



SUPPLEMENTARY REPORT TO PLANNING PROPOSAL

181 James Ruse Drive, Camellia

December 2015

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Introduction

This Supplementary Report – prepared in December 2015 - updates certain matters in the planning proposal for 181 James Ruse Drive that were addressed in the version sent to the Department of Planning and Environment (DP&E) on 2 June 2016 seeking a revised Gateway Determination. This report must be read in conjunction with the planning proposal (exhibition version).

The information contained within this report is required as a separate attachment so as not to invalidate the planning proposal, as advised by the DP&E.

The changes within this Supplementary Report do the following:

- Update the status of certain matters outlined in the planning proposal, such as:
 - the remediation development application process,
 - the associated voluntary planning agreement process,
 - the DP&E and Council's *Camellia Precinct – Land Use and Infrastructure Analysis*, and
 - references to the former *Parramatta City Centre LEP 2007* owing to the notification of Amendment 10 to the *Parramatta City Centre LEP 2007* into *Parramatta LEP 2011*); or
- Correct errors or omissions within the planning proposal that was submitted to the DP&E as part of Council's Section 56(1) submission in June 2015 seeking a revised Gateway determination, such as:
 - the error statements that state the remediation DA (DA/750/2013) applies to the entire site when it does not,
 - the omission of an example 'Essential services' local clause in an appendix,
 - the omission of two LEP maps illustrating the current controls in Part 4;
 - the omission of a map in Part 4 illustrating a proposed change;
 - the Risk Assessment Report as an Appendix, and
 - the Remediation Action Plan as an Appendix,which have been identified since the DP&E issued its Alteration Gateway determination on 24 September 2015; or
- Clarify the planning proposal or related process; or
- Clarify or summarise where necessary content in the applicant's supporting studies.

Executive Summary - Planning Proposal

The Executive Summary would be updated as follows:

- The discussion would add a reference to the exhibition of the joint Council and DP&E Draft *Camellia Precinct – Land Use and Infrastructure Analysis* reports exhibited in August and September 2015, and that the final Structure Plan

Planning Proposal for the wider Camellia Precinct is expected to be publically released by mid 2016.

- Clarify that the detailed assessment of the applicant's documents presenting three options was considered by Council at its 11 May 2015 Council meeting where Council resolved to adopt an alternate option which comprised a higher-than-tested floor space ratio (FSR).
- It would also add the following text as the last two paragraphs:

*In early June, a revised planning proposal consistent with the Council's resolution was forwarded to the DP&E seeking a revised Gateway determination. However, the supporting studies appended to the planning proposal supported a 5:1 FSR, not the resolved 5.3:1 FSR. On 24 September, 2015, the DP&E issued an Alteration Gateway Determination (refer to **Appendix 2B**) which added an additional 13 conditions to the original Gateway determination. The conditions required the applicant to conduct more detailed urban design work and open space analysis.*

The proponent has subsequently revised the Urban Design Report, the Master Plan, the Health and Safety Report, the Economic Assessment report and produced a further two studies to satisfy the additional conditions to the satisfaction of Council officers. This planning proposal has been amended accordingly for exhibition purposes.

- Insert at the end of the Executive Summary a sub-section entitled "DA/750/2013" with the following supporting text:

On 26 August 2015, consent was granted for remediation works over the bulk of the site (DA/750/2013) with some portions of the site excluded. This is detailed in [insert relevant section no.]

DA/750/2013 forms a designated development as defined by Schedule 3 of the Environmental Planning and Assessment Regulation 2000 and is integrated development under the provisions of the Water Management Act 2000, the Fisheries Management Act 1994 and the Protection of the Environment Operations Act 1997.

The Remedial Action Plan (RAP) associated with the DA is appended to this planning proposal in order to comply with the relevant Gateway condition. These are referenced in [insert relevant section no.]

Part 1 – Objectives or intended outcomes

Part 1 of the planning proposal would be updated as follows:

- Insert the following under **Table 1**:

Despite the above figure, Council's GIS mapping system calculates the total site area to be 68,166sqm. Furthermore, a range of land area figures within this planning proposal and across the various supporting studies and Council reports differ from place to place. However the figures are largely similar. The final areas will be determined as the planning proposal progresses past exhibition stage to the point when the LEP amendments come into force.

