

11 March 2019

Mr Marcus Ray
Deputy Secretary, Planning Services
NSW Department of Planning and Environment
320 Pitt Street
SYDNEY NSW 2000

By email: Marcus.ray@planning.nsw.gov.au

Attention: Ann-Maree

**Gateway Determination Review (PP_2018_COPAR_010_00)
1-17 Grey Street and 32-48 Silverwater Road, Silverwater**

Dear Marcus,

I write to you in relation to a Planning Proposal to amend the Auburn Local Environmental Plan (LEP) 2010 to amend the land use zone and principal development controls for land at 1-17 Grey Street and 32-48 Silverwater Road, Silverwater.

Specifically, the Planning Proposal seeks to rezone the site from B6 Enterprise Corridor to B1 Neighbourhood Centre, amend the maximum building height control from 14m to 20m, amend the maximum floor space ratio control from 1:1 to 2.7:1, amend the minimum lot size control from 1,500m² to no minimum lot size and include a site-specific clause 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.

On 18 December 2018, as delegate of the Minister for Planning, you determined under section 3.34(2) of the Environmental Planning and Assessment (EP&A) Act 1979 that the planning proposal should not proceed. The Gateway determination is included at Attachment 1. We were informed on 10 January 2019 of your decision. This advice is included at Attachment 2.

In accordance with the Department of Planning and Environment's A Guide to Preparing LEPs a Gateway determination review is sought as a Gateway determination has been made whereby the planning proposal should not proceed. This submission explains why a review of the Gateway determination of 18 December 2018 is sought.

This submission is supported by the following attachments:

Attachment 1 – Gateway determination, dated 18 December 2018

Attachment 2 – Notification of decision, dated 10 January 2019

Attachment 3 – Planning Proposal, dated September 2019

- Attachment 4 – Concept Plans, dated September 2018
- Attachment 5 – Phase 1 Contamination Report, dated September 2018
- Attachment 5A – Contamination Assessment Phase 1 and 2 (Report), dated November 2012
- Attachment 5B – Contamination Assessment (Appendices)
- Attachment 6 – Supplementary Traffic Report, dated September 2018
- Attachment 6A – Transport Report, dated May 2014
- Attachment 7 – Part 1 and 2 Consolidated Economic Report, dated May 2014
- Attachment 7A – Residential Market Appraisal, dated June 2015
- Attachment 8 – Council Report and Recommendation October 2015
- Attachment 8A – Council Planning Proposal Assessment Report
- Attachment 9 – Cover letter requesting Gateway determination
- Attachment 10 – Administrator’s Minute – Outstanding Planning Proposals
- Attachment 11 – DPE Letter, dated May 2015
- Attachment 12 – Outcome of Public Inquiry
- Attachment 13 – Council Meeting Agenda 26 February 2018
- Attachment 14 – Council Meeting Minutes 26 February 2018

The Site

The site is a 7,560m² block of 17 lots bound by Silverwater Road to the east, Bligh Street to the south, Grey Street to the west and Carnarvon Street to the north. The land is identified in **Figure 1** below.



Figure 1: Site identification

The site is bound by Silverwater Road to the east, Bligh Street to the south, Grey Street to the west and Carnarvon Street north. It is approximately 2 km north-east of Auburn Central Business District, 260 m to the north of the intersection of the M4 Motorway and Silverwater Road and 1.9 km to the north-east of Auburn Railway Station. Sydney Olympic Park is located approximately 1.6 km to the east. The site and area immediately adjoining the site is presently characterised by one-two storey older style detached dwellings on single allotments of land.

The site is now largely cleared with the exception of 15 and 17 Grey Street, which contains a local neighbourhood shop (15) and a residential home (17), and the former dry cleaning premises now utilised for rental equipment storage (32-36 Silverwater Road). Part of the site is also utilised for rental vehicle storage.

The site was previously developed for residential purposes, containing 14 single storey detached dwelling houses (12 now vacant).

Existing surrounding development is historically residential with industrial, warehouse and commercial uses to the north and east. Under Auburn Local Environmental Plan 2010 (Auburn LEP 2010), surrounding land is zoned B6 Enterprise Corridor, R3 Medium Density and R4 High Density.

Despite the rezoning of the precinct and site to B6 Enterprise Corridor in 2008, no properties within the immediate context of the site have been developed in accordance with the land use zone or controls for this part of Silverwater (i.e. business premises, light industries and warehouse or distribution centres).

The majority of the broader precinct still contains detached dwellings on single allotments of land in fragmented ownership. The zoning map at **Figure 2** shows the site in its context of the nearby zones and the surrounding B6 zoned land of which the majority is still utilised for residential purposes, and none has been redeveloped in accordance with the underlying zone.

