

Attachment 5 – Precedent Potential Review by Precise Planning

PRECEDENT POTENTIAL INVESTIGATION

PROPOSAL TO PERMIT 'OFFICE PREMISES' AT 108 SILVERWATER ROAD SILVERWATER

Introduction

It is proposed to seek an amendment to Schedule 1 of Auburn Local Environmental Plan 2010 ('ALEP') to permit 'office premises' at 108 Silverwater Road Silverwater ('**subject site**'). The subject site is located in zone IN1 General Industrial under the provisions of ALEP.

At a meeting held at the offices of City of Parramatta on 24 January 2019, additional information was requested by Council officers as follows:

Address the following points:

1. If this Planning Proposal is to proceed, what would be the future likelihood of the surrounding development within the precinct to turn over in the same manner?
2. How would this Planning Proposal not be considered to be setting a precedent for similar Planning Proposals in the surrounding industrial area?

The subject site

The site to which the Planning Proposal relates is located at the corner of Silverwater Road and Egerton Street at Silverwater. At the time of construction, the building erected on the subject site formed part of a larger industrial styled complex comprising a suite of buildings, bounded by Silverwater Road, Egerton Street, Vore Street and Fariola Street and collectively known as Nos 108 – 120 Silverwater Road Silverwater.

Two (2) attached buildings are erected on the subject site. The buildings were purpose-built in the 1970s to accommodate warehousing in one building and ancillary office uses in the other. The original occupier of the buildings vacated over 15 years ago. The building originally intended for ancillary office uses is disproportionately large in relation to the building originally intended for warehousing, having regard to its ancillary use function. In order to optimise the orderly and efficient use of the ancillary office building, it is necessary for it to function separately and independently as **office premises**, in a manner independent of the warehouse building. The construction and size of the office building, in proportion to the warehouse building, together with the restrictive requirement that it may only be used as office premises ancillary to a predominant use, has resulted in the building remaining unoccupied for most of the past 10 years, because it does not meet the needs of the market with such constraint. This is an unorderedly and inefficient use of a valuable resource and there is nothing to indicate that this situation is likely to change under the current zone restrictions.

The office component of the building (**‘office building’**) is 3 storeys in nature with a centrally located atrium. It is serviced with a lift and has a main entrance independent of the PPW building. The office building occupies the corner of Silverwater Road and Egerton Street and has the potential to capitalise on the exposure afforded by this highly visible location. It resembles a stand-alone office building in all respects and would require demolition and rebuilding in order for it to be used for warehousing. Such action is considered inappropriate given the level of capital investment and its utilisation to date.

The overall building comprises a floor area of 3,593.9sqm, proportioned as follows:

Office building	2,098.7sqm
Warehouse	1,495.2sqm

This represents a disproportionately large office component, considering it is restricted to only being permitted to be used for office space as *ancillary office space*, connected with the administration of the *place of public worship* which lawfully occupies the warehouse component.

Photographs 1, 2 and 3 below clearly demonstrate the disproportion in built form between the office building (left on the photographs) and the warehouse (right on the photographs)



PHOTOGRAPH 1 — View of subject site showing office building on left and warehouse on right



PHOTOGRAPH 2 — View of subject site showing office building on left and warehouse on right

