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17/03/2023

Lachlan Rodgers
The Planning Hub
Suite 3.09 Level 3 100 Collins Street
Alexandria NSW 2015

Via Email: lachlan@theplanninghub.com.au and the planning portal

Dear Mr Rodgers,

PLANNING PROPOSAL (PP-2022-2040) FOR 25 SOUTH PARADE, AUBURN

Thank you for meeting with Council staff on Tuesday 14 March 2023 to discuss the assessment of planning proposal PP-2022-2040 for 25 South Parade, Auburn.

Council has reviewed the submitted information and the following response is provided. Whilst acknowledging the consent for office use of the site, the assessment of the full additional permitted uses proposed in the application has revealed several inconsistencies with key strategic planning documents and strategies, particularly in relation to Council's management of industrial lands.

The details of the assessment are found further in this letter. On this basis, the following options are outlined on how to proceed with the planning proposal with Council:

1. Progress with only 'Office premises' as an additional permitted use, subject to the receipt of further information
2. Pursue the current proposal, which would likely be recommended to the Local Planning Panel and Council to not proceed
3. Withdraw the proposal and discuss potential refund options

Following discussions with the applicant, please advise Council in writing of how you would like to proceed with the planning proposal by **28 April 2023**.

If you have any further enquiries, please contact Amruta Kumbhari, Strategic Planner, on 8757 9415 or at amruta.kumbhari@cumberland.nsw.gov.au

Yours sincerely,

Shona Porter
Executive Manager City Strategy



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25 South Parade Planning Proposal - Strategic Merit Assessment

The subject proposal seeks to add additional permitted uses for office premises, business premises and health services facility to the IN1 General Industrial zone. In assessment of the proposal, Council must consider all possible outcomes from permitting these uses, beyond what current uses or buildings are existing on the site.

These uses are defined as follows:

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

business premises means a building or place at or on which—

(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or

(b) a service is provided directly to members of the public on a regular basis,

and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following—

(a) a medical centre,

(b) community health service facilities,

(c) health consulting rooms,

(d) patient transport facilities, including helipads and ambulance facilities,

(e) hospital.

• Greater Sydney Region Plan 2018

The Greater Sydney Region Plan seeks to balance innovation in employment uses and preservation of industrial and employment lands close to centres and transport. As recognised on page 8 of the Regional Plan, local industrial and urban services lands are important to retain, including those that have the potential to service small and medium sized industrial services.

Whilst the Regional Plan is a higher-level strategic document, various sections including Part 5 Productivity, are relevant to this proposal. These include:



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- The importance of freight and logistics
- Managing the interfaces of industrial areas and ensuring that industrial lands are not encroached by commercial and other non-compatible uses

The local level detail that sets out how to achieve the Regional Plan is within the Cumberland Employment Innovation Strategy and Study, which is discussed further below in this letter.

- **Central City District Plan**

The Central City District Plan (CCDP) sets the 20-year regional strategy for the Central City District area, including Cumberland Council. An assessment of the proposal against the priorities of the CCDP showed that the proposed 'business premises' and 'health services facilities' uses do not align with the objectives of the CCDP. When considering the proposed uses, the proposal did not adequately consider the range of land uses permissible under the LEP definitions of 'business premises' and 'health services facilities' and their impacts on the strategic planning policies. In this respect, the strategic merit has not been demonstrated and Council's strategic merit assessment considers these uses as inconsistent with the CCDP.

With respect to the proposed office premises, notwithstanding some inconsistencies with the CCDP, it is considered that permitted office premises may have strategic merit and generally aligns with the intent to maximise business and employment outcomes under the 'Review and Manage' industrial land approach.