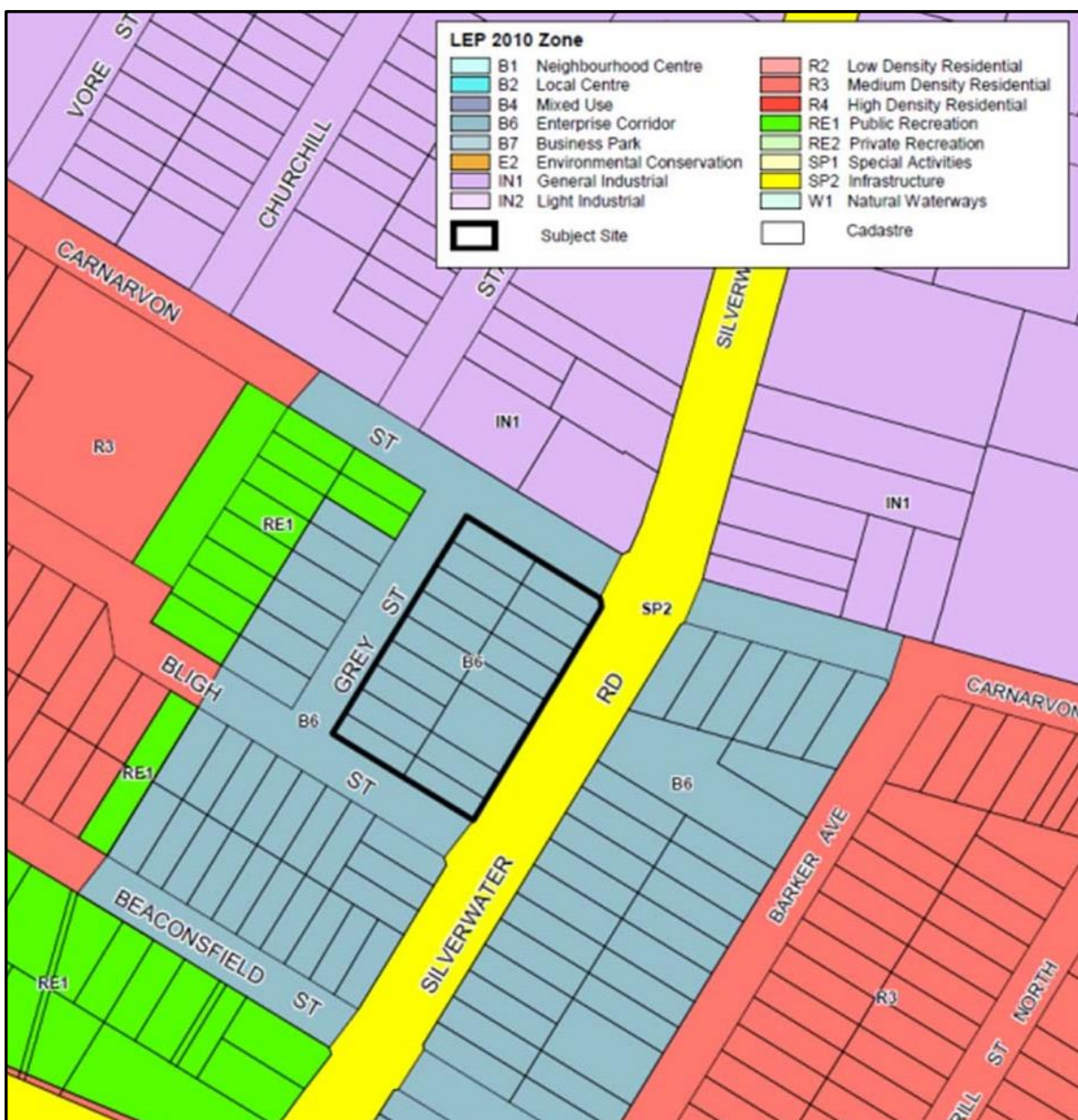


Figure 2: Auburn LEP 2010 Zoning Map

Background

On **24 July 2015**, a Planning Proposal was submitted to Auburn City Council. The Planning Proposal sought the following amendments to the Auburn LEP 2010:

- To rezone the subject site from B6 Enterprise Corridor zone to B2 Local Centre zone;
- To increase the maximum building height from 14 metres to 25 metres with a local provision allowing up to 32 metres;
- To increase the maximum Floor Space Ratio (FSR) from 1:1 to 4:1; and
- To amend the minimum lot size from 1,500m² to no minimum lot size.

On **7 October 2015**, Auburn City Council considered the Planning Proposal. The staff report recommended that the Planning Proposal proceed, but that the Planning Proposal be amended as follows:

- amend the proposed rezoning to B1 Neighbourhood Centre;
- reduce the proposed FSR to a maximum of 2.7:1;
- reduce the maximum height of buildings to 20 metres,

The Council Report and assessment is included at [Attachments 8 and 8A](#).

At the meeting, the Council resolved that the matter proceed to Gateway for determination, in the form submitted to Council, being:

- B2 Local Centre zone;
- A maximum building height of 25 metres (without a local provision allowing up to 32 metres);
- A maximum Floor Space Ratio (FSR) of 4:1.

The Council also resolved that urban design analysis and further traffic modelling be undertaken to test the controls and built form outcomes.

On **15 December 2015**, the Planning Proposal was submitted to the Department of Planning and Environment for a Gateway determination. This letter is included at [Attachment 9](#).

Administrator's Minute

On 2 March 2016, an Administrator's Minute was considered at the Auburn City Council Extraordinary meeting. The Minute is included at [Attachment 10](#). The Minute highlighted a review of all active planning proposals that are currently being assessed, with a view of restoring public confidence in Auburn's planning processes. The Administrator advised that all Planning Proposals still outstanding and the subject of the Public Inquiry will be placed on hold pending its outcome.

In regards to the subject Planning Proposal, the Administrator in requesting that the Department of Planning and Environment take no further action until the completion of the public inquiry was advised that the Department has *no "hold/stop the clock" provisions for Planning Proposals under the EP&A Act, that if the Planning Proposal is to be placed on hold, it must be withdrawn via a resolution.*

The Administrator subsequently resolved to *"advise Department of Planning that the Planning Proposal PP-3/2015 Grey Street (Paleys), Silverwater, is to be withdrawn"*.

On 3 March 2016, the Interim Administrator advised the Department of Planning and Environment of his resolution to withdraw the planning proposal.

On 11 May 2016, the Department of Planning and Environment returned the planning proposal to Council following the request to withdraw. The Department confirmed that *“no further action will be taken by the Department on this matter unless requested by the Interim Administrator”*. The letter is included at [Attachment 11](#).

Further, in May 2016 the Local Government Boundary review process results in the subject site coming within the LGA of the newly formed City of Parramatta Council.

