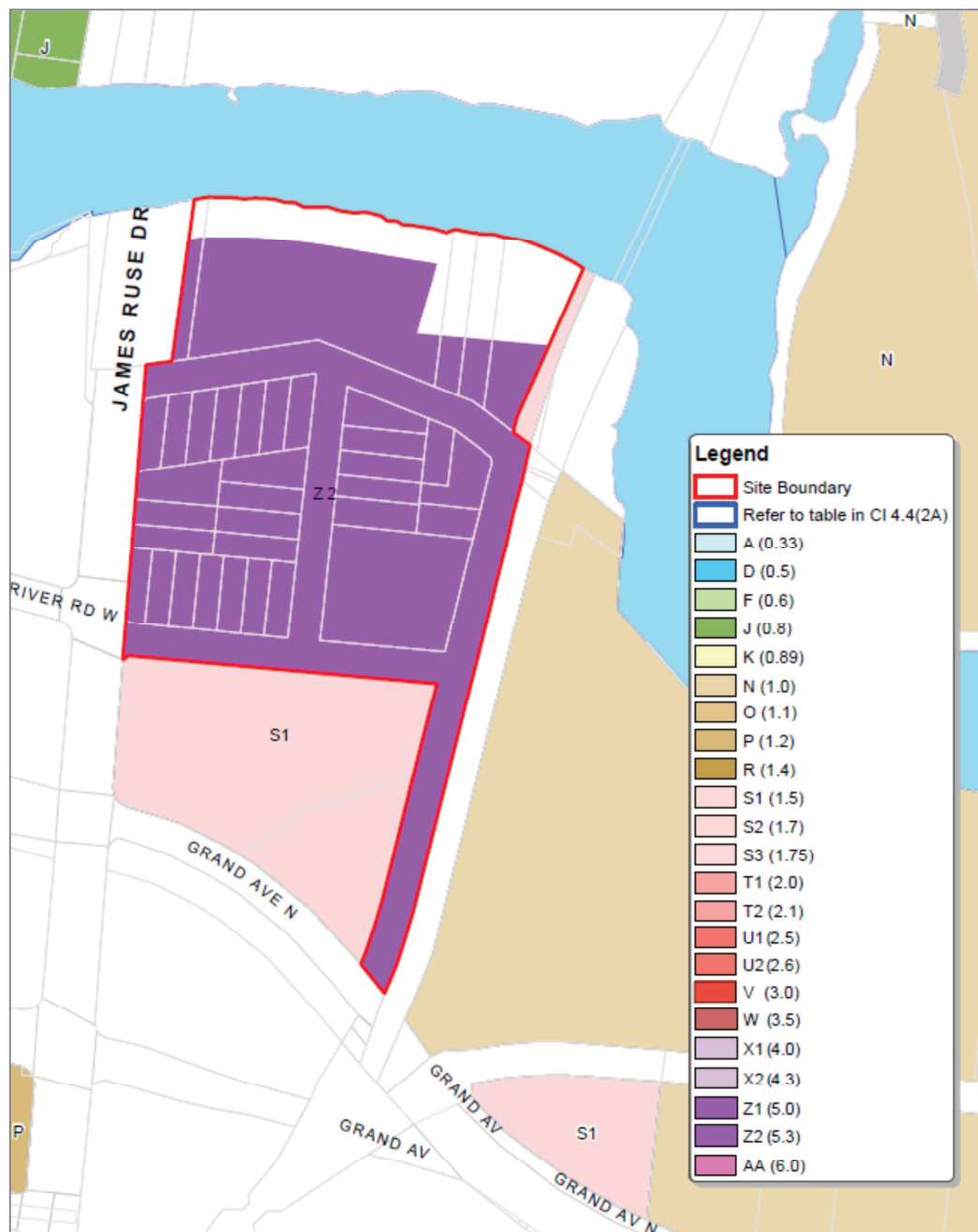


Figure 9 – Proposed amendment to the PLEP 2011 Floor Space Ratio Map

Figure 9 above illustrates the proposed 5.3:1 FSR over the part of the site proposed to be zoned B4 Mixed Use. The land proposed to be zoned RE1 Public Open Space will have no height notation (ie. will be uncoloured).

Figure 9 also illustrates the current FSR of 1.5:1 over the Sydney Water site at the foreshore adjacent to the Carlingford Railway. Whilst a minor anomaly, this will be resolved by way of a separate Housekeeping amendment.



Figure 10 – Proposed amendment to the PLEP 2011 Foreshore Building Line Map

Figure 10 above illustrates the proposed 25 metre foreshore building line.



Figure 11 – Proposed amendment to the PLEP 2011 Key Sites Map

Figure 11 above illustrates the proposed amendment to the Key Sites Map which relates to the proposed design integrity panel and satisfactory arrangements clauses.

PART 5 – COMMUNITY CONSULTATION

Community consultation on the planning proposal will be undertaken in accordance with the Gateway Determination. The planning proposal will be made publicly available for a minimum of 28 days.

The consultation will include:

- Newspaper advertising in local papers;
- Council website information; and
- Letters to land owners of surrounding properties.

PART 6 – PROJECT TIMELINE

The estimated project timeline for the delivery of the proposed amendment is provided in Table 4 below.

Table 4 – Estimate Project Timeline

Milestone	Estimated timeframe (as per DP&E Guidelines for PPs)
Date of Gateway Determination	8 August 2014 (actual)
Report to Council on detailed assessment of Planning Proposal	11 May 2015
Revised Section 56(1) submission to the DP&E seeking revised Gateway Determination	Late May 2015
Date of revised Gateway Determination	June 2015
Timeframe for government agency consultation	During the exhibition of the planning proposal as per the Gateway Determination (refer also to Part 3, Section D, Question 11)
Public exhibition period	June-July 2015 (tentative)

The above estimated timeline will be refined and extended once the planning proposal has been exhibited.

