

## Places, Design and Public Spaces

### Gateway determination report

<b>LGA</b>	City of Parramatta
<b>PPA</b>	City of Parramatta
<b>NAME</b>	Amendment to Auburn LEP 2010 to allow an additional permitted use (81 Jobs)
<b>NUMBER</b>	PP_2019_COPAR_010_00
<b>LEP TO BE AMENDED</b>	Auburn Local Environmental Plan 2010
<b>ADDRESS</b>	108 Silverwater Road, Silverwater
<b>DESCRIPTION</b>	Lot 100 DP 1199035
<b>RECEIVED</b>	15 August 2019
<b>FILE NO.</b>	IRF19/6141
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	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 seeks to amend the Auburn Local Environmental Plan 2010 (ALEP 2010) by altering Schedule 1 to allow 'office premises' as additional permitted use. The additional permitted use will be limited to the subject site and limited to 2,100m<sup>2</sup> in floor area which is the existing available floor area of office space within the site.

### 1.2 Site description

The site (**Figure 1**) is known as Lot 100 DP 1193035, being 108 Silverwater Road, Silverwater.

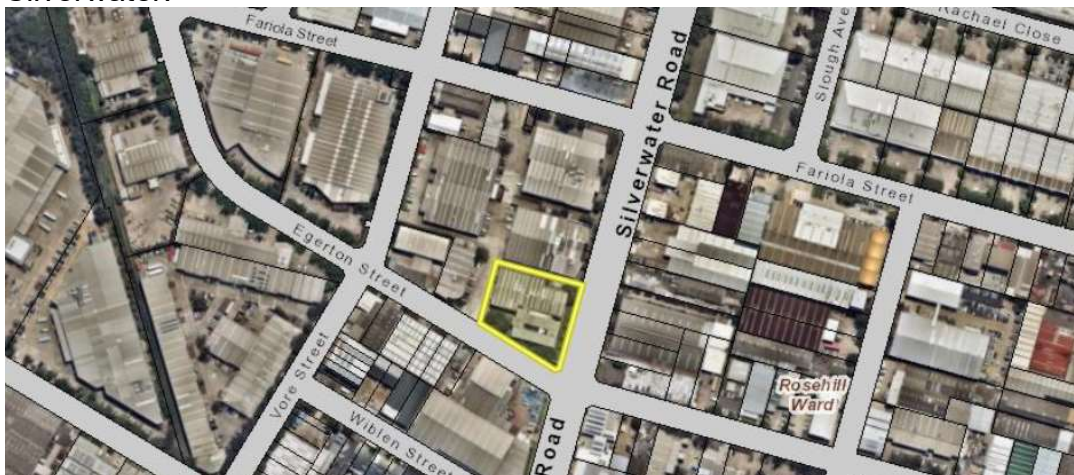


Figure 1 – Subject site (shown yellow) (source: Planning Proposal)

The site is located on the north-western corner of Silverwater Road and Egerton Street, within the Silverwater industrial area.

The site contains an attached building consisting of two separate suites (Figure 2). The suites consist of an office suite (2,100m<sup>2</sup>) and warehouse suite (1,495m<sup>2</sup>). The warehouse suite is currently being used as a place of public worship. The office suite is being used as office space ancillary to the function of the place of public worship.



Figure 2 – Views of subject site (from Silverwater Road) showing office building on left and warehouse on right (Source: Council report 18 June 2019).

### 1.3 Existing planning controls

The site is zoned IN1 General Industrial (**Figure 3**) under the ALEP 2010. The planning proposal does not seek to make an amendment to the existing controls for the site, retaining the current maximum floor space ratio of 1:1. The site does not have a mapped height, consistent with the IN1 zone.



Figure 3 – Excerpt from LEP mapping with approximate location of site (shown red circle) and zoning table (Source: Land Zoning Map - Sheet LZN\_005)

A range of uses are permitted within the IN1 zone including business premises. However, office premises are prohibited within the zone. Any existing office floor space in use within the locality is being used as an ancillary function of the primary use permitted on site.