Public Inquiry Outcome

In February 2017 the public inquiry was completed when the Commissioner’s report was released. A copy of the report is included at [Attachment 12](#). The key findings of the inquiry found some criticism of the Councillors that voted in favour of the Grey Street Planning Proposal, but that criticism does not translate into a finding that they have breached the Act or Model Code. The Commissioner found no lack of honesty in the conduct or any evidence of personal gain by supporting the Planning Proposal.

In this regard, the Commissioner observes that *“it is always open to the owner of the Grey Street site to approach Council again with a further proposal or development application.”*

Council consideration and resolution

Subsequently, in August 2017 the City of Parramatta Council resumed the Planning Proposal application process under Part 3 of the EP&A Act 1979. The matter was considered at its meeting of 26 February 2018 where Council resolved as follows:

- (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.***
- (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.***
- (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.***
- (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.***
- (e) ***That the Planning Proposal, Site Specific DCP and VPA be exhibited concurrently.***
- (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.***
- (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.***

A copy of the Council Report is included at [Attachment 13](#) and the Council Minutes at [Attachment 14](#).

The *“former Auburn Council officer’s recommendation”* identified by (a) above, was as follows:

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:*
 - (a) *amend the proposed rezoning to B1 Neighbourhood Centre;*
 - (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;*
 - (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;*
 - (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;*
 - (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;*
 - (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.*
 - (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.*
 - (h) *The applicant provide a site specific development control plan for the controls identified above.*
2. *Once all required amendments have been made, finalise the planning proposal and send to the Department of Planning for a Gateway determination.*

The Planning Proposal was subsequently updated in accordance with the Council resolution and, on 20 September 2018, was submitted to the Department of Planning and Environment seeking a Gateway determination in accordance with section 3.34 of Part 3 of the EP&A Act.

Gateway Determination – 18 December 2018

A Gateway determination was issued on 18 December 2018, determining that the planning proposal should not proceed. The notification from the Department of Planning and Environment noted that the decision was primarily “due to its inconsistency with the Central City District Plan and section 9.1 Direction 1.1 Business and Industrial Zones”.

The Department's advice goes on to state that “*there is no strategic justification to transition the site from employment lands to mixed-use residential/commercial and the Greater Sydney Commission has confirmed that the proposal is inconsistent with the review and manage approach as outlined by the District Plan*”.

The Gateway in making its determination included the following reasons:

1. *The proposal contains unresolved inconsistencies with the following section 9.1 Directions:*
 - *1.1. Business and Industrial Zones; and*
 - *Local Planning Panels Direction - Planning Proposals.*
2. *The proposal is inconsistent with the Greater Sydney Region Plan 'Objective 23 Industrial and urban services land is planned, retained and managed', and the Central City District Plan 'Action 49 Review and manage industrial and urban service land'. There is no strategic justification to transition the site from employment*

lands to mixed-use residential/commercial and the Greater Sydney Commission has confirmed that proposal is inconsistent with the review and manage approach as outlined by the District Plan.

3. *There is potential land-use conflict between the proposed high-density residential development at the site and the immediately adjoining B6 Enterprise Corridor and IN1 General Industrial-zoned land.*
4. *There is a lack of public transport infrastructure to support the proposed densities.*
5. *It is considered that permitting high-density residential and retail development would undermine the ongoing operation of the Silverwater industrial precinct and set an undesirable precedent for rezoning industrial land for residential purposes in the area.*

The Department advice and Gateway determination is included at [Attachment 2](#).

Gateway Review Request

This section addresses the Gateway conditions and reasons for not supporting the progression of the Planning Proposal and allowing further assessment, consultation and analysis of the merits of the proposal.

[Inconsistencies with section 9.1 Directions:](#)

It is common for a Gateway determination to require justification for inconsistencies with planning directions to occur during a Part 3 process. It is noted that the Gateway in this case has determination “unresolved inconsistencies” as a reason to not support the proposal rather than allow further justification and assessment. Notwithstanding, the relevant directions are addressed as follows:

1.1. Business and Industrial Zones

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,*
- (b) protect employment land in business and industrial zones, and*
- (c) support the viability of identified centres.*

Having regard to the above objectives I note the following:

- The land was rezoned to B6 Enterprise Corridor in 2010 from residential. In the last 11 years it has not redeveloped in accordance with the underlying zone. A local strategy identified the need for a local centre in this location which was considered suitable. This would also ensure employment growth would be facilitated on the site and allow for the orderly and economic use of the land;
- The Economic analysis conducted indicates that the Planning Proposal will generate a significant increase in the number of jobs. The site previously provided employment for 15 – 20 workers. However, the laundromat has since closed and much of the site demolished. The small convenience store still operates (as there is a demand for convenience uses) and part of the site used for vehicle storage, resulting in just a handful of jobs being generated from the site;
- The planning proposal is estimated to generate a future workforce of up to 160 workers compared to approximately 122 under the existing zone (not realised and undeveloped since 2008);
- The Planning proposal facilitates greater intensity of employment land, while retaining a business zone that allows a broader range of permissible uses to promote orderly development of a largely vacant site;
- The rezoning does not affect the delivery of industrial land and provides for a suitable transition zone between the adjacent industrial zone to the north of the site and residential to the west and south;
- The Planning Proposal delivers employment land in both business and retail sectors to the site, thereby encouraging employment growth in Silverwater and in the City of Parramatta LGA as a whole;

- Auburn Employment Lands Strategy 2015 recommends that a new neighbourhood centre located within the area bound by Beaconsfield Street, Carnarvon Street, Deakin Park, and Hume Park, Silverwater could be considered. The Strategy did not identify a specific site for this neighbourhood centre; however, it noted that such a centre could improve the viability of the underdeveloped B6 zone to the east.

Therefore, a local Strategy has identified the need for a local centre for the neighbouring business and residential communities and the need to facilitate viable outcomes for undeveloped residential land. The planning proposal therefore clearly supports the *'viability of identified centres'* under a local strategy. While further assessment could be recommended against this local planning direction, given the above justification it is considered consistent with section 9.1 Direction 1.1.