Part 2 – Explanation of Provisions

Part 2 of the planning proposal would be updated as follows:

- Insert at the end of **Section 2.2.1**:

*Refer to a DP&E model clause from Auburn LEP 2010 at **Appendix #**. However, state agencies will be consulted on the adequacy of the clause during the exhibition period.*

Voluntary Planning Agreements between the applicant and Council and the State Government will also help deliver infrastructure (refer to [insert relevant section no.]).

A copy of the model clause is provided at **Attachment 1** to this report.

Part 3 – Justification

Part 3 of the planning proposal would have been updated as follows:

- Insert at the end of **Section 3.1.1**:

This project is further discussed below in Section 3.2.1, 'Camellia Precinct Land Use and Infrastructure Strategy' and Section 3.2.2, 'Camellia Discussion Paper'.

- Clarify in **Section 3.1.2** that the DP&E's Planning Proposal for the wider Camellia Precinct base on the Draft Land Use and Infrastructure Strategy is anticipated to be publicly exhibited by mid 2016.
- Provide an update on the status of the joint DP&E and Council initiative – the *Camellia Precinct Land Use and Infrastructure Strategy* in **Section 3.2.1**:

Camellia Precinct Land Use and Infrastructure Strategy

Further to Section 3.1.2, the DP&E have developed a Draft Land Use and Infrastructure Strategy for the Camellia Precinct in order to revitalise the area. To this end, from 18 August 2015 to 18 September 2015, the following draft Strategy documents were exhibited: the Camellia Precinct Land Use and Infrastructure Strategy (Volume 1), the Camellia Precinct Land Use and Infrastructure Analysis (Volume 2) and the Strategic Transport Assessment.

The DP&E is currently reviewing the issues raised in the submissions which will inform a more detailed rezoning proposal to go on public exhibition by mid 2016.

The rezoning will also be informed by further technical studies that will investigate the infrastructure needed to support local transport and access, open space, community facilities and public amenity improvements.

See also the 'Camellia Discussion Paper' in Section 3.2.2 of the planning proposal.

- Update the subsection on the Camellia Discussion Paper in **Section 3.2.2** by adding at the end of the section:

As detailed above in Section 3.2.1, Council is working with the DP&E on the Camellia Precinct Land Use Strategy planning process to identify a strategic vision for the Camellia area.

- Update the subsection entitled 'SEPP 55 – Remediation of Land' in **Section 3.2.3** by adding the following text:

On 26 August 2015, development consent was granted for the remediation of the bulk of the site subject to this rezoning (DA/750/2013). However, some portions of the site are excluded from the consent:

- 1. The foreshore area (parts of Lot 2 on DP512655, Lot 1 on DP499552, Lot 25 on DP6856, Lot 2, DP549496) which includes RMS land;*
- 2. The access handle (part of Lot 10, DP610228);*
- 3. The J shaped Sydney Water easement (part of Lot 1, DP668318); and*
- 4. The area of land in the north-west corner incorporating Lot 10, DP610228 and part of Lot 2, DP 512655.*

*A map illustrating the area included within DA/750/2013 as well as land excluded from it is provided at **Appendix** [insert relevant section no.]). Separate DAs are expected to be lodged for the remediation of the remaining portions in the short term.*

Also add:

This consultation with authorities will also occur for other DA (or DAs) seeking consent for remediation.

It would also insert above the second-last paragraph:

The Gateway determination requires (in part) that the following information be placed on exhibition with the planning proposal: an assessment of site contamination and details of proposed remediation. To ensure compliance with this condition, the Remedial Action Plan (RAP) which supported DA/7502103. Because some areas of the site are excluded from that DA consent, the proponent has prepared a letter which explains the anticipated remediation and approval processes for the portions of the site that are yet to receive DA approval.

Refer to the Sullivan letter which comprises a supporting map at **Attachment 1**.

- Update **Section 3.3.2**, sub-section entitled 'Management of Underground Containment cells' at the beginning with the following text:

As noted the bulk of the land proposed to be rezoned has development consent for remediation (via DA/750/2013) with other DAs forthcoming to complete the necessary consent approvals for land subject to the rezoning, consistent with the Gateway determination.

