



Submission

State Environmental Planning
Policy (Western Sydney
Employment Area) 2009

Mamre Road Precinct Rezoning - Exhibition Discussion Paper

Submitted to Department of Planning, Industry and Environment
On Behalf of York Developments Pty Ltd

December 2019

REPORT REVISION HISTORY

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1. INTRODUCTION

This submission has been prepared by City Plan and Strategy and Development (City Plan) on behalf of York Developments Pty. Ltd, the owner of land at No. 2A Southridge Street, Eastern Creek, known as Southridge Plaza. The site is within the Eastern Creek Precinct of State Environmental Planning Policy (Western Sydney Employment Area) 2009.

It supports a request to amend State Environmental Planning Policy (WSEA) to provide statutory heritage protection to the historic Southridge House and to permit a broader range of commercial and community uses within what has been identified as a "neighbourhood centre" within the local Precinct Plan.

We originally lodged this request with the former Department of Planning and Environment in March 2018. We were advised very recently by the current Department, that our submission had not progressed since that time. However, the Department advised us that it was still prepared to consider the request and that the best mechanism by which to do so was for us to reissue the request as a formal submission to the current public exhibition of the Mamre Road Precinct Rezoning Discussion Paper. We were assured that despite our client's site being outside the Mamre Road Precinct, the scope of the proposed amendments was broad enough to enable formal consideration of our request. It is on that understanding that we make this submission.

The request has come about as a result of a Development Application lodged with Blacktown Council for the occupation of Shop No. 12 in Southridge Plaza as a medical centre. Legal advice obtained by Council concluded that despite being listed and mapped as a heritage item under the Blacktown Local Environmental Plan, 2015 (BLEP), that instrument does not apply to the subject site. Consequently, the recognised historically significant Southridge House has neither statutory heritage protection, nor is it subject to the conservation incentive provisions of the BLEP that may enable the use of the tenancy as a medical centre (via heritage incentive provisions), which is prohibited under the SEPP (SWEA). It also highlighted the anomalous zoning of the site that inhibits its effective operation as a designated neighbourhood centre under the Eastern Creek Precinct Plan. The proposed amendments have the support of Blacktown Council.

2. PROPOSED AMENDMENTS TO SEPP

2.1. Overview

We request amendments to the SEPP (Western Sydney Employment Area) that:

- identify Southridge House and its immediate curtilage that reinstate it as a heritage item and introduce standard heritage conservation provisions into the SEPP; and
- rezone the site from Zone IN1 General Industrial to Zone B1 Neighbourhood Centre.

2.2. Heritage Item

The amendment to reinstate Southridge House as a heritage item and introduce the standard heritage provisions would correct what we and Blacktown Council consider to be an unintended anomaly arising from the interplay of the SEPP (WSEA) and the Blacktown LEP 2015.

This may either be achieved by including the relevant standard heritage clause and Schedule within the SEPP, or by including a customised Clause to the effect that Blacktown LEP 2015 applies to the subject site only insofar as it relates to heritage conservation (Clause 5.10 and Schedule 5).

Such action will immediately restore statutory heritage protection to Southridge House. More particularly for the medical centre proposal in question, it would also permit (via the heritage incentive provisions) what could potentially be a critical 'first responder' service in the event of injury or other health care crises arising within the surrounding industrial areas, where hospital services are not as conveniently and quickly available.

2.3. Neighbourhood Centre Zone

Notwithstanding that this site has been identified in the Precinct Plan as a "neighbourhood centre" for many years, the range of uses in the industrial zone applying to the site and much of the Precinct, does not reflect the full range of uses that would generally be expected in such a centre.

Designating the centre with a clear zoning reflecting its intended purpose is more transparent and avoids precedents and other unintended consequences associated with other statutory options, such as broadening the range of uses in the industrial zone or introducing 'additional permitted uses' provisions.

2.4. Consultation with Council

A meeting was held between the applicant and senior Blacktown Council statutory and heritage planning staff in early 2018 to discuss these statutory anomalies.

Council advised that it considered the proposed medical centre use to be highly suitable for the subject site, providing valuable health care services in a central and accessible location to the large industrial workforce in and around Eastern Creek.

Council advised that it supported an amendment to the SEPP (Sydney Western Employment Area) to permit this use and other suitable commercial uses in what is already recognised and successfully operating as a neighbourhood centre servicing the day to day convenience needs of the local workforce and visitors to the area.

