

Auburn Local Environmental Plan - Amendment No. 17 - 2-10 Jenkins Street and 344-362 Park Road, Regents Park

Proposal Title :	Auburn Local Environmental Plan - Amendment No. 17 - 2-10 Jenkins Street and 344-362 Park Road, Regents Park		
Proposal Summary :	The planning proposal seeks to rezone land at 2-10 Jenkins Street and 344-362 Park Road, Regents Park, from IN2 Light Industrial to R4 High Density Residential, to remove the minimum lot size and amend the maximum building heights and floor space ratio provisions.		
PP Number :	PP_2014_AUBUR_005_00	Dop File No :	14/15876

Proposal Details

Date Planning Proposal Received :	18-Nov-2014	LGA covered :	Auburn
Region :	Metro(Parra)	RPA :	Auburn Council
State Electorate :	AUBURN	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	2-10 Jenkins Street		
Suburb :	Auburn	City :	Auburn
Land Parcel :	Lot 1 DP800946, Lots 1-4 DP20202		
Street :	344-362 Park Road		
Suburb :	Auburn	City :	Auburn
Land Parcel :	Lots 5-7 DP20202, Lots 1-4 DP365565, Lot 1 DP731227, Lot 2 DP828499, Lot 1 DP610198, Lot 3 DP800946		

DoP Planning Officer Contact Details

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Land Release Data

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

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

If No, comment : At this point in time, to the best of the regional team's knowledge, the Department's Code of Practice in relation to communications and meetings with lobbyists has been complied with. No such communications or meetings have occurred.

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

BACKGROUND

The subject land was rezoned from residential to IN2 Light Industrial in a previous planning proposal in May 2013. Council by resolution on 16 July 2014, resolved to rezone the land to R4 High Density Residential by way of a planning proposal. In this planning proposal, the subject site has been extended to include properties numbers 2 Jenkins Street and 358, 360 and 362 Park Road. Property 356 is owned by Council and is currently used for a Veterans and Community Men's Shed.

INTERNAL CONSULTATION

The planning proposal has been referred to the Department's Employment Lands Manager and has received the following comment:

The Regents Park employment land precinct is considered to be significant to the region and the Auburn Local Government Area as a whole, however the proportion that is subject to the planning proposal is only 2.4% of the entire precinct, and is also separated from the IN1 zoned portion of the precinct by Park Road. Therefore the effects of a rezoning would be minimal to the existing industrial employment land, and future residential will have a road as a buffer.

However, there is still potential for land use conflicts with high density residential adjacent to existing and functional IN1 industrial zoned land that will require management to ensure no disruption to the remainder of the Regents Park precinct and its industrial use.

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

To the best of the Regional Planning Team's knowledge, the Department has not received any disclosure statements for this Planning Proposal.

DATE OF RECEIPT

The planning proposal was received during September 2014. Discussions were held with council officers, particularly concerning Council's draft employment lands strategy. Consultation with council officers was finalised on 18 November 2014.

External Supporting
Notes :

The planning proposal application was made by JBA Planning on behalf of the owner of part of the site. Council has resolved to support the application by way of Council resolution on 16 July 2014 to refer this planning proposal to the Department of Planning and Environment for a Gateway determination.

Adequacy Assessment

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

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

Comment :

The objectives of the planning proposal are to:

- * amend Auburn LEP 2010 to rezone the site from IN2 Light Industrial to R4 High Density Residential;
- * amend the maximum height of buildings to 19.5m;
- * amend the maximum floor space ratio to 1.4:1; and
- * remove the minimum lot size.

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

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

Comment :

The proposal conforms with the Standard Instrument (Local Environmental Plans) Order 2006.

The proposal identifies land at 2-10 Jenkins Street, and 344-362 Park Road, Regents Park as the site for the rezoning.

The land zoning, lot size, height of buildings, and floor space ratio maps are proposed to be amended accordingly.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

3.1 Residential Zones

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **N/A**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 6—Number of Storeys in a Building
SEPP No 19—Bushland in Urban Areas
SEPP No 22—Shops and Commercial Premises
SEPP No 55—Remediation of Land
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

SECTION 117 DIRECTIONS

The proposal identifies all relevant Section 117 Directions (see Appendix F - 'Documents'). Of relevance are: 1.1 Business and Industrial zones, 3.1 Residential Zones, 4.1 Acid Sulfate Soils and, 7.1 Implementation of the Metropolitan Plan for Sydney 2036.

SECTION 117 DIRECTION: 1.1 BUSINESS AND INDUSTRIAL ZONES

The planning proposal is inconsistent with Direction 1.1 - Business and Industrial Zones in that it seeks to rezone IN2 Light Industrial zone land to R4 High Density Residential.

