

Planning Proposal

Lot 802 Main Avenue, Botanica - Lidcombe

Submitted to the Department of Planning and Infrastructure for s.56 Gateway
Determination



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- Part 1 -** A statement of the **Objectives or Intended Outcomes** of the proposed LEP
- Part 2 -** An **Explanation of the Provisions** that are to be included in the proposed LEP
- Part 3 -** The **Justification** for those objectives, outcomes and provisions and the process for their implementation
- Part 4 -** **Supporting maps** (Current and proposed)
- Part 5 -** Details of the **Community Consultation** that is to be undertaken on the Planning Proposal
- Part 6 -** Anticipated **project timeline for completion of proposed draft LEP**

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Introduction

The Planning Proposal applies to land located at Lot 802 Main Avenue, Botanica - Lidcombe (also known as Lot 802 DP 1150164) and is situated within the Former Lidcombe Hospital Site precinct (FLHS) in the Auburn Local Government Area (LGA). The land subject to this Planning Proposal is referred to as 'the subject site' and is located within an existing major urban infill area.

The FLHS is currently one of the key brownfield redevelopment sites identified within the Auburn LGA. It has been developed since 2004 to date for medium density residential land uses as per original Development Application (572/02) consent issued by the Land and Environment Court of New South Wales (No. 10147 of 2003) on 7 July 2004.

The subject site is currently owned and developed by Australand Industrial No.16 Pty Limited who is also the applicant for this Planning Proposal Application.

Figure 1 outlined in black below shows an aerial view of the subject site and its immediate heritage significant surroundings.



Figure 1: Aerial view of the subject site and its surroundings
(Extract of Council GIS Exponare, November 2012)

The subject site and its immediate surroundings are also located within a state significant heritage conservation area as identified under *Part 2, Schedule 5 – Environmental Heritage* of the *Auburn Local Environmental Plan 2010*. Figure 2 overleaf shows the current land zoning of the subject site (outlined in black) under the *Auburn LEP 2010*:

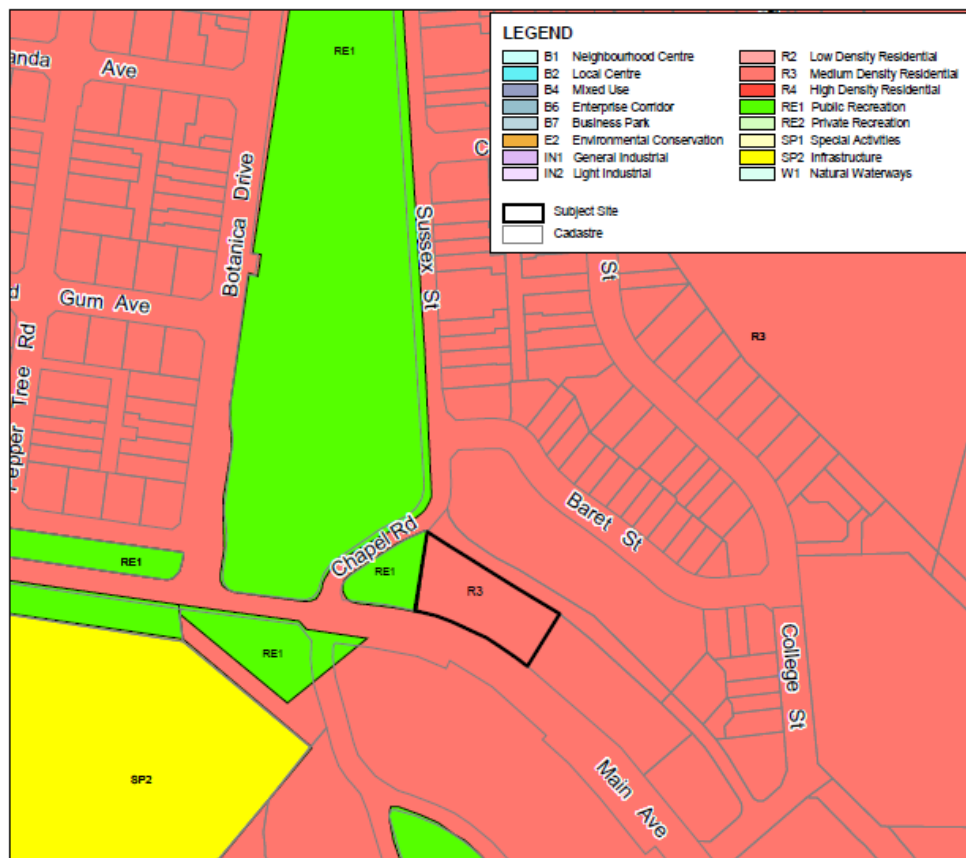


Figure 2: Auburn LEP 2010 zoning

The Planning Proposal seeks to rezone the subject site from R3 Medium Density Residential zone to R4 High Density Residential zone and amend principal development controls for Height of Buildings and Floor Space Ratio under the *Auburn LEP 2010*.

Background

In May 2012, Australand Industrial No.16 Pty Limited lodged a Planning Proposal with Auburn City Council for the subject site. Council as the Relevant Planning Authority (RPA) assessed the Planning Proposal Application and reported it to Council meeting of 5 December 2012 (Item 306/12), which has resolved the following:

- “1. That Council support the application for a planning proposal for land at Lot 802 Main Avenue (Lot 802 DP 1150164), Botanica, Lidcombe, submitted by Australand Industrial No.16 Pty Limited;
2. That Council prepare and submit a planning proposal to the Department of Planning and Infrastructure for a Gateway Determination which proposes the following amendments to the Auburn Local Environmental Plan 2010 (Auburn LEP 2010):
 - Rezone the subject land from R3 Medium Density Residential zone to R4 High Density Residential zone;
 - Amend the existing Floor Space Ratio map as it applies to the site from 0.5:1 to 1.2:1; and

- Amend the existing *Height of Buildings* map as it applies to the site from 9 metres to 10 metres”.

The Council report and minutes of 5 December 2012 Council Meeting (Item 306/12) is **Appendix 1** and Council’s ‘Assessment of Planning Proposal Application’ is **Appendix 2** of this report.

This current Planning Proposal is prepared by Council to address point 2 of Council’s resolution, to submit the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination.

The rezoning of the subject site from R3 Medium Density Residential zone to R4 High Density Residential zone would enable the construction of a proposed ‘low rise’ two storey Residential Flat Building (RFB) development with 18 residential units including a basement car park. This is considered as an ideal built form solution for the subject site as it would complement its existing heritage context, character and adjacent and surrounding ‘blocky’ heritage significant built forms.

The proposed development cannot be undertaken at present because ‘Residential Flat Buildings’ are not currently permitted under the R3 Medium Density Residential zone.

The subject site is currently classified as ‘operational land’ and does not need to be reclassified. As such a public hearing under clause 29 of the *Local Government Act 1993* is not required.

The subject site highlighted yellow is located outside the local centres of the Auburn LGA but is located relatively close to the existing railway stations of Berala, Lidcombe and Regents Park railway stations as shown in Figure 3 below.