#### 1.4 Surrounding area

The site (**Figure 4**) is located within the Silverwater industrial area. The area is generally defined by Parramatta River to the north, Sydney Olympic Park and Newington to the East, Parramatta Road and the M4 to the South and Duck River to the West. Silverwater Road dissects the industrial area from north to south.

The industrial area is primarily attributed an IN1 General Industrial zone.

The majority of the area comprises well-established employment lands, most notably manufacturing, light industrial, utilities and urban services. The area contains a broad mix of building stock in terms of age and style with large floor plate warehouses used for transport and logistic type uses and smaller units for urban services.

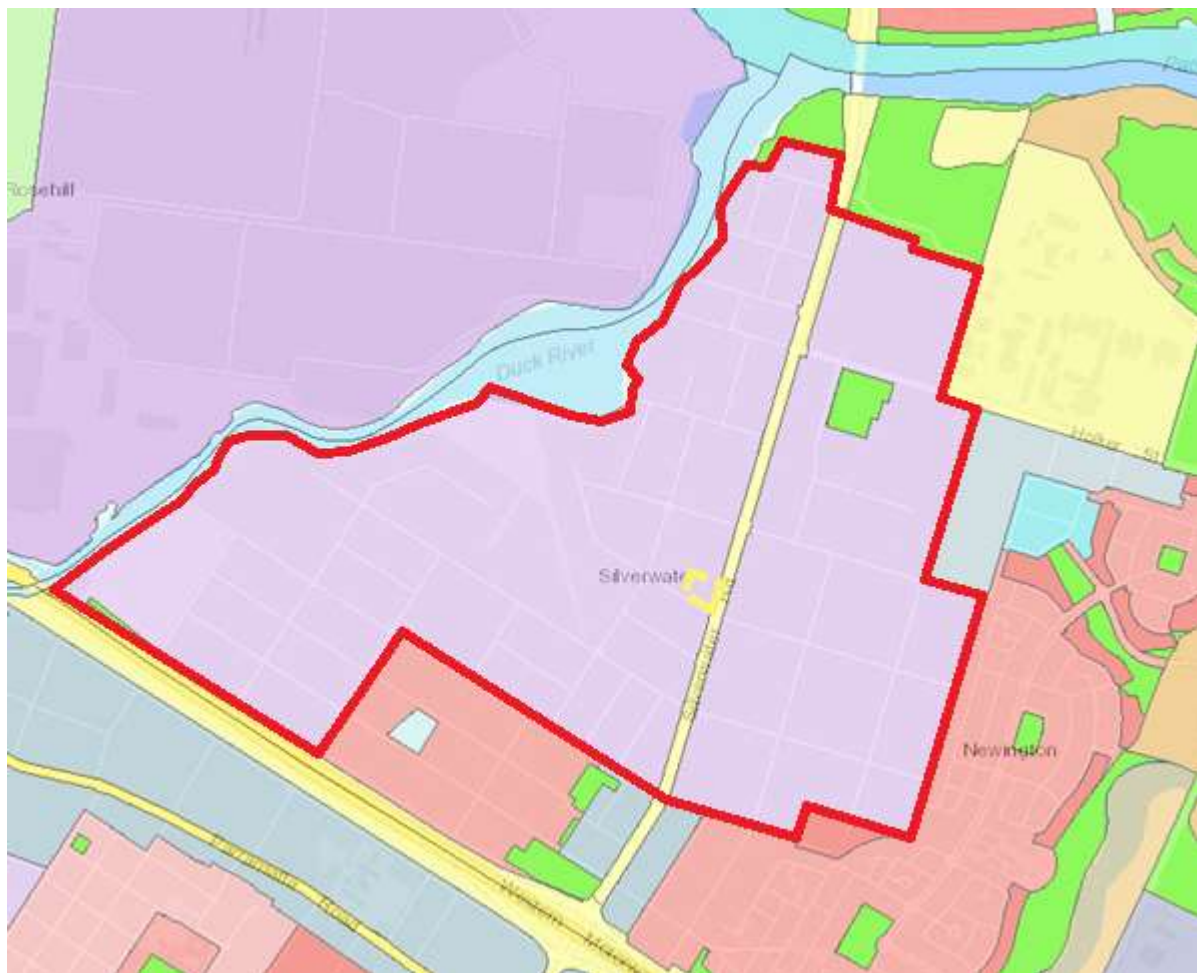


Figure 4 – location of site (shown dotted yellow) within Silverwater industrial area (shown red line) (source: Planning Portal).