3. THE SITE AND CONTEXT

3.1. The site

The subject site is located at No. 2A Southridge Street, Eastern Creek and is legally described as Lot 1551 in DP 1180982.

Images showing the site's location and an aerial view are provided at **Figure 1** and Figure 2.



Figure 1: Aerial photograph of the site outlined in red (Source: Near maps)

The site is occupied by Southridge Plaza, a small convenience business area focused on historic Southridge House and centrally located within and servicing the Eastern Creek Business Park and other local industrial precincts.

3.2. Context and Surrounding Land Uses

Southridge Plaza is within the Blacktown Local Government Area, fronting Old Wallgrove Road and 5 minutes from the WestLink M7 motorway.

The surrounding area predominantly comprises warehouses and distribution centres. Adjoining the site to the west is the Coles Polar Fresh Distribution Centre and to the east is the Toll NOX Sydney and other commercial operations.



Figure 2: Immediately surrounding context of the site outlined in red (Source: Near maps)

3.3. Current land uses

The site was granted development consent on 21st August 2014 for a mixed-use development comprising a child care centre and retail centre with associated car parking, signage and landscaping works in a staged development and subdivision. Most of the uses on site have been approved and implemented for all tenancies in the centre. Unit No.12 is the proposed medical centre tenancy. Refer to **Figure 3** for site plan.

The tenancies, with respective tenants, are shown in the table below.

Shop	Tenant
Child Care	Little Graces Childcare Centre
Southridge House	Fibonacci Coffee
Shops 1 & 2	Indian Restaurant
Shops 2 & 4	Tobacconist Post Office
Shop 5	Office
Shop 6	Italian Café
Shops 7&8	Plus Fitness
Shop 9	Subway
Shops 10 & 11	Laverna Hair
Shop 12	Neighbourhood shop (medical supplies)



Figure 3: Site plan, Shop No. 12 outlined in green (Source: Architectural projects)



4. STATUTORY PLANNING CONTEXT

4.1. State Environmental Planning Policy (WSEA) 2009

The site is on land to which the State Environmental Planning Policy (WSEA) 2009 applies.

4.1.1. Zoning and permissibility

The site and surrounding area are located in Zone IN1 - General Industrial, as shown in Figure 4. The following uses are permissible with consent and prohibited under Zone IN1 - General Industrial:

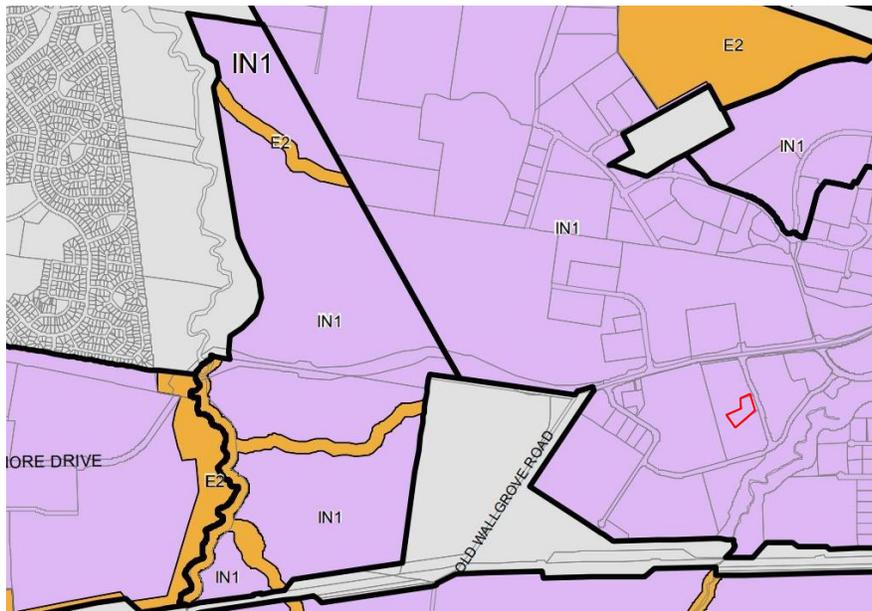
3 Permitted with consent

"Depots; Food and drink premises; Freight transport facilities; Garden centres; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Industries (other than offensive or hazardous industries); Neighbourhood shops; Places of public worship; Roads; Service stations; Transport depots; Truck depots; Warehouse or distribution centres.