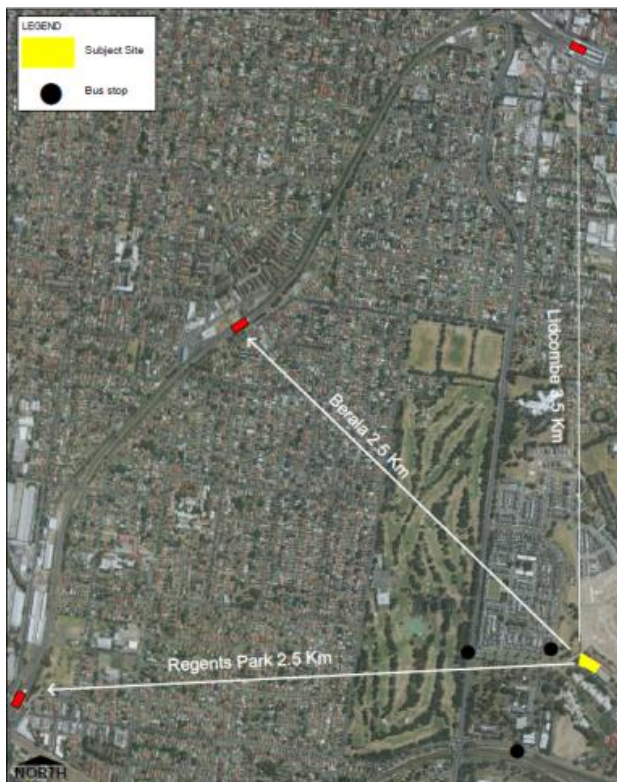


Figure 3 - Aerial photo showing the subject site and its proximity to other existing local centres

Part 1 - Objectives or Intended Outcomes

The main objective of the Planning Proposal is to provide an appropriate land zoning and associated development standards for the subject site which enable the development of a 'low rise' two storey residential flat building development with a basement car park. The proposed amendment will facilitate development that will complement the existing heritage context, character and heritage significant built forms within the Former Lidcombe Hospital Site precinct.

Part 2 - Explanation of Provisions

This Planning Proposal seeks to amend the *Auburn LEP 2010* as it applies to the subject land, as per Tables 1 - 3 below.

- Amend the Land Zoning Map (LZN) Map (Sheets LZN_007 and LZN_008) as per Table 1:

Table 1 – LZN Map changes

Current (Auburn LEP 2010)	Proposed amendment
R3 Medium Density Residential Zone	R4 High Density Residential zone

- Amend the Maximum Height of Buildings (HOB) Map (Sheets HOB_007 and HOB_008) as per Table 2:

Table 2 – HOB Map changes

Current (Auburn LEP 2010)	Proposed amendment
Shown 9 metres	10 metres

- Amend the Floor Space Ratio (FSR) Map (Sheets FSR_007 and FSR_008) as per Table 3:

Table 4 – FSR Map changes

Current (Auburn LEP 2010)	Proposed amendment
Shown 0.5:1	1.2:1

The proposed maximum height of buildings and floor space ratio controls in the tables above are below the normal development standards Council would typically apply to the R4 High Density Residential zone throughout the Auburn LGA.

Part 3 - Justification

A Need for the planning proposal

A1 Is the Planning Proposal a result of any strategic study or report?

No.

The Planning Proposal has arisen as a result of an application to rezone land and increase principal development standards by Australand No.16 Pty Limited.

The Planning Proposal is a response to the subject site's significant heritage context, existing built form character and the need for a specific architectural design response which responds to this context and heritage significance appropriately.

Council considers that the most appropriate land use and built form for the subject site is a 'low rise' two storey RFB development considering the surrounding heritage context, character and the existing 'blocky' and wider footprint heritage significant built forms of the FLHS precinct.

'Residential Flat Buildings' (RFB) are currently not permissible within the R3 Medium Density Residential zone under the *Auburn LEP 2010*.

The planning proposal argues that the RFB built form envisaged for the subject site:

- is responsive to its heritage context and character of the FLHS heritage precinct;
- responds to the bulk, scale and height of existing heritage listed Woolley Hall. (Building No. 64) which currently functions as a church adjoining the site; and
- strengthens and enhances the landscapes of Main Avenue and Sussex Street.

Refer Section 1.0 of Council's 'Assessment of Planning Proposal Application' at **Appendix 2** for more details.

A2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Amending the *Auburn LEP 2010* is the best means of achieving the key objectives of the Planning Proposal application to achieve a residential flat building built form on the subject site.

If the Planning Proposal application was to be supported, the *Auburn LEP 2010* maps (land zoning; height of buildings and floor space ratio) would need to be amended accordingly.

An alternative option, which is less desirable, is to list the 'residential flat buildings' use as an additional permitted use for the subject land under the '*Schedule 1 – Additional Permitted Uses*' of the *Auburn LEP 2010*.

A3 Is there a net community benefit?

It is intended the Planning Proposal would deliver the following community benefits:

- Deliver suitable zoning and development standards to enable a responsive architectural design outcome for the subject site that complements and responds to its existing heritage context, character, bulk, scale and heritage significant built forms of the area;
- Increase the housing choice within the LGA by enabling the proposed construction of a 'low rise' two storey residential flat building for 18 residential apartments with basement car parking;
- Assist Council to meet its current dwelling targets and create additional residential capacity in an area that has been identified for growth;
- Deliver a policy position which is consistent with themes and outcomes of the Auburn City Community Strategic Plan 2011-2021, Council's Delivery Program 2011-2015 and Operational Plan 2012/2013; and
- Deliver a policy position which is consistent with state and sub-regional directions, objectives and actions.

The **Appendix 3** of this report addresses the evaluation criteria for conducting a net community benefit test within the Draft Centres Policy (2009) as required by the Department's guidelines.

B Relationship to strategic planning framework

B1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the *Metropolitan Plan for Sydney 2036* and exhibited draft strategies)?

Metropolitan Plan for Sydney 2036

The *Metropolitan Plan for Sydney 2036* is the latest blue print for Metropolitan Sydney which sets key strategic planning directions, objectives and actions at the metropolitan level.

The rezoning and introduction of development standards is consistent with the actions contained within the *Metropolitan Plan for Sydney 2036*, specifically:

- Action D1.1 - to "locate at least 70 percent of new housing within existing urban areas and up to 30 percent of new housing in new release areas" (Department of Planning 2010, p.106); and
- Action H4.1 - to "Identify heritage landscapes in Sydney and develop appropriate responses to plan for their protection and interpretation in the preparation of sub-regional strategies and LEPs" (Department of Planning 2010, p.209).

West Central Subregion Draft Subregional Strategy (WCDSS)

The *West Central Subregion Draft Subregional Strategy (WCDSS)* sets key directions and key actions for the implementation of the *Metropolitan Plan for Sydney 2036* at a local level. The

draft Subregional Strategy sets targets for 17,000 new dwellings and 12,000 new jobs to be provided in Auburn City Council local government area by 2031.

The rezoning and introduction of development standards is consistent with the action contained within the WCDSS, specifically:

- Action E6.1 - to “recognize where Sydney’s cultural heritage contributes to its unique character and quality and manage change appropriately” (WCDSS 2007, p. 127).

The Planning Proposal is consistent with the above action because it recognises the importance of its unique surrounds, and proposes a responsive built form that is unique to its surrounding heritage context and building forms to maintain the existing heritage character and context.

B2 Is the Planning Proposal consistent with the local council’s Community Strategic Plan, or other local strategic plan?

The *Auburn City Community Strategic Plan 2011 - 2021* adopted by Council, provides a vision, various themes and outcomes for Auburn City that are to be achieved by Council within the next 10 years.

Some of the outcomes for the ‘Our Places’ theme are creating to “achieve a high quality urban development” and “a place that celebrates cultural identity and heritage”. Through this theme, the Planning Proposal seeks to achieve the above outcomes by achieving a high quality urban design and a building outcome for the subject site and be responsive to its heritage context, character and its surrounds within an urban setting.

B3 Is the Planning Proposal consistent with applicable State/Regional Environmental Planning Policies?

Appendix 4 reviews the consistency of the Planning Proposal with the *State Environmental Planning Policies* (SEPPs). The Planning Proposal overall is not inconsistent with specific SEPPs such as *SEPP No. 65 – Design Quality of Residential Flat Buildings* and *SEPP No. 55 - Remediation of Land*.