#### 1.5 Summary of recommendation

The planning proposal has merit as it is consistent with the local and strategic planning framework and should proceed as it will enable a more flexible land use planning approach to the existing office space generating additional employment opportunities in the locality.



## 2. PROPOSAL

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### 2.1 Objectives or intended outcomes

The planning proposal (**Attachment A**) intends to allow 'office premises' as an additional permitted use at 108 Silverwater Road, Silverwater as office premises are prohibited in the IN1 General Industrial zone. The additional permitted use will be limited to 2,100m<sup>2</sup> in floor area which represents the existing office floor area within the site/building.

The Background Economic Report (**Attachment D**) submitted with the planning proposal notes the office space currently offers employment to 2 full time staff and 12 part-time workers equating to 14 total workers. The resulting workplace ratio is one employee per 299.5m<sup>2</sup>. Modern office buildings allow for 22m<sup>2</sup> per employee. Based upon the existing office floor area a total of 95 workers could be utilising the office space. The existing use represents underutilisation of the building and the planning proposal would potential create 81 additional jobs.

Council have reported (**Attachment E1 and E2**) that the building has been underutilised for the past 10 years due to the current usage arrangement. The planning proposal would allow a tenant to utilise the existing office space separately from the operation of the place of public worship and allow the floor space to be utilised and generate additional employment opportunities in the locality.

### 2.2 Explanation of provisions

To achieve the intended outcome, the planning proposal seeks to amend Schedule 1 – Additional Permitted Uses of ALEP 2010 to permit the following additional permitted uses on the site, subject to development consent:

- 'Office premises' with maximum floor area of 2,100m<sup>2</sup>

The explanation of provisions is suitable for the purpose of public exhibition.

### 2.3 Mapping

The planning proposal adequately identifies the site but does not include draft Additional Permitted Uses mapping. It is considered appropriate that this be prepared at finalisation as the intended outcome of the proposal is clear.

## 3. NEED FOR THE PLANNING PROPOSAL

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The planning proposal is a landowner-initiated planning proposal. The proponent has prepared the following reports supporting their proposal:

### Background Economic Report

The Background Economic Report (**Attachment D**) submitted with the planning proposal notes the office space currently offers employment to 2 full time staff and 12 part-time workers equating to 14 total workers. The resulting workplace ratio is one employee per 299.5m<sup>2</sup>. Council have suggested that modern office buildings allow for 22m<sup>2</sup> per employee. Based upon the existing office floor area a total of 95 workers could be utilising the office space.

### Traffic Report

The Traffic Report (**Attachment F**) submitted with the planning proposal suggests that the planning proposal is unlikely to have a significant impact upon the existing

road network. The report also suggests that there will be no additional parking demand generated by the proposal, and as such there will be no parking impact on the nearby public streets.

#### Precedent Potential Review

The Precedent Potential Review (**Attachment G**) submitted with the planning proposal reported the likelihood of the planning proposal being a catalyst for the lodgement of additional planning proposals in the locality seeking additional permitted uses for 'office premises'. The report notes that the configuration of the existing building is unusual in that there is a disproportionately large office space (58% of the building) compared with the warehouse. The Precedent Potential Review considered a number of buildings in the locality and formed the view the planning proposal will be unlikely to result in a precedent given the unique arrangement of the existing building and associated usage patterns.

Council have formed the view in their staff reporting (**Attachments C1 and C2**) that the building has been underutilised for the past 10 years due to the current use as a place of public worship and building configuration. The planning proposal would allow a tenant to utilise the existing office space separately from the operation of the place of public worship and allow the floor space to be utilised whilst generating additional employment opportunities in the locality. Council have reviewed the report and offered their support.

The planning proposal is the best means of achieving utilisation of the office space and additional employment opportunities within the locality.