- Insert at the second-last sentence in the first paragraph, in sub-section 'Management of Underground Containment cells', **Section 3.3.2**:

These cells will also be used to store the contaminated material from the forthcoming DA.

- Update **Section 3.3.2**, by including a new sub-section entitled 'Risk Assessment Report' with the following text:

In April 2015, the DP&E requested that a Risk Assessment Report be prepared to address to the issue of required set-backs and treatments to the existing easement and gas line infrastructure. The report concludes:

- *Provision of a 5m wide access to the easement from a public road;*
- *No storage over the easement;*
- *Vehicle limit of 8 tonnes access across the easement;*
- *Restricted trees allowed within 2m of the easement;*
- *No structures allowed across the easement;*
- *Any construction within 5m of the easement needs to be supervised by the line patrolmen;*
- *Any structure close to the easement must be fully supported to allow excavation 2m deep in the easement; and*
- *The NSW Minister of Energy and Utilities will provide support to ensure the safety of the pipeline.*

Refer to **Attachment 3** to this report for a copy of the Risk Assessment Report.

- Update **Section 3.3.2**, sub-section entitled 'Foreshore Building Line' by including a sentence at the end of the second-last sentence:

The 30m setback is also consistent with the setback in the PLEP 2011 Natural Resources—Riparian Land and Waterways Map (refer to a map extract at Figure # in Part 4 – Mapping).

- Update **Section 3.3.3**, sub-section entitled 'Voluntary Planning Agreement' by deleting the content and replacing with the following text:

A draft offer for a Voluntary Planning Agreement (VPA) was submitted by the proponent on 12 February 2015 with a revised offer submitted on 12 May 2015. This has now progressed to a draft VPA which seeks to deliver the dedication of the public open space and 500 sqm of commercial space for a community facility.

The Draft VPA is scheduled to be exhibited with the Draft DCP in the first half of 2016.

The VPA with the State Government (as noted in Section 3.3.2 in sub-section Traffic and Transport' is yet to progress. An update will be provide when the planning proposal is reported to Council post exhibition.

Part 4 – Mapping

Part 4 of the planning proposal would have been updated as follows:

- Insert a new **Figure 6** (and renumber the remaining figures) and text as per below:

