

ECONOMY

ITEM NUMBER	9.3
SUBJECT	Detailed Assessment of Planning Proposal - 181 James Ruse Drive, Camellia
REFERENCE	RZ/5/2012 - D03656486
REPORT OF	Snr Project Officer

PURPOSE:

The purpose of this report is twofold:

1. To allow Council to consider how the Planning Proposal should proceed noting that the CEO is not able to progress the matter to public exhibition as requested in Council's resolution of 23 March 2015, which stated:

***That** in relation to the Planning Proposal for 181 James Ruse Drive, Council delegate to the CEO to assess and determine the adequacy of the additional information as identified in the Gateway determination, and to begin the community consultation in accordance with clause 6 of the gateway determination if the CEO is satisfied that the information is adequate.*

The assessment has identified a change to the proposed height controls above the maximum height previously considered by Council and described in the Gateway Determination. If Council wishes to proceed with a Planning Proposal that includes an increased height a revised Gateway Determination must be requested. Under Section 377 of the *Local Government Act 1993* the decision to request an amended Gateway cannot be delegated to the CEO and so the decision must be made by Council.

2. To provide Council with a comprehensive assessment of the planning proposal following the submission of the proponent's supporting studies post-Gateway, that addresses the Gateway determination conditions, including an assessment of the post-Gateway studies and supporting information, to address all relevant Section 117 Directions and justify any inconsistencies.

RECOMMENDATION

- 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** 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.

- c) **That** Council's amended planning proposal be submitted to the DP&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 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.
- f) **Further, that** a report be put to Council on the outcome of the community consultation of the planning proposal.

EXECUTIVE SUMMARY

1. A draft planning proposal (File No. RZ/5/2012) seeking to rezone the subject site at 181 James Ruse Drive, Camellia was reported to Council on 28 April 2014.
2. The owner of the site, Summer Hill Business Estate Pty Ltd, represented by Statewide Planning Pty Ltd (the proponent) is seeking to rezone the site from B5 Business Development to B4 Mixed Use and RE1 Public Recreation under *Parramatta LEP 2011*. This is to allow a mixed use development consisting of residential apartments with ground floor retail/commercial uses and public open space adjacent to the river. Substantial increases in building heights and floor space ratio (FSR) are proposed.
3. The site contains significant volumes of contaminated materials including asbestos, heavy metals and hydrocarbons, having previously been occupied for a range of industrial purposes, including James Hardie and Company Pty Ltd.
4. As acknowledged in the report to Council on 28 April 2014, there is considerable benefit in the subject site being remediated, given the potential risks to public health and the environment that it presents. The site is also unproductive in its unremediated state from a land use perspective.
5. A conditional Gateway Determination for the planning proposal was issued by the Department of Planning and Environment (DP&E) on 8 August 2014 (refer to **Attachment 3**). The Gateway Determination requires that a significant number of studies be prepared before public exhibition of the planning proposal.
6. The proponent has prepared and submitted these studies, which are available for Council to view on request. Due to their large size they are not attached to the planning proposal.
7. The studies include flood impact assessment, acid sulfate soils, employment lands analysis, traffic and transport assessment, flora and fauna assessment,

health and safety, noise, odour and land use conflict, utility report, urban design analysis and masterplan, perspectives of building design, management of underground containment cells, site contamination and remediation.

8. The submission of the proponent's supporting studies following the Gateway Determination has enabled Council Officers to conduct its formal detailed assessment of the planning proposal. This Council report constitutes that detailed assessment and addresses the Gateway Determination's requirements and conditions.
9. Council at its meeting of 23 March 2015 delegated consideration of the post gateway determination to the CEO when Council resolved in part that:-

"That in relation to the Planning Proposal for 181 James Ruse Drive, Council delegate to the CEO to assess and determine the adequacy of the additional information as identified in the Gateway Determination, and to begin to begin the community consultation in accordance with clause 6 of the Gateway Determination if the CEO is satisfied that the information is adequate."

The resolution empowered the CEO to commence the Public Consultation process for this Planning Proposal if the assessment determined that all additional information submitted was adequate.

10. The assessment identified that the applicant's post-gateway Urban Design Report and amended Planning Proposal sought a height (113m) greater than that described in the Gateway Determination (86m). Options identified in the report by Council Officers also propose heights (up to 126m including design excellence) greater than the Gateway determination. The DP&E has advised that a revised Gateway Determination will need to be sought if Council wishes to pursue height controls greater than those specified in the Gateway Determination.
11. Requesting a revised Gateway Determination involves the "making of an application" to the Minister for Planning. Clause 377 of the Local Government Act 1993 allows Council to delegate powers to the CEO but lists a series of powers which cannot be delegated which includes:-
 - 377(1) (s) the making of an application, or the giving of a notice, to the Governor or Minister,

For this reason, the matter has been referred to Council and cannot be resolved by the CEO as the request for a revised gateway must come from the Council.

12. Any planning proposal endorsed by the Council will become Council's responsibility in its role as the Responsible Planning Authority for this application. The detailed assessment of the proposal in this report ensures that Council is fully aware of the details of the proposal before it accepts this responsibility and endorses the planning proposal for its progression to the next stages.
13. As part of the detailed assessment, analysis of the proponent's proposed building heights and floor space ratio has been undertaken by Council's Urban Design and Land Use Planning teams following receipt of the proponent's post Gateway Urban Design Analysis and Masterplan. As a result of this assessment, this report presents three options for Council's consideration as to the building heights and floor space ratio (FSR) provisions to be included in the

revised planning proposal. The options are summarised below and are discussed in more detail in this report

14. A summary of the options is presented in the table below:

Development control	Option A (Proponent's)	Option B	Option C (Recommended)
Height of Buildings (inclusive of 15% design excellence bonus)	<ul style="list-style-type: none"> • 14 storeys (50m*) (foreshore buildings) • 35 storeys (113m*) (max. height over remainder of the site) 	<ul style="list-style-type: none"> • 10 storeys (35m*) (foreshore buildings) • 40 storeys (126m*) (max. height remainder of the site) 	<ul style="list-style-type: none"> • 10 storeys (35m*) (foreshore buildings) • 40 storeys (126m*) (max. height remainder of the site)
Floor Space Ratio (inclusive of 15% design excellence bonus)	5:1* (whole development site)	• 3.5:1* (foreshore buildings) • 5.3:1* (remainder of the site)	• 3:1* (foreshore buildings) • 4:1* (remainder of the site)
Total Gross Floor Area	297,000 sqm*	297,000 sqm*	230,000 sqm*

* Inclusive of the 15% bonus resulting from the application of the proposed design excellence clause

15. Council is being requested to identify its preferred option so that an amended Planning Proposal can be forwarded to the Department of Planning and Environment with a request for a revised Gateway Determination to allow the Planning Proposal to be proceed to community consultation.

THE SITE

16. The site has an area of 6.7 hectares and is located between James Ruse Drive and the Carlingford railway line at Camellia, with the northern boundary fronting the Parramatta River. (Refer to Figure 1 below).



Figure 1 – The site at 181 James Ruse Drive, Camellia

BACKGROUND

17. A draft planning proposal (RZ/5/12) was originally lodged in November 2012 by Statewide Planning Pty Ltd (the proponent) to amend *Parramatta LEP 2011* to:

1. Rezone the subject land from B5 Business Development to the B4 Mixed Use.
 2. Increase the maximum building height from 9 metres (at the river foreshore to a distance of approximately 90 metres) and 12 metres (for the remainder of the site) to a range of heights from 36 metres to 65 metres (approximately 11 storeys to 18 storeys).
 3. Increase floor space ratio from 1.5:1 to 3:1.
18. The original indicative concept plan submitted with this planning proposal indicated the scale of the potential future mixed use development as:
1. 1,800 residential apartments (in 14 towers ranging in height from 9 storeys on top of a two storey podium of ground floor retail and first floor carparking to 16 storeys on top of a two storey podium)
 2. 30,000sqm of retail and commercial floor space
 3. 3,410 car parking spaces
 4. An internal network of private access roads
 5. 20 metre wide riparian setback to the river
19. The planning proposal was accompanied by a range of studies addressing the following:
1. Traffic impact and parking assessment
 2. Urban design
 3. Heritage assessment
 4. Heritage view analysis
 5. Flood risk assessment
 6. Flora and fauna assessment
 7. Acoustic assessment
 8. A letter about the technical feasibility to remediate the site contamination
20. The proponent was advised by letter dated 8 November 2012 and during discussions with senior Council staff that, given the scale of the planning proposal and the extent of contamination on the site, the assessment of the planning proposal would be undertaken in stages, the first stage being consideration of the suitability of the site for the proposed future land uses, particularly having regard to the extent of remediation required.
21. As part of the first stage of assessment, the proponent was requested on 8 November 2012 to provide a Remediation Action Plan (RAP), for the approval of Environment Protection Authority (EPA), addressing site contamination.
22. The proponent was also advised:
1. Of the need for further information to address potential land use conflicts with the type of industries in the vicinity of the site and provide economic justification for a retail and commercial centre of the size proposed;
 2. That further stages of assessment would consider flooding, traffic, heritage and urban design; and
 3. That the planning matters relating to the site and the proposal were complex and would require close consultation with a range of government departments and agencies.
23. A RAP was prepared by the proponent and given 'in principle' support by the EPA in October 2013.