Local Planning Panels Direction - Planning Proposals.

This direction applies where "A council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice...". The direction took effect "on 1 June 2018 and applies to planning proposals prepared, but not submitted to the Minister, before 1 June 2018"

As previously discussed, the planning proposal was originally lodged with the relevant planning authority (Auburn City Council) on 24 July 2015. The planning proposal was considered by the relevant planning authority on 7 October 2015 and submitted to the Minister on 15 December 2015.

Subsequently, due to a public inquiry in to the former Auburn Council's planning processes, all planning proposals were put on hold. This led to Council requesting that the matter be put on hold pending the outcome of the public inquiry. The planning proposal was withdrawn from consideration by the Minister pending the outcome of the inquiry which concluded in February 2017. The planning proposal was ratified by the new relevant planning authority (City of Parramatta) on 26 February 2018 and lodged again with the Minister on 20 September 2018.

Therefore, while the planning proposal was lodged with the Minister for a second time post 1 June 2018, it was originally lodged prior to this time. Further, the planning proposal was originally lodged in 2015, four years ago, and given the extensive assessment and considerable time taken to get to this stage, a referral to the Local Planning Panel would not be in keeping with the objects and spirit of the Act to promote the orderly and economic use of the land.

As the proposal has been referred to the Minister previously, the planning proposal is consistent with this direction.

Consistency with the strategic planning framework

Objective 23 of the Greater Sydney Plan states: "Industrial and urban services land is planned, retained and managed".

Action 49 of the Central City District Plan states: "Review and manage industrial and urban service land, in line with the principles for managing industrial and urban services land, in the identified local government areas (refer to Figure 20) by undertaking a review of all industrial lands to confirm their retention or transition to higher order uses (such as business parks) and prepare appropriate controls to maximise business and employment outcomes, considering the changing nature of industries in the area".

Contrary to the Greater Sydney Commission's position, it is considered that the planning proposal is in fact consistent with the review and manage approach outlined by the District Plan and is consistent with Objective 23 and Action 49 above. It is clear that the Commission has ignored the local context, local strategies and the review principles of their own documentation. The adoption of a "do nothing" approach for the subject land is in fact

inconsistent with the District Plan and the overarching objectives of the Environmental Planning and Assessment (EP&A) Act 1979.

Industrial and urban services land refers to land identified in the NSW Department of Planning and Environment's Employment Lands Development Monitor, and includes industrial zoned land and some business zoned land which permits a number of industrial uses.

The Greater Sydney Plan notes that *"urban services tend to have particular land use, floor space, operational or accessibility characteristics that require them to locate in non-residential areas"*. *"They also safeguard against land use conflict with non-compatible uses, such as residential use"*.

It is clear that the Greater Sydney Plan in identifying the locational requirements did not consider site specific characteristics, which is why the principles for managing industrial and urban services land were introduced.

Firstly, while the site is zoned B6 Enterprise Corridor, it forms part of a section of 5.3 hectares of B6 zoned land, that was rezoned from residential in 2010 when the Auburn Standard Instrument LEP was made. In the 10 years since the land was zoned B6 Enterprise corridor it continues to operate as residential and has not been developed in accordance with its underlying zone. The nature and characteristics of the area are therefore currently residential and have always been. Therefore, noting the Greater Sydney Plan's direction to locate urban services in non-residential areas, regardless of the zone, this is a residential area where no transition to other uses has occurred, which appears to have been completely ignored.

The Greater Sydney Plan goes on to state that *"the retention, growth and enhancement of industrial and urban services land should reflect the needs of each of Greater Sydney's three cities, and their local context"*. The local context is incredibly important. The Greater Sydney Plan does not say retain and protect industrial and urban services land at all costs, it says it should reflect needs and the local context. The local context here includes:

1. Approximately 5 hectares of existing residential land, undeveloped in accordance with its underlying zone since it was rezoned in 2010;
2. A local strategy that identified a need for a local centre;
3. A planning proposal that facilitates more employment generating floorspace than is currently available on the site and could be facilitated under a complying scenario with the existing zone.

Addressing the principles for managing industrial and urban services land:

While the principles for retain and manage state: *"All existing industrial and urban services land should be safeguarded from competing pressures, especially residential and mixed-use zones. This approach retains this land for economic activities required for Greater Sydney's operation, such as urban services"*, it also goes on to state *"the number of jobs should not be the primary objective – rather a mix of economic outcomes that support the city and population. The management of these lands should accommodate evolving business practices and changes in needs for urban services from the surrounding community and businesses"*.

The planning controls and zoning was reviewed in 2015 under the Auburn Employment Lands Study. Given over 5 hectares of residential land had remained undeveloped since it was rezoned to B6 in 2010 it was necessary to review the conditions to support development.

The Study identified the need for a new neighbourhood centre located within the area bound by Beaconsfield Street, Carnarvon Street, Deakin Park, and Hume Park. The reasons a neighbourhood centre was considered appropriate include:

- There is no supply of convenience retail/commercial services for the immediate neighbourhood. A neighbourhood scale centre would support the adjoining residential areas to the east and west and the industrial and urban services land to the north.

- The nearest centre is at Newington shopping centre which is 1.7 kms away, while the Lidcombe Centre also accommodates big box retail.
- A future centre in this important location would therefore provide for the needs of workers in the area and nearby residential, while facilitating a viable use that may also serve to trigger redevelopment of adjoining land.

Therefore, while it is clearly important to retain and manage industrial and urban services land, this is not at all costs. The Planning Proposal facilitates more employment generating floorspace than is currently provided with a range of employment generating floorspace and urban services that serves the needs of the adjoining community and provides a suitable transition between nearby industrial and residential lands.

