

Attachment 1

Council Report to 7 October 2015 – Comparison Table	
Former Auburn Council Officer Recommendation	Former Auburn Council Resolution
<p>1. That Council amend the planning proposal application for the rezoning of land at 1-17 Grey Street and 32-48 Silverwater Road, Silverwater (PP-3/2015), as follows:</p> <p>(a) amend the proposed rezoning to B1 Neighbourhood Centre;</p> <p>(b) reduce the proposed FSR to a maximum of 2.7:1, as recommended by the feasibility analysis undertaken by the AEC Group on behalf of Council;</p> <p>(c) reduce the maximum height of buildings to 20 metres, and require the applicant to undertake urban design analysis to test the impact in terms of building envelope and relationship with surrounding development;</p> <p>(d) require the applicant to undertake additional traffic modelling and analysis to assess the potential cumulative impact of the proposal on traffic across the broader traffic network, including Silverwater Road, as recommended by the RMS;</p> <p>(e) require the applicant to provide further justification for the reasons for refusal cited in the Department of Planning's Gateway Determination, and justify inconsistency with section 117 Direction 1.1 - Business and Industrial zones (via a study in accordance with the regional, subregional or the Auburn Employment Lands Strategy 2015) for Director General of DPE's agreement prior to proceeding;</p> <p>(f) require the applicant to undertake a Phase 1 contamination assessment of the site (subject land) in accordance with SEPP 55 – Remediation of Land to investigate possible site contamination, and suitability of the site for residential uses.</p> <p>(g) require the applicant to modify the Planning Proposal to ensure that the 4,000 sqm retail component comprises a 2,500 sqm supermarket and 1,500 sqm of local specialty retail/commercial floor space.</p> <p>(h) The applicant provide a site specific development control plan for the controls identified above.</p> <p>2. Once all required amendments have been made, finalise the planning proposal and send to the Department of Planning for a Gateway Determination.</p>	<p><i>1. That Council approve the planning proposal to proceed to Gateway for the rezoning of land at 1-17 Grey Street and 32-48 Silverwater Road, Silverwater (PP-3/2015), as follows:</i></p> <p><i>a. zone the site B2 Local Centre;</i></p> <p><i>b. allow a maximum floor space ratio of 4:1;</i></p> <p><i>c. allow a maximum height of 25 metres; and</i></p> <p><i>d. amend the Auburn Employment Lands Strategy 2015 to recommend the site be zoned B2 Local Centre, consistent with the findings of the Publicly Exhibited Draft Auburn Employments Lands Strategy, and permit residential uses on the site including land, zoned B2 Local Centre with frontage to Silverwater Road.</i></p> <p><i>2. That once all the required amendments have been made, Council forward the planning proposal to the Department of Planning and Environment for Gateway Determination.</i></p> <p><i>3. That Council note that Gateway Determination will likely require the applicant to undertake the further studies prior to consultation being undertaken in accordance with s56 and s57 of the Environmental Planning and Assessment Act (1979), including:</i></p> <p><i>a. additional traffic modelling and analysis to assess the potential cumulative impact of the proposal on traffic across the broader traffic network, including Silverwater Road, as recommended by the RMS;</i></p> <p><i>b. applicant to undertake a Phase 1 contamination assessment of the site (subject land) in accordance with SEPP 55 – Remediation of Land to investigate possible site contamination, and suitability of the site for residential uses; and</i></p> <p><i>c. the applicant provide a site specific development control plan for the controls identified above.</i></p>