Appendix 5 reviews the consistency of the Planning Proposal with the State Regional Environmental Plans (SREPS) now referred to as deemed SEPPs. The Planning Proposal overall is not inconsistent with any deemed SEPPs.

B4 Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Appendix 6 reviews the consistency of the Planning Proposal with the Ministerial Directions for LEPs under section 117 of the *Environmental Planning and Assessment Act 1979*.

C Environmental, social and economic impact

C1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The planning proposal will not result in adverse impacts to critical habitats or ecological communities.

C2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

Yes. The development concept relies on the removal of mature vegetation on the site. Any development occurring on the subject site will be subject to assessment by Council at the development application stage.

C3 Has the planning proposal adequately addressed any social and economic effects?

A detailed assessment of the social and economic benefits in relation to the RFB form on the subject site has not been undertaken. However, the planning proposal demonstrates that the RFB will provide housing that is affordable, increase the housing choice and mix within the heritage precinct and committing to state government-housing issues.

The Planning Proposal to rezone the subject site will increase the existing number of one and two bed room residential dwellings within the precinct, providing greater housing mix.

D State and Commonwealth interests

D1 Is there adequate public infrastructure for the Planning Proposal?

Yes. The subject site is located within a large existing housing estate served by roads, infrastructure services, utilities, and public transport. The proposed development will result in a relatively small increase in the number of dwellings (18 dwellings) within the Botanica estate.

Impacts on public infrastructure such as increased traffic volumes on state and local roads, increased enrolments in local schools, increased passenger trips on bus and rail routes, increased demand on community facilities and services and increased demand on electricity and other utility networks are not anticipated, given the relatively small size of the subject site, and anticipated development.

D2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No consultation has been undertaken at this stage, nor has a gateway determination been given. The views of State and Commonwealth public authorities will be obtained after the Planning Proposal has been considered by the Department of Planning's Gateway Determination process. Since the subject site is located within a state significant heritage conservation area, the NSW Office of the Environment and Heritage will be consulted if the planning proposal proceeds.

Views of public authorities (state) will be sought as per Part 5 of the Planning Proposal.

Part 4 - Supporting Maps

Maps illustrating the current and proposed *Auburn LEP 2010* land zoning, maximum height of buildings, floor space ratio and minimum lot size controls for the Planning Proposal are located at **Appendix 7 and 8**.

Part 5 - Community Consultation

5.1 Pre-Gateway Community Consultations

Council publicly exhibited the Planning Proposal from Thursday 14 June 2012 to Friday 13 July 2012 in accordance with Council's *'Communication Plan for Planning Proposals'* as adopted by Council. A public notice was placed in the Auburn Review of 12 June 2012 and the following documents were placed on public exhibition:

- A copy of the Planning Proposal application lodged by the applicant (Australand No.16 Pty Limited); and
- Notification Plans submitted by the applicant demonstrating layout plans and conceptual elevations of the proposed development.

5.2 Proposed Post Gateway Community Consultation

Since it is a moderate impact Planning Proposal Council recommends that the PP is exhibited for 28 days.

Community Consultation for this Planning Proposal is proposed as follows:

- Consult the NSW Office of Environment and Heritage and NSW Department of Education and Training as required;
- Send notification letters to the following land holders to inform exhibition of PP;
 - Land owners who are directly affected by the Planning Proposal;
 - Surrounding land owners within Botanica;
- Advertise Planning Proposal exhibition in a local newspaper (i.e. the *Auburn Review*) to inform the Community;
- Advertise the Planning Proposal and supporting information on Council's website.
- Publicly exhibit the Planning Proposal and relevant supporting documents at the following locations:
 - Council's Customer Services Centre, 1 Susan Street, Auburn;
 - Lidcombe Library;
 - Regents Park Library; and
- Undertake any other consultation methods appropriate for the Planning Proposal if required.

Part 6 - Project timeline for completion of proposed draft LEP

Council considers the Planning Proposal as a 'moderate impact PP' and anticipates an approximate project timeline of 7 to 8 month period to complete and notify the draft *Auburn Local Environmental Plan 2010* amendment (draft LEP), after Gateway Determination is issued by the Department.

The table overleaf illustrates the major milestones and the anticipated project timelines for the making and notification of the draft LEP.

PP Milestones	Anticipated project time lines								
	March 2013	April 2013	May 2013	June 2013	July 2013	Aug 2013	Sept 2013	Oct 2013	Nov 2013
Submit PP to the DP&I									
s.56 Gateway Determination by the DP&I									
Report Gateway Determination to Council Meeting									
Consult relevant public authorities									
Community Consultation of PP									
Council receive and evaluate submissions									
Council finalise PP after public exhibition									
Seek PC opinion to finalise making of plan and maps									
Formal Notification of Plan									

Table showing anticipated timelines for the Planning Proposal completion

Appendices

Appendix 1 - Council meeting report and minutes of 5 December 2012 (Item306/12)

Appendix 2 - Council's 'Assessment of Planning Proposal Application' reported to Council Meeting of 5 December 2012 (Item 306/12)

Appendix 3 - Planning Proposal's consistency with Net Community Benefit Evaluation Criteria

Appendix 4 - Planning Proposal's consistency with State Environmental Planning Policies (SEPPS)

Appendix 5 - Planning Proposal's consistency with State Regional Environmental Planning Policies (deemed SEPPs)

Appendix 6 - Planning Proposal's consistency with section 117 directions of the *EP&A Act 1979*

Appendix 7 - Current *Auburn LEP 2010* maps

Appendix 8 - Proposed *Auburn LEP 2010* maps

Appendix 1 – Council meeting report and minutes of 5 December 2012

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AUBURN CITY COUNCIL

December 05, 2012
To the Ordinary Meeting of Council

Director's Report
Planning and Environment
Department

306/12 Assessment of Planning Proposal Application for Lot 802 Main Avenue - Botanica, Lidcombe (PP-3/2012)

PP-3/2012 MC : EG

SUMMARY

This report provides a summary of the assessment of the planning proposal application submitted to Council in May 2012 for the rezoning of land at Lot 802, DP 1150164 Main Avenue - Botanica, Lidcombe (PP-3/2012), by Australand Industrial No.16 Pty Limited.

RECOMMENDATION

- 1. That Council support the application for a planning proposal for land at Lot 802 Main Avenue (Lot 802 DP 1150164), Botanica, Lidcombe, submitted by Australand Industrial No.16 Pty Limited;**
- 2. That Council prepare and submit a planning proposal to the Department of Planning and Infrastructure for a Gateway Determination which proposes the following amendments to the Auburn Local Environmental Plan 2010 (Auburn LEP 2010):**
 - **Rezone the subject land from R3 Medium Density Residential zone to R4 High Density Residential zone;**
 - **Amend the existing Floor Space Ratio map as it applies to the site from 0.5:1 to 1.2:1; and**
 - **Amend the existing Height of Buildings map as it applies to the site from 9 metres to 10 metres.**

REPORT

1.0 BACKGROUND

On 23 May 2012, a planning proposal application was submitted to Auburn City Council for land at Lot 802 Main Avenue, Botanica, Lidcombe, also referred to in this report as the 'subject site'. The proposal was prepared by McKenzie Land Planning Services Pty Limited on behalf of their client and applicant Australand Industrial No.16 Pty Limited ('Australand').

The Planning Proposal application seeks to:

- rezone the subject site from R3 Medium Density Residential zone to R4 High Density Residential zone;
- amend the maximum Height of Buildings map from 9 metres to 10 metres; and
- Increase the maximum Floor Space Ratio (FSR) from 0.5:1 to 1.2:1.

The applicant had a number of preliminary discussions with Council officers during the preparation of this planning proposal application.