4 Prohibited

Any development not specified in item 2 or 3."

The proposed medical centre and many other convenience services for the surrounding industrial workforce are prohibited in the zone.



4.1.2. Eastern Creek Precinct Plan - Stage 3 and Blacktown DCP 2015

Figure 4: Extract of Zoning Map from SEPP (WSEA) 2009, site s outlined in red

The Eastern Creek Precinct Plan (Precinct Plan) was prepared in accordance with the provisions of SEPP (WSEA) for land identified as Release Area 3 within Eastern Creek Precinct.

Of particular relevance in the Precinct Plan is its identification within the Concept Masterplan, of the Southridge House precinct as a "neighbourhood centre", as shown in Figure 5 below.

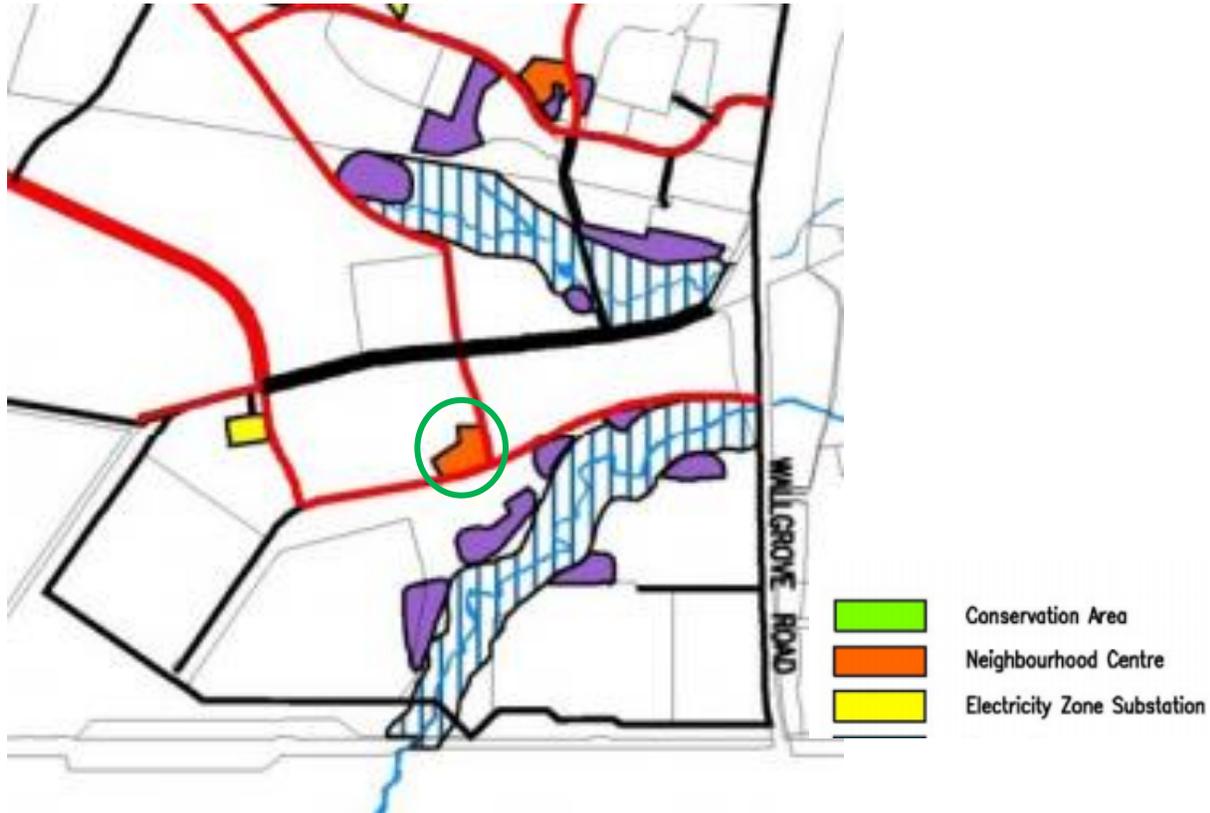


Figure 5: Extract from Eastern Creek Precinct Plan (2005) with site circled in green

Section 12.0 of the Precinct Plan deals with Community Services and among other things, identifies the nature of facilities necessary to meet "the everyday baseline needs of the workforce."

