

Greater Sydney, Place and Infrastructure

IRF19/4318

Gateway determination report

LGA	Cumberland
PPA	Cumberland Council
NAME	2 Bachell Avenue, Lidcombe (550 jobs)
NUMBER	PP_2019_CUMBE_003_00
LEP TO BE AMENDED	Auburn Local Environmental Plan 2010
ADDRESS	2 Bachell Avenue, Lidcombe
DESCRIPTION	Lot 2 DP 219413
RECEIVED	14 June 2019 (revised proposal received 2 September 2019)
FILE NO.	IRF19/4318
POLITICAL DONATIONS	There are no donations or gifts to disclose, and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend the Auburn Local Environmental Plan (LEP) 2010 in relation to land at 2 Bachell Avenue, Lidcombe by:

- inserting a B5 Business Development Zone into the Land Use Table by adopting the Land Use Table provisions for the B5 zone in the Holroyd LEP 2013;
- rezoning the site from IN1 General Industrial to B5 Business Development;
- applying a maximum building height of 14m at the front of the site and 27m at the rear of the site;
- increasing the maximum Floor Space Ratio (FSR) for the site from 1:1 to 2.5:1; and
- removing the Foreshore Building Line that applies to the site.

The proposal would result in approximately 550 additional jobs across the site, comprising of a mix of business, warehouse and specialised retail uses.

1.2 Site description

The subject site, 2 Bachell Avenue, Lidcombe (shown in Figures 1 & 2 next page) described as Lot 2 DP 219413 has an area of approximately 8,738m². The site is zoned IN1 General Industrial and contains a range of industrial, business and warehousing uses. It is located at the southern end of a large industrial area known as the Lidcombe East Industrial Precinct which runs north to the Western Motorway (M4).



Figure 1: Subject site (outlined in blue) (Source: Nearmap).



Figure 2: Subject site (outlined in blue) and immediate surrounds (Source: Nearmap).

The site contains an existing warehouse, with a footprint of approximately 2,500m². The warehouse accommodates a commercial laundry/dry cleaning business, providing approximately 23 jobs.

Part of the building is constructed over a stormwater drainage channel that runs south to north west through the site and connects to Haslams Creek. Figure 3 (next page) depicts the sections of the drainage channel that are covered by the building (blue dashed line) and uncovered (blue solid line).

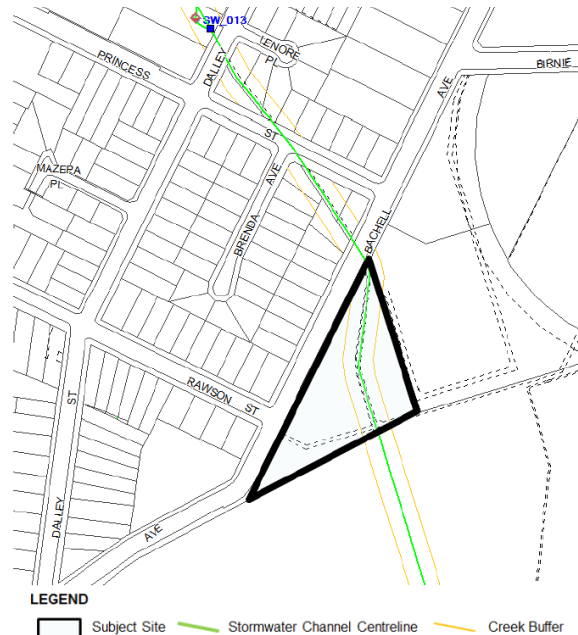


Figure 3: Stormwater drainage channel (Source – Left: DPIE; Right: Cumberland Local Planning Panel Report- Attachment A2).

1.3 Existing planning controls

The following development standards apply to the site under the Auburn LEP 2010:

- IN1 General Industrial land use zone (Figure 4);
- minimum lot size 1,500 m² (Figure 5);
- no maximum height limit (Figure 6);
- maximum FSR 1:1 (Figure 7); and
- land mapped as being below the Foreshore Building Line (Figure 8) and affected by flood planning (Figure 9).