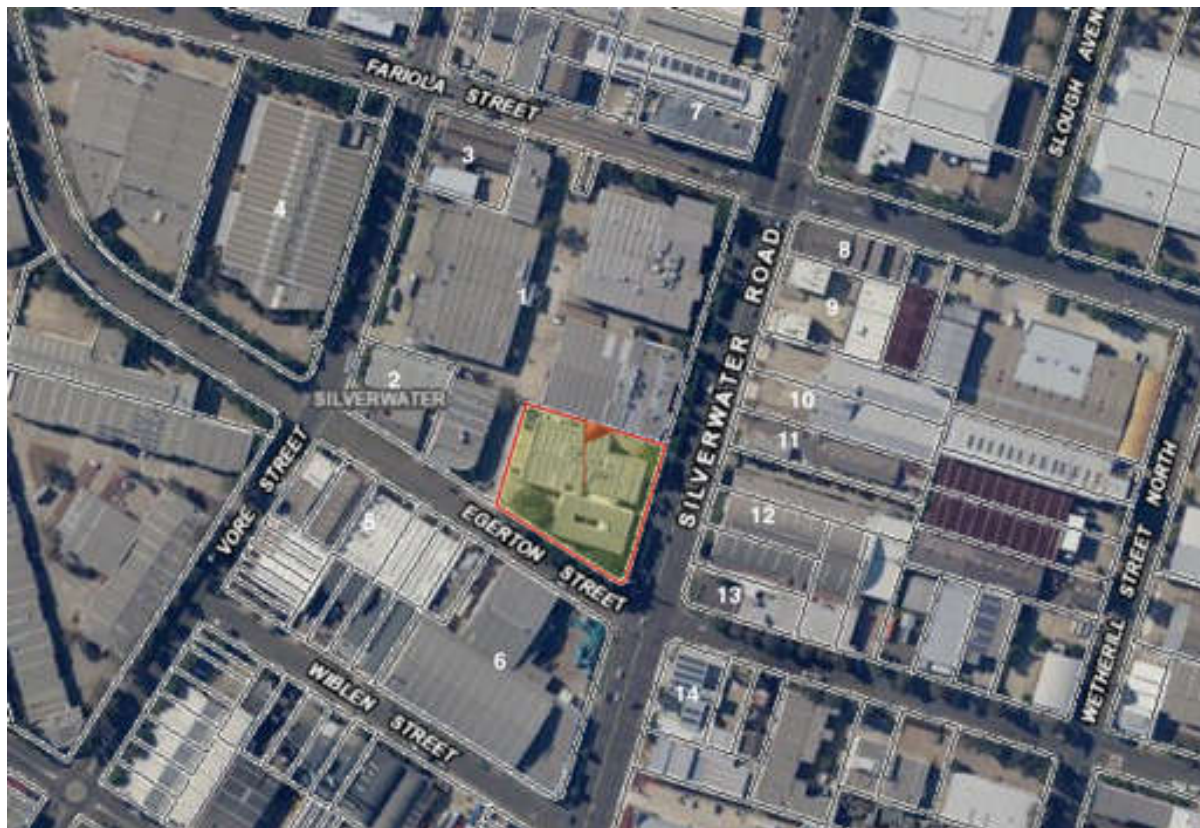


PHOTOGRAPH 3 — View of subject site showing office building on left and warehouse on right

Review of surrounding sites

The disproportionate nature of the office space and the warehouse space is an important consideration as to whether the proposal is justified. Consequently, a high-level survey of the surrounding sites was undertaken, in order to establish whether any existing built forms have a similar disproportion which may lead to a similar justification.

Due to the high number of buildings in the subject area, a precinct in the area of Silverwater Road, Egerton Street, Vore Street and Fariola Street was surveyed, including buildings opposite the subject site, on the basis that this is likely to be representative sample across the Silverwater industrial area (see Photograph 4 below).



PHOTOGRAPH 4 — Aerial view of locality showing buildings reviewed for precedent potential

<i>Photograph Ref</i>	<i>Building details</i>	<i>Comment</i>	<i>Potential for precedent justification</i>
1	Large industrial unit complex known as "Centrewest Industrial Estate". Comprises numerous individual industrial units of varying size. Offices fronting Silverwater Road appear to be 2 storey.	This complex is a modern building and appears typical in proportion with similar industrial units. Office space fronting Silverwater Road has large glass façade allowing businesses to have a shopfront with administration and warehousing incorporated into the one building. The shopfront and administration component can only be accessed internally. Consequently a separate functioning business occupying the office space is unlikely	VERY LOW
2	Two buildings separated by a covered breezeway, 1 and 2 storey factory buildings,	The office space on first floor appears to be equal to the lower floor	LOW