The proponent has provided justification by letter to Council dated 9 September 2014 (copy in 'documents'). Justification to the inconsistency is sought on the basis of consistency with Council's adopted Employment lands Study* (Hill PDA Consulting) and that the loss of industrial zoned land (i.e. the site) is of minor significance.

*** Note:**

- . The Hill PDA employment lands study is council's existing formal study, however, it is 6 years old and required updating.
- . Council has commissioned a fresh employment lands study (AECOM).
- . Council placed the draft on exhibition on 15 October 2014, with the exhibition period finishing on 21 November, 2014.

This matter is further discussed in this report under 'Assessment'.

Should the planning proposal proceed, it is recommended that the delegate agree any inconsistency is of a minor nature.

SECTION 117 DIRECTION: 3.1 RESIDENTIAL ZONES

The Direction requires that provisions are made for servicing and a proposal must not contain provisions which will reduce permissible residential density.

Auburn Local Environmental Plan 2010 includes clause 6.5 Essential Services and the proposal does not seek to reduce housing density.

It is considered the proposal is not inconsistent with the Direction.

SECTION 117 DIRECTION 4.1 ACID SULFATE SOILS

While the site is identified as a class 5 acid sulfate soil type- it is considered that the proposal is not inconsistent with Section 117 Direction 4.1 Acid Sulfate Soils, as Auburn Local Environmental Plan 2010 contains a relevant acid sulfate soils clause (see clause 6.1).

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

The applicant has sought to address the need to retain industrial zoned land as provided by the Metropolitan Plan again on the basis of minor significance (see letter of 9 September 2014 - 'Documents').

Similarly, this matter is further discussed in this report under 'Assessment' and should the planning proposal proceed, it is recommended that the delegate agree any inconsistency is of a minor nature.

STATE ENVIRONMENTAL PLANNING POLICIES

The planning proposal has appropriately addressed its consistency with State Environmental Planning Policies.

In particular, it has appropriately acknowledged the need for the preparation of a phase 1 contamination assessment to satisfy the provisions of State Environmental Planning Policy 55 - Remediation of Land.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : Council has submitted adequate maps to clearly indicate the proposed rezoning. However, Council will be required to submit maps compliant with the Department's mapping specifications if a Gateway determination to proceed is issued.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has proposed a period of 28 days. During exhibition of the planning proposal the community will be invited to make submissions. The community will be further consulted on the final details of the proposal through the development application process should the planning proposal proceed.

Additional Director General's requirements

Are there any additional Director General's requirements? **N/A**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Auburn Local Environmental Plan 2010 was notified on 29 October 2010.

This planning proposal seeks to amend Auburn Local Environmental Plan 2010, and will be known as Auburn Local Environmental Plan 2010 Amendment No. 17.

Assessment Criteria

Need for planning proposal :	The planning proposal is the only means of achieving Council's intention of providing increased housing choice, as well as meeting housing demand at a location in close proximity to Regents Park Station and shopping facilities.
Consistency with strategic planning framework :	The planning proposal is not the result of a strategic study or report. The planning proposal results from an application by JBA Planning on behalf of the owner of part of the site. It is acknowledged that the planning proposal is consistent with the Draft West Central Subregional Strategy Actions B2.1 and C2.1, as follows: - Action B2.1 encourages councils to investigate increasing densities in all centres where access to employment, services and public transport are provided or can be provided. The proposed R4 zoning will increase residential densities close to Regents Park Centre and railway stations. - Action C2.1 encourages councils to focus residential development around centres, town centres, villages and neighbourhood centres. The proposed R4 zoning will increase residential densities close to Regents Park Village Centre. The closest point of the subject site to Regents Park railway station is 400 metres.
Environmental social economic impacts :	As the subject land is highly urbanised there are no critical habitat or threatened species, populations or ecological communities that will be adversely affected by the planning proposal. There are no likely environmental effects as a result of the planning proposal. All potential impacts may be addressed through the relevant planning controls. As far as social and economic impacts are concerned, the planning proposal may create some adverse impacts, as it would (1) permit high density residential development adjacent to a railway line and an industrial area, raising amenity issues and (2) involve some adverse economic impacts owing to operational land-use conflicts with the adjacent industrial area.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Essential Energy Department of Education and Communities Office of Environment and Heritage Family and Community Services - Housing NSW Energy Australia Transport for NSW Fire and Rescue NSW NSW Police Force Transport for NSW - Sydney Trains Transport for NSW - Roads and Maritime Services		

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**Sydney Water
Adjoining LGAs**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **No**

If no, provide reasons : **BACKGROUND**

the site has a total area of 19,241m² (i.e. 1.9ha) and is located on the southern side of Jenkins Street and the eastern side of Park Road. The land is a long thin rectangular shape, located between the Bankstown Railway Line and Park Road. The site varies in width from about 44m to 80m. Frontage is to Park Road and approximately 366m in length.