Land Zoning Map - Sheet LZN_007

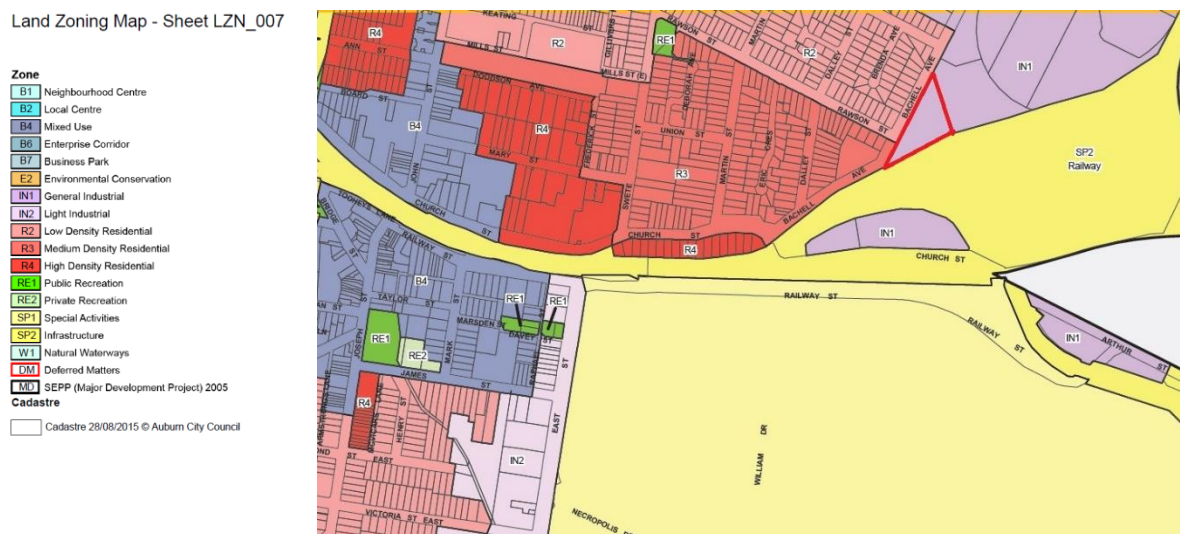


Figure 4: Existing IN1 General Industrial zone over the site - outlined in red (Source: ALEP 2010 LZN maps).

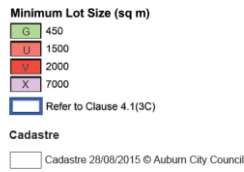


Figure 5: Existing minimum lot size of 1500m² over the site – outlined in red (Source: ALEP 2010 LSZ maps).

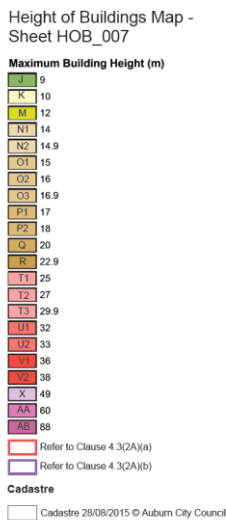


Figure 6: Unspecified building height limit – outlined in red (Source: ALEP 2010 HOB maps).

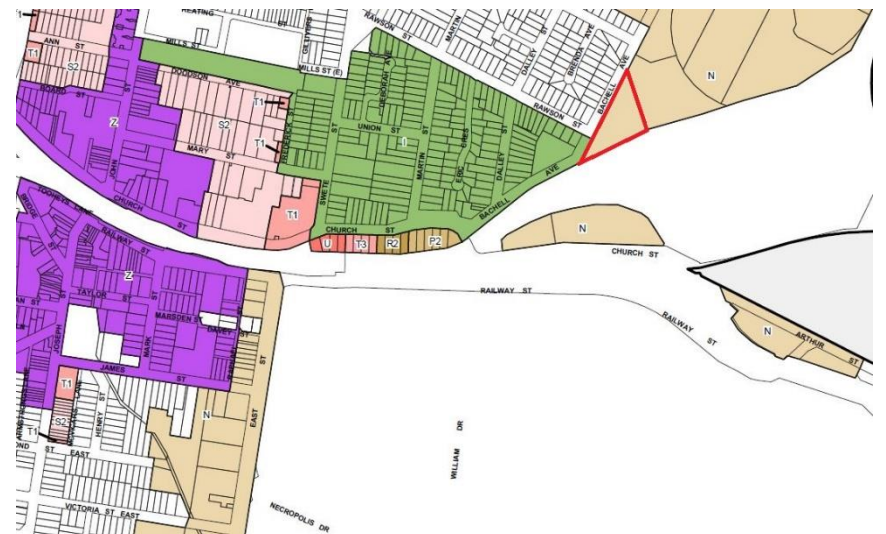
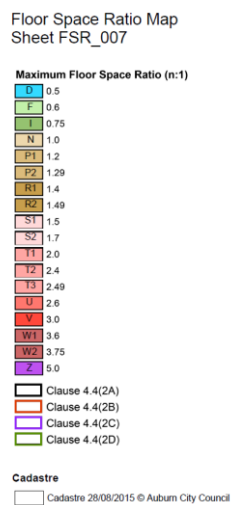


Figure 7: Existing FSR of 1:1 over the site – outlined in red (Source: ALEP 2010 FSR maps).

Foreshore Building Line Map - Sheet FBL_007

Foreshore Building Line

- Land below foreshore building line
- Foreshore Building Line

Cadastral

- Cadastral 25/05/2010 © Land and Property Information (LPI)



Figure 8: Contains land below foreshore building line – outlined in blue (Source: ALEP 2010 FBL maps).

Flood Planning Map - Sheet FLD_007

Flood Planning Land

- Flood Planning Area

Cadastral

- Cadastral 25/05/2010 © Land and Property Information (LPI)



Figure 9: The site is subject to flooding – outlined in red (Source: ALEP 2010 FLD maps).