## **4. STRATEGIC ASSESSMENT**

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### **4.1 Regional / 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 is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The District plan identifies Planning Priority C11 as 'Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land'. Objective 23 seeks to ensure that industrial and urban service land is planned, retained and managed. Specifically, the site is located within the 'review and manage' land approach area by figure 20 of the district plan (Figure 5). Action 49 supports the review and manage function and aims to prepare appropriate controls to maximise business and employment outcomes, considering the changing nature of industries in the area.

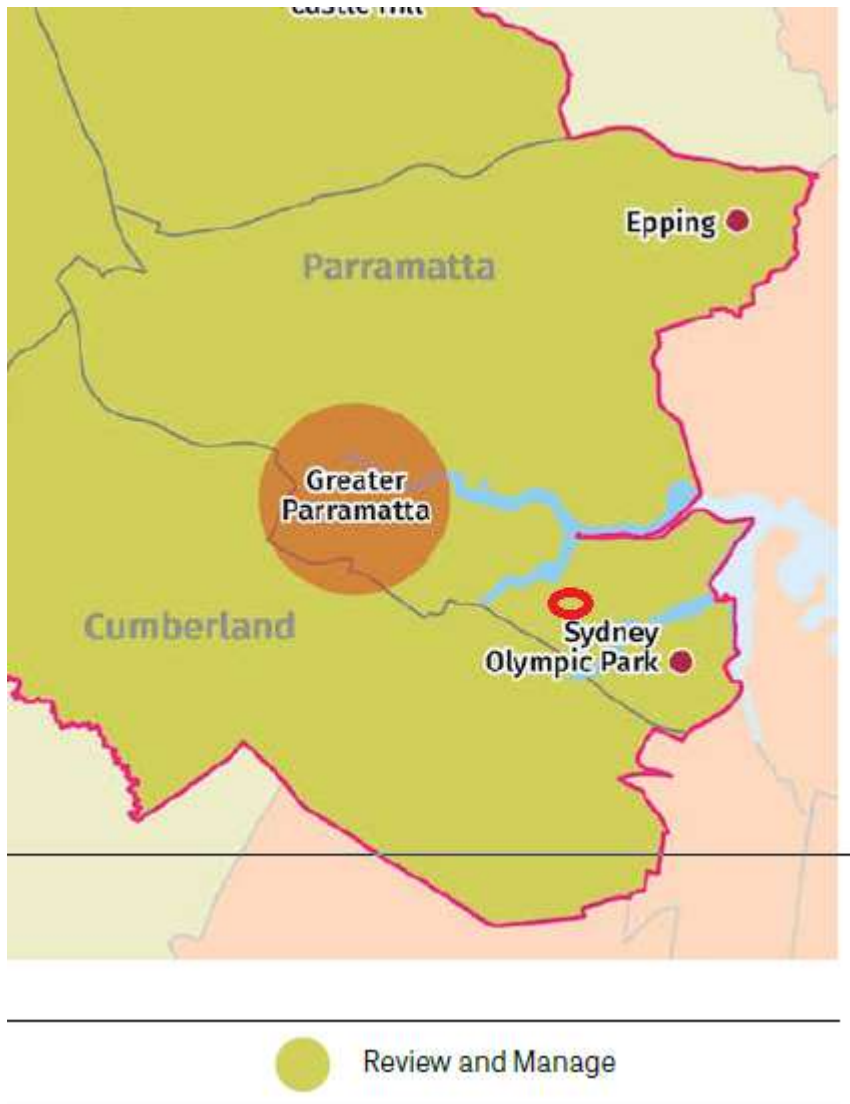


Figure 5 - approx. site location within review and manage area of Figure 20 (shown red circle)  
(Source: District Plan)

The planning proposal does not seek to alter the site's zone, FSR or height controls. The site's IN1 General Industrial zone will remain. The planning proposal does not seek to permit the erection of dwellings or retail uses. The additional permitted use will allow a portion of the building to be separately used for employment purposes, while the place of public worship remains. Should the place of public worship vacate the premises a use could occur on the site which utilises both the warehouse and office space in conjunction with each other.

Urban services are a collection of industries that support the development, operation and liveability of the city. They comprise of a diverse mix of industries including storage, building construction, postal services and building support services. It is possible that the office space (as an additional permitted use) may operate as an urban service to complement the surrounding zone and GOP area more broadly.