The site is currently used for residential and light industrial purposes and is zoned IN2 Light Industrial under Auburn Local Environmental Plan 2010.

The site is part of the Regents Park Industrial Precinct which adjoins the subject land (separated by Park Road) and is zoned IN1. The precinct is one of the larger industrial precincts in Auburn and the only one in the south of the local government area. The precinct provides a variety of different types and scales of industrial premises and is generally well-occupied, with a high proportion of lots of less than 5,000 m² making it an ideal and more affordable start-up location for businesses in the south of the local government area, and further to Bankstown.

PLANNING PROPOSAL

The planning proposal indicates (see p.17) that:

- . development of the site for residential purposes will contribute to sub-regional housing targets;
- . provide maximum the use of public transport by providing higher density residential housing in proximity to public transport (the site is located approximately 380 to 750m from Regents Park Railway station - and the Regents Park village), and
- . provide for the orderly and economic use of the land.

These issues are acknowledged. It is also acknowledged that the planning proposal addresses particular issues raised by Council (see pp 27 - 28 of the planning proposal)

RECOMMENDED REFUSAL

While this is the case, it is recommended that the planning proposal be refused on the following basis:

METROPOLITAN PLAN FOR SYDNEY 2036

The planning proposal indicates that the proposal is consistent with certain actions in the plan (i.e. B1.3, D1.1, D2.1, etc - see pp 23/24) and is justifiably inconsistent with E3.2 (Identify and retain strategically important employment lands) and GB.1 (Avoid noise-based land use conflicts through strategic planning and the development assessment processes).

Department Comment:

In this instance, it is considered that the inconsistency with action E3.2 i.e. 'identify and retain strategically important employment land' (refer p. 141 of the plan) outweighs other considerations (see following discussion).

DRAFT WEST CENTRAL SUB-REGIONAL STRATEGY

The draft sub-regional strategy identifies the Regents Park Industrial Precinct as a significant and viable cluster of light manufacturing, freight and logistics uses comprising 82.4 ha.

The subject land is included within the Regents Park Industrial Precinct in the strategy and identified for retention for industrial purposes (see p. 44 of the strategy).

AUBURN EMPLOYMENT LANDS STUDY 2008

The Auburn Employment Lands Study 2008 reviewed the existing employment land in the local government area in 2008 and outlined future demand for industrial land, as well as providing principles for sustainable and viable business and employment growth across the area until 2031.

For various reasons the study did not address the subject land, however, it provided a number of guiding principles:

- . the need to recognize industrial land, such as Regents Park, are limited resources and hold regional importance;
- . the need to develop buffers of low impact industrial uses around land zoned for industrial purposes to minimize impacts on residential or other sensitive uses; and
- . to maintain and protect a surplus of industrial land through clear planning controls for economic reasons.

Department Comment:

The planning proposal is considered to be inconsistent with these principles as it particularly proposes to remove industrial land from the precinct and permit high density residential development adjacent to industrial land without the benefit of an appropriate buffer, relying on Park Road to serve this purpose.

DRAFT AUBURN EMPLOYMENT LANDS STRATEGY (AECOM - 2014)

AECOM was commissioned by Auburn Council to carry out an employment strategy to enable council to plan for future employment growth with a 17 year horizon to 2031.

A draft strategy has been prepared and Council resolved to place the draft on public exhibition. The exhibition commenced on 15 October and will conclude on 21 November 2014. It is anticipated that the results of the exhibition will be reported to Council in the early new year (2105).

The draft identifies the site as Precinct 8 (i.e part of the Regents Park Industrial Precinct) and is shown in the precincts diagram taken from the draft (see 'Documents'). An extract from the draft strategy, providing a description of the Industrial Park, is also provided (see 'Documents').

In particular, the strategy addresses the subject land (and wider precinct) as follows:

In summary, planning policy recommendations for Precinct 8 are to:

- . retain as large industrial precinct zoned IN1 General Industrial providing a wide range of premises close to transport in the southern part of the LGA.
- . Retain IN2 Light Industrial along the eastern portion of the precinct.
- . Caution is recommended when considering planning proposals that envisage component/s of residential use, particularly so as they do not conflict with long term viability of uses in Precinct 8
- . Adopt a flexible approach to considering a range of employment/industrial uses that may have different access and floorspace requirements, e.g. office-type floorspace, loading and circulation requirements.

An extract is included in 'Documents'.

Department comment:

While recognising that the strategy is in draft form and has not been adopted by council, it does provide a professional and independent assessment of the situation, which

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recommends against introducing a residential zone in this location for sound planning reasons.

CONCLUSION

The recommendation for refusal, in summary, is based on the following:

- as the proposal seeks to rezone land that is part of the strategically significant Regents Park Industrial Precinct, it is inconsistent with the Metropolitan Plan for Sydney 2036 and the Draft West Central Subregional Strategy in regard to the retention of employment land;
- permitting high density residential development in this location would place approximately 263 dwellings in close proximity to industrial uses exposing residents to undesirable amenity impacts, and
- land use conflicts may arise between residents and users of the industrial area, leading to restrictions on industrial uses.