The subject site is currently zoned R3 Medium Density Residential and is located within the former Lidcombe Hospital site. The former Lidcombe Hospital site is a Heritage Conservation Area under the *Auburn Local Environmental Plan 2010 (Auburn LEP 2010)*, and has state heritage significance.

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2.0 THE PROPOSAL

The planning proposal application seeks to allow the construction of a two storey residential flat building (RFB) consisting of 18 residential apartments, and a single level basement car park with 25 resident and 4 visitor car parking spaces. Conceptual drawings of the proposed development are provided in section 3 of the Assessment Report (refer to Attachment 1).

The application proposes changes to the zoning and development standards under the *Auburn LEP 2010* so that the site can be developed in a way that is consistent with the built form and scale of the surrounding heritage-significant buildings, such as Woolley Hall.

The planning proposal application argues that the type and form of dwellings currently permitted under the existing R3 Medium Density Residential zone (e.g. dual occupancies, multi dwelling housing) are not suitable for the subject site given its heritage context and relationship to surrounding significant heritage buildings. It argues that the proposed development (RFB) is a specific architectural design response, which seeks to respect the scale and built form of the surrounding heritage buildings, in particular their "blocky" form. Townhouse or terrace type developments would result in a repetitive and more detailed façade which would have a very different character to that of the surrounding significant heritage buildings.

The applicant's key design objectives for the proposed RFB development are:

1. *To respect the existing scale of the heritage significant built forms located to the south east, and north east of the subject site;*
2. *To enhance the two streetscapes along Main Avenue and Sussex Street within the Former Lidcombe Hospital Site which presently suffer from the sheer bulk of the existing heritage significant Woolley's Hall (Building No. 64) that currently functions as a Church; and*
3. *To optimise the building form and dwelling potential having regard to the site being located adjacent to the corner park".*

The applicant has sought heritage advice from Godden Mackay and Logan Consultants (GML) on the proposed development, which is included in the Assessment Report at Attachment 1.

3.0 PLANNING PROPOSAL APPLICATION ASSESSMENT

The planning proposal application assessment report (Attachment 1) provides a planning assessment of the applicant's Planning Proposal application in accordance with the following:

- State and Sub-regional Plans;
- Department of Planning and Infrastructure's guidelines for local plan making;
- NSW planning legislation;
- *Lidcombe Hospital Site Conservation Management Plan* (September 2002) (CMP),
- *Auburn Local Environmental Plan 2010*; and
- Applicable parts of the Auburn Development Control Plan 2010;

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Assessment of Planning Proposal Application for Lot 802 Main Avenue - Botanica, Lidcombe
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It also summarises the intent of the application for a planning proposal and provides a recommendation to Council based on the outcome of the assessment.

4.0 LINK TO ANNUAL OPERATIONAL PLAN

The report relates to action "2a2.3 prepare and assess planning proposals" in 2012/2013 Annual Operational Plan.

5.0 COMMUNITY CONSULTATION

The application for a planning proposal was publicly exhibited for 28 days from Thursday 14 June 2012 to Friday 13 July 2012 in accordance with *Council's Communication Plan for Planning Proposals* as adopted by Council.

A public notice was placed in the Auburn Review of 12 June 2012. Electronic copies of the relevant documentation were published on the Auburn Council website under the 'on exhibition' tab, and hard copies of the relevant documentation were made available at Council's Administration Building, Auburn Library, and the Lidcombe Library.

Notification letters to all residents of the Former Lidcombe Hospital Site were sent informing the exhibition of the planning proposal application prior to Council's assessment.

Council received ten (10) submissions during the exhibition period. The key issues raised in the submissions received are summarised below (refer also to section 6.0 and Appendix 7 of the Planning Proposal Application Assessment Report at Attachment 1 for further details).

ISSUE	NUMBER OF SUBMISSIONS WHICH RAISED THIS ISSUE	RESPONSE
Parking - Proposed development does not provide enough on-site parking spaces - Close to Korean Church – parking concerns and current parking shortage - Streets are narrow	5	The car parking requirements for 25 resident and 4 visitor car parking spaces proposed for the 10x2 bedroom and 8x1 bedroom two storeys residential flat building development complies with section 4.4.1 under Parking and Loading Part of the Auburn DCP 2010.
Traffic concerns, including: Existing traffic congestion and additional traffic that will result for the proposed development	7	The proposed development is a low rise, two storey development comprising 18 units. It is not considered that a development of this scale will result in significant traffic congestion, or exacerbate existing traffic conditions. Further, the proposed development is a sensitive and

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ISSUE	NUMBER OF SUBMISSIONS WHICH RAISED THIS ISSUE	RESPONSE
		specific design response to the significant heritage context of the subject land and its immediate surrounds.
Population increase will mean a decrease in available open space and people's enjoyment of the area, and additional vehicles, noise and pollution	3	The proposed development will result in a relatively minor increase in population than if the subject land was otherwise developed as townhouses under the R3 Medium Density Residential zone. The planning proposal application seeks a modest increase in the FSR (0.5:1 to 1.2:1) and maximum height of building development standards (9 metres to 10 metres). These increases are sought so that a more appropriate built form, in this case, a residential flat building, can be provided in response to the site's surrounding significant heritage context. It is considered that the relatively small population increase that will result will have a negligible impact on the open space available within the Botanica estate.
Concerns about introduction of apartments: - will change the feel of Botanica, which currently has houses - is inconsistent with the aesthetics of the precinct - is repetitive and out of character with the precinct - will devalue existing residential properties	6	Although the Planning Proposal Application seeks an R4 High Density Residential zoning under <i>Auburn LEP 2010</i>, the development proposed for the subject site is two storeys, and thus fits within the Department of Planning and Infrastructure's "low rise" building terminology (refer to previous page of this report). A two storey building is not considered to be out of scale or character with development (both new and existing) within the Botanica estate. The proposed development is considered to be a highly appropriate architectural response to the subject land's heritage

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ISSUE	NUMBER OF SUBMISSIONS WHICH RAISED THIS ISSUE	RESPONSE
		context and surrounding buildings of heritage significance. Specifically the proposed development is considered to be a highly appropriate architectural response to the relatively "blocky" built forms of Buildings 34 and 35, and the adjacent Hall/Chapel. Further, in line with the specialist heritage advice included in the application (provided by Godden Mackay Logan), the proposed development is considered to be the most appropriate design response to satisfy the conservation policies (detailed in Section 6.4.6 of the Conservation Management Plan) for new development within this heritage precinct.

6.0 FINDINGS OF THE ASSESSMENT

Based on the information lodged, and Council's assessment the Planning Proposal application is determined as appropriate for the reasons below:

1. The proposal to rezone allows the creation of a high quality urban design outcome for the subject site that responds to its unique heritage constraints, which could not occur under the existing R3 Medium Density Residential zone and relevant development standards for height of buildings and FSR.

The proposed development of a residential flat building on the site (with a building height of 10 metres and FSR of 1.2:1) would not dominate the streetscape, and would provide an appropriate design response to the heritage context of the site. In particular, it would respond to and be lower in height than Woolley Hall, which has high heritage significance.

2. The proposal is specifically consistent with the Heritage Conservation objectives mentioned under clause 5.10(1) *Auburn LEP 2010*:

- "(a) to conserve environmental heritage of Auburn;
- (b) conserve heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views" under the *Auburn LEP 2010*."

3. The planning proposal application is consistent with the *Former Lidcombe Hospital Site Conservation Management Plan (CMP) (September 2002)*. It is also consistent with

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specialist heritage advice provided by GML Heritage Consultants, which recommends that a residential flat building development would better satisfy the above policies under the CMP, than the traditional alternative town house/terrace forms that are permissible within the R3 Medium Density Residential zone.