The Department sought informal advice from the Greater Sydney Commission (GSC) regarding the proposal's consistency with the District Plan. The GSC provided informal advice on 6 September 2019 (**Attachment H**) where it offered the view that the planning proposal is consistent with the District Plan.

The Department is satisfied that the planning proposal gives effect to the District Plan in accordance with section 3.8 of the Environmental Planning and Assessment Act 1979.

#### Greater Parramatta Interim Land Use and Infrastructure Implementation Plan

The property is within the Greater Parramatta growth area. The plan identifies that further investigations are required to determine the suitable growth in jobs and homes. The plan does not identify future controls or intended outcomes for Silverwater but notes that it is part of a major hub of urban services spanning across Rydalmere, Camellia, Silverwater and Auburn.

The Greater Parramatta Interim Land Use and Infrastructure Implementation Plan identifies how more jobs, homes and essential services will be accommodated in the priority growth area over the next 20 years. It includes a land-use framework to guide future redevelopment of the priority growth area, identifies short-term key actions and allows the Department and other government agencies to identify and plan for the infrastructure required to identify and plan for the infrastructure required to unlock its potential.

The planning proposal is generally consistent with the plan.

#### Greater Parramatta Olympic Peninsula

The site is located within the Greater Parramatta Olympic Peninsula (GPOP) area. The Parramatta River flows east through the area and the planned Parramatta Light Rail will form the spine of GPOP.

The GPOP area consists of four regions. The site is located within the *Quarter 3: Essential Urban Services, Advanced Technology and Knowledge Sectors* region (**Figure 6, next page**).

The GPOP vision document identifies that *Quarter 3: Essential Urban Services, Advanced Technology and Knowledge Sectors* region will offer a major hub at the centre of GPOP delivering urban services spanning across Rydalmere, Camellia, Silverwater and Auburn. This centrality in Greater Sydney offers its businesses access to markets and customers.

The GPOP visions seeks to maintain this central employment and urban services area, intensify employment uses and connect with the 21st century global economy. The planning proposal is generally consistent with the vision given it relates to a specific site, and not the area as a whole, and has the potential to encourage employment opportunities not currently realised. The office space could be used in support of other activities within the Silverwater industrial area as a complementary activity.

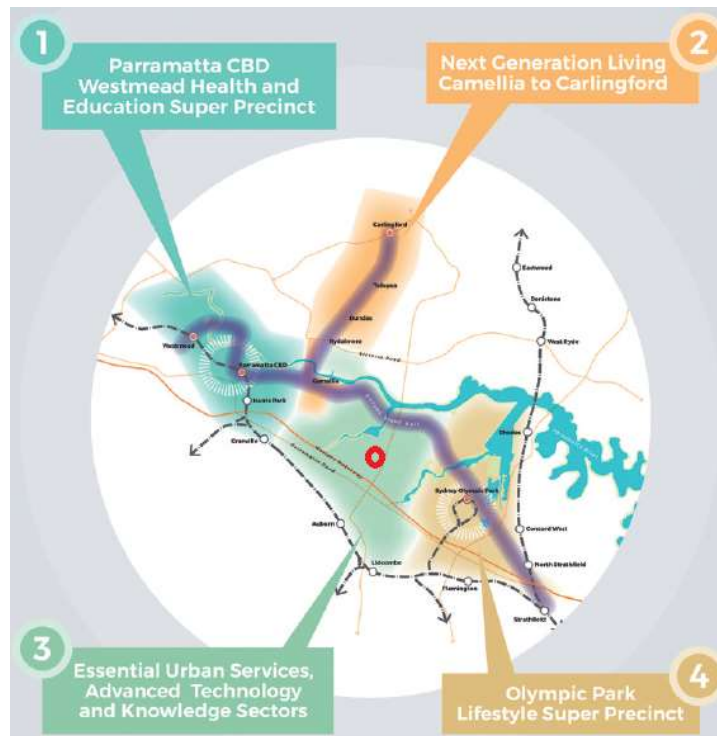


Figure 6 – GPOP Area with approx. location of site marked red (Source: Greater Sydney Commission)

## 4.2 Local

### Auburn Employment Lands Strategy

The former Auburn Council adopted an Employment Lands Strategy (ELS) in 2015 to guide the long-term future of employment lands within the Auburn local government area. The strategy identifies the site as within the Silverwater industrial area.

