

APPENDIX A: REPORT TO COUNCIL MEETING OF 21 MAY 2014

Note this report was also the attachment to the report of the Council meeting of 16 July at Appendix B.

AUBURN CITY COUNCIL

May 21, 2014

Executive Manager Planning's
Report

To the Ordinary Meeting of Council

LINK TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Operational Plan Code	Relationship to Community Strategic Plan	Relationship to Operational Plan
2a.2.2.3	High quality urban development	Assess rezoning applications for council determination (pre-planning proposal stage)

SUMMARY

This report summarises the findings of the assessment report and submissions received for an application for a Planning Proposal (PP-8/2013) to amend zoning, floor space ratio and height controls for 2-10 Jenkins Street and 344-362 Park Road, Regents Park

RECOMMENDATION

- 1. That Council note the report and the issues raised during pre-gateway exhibition of the application for a Planning Proposal.***
- 2. That Council determine if the Planning Proposal application should proceed to the Department of Planning and Infrastructure's Gateway process.***

REPORT

1. Outline of the proposal

On 9 August 2013 Council received an applicant initiated Planning Proposal applying to land at 2-10 Jenkins Street and 344-362 Park Road, Regents Park (refer to Figure 1 over page). The application was lodged by LJB Urban Planning.

The application seeks to amend the *Auburn LEP 2010* to:

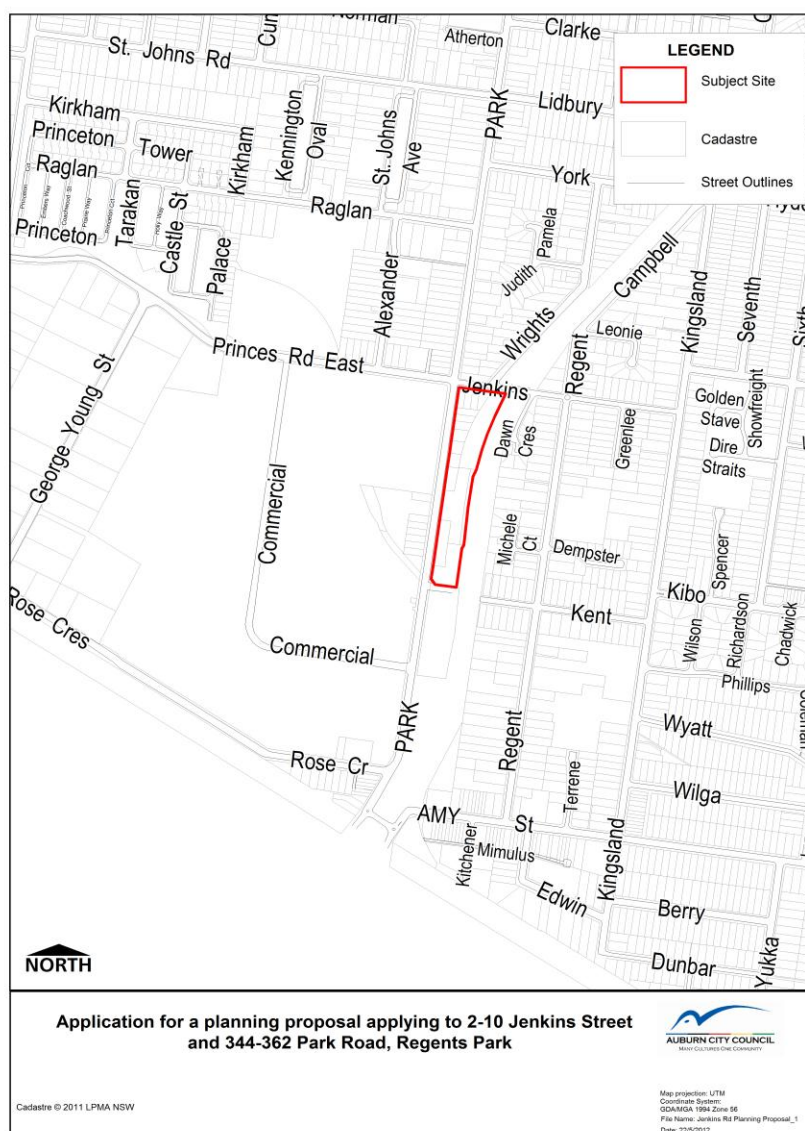
- rezone the site from IN2 Light Industrial to R4 High Density Residential;
- amend the maximum building height map to apply a maximum building height of 19.5m;
- amend the maximum floor space ratio map to apply a maximum floor space ratio of 1.4:1 on the subject site; and
- amend the lot size map to remove a minimum lot size requirement consistent with the control applied to the R4 High Density Residential zoning.

A comparison of existing and proposed controls is been outlined in Table 1 below.

Table 1: Summary of proposed changes to planning controls

	Zone	Maximum height of buildings	Maximum floor space ratio	Minimum lot size
Existing	IN2 Light Industrial	There is no maximum building height for the IN2 Light Industrial zone.	1.0:1	1500m ²
Proposed	R4 High Density Residential	19.5	1.4:1	Remove the IN1 minimum lot size requirement of 1,500m ² to be consistent with the Council's existing R4 controls.