The Greater Sydney Plan goes on to note that in any review, *“the changing nature of industries and the transformation in the sector impacting on changing demands for land.... In limited cases, conversion to other uses may be appropriate”*. As discussed above, a review has been undertaken, it identified the need for a neighbourhood centre. A neighbourhood centre would facilitate a viable development, and support the provision of jobs and employment floorspace within a B1 zone. Given the site and most surrounding land is residential, the proposed use may also be more compatible than industrial uses in this context. Either way, it is clear that Objective 23 of the Greater Sydney Plan and Action 49 of the Central District Plan have been blindly and inflexibly applied, ignoring site specific merit and local strategic context that provides for a small centre.

Land Use Conflict

It is unclear how the planning proposal may result in land use conflict.

The existing use is residential. The site is adjoined by residential to the south and east. An industrial zone is located to the north, where existing light industrial uses occur. This includes low scale business premises that provide no land use conflict at all.

A neighbourhood centre would retain the residential component which is currently on the site, and introduce employment generating retail and commercial uses to meet the day to day needs of workers and residents. Therefore, it is the perfect transition between wholly business/industrial land and wholly residential land.

Therefore, any perceived conflict can be addressed further in detailed design, but from a land use point of view the site promotes residential uses consistent with that already adjoining and creates more jobs that could be achieved under the current zone and already on the site.

There is a lack of public transport infrastructure to support the proposed densities.

The basis for this is unclear. The site is very well served by the existing bus network, with the nearest stop being 90 metres from the subject site.

Principle 1: Concentrate in centres of the NSW Government’s *Integrating Land Use and Transport: Improving Transport Choice – Guidelines for planning and development* considers appropriate distances for greater densities in relation to public transport nodes. The Guidelines are given effect by Section 9.1 Direction 3.4 Integrating Land Use and Transport, which states:

“Develop concentrated centres containing the highest appropriate densities of housing, employment, services and public facilities within an acceptable walking distance — 400 to 1000 metres — of major public transport nodes, such as railway stations and high frequency bus routes with at least a 15-minute frequency at peak times”

The closest bus route that serves the site is bus route 544. This service links Macquarie Centre and Auburn, with the nearest stop on Carnarvon Street, adjoining Hume Park (90 metres to the west). A journey from the subject site to the Auburn local centre takes approximately 9 minutes. A train service from the Auburn train station to the Parramatta Metropolitan Centre is approximately 10 minutes and approximately 15 minutes to the Olympic Park Strategic Centre.

Alternatively, bus route M92 is 600 metres from the site (south on Parramatta Road) and from there is a 15-minute bus journey to the Parramatta Metropolitan Centre. The Olympic Park Strategic Centre is also 2.2kms away or a 19 minute journey. Figures 3 and 4 below illustrate just two of numerous access to these centres within 30 minutes.