The ELS states that the Silverwater Industrial Area is a significant industrial estate, containing a mix of old and new one and two storey office/warehouse developments. Silverwater provides employment in manufacturing and wholesale trades as well as ancillary clerical and administrative employment, technicians, and trades employment.

The ELS identifies Silverwater as being competitively well placed in the market, and it identifies that there is a growing tendency for more office-based industries, which are potentially restricted by existing planning controls.

Within the broader IN1 zone, the ELS recommends the Silverwater precinct to remain as IN1 General Industrial and for it to adopt a flexible approach to considering a range of employment or industrial uses that may have different access and floorspace requirements, e.g. office-type floorspace, more high-tech industries, loading and circulation requirements. Although the ELS seeks to adopt a flexible approach to allowing a range of uses, its intention was not to compromise the precincts core role in providing employment in manufacturing and wholesale trades.

The ELS states that a degree of flexibility is recommended in accepting office-based or more high-tech industries in Silverwater to maintain the levels of activity the precinct currently enjoys. However, it is considered that this relates to employment uses that requires a higher proportion of office uses associated with an industrial



function as opposed to the stand-alone office uses proposed by the planning proposal. However, given that the proposed office uses will be restricted to the size of existing office building that is currently no longer used/required by the existing use, and the minimal traffic impact that would arise by this use, this proposal is considered acceptable.

Council considers that limiting the office uses to the existing office building size (2,100m<sup>2</sup> floor area) on the site will have negligible impact on the overall intent of the ELS within the Silverwater industrial area as the proposed use would occupy an existing purpose-built office building which is not currently being utilised to its full potential. Further, council notes that this planning proposal will not undermine or pre-empt any future strategic planning for Silverwater.

The comments of council are noted and generally supported. The planning proposal will be limited to the site only and will not affect the broader locality. The planning proposal will offer flexibility in the use of the site and result in more employment opportunities in the locality without compromising the role of the Silverwater industrial area.

#### **4.3 Section 9.1 Ministerial Directions**

The proposal is consistent with relevant section 9.1 Directions except for the following which require further consideration:

##### Direction 4.1 Acid Sulfate Soils

This direction applies to a planning proposal on land containing acid sulfate soils.

The site is identified as Class 5 acid sulfate soil. The proposal is inconsistent with this Direction as an acid sulfate soils study is required when intensification of the land is proposed, and a study has not been prepared by the proponent.

This inconsistency is justified based on being of minor significance as the issue can be addressed at the development application stage.

##### Direction 4.3 Flood Prone Land

This direction applies to a planning proposal on land that is flood prone land (i.e. land affected by the Probable Maximum Flood (PMF)).

Council have advised that the site is within the PMF of Upper Parramatta River. Council have noted that the planning proposal seeks to insert an additional permitted use to allow an office premises within an existing building and the direction is not specifically relevant.

The Parramatta LEP 2011 and the Parramatta DCP 2011 have controls that address flooding and building on flood-prone land. Both documents have been developed in accordance with the Floodplain Development Manual. The site, and the broader area, has been developed.

It is unlikely that flooding will be an issue that will prevent the LEP being amended. It is recommended that direction be resolved given the minor nature of the planning proposal.

##### Direction 6.3 Site Specific Provisions

This Direction seeks to prevent unnecessarily restrictive controls, particularly where a specific development outcome is to be facilitated.

This proposal seeks to allow for office premises only for the subject site and is inconsistent with the direction. This is considered an appropriate approach as it will prevent the integrity of the IN1 zone being diminished through wide spread permissibility of a non-industrial use. It is considered that the inconsistency is of minor significance.

#### **4.4 State environmental planning policies (SEPPs)**

There are no state environmental planning policies of specific relevance to this subject planning proposal. As provided in the planning proposal documentation (**Attachment A**) the proposal is consistent with any SEPPs of general relevance.