Further, the proposal is unreasonably inconsistent with the Auburn Employment Land Study 2008 and the draft Auburn Employment Lands Strategy (AECOM - 2014).

While this is the case, it is recommended that - by way of departmental advice - Council be informed to give consideration to reviewing the zone and controls for the site to assist in the orderly development of the land, once it has considered and adopted the current draft land employment study.

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

An updated traffic study has been provided by the proponent and forms part of the documents attached to this report.

Identify any internal consultations, if required :

Employment Lands (ELDP)

Is the provision and funding of state infrastructure relevant to this plan? No

If Yes, reasons.:

Documents

Document File Name	DocumentType Name	Is Public
Council cover letter.pdf	Proposal Covering Letter	Yes
Updated Parts 1 and 2 of PP- 8-2013.pdf	Proposal	Yes
Updated Parts 3-6 PP-8-2013 Jenkins St Regents Park.pdf	Proposal	Yes
Response to Council - Regents Park Planning Proposal (3).pdf	Study	Yes
UPDATED TRAFFIC REPORT.pdf	Study	Yes
REPORT TO COUNCIL APPENDIX A and B.pdf	Proposal	Yes
Draft Auburn Employment Lands Strategy - extract - Description of Precinct 8.pdf	Study	Yes
Draft Auburn Employment Lands Strategy - Precincts diagram.pdf	Study	Yes
Draft Auburn Employment Strategy - extract - recommendations - Precinct 8.pdf	Study	Yes
Section 117 Checklist.pdf	Proposal	Yes
SEPP Checklist.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 6.3 Site Specific Provisions
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the planning proposal does not proceed.**

Should the delegate be of the mind for the proposal to proceed, the following conditions are recommended for attachment to the determination:

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

(a) the planning proposal must be made available for 28 days; and

(b) the relevant planning authority must comply with notice requirements for public exhibition of planning proposals and the specifications for material that must be available along with planning proposals.

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

- Essential Energy
- Department of Education and Communities
- Office of Environment and Heritage
- Family and Community Services - Housing NSW
- Energy Australia
- Transport for NSW
- Fire and Rescue NSW
- NSW Police Force
- Transport for NSW - Sydney Trains
- Transport for NSW - Roads and Maritime Services
- Sydney Water
- Adjoining LGAs

3. An urban design study of the site is to be undertaken resulting in recommendations for a site specific DCP, to ensure that future development may be carried out in a way that allows development to meet the requirements of State Environmental Planning Policy 65, as well as, broader urban design outcomes.

4. Further studies are to be prepared and form part of consultation material, as follows:

- . an assessment of acoustic and vibration by a suitably qualified consultant,
- . a revised traffic and parking study to address the proposed residential development floor space ratio of 1.4:1 and an assessment of the capacity of the Amy Street Bridge intersection based on a current LOS F; and
- . a phase 1 contamination assessment in conformity with the requirements of State Environmental Planning Policy 55 - Remediation of land, which will allow consideration to be given to the need to prepare a phase 2 contamination assessment.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. However, this does not discharge

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Council from any obligation it may otherwise have to conduct a public hearing for example in response to a submission or if reclassifying land).

6. The time frame for completing the LEP is 12 months from the week following the date of the Gateway determination.

Further, should the proposal proceed:

The delegate agrees:

. that any inconsistency with Section 117 Directions:

1.1 - Business and Industrial Zones, and

7.1 Implementation of the Metropolitan Plan for Sydney 2036, is of minor significance; and

. considers Council's request to authorize the delegation of the Minister's plan making powers under section 59 of the Act to Council, in this instance.

Supporting Reasons :

The recommendation for refusal, in summary, is based on the following:

- . as the proposal seeks to rezone land that is part of the strategically significant Regents Park Industrial Precinct, it is inconsistent with the Metropolitan Plan for Sydney 2036 and the Draft West Central Subregional Strategy in regard to the retention of employment land;
- . permitting high density residential development in this location would place approximately 263 dwellings in close proximity to industrial uses exposing residents to undesirable amenity impacts, and
- . land use conflicts may arise between residents and users of the industrial area, leading to restrictions on industrial uses.

Further, the proposal is unreasonably inconsistent with the Auburn Employment Land Study 2008 and the draft Auburn Employment Lands Strategy (AECOM - 2014).

While this is the case, it is recommended that - by way of departmental advice - Council be informed it may care to give consideration to reviewing the zone and controls for the site to assist in the orderly development of the land, once it has considered and adopted the current draft land employment study.

Signature:



Printed Name:

T DORAN

Date:

20/11/14