1.4 Surrounding area

The site is 500m from Parramatta Road, within 2km of Sydney Olympic Park and Flemington Markets, and accessible to the M4 and M5 Motorways. Lidcombe train station and the local town centre are approximately 1km south-west of the site.

The Lidcombe East Industrial Precinct, to the north east of the site, includes 2-4 storey industrial, business and warehousing premises. Land to the south of the site is zoned SP2 railway with smaller pockets of IN1 zoning, accommodating the Western Railway Line, railway stabling yards and associated activities.

Across Bachell Avenue to the west of the site is characterised by single detached 1-2 storey dwellings, zoned R2 Low Density Residential and R3 Medium Density Residential.

1.5 Summary of recommendation

The planning proposal is recommended to proceed, subject to conditions, to maintain the employment function of the site as a sustainable land use into the future by allowing the land use mix to transition to higher order employment land uses. It is also consistent with the strategic vision for the Lidcombe East Industrial Precinct and the Central City District Plan.

The planning proposal is required to be updated as follows:

- to provide a flood impact study to address potential impacts of realignment and enclosure of the existing stormwater drainage channel, and opportunities to improve stormwater management outcomes;
- update the planning proposal and supporting documentation to reflect a proposed FSR of 2:1 and ensure consistency in the proposed land uses across the documentation; and
- seek comments on the proposed removal of the Foreshore Building Line from Sydney Water, NSW State Emergency Service, and the Department's Environment, Energy and Science Division to ensure appropriate consideration of the priorities in the Central City District Plan regarding management of waterways and green grid opportunities prior to finalisation.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objectives of the planning proposal are to:

- generate a wide range of local business and employment opportunities;
- support the site's transition from its current industrial-only use to a mix of higher order employment land uses, consistent with the strategic vision for the Lidcombe East Industrial Precinct;
- provide a compatible land use and appropriate employment density for the site without threatening the economic viability of Lidcombe town centre; and
- reduce the risk of flooding and stormwater inundation in the local area.

2.2 Explanation of provisions

The proposed amendments to the Auburn LEP 2010 include:

- inserting a B5 Business Development Zone into the Land Use Table by adopting the Land Use Table provisions for the B5 zone in the Holroyd LEP 2013;
- rezoning the site from IN1 General Industrial to B5 Business Development;
- applying a maximum building height of 14m at the front of the site and 27m at the rear of the site;
- increasing the maximum Floor Space Ratio (FSR) for the site from 1:1 to 2.5:1; and
- removing the Foreshore Building Line that applies to the site.

The proposed B5 Business Development Zone clause is as follows:

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

2 Permitted without consent

Nil

3 Permitted with consent

Centre-based child care facilities; Food and drink premises; Funeral homes; Garden centres; Hardware and building supplies; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Plant nurseries; Respite day care centres; Roads; Self storage units; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home businesses; Home industries; Home occupations; Home occupations (sex services); Industrial retail outlets; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Resource recovery facilities; Restricted premises; Rural industries; Sewage treatment plants; Sex services premises; Storage premises; Tourist and visitor accommodation; Vehicle body repair workshops; Waste disposal facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

2.3 Mapping

The proposal would result in an amendment to the following maps:

- Land Zoning Map (Sheet LZN_007);
- Height of Buildings Map (Sheet HOB_007);
- Floor Space Ratio Map (Sheet FSR_007); and
- Foreshore Building Line Map (Sheet FBL_007).

The proposal includes both existing and proposed mapping to clearly demonstrate the intended amendments. The mapping included is considered to be adequate for public exhibition.

2.4 Background & Local Planning Panel

In 2016 the proponent submitted a planning proposal seeking to rezone the site to B1 Neighbourhood Centre to accommodate residential dwellings and commercial/retail premises. Council resolved not to support the proposal.

In March 2018, the Central City District Plan was released and identified the site as employment land subject to the 'review and manage' approach to either confirm its retention or allow sites to transition to higher order employment activities (shown in Figure 10).