24. A revised planning proposal was submitted by the proponent in March 2014. This version of the planning proposal sought to amend *Parramatta LEP 2011* by:
1. rezoning the subject land from B5 Business Development to B4 Mixed Use and RE1 Public Recreation zones.
 2. increasing the maximum building height to heights ranging from 9m to 86m (approximately 2 storeys to 26 storeys).
 3. increasing floor space ratio from 1.5:1 to 5:1 (excluding the proposed RE1 land).
 4. removing the foreshore building line, which is currently 30m.
25. The indicative Structure Plan and estimated summary of areas submitted with the March 2014 version of the planning proposal indicated the scale of the potential future mixed use development as:
- 2,400 residential apartments
 - 25,000sqm of retail and commercial floor space
 - 12,700sqm of RE1 Public Recreation zoned land
 - 18,300sqm of open space land not zoned RE1 Public Recreation
 - Car parking spaces unspecified
 - An internal network of private access roads
 - 20 metre wide riparian setback to the river that extends to 90m at the eastern end.
26. The March 2014 version of the planning proposal was the subject of preliminary assessment and was reported to Council on 28 April 2014 requiring certain technical studies be prepared and more. Council resolved as follows:
- a) ***That*** Council forward the proponent's planning proposal at **Attachment 1** for 181 James Ruse Drive, Camellia to NSW Planning and Infrastructure, seeking a conditional Gateway Determination that requires the proponent to provide additional studies and information that satisfactorily addresses outstanding issues (including as outlined in this report), prior to the public exhibition of the planning proposal, including:
- i. Site contamination and remediation (SEPP 55 – Remediation of Land)
 - ii. Flood impacts (s117 Direction 4.3 Flood Prone Land)
 - iii. Acid sulphate soils (s117 Direction 4.1)
 - iv. Potential loss of employment land (s117 Direction 1.1 Business and Industrial Zones)
 - v. Traffic and transport
 - vi. Flora and fauna
 - vii. Social impact
 - viii. Health and safety
 - ix. Potential land use conflicts (proximity to heavy industry, James Ruse Drive and railway line) – including odour and noise
 - x. Infrastructure upgrades (water and energy)
 - xi. Urban design analysis and master plan
 - xii. Management of environmental containment cells
- b) ***That*** Council receive a report on a revised planning proposal post-Gateway, upon completion of the outstanding studies and information and prior to public exhibition.

- c) ***That** the proponent be invited to submit a written Voluntary Planning Agreement (VPA) offer, the CEO be authorised to negotiate a draft VPA and it be reported to Council prior to public exhibition.*
 - d) ***That** the proponent submit draft site specific Development Control Plan (DCP) provisions for Council's consideration and the draft DCP be reported to Council prior to public exhibition.*
 - e) ***Further, that** the planning proposal, draft VPA and draft site specific DCP provisions be placed on public exhibition concurrently.*
27. Council received a conditional Gateway Determination on 8 August 2014 which is discussed in more detail in the following section of this report (refer to **Attachment 3**).
28. In November 2014, having completed the supporting studies required by the Gateway Determination, the proponent forwarded a revised planning proposal to Council along with the supporting studies which addressed:
- 1. Site Contamination and Proposed Remediation
 - 2. Flood Impact Assessment
 - 3. Acid Sulfate Soils Study
 - 4. Employment Lands Analysis
 - 5. Traffic and Transport Assessment
 - 6. Flora and Fauna Assessment
 - 7. Health and Safety, Noise, Odour and Land-use Conflict Report
 - 8. Urban Design Analysis and Masterplan
 - 9. Management Plan for underground containment cells
 - 10. Indicative building design and visualisation
- This draft planning proposal and supporting studies have been subject to detailed assessment which is the basis of this report.
29. In December 2014, Council resolved to support the development of a land use and infrastructure plan for the Camellia Precinct (which includes the subject site) in partnership with the DP&E. Studies are being undertaken to inform the final land use and infrastructure plan, which is expected to be completed by mid-2015.
30. 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.
31. The subject planning proposal is broadly consistent with the draft land use concept plan within the Camellia Discussion Paper adopted by Council in early 2014.
32. 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 this, the DP&E suggests that Council have regard to any potential impact on the vision for the wider Camellia Precinct.

33. Council considered a report at its meeting on 23 March 2015 providing an update on the status of the subject planning proposal. Council resolved as follows:
- (a) ***That, in relation to the Planning Proposal for 181 James Ruse Drive, Council delegate to the CEO to assess and determine the adequacy of the additional information as identified in the Gateway Determination, and to begin the community consultation in accordance with of clause 6 of the Gateway Determination if the CEO is satisfied that the information is adequate.***
 - (b) ***That the proponent's VPA offer be assessed and reported for Council's consideration and endorsement after the conclusion of the public exhibition of the planning proposal.***
 - (c) ***That the CEO be authorised to negotiate the VPA and provide an interim report on the negotiations to the Chamber by 13 April 2015 with a final report to be submitted by 27 April 2015.***
 - (d) ***Further, that the draft DCP site specific provisions be reported for Council's consideration and endorsement after the conclusion of the public exhibition of the planning proposal.***
34. Transport for NSW (TfNSW) wrote to Council (dated 17 April 2015) confirming it would accept a clause being in place in the LEP requiring concurrence from TfNSW before a DA can be approved and indicating that it prefers to resolve the State level road/transport and associated infrastructure requirements of this report via a voluntary planning agreement (VPA). It recommends that this VPA be separate to any VPA entered into by Council and the proponent.

GATEWAY DETERMINATION

35. Council received a Gateway Determination and accompanying letter from the DP&E dated 8 August 2014 (refer to **Attachment 3**).
36. The Gateway determination outlines a series of matters to be addressed before the planning proposal is placed for community consultation. This includes:
- a range of reports being available for public exhibition;
 - amendments to the planning proposal being presented as a Council endorsed proposal;
 - justification of a reduced foreshore building line, further consideration of Sydney Regional Environmental Plan (Sydney Harbour catchment) 2005; and
 - public authority consultation, including consultation prior to public exhibition with the EPA, Transport for NSW (TfNSW), Endeavour Energy, Sydney Trains and Roads and Maritime Services (RMS) and other agencies with any comments being included and informing the planning proposal, where relevant.

37. The DP&E has recently advised that a revised Gateway Determination will need to be sought given the changes proposed to the draft planning proposal are inconsistent with the description of development on the Gateway Determination issued by the DP&E. The proponent's supporting studies will be forwarded to the DP&E as part of seeking a revised Gateway Determination and be included as part of the community consultation of the planning proposal. Because the revised planning proposal has to be returned to the DP&E for a revised Gateway Determination, the decision to do so cannot be delegated to the Chief Executive Officer as resolved by Council on 23 March 2015. Refer to Section 377 of the Local Government Act 1993. The Council is required to formally consider and endorse:
- a) A revised planning proposal; and
 - b) Seek a revised Gateway Determination from the DP&E.
38. The planning proposal endorsed by the Council will become Council's responsibility in its role as the Responsible Planning Authority for this application. The comprehensive assessment of the proposal ensures that Council is fully aware of the details of the proposal before it accepts this responsibility and endorses the planning proposal for its progression to the next stages.
39. This report addresses the post-Gateway information and reports received from the proponent and a revised planning proposal. It also responds to the DP&E's requirement in the letter accompanying the Gateway Determination that Council address all relevant section 117 Directions in respect of the additional information provided and justify any inconsistencies.

COMPLIANCE WITH GATEWAY

40. The proponent submitted the following post-Gateway information and a revised planning proposal:
- Revised planning proposal dated September 2014 sought to amend *Parramatta LEP 2011* by:
 - rezoning the subject land from B5 Business Development to B4 Mixed Use and RE1 Public Recreation zones.
 - increasing the maximum building height to heights ranging from 50m to 113m (approximately 14 storeys to 35 storeys).
 - increasing floor space ratio from 1.5:1 to 5:1 (excluding the proposed RE1 land).
 - amending the foreshore building line to correspond to a distance of 30m measured from a recent survey of mean high water mark.
 - Including a site specific clause to prohibit development above the underground containment cells other than roads, pedestrian accessways, road related infrastructure and landscaping works.
 - Post-Gateway reports and information submitted 18 November 2014:
 - flood impact assessment, acid sulfate soils study, employment lands analysis, traffic and transport assessment, flora and flora assessment, health and safety, noise, odour and land use conflict, utility report, urban design analysis and masterplan, management of

- underground containment cells, perspectives of building design, site contamination and proposed remediation.
- Further flood impact information submitted 5 December 2014.
 - Revised remediation information submitted (as part of DA/750/2013) 16 December 2014 and 30 January 2015, proposing revised procedures for the site remediation as an addendum to the RAP (Revision C).
41. The post Gateway reports indicate a potential future mixed use development consisting of:
- 2,972 residential units
 - 14,738sqm retail/commercial floorspace
 - Approximately 4,200 car spaces
 - An internal network of private access roads
 - Approximately 9,750sqm of proposed public open space adjacent to the river, including land up to the proponent's recent survey of mean high water mark, which includes foreshore area owned by the RMS. The RMS foreshore area is not part of the planning proposal. The proposed area of public open space on the subject site included in the planning proposal is approximately 9,000 sqm.
 - 30m wide foreshore setback to the river from the proponent's recent survey of mean high water mark (note: this is represented in the draft revised planning proposal as a setback of 25m from the cadastral boundary as discussed in this report).
42. The draft revised planning proposal at **Attachment 1** reflects the Council officer's comprehensive assessment of the proponent's revised planning proposal and supporting studies submitted in November 2014, excluding the proposed maximum building height and floor space ratio controls (subject to resolution). This approach is recommended to comprehensively present the planning proposal as Council's endorsed proposal. The Gateway Determination requires the planning proposal to be presented in Council's standard planning proposal format and with the Council logo attached.