ATTACHMENT 1 – GATEWAY DETERMINATION (dated 8 August 2014)



Planning &
Environment

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 black ink, appearing to be 'Richard Pearson', written over the typed name.

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"

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- 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:

PARRAMATTA PP_2014_PARRA_004_00 (14/08269)

- (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

PARRAMATTA PP_2014_PARRA_004_00 (14/08269)

ATTACHMENT 2 – COUNCILLOR MEMO ON CONTAINMENT CELLS

M E M O

Trim Ref.: D03669846 (RZ/5/2012)

To	Lord Mayor and Councillors	Date	8 May 2015
Copies	Executive Team Service Manager Governance Infrastructure	Through	Jennifer Concato Manager City Strategy
From	Jacky Wilkes Senior Project Officer – Land Use Planning		
Subject	Item 9.3 - Planning Proposal at 181 James Ruse Drive, Camellia – Containment Cells		

Dear Lord Mayor and Councillors,

This memo relates to Item 9.3 – Planning Proposal for 181 James Ruse Drive, Camellia on the business paper for the Council meeting on 11 May 2015. This item is a report providing the detailed assessment of the proponent's revised planning proposal including compliance with the Department of Planning and Environment's (DP&E's) Gateway Determination.

A condition within the DP&E's Gateway Determination requires that the proponent's proposed local clause which limits the type of development above the containment cells to roads, access-ways and related infrastructure, should be amended to further restrict all development within a 7 metre exclusion zone around the containment cells. The condition references that this is consistent with the recommendations within the Remedial Action Plan prepared for the site.

The EPA's response of 23 March 2015 noted that any local clause that "prevented development above and within seven metres of the contamination containment cells is consistent with the site's RAP and audited by the Site Auditor". Because of the Gateway Determination condition and the EPA's response, the local clause was amended in the planning proposal (attached to the Council report) to introduce the 7 metre development exclusion zone around the containment cells.

Since this has occurred:

1. The proponent has provided a supporting letter which further clarifies that the exclusion zone is only required for the purposes of the construction phase (refer to "ACE-Letter" and "Cell Plans" attachments).
2. Council received correspondence from the EPA on 6 May 2015 clarifying its opinion on the need for a 7 metre exclusion zone around the containment cells. The EPA clarifies that "The EPA has no particular stance on the 7 metre site specific clause (or lack thereof); except that any clause introduced should be consistent with the RAP, that has been signed off by the site auditor. If the RAP does not require a 7 metre exclusion zone after the construction phase, the EPA is happy for the site specific clause to reflect this."

Whilst a Gateway Determination condition requires the PP to include a local provision requiring a 7 metre exclusion zone around the containment cells, the EPA have no objection to the removal of the reference to a 7 metre exclusion zone. Accordingly, Council Officers have no objection to the removal of the reference to a 7 metre exclusion zone. Therefore, it is recommended that the reference to a 7 metre

PARRAMATTA
CITY COUNCIL

30 Darcy Street Parramatta NSW 2150
PO Box 32 Parramatta NSW 2124

Phone 02 9806 5050 Fax 9806 5917
DX 8279 Parramatta ABN 49 907 174 779



exclusion zone be removed from the proposed local clause and that the revised local clause be put to the DP&E for their consideration before they issue a revised Gateway Determination.

Next Step:

It is proposed that two new recommendations be inserted as recommendation **b)** and **c)** with the remaining recommendations being re-alphabetised, as per bolded paragraphs below:

- a) **That Council adopt Option C, consistent with the outcome of the Council staff urban design assessment, as the controls for maximum building heights and floor space ratios to be included in the revised planning proposal with:**
 - a 31 metre maximum height (which with a 15% design bonus allows a 35 metre or 10 storey maximum height) for foreshore buildings;
 - a 110 metre maximum height (which with a 15% design bonus allows a 126 metre or 40 storey maximum height) for the remainder of the development site;
 - a floor space ratio of 2.6:1 (which with a 15% design bonus allows a floor space ratio of 3:1) for the foreshore building area;
 - a floor space ratio of 3.5:1 (which with a 15% design bonus allows a floor space ratio of 4:1) for the remainder of development site.
- b) That Section 2.3 of the planning proposal be amended to remove the reference to a 7 metre exclusion zone and instead that the local clause permit roads, pedestrian access-ways, road related infrastructure and landscaping works above the containment cells before it is forwarded to the Department of Planning and Environment for a revised Gateway Determination.**
- c) That the advice from the EPA on the 7 metre exclusion zone and this memo be forwarded to the DP&E with the planning proposal.**
- d) That Council authorises the CEO to prepare the amendments to the draft revised planning proposal at Attachment 1 in accordance with the Council endorsed Option for the maximum building heights and floor space ratios and to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan amendment process.
- e) That Council's amended planning proposal be submitted to the DP&E for the purposes of seeking a revised Gateway Determination.
- f) **That during the community consultation of the planning proposal further consultation be undertaken with the relevant public authorities concerning a suitable "satisfactory arrangements" clause to address Section 117 Direction 6.1 Approval and Referral Requirements.**
- g) **That as required by Section 117 Direction 4.1 Acid Sulfate Soils, a copy of the acid sulfate soils study (part of the Remediation Action Plan) be provided to the Director General of the Department of Planning and Environment prior to the commencement of community consultation.**
- h) **Further, that a report be put to Council on the outcome of the community consultation of the planning proposal.**

Please do not hesitate to contact Robert Cologna on x5144 should you have any further questions in the interim.

Jennifer Concato
City Strategy Manager, Strategic Outcomes and Development