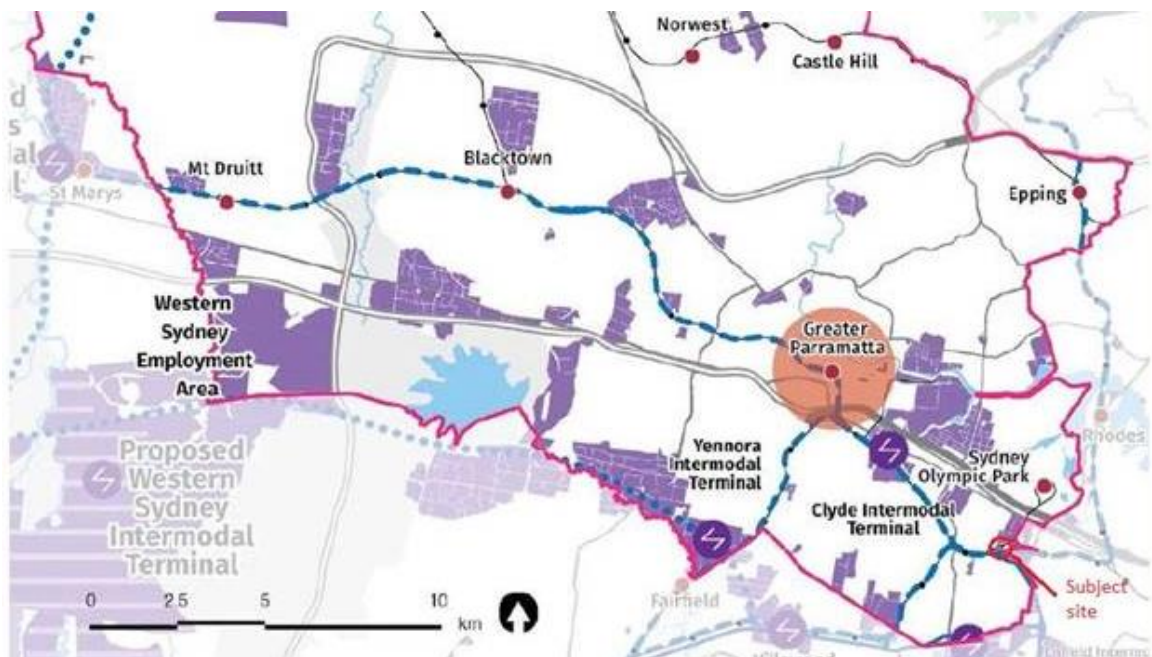


Figure 10 Subject site in relation to employment land in the Central City District Plan.

In October 2018, the landowner submitted a planning proposal to Council which proposed to rezone the site from IN1 General Industrial to B5 Business Development, increase the FSR from 1:1 to 3:1 and remove the Foreshore Building Line that applies to the site.

In March 2019, the Cumberland Local Planning Panel (CLPP) supported in principle to rezone the land to B5 Business Development and resolved for the proposal to proceed to Council subject to the following recommendations (**Attachment A2**):

- a proposed FSR of 3:1 is not supported due to insufficient justification, size and nature of the subject site, however, the Panel suggests an FSR of 2:1;
- building height controls should be specified over the site; and
- the proposal should be amended seeking Council's resolution to proceed for a Gateway determination.

In response to the Panel's advice, Council proposed to reduce the FSR to 2.5:1 and a 14m building height was applied to the front of the site in respect to the adjacent low-density residential buildings and 27m to the rear of the site.

On 15 May 2019, Council noted the CLPP's advice and endorsed the planning proposal as considered in this Gateway Determination. Council's Report and Minute is at **Attachment A1**.

3. NEED FOR THE PLANNING PROPOSAL

This planning proposal is not the result of any strategic study or report and was initiated by the landowner. The proposal will give effect to the Central City District Plan, specifically in relation to Planning Priority C11 Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land.

The proposed B5 Business Development zone is intended to accommodate the development types consistent with Council's strategic vision for the Lidcombe East Industrial Precinct. This includes advanced manufacturing, food and beverage manufacturing, digital technologies and media, advanced knowledge services and creative and high-tech industries.

The Auburn LEP 2010 does not contain the B5 zone. Therefore, a planning proposal is required to amend the Land Use Table and propose changes to development standards to enable the transition of the site to higher-order employment activities at increased densities consistent with the Central City District Plan.

4. STRATEGIC ASSESSMENT

4.1 District

Central City District Plan

The Central City District Plan provides a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It implements the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The following priority and actions are relevant to the planning proposal:

- Planning Priority C11 Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land – The site is identified in the Plan as industrial land to be reviewed and managed (Action 49 and 52).
 - The proposal is consistent with Action 49 of the Plan it enables the transition of the site to higher-order employment uses by introducing new controls to maximise business and employment outcomes and takes into account the changing nature of industries in the area.
 - The proposal is consistent with Action 52(d) of the Plan as it enables the provision of advanced manufacturing in the area as an emerging development model.
- Planning Priority C13 Protecting and improving the health and enjoyment of the District's waterways – The site includes a stormwater drainage channel that connects to Haslams Creek (Action 62 and 63).
 - The proposal has not considered Action 62 "Improve the health of catchments and waterways through a risk-based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes" or Action 63 "Work towards reinstating more natural conditions in highly modified urban waterways".

- The nature of this channel is unclear with regard to whether it was once a natural channel and whether there would be greater opportunities on this site for improved management of waterways and green grid opportunities.
- The Council assessment identifies that the stormwater channel is unlikely to be reconfigured to a natural watercourse due to the nature of the surrounding development. However, further consultation with the relevant authorities is recommended.

The Department is satisfied that the planning proposal has sufficient strategic merit and can give effect to the District Plan in accordance with section 3.8(4)(b) of the *Environmental Planning and Assessment Act 1979*, subject to further consultation with relevant authorities regarding the management of waterways and green grid opportunities.