Contamination and Remediation

43. The site contains significant volumes of contaminated materials including asbestos, heavy metals and hydrocarbons, having previously been occupied for a range of industrial purposes, including James Hardie and Company Pty Ltd.
44. The Gateway Determination requires that, prior to public exhibition, Council is to consult with the EPA and any comments are to be included and inform the planning proposal where relevant. The Gateway Determination also requires that an assessment of site contamination and details of proposed remediation is to be placed on public exhibition with the planning proposal.
45. SEPP 55 – Remediation of Land requires that contaminated land shall not be rezoned to permit a change of use of the land unless:
- the planning authority is satisfied that the land will be suitable after remediation for all the purposes for which the land in the zone is permitted to be used; and
 - the planning authority is satisfied that the land will be remediated before the land is used for that purpose.

46. 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. This DA has been assessed by Council in consultation with other authorities, including the EPA.
47. Revised remediation information was submitted as part of DA/750/2013 on 16 December 2014 and 30 January 2015, proposing revised procedures for the site remediation to address concerns raised by the EPA, including revisions to the site Remediation Action Plan (RAP) dated 5 September 2013 and additionally a RAP for the foreshore.
48. Following the receipt of the revised remediation information from the proponent, the EPA was requested by letter dated 29 January 2015 to provide comments to Council in relation to the planning proposal.
49. 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.
50. EPA comments were received on 25 March 2015 (see Attachment 2 of the attached Planning Proposal). 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.
51. 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. The draft revised planning proposal (**Attachment 1**) therefore proposes 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.
52. Preliminary advice from legal counsel received on 23 March 2015 recommends a draft LEP clause which provides certainty on the site being remediated:
 - (a) *This clause applies to the land bound by ... being lots x.. and x..(the land) and the river foreshore land (RMS land), being lot x.. DP x...*
 - (b) *Site area remediation works of the land and river foreshore land which are contaminated, are to be carried out in accordance with the requirements of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No.55 – Remediation of Land and the Contaminated Land Management Act 1997, at no cost to Council.*
 - (c) *Development must not be carried out on the land to which this plan applies (other than remediation work) until contamination of the land and river foreshore land has been remediated.*
 - (d) *All consents, permissions or other approvals required under the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy No.55 – Remediation of Land and the Contaminated Land Management Act 1997 for the carrying out of the remediation works must be obtained.*

- (e) *Prior to the commencement of the remediation works, a remediation action plan, a works program and a validation monitoring program in respect of the works must be submitted to the Council for its approved.*
 - (f) *Development consent must not be granted for development on the land, unless all the land and river foreshore land, have been remediated at no cost to Council.*
- 53. The river foreshore, outside the boundary of the subject site, is owned by the RMS and is not part of the planning proposal. There needs to be a legal mechanism to ensure the remediation of this foreshore area occurs before the proposed open space on the subject land is dedicated to Council. The VPA offer from the proponent discussed in a later section of this report indicates a commitment to remediate the contaminated foreshore to the mean low water mark. Remediation of the foreshore will be explored as part of the VPA negotiations.
- 54. Following consultation with Transport for NSW (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. This is yet to be addressed by the proponent and may potentially be included as part of the VPA negotiation process involving State government agencies.
- 55. The proposed site remediation involves the excavation and burying of contaminated materials on the site in underground concrete-walled cells, then capping the cells. The cells are approximately 7m deep and linear in shape to fit beneath proposed future roadways or landscaped areas.
- 56. These cells will be a long term constraint to development on the site and should be reflected in the planning controls in the LEP. It is recommended that a site specific LEP clause should specify that no buildings or underground services/structures will be permitted in the location of the containment cells. This is indicated in the draft revised planning proposal at **Attachment 1**.
- 57. The Gateway requires that the site specific clause in relation to restricting development above containment cells is to be amended to include the restriction on land within 7 metres of the containment cells. The RAP 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.
- 58. 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 can be investigated further during the community consultation of the planning proposal, together with the EPA’s advice that the containment cell clause is to be consistent with the site’s RAP and audited by the Site Auditor.
- 59. Given the Gateway requirement, the draft revised planning proposal (**Attachment 1**) prepared for a revised Gateway Determination, includes the restriction of development on land within 7 metres of the containment cells. Any

further revisions to this clause can be recommended following the community consultation.

Management of Underground Containment Cells

60. The Gateway Determination requires that a report addressing the future management of the underground contamination containment cells be placed on public exhibition. The proponent has provided this information, indicating that the cells will require ongoing management and monitoring in the long term, with a Site Management Plan approved by the EPA, to ensure the cells remain intact and undisturbed. There will need to be a management commitment by the site owner to implement the Site Management Plan. The contamination/remediation status of the site will also be provided on section 149 Planning Certificates issued by Council.
61. Council may require as a condition of development consent, that a registered easement be placed over the containment cells so that all owners and contractors are aware of where not to disturb the soil. An ongoing contamination management strategy and Site Management Plan would also need to be registered on the title.

Traffic and Transport

62. The Gateway Determination requires that, prior to public exhibition, Council is to consult with Roads and Maritime Services (RMS) and Sydney Trains and any comments are to inform the planning proposal where relevant. The Gateway Determination also requires that a traffic and transport assessment is to be placed on public exhibition with the planning proposal.
63. The proponent submitted a Traffic Assessment dated November 2014 to accompany the updated urban design analysis and masterplan for the site. Consultation letters dated 24 November 2014 were sent to RMS and Sydney Trains seeking comments on the post-Gateway traffic report.
64. TfNSW provided responses dated 12 February and 17 April 2015 incorporating comments from RMS and Sydney Trains. These are attachments to the attached draft revised planning proposal (**Attachment 1**) to this report.
65. The TfNSW responses include the following:
 - that prior to public exhibition of the planning proposal, there is a proposed LEP clause requiring 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 the TfNSW letter *is placed on public exhibition with the planning proposal when it is exhibited.*
 - 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. Furthermore, that TfNSW and RMS collaborate with Council and the proponent in the development of the full suite of mitigating transport infrastructure arising from the proposal.
- 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. TfNSW has Freight and Regional Development Division experts who can assist in this process.
- 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 Corridor if required for the purposes of access to that corridor 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.

Flood Impact

66. The Gateway Determination (**Attachment 3**) requires that a flood impact assessment, including assessment of external flooding impacts and consideration of the Parramatta City Council Floodplain Risk Management Policy is placed on public exhibition with the planning proposal.
67. The proponent submitted a post Gateway Flood Impact Study dated September 2014 addressing previous Council concerns that included potential flood impacts on other properties, impacts on the river catchment, including flood storage volume, as well as adequate environmental safeguards and control measures, including evacuation and flood-time emergency response.
68. Council's Catchment Management team reviewed the additional flood information provided in September 2014 and required further information confirming whether the original flood modelling remained valid with the changes to the proposed built form in the proponent's post Gateway urban design analysis and masterplan. Further information was also requested relating to proposed development of part of the site that is a high risk hazard area, the flood risk approach to car parking in the proposal and assessment against the s117 direction 4.3 Flood Prone Land.
69. The proponent provided further flood justification dated 5 December 2014. This provides additional information indicating that as 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.

70. 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.
71. 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.
72. With regard to the s117 Direction 4.3 Flood Prone Land, the inconsistency with this direction relates to the provision in the direction that significant increases in the development of land should not occur on flood prone land. The proponent's submission is that on a merit based approach, as provided for in the NSW Government's Floodplain Development Manual 2005, 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 as outlined. The inconsistency with the s117 direction is considered to be justified on this basis.