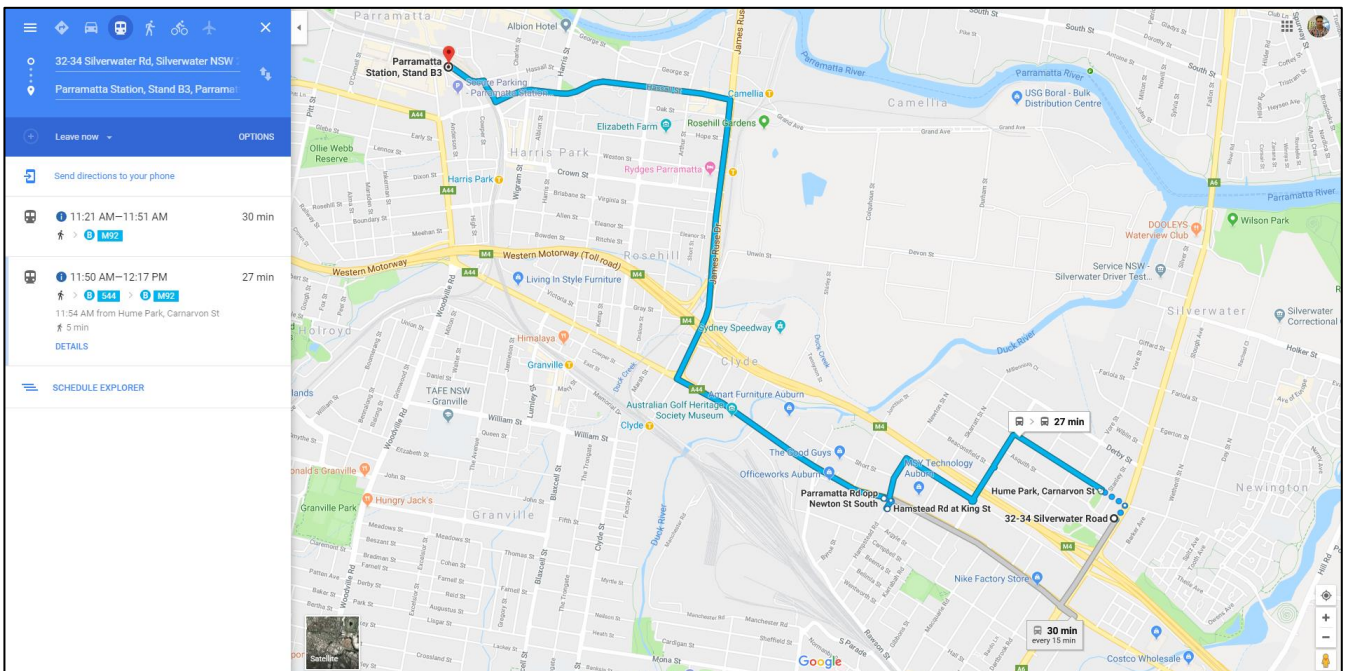


Figure 3: Public transport access to Parramatta

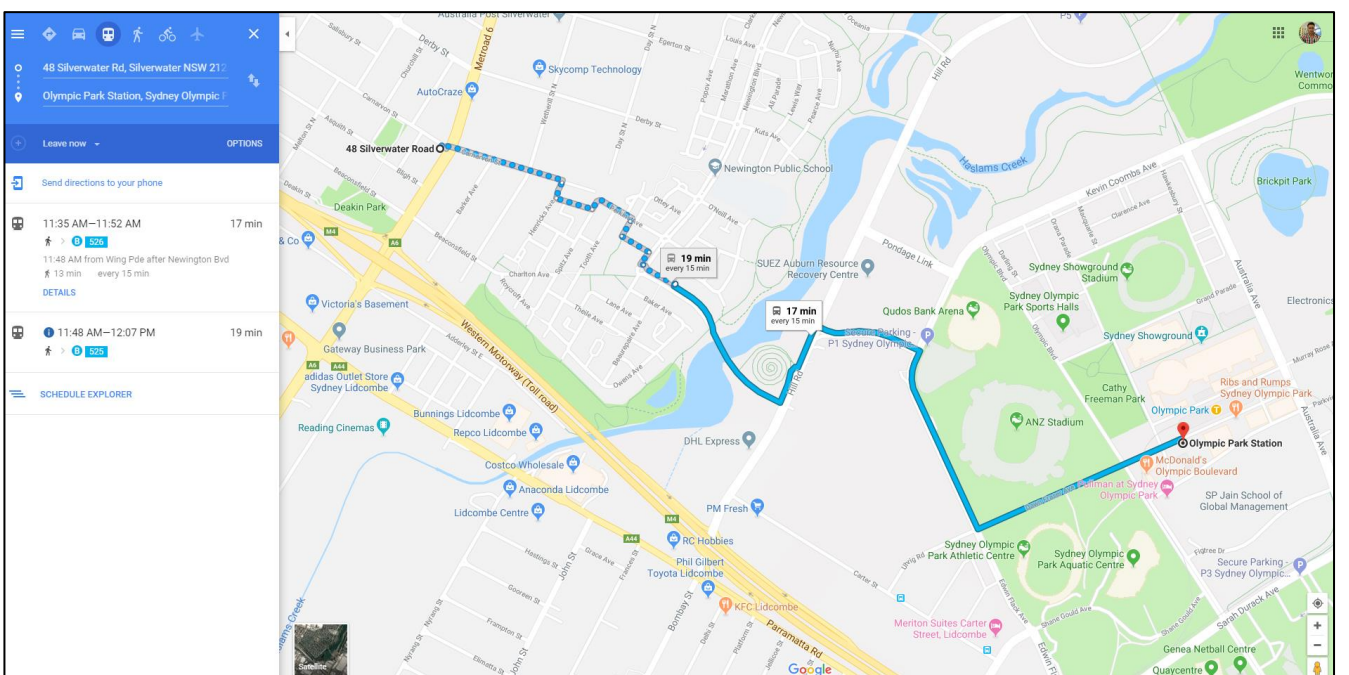


Figure 4: Public transport access to Olympic Park

In this context, The Greater Sydney Plan seeks to create a City where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The key objective of Direction 6: *A well-connected City*, is: *“a metropolis of three cities – integrated land use and transport creates walkable and 30-minute cities”*. The potential indicator is the *“Percentage of dwellings located within 30 minute by public transport of a metropolitan centre/cluster; Percentage of dwellings located within 30 minutes by public transport of a strategic centre”*. Note: *“A 30 – minute city is where most people can travel to their nearest metropolitan centre or cluster by public transport within 30 minutes; and where everyone can travel to their nearest strategic centre by public transport seven days a week to access jobs, shops and services”*.

The subject site is 4.5km from the Parramatta CBD and 6.5km from Westmead train station. Parramatta is identified by the Greater Sydney Region Plan as a Metropolitan Centre and Westmead as a Health and Education Precinct and both are within 30-minutes by public transport.

Therefore, contrary to the Gateway condition, there is existing public transport nearby that ensures the Planning Proposal achieves the 30-minute city objectives and is consistent with the Greater Sydney Plan and the Central City District Plan.

Future Public Transport

While the site is in close proximity to existing bus and rail services, The Greater Sydney Region Plan and the NSW Government are committed to a mass transit rail link connecting Parramatta to Olympic Park and the Eastern Harbour City (i.e. Sydney Metro West).

Further, the Plan identifies the Parramatta Light Rail to connect Parramatta to Olympic Park. This would have significant implications for an area like Silverwater, opening up access to significant job and employment opportunities associated with the GPOP Economic Corridor.

Figure 5 below illustrates the study area for the Sydney Metro West, and Figure 6 illustrates the locations of geotechnical investigations and soil sample drilling within Silverwater. These investigations have been conducted to prove, or disprove, a suburbs' geological suitability for construction of a station, however, it does not guarantee that it will become a station. It does demonstrate that, in addition to existing public transport, there is a possibility of a metro station within 1km of the site that will serve the Silverwater community. Further, regardless of this occurring, it strengthens the access from the site to broader Sydney, with at a minimum, Metro line stops to be located at Parramatta (4.5 km) and Olympic Park (2.2km)