### **5. SITE-SPECIFIC ASSESSMENT**

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#### **5.1 Social and Economic**

As noted within **Section 3** of this report, the planning proposal was accompanied by a Background Economic Report (**Attachment D**) and Precedent Potential Review (**Attachment G**).

The Background Economic Report explored the existing usage of the site and concluded that the building was underutilised. The additional permitted use could offer an opportunity for 81 additional jobs based upon the existing floor area of the office space.

The Precedent Potential Review considered several buildings in the locality and formed the view the planning proposal will be unlikely to result in a precedent given the unique arrangement of the existing building and associated usage patterns.

The planning proposal is the best means of achieving utilisation of the office space and additional employment opportunities within the locality.

#### **5.2 Environmental**

##### Existing and Surrounding Uses

The site contains a building consisting of two separate suites. The building was purpose built consisting of a warehouse and offices to be used in conjunction with the warehouse. The building is currently being used by a place of public worship in the warehouse and an ancillary office space.

The site was part of a larger industrial complex until it was subdivided. The other buildings within the complex are similar in style with warehouse/industrial floor space and ancillary office space.

The land surrounding the site in the broader area is zoned IN1 General Industrial and contains uses compatible with the zone.

##### Heritage

The site does not contain any heritage items. The site is located within proximity to an item of local significance. It is likely that any issues that arise in respect to this matter can be dealt with at the future development application phase, should the planning proposal progress.

### Services and Amenities

The site is serviced by or capable of being connected to the required utilities for office development (water, power, sewer and telecommunications) via the existing network or upgrades at the discretion of the relevant service authority.

### Contamination

The proponent has advised that the site is currently used as a place of public worship and ancillary office premises. The planning proposal seeks to allow office premises in their own right (i.e. not in connection with another use on the site). It is likely that any issues that arise in respect to this matter can be dealt with at the future development application phase, should the planning proposal progress.

### Traffic

Council initially raised concerns with respect to parking rates and traffic generation in the immediate and broader area. The planning proposal has been accompanied by a traffic report (**Attachment D5**). The traffic report concludes that enough parking can be provided within the site, and the likely traffic generation is not significant enough to cause concern. Council agree with the outcomes of the traffic report.

It is recommended that the planning proposal be referred to Transport for NSW for comment given its location on an arterial road.

### Vegetation/ecology

The site is highly modified and does not contain significant vegetation of ecological communities. Any impact on vegetation can be addressed at the development application stage should the planning proposal progress.

## **5.3 Infrastructure**

The council is not seeking a VPA in connection with the planning proposal as no residential development is proposed and residential accommodation is a prohibited use within the zone.

## **6. CONSULTATION**

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### **6.1 Community**

A community consultation period of 14 days is considered an appropriate amount of time to gauge the community's response to the proposal. Public exhibition is likely to include:

- newspaper advertisement;
- display on the Council's website; and
- written notification to adjoining landowners.

### **6.2 Agencies**

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

- Transport for NSW.

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

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The proposed time frame to finalise this planning proposal is six months, which is considered appropriate given the scale and complexity of the project. This is consistent with the **time** frame identified in the planning proposal; however, the proposal is required to be updated before community consultation.

## 8. LOCAL PLAN-MAKING AUTHORITY

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Council has requested authorisation to be the local plan-making authority in relation to this planning proposal. Given the minor nature of the proposal it is recommended that Council is authorised as the local plan-making authority.

## 9. CONCLUSION

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The planning proposal has merit as it is consistent with the local and strategic planning framework and should proceed as it will enable a more flexible land use planning approach to the existing office space generating additional employment opportunities in the locality.

## 10. RECOMMENDATION

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It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 4.1 Acid Sulfate Soils, 4.3 Flood Prone Land and 6.3 Site Specific Provisions are minor or justified.

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

1. Prior to community consultation the planning proposal is to be amended to include an updated timeline.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment 2016) and must be made publicly available for a minimum of **14 days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning, Industry and Environment, 2018).
3. Consultation is required with the following public authority under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
  - Transport for NSW



Transport for NSW is to 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.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **6 months** following the date of the Gateway determination.



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3/10/2019

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