4. The proposal is consistent with:

- the Department of Planning and Infrastructure's key directions, objectives and actions mentioned under the *Metropolitan Plan for Sydney 2036* and *West Central Draft Subregional Strategy*;
- the Department of Planning and Infrastructure's section 117 directions; and
- the local strategic planning directions of *Auburn City Community Strategic Plan 2011 – 2021*'s 'Our Places' theme and its outcomes (refer to Attachment 1 for details on all).

7.0 RECOMMENDATION

It is therefore recommended that this planning proposal application to rezone the subject land from R3 Medium Density Residential to R4 High Density Residential be supported. This report also recommends that the proposed changes to the maximum height of buildings and FSR development standards under ALEP 2010 be supported to enable the construction of a two storey residential flat building on the subject site.

Should Council endorse this recommendation, Council staff will prepare a planning proposal for submission to the Department of Planning and Infrastructure's gateway process.

ATTACHMENTS (to be circulated to Councillors under separate cover)

1. Planning Proposal Application Assessment Report for Botanica - T093493/2012

AUBURN CITY COUNCIL
MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD DECEMBER 5, 2012

2. ***That Council respond to the Department of Planning and Infrastructure, indicating that it does not wish to be involved in the assessment and recommendation process for the Sydney West Joint Planning Panel.***
3. ***That Council respond to the Department of Planning and Infrastructure indicating that it will:***
 - a) ***Make available its property data so that DP&I can notify and consult with residents about the planning proposal;***
 - b) ***Hold copies of any relevant consultation material at Council's Customer Service Centre; and***
 - c) ***Have minor involvement in consultation sessions in an observation advisory capacity as appropriate.***

For: Councillors Attie, Batik, Campbell, Lam, Mehajer, Oldfield, Simms, Yang and Zraika.

Against: Nil.

Note: Voting on the above motion was by way of a division.

306/12 **Assessment of Planning Proposal Application for Lot 802 Main Avenue - Botanica, Lidcombe (PP-3/2012)**

PP-3/2012 MC : EG

RESOLVED unanimously on the motion of Cllr Campbell, seconded Cllr Zraika:

1. ***That Council support the application for a planning proposal for land at Lot 802 Main Avenue (Lot 802 DP 1150164), Botanica, Lidcombe, submitted by Australand Industrial No.16 Pty Limited;***
2. ***That Council prepare and submit a planning proposal to the Department of Planning and Infrastructure for a Gateway Determination which proposes the following amendments to the Auburn Local Environmental Plan 2010 (Auburn LEP 2010):***
 - ***Rezone the subject land from R3 Medium Density Residential zone to R4 High Density Residential zone;***
 - ***Amend the existing Floor Space Ratio map as it applies to the site from 0.5:1 to 1.2:1; and***
 - ***Amend the existing Height of Buildings map as it applies to the site from 9 metres to 10 metres.***

For: Councillors Attie, Batik, Campbell, Lam, Mehajer, Oldfield, Simms, Yang and Zraika.

Against: Nil.

Note: Voting on the above motion was by way of a division.

THIS IS PAGE NO. 9 OF THE ORDINARY MEETING OF COUNCIL HELD DECEMBER 5, 2012.....MAYOR

**Appendix 2 - Council's 'Assessment of Planning Proposal Application' reported to Council Meeting
of 5 December 2012 (Item 306/12)**

(Refer attachment)

Appendix 3 – Planning Proposal’s consistency with Net Community Benefit Evaluation Criteria

Net Community Benefit Evaluation Criteria	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Yes. The subject site is not inconsistent with the <i>Metropolitan Plan for Sydney 2036</i> strategic objectives and actions and <i>West Central Draft Sub Regional Strategy (WCDSS)</i> objectives and directions. The Planning Proposal is consistent with <i>the Sydney Metropolitan Plan 2036’s</i>: - Strategic Direction D - Action D1.1 to “locate at least 70% percent of new housing within existing urban areas and up to 30 percent of new housing in new release areas”(Department of Planning 2010, p. 106); The proposal is consistent with this action because the proposal is located in an existing major urban infill area and will assist the state government in achieving its 70% infill housing target. - Strategic Direction H - Action H4.1 to “identify heritage landscapes in Sydney and develop appropriate responses to plan for their protection and interpretation in the preparation of sub-regional strategies and LEPs” (Department of Planning 2010, p.106). The proposal is consistent with this action since the subject site is located within a state heritage conservation area with surrounding heritage buildings. The Planning Proposal responds to the existing heritage items, areas, vistas through an appropriate land zoning, and appropriate urban and architectural design. The Planning Proposal is a unique response to a challenging site, which could not be achieved under the current controls. The Planning Proposal is consistent with the <i>West Central Subregion Draft Subregional Strategy (WCDSS)</i> Action below: - Action E6.2 to “recognise where Sydney’s cultural heritage contributes to its unique character and manage change appropriately” (Department of Planning 2007, p.127). The Planning Proposal is consistent with the above action because it recognises the importance of its unique surrounds, and proposes a responsive built form that is unique to its surrounding heritage context and built forms to maintain its existing heritage character and context.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/sub regional strategy?	No. The subject site is not located within a strategic centre or corridor. However, the subject site forms part of the heritage precinct of the FLHS commonly referred to as Botanica which is being developed for medium density residential housing.

Net Community Benefit Evaluation Criteria	Comment
Is the LEP likely to create a precedent or create or change the expectations of the landowners or other landholders?	No. The Planning Proposal intends to rezone the subject site from a Medium Density Residential to a R4 High Density Residential zone. It will not create a precedent as the development standards proposed are specifically in response to the heritage context of the surrounding site, and the need for an architectural design response which reflects the existing “blocky” built form of the existing heritage buildings close to the subject site. This application proposes a new land use zoning (R4) and seeks a minor variation to the standard R4 controls applied across this zone. In particular, a height increase of one metre only is sought, primarily to accommodate the proposed roof form and ensure the proposed development responds to the site’s significant heritage context as appropriately as possible. Excessive variations to Council’s development standards are not sought in this instance, and thus it is not considered that an inappropriate precedent will be created as a result.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. There are no spot rezoning proposals for residential development in the area or within the FLHS or heritage precinct.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	No. The subject site is currently zoned R3 Medium Density Residential. The proposal to increase residential density on the subject site will not result in the loss of employment lands.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Yes. The proposal to increase residential density on the subject site would result in increased housing supply (approximately 18 more dwellings), contribute to housing affordability, and increase housing choice in the area.
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposal site?	Yes. The FLHS precinct is currently served with public utilities, a road network and public bus transport services, which are capable of supporting any existing permissible medium density residential development. The area is serviced by a public bus services. The existing infrastructure is adequate to deal with the potential minor increase in usage of these facilities.
Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	Yes. The subject site is located within a 10 to 15 minute cycling distance from the Regents Park, Berala and Lidcombe Railway Stations. The existing bicycle routes operate via Georges Street, East Street, Weeroona Road and Amy Street that runs along the boundary of the FLHS precinct passing Main Avenue. Council also has plans to extend the Weeroona Road bicycle route via Joseph Street so that many of the residents who live within the FLHS precinct can cycle to Lidcombe, Berala and Regents Park railway stations. The subject site is serviced by Veolia route 925 and M92 public bus routes. The nearest public bus stops to the subject site is located approximately 150 to 600 metres away (5 to 10 minute walking distance) with existing bus stops at Botanica Drive, Joseph Street and Weeroona Road is shown in Figure 3 of this reportf.