In terms of locational criteria for such facilities, it states at Section 12.3 that:

- (a) As a general principle, services and facilities should be clustered into identified neighbourhood centres. The centres have the advantage of:
- (i) making use of synergies among related uses;
 - (ii) promoting convenient access for users of multiple services;
 - (iii) creating active places that promote safety and a sense of security, vitality and energy;
 - (iv) focus activity in ways that enhance the image and identity of the place; and
 - (v) support utilisation of public transport.

A specific control for such services within neighbourhood centres is contained in Section 12.5(d), which states:

The type of community services that Council would consider appropriate to serve the daily convenience needs of the workforce within the Precinct, or would be for the benefit of the local workforce include:

- (i) child care centre;

- (ii) commercial premises;
- (iii) community facilities;
- (iv) mixed business;
- (v) recreation area;
- (vi) refreshment room; and
- (vii) shops

Despite the clear intention of the Precinct Plan to designate the Southridge House precinct as a "neighbourhood centre" serving the surrounding industrial area, this was not reflected in the SEPP (WSEA), which did not differentiate its zoning from the IN1 zoning of the surrounding industrial areas. Therefore, only a few of the uses described in Section 12.5(d) of the Precinct Plan are permitted at Southridge Plaza, as they would be in any other part of the industrially zoned surrounding area. Commercial premises, community facilities (to which we would add medical centres and the like), recreation areas and shops (larger than neighbourhood shops) cannot establish in the "neighbourhood centre", thus denying the large local workforce conveniently located, day to day goods and services.

4.2. Blacktown Local Environmental Plan 2015

The site is identified within of the Blacktown Local Environmental Plan 2015 (BLEP) as a local heritage item (I23) in Schedule 5 - Environmental Heritage and on the BLEP Heritage Map.

However, anomalously, since the site is located within the SEPP (WSEA) 2009 land application area, the provisions of the BLEP do not apply to this development.



Heritage Map - Sheet HER_009



Figure 6: Extract from Blacktown LEP 2015 Heritage Map

Consequently, in our opinion and based on Blacktown Council's legal advice, no statutory heritage protection is afforded to the item and Clause 5.10(10) of the BLEP in relation to "conservation incentives", which provides a mechanism by which the proposed medical centre that is otherwise prohibited within the zone, may have potentially been granted consent, does not apply.

5. ENVIRONMENTAL ASSESSMENT

5.1. Heritage

As indicated, the site of Southridge House is listed as a heritage item of local significance under the BLEP 2015 but as the BLEP does not apply to the subject site and the SEPP (WSEA) contains no heritage provisions, Southridge House is not subject to any statutory heritage protections.

The proposed amendment to the SEPP (WSEA) would restore these heritage provisions that were widely assumed to still apply to this important site.

The proposed change in zoning would better reflect the intended planning outcomes for the site, as identified in the Precinct Plan and also reflect the nature of the approved commercial style buildings that have been established on the site and subject to careful conservation planning and management.

5.2. Car Parking and traffic

No additional traffic or parking would be generated as a result of the proposed zoning amendment.

The original consent for the Southridge Plaza site provides for 85 car parking spaces to be available for the site, which contemplates the use of the approved buildings for retail purposes and a child care centre. The tenancies occupying the site comprise of food and drink and retail premises, with different peak demand times for parking spaces. The 85 spaces provided are more than adequate for all tenancies on site to be utilised for the full range of uses permitted in the B1 Neighbourhood Centre zone.

Additionally, the road system servicing the site is more than adequate to cater for the traffic generated by the full range of uses permitted in B1 zone.

5.3. Social and Economic considerations

The social and economic impacts of the proposed amendment to the SEPP (WSEA) are overwhelmingly positive, as follows:

- They conserve the important heritage values of Southridge House
- They enable the provision of important commercial, community and health services in a highly convenient location to serve the large industrial workforce in the locality;
- They enable the occupation of vacant commercial premises within a 'de facto' existing business centre, which is a positive outcome for the local economy and the ongoing viability of the centre.

5.4. Conclusion

The proposed amendments to SEPP (WSEA) will protect the heritage values of the site and enhance convenience and accessibility of commercial, community and health services to employees and visitors in the area without any adverse environmental or other impacts. As such, the amendments will be in the public interest.