As set out below, it is considered that the planning proposal uses for 'business premises' and 'health services facilities' are inconsistent with the priorities and objectives of the CCDP:

Office Premises
<p><i>C7: Growing a stronger and more competitive Greater Parramatta</i></p> <p>Employment in the Industrial sector accounts for 35% of all employment in the Central City District. The proposed office premises use will bring in various land uses that minimise opportunities for local industrial employment in proximity to transport and housing.</p> <p>Should the office premises use be restricted to ancillary to an industrial use, this use would align with the objectives of this planning priority and support growth in Greater Parramatta.</p> <p><i>C9: Delivering integrated land use and transport planning and a 30-minute city</i></p> <p>Permissible land uses under the office premises use do not align with the objectives of this planning priority. The sites proximity to Auburn Railway Station and its location along the railway line means that permitting office uses on the site will take away from the function of the sites industrial zoning and reduce opportunities for local access to industrial sector employment and services.</p> <p>Should the office premises use proceed and be restricted to an ancillary use size, this would align with the objectives of this priority.</p>



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C11: Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land

The CCDP highlights how precincts across GPOP, including Auburn, are experiencing a loss of industrial land as a result of pressure to transition to alternative (residential and retail) uses. As GPOP grows, careful management of industrial land must be done to support the function and key employment sectors of the city.

Should the office premises use be permitted and restricted to ancillary use, this would align with the objectives of this priority and would provide opportunities to support industrial activities and urban services.

C12: Supporting growth of targeted industry sectors

The CCDP highlights how precincts across GPOP, including Auburn, are experiencing a loss of industrial land as a result of pressure to transition to alternative (residential and retail) uses. As GPOP grows, careful management of industrial land must be done to support the function and key employment sectors of the city. Permitting office premises in the zone would need to be carefully managed through LEP controls to minimise the inconsistency.

Business Premises

C1: Planning for a city supported by Infrastructure

Permissible uses under the Business Premises use do not align with the objectives of this planning priority. Existing industrial uses in the Auburn Precinct form part of the infrastructure that supports the area, and the proposed business premises land use will permit uses that does not align with local infrastructure priorities for the Auburn precinct as detailed in the Cumberland Employment and Innovation Strategy and supporting Study.

C9: Delivering integrated land use and transport planning and a 30-minute city

The subject site's zoning, location as part of an industrial area and location along the railway line means that permitting business uses on the site will take away from the function of the sites industrial zoning and reduce opportunities for local access to industrial sector employment and services.

C11: Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land

Objective 23 seeks to ensure that industrial and urban services land is planned, retained and managed. The CCDP highlights how precincts across GPOP and the Central District Area, including Auburn, are experiencing a loss of industrial land as a result of pressure to transition to alternative uses. Careful management of industrial land must be undertaken to support the function and key employment sectors of the city. Relevantly, the value of industrial lands is not only based on the volume of jobs generated but the function of the industrial lands. This function is set out in the Cumberland Employment and Innovation Lands Strategy and Study



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(EILS), where this site adjoins and is considered part of the Clyburn Precinct. The strategic focus and vision for this precinct is:

From the EILS (page 15):

Maintain support service capability (eg. train operations) and encourage new service, research and innovation activities

From the EILS Study (page 105):

The vision for the Clyburn Precinct is to provide for services and innovation; high-value activities crucial to the city's metabolism including manufacturing and maintenance, rail maintenance, waste management and recycling, wholesale and logistics.

The introduction of business premise uses does not align with the strategic focus and vision for the precinct as outlined in the Cumberland Employment and Innovation Lands Strategy and Study (EILS).

Health Services Facilities

C1: Planning for a city supported by Infrastructure

Similar to the discussion for business premise uses, permissible uses under the Health Services Facilities use do not align with the objectives of this planning priority. Existing industrial uses in the Auburn Precinct form part of the infrastructure for the area and need to be supported. The proposed land use to permit health that does not align with local infrastructure priorities for the Auburn precinct as set by the EILS for the Clyburn Precinct.

C7: Growing a stronger and more competitive Greater Parramatta

The health services facilities land use will attract various land uses and development that will take away opportunities for local industrial employment in Auburn. Health services facilities, co-located with industrial uses, will present challenges and poor place outcomes for the site and surrounding area. Permitting this use will detract from the function of the sites current industrial zoning, of which the CCDP states should be supported.

C9: Delivering integrated land use and transport planning and a 30-minute city

The health services facilities land use will attract various land uses and development that will take away access to opportunities for local industrial employment in Auburn. Health services facilities, co-located with industrial uses will present challenges and poor place outcomes for the site and surrounding area. As described above under business premises for this planning priority, the EILS and the EILS Study sets a strategic focus and vision for these industrial lands. Whilst allied health is encouraged, this use is encouraged in other employment precincts set out in the EILS and EILS Study framework.