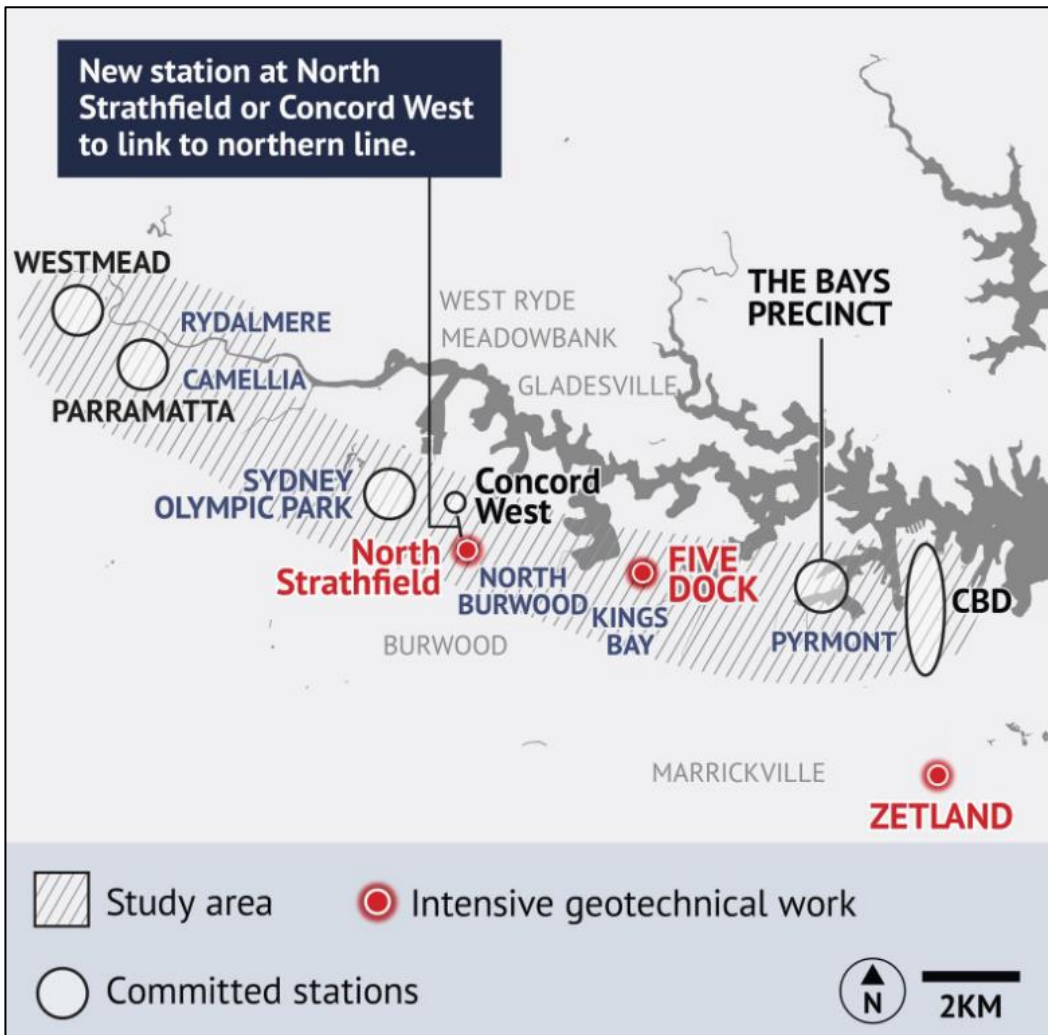


Figure 5: Sydney Metro West investigation area

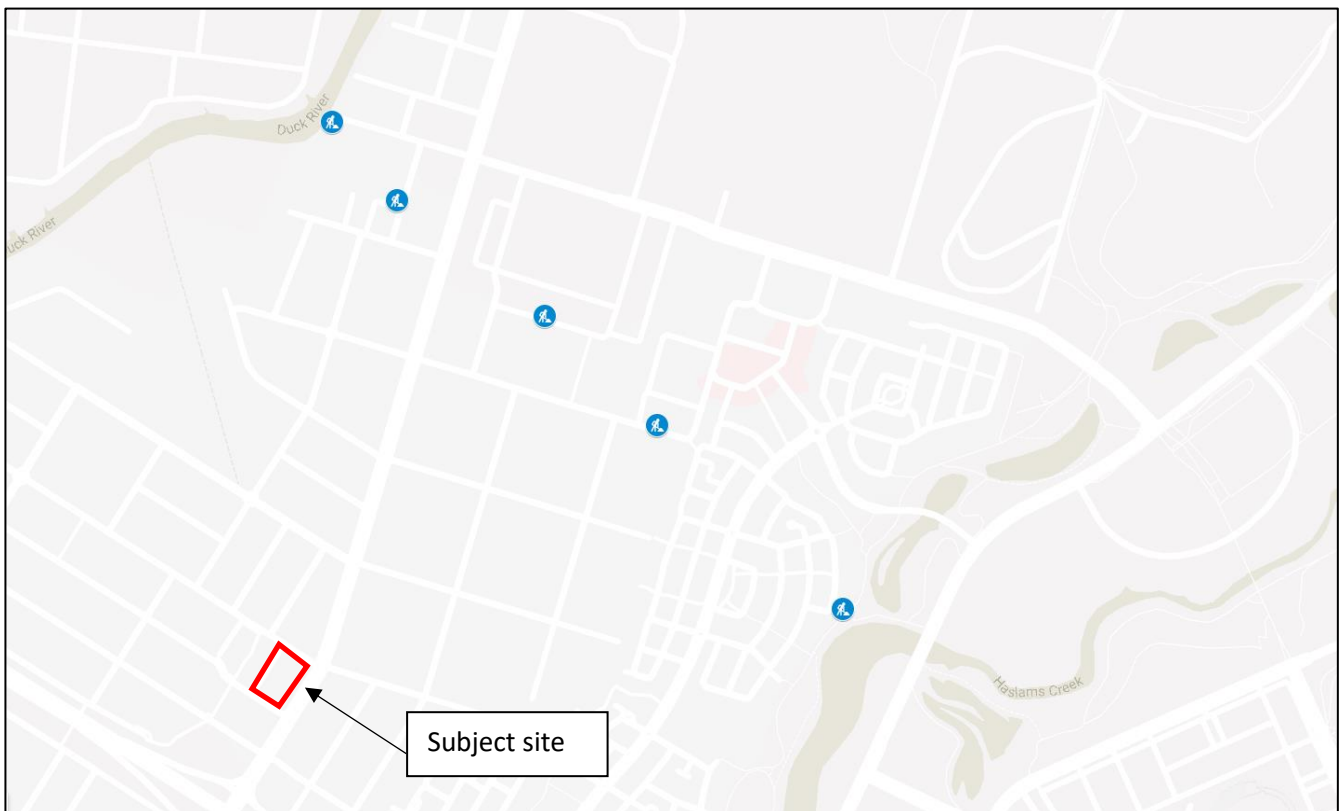


Figure 6: Location of Geotech investigations

Undesirable Precedent

I note that Gateway condition states:

“It is considered that permitting high-density residential and retail development would undermine the ongoing operation of the Silverwater industrial precinct and set an undesirable precedent for rezoning industrial land for residential purposes in the area.”

