

**Auburn Local Environmental Plan 2010 - Amendment No. 16 - Rezoning Grey Street & Silverwater Road, Silverwater**

Proposal Title : **Auburn Local Environmental Plan 2010 - Amendment No. 16 - Rezoning Grey Street & Silverwater Road, Silverwater**

Proposal Summary : **To rezone land at 1-17 Grey Street and 32-48 Silverwater Road, Silverwater from B6 Enterprise Corridor to B2 Local Centre.**

PP Number : **PP\_2014\_AUBUR\_003\_00**      Dop File No : **14/14218**

**Proposal Details**

Date Planning Proposal Received : **18-Jul-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 : **1-7 Grey Street**

Suburb : **Silverwater**      City : **Silverwater**      Postcode : **2140**

Land Parcel :

Street : **32-48 Silverwater Road**

Suburb : **Silverwater**      City : **Silverwater**      Postcode : **2140**

Land Parcel :

**DoP Planning Officer Contact Details**

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**RPA Contact Details**

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**DoP Project Manager 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 Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

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

If Yes, comment :

**Supporting notes**

Internal Supporting Notes : **The planning team does not support this planning proposal. Please refer to Recommendation section of this report.**

External Supporting Notes : **This is a planning proposal initiated by the proponent. The initial application was for the rezoning of the subject land from B6 Enterprise Corridor to B4 Mixed Use. The application was assessed by Council planners who recommended a refusal of the application to Council.**

**Council at its meeting on 4 December 2013 considered a report recommending a refusal of the proposal. At this meeting Council resolved to prepare a planning proposal in accordance with section 55 of the Environmental Planning and Assessment Act 1979, to amend Auburn Local Environmental Plan 2010, to rezone land at 1-17 Grey Street and 32-48 Silverwater Road, Silverwater to B2 Local Centre.**

**Adequacy Assessment**

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

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

Comment : **The main objectives of the planning proposal are:**  
**. to provide an appropriate land zoning and associated development standards for the subject site to facilitate its redevelopment for mixed uses; and**  
**. to create a new local centre in Silverwater to service the daily needs of the surrounding local residents.**

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

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

Comment :

**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**

**1.3 Mining, Petroleum Production and Extractive Industries**

**2.1 Environment Protection Zones**

**2.4 Recreation Vehicle Areas**

**3.3 Home Occupations**

**3.4 Integrating Land Use and Transport**

**4.1 Acid Sulfate Soils**

**6.1 Approval and Referral Requirements**

**6.3 Site Specific Provisions**

**7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Is the Director General's agreement required? **Yes**

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 30—Intensive Agriculture**

**SEPP No 33—Hazardous and Offensive Development**

**SEPP No 55—Remediation of Land**

**SEPP No 59—Central Western Sydney Economic and Employment Area**

**SEPP No 62—Sustainable Aquaculture**

**SEPP No 64—Advertising and Signage**

**SEPP No 65—Design Quality of Residential Flat Development**

**SEPP No 70—Affordable Housing (Revised Schemes)**

**SEPP No 71—Coastal Protection**

**SEPP (Building Sustainability Index: BASIX) 2004**

**SEPP (Exempt and Complying Development Codes) 2008**

**SEPP (Housing for Seniors or People with a Disability) 2004**

**SEPP (Infrastructure) 2007**

**SEPP (Affordable Rental Housing) 2009**

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

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

If No, explain :

**S.117 Direction 1.1 - Business and Industrial Zones**

**The planning proposal application is inconsistent with section 117 Direction 1.1 - Business and Industrial zones.**

**The planning proposal will result in a loss of strategically significant employment lands for the Auburn LGA. Item 4(b) of the direction states that a planning proposal must retain the areas and locations of existing business and industrial zones. Further, a planning proposal may be inconsistent with the direction if it can be proved that it is justified by a strategy or study.**

**It is noted that the guiding principles within the Auburn Employment Lands Study 2008 do not support the proposed loss of employment land.**

**S.117 Direction 3.4 - Integrating land use and transport**

**The planning proposal is inconsistent with section 117 Direction 3.4 - Integrating land use and transport.**

**Under the direction the planning proposal must be consistent with the aims, objectives**

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and principles of improving transport choice - Guidelines for Planning and Development (DUAP 2001).

The suggested walking distance from a residential development to a railway station is 800 - 1000 metres of an existing or programmed metropolitan station. The closest distance from the subject site to Auburn Railway Station is 1900 metres.

**S.117 Direction 7.1 - Implementation of the Metropolitan Plan for Sydney 2036**  
The planning proposal is inconsistent with Direction 7.1 - Implementation of the Metropolitan Plan for Sydney 2036. In particular, the planning proposal is inconsistent with Action E3.2 of the Metropolitan Plan. This issue is further discussed in this report.