Permitting this use will compromise and encroach from the function of the site's current industrial zoning, of which the CCDP seeks to support.



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C11: Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land

Objective 23 seeks to ensure that industrial and urban services land is planned, retained, and managed. The CCDP highlights how precincts across GPOP, including Auburn, are experiencing a loss of industrial land as a result of pressure to transition to alternative (residential and retail) uses. As GPOP grows, careful management of industrial land must be done to support the function and key employment sectors of the city.

Cumberland's draft EILS is referred to in this section (which has now been endorsed). As discussed previously, this site directly adjoins the Clyburn precinct with a vision to freight and industrial related uses. Health services facilities is inconsistent with this objective of the CCDP as it does not align with the vision for the precinct as outlined in the Cumberland EILS. While the EILS does reference allied health as a key sector, this is targeted in specific precincts across Cumberland, not inclusive of this part of the Auburn industrial lands.

C12: Supporting growth of targeted industry sectors

Whilst C12 does seek to facilitate health and education services, these are to be encouraged and supported in areas identified in the CCDP or Council's strategies. When the subject site was reviewed through the Cumberland EILS, the site was identified to retain an industrial site and responds to the vision for the adjoining Clyburn Precinct. Further, the EILS identifies precincts to encourage and cluster health and education, but not in this precinct. Accordingly, the proposal is not supported by this objective.

Principles for managing industrial and urban services land

The CCDP contains principles for the management of industrial land, where Cumberland is identified as 'review and manage'.

Cumberland Council has reviewed our industrial lands through the Employment and Innovation Lands Strategy (EILS) and supporting Study. The EILS was referred to in the CCDP in its draft form and has since been endorsed by Council 2019 and recently supported by the Department of Planning and Environment in 2023. The outcomes of this review as relevant to this proposal are detailed in the Cumberland Employment and Innovation Lands Strategy and supporting Study section below.

- **Cumberland Local Strategic Planning Statement**

The planning proposal is generally inconsistent with the priorities of the Cumberland Local Strategic Planning Statement (LSPS). Assessment of the proposal found that the proposed 'business premises' and 'health services facilities' uses do not align with the objectives of the Cumberland LSPS, nor were the range of uses encompassed by this use adequately justified in the submitted documents.



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Permissible uses under the office premises use generally align with the intent of the LSPS. The addition of office premises as an additional permitted use for the site, ancillary to industrial use, may support local industrial employment in Auburn precinct.

Inconsistencies with the Cumberland LSPS are outlined below.

Office Premises
Nil to Report
Business Premises
<i>11. Promoting access to local jobs, education opportunities and care services</i> Permissible uses under the business premises definition do not align with the actions and intent of this priority. The LSPS highlights Council's commitment to supporting our employment lands to benefit the community and local economy. These uses would detract from the value and function of the industrial lands and limit opportunities for local jobs in this sector.
<i>12. Facilitating the evolution of employment and innovation lands to meet future needs</i> As discussed throughout, the uses defined under business premises do not align with the intent of the endorsed Cumberland EILS and would encroach on the industrial precinct.
Health Services Facilities
<i>11. Promoting access to local jobs, education opportunities and care services</i> Permissible uses under the health services facilities use do not align with the actions and intent of this planning priority for this location. Health services facilities, co-located with industrial uses will present poor place outcomes for the site and surrounding area.
<i>12. Facilitating the evolution of employment and innovation lands to meet future needs</i> As discussed throughout, the uses defined under health services facilities do not align with the intent of the endorsed Cumberland EILS and would encroach on the industrial precinct.

- **Cumberland Employment and Innovation Lands Strategy and Study**

The Cumberland EILS outlines the land use approach for employment and innovation land precincts across Cumberland, with recommendations on how to manage industrial lands. The EILS and supporting Study have undertaken a review of Cumberland's employment lands as required by the Central City District Plan and have created a framework for many of the industrial precincts.



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Overall, the EILS notes amongst a number of priorities that creative industries, allied health and fashion and design are not well represented. They represent opportunities for growth and employment generation *if appropriate strategies* are applied (page 11). The EILS identifies those strategies through identifying precincts for these to occur in. Precincts 4 and 7 have a focus on attracting Allied Health.