	The subject site is located near to a bus and bicycle route commuter distance from the existing railway stations of Berala, Regents Park and Lidcombe railway stations which service the Bankstown, Inner Western and Western lines. The applicant anticipates that the coverage and the frequency of these services will improve as the entire FLHS is developed.
Net Community Benefit Evaluation Criteria	Comment
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	No. However, the residential land uses allowed by the proposed R4 High Density Residential zone will generate some car based travel demand. It is anticipated car distances travelled would be consistent with travel patterns of residents who currently live within the Former Lidcombe Hospital Site area.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact	No. The University of Sydney Cumberland Campus and the Southern Sydney TAFE (Lidcombe College) adjoins the FLHS precinct to the east. The NSW Environment Protection Authority testing laboratory is located on the corner of Joseph Street and Weeroona Road. The existing use of Joseph Street which is currently a state road, use of existing public bus services and more people travelling to Berala, Regents Park or Lidcombe railway stations would slightly increase the traffic volumes on state and surrounding local roads, increase demand for services and slightly increase passenger trips on bus and rail routes. However, the scale and density of the proposed development for the subject site is such that no major impacts are anticipated.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	There are no environmental factors such as flooding, acid sulphate soils (per <i>Auburn LEP 2010</i>) or any known protected biodiversity issues that would prevent a proposal to increase the residential density on the subject site from being realised. Although the subject site is located within a heritage conservation area under the <i>Auburn LEP 2010</i>, the subject site does not contain a heritage item on the site. Any vegetation or surrounding retained heritage items on the site would be subject to detailed consideration under assessment of a development application on merit basis.
Will the LEP be compatible /complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	Yes. The Planning Proposal seeks to rezone the subject site from R3 Medium Density Residential to R4 High Density Residential and increase development standards for maximum building height and FSR, to enable the construction of a two storey residential flat building development with a single level basement car park. The subject site is buffered by a R3 Medium Density Residential zone and a RE1 Public Recreation zone under the <i>Auburn LEP 2010</i>. The primary objective of the Planning Proposal is to achieve a 'responsive and non-repetitive built form' that compliments the surrounding land uses and the significant heritage context. The 'low rise' nature of the proposed RFB development means that it will be compatible with surrounding development within the Botanica site.

Net Community Benefit Evaluation Criteria	Comment
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No. The Planning Proposal does not contain retail or commercial premises.
If a stand-alone proposal and not a centre, do the proposal have the potential to develop into a centre in the future?	No. The Planning Proposal is for a single residential site and does not have the potential to develop into a centre in the future.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	Public interest reasons for preparing the Planning Proposal are that it enables the provision of a better urban design outcome for the subject site, which is critical given the heritage significance, history and character of the site's surrounds. Other public interest reasons for supporting the proposal on the subject site include addition of new dwellings to the LGA, increasing the housing choice and contributing to housing affordability within the FLHS precinct. If the Planning Proposal is not supported and the development concept is not realised, it is highly likely that the subject site will be developed in such a way that ignores the significant heritage context of this precinct, and in a way which is inconsistent with the CMP for the site.

Appendix 4 - Planning Proposal's consistency with the *State Environmental Planning Policies* (SEPPs)

No.	Title	Consistency of Planning Proposal with SEPPs
1	Development Standards	SEPP repealed by clause 1.9 of <i>Auburn LEP 2010</i> .
4	Development Without Consent and Miscellaneous Exempt and Complying Development	Clause 6 and Parts 3 and 4 repealed by <i>Auburn LEP 2010</i> . Consistent with remainder
6	Number of Storeys in a Building	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP and principal development standards within the <i>Auburn LEP 2010</i> are consistent with the SEPP.
14	Coastal Wetlands	Not applicable
15	Rural Land sharing Communities	Not applicable
19	Bushland in Urban Areas	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP. The subject site to be rezoned is not affected by bush land or within close proximity of bush land.
21	Caravan Parks	Not applicable
22	Shops and Commercial Premises	Consistent The planning proposal does not contain an objective to hinder the application of this SEPP.
26	Littoral Rainforests	Not applicable
29	Western Sydney Recreation Area	Not applicable
30	Intensive Aquaculture	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP.
32	Urban Consolidation (Redevelopment of Urban Land)	Not applicable
33	Hazardous and Offensive development	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP.
36	Manufactured Home Estates	Not applicable
39	Spit Island Bird Habitat	Not applicable
41	Casino Entertainment Complex	Not applicable
44	Koala Habitat Protection	Not applicable
47	Moore Park Showground	Not applicable
50	Canal Estate Development	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP.

No.	Title	Consistency of Planning Proposal with SEPPs
52	Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
55	Remediation of Land	Consistent The development of the subject site and surrounds are subject to staged development and remediation of land for residential uses as part of stage 1 DA consent for the FLHS. The subject site is already remediated and has a site audit statement issued. Any other aspects of contamination will be assessed under the development application stage in length. The Planning Proposal does not contain an objective to hinder the application of the SEPP.
59	Central Western Sydney Regional Open Space and Residential	Not applicable
60	Exempt and Complying Development	Not applicable - SEPP repealed by <i>Auburn LEP 2010</i>
62	Sustainable Aquaculture	Consistent The Planning Proposal does not contain an objective to hinder the application of the SEPP.
64	Advertising and Signage	Consistent The Planning Proposal does not contain an objective to hinder the application of the SEPP.
65	Design Quality of Residential Flat Development	Consistent The Planning Proposal may need to be considered further in detail at the DA stage.
70	Affordable Housing (Revised Schemes)	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP.
71	Coastal Protection	Not applicable
	(Affordable Rental Housing) 2009	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP.
	(Building Sustainability Index: BASIX) 2004	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP.
	(Exempt and Complying Development Codes) 2008	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP.

No.	Title	Consistency of Planning Proposal with SEPPs
	(Housing for Seniors or People with a Disability) 2004	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP.
	(Infrastructure) 2007	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP.
	(Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
	(Kurnell Peninsula) 1989	Not applicable
	(Major Development) 2005	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP.
	(Mining, petroleum Production and Extractive Industries) 2007	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP.
	(Rural Lands) 2008	Not applicable
	SEPP 53 Transitional Provisions	Not applicable
	State and Regional Development 2011	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP.
	(Sydney Drinking Water Catchment) 2011	Not applicable
	(Sydney Region Growth Centres) 2006	Not applicable
	SEPP (Temporary Structures and Places of Public Entertainment) 2007	Consistent The Planning Proposal does not contain an objective to hinder the application of this SEPP.
	SEPP (Urban Renewal) 2010	Not applicable
	(Western Sydney Employment Area) 2009	Not applicable
	(Western Sydney Parklands) 2009	Not applicable

Appendix 5 - Planning Proposal's consistency with the *State Regional Environmental Planning Policies* (now deemed SEPPs)

No.	Title	Consistency of Planning Proposal with deemed SEPPs
5	(Chatswood Town Centre)	Not applicable
8	(Central Coast Plateau Areas)	Not applicable
9	Extractive Industry (No.2 – 1995)	Not applicable
11	Penrith Lakes Scheme	Not applicable
13	Mulgoa Valley	Not applicable
16	Walsh Bay	Not applicable
17	Kurnell Peninsular	Not applicable
18	Public Transport Corridor	Not applicable
19	Rouse Hill Development Area	Not applicable
20	Hawkesbury-Nepean River (No.2 – 1997)	Not applicable
24	Homebush Bay Area	Consistent The Planning Proposal does not contain and objective to hinder the application of this deemed SEPP.
25	Orchard Hills	Not applicable
26	City West	Not applicable
28	Parramatta	Not applicable
29	Rhodes Peninsula	Not applicable
30	St Marys	Not applicable
33	Cooks Cove	Not applicable
	(Sydney Harbour Catchment) 2005	Consistent The Planning Proposal does not contain an objective to hinder the application of this deemed SEPP.