### **Mapping Provided - s55(2)(d)**

Is mapping provided? **No**

Comment : Maps showing the proposed zoning, minimum lot size, height of buildings and floor space ratio have been provided. However, Council will be required to submit the following amended maps, prepared in accordance with the Department's technical specifications if a Gateway determination is issued for the planning proposal to proceed: land Zoning map LZN\_006, Lot size map LSZ\_006, height of buildings map HOB\_006 and Floor Space Ratio map FSR\_006.

### **Community consultation - s55(2)(e)**

Has community consultation been proposed? **Yes**

Comment : The application for a planning proposal to rezone the subject land from B6 Enterprise Corridor to B4 Mixed Use, was publicly exhibited from 23 July 2013 to 20 August 2013 in accordance with Council's Communication Plan for Planning Proposals as adopted by Council.

A total of 27 submissions and a late submissions were received. The majority of the submissions objected to the planning proposal application, and six submissions supported the application.

Council subsequently resolved to prepare a planning proposal in accordance with s55 of the Environmental Planning and Assessment Act 1979, to rezone the subject land to B2 Local Centre.

### **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 Comprehensive Local Environmental Plan was notified on 29 October 2010.

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**Assessment Criteria**

Need for planning  
proposal :

**The planning proposal is the only means of achieving the rezoning of the subject land.**

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Consistency with strategic planning framework :

### **Auburn Employment Land Study 2008**

The planning proposal is inconsistent with the Auburn Employment Land Study 2008(AELS).

AELS identifies the subject site and its surrounds as Precinct 14 - Silverwater Road. The study recommended that the subject site and surrounds be zoned as B6 Enterprise Corridor given its proximity to Silverwater Road, which is currently classified as a major state road.

### **Metropolitan Plan for Sydney 2036**

The planning proposal is also inconsistent with strategic directions and actions of the Metropolitan Plan for Sydney 2036.

Strategic Direction E - Action E3.2 - to identify and retain strategically important employment lands. The proposal to rezone the subject land from B6 Enterprise Corridor to B2 Local Centre would:

- impact land that is identified as being strategically and regionally important employment land to be retained through the Draft West Central Subregional Strategy; and
- result in the loss of employment land zoned B6 Enterprise Corridor.

Strategic Direction E - Action E3.3 - to strengthen existing freight and industry clusters and support the emergence of new clusters. The site is located within the "Significant Freight Industry Cluster - Chullora and Enfield to Silverwater" The proposal is inconsistent with the above Action because rezoning of the subject site to B2 Local Centre is unlikely to contribute to strengthening or maintaining the existing industry cluster.

### **Draft West Central Subregional Plan**

The Planning Proposal application is inconsistent with the following West Central Draft Subregional Strategy (WCDSS) strategic objectives and actions:

Strategic Objective B4 - Action B4.1 to "concentrate retail activity in centres business development zones and enterprise corridor zones".

The application is inconsistent with the action B4.1 as it would facilitate the development of out-of-centre retail uses. The WCDSS states (p.76) that:

"rezoning proposals which contribute to a more decentralised retail, business and enterprise land use pattern will not be supported unless the purpose is to establish a new centre or expand the current established centres to serve the needs of a growing population consistent with the recommendation of a strategic plan."

The application does not propose to expand an existing local centre or corridor, nor propose a new centre to serve the needs of a growing population consistent with a recommendation of an existing strategic plan. Rather, the proposal is contrary to the recommendations of the Auburn ELS 2008.

Strategic Objective C1- Action C1.3 to "plan for increased housing capacity targets in existing areas" (p.86).

The proposal is inconsistent with the action C1.3 as it is not located within an existing urban area focused around a local centre or a corridor that permits residential uses and has good access to public transport.

### **Dwelling Targets**

The WCDSS assigns a dwelling target of 17,000 dwellings for the Auburn LGA for 2031, out of which 6000 dwellings are allocated for the Sydney Olympic Park Authority area. However, Council's Dwelling Target Analysis (DTA) study prepared to inform the Auburn

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LEP 2010 states that no further 'up zonings' are required within the Auburn LGA to meet this target.

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 accommodated through the planning control. Any development specific impacts will be addressed at the development application stage.