Acid Sulfate Soils

73. The Gateway Determination (**Attachment 3**) requires that an acid sulfate soil study that considers the appropriateness of the proposed change of land use given the presence of acid sulfate soils is placed on public exhibition with the planning proposal.
74. The proponent submitted a letter dated 15 October 2014 from URS Australia Pty Ltd, the company that prepared the RAP accompanying the DA for site remediation, indicating that an environmental investigation has confirmed the site contains acid sulfate soils. 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.
75. 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 sulfate soils will apply to all future development applications for the site.
76. This information adequately addresses the s117 Direction 4.1 Acid Sulfate Soils. This direction also requires that a copy of the acid sulfate soils study (part of the RAP) must be provided to the Director General of the DP&E prior to undertaking community consultation concerning the planning proposal.

Employment Lands

77. The Gateway Determination (**Attachment 3**) requires that an analysis which considers the potential loss of employment land is placed on public exhibition with the planning proposal.
78. The proponent submitted a post-Gateway Economic Impact Assessment report dated November 2014, which includes information addressing the potential loss of employment land.
79. The planning proposal originally lodged in November 2012 included an indicative amount of retail/commercial floorspace in the future development of the site of 30,000sqm. The Economic Impact Assessment submitted by the proponent at that time indicated that employment generation associated with such future development potential could generate employment for 932 full and part time workers for these activities. There would also be jobs created during the construction phase.
80. The proponent's March 2014 version of the planning proposal considered by Council on 28 April 2014 indicated that 4,000sqm of commercial floor space, 10,000sqm of large retail and 11,000sqm sqm of fine-grain retail (25,000sqm total retail/commercial floor space) would be included in the future development of the site. The proponent indicated that an updated Economic Impact Assessment would be submitted post-Gateway.
81. The anticipated employment generating floor space has been revised in the post Gateway submissions to 14,738 sqm of retail/commercial floorspace (indicated in the masterplan dated November 2014). The post Gateway Economic Impact Assessment report dated November 2014 indicates 13,180 sqm of retail/commercial floor space. These figures are indicative only at this stage, but propose approximately 44% less retail/commercial floorspace than the 25,000sqm contained in the previously considered planning proposal.
82. The post-Gateway November 2014 Economic Impact Assessment indicates post construction employment generation of 745 full time and part time jobs post construction (compared to 932 in the original proposal).
83. Section 117 Direction 1.1 Business and Industrial Zones is relevant to the subject planning proposal.

The objectives of this direction are as follows:

- Encourage employment growth in suitable locations;
- Protect employment land in business and industrial zones; and
- Support the viability of identified strategic centres.

The five key requirements of Direction 117 are:

- Follow the objectives of the Direction;
- Retention of existing business and industrial zones;
- No net loss of potential floor space for employment uses and related public services in business zones;
- Not reduce the potential floor space area for industrial uses in industrial zones; and
- Be in accordance with a Strategy approved by the Director General of the DP&E.

84. The post-Gateway November 2014 Economic Impact Assessment addresses this 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.
85. 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. Refer to the draft revised planning proposal at **Attachment 1**.
86. Further, the strategic precinct analysis for Camellia currently underway by the DP&E and Council, is investigating a future mixed use precinct, centred around Camellia railway 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.
87. 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.

Flora and Fauna

88. The Gateway Determination (**Attachment 3**) requires that a Flora and Fauna Assessment be placed on public exhibition with the planning proposal. The proponent has submitted a Flora and Fauna Assessment dated September 2014 and a Riverbank Management Plan dated October 2014.
89. 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. Council's Open Space and Natural Resource officers have advised that the proposed rezoning provides the opportunity to improve the habitat available for native flora and fauna in the riparian corridor.
90. 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 as previously discussed 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.

91. 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).

Health and Safety, Noise Odour, Land Use Conflict

92. The Gateway Determination (**Attachment 3**) requires that a report that considers potential land use conflicts, including impacts on the health and safety of future residents and workers (such as noise, odour) be placed on public exhibition with the planning proposal.
93. The proponent has submitted a Health and Safety Report dated October 2014. 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.

Utilities

94. The Gateway Determination (**Attachment 3**) requires that, prior to public exhibition, Council is to consult with Endeavour Energy and any comments be included and inform the planning proposal where relevant. The Gateway Determination also requires that a report which considers the requirement for upgrades to utility infrastructure including energy, water and sewer is placed on public exhibition with the planning proposal.
95. 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.
96. 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.
97. 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. Sydney Water states that 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.
98. 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.

99. 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.
100. The draft revised planning proposal at **Attachment 1** includes a proposed clause to be included in the LEP 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.
101. At a recent Camellia Peninsula Interagency meeting (established approximately 2 years ago which meets periodically and is attended by senior officers from Council, TfNSW, DP&E, RMS, EPA and Workcover), 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 implications for the development standards proposed. On 27 April 2015, the proponent submitted a Risk Assessment to Council on this issue. The Risk Assessment will be forwarded to the relevant agencies for consultation during the community consultation/exhibition phase.

Section 117 Direction 3.1 Residential Zones

102. The DP&E has requested in its letter accompanying the Gateway Determination that information addressing Section 117 Direction 3.1 Residential Zones be provided and that Council consider amending the planning proposal to introduce a provision within the Parramatta LEP 2011 that residential development is not permitted until the land is serviced or arrangements satisfactory to Council have been made to service the land.
103. Section 117 Direction 3.1 Residential Zones applies to the subject planning proposal, as it proposes to permit significant residential development. This Direction requires that planning proposals to which the direction applies must:
 - include provisions that will encourage a broadening of choice of building types and locations available in the housing market that make more efficient use of existing infrastructure and services and reduce the consumption of land for housing associated with urban development on the urban fringe and be of good design.
 - contain a requirement that residential development is not permitted until land is adequately serviced or arrangements satisfactory to Council or other appropriate authority have been made to service the land.
104. Departures from the direction are permitted where a study is prepared in support of the planning proposal that gives consideration to this Direction. The various post Gateway studies and reports submitted by the proponent do not directly refer to this Direction, however, the nature of the reports and the planning proposal itself addresses the objectives of this Direction.
105. 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. It also proposes to introduce design excellence provisions for the development of the land as discussed later in this report.

106. The draft revised planning proposal at **Attachment 1** includes a proposed clause to be included in the LEP addressing the requirement for satisfactory arrangements for servicing the land. With this inclusion, the planning proposal is consistent with Section 117 Direction 3.1 Residential Zones.

Further consideration of SREP 2005

107. The Gateway Determination (**Attachment 3**) requires that Council is to further consider the proposal in terms of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, (SREP 2005) 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.
108. The river foreshore and the area of the site adjacent to the Parramatta River is designated as Wetland Protection Area under SREP 2005. The objectives of this plan in relation to the wetlands and the matters for consideration when a consent authority determines a development application relating to this land include the preservation, protection, restoration and rehabilitation of wetlands.
109. 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 and also to increase public access along the foreshore, another of the planning principles in the SREP.
110. In relation to the impact on the visual qualities of the river foreshore, consideration has been given both to the foreshore building line and the height of buildings adjacent to the foreshore in the planning proposal. This is addressed in detail in the Urban Design Analysis and Masterplan section of this report.
111. As discussed in the Acid Sulfate Soils section of this report, 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. This issue has been addressed in detail in a previous section of this report.

Section 117 Direction 2.1 Environment Protection Zones

112. Section 117 Direction 2.1 Environment Protection Zones requires that when preparing a planning proposal, the relevant planning authority must include provisions that facilitate the protection and conservation of environmentally sensitive areas and not reduce environment protection standards that apply to the land.
113. SREP 2005 includes part of the subject land adjacent to the river as wetlands protection area. As noted above, 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.

114. The planning proposal is consistent with Section 117 Direction 2.1 Environment Protection Zones.

Urban Design Analysis and Masterplan

115. The Gateway Determination (**Attachment 3**) requires that an Urban Design Analysis and masterplan which provides refinement and justification for the proposed building heights and density is placed on public exhibition with the planning proposal.
116. The proponent submitted an Urban Design Analysis report dated August 2014, Masterplan dated November 2014 and Landscape Architects Design Statement dated October 2014. 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.
117. The Urban Design Analysis report 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. Refer to the ‘Building Heights and Floor Space Ratio’ section below which incorporates Council Officer’s detailed assessment of the proponent’s Urban Design Analysis, Masterplan and proposed development standards (i.e. height and FSRs).

Foreshore Building Line

118. The Gateway Determination (**Attachment 3**) requires that Council is to justify the proposed reduction of the foreshore building line, taking into consideration its relationship with other adjoining properties along the Parramatta River where the current 30 metre 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.
119. The proponent’s post Gateway planning proposal dated September 2014 indicates that the Foreshore Building Line (FBL) in Parramatta LEP 2011 is proposed to be reduced from 30m to 25m. The proponent’s planning proposal and the masterplan show the proposed 25m FBL measured differently relative to the cadastral boundary of the site and a recent survey of mean high water mark (MHWM) respectively.
120. The proponent provided further advice dated 3 February 2015 amending the FBL proposed in the planning proposal to 30 metres, measured from MHWM, according to a survey carried out for the proponent dated 29 September 2014. This MHWM is yet to be approved and registered by the NSW Department of Lands, so does not currently represent a recognised boundary between the site and Parramatta River.