Appendix 6 – Planning Proposal’s consistency with section 117 directions under the *Environmental Planning and Assessment Act 1979*

1. Employment and Resources

No.	Title	Consistency of Planning Proposal with s.117 directions
1.1	Business and Industrial Zones	Not applicable The Planning Proposal applies only to residential land.
1.2	Rural Zones	Not applicable There are no rural zones in the Auburn LGA.
1.3	Mining, Petroleum Production & Extractive Industries	Consistent
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable Does not apply to the Auburn LGA.

2. Environment and Heritage

No.	Title	Consistency of Planning Proposal with s.117 directions
2.1	Environmental Protection Zones	Consistent
2.2	Coastal Protection	No
2.3	Heritage Conservation	The subject site to be rezoned is within a state heritage conservation area and intends to propose a ‘low rise’ residential flat building development for the subject site that is consistent with its existing heritage significant surrounds, building forms and the Former Lidcombe Hospital Site Conservation Management Plan (September 2002) principles. The Planning Proposal facilitates the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.
2.4	Recreation Vehicle Areas	Consistent

3. Housing, Infrastructure and Urban Development

No.	Title	Consistency with Planning Proposal with s.117 directions
3.1	Residential Zones	Consistent The Planning Proposal would encourage the provision of housing
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Consistent Does not change permissibility of home occupations
3.4	Integrating land use and Transport	Consistent This Planning Proposal seeks to rezone land to high densities residential in a locality that is reasonably well serviced by existing bicycle and public bus transport routes that run to nearby existing railway stations. These public bus routes can be accessed within 5 -10 minute walking distance.
3.5	Development near Licensed Aerodromes	Applicable but is consistent
3.6	Shooting ranges	Applicable but is consistent

4. Hazard and Risk

No.	Title	Consistency of Planning Proposal with s.117 directions
4.1	Acid Sulfate Soils	Consistent The subject site is on class 5 acid sulfate soils which is the least affected category, and therefore requires an acid sulfate soils management plan in accordance with clause 6.1(3) of the <i>Auburn LEP 2010</i> the subject site is developed.
4.2	Mine Subsidence and Unstable Land	Not applicable
4.3	Flood Prone Land	Not applicable The subject site is not located within a Flood Planning Area identified under the <i>Auburn LEP 2010</i> .
4.4	Planning for Bushfire Protection	Not applicable The proposal will not affect, nor is in proximity to land mapped as bushfire prone land.

5. Regional Planning

No.	Title	Consistency of Planning Proposal with s.117 directions
5.1	Implementation of Regional Strategies	Not applicable
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5	Development on the vicinity of Ellalong...	(Revoked)
5.6	Sydney to Canberra Corridor	(Revoked)