Attachment 2

Chronology of Key Events – PP-3/2015	
May 2015	Auburn Employment Lands Strategy (ELS) 2015 reported to Council and adopted. The ELS sets the strategic direction for employment zoned lands across the former Auburn LGA (subject site is identified as part of 'Silverwater Road (Precinct 14)').
July 2015	Application for a Planning Proposal (PP-3/2015) lodged.
August –September 2015	Non-statutory public exhibition of the planning proposal. Total of 13 submissions received: 1 submission in support, 9 submissions raising objections, 2 petitions signed by 119 residents and business raising objections and 1 State Agency submission (RMS) requesting that additional work is required to properly assess the cumulative impact on traffic within the broader network.
October 2015	Council considers report on the assessment of the PP and resolves to forward the PP to the DPE for Gateway Determination as well as amend the adopted Auburn ELS 2015 to reflect Council's decision (discussed in further detail under 'The Planning Proposal')
December 2015	Planning Proposal is submitted to the DPE for Gateway Determination. Auburn ELS 2015 also amended to reflect above Council resolution.
January 2016	Minister for Local Government announces Formal Public Inquiry into Auburn City Council (which specifically reviews the Grey Street PP as well as other matters subject of the Inquiry)
February 2016	State Government suspends Auburn City Council and installs Interim Administrator.
March 2016	Auburn's Council's Administrator resolves that all Planning Proposals subject of the Inquiry be placed on hold pending its outcome and subsequently resolves to advise the DPE that the Grey Street PP " <i>is withdrawn, so that no further assessment or action by the Department of Planning be taken</i> '
May 2016	Local Government Boundary review process results in the subject site coming within the LGA of the newly formed City of Parramatta Council.
July 2016	City of Parramatta Council adopts Parramatta ELS 2016 which includes the new employment areas resulting from the Local Government boundary review process. In light of the Administrator resolution of the former Auburn Council in March 2016, the Parramatta ELS recommends that Council not proceed with any proposal to create a new centre in Silverwater (despite the amended Auburn ELS) and therefore recommends the retention of the current B6 zoning.
February 2017	Public Inquiry completed and Commissioners Report released. The Commissioner found criticism of the Councillors that voted in favor of the Grey Street PP, but noted that this criticism does not translate into a finding that they have breached the Act or Model Code. The Inquiry therefore makes no recommendations in relation to the Grey Street PP.
August – October 2017	Applicant makes representations to City of Parramatta Council's former Administrator and subsequently Council's former CEO to restart the PP process. Council officers are of the view that the PP has been withdrawn and a new application should be paid for and lodged should the applicant seek to progress with the PP. Responses from both the former Administrator and former CEO provided to the applicant to this effect.
November 2017	Applicant submits legal advice to Council arguing that the PP application is still technically 'live', rather it was put on hold pending completion of the Public Inquiry and subsequently withdrawn only from the Gateway Process and not withdrawn in its entirety. Therefore the applicant is requesting that Council either: <ol style="list-style-type: none"> 1. Forward the Planning Proposal to the DPE for Gateway Determination; or 2. Put the matter to a Council meeting for a resolution. <p>Council officers have since received legal advice from its own internal legal team who concur with the applicant's submission and that Council now has the</p>

	opportunity to choose the path it wishes for the PP to take and reflect that decision in a Council resolution.
February 2018	<p>The Planning Proposal is reported to Council on 26 February 2018, Council at its meeting considered the Planning Proposal and resolved:</p> <p>(a) That Council endorse the former Auburn Council officer's recommendation (dated 7 October 2015) as the pathway to progress with the Grey Street Planning Proposal.</p> <p>(b) That Council advise the applicant that it will consider entering into a VPA with the landowners in relation to the Planning Proposal to ensure that an appropriate public benefit contribution/infrastructure is provided given the proposed up-zoning and additional density being sought.</p> <p>(c) That delegated authority be given to the Acting CEO to negotiate the VPA on behalf of Council and that the outcome of negotiations be reported back to Council prior to public exhibition.</p> <p>(d) That Council consider a further report on the Site Specific DCP for the subject site prior to its public exhibition. It is noted that while a Draft DCP is required to be prepared prior to sending the Planning Proposal to the DPE for Gateway Determination (consistent with the former Auburn Council officer recommendation), that the DCP assessment process can occur following this process to enable the Planning Proposal to proceed to Gateway in a timely manner.</p> <p>(e) That the Planning Proposal, Site Specific DCP and VPA be exhibited concurrently.</p> <p>(f) That Council advises the Department of Planning and Environment that the Acting CEO will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.</p> <p>(g) Further, that Council authorise the Acting CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan amendment process.</p>
September 2018	The Planning Proposal is forwarded to the DPE for Gateway determination following the receipt of the additional information required by the February 2018 Council resolution.
December 2018	Council receives correspondence from the DPE determining that the Planning Proposal should not proceed primarily due to its inconsistency with the Central City District Plan and section 9.1 Direction 1.1 Business and Industrial Zones.
March 2019	The applicant lodges request to review the Gateway determination with the Department. Council receives a letter from DPE requesting Council comments in relation to the applicant's post gateway review.