121. The FBL map in the LEP shows the currently registered cadastral boundary of the site, as required by the DP&E's mapping guidelines. The LEP maps are not able to show a boundary based on the survey MHW that is not the registered cadastral boundary. The proponent's proposed 30m FBL measured from the recent survey of MHW therefore has been shown in the draft revised planning proposal at **Attachment 1** as a line that relates to the cadastral boundary as explained below.
122. The FBL is represented in the LEP as a consistent line (rather than following the irregularities of the MHW). The LEP currently sets the FBL at either 15m or 30m. It is recommended that amendments to the FBL agreed to by Council should be in increments of 5m to avoid complicating the LEP with too many variable increments. A line 25m from the current cadastral boundary of the site is recommended to represent an approximate 30m FBL from the recent survey of MHW as proposed by the proponent (refer to diagram below). Should the survey of MHW be registered, the cadastre would be updated on future LEP maps. The FBL for the site would then represent a 30m setback. Refer to Figure 2.

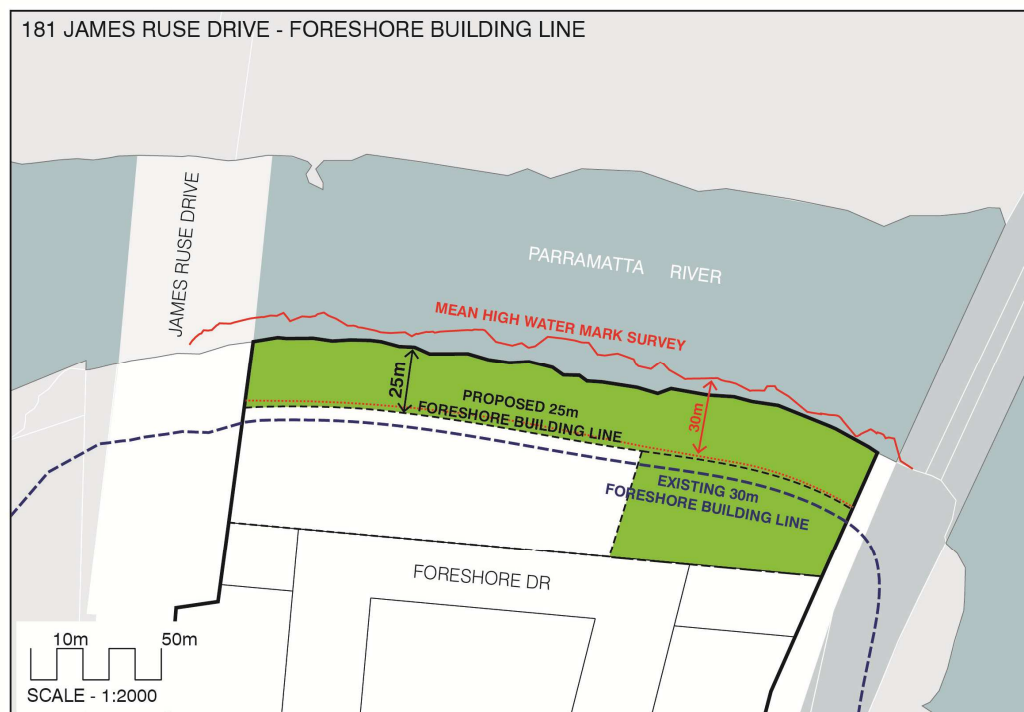


Figure 2 – Comparison of the 30 metre and 25 metre foreshore building lines

123. The FBL is proposed to represent the boundary between the B4 Mixed Use zone and the RE1 Public Recreation zone in the planning proposal 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.
124. The existing FBL along the 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. To the east of the 15m FBL area, 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 (as required by SREP 2005) 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.

125. 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 and the height of buildings adjacent to the foreshore being dealt with sensitively. 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, which would increase the protection of visual amenity of the foreshore and waterway of the Parramatta River. Additionally, as already mentioned, should the survey of MHWL be registered, the cadastre would be updated on future LEP maps. The FBL for the site would then represent a 30m setback.

Building Heights and Floor Space Ratio

126. Analysis of the indicative proposed built form representing the building heights and floor space ratio sought by the proponent has been undertaken by Council's Urban Design and Land Use Planning teams following receipt of the proponent's Urban Design Analysis report and Masterplan. The Gateway Determination requires that these reports are to provide for the refinement and justification for the proposed building heights and density (which are contained in the planning proposal). As Council is the Responsible Planning Authority that is required to endorse the revised planning proposal for the site, details of the Council officers' assessment and alternative options for built form outcomes are presented in this report for Council's consideration.
127. Three Options are presented for Council's consideration at **Attachment 2**. Each option includes a site plan representing the distribution of building heights and FSR together with block modelling of the buildings. All options are inclusive of a design excellence bonus for the building height and FSR (as discussed later in this report). As such, the planning proposal will represent the option endorsed by Council with the maximum building heights and FSRs reduced by 15% to allow for achievement of a design excellence bonus. All options have the same foreshore building line of 25m, representing the line determined as outlined previously in this report.
128. The recommended option is Option C, for reasons that are discussed below.
129. **Option A** is the proponent's submission:
- Maximum of 113 metres (35 storeys) building height at south western corner of the site;
 - Maximum 50 metres (14 storeys) building height fronting the proposed public open space adjacent to the Parramatta River.
 - FSR of 5:1
 - Gross Floor Area (GFA) of 297,000sqm.
130. This option is considered inclusive of a 15% design excellence bonus as discussed below in this report. Refer to Figure 3, below.

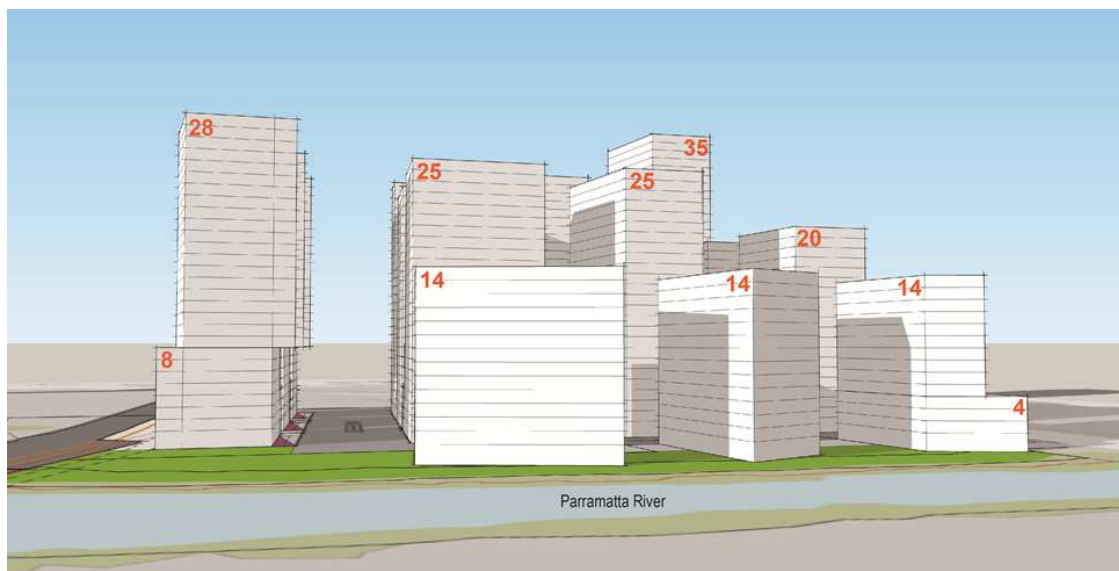


Figure 3 - Option A indicative building massing and heights in storeys viewed from Parramatta River

131. Option A is proposed by the proponent to provide adequate development capacity to support the cost of site remediation, with an urban design analysis and masterplan supporting this underlying economic constraint.
132. Council is working with the DP&E to prepare a land use and infrastructure plan for the Camellia Strategic Precinct which includes the subject site. This includes a study of contamination and remediation requirements to assist in determining future land uses. This work will help to understand the economic underpinning of land uses and density requirements in the precinct. Currently, there is no independent information available to assess the density requirements that provide an adequate development capacity to support the cost of site remediation. It is noted that the cost of remediation was valued at \$5 million by the proponent for the remediation DA.
133. The main concerns with Option A are:
- The proposed FSR of 5:1 across such a large developable parcel (approx. 60,000sqm) results in a poor built form outcome with little articulation in building heights across the site. More than 70% of buildings are above 25 storeys. There is a predominance of buildings clustered at a height of 20-28 storeys, creating an excessively bulky urban environment.
 - Most renewal projects have a greater range of building heights than is proposed for the subject site. The table below indicates the percentage of building heights for other Sydney redevelopment sites referenced in the proponent's submission, highlighting this difference. Refer to Table 2, below.