Figure 1: Subject site



2. Previous applicant-initiated proposals

The applicant previously (May 2012) lodged an application for a Planning Proposal for the same site to rezone it to R4 High Density Residential. This proposal was later withdrawn and a second application was submitted to rezone the site to B4 Mixed Use including a minimum residential component. The second application was later revised to propose R4 High Density Residential for the site after a study by the applicant's consultant (further details below) found the retail component would not be feasible. Section 1.3 of the Assessment Report provides further detail regarding the history of applications for Planning Proposals for this site.

Part of the subject site was rezoned on 17 May 2013 to from R2 Low Density Residential to IN2 Light Industrial to fulfil Council's resolution of 20 October 2010.

3. Development feasibility advice

Development feasibility advice prepared by Hill PDA to support the application indicates that the current zoning (IN2) is unlikely to result in redevelopment of the existing residential properties for industrial purposes, and that redevelopment of the industrial portion of the site for industrial uses would be marginally feasible for a developer. It should be noted that the advice does not consider whether the proposed use is appropriate, or if there are any land use conflict issues. Further details about the advice from Hill PDA can be found in section 3.3 of the attached Council assessment report (**Attachment 1**).

4. Submissions received

The application for the Planning Proposal was exhibited for a period of 28 days from 21 August to 18 September 2013, in accordance with Council's *Communication Plan for Planning Proposals*.

A total of two submissions were received during the exhibition period. Both submissions opposed the proposal. Key issues raised in the submissions are summarised in Table 2 below.

Summary of issues raised	No. of submissions raising this issue
Opposes rezoning of the subject site to allow for high density residential development.	2
Jenkins Street and Park Road sustain substantial traffic and lengthy delays during the peak periods.	2
On street parking will become a problem for the residents as more people will compete to park on Wrights Avenue.	2
If the proposal is progressed, access to the subject site from Jenkins Street should not be provided.	1
Auburn Council has met the State Government's dwelling target, and therefore this planning proposal has no relevance.	1
The Regents Park Veterans and Community Men's Shed exists within the subject site.	1

Table 2: Issues raised during exhibition

5. Recent Council-initiated rezoning of the site

Prior to the lodgement of the second application (PP-2/2013), Council finalised a separate Planning Proposal (PP-5/2012) in accordance with Council's resolution of 20 October 2010 to rezone part of the site zoned R2 Low Density Residential to IN2 Light Industrial.

The intention of that Planning Proposal (PP-5/2012) was to:

- remove the potential for land use conflicts to occur between the existing residential uses on the site and the adjoining industrial and light industrial uses;
- strengthen the Regents Park Industrial Precinct, which is regionally significant employment land, by providing a clear edge between it and the residential uses to the north; and
- increase the buffer between the residential and industrial uses in the longer term.

The Planning Proposal (PP-5/2012) was finalised on 17 May 2013. Consequently, the zoning of 4-10 Jenkins St and 344-356 Park Rd, Regents Park, was changed to IN2 Light Industrial.

6. Findings of the Assessment Report

The assessment report details the following key issues.

6.1 Loss of Significant Employment Land

The applicant states that redevelopment of the subject site to high density residential will improve pedestrian linkages for residents of the north to Regents Park station and shops.

The applicant's planning proposal application also argues that the planning proposal will be *"the catalyst to encourage redevelopment and provision of a greater number of employment opportunities on surrounding sites"*.

However, intensification of residential development on the site is potentially an issue, because the subject site is part of a regionally significant employment precinct that Council has sought to protect through the *Auburn Employment Lands Study 2008*, and its recent rezoning of part of the site. If the proposal were to proceed, it would result in a partial loss of strategically significant employment land within the Regents Park Industrial Precinct, and could introduce a source of land use conflict that may threaten the viability of businesses in the remainder of the precinct.

Council's strategic intention for the Regents Park Industrial Precinct is to retain it for industrial purposes and protect it from sources of land use conflict such as encroaching residential development. This approach is supported by the *Auburn Employment Lands Study 2008*, particularly the following principles from page 121 of the study:

- "The site should be retained and protected for a range of general industrial uses"; and
- "The relationship of the Precinct with surrounding residential uses should be carefully protected and the encroachment of alternative uses actively avoided".

Council's employment lands are already likely to experience significant reductions through proposals such as the Carter Street Urban Activation Precinct, the proposed rezoning of 1A/1B Queen Street (being progressed by the JRPP) and the Grey/Carnarvon St Silverwater site (PP-5/2013). It is estimated that these proposals may reduce Council's existing supply of industrial land by 53.25 hectares (refer to Table 4 on page 17 of **Attachment 1**).

The planning proposal application argues that *"to support a need for additional jobs there needs to be adequate population and housing opportunities which this planning proposal will achieve"*. However, it is also noted that Council is providing significant residential development potential in other areas of the LGA, such as through the FSR Planning Proposal (PP-3/2010), and rezoning of this site is not required for Council to meet its housing targets. It is anticipated that Auburn City Council will exceed its dwelling target by approximately 15,700 dwellings in the longer term.