<i>Photograph Ref</i>	<i>Building details</i>	<i>Comment</i>	<i>Potential for precedent justification</i>
	appears to be industrial/warehouse space on ground floor and ancillary offices on first floor	warehouse footprint and integrally related via internal access	
3	Two single storey factory buildings used for separate businesses (automotive mechanical repairs, food and drink premises, golf academy)	Office component minimal to non-existent and if in existence is located internally	VERY LOW
4	Very large warehouse building (single use) with ancillary office space	Quantum of ancillary office space appears proportionate to the significant floor space of the attached warehouse	VERY LOW
5	Predominantly single storey older-style factory building with an adapted dwelling used for office or staff room	Quantum of ancillary office space appears proportionate to the factory space	VERY LOW
6	Very large warehouse building (single use) with ancillary office space	Quantum of ancillary office space appears proportionate to the significant floor space of the attached warehouse	VERY LOW
7	Large building with at least four floors. Ground floor bulky goods retailing; first floor appears to be a car park; next two floors appear to be offices	This building appears to have an oversupply of office space compared to the ground floor bulky goods use	LOW - MEDIUM
8	Old, single-storey factory unit	No office space	VERY LOW
9	Two factory-style buildings, each with first floor with ancillary office space	Quantum of ancillary office space for each building appears proportionate to the factory space	VERY LOW
10	Large bulky goods warehouse style building "Roma Baths"	Quantum of ancillary office space appears proportionate to the significant floor space of the attached warehouse	VERY LOW
11	Old-style single storey factory	If office space exists it is wholly internal	VERY LOW
12	Large warehouse with curved roof – Yokohama Tyres	No office space	VERY LOW
13	Two storey office space – administration for adjoining warehouse – Yokohama Tyres	Appears to be wholly offices, but linked to the adjoining warehouse. Considered on its own it has precedent potential, however its proportion in relation to the adjoining warehouse (warehouse appears to be more than twice as large), the precedent potential is significantly undermined	LOW
14	BP service station	Minimal office space	VERY LOW

TABLE 1

Summary of surrounding uses

Clearly, only one building (building 7) of the fourteen reviewed had some potential to sustain a precedent argument in the event that this Planning Proposal proceeds. However, building 7 is wholly enclosed and completely differently configured to the office building and warehouse on the subject site:

The office building, although attached physically by an enclosed walkway, appears as a separate building to the warehouse building (see photographs 1, 2 and 3), whereas building 7 office space is wholly contained within the same building as the bulky goods retailing and the car park.

It is our view that support for the current proposal would be unlikely to result in an adverse precedent for the future uses of the buildings reviewed.

No new space

Relevantly, this proposal does not propose the construction of any new office space. It utilises existing space in a building which is, for all intents and purposes, configured for *office premises* use.

The majority of existing building stock in the precinct would require significant renovation or new construction in order to exploit any independent *office premises* use. It would be highly unlikely that a developer would deliberately design new or renovated premises simply to take advantage of a potential precedent.

Photographs



PHOTOGRAPH 5 — Building 1



PHOTOGRAPH 6 — Building 1



PHOTOGRAPH 7 — Building 1



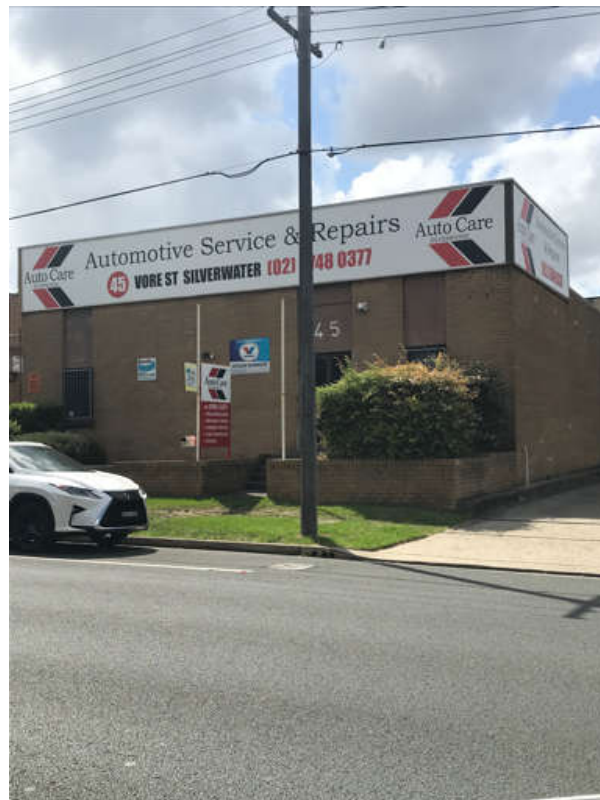
PHOTOGRAPH 8 — Building 1



PHOTOGRAPH 9 — Building 2



PHOTOGRAPH 10 — Building 3



PHOTOGRAPH 11 — Building 3



PHOTOGRAPH 12 — Building 4



PHOTOGRAPH 13 — Building 5



PHOTOGRAPH 14 — Building 6



PHOTOGRAPH 15 — Building 7



PHOTOGRAPH 16 — Buildings 8 and 9



PHOTOGRAPH 17 — Building 10



PHOTOGRAPH 18 — Building 11



PHOTOGRAPH 19 — Building 12



PHOTOGRAPH 20 — Building 13



PHOTOGRAPH 21 — Building 14