Table 2 – Comparison sites

Number of Storeys	Central Park Sydney CBD	Discovery Point, Wolli Creek	Jacksons Landing, Pyrmont	181 James Ruse Drive
4			14%	
6			14%	
8	33%		14%	
12	33%	67%	21%	
14				22%

20				7%
25	25%	33%	37%	35%
28				35%
35+	9%			3%

- The proposed FSR of 5:1 across such a large developable parcel (approx. 60,000sqm) is unprecedented in Sydney. More characteristic are FSRs (with typical heights ranging from 4-30 storeys) such as:
 - 2.6:1 at Wentworth Point Urban Activation Precinct;
 - 3.3:1 at Rhodes Peninsula (4.5:1 for a small block only);
 - up to 3:1 for Wolli Creek.
- Within the Parramatta LGA (sites outside the Parramatta CBD):
 - former Channel 7 site at Epping has a FSR of 0.89:1;
 - 2 Morton Street Parramatta FSR of 1.75:1;
 - 2-12 River Road West* 3.3:1 and 3.4:1;
 - former Ermington Naval Stores site 0.8:1, 2.5:1 and 3:1.

* Note: The land at 2-12 River Road West is located approximately 200m west of the subject site and is a riverfront site. This site has an area of 1.8ha, in comparison to the subject site area of 6.7 ha. The building heights fronting the river for the development at 2-12 River Road West are permitted to be a maximum of 40m under the LEP and 10- 12 storeys in the DCP as shown in the diagram below. The site area and configuration of 2-12 River Road West make this site quite different to the subject site and it is also in a different visual catchment along the river, west of the James Ruse Drive bridge. The built form for each of the two sites must be looked at based on the context and characteristics of each site. Notwithstanding the differences, the heights for 2-12 River Road West are more in keeping with the foreshore building heights recommended for the subject site in Options B & C. Refer to Figure 4 below.



Figure 4 - 2-12 River Road West site plan and building heights in storeys (PDCP 2011)

- On a large site such as the subject site there is the opportunity to have lower building heights at the river frontage to provide improved view sharing, solar access and amenity for buildings behind the foreshore as well as responding more appropriately to the scale and proportions of the riverside public open space.
- Lower building heights along the river frontage of the subject site have existed in previous planning controls and in the current LEP to protect the scenic qualities of the river and its foreshores. The subject site has a prominent location at a sweeping bend in the Parramatta River. This places greater emphasis on the visual amenity of development of the river frontage of the subject site. Options B and C therefore include reduced heights from 14 storeys to 10 storeys for the foreshore buildings.

134. **Option B** achieves the same FSR and GFA as Option A, with greater height for buildings towards the south of the site and reduced building heights fronting the proposed public open space adjacent to the river.

- Maximum of 126 metres (40 storeys) building height at the south western corner of the site
- Maximum of 35 metres (10 storeys) building height fronting the proposed public open space adjacent to the Parramatta River.
- FSR of 5.3:1 south of Foreshore Drive
- FSR of 3.5:1 north of Foreshore Drive
- GFA of 297,000sqm.

135. This option is inclusive of a 15% design excellence bonus as discussed below in this report. Refer to Figure 5 below.

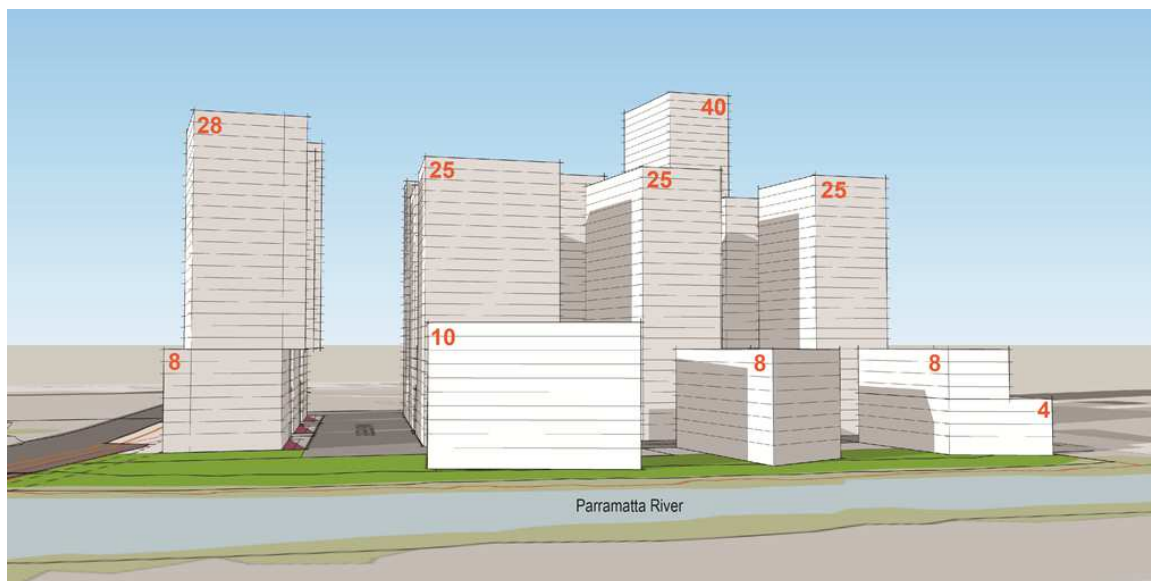


Figure 5 - Option B – indicative building massing and heights in storeys viewed from Parramatta River

136. Option B is preferred to Option A, but is not recommended in preference to Option C.

137. Overview of Option B:

- reduced foreshore building heights of 8-10 storeys adjacent the river that respond appropriately to the scale and proportions of the proposed public open space and protect the scenic importance and amenity of the river.
- foreshore buildings with an address to the river and proposed public open space, with the taller built form (10 storeys) located to become a visual marker that defines and the location of the large, more active area of public open space in the north-east of the site.
- maintains an FSR of 5:1 across the site and redistributes floorspace into buildings with an address to James Ruse Drive and Tasman Avenue. These locations are considered a more suitable location for taller buildings as they mark the entry to the development and its address along a major arterial road.
- the reduction in height along the river opens up opportunities for increased view sharing and solar access to dwellings setback behind Foreshore Drive. Articulating building heights so that they are lower as they approach the river will not only improve the amenity of the entire development, but increase the value of apartments set back from the riverside as they will receive an improved aspect and solar access throughout the year.
- a separate FSR is applied to the riverfront buildings to reflect the lower building heights and to ensure that residual floorspace is not transferred to foreshore buildings, placing pressure on increasing heights. This has happened on other sites such as the former Naval Stores site fronting the river at Ermington.

138. **Option C** is the recommended option that provides a built form considered to provide greater amenity both within the site and in the context of the river setting. Option C proposes reduced building heights fronting the proposed public open space adjacent to the river, increased building heights to the south of the site and variations to building heights in between as well as reduced FSRs.

- Maximum of 126 metres (40 storeys) building height at the south western corner of the site.
- Maximum of 35 metres (10 storeys) building height fronting the proposed public open space adjacent to the Parramatta River.
- FSR of 4:1 south of Foreshore Drive
- FSR of 3:1 north of Foreshore Drive
- GFA of 230,000 sqm

139. This option is inclusive of a 15% design excellence bonus as discussed below in this report. Refer to Figure 6 below.

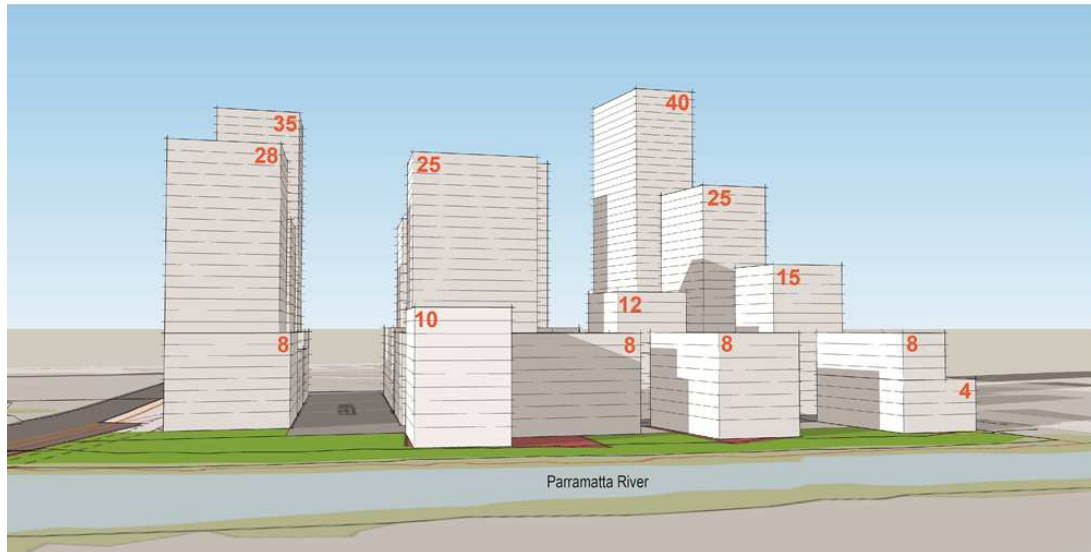


Figure 6 - Option C – indicative building massing and heights in storeys viewed from Parramatta River