6.2 Likelihood of Redevelopment

The Development Feasibility and Retail Advice prepared by Hill PDA on behalf of the applicant, indicates that the existing IN2 Light Industrial zoning is unlikely to result in redevelopment of the residential properties for industrial purposes. While this may be true, demonstrating that the planning controls applying to part of the site are not viable does not justify rezoning the entire site to address the issue. It does however indicate that the zoning of these properties may need to be adjusted to incentivise their redevelopment for industrial or other employment purposes consistent with the Auburn Employment Lands Study 2008.

6.3 Traffic

The Planning Proposal application indicates that:

- rezoning the site to R4 High Density Residential will effectively halve the traffic generation potential and significantly reduce (if not eliminate altogether) the heavy vehicle truck traffic currently generated by the site; and
- the indicative master plan proposal makes provisions for approximately 358 off-street parking spaces and is thereby capable of satisfying Council's parking code requirements.

The applicant's traffic study is not consistent with the findings of Council's draft Traffic and Transport Study, and it is noted that there are minor inconsistencies in the number of dwellings estimated and used within the planning proposal application. Notwithstanding this, the applicant's traffic study indicates there would be a decrease in overall traffic volume, if the site was to be redeveloped for residential purposes (refer to Section 4.11 of **Attachment 1**).

7. Possible options for the site

As highlighted above, some concerns are raised about the proposed residential zoning for the site. However, as indicated in the advice prepared by Hill PDA on behalf of the applicant, an outstanding issue is that the existing IN2 Light Industrial zoning is unlikely to result in redevelopment of the residential properties for industrial purposes.

The zoning and planning controls applying to these properties may need to be adjusted to incentivise their redevelopment for industrial or other employment purposes consistent with the Auburn Employment Lands Study 2008.

Another option Council may wish to consider is investigating possible changes to the site's planning controls that would result in a viable development scenario that is employment focused. A timely opportunity to do this is approaching as Council commences its review of the *Auburn Employment Lands Study 2008* as part of the review of the *Auburn LEP 2010*. If Council wishes, the draft consultant brief for the review of this study could be amended to include this work.

Having the work undertaken by a consultant employed by Council would allow the site to be considered holistically as part of Council's broader employment lands framework. The findings of the study would then be reported to Council for decision.

8. Matters for consideration if Council resolves to proceed with the application

Should Council decide to proceed with the application, the following issues should be addressed:

- Applicant revise the traffic and parking assessment report in accordance with Council's comments before the proposal is forwarded to the Department of Planning and Infrastructure for a Gateway Determination.
- Applicant Address inconsistencies with section 117 directions *1.1 Business and Industrial zones* and *7.1 Implementation of the Metropolitan Plan for Sydney 2036*.
- Applicant prepare A phase 1 preliminary site contamination report should be prepared if the proposal is issued with a Gateway Determination by the Department of Planning and Infrastructure.
- Council and Applicant undertake discussions regarding the future of the Council-owned land at 356 Park Road and the Regents Park Community Men's Shed.
- Council consider the future of the remainder of land zoned IN2 directly south of the subject site.

ATTACHMENTS (to be circulated to Councillors under separate cover)

1. Assessment Report prepared by Council staff
2. Revised application for a Planning Proposal (LJB Planning)

APPENDIX B: REPORT TO COUNCIL MEETING OF 16 JULY 2014

AUBURN CITY COUNCIL

July 16, 2014
To the Ordinary Meeting of Council

General Manager's Report

183/14 Notice of Rescission Motion – Application for a Planning Proposal to Amend Zoning, Floor Space Ratio and Height controls for Land at 2-10 Jenkins Street and 344 – 362 Park Road Regents Park

PP-8/2013 MB:MW

Councillors Attie, Yang and Mehajer have jointly given notice on July 8, 2014 of their intention to move:

“That the Council’s resolution in Minute No. 118/14 relating to the Application for a Planning Proposal to Amend Zoning, Floor Space Ratio and Height Controls for Land at 2-10 Jenkins Street and 344-362 Park Road, Regents Park, be rescinded.”

The Council’s resolution in Minute No. 118/14 was as follows:-

“RESOLVED on the motion of Clr Simms, seconded Campbell:

- 1. That Council note the report and the issues raised during pre-gateway exhibition of the application for a Planning Proposal.*
- 2. That the Council not support the referral of the Planning Proposal application to the Department of Planning and Infrastructure’s Gateway process.”*

COMMENTS BY GENERAL MANAGER

To facilitate the Council’s subsequent considerations if the rescission motion is carried, a copy of the Report titled ‘Application for a Planning Proposal to Amend Zoning, Floor Space Ratio and Height Controls for Land at 2-10 Jenkins Street and 344-362 Park Road, Regents Park’, is provided as an attachment.

Attachment1: Previous report on the matter submitted to 21 May Ordinary Meeting of Council