5.7	Central Coast	(Revoked)
5.8	Second Sydney Airport: Badgerys Creek	Not applicable

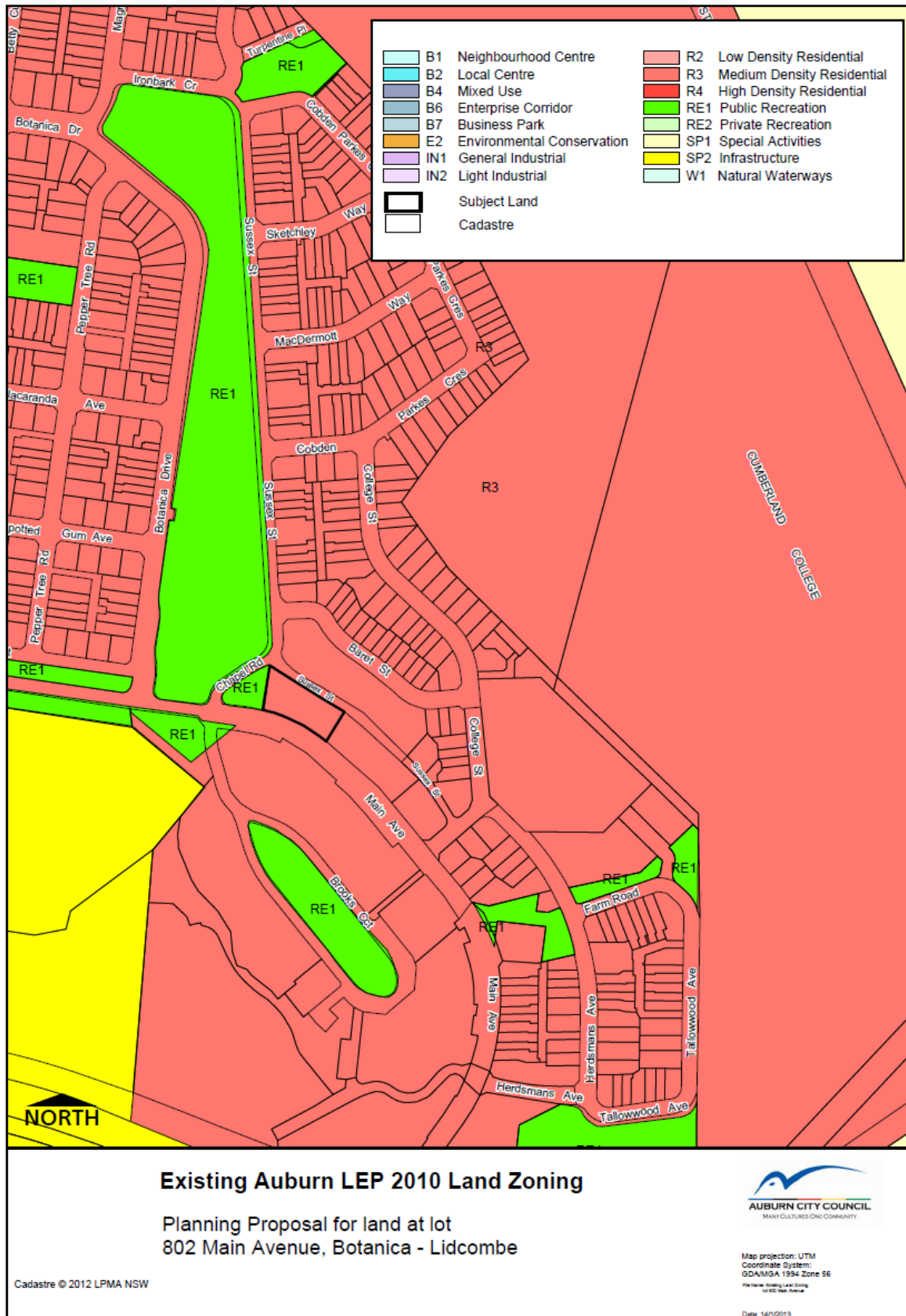
6. Local Plan Making

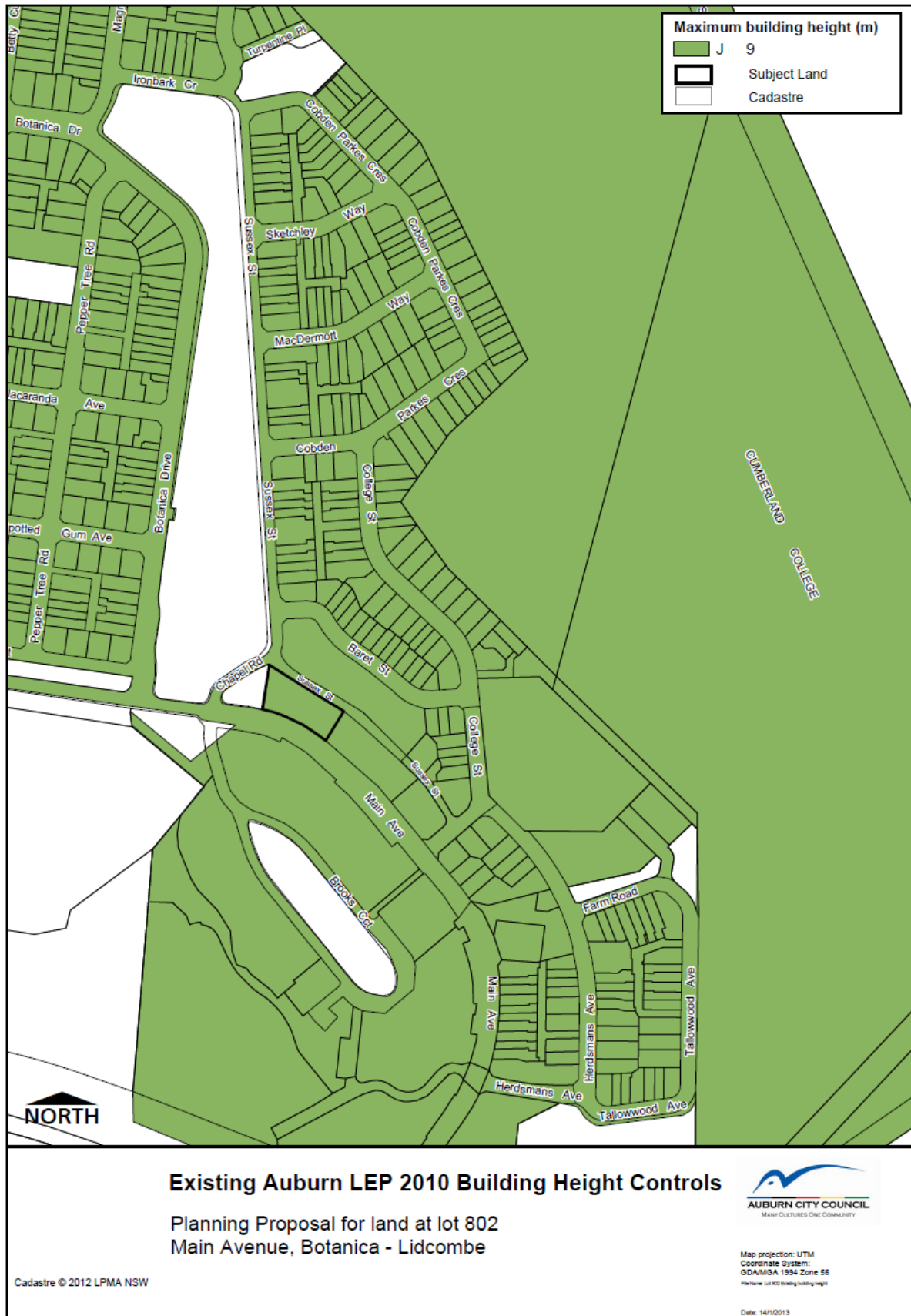
No.	Title	Consistency of Planning Proposal with s.117 directions
6.1	Approval and Referral Requirements	Consistent The Proposal is not inconsistent and does not include provisions that require concurrence, consultation or referral of a development application to a Minister or State public authority.
6.2	Reserving land for Public Purposes	Not applicable The Planning Proposal to rezone does not involve zonings or reservation of land for public purposes.
6.3	Site Specific Provisions	Consistent

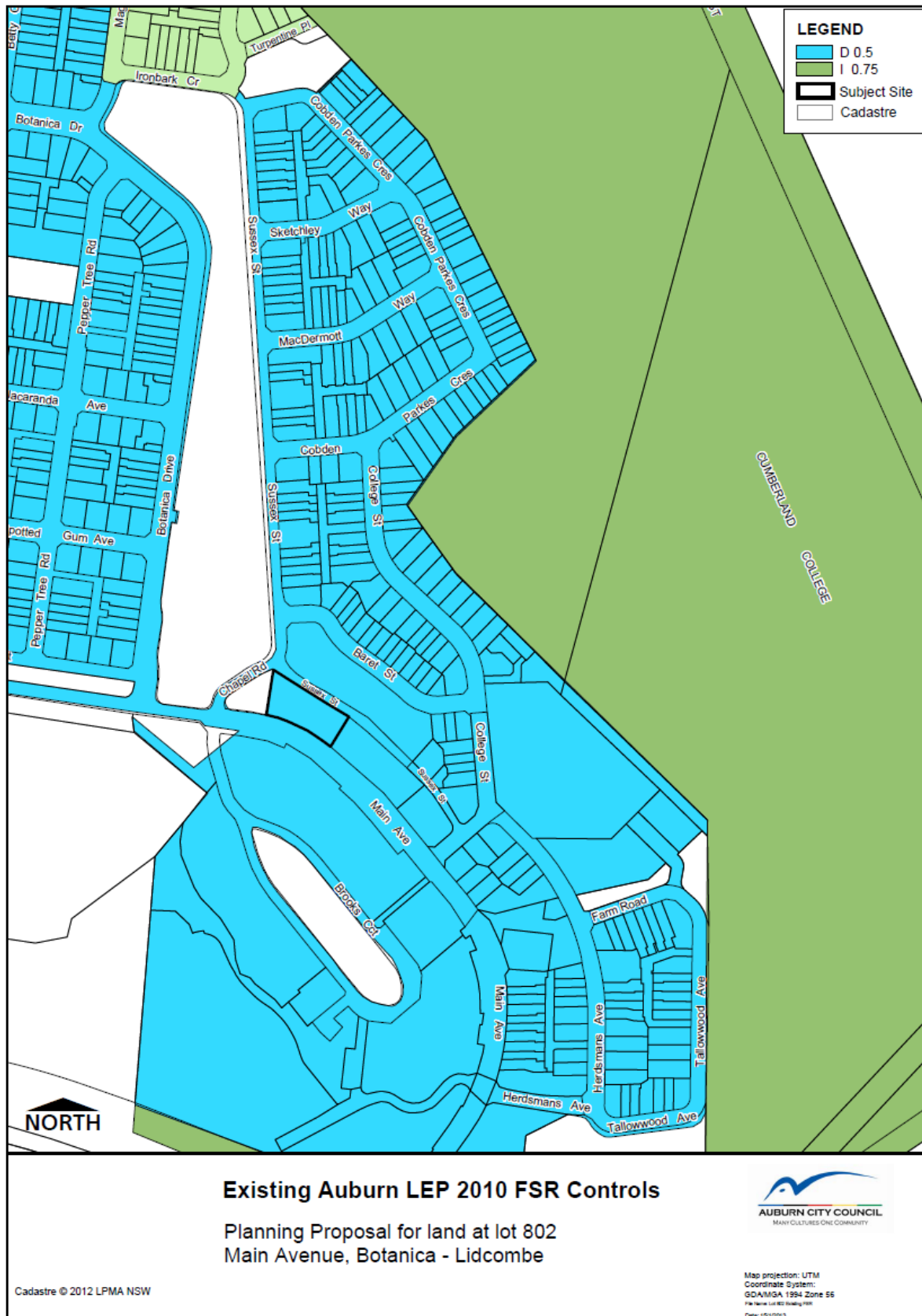
7. Metropolitan Planning

No.	Title	Consistency of Planning Proposal with s.117 directions
7.1	Implementation of the <i>Metropolitan Plan for Sydney 2036</i>	Consistent The Planning Proposal is consistent with the following strategic directions and actions: - Strategic Direction D - Action D1.1 to <i>"locate at least 70 percent of new housing within existing urban areas and up to 30 percent of new housing in new release areas"</i> (Department of Planning 2010, p.106). - Strategic Direction H - Action H4.1 to <i>"Identify heritage landscapes in Sydney and develop appropriate responses to plan for their protection and interpretation in the preparation of Sub-regional Strategies and LEPs"</i> (Department of Planning 2010, p.209).

Appendix 7 – Current Auburn LEP 2010 maps







Appendix 8 – Proposed Auburn LEP 2010 Maps

