

ATTACHMENT 2

PLANNING PROPOSAL ASSESSMENT