### Assessment Process

Proposal type : Precinct Community Consultation Period : Nil

Timeframe to make LEP : 0 months Delegation :

Public Authority Consultation - 56(2) (d) :

Is Public Hearing by the PAC required? No

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

If no, provide reasons : It is considered that the planning proposal should not proceed as it may:

1. Decentralise retail and high density residential land uses in a manner that is at odds with Council's current application of the B2 Local Centre zone throughout Auburn Local Government Area (current B2 Local Centre zone is applied at only three locations at Newington, Berala Station and Regents Park Station).
2. Encourage land use conflict by facilitating commercial and high rise and high density residential development along the Silverwater Road Precinct, which is not supported by the Auburn Employment Land Study (AELS) 2008.
3. Threaten regionally significant industrial land that Council has been encouraged to retain through the AELS, Draft West Central Subregional Strategy and Metropolitan Plan for Sydney 2036.
4. Result in a loss of land zoned for employment uses that helps maintain the affordability of industrial land with Auburn Local Government Area.
5. Remove the zoning buffer between Silverwater Road and residential uses to the west and south of the precinct, which mitigates noise and other traffic impacts.
6. The planning proposal is not required to meet Council's dwelling targets.
7. Set a precedent for future applications for planning proposal of a similar nature.

Resubmission - s56(2)(b) : Yes

If Yes, reasons :

Identify any additional studies, if required :

If Other, provide reasons :

Identify any internal consultations, if required :

Employment Lands (ELDP)

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

If Yes, reasons :

### Documents

| Document File Name                                                                                                                   | DocumentType Name               | Is Public |
|--------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-----------|
| <b>Grey Street Planning Proposal - Appendix 4 (PP Part 2) - Auburn Council's Planning Proposal Application Assessment Report.pdf</b> | <b>Proposal</b>                 | <b>No</b> |
| <b>Grey Street Planning Proposal Attachment 1- PP Part 1.pdf</b>                                                                     | <b>Proposal</b>                 | <b>No</b> |
| <b>Cover Letter.pdf</b>                                                                                                              | <b>Proposal Covering Letter</b> | <b>No</b> |
| <b>Appendix B - Transport Report.pdf</b>                                                                                             | <b>Study</b>                    | <b>No</b> |
| <b>Appendix C1 - Economic Study - Leyshon consulting.pdf</b>                                                                         | <b>Study</b>                    | <b>No</b> |
| <b>Appendix C2 - Economic Study - Hill PDA.pdf</b>                                                                                   | <b>Study</b>                    | <b>No</b> |
| <b>Applicant's initial PP Application lodged with Council (June 2013).pdf</b>                                                        | <b>Proposal</b>                 | <b>No</b> |

### Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Not Recommended**

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.3 Mining, Petroleum Production and Extractive Industries
- 2.1 Environment Protection Zones
- 2.4 Recreation Vehicle Areas
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the planning proposal to rezone the subject land to B2 Local Centre be refused.**

Supporting Reasons : **Support of the proposal for the B2 Local Centre zone would:**

1. Decentralise retail and high density residential land uses in a manner that is at odds with Council's current application of the B2 Local Centre zone throughout Auburn Local Government Area.
2. Encourage land use conflict by facilitating retail, commercial and high rise and high density residential development along the Silverwater Road Precinct, which is not supported by the Auburn Employment Land Study 2008.
3. Threaten regionally significant industrial land that Council has been encouraged to retain through the Auburn Employment Lands Study, Draft West Central Subregional Strategy and Metropolitan Plan for Sydney 2036.
4. Result in a loss of land zoned for employment uses that helps maintain the affordability of industrial land with Auburn local government area.
5. Remove the zoning buffer between Silverwater Road and residential uses to the west and south of the precinct, which mitigates noise and other traffic impacts.
6. Set a precedent for future applications for planning proposal of a similar nature.

In addition to the above, internal consultation with the Department's Manager, Employment Lands, was undertaken. The following comments were taken into consideration in recommending that the planning proposal does not proceed:

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a) It appears to form a link between the major industrial lands at Silverwater and the M4 motorway, as well as a buffer to existing residential and the intensification of residential uses adjacent to Silverwater precinct is potentially a significant issue.

b) The draft subregional strategy shows the Silverwater precinct as part of a freight industry cluster identified in the draft metro strategy. These points are overlooked in the planning proposal.

c) The current significance of the Silverwater Precinct is shown in the latest ELDP data which identifies the precinct as having:

- . 151 ha zone industrial land
- . 147 ha of which developed and only 4 ha classified as undeveloped.

This is the largest precinct in Auburn Local Government Area and accounts for 38% of zoned stocks. While there is no take up recorded in the precinct (vacant land being developed) this is reflective of little remaining vacant land.

d) There remains strong demand for industrial development in Auburn Local Government Area with \$42.8 million of industrial development applications approved from July 2012 to June 2013 of which \$32 million for warehouses

e) The precinct is a major employer with around 10,787 jobs located within it in 2011.

f) The Silverwater precinct and its connection to the M4 will become more significant with the delivery of Westconnex and improved access to the port and airport through new entry and exit points.

Signature:



Printed Name:

T DORAN

Date:

3/10/14