Firstly, the planning proposal is supported by and consistent with a local strategy that identifies a need for a neighbourhood centre in the area to complement and support the Silverwater Industrial Precinct. At this stage, workers have to travel to Newington and/or the Lidcombe Centre to access convenience services and goods. This generates more traffic and inconvenience for this important precinct. The same goes for residents in the area. Therefore, it is not clear how the ongoing operation of the Silverwater Precinct would be undermined, when the entire concept of a centre is to complement.

Secondly, the undesirable precedent is noted, however the language above appears to ignore the fact that 5 hectares of B6 zoned land in this area is and has been utilised as residential land. It is well established residential land. I also note that this land use has not changed since it was rezoned in 2010. Therefore, it is also not clear how it will set a precedent to revert back to its existing use. However, in the context of the planning proposal and as already discussed, it aligns with a local strategy that seeks a neighbourhood centre and encourages the orderly and economic development of the land in accordance with the objectives of the Act. To therefore state that the planning proposal may set an undesirable precedent also contradicts the objects of the Act which seeks to facilitate development.

To reiterate, 5 hectares of residential land, rezoned to B6 Enterprise Corridor in 2010, in an area where there is over 100 hectares of B6 zoned land, has remained undeveloped. In accordance with the provisions of the Greater Sydney Plan, a review has been undertaken, and with the support of the City of Parramatta Council, a decision has been made that the best way to manage the land and encouraged a viable development is to facilitate a neighbourhood centre in accordance with the local strategic planning framework.

Conclusion

Under the Greater Sydney Plan, the Planning Proposal is consistent with Action 39 and retaining the existing zone is inconsistent with Action 39 for the following reasons:

- the jobs that the proposal facilitates actually support the strategic planning framework. The site has remained undeveloped for 10 years and substantially operates as residential with the exception of a small polluting laundrette. The site is therefore in reality being transition from a residential site to a mixed site, creating more jobs than are currently present and/or could be facilitated under the current zone.
- The land use has been reviewed under the principles for retaining and managing industrial and urban services land and this found there was a need for a local centre in this location. This would meet the day to day needs of residents and workers while encouraging viable economic and orderly development of land.
- The principles of for managing industrial and urban services land mean that industrial and urban services land should not be retained at all costs, however consideration given to the changing needs of the community and the range of business required to support the city's productivity.

I therefore comprehensively disagree with the Greater Sydney Commission's application of Action 49 of the District Plan to the subject site and feel the application meets many of the objectives and principles of the Greater Sydney Plan and the District Plan. I feel the decision and justification for the Gateway decision would benefit from advice from the IPC.

Notwithstanding the above, the Gateway determination in not supporting the progression of the planning for the site further sterilises its development potential and ignores the extensive work that has been undertaken since 2014. The site is now largely derelict, an eye sore to the community, and delays further the orderly and economic development of the site. It is clear that this is not the intention of the Act to inhibit development, but to facilitate appropriate and merit based development.

While the reasons for the refusal by Gateway have been thoroughly addressed in this submission, it is acknowledged that further assessment and study would be required throughout the Part 3 process. This may further flesh out these issues. However, the need to retail industrial and urban services land, even if it is not utilised for that purpose, with little indication that it will ever transition is being inflexibly applied, with local context and strategic planning framework being ignored.

It is therefore requested that the IPC recommend that the Gateway determination be altered to allow the planning for the site to proceed at this stage, and if necessary, a recommendation be included that allows for study of an outcome that could satisfy the requirements of the Commission while ensuring the needs of the community are met, the local strategic context is respected, and facilitates a viable outcome for the site.

Thank you for your consideration of this submission and the supporting documentation. If you have any further questions please do not hesitate to contact me on 0437 521 110.

Yours sincerely



James Mathews
Pacific Planning

Attached:

- Attachment 1 – Gateway determination, dated 18 December 2018
- Attachment 2 – Notification of decision, dated 10 January 2019
- Attachment 3 – Planning Proposal, dated September 2019
- Attachment 4 – Concept Plans, dated September 2018
- Attachment 5 – Phase 1 Contamination Report, dated September 2018
- Attachment 5A – Contamination Assessment Phase 1 and 2 (Report), dated November 2012
- Attachment 5B – Contamination Assessment (Appendices)
- Attachment 6 – Supplementary Traffic Report, dated September 2018
- Attachment 6A – Transport Report, dated May 2014
- Attachment 7 – Part 1 and 2 Consolidated Economic Report, dated May 2014
- Attachment 7A – Residential Market Appraisal, dated June 2015
- Attachment 8 – Council Report and Recommendation October 2015
- Attachment 8A – Council Planning Proposal Assessment Report
- Attachment 9 – Cover letter requesting Gateway determination
- Attachment 10 – Administrator’s Minute – Outstanding Planning Proposals
- Attachment 11 – DPE Letter, dated May 2015
- Attachment 12 – Outcome of Public Inquiry
- Attachment 13 – Council Meeting Agenda 26 February 2018
- Attachment 14 – Council Meeting Minutes 26 February 2018