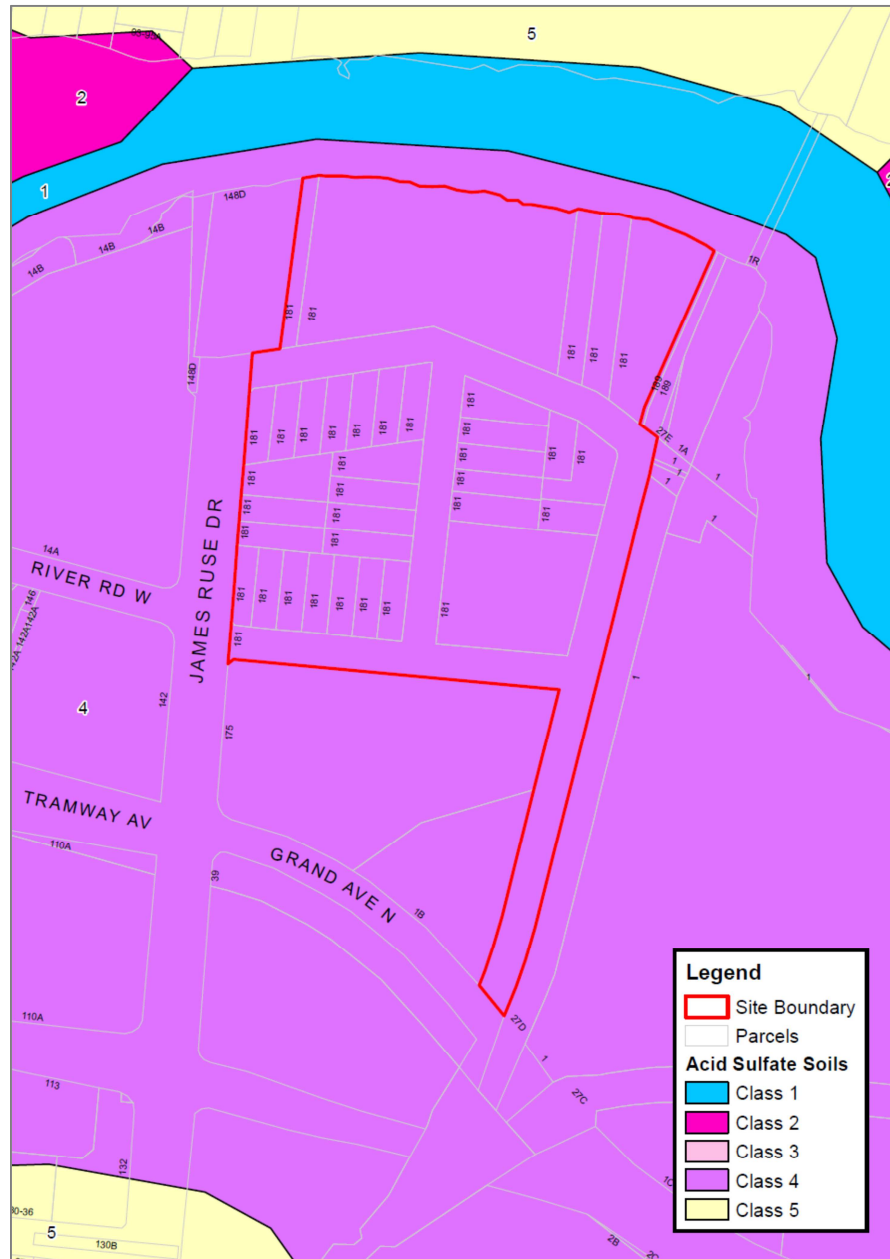


Figure 6 – Existing acid sulfate soil classification extracted from the *PLEP 2011 Acid Sulfate Soils Map*

Figure 6 above illustrates the existing acid sulfate soils classifications over the site.

- Insert a new **Figure 7** (and renumber the remaining figures) and text as per below:



Figure 7 – Existing riparian land and waterways extracted from the *PLEP 2011 Natural Resources—Riparian Land and Waterways Map*

As noted in **Section 2.2.1**, the *Natural Resources—Riparian Land and Waterways Map Parramatta LEP 2011* pertains to clause 6.5 in PLEP 2011 which 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.

- Amend the supporting text supporting Figure 10 to say:

The southern boundary of the FBL will remain as is and marry with the predominant line of the proposed RE1 zone. However, should the applicant pursue an extension of the MHW and RMS give its concurrence, the foreshore building line (FBL) will extend a further 5 metres to the north expanding the area of RE1 land.

- Insert a new Figure 7 (and renumber the remaining figures) and text as per below:



Figure 13 – Proposed amendment to the PLEP 2011 Key Sites Map

Figure 13 above illustrates the proposed amendment to the Key Sites Map which relates to the proposed design integrity panel and satisfactory arrangements clauses.

Appendices

The appendices to the planning proposal would be amended as follows:

- Insert a model 'Essential services' clause – extracted from *Auburn LEP 2010* to support **Section 2.2.4** of the planning proposal:

6.5 Essential services

1) *Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:*

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable road access.*

2) *This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any essential service referred to in this clause.*

- Insert the letter by Sullivan dated 4 December 2015 which explains the remediation processes for the portions of the site which do not have remediation consent. This was requested by Council Officers when it was identified that DA/750/2013 did not apply to the entire site subject to the rezoning and there was a concern that the Alteration Gateway Determination was not being complied with. The letter is provided at **Attachment 1** to this Supplementary report
- Insert the Risk Assessment Report that was requested by the DP&E in April 2015 to the planning proposal. The Risk Assessment Report forms **Attachment 2** to this Supplementary report.
- Insert the RMA Contracting Peer Review Report to the planning proposal which is provided at **Attachment 3** to this Supplementary Report.
- Insert both the Council Report and Council Minutes to the 11 May 2015 Council meeting which considered the draft planning proposal and supporting studies and recommend progression to the DP&E for a revised Gateway determination. Refer to **Attachments 4a and 4b** to this Supplementary report.

Attachment 1 – Remediation letter

[refer to letter overleaf]

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Attachment 2 – Risk Assessment Report

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Attachment 3 – Peer Review Report

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Attachment 4a – Council Report, 11 May Council Meeting

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Attachment 4b – Council Minutes, 11 May Council Meeting

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