140. Overview of Option C:

- reduced foreshore building heights of 8-10 storeys adjacent to the river that respond appropriately to the scale and proportions of the proposed public open space and protect the scenic importance and amenity of the river.
- foreshore buildings with an address to the river and proposed public open space, with the taller built form (10 storeys) located to become a visual marker that defines and the location of the large, more active area of public open space in the north-east of the site.
- the reduction in height along the river opens up opportunities for increased view sharing and solar access to dwellings setback behind Foreshore Drive. Articulating building heights so that they are lower as they approach the river will not only improve the amenity of the entire development, but increase the value of apartments setback from the riverside as they will receive an improved aspect and solar access throughout the year.
- 20% reduction in floor space across the site which results in a much improved built form outcome with 8-10 storey development along the foreshore and a variety of taller towers (12-35 storeys) connected to 6-8 storey mixed use podiums.
- a stand-alone 40 storey tower at the corner of Tasman Avenue and James Ruse Drive to mark the entry to the site.
- The proposed 30m wide boulevards/streets within the development allow for podiums in the order of 6-8 storeys which will clearly define streets at an appropriate scale and proportion. Podiums assist in reducing the perceived bulk and scale of tall towers, and also allow for a variety of building forms that contain a clearly defined base, middle and top.
- a reduction in floorspace allows for more carefully articulated building heights which aim to preserve solar access to key open spaces throughout the year. Option C markedly improves solar access to streets and open spaces when compared to both Option A and B.

- a separate FSR is applied to the riverfront buildings to reflect the lower building heights and to ensure that residual floorspace is not transferred to foreshore buildings, placing pressure on increasing heights. This has happened on other sites such as the former Naval Stores site fronting the river at Ermington.

141. A summary of the options is provided in the below. The table articulates the proposed height and FSR notations that would apply to the *Parramatta LEP 2011* Height of Buildings and Floor Space Ratio maps in the instance they progress to the revised Gateway Determination stage:

Development control	Option A (Proponent's)	Option B	Option C (Recommended)
Height of Buildings (inclusive of 15% design excellence bonus)	<ul style="list-style-type: none"> • 14 storeys (50m*) (foreshore buildings) • 35 storeys (113m*) (max. height over remainder of the site) <p><i>Note: Height of Buildings Map will show height notations of 43 metres and 98 metres respectively.</i></p>	<ul style="list-style-type: none"> • 10 storeys (35m*) (foreshore buildings) • 40 storeys (126m*) (max. height remainder of the site) <p><i>Note: Height of Buildings Map will show height notations of 31 metres and 110 metres respectively.</i></p>	<ul style="list-style-type: none"> • 10 storeys (35m*) (foreshore buildings) • 40 storeys (126m*) (max. height remainder of the site) <p><i>Note: Height of Buildings Map will show height notations of 31 metres and 110 metres respectively.</i></p>
Floor Space Ratio (inclusive of 15% design excellence bonus)	<p>5:1* (whole development site)</p> <p><i>Note: Floor Space Ratio Map will show an FSR notation of 4.3:1.</i></p>	<ul style="list-style-type: none"> • 3.5:1* (foreshore buildings) • 5.3:1* (remainder of the site) <p><i>Note: Floor Space Ratio Map will show FSR notations of 3:1 and 4.6:1 respectively.</i></p>	<ul style="list-style-type: none"> • 3:1* (foreshore buildings) • 4:1* (remainder of the site) <p><i>Note: Floor Space Ratio Map will show FSR notations of 2.6:1 and 3.5:1 respectively.</i></p>
Total Gross Floor Area	297,000 sqm*	297,000 sqm*	230,000 sqm*

* Inclusive of the 15% bonus resulting from the application of the proposed design excellence clause

142. All options – the proponent's (Option A) and the two alternate options (Options B and C) inclusive of the preferred option (Option C) are provided at **Attachment 2**.

143. **Revised Gateway Determination** – the building heights in all three options exceed the 86 metre maximum building height referenced in the Gateway Determination whilst one of the options proposes a variation to the maximum FSR of 5:1. Written advice from the DP&E recommends:

..that following the Council resolution, a copy of all the additional supporting studies are forwarded to the Department in line with the Gateway requirements, together with the latest Council report, resolution and revised planning proposal as per section 58 of the Act. The Department would then issue an altered Gateway determination.

It is therefore proposed that once the Council's endorsement of the planning proposal and supporting studies has been obtained, that in accordance with the DP&E's advice, a revised Gateway Determination be sought.

144. Because the revised planning proposal has to be returned to the DP&E for a revised Gateway Determination, the decision to do so cannot be delegated to the Chief Executive Officer as per Section 377 of the Local Government Act.

Option Assumptions

145. It should be noted that the development densities in Options A, B and C have not been independently tested against future traffic and transport infrastructure capacity. In addition the only project remediation cost figures available are the \$5million cost specified with the remediation DA for the site.
146. As previously discussed, Council is currently working in partnership with the DP&E on a land use and infrastructure plan for the Camellia precinct, including the subject site, with studies being carried out, including transport, traffic and access, contamination, flooding and economic feasibility studies. These studies are not an impediment to progressing the planning proposal for the subject site, with the proponent carrying out studies relating to the subject site addressing most of these matters.
147. As previously discussed, the proponent will be required to undertake further work to address transport infrastructure upgrades in consultation with State government transport agencies and Council. As previously mentioned in this report, this work can be undertaken whilst the planning proposal is placed on public exhibition. The outcomes of this work may give rise to recommended changes to the planning proposal should capacity issues arise or other matters such as land reservations for road widening be identified. It is possible that the planning proposal may need to be re-exhibited, depending on the nature and extent of changes as a result of this process. The TfNSW letter states that TfNSW may also require a re-exhibition of the proposal once the transport assessment is finished.
148. The building heights in Options B & C are based on assumptions about ground level changes arising from the proposed remediation of the site. Based on the information provided in the urban design analysis, approximately 2.5 metres has been allowed for in the building heights to account for changes to existing ground level as a result of the site remediation (building height is measured from existing ground level, rather than finished ground level).
149. The three options are inclusive of a 15% design excellence bonus as discussed below in this report.

Revised Planning Proposal

150. The Gateway Determination requires that the planning proposal is amended and presented as a Council endorsed proposal. A draft revised planning proposal, addressing the Gateway requirements and reflecting the responses from TfNSW (including RMS and Sydney Trains) and the EPA is included in **Attachment 1** to this report. The planning proposal will be amended to include the Option for building heights and density (FSR) adopted by Council, before it is forwarded to the DP&E for a revised Gateway Determination.
151. It should be noted that this revised planning proposal will become Council's responsibility in its role as the Responsible Planning Authority for this application. For this reason the detailed assessment of the proposal has been provided in this report to ensure that Council is fully aware of the details of the

proposal before it accepts this responsibility and endorses the Planning Proposal.

152. The planning proposal includes provisions proposing that LEP clauses be introduced addressing the following requirements for the subject site:

- **Design excellence** – 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 design excellence. This has been recognised in the planning proposal drafted by the proponent (versions dated March 2014 and September 2014), suggesting that buildings over 55m in height be required to demonstrate design excellence consistent with the Director General's Design Excellence Guidelines or specific Council controls.
- **Design competitions** are an important feature of the Parramatta City Centre LEP to promote innovative design solutions that achieve high quality buildings. Outside of the Parramatta City Centre, there are currently no similar provisions in Parramatta LEP 2011.

153. However, Council is currently receiving a number of planning proposals with substantial increases in building heights and floor space ratios outside Parramatta CBD in other town centres and renewal precincts. It is highly desirable that design excellence be continued throughout such areas to ensure that growth and development throughout the Parramatta Local Government Area is of the highest design quality.

154. Council has recently adopted this approach for the planning proposal at 171-189 Parramatta Road, Granville, to include this as a key site to which a design excellence clause in the LEP would apply, with bonus height and/or floor space ratio achievable by undertaking a Design Competition consistent with the Director General's Design Excellence Guidelines.

155. It is understood that the proponent for the subject site would prefer a design excellence process not involving a design competition consistent with the Director General's Design Excellence Guidelines. However, a consistent approach should apply. Allowing the subject site to have a different process would set an undesirable precedent for other sites in Camellia as well as in other locations.

156. The draft revised planning proposal at **Attachment 1** therefore proposes to include the subject site on a key sites map to which a design excellence clause in the LEP would apply, with a 15% bonus height and floor space ratio achievable by undertaking a Design Competition consistent with the Director General's Design Excellence Guidelines.

157. It is not clear from the proponent's submission whether the building heights and FSR proposed are inclusive of a design excellence bonus. Should Council adopt Option A (the proponent's submission) it is recommended that the maximum building heights and FSR for inclusion in the planning proposal be reduced by 15% so that these maximums are achieved only with the design excellence bonus.