Greater Parramatta and the Olympic Peninsula

The site is located within the Greater Parramatta and Olympic Peninsula (GPOP) area. The GPOP is integral to the vision of the Greater Sydney Regional Plan and the Central River City. Under the draft Paper for the GPOP Place-based Infrastructure Compact (PIC) the Lidcombe East Precinct is on the boundary between “essential urban services, advanced technology and knowledge sectors” quarter and the “Olympic Park Lifestyle Super Precinct” quarter within the Corridor.

The planning proposal is consistent with the GPOP’s visions particularly the economic vision by increasing employment floor space to facilitate diverse employment opportunities and attract advanced manufacturing and creative industries in an established urban services area.

4.2 Local

Cumberland Employment and Innovation Lands Strategy 2019

The Cumberland Employment and Innovation Lands Strategy is a Council-adopted strategy (May 2019) to plan for employment growth and the changing nature of employment in the LGA over a ten-year period. The Strategy intends to maintain existing employment and innovation lands in Cumberland and providing a strategic framework that can support growth and maximise opportunities for the Cumberland area.

The Strategy is intended to align with the Central City District Plan however has not been endorsed by the Department. The Strategy has identified the site as being part of the Lidcombe East Industrial Precinct – Precinct 10 or Eastern Gateway Precinct with the strategic focus to turn the Eastern Gateway precinct into a “cluster of premium high-tech industrial units, closely aligned with Commercial corridors”.

There is no vacant land in the Eastern Gateway precinct and therefore the planning proposal to provide additional floor space and allow for new permitted uses is appropriate to achieve Council’s Strategy and targeted employment yields.

Cumberland Community Strategic Plan 2017-27

The proposal is consistent with Council’s community strategic plan, having regard to the plan’s strategic goal: “a strong local economy”, as the proposal will enable innovation for new business and industry to grow and will provide access to jobs both locally and within the Greater Sydney Region. The proposed B5 zone will

accommodate the types of land uses and a mix of businesses that Council is seeking to encourage in this area.

4.3 Section 9.1 Ministerial Directions

The planning proposal is consistent with the relevant section 9.1 Directions, expect Directions 4.1 and 4.3 as discussion below.

Direction 1.1 Business and Industrial Zones

The objectives of this Direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres. This Direction applies to the planning proposal as it affects land zoned IN1 General Industrial.

Although the proposal will rezone the site from IN1 General Industrial to B5 Business Development it will not reduce the total potential floor space area for employment uses for the site. The proposal will facilitate the redevelopment of the site to higher order and higher density employment activities.

Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is to improve access to housing, jobs and services by walking, cycling and public transport, and reduce dependence on cars. The proposal is consistent with this Direction.

The site is located approximately 1km away on foot from Lidcombe railway station (15 min walking distance) to the west and 880m from Parramatta Road and M4 motorway to the north. The nearest bus stop is located 520m to the west (7-9 min walking distance).

The site has a frontage to a regional road 'Bachell Avenue' with a 60km zone and on-road cycle routes that connects Lidcombe Town Centre and Parramatta Road.

Direction 4.1 Acid Sulfate Soils

The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.

In its current form the proposal is inconsistent with this Direction as the subject site is mapped as having Class 5 acid sulfate soils under the Auburn LEP 2010 and an acid sulfate soils study has not been submitted with the planning proposal to support the intensification of development.

However, this inconsistency is considered to be of minor significance as this matter can be further addressed at the development application stage in accordance with clause 6.1 of the Auburn LEP 2010 (which requires an acid sulfate soils management plan to be submitted at the development application stage, if certain development thresholds are met).

It is recommended that the Secretary's delegate agree that the inconsistency with this Direction is of minor significance.

Direction 4.3 Flood Prone Land

The objectives of this Direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and to ensure that the provisions of an

LEP on flood prone land is commensurate with flood hazard and includes considerations of the potential flood impacts both on and off the subject land.

The proposal is inconsistent with this Direction as the site is identified as flood prone land, subject to 1% and 5% AEP flood level risk and the Probable Maximum Flood Level, and a flood study has not been submitted with the planning proposal to assess the extent of the flooding impacts.

In documentation submitted with the planning proposal, Council's engineers have advised that they raise no flood-related concerns at this stage. However, they note that there would be a detailed assessment at the development application stage.

A Gateway condition is proposed requiring consultation with NSW State Emergency Service and the Department's Environment, Energy and Science Division regarding this aspect of the proposal prior to finalisation. It is recommended that this Direction remains unresolved pending further consultation with relevant authorities.

4.4 State environmental planning policies (SEPPs)

The planning proposal is not inconsistent with any applicable SEPPs or deemed SEPPs.

SEPP No 55 – Remediation of Land.

The objective of this SEPP is to promote the remediation of contaminated land to reduce the risk of harm to human health or any other aspect of the environment.