The subject site adjoins and forms part of the Industrial lands in the Clyburn 'Services and Innovation' Precinct 3, with a strategic purpose to:

Maintain support service capability (eg. Train operations) and encourage new service, research and innovation activities.

The principles of the EILS include elevating the importance of Cumberland's Employment lands and recognising the importance of the freight network to ensure these lands aren't threatened. The EILS seeks to target and support employment uses and businesses that:

- Maintains functional industrial and logistic uses to support the important transport, freight and waste recycling function of the Precinct.
- Can co-exist within the transport and freight environment (pages 105-106 of the EILS Study). This is relevant to the site given its proximity to the railway line and vision for the Clyburn Precinct.

Further to this, the subject site falls within the Freight Activity Precinct (As per the NSW Freight and Ports Strategy 2013, with a diagram shown on page 111 of the EILS Study Figure 8.1) and is within reasonable proximity to the Clyburn Intermodal Terminal. The proposed uses for business and health are not appropriate in the context of this planning framework.

The proposed planning interventions for this area require *retaining sufficient and adequate buffer areas to ensure long term sustainability of this important precinct for activities that support the city's metabolism*. The encroachment of the proposed business and health uses are inconsistent with this.

The EILS Study also provides a framework for the assessment of site-specific planning proposals, Council's assessment is shown below:

Does the Planning Proposal contribute to Objective 23 of the Greater Sydney Region Plan?

Objective 23 of the Greater Sydney Region Plan focuses on planning, retaining, and managing industrial and urban services land. The proposed uses for business premises and health would be inconsistent with Objective 23 and would result in a commencement through encroachment on the industrial lands.

The proposed use for office premises generally aligns with the intent of Objective 23, however, only where it is ancillary to industrial uses.

Does the Planning Proposal contribute to the locality's vision?

The planning proposal does not contribute to the localities vision as identified in the Cumberland EILS. The proposed uses for business premises and health would not contribute towards the vision for the Clyburn precinct. The EILS discusses the vision for Clyburn as that



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for services and innovation relevant for transport, freight and waste functions of the precinct, with recommendations to support employment uses and businesses that can co-exist within the transport and freight environment. These uses are inconsistent with the locality's vision and would encroach on these lands as well as minimising the existing buffer of lands as sought in the planning interventions for Clyburn.

For the proposed office use, the EILs discusses the vision for Auburn/Clyburn as that for services and innovation, with recommendations to support employment uses and businesses that can co-exist within the transport and freight environment. Uses defined under office premises contribute to the vision for the locality, only where it is ancillary to an industrial use, as considered in the rationale for granting consent for the existing office building on the site.

Does the Planning Proposal support employment and innovation land productivity in Cumberland?

The planning proposal does not adequately justify how the proposed office uses will support employment and innovation land productivity in Auburn. Relying on the existing use rights for the site, the proposal will need to provide further justification for how the uses will contribute and support productivity on the site.

Does the Planning Proposal consider the Key Freight Transport Accessibility map?

The planning proposal does not consider the Key Freight Transport Accessibility Map.

Business Premises

Does the Planning Proposal contribute to Objective 23 of the Greater Sydney Region Plan?

Objective 23 of the Greater Sydney Region Plan focuses on planning, retaining, and managing industrial and urban services land. The proposed uses defined under business premises does not align with the intent of Objective 23, namely as it brings in various land uses that detract from the function of the sites industrial zoning.

Is the Planning Proposal consistent with the Central City District Plan?

The proposal is inconsistent with the CCDP.

Does the Planning Proposal contribute to the locality's vision?

The planning proposal does not contribute to the localities vision as identified in the Cumberland EILs. While it is unclear of the intent of the proposal, the proposed uses defined under business premises would not contribute towards the vision for the Auburn precinct. The EILs discusses the vision for Auburn/Clyburn as that for services and innovation, with recommendations to support employment uses and businesses that can co-exist within the transport and freight environment. The proposal has not adequately justified how the proposed uses align with the vision for the locality and surrounding area.

Does the Planning Proposal support employment and innovation land productivity in Cumberland?