158. Similarly, should Council adopt Option B or Option C, the maximum building heights and FSR for inclusion in the planning proposal would be reduced by 15% to allow for achievement of a design excellence bonus. The indicative LEP map amendments for Options A, B & C with the 15% reduction are included in **Attachment 6** to this report.

159. **Development restricted in location of contamination containment cells** - No buildings or underground services/structures will be permitted in the location of the containment cells. This is discussed in the 'Contamination and Remediation' section of this report and a proposed clause is included in the draft revised planning proposal at **Attachment 1**.
160. **Remediation of Land** – As discussed in the 'Contamination and Remediation' section of this report, 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.
161. **“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, as discussed in this report, 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**.
162. 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.
163. The “satisfactory arrangements” clause and the remediation of land clauses in the subject planning proposal may involve referrals, consultation or concurrence of a Minister or public authority once the terms are further investigated. The EPA and TfNSW support the inclusion of such a clause. 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. This is included as a recommendation of this report.
164. **Utilities** – At a recent Camellia Peninsula Interagency meeting, a set back from an existing pipeline which is situated adjacent to the site may be required. The applicant's Risk Assessment will be forwarded to relevant agencies during the community consultation/exhibition phase.

Section 117 Direction 6.3 Site Specific Provisions

165. Section 117 Direction 6.3 Site Specific Provisions provides that where a planning proposal is to allow a particular development proposal to be carried out, the amendment to the planning instrument (in this case Parramatta LEP 2011) must not impose development standards or requirements in addition to those already contained in the LEP. Inconsistencies with this Direction are permitted where they are of minor significance.
166. The subject planning proposal includes several site specific provisions as outlined above. 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 for the subject site are considered to be consistent with approaches taken in other planning instruments and the inconsistency with the Section 117 Direction justified.

Gateway Determination - Section 56 of the Environmental Planning & Assessment Act

167. The Gateway Determination letter from the DP&E requires that *“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.”*
168. The revised planning proposal has been prepared in response to the Gateway Determination requirements and the process outlined in the Department’s Gateway letter. This process envisaged that the planning proposal would be amended as a Council endorsed proposal in response to the further studies and assessment undertaken, prior to public exhibition. Recent advice from the DP&E requires the revised planning proposal and supporting studies, adopted by Council, be forwarded to the DP&E so that a revised Gateway Determination can be issued.
169. It is noted that the Gateway Determination description of the planning proposal is based on the proponent’s pre-Gateway indicative structure plan which included building heights of up to 86m (26 storeys). This has been refined by the proponent’s post-Gateway Urban Design Analysis and Masterplan, one of the Gateway Determination conditions. As a result of these studies, the proposed built form is proposed to be distributed in a manner that provides for greater amenity as discussed in this report. This provides for greater variation in building heights, with the maximum building height increased in the proponent’s submission (Option A) to 113m (35 storeys) and in Options B & C discussed in this report to 126m (40 storeys). This is the reason that a revised Gateway Determination is required as discussed previously in this report. Note: these heights are inclusive of the 15% design excellence bonus.

DRAFT SITE SPECIFIC DEVELOPMENT CONTROL PLAN PROVISIONS

170. Council resolved on 28 April 2014 that the proponent submit draft site specific development control plan (DCP) provisions for Council’s consideration and the draft DCP be reported to Council prior to public exhibition. Council also resolved that the draft site specific DCP provisions be placed on public exhibition concurrently with the planning proposal and a draft VPA.
171. On 23 March 2015, Council resolved in part:
- That** the draft DCP site specific provisions be reported for Council’s consideration and endorsement after the conclusion of the public exhibition of the planning proposal.*
172. The proponent submitted a draft DCP on 19 February 2015. The draft DCP requires detailed assessment by Council officers in conjunction with the VPA

offer before being presented to Council for endorsement for community consultation.

173. A preliminary assessment of the draft DCP indicates that aspects of the draft DCP require further investigation. These include, but are not limited to:

- Clarifying the role of public and private open space and the impact this has on the location of the underground contamination containment cells as well as the role of the proposed 'public square'.
- Clarifying the embellishment details of the foreshore public open space and ensuring its relationship with the VPA offer.
- Clarifying the traffic measures and need for incorporation into the draft DCP the draft DCP should reflect the agreed outcomes of that process. This is was also raised in the submission from TfNSW.
- Map and diagram amendments.
- The inclusion of development controls/provisions that address:
 - noise and vibration issues associated with nearby industrial uses and the rail corridor,
 - the design and layout of future developments allow maintenance vehicles access to the rail corridor,
 - the design of the proposed pedestrian/cycle way at the eastern side of the development is of sufficient width to facilitate possible future acquisition for light rail or other transport purposes in the future,
 - the desire line for access pertaining to the proposed future pedestrian bridge connecting the subject site to the University of Western Sydney,
 - the containment cells,
 - the Acid Sulfate Soils Management Plan,
 - future development applications for the site to demonstrate that continuous sealed footpath access is provided from the site to bus stops in Hassall Street.
- The section which addresses building form will be reviewed based on which option for building heights and floor space ratios Council adopts.
- The need for the draft DCP to make reference to any VPA applying to the site.

174. In accordance with Council's resolution on 23 March 2015 Council staff will undertake further work on the draft DCP during the public exhibition of the planning proposal and the draft DCP will be reported to Council after the conclusion of the public exhibition for Council's consideration and endorsement. The draft DCP could be reported for recommendation for exhibiton at the time the planning proposal is being reported to Council on its exhibition.

175. The draft DCP once endorsed by Council could then be placed on public exhibition (with the VPA) whilst the planning proposal undergoes further consideration by the DP&E. The DCP provisions for the site would not be brought into effect until the DP&E and Minister for Planning have agreed to the finalised planning proposal and notified the making of the LEP amendment.

VOLUNTARY PLANNING AGREEMENT OFFER

176. Council resolved on 28 April 2014 to invite the proponent to submit a written Voluntary Planning Agreement (VPA) offer and the Council's be authorised to negotiate a draft VPA and it be reported to Council prior to public exhibition. Council also resolved that the draft (VPA) be exhibited concurrently with the planning proposal and draft site specific DCP provisions.
177. The proponent submitted a written VPA offer to Council on 12 February 2015. This letter includes various items the proponent is proposing to offer Council and other state agencies (TfNSW and RMS) as public benefit items relating to the planning proposal and the future development of the subject site.
178. The offer consists of the following items:
- (a) Provision of a pedestrian and cycle link over the Parramatta River in conjunction with future light rail infrastructure provisions.
 - (b) Rehabilitation of the contaminated foreshore land to the mean low water mark.
 - (c) Embellishment of foreshore land for use as a public park in general accordance with the provisions of the draft Development Control Plan.
 - (d) Dedication to Council of the completed and embellished 9750m2 foreshore park.
 - (e) Various traffic and transport upgrades to the external road network.
 - (f) 120 commuter car parking spaces to the benefit of council/Transport for NSW for integration with heavy/light rail infrastructure.
 - (g) Retail/commercial space (approx. 600m2) of floor space to council for community facilities.
179. In accordance with the TfNSW letter dated 17 April 2015 (Refer to Attachments 3 and 4 in the attached Planning Proposal) and as discussed with the proponent, two VPAs are currently proposed. One between the landowner and DP&E (for state matters) and the other between the landowner and Council (for local matters).
180. The VPA with Council requires detailed assessment by Council officers and advice from Council's legal counsel, in negotiation with the proponent, before being presented to Council for consideration. An alternate option to pursue an arrangement around a Deed of Agreement is also being investigated. An update on this will be provided to Council in a separate report at its meeting on 11 May 2015.

NEXT STEPS

181. The draft revised planning proposal at **Attachment 1** will be amended to reflect Council's endorsed option for proposed building height and floor space ratio controls. It will consequently be forwarded to the DP&E for a revised Gateway Determination.
182. Community consultation of the planning proposal will then be arranged in accordance with the revised Gateway Determination requirements. The current Gateway Determination specifies a minimum 28 day exhibition period and specifications for the material to be placed on exhibition. Community consultation will include a notice in the local paper, information on Council's web site as well as a letter to land owners in the vicinity of the site. Consultation

with public authorities will also occur in accordance with the Gateway Determination.

183. Following consultation with the community and public authorities, a further report will be put to Council on the outcomes of this process.
184. In parallel with the planning proposal process, the draft DCP and the proponent's VPA offer will continue to be reviewed and negotiations undertaken with the proponent to prepare a draft VPA or Deed of Agreement. The draft DCP provisions and draft VPA or Deed of Agreement must be reported to Council for endorsement so that they can then be placed on public exhibition. This can occur whilst the planning proposal undergoes further consideration by the DP&E and during the exhibition of the planning proposal.

Jacky Wilkes

Senior Project Officer

ATTACHMENTS:

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|----------|-----------------------|----------|
| 1 | Planning Proposal | 75 Pages |
| 2 | Options | 9 Pages |
| 3 | Gateway Determination | 5 Pages |