The proposal includes a preliminary contamination assessment (**Attachment A7**). The assessment confirms that the site has a low potential for contamination and is suitable for the proposed B5 Business Development zone. However, any further redevelopment of the site would require appropriate remediation to occur in accordance with a development application.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The Social Impact Analysis (**Attachment A6**) study submitted with the proposal demonstrates the planning proposal is anticipated to generate 701 new jobs based on the redevelopment of the site, compared to the 23 jobs currently provided on the site. It is noted these numbers will be revised as a result of the Gateway conditions, however the proposal will still result in a significant increase in employment for the site.

In summary, the proposal is not anticipated to have an adverse social impact on the locality and includes the following benefits:

- opportunities for small businesses to establish;
- new community facilities and services;
- 500m² of open space;
- community integration and social cohesion through the establishment of new businesses;
- employment opportunities during construction; and
- flood mitigation works that also benefit neighbouring residential properties through realignment of the existing stormwater drainage channel.

5.2 Environmental

The site is within an established urban environment, and it is not identified as containing critical habitat or threatened species, populations or ecological communities.

5.3 Flood Planning

The site is within the Haslam Creek catchment, identified as flood prone land and mapped as being below the Foreshore Building Line (FBL) in the Auburn LEP 2010. A 4m wide stormwater drainage channel, partly open and for a section built over, runs south to north-west across the site (refer to Figure 3 on page 3 of this report).

The FBL LEP controls require any future redevelopment of the site to maintain an uncovered channel with 10m building setbacks. However, the proposed development seeks to divert and enclose the channel to allow the efficient development of the land and therefore seeks to remove the FBL mapping from the site. The new stormwater channel will be required to comply with Sydney Water's requirements and further consultation will be required at the development application phase.

The planning proposal considers that the stormwater channel is unlikely to be reconfigured into a natural watercourse due to the developed nature of surrounding land uses, and redevelopment of the site may increase the risk of the flooding. Further, the proposal states that the realignment of the existing stormwater drainage channel to the east side of the site will benefit 12 neighbouring residential properties (Figure 11 next page). A flood study has not been submitted with the planning proposal.

To assess the potential impacts on flood behaviour or drainage patterns, specifically residential buildings adjacent to the site, a Gateway condition is recommended requiring the preparation of a flood study prior to public exhibition. Further consultation with Sydney Water (as asset owner), NSW State Emergency Service and the Department's Environment, Energy and Science Division is also required during the exhibition period.

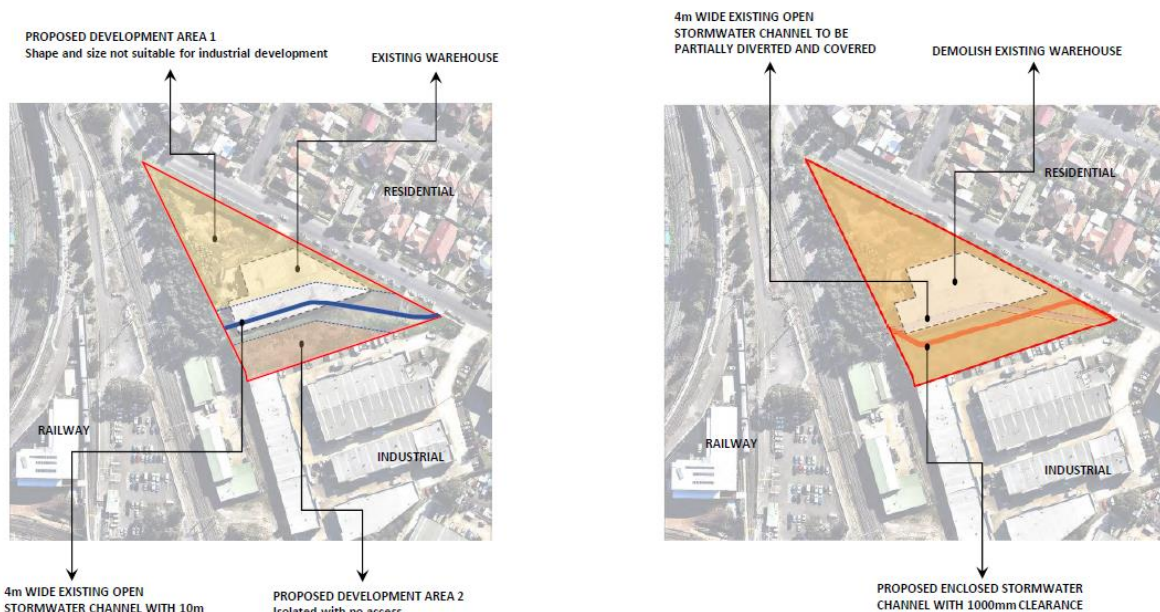


Figure 11 Existing stormwater Channel and 10m clearance requirements (left) - Proposed channel realignment (right) – (Source: Urban Design report Page 13).

5.4 Economic

The redevelopment of the site is supported by an Economic Analysis (**Attachment A4**) to ensure the proposed controls result in a viable redevelopment scenario. The analysis has not been updated to reflect the revised planning proposal (received September 2019) and includes consideration of office floorspace.

The revised planning proposal includes commercial premises (including office premises) as prohibited in the proposed B5 Business Development zone (as taken from the Holroyd LEP 2013). The B5 zone, as proposed in the revised planning proposal, permits a mix of business and warehouse uses, and specialised retail premises that require a large floor area. This is considered to provide sufficient flexibility to promote the redevelopment of the site given its large size and out of centre location.

On this basis, the proposed Gateway conditions require the urban design report and economic study submitted with the planning proposal to be updated to reflect these changes.

5.5 Infrastructure

The site is well serviced as follows:

- 1km from Lidcombe Station, facilitating access to Sydney and Parramatta CBDs;
- 880m from Parramatta Road and M4 motorway to the north;
- 520m to the nearest bust stop to the west;
- 15 minutes walking distance of local town centre amenities;
- 500m walking distance to Phillips Park and other local parks; and
- existing access to essential infrastructure and services.

Council will be required to consult with relevant public authorities to ensure new industrial and commercial uses will be adequately serviced and a Gateway condition for consultation with relevant service providers is included.

5.6 Traffic

The proposal includes a traffic and parking impact study (**Attachment A5**). The study found there would be a minor impact on some intersections as a result of the proposal (e.g. Church St/Railway St). Construction of a slip lane has been proposed as a mitigation measure for the Church St/Railway St intersection.

Council is required to consult TfNSW and RMS regarding the potential impact on surrounding road network and intersections prior to public exhibition.

5.7 Urban Design

The revised planning proposal (Received September 2019) seeks an FSR of 2.5:1. The Urban Design report (**Attachment A3**) submitted with the planning proposal provides a concept design of the proposed development based on an FSR of 2.85:1 and includes office uses, inconsistent with the planning proposal (Figure 12 next page).

The Cumberland Local Planning Panel (**Attachment A2**) supported an increase in FSR and was of the view that an FSR of 2:1 may be more appropriate in the context of the site and surrounding land uses (based on the original FSR of 3:1). Council's

revised planning proposal recommends an FSR of 2.5:1 on the basis of the following:

- the economic report indicated that an FSR of 2:1 would be “somewhat viable”, while an FSR of 2.5:1 or greater was identified as viable;
- applying an FSR of 2:1 to the site may make redeveloping the site unattractive as additional FSR is required to facilitate the works that are required to realign the drainage culvert; and
- an FSR of 2:1 has the potential to reduce the employment yield on the site, and it is unlikely that the site would be redeveloped to the scale that would yield the quantum of jobs identified (up to 550 jobs).

In supporting an FSR of 2.5:1 Council officers have also considered the proposed height of buildings across the site and have introduced a height of 14m to the front of the site and 27m to the rear of the site to address the concerns raised by the Panel with regard to the interface with the adjoining residential land.

It is considered that this is suitable to proceed to public exhibition, noting the urban design report is required to be updated so that the built form outcomes are clearly articulated.

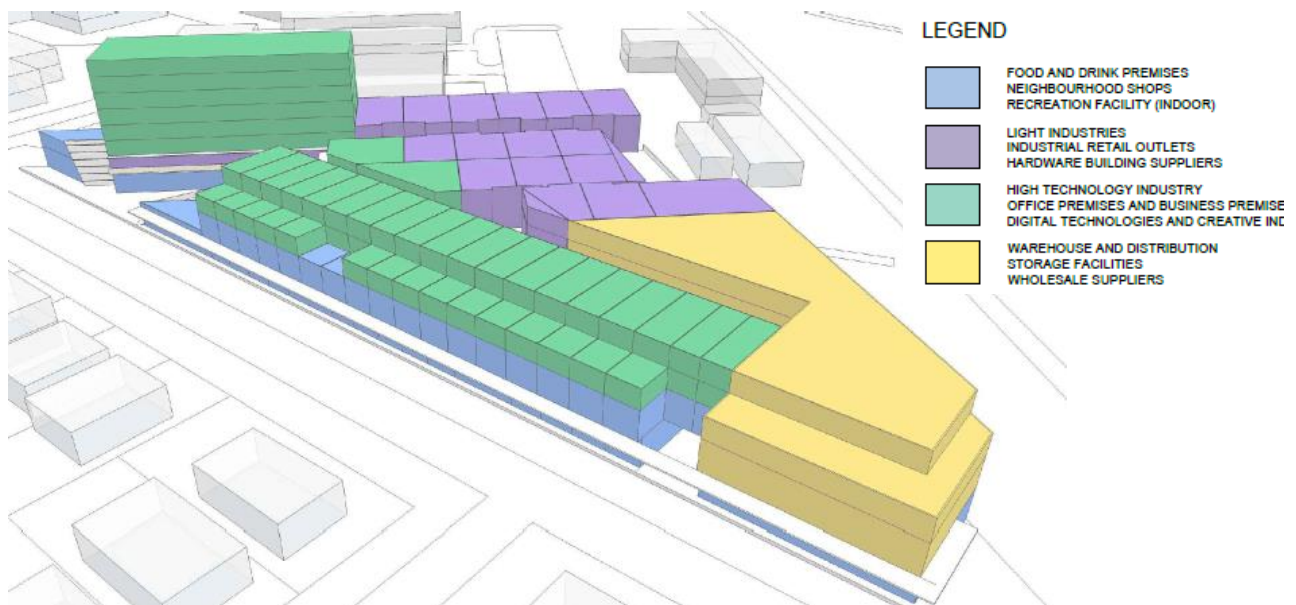


Figure 112 Schematic view of proposed development (Source: Urban Design study - Attachment A3).

Council advised that the Employment and Innovation Lands Strategy (EILS) identifies emerging trends that support greater heights and FSRs for employment lands. A key emerging trend that has been identified is that the fitout and configuration of warehouses will evolve in response to the use of robots and emphasis on supply chain efficiencies. Greater heights and FSRs may be required, with taller warehouses to process fast-moving goods.

The EILS also identifies that logistics will remain the dominant driver of demand in Cumberland with new types of warehouse models emerging. Demand for land is expected to be strong including demand for small-scale facilities around centres and existing business zones. This provides Council with the confidence to progress the built form controls of the proposal.

There are a number of land uses permissible within the B5 zone that support these emerging trends including warehouse and distribution centres, specialised retail centres, and hardware and building supplies.

Another emerging trend that supports the proposed built form controls is that digital technologies/media and advanced knowledge service sectors can generate employment contribute to local economic development by facilitating high value-added activity and incomes and diversification. These industries may choose to co-locate in a development where 'front of house office functions' and 'back house operations' are located in the one facility. There are a number of activities under the 'high technology industry' definition that could be housed on the site including:

- film, television or multi-media companies;
- information technology companies (such as companies that produce and sell computer software or hardware);
- companies that produce instrumentation or instruments of a scientific, industrial, technological, medical or similar nature; and
- companies that produce telecommunications systems, goods or components.

The key concerns with the proposed building height and FSR controls relate to the way the site responds and is sympathetic to the surrounding context, specifically the interface with low density residential properties on the western side of Bachell Avenue.

Further consideration of building setbacks, including opportunities for boundary planting, and the stepping of building form are recommended at Development Application stage to ensure a sensitive interface to neighbouring residential properties.

Gateway conditions to this effect are recommended and require the supporting documentation to be updated to be consistent with the proposal prior to community consultation.

6. CONSULTATION

6.1 Community

A community consultation period of 28 days is considered an appropriate amount of time to gauge the community's response.

6.2 Agencies

The following agencies are required to be consulted prior to the community consultation occurring:

- Sydney Water;
- NSW State Emergency Service;
- Department's Environment, Energy and Science Division;
- Road and Maritime Services; and
- Transport for NSW; and
- Relevant service and utility providers.

Each public authority will be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

7. TIME FRAME

The Council's request for a timeframe to finalise this planning proposal is six months from the date of the Gateway determination. The Department recommends 12 months to finalise the planning proposal, particularly as the proposal and Urban Design report are required to be amended prior to community consultation.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested delegation of the plan making function be issued to it in relation to this planning proposal. While the planning proposal is of a relatively local nature, as there are unresolved Section 9.1 Directions and there is a requirement to further consider the urban design outcomes and consistency with the District Plan, it is recommended that authorisation to exercise delegation should not be issued to Council.

9. CONCLUSION

The planning proposal is recommended to proceed, subject to the conditions identified in this report. The proposal is supported as the proposal:

- is within an existing employment precinct and the proposed rezoning will enable the transition to higher-order employment uses;
- would create a range of jobs through the provision of new and more diversified floor space;
- is consistent with relevant objectives and Planning Priorities of the Central City District Plan as it gives effect to the 'review and manage' approach for employment lands however further consultation is required regarding the delivery of sustainability outcomes for the site;
- aligns with the strategic vision of the Cumberland Employment and Innovation Lands Strategy; and
- has merit in adopting the B5 Business Development zone as it will permit a variety of land uses which are prohibited under IN1 General Industrial.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 4.1 Acid Sulfate Soils is of minor significance; and
2. note that the inconsistency with section 9.1 Direction 4.3 Flood Prone Land remains unresolved until further justification has been provided.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition Council is to:
 - (a) provide a flood impact study to address potential impacts of realignment and enclosure of the existing stormwater drainage channel and opportunities to improve stormwater management outcomes;
 - (b) update the supporting urban design report to be consistent with the planning proposal and clearly demonstrate the potential built form interface along Bachell Avenue;
 - (c) update the economic study to be consistent with the planning proposal; and
 - (d) update the planning proposal, if required, consistent with the outcomes of the studies referred to above.
2. Consultation is required with the following public authorities
 - Road and Maritime Services;
 - Transport for NSW;
 - NSW State Emergency Service;
 - Department's Environment, Energy and Science Division;
 - Sydney Water; and
 - Relevant utility providers
3. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway Determination.



6/12/2019

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