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The planning proposal does not adequately justify how the uses defined under the proposed health services facilities term will support employment and innovation land productivity in Auburn. The Cumberland EILS specifies an array of different industrial uses which could be accommodated on smaller plots of land, which Council is seeking to encourage. The proposal will need to provide further justification for how the uses will contribute and support productivity on the site, as in its current form, it will detract from providing industrial employment and productivity.

Would the Planning Proposal support the key targeted sectors?

The proposed office and business premises use does not support key targeted sectors identified in the EILS.

The proposed health services facilities use would provide support for a targeted sector: allied health. However, not in the location identified for the precinct.

Does the Planning Proposal consider the Key Freight Transport Accessibility map?

The planning proposal does not consider the Key Freight Transport Accessibility Map and the business and health uses would encroach on the function of these industrial lands.

- **Ministerial Directions**

The proposal is inconsistent with the applicable Ministerial Directions, as outlined below:

Direction Title	Consistency	Comment
Planning Systems		
1.1 Implementation of Regional Plans	No	The planning proposal is inconsistent with the vision and directions of the Greater Sydney Region Plan, particularly Objective 23 in relation to the management of industrial lands.
Transport and Infrastructure		
5.1 Integrating Land Use and Transport	No	The site is located along the railway line and falls within the Freight Activity Precinct, as identified in the Cumberland EILS. Recommendations from the EILS is to provide buffer areas surrounding the railway to support freight activity. The proposed uses are not adequately justified given its location.
Industry and Employment		
7.1 Employment Zones	No	The planning proposal is inconsistent with the Cumberland EILS and the vision Council has recommended for the Clyburn precinct. The proposed uses reduce potential opportunities for industrial



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		employment on the site and in the locality through encroachment by non-industrial uses. Inconsistency with the endorsed Cumberland EILS makes this proposal inconsistent with this direction.
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Conclusion

The proposal relies on the existing use rights and development consent for the office building presently located on the site.

Upon review of the DA, consent was granted at the time on the basis that the proposed office building was attached to industrial development leased by Manildra Group (lessee of adjacent Rail Estate property) and formed the office component of the company.

Since its erection, it is acknowledged that the office building has been leased by various companies who have utilised the building for office purposes. As such, based on the strategic merit assessment undertaken and consideration of the above, the proposed office premises use has merit in its ability to continue with the sites existing use, while maximising employment outcomes under the 'Review and Manage' industrial lands approach highlighted in the CCDP, Cumberland LSPS and EILS.

However, as demonstrated above, the proposed 'business premises' and 'health services facilities' are inconsistent with the above-mentioned priorities and associated objectives and are not able to be supported.

Recommendation

Based on the above assessment, the planning proposal in its current form for 25 South Parade cannot be supported. The following options are open to you through Council:

1. Progress with only 'Office premises' as an additional permitted use, which would require an updated planning proposal and updated supporting reports. This would also need to include an urban design study from an urban designer to test the proposed height control and existing FSR control and provide recommendations to inform the LEP and DCP controls for the site. Council would need to assess this documentation, including a peer review of the urban design study and other studies if required.

It is acknowledged that, subject to the 2000 DA consent still being operational, (and has not abandoned through not utilising the site for office uses or as otherwise allowed through the existing use rights provisions), that office premises can still operate through that consent. This letter makes no determination on if that consent is still operative.

2. Pursue the current proposal, which would likely be recommended to the Local Planning Panel and Council to not proceed.

It is noted that the current documentation is insufficiently detailed to cover the full extent of uses proposed and would need to be comprehensively updated. Further, an urban design study from an urban designer would also be required, demonstrating built form testing of the proposed



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height and existing FSR control and provide recommendations to inform the LEP and DCP controls for the site. This would also need to demonstrate examples of the different uses, particularly the range of uses within health services facility. These would then be assessed by Council and peer reviewed before progressing to the Local Planning Panel and Council.

3. Withdraw the proposal and discuss potential refund options.

Should you wish to not submit further information by the due date, Council will progress the proposal to the Local Planning Panel and Council in its current form and would likely be recommended to not proceed. If the proposal is considered by Council, a refund of any of the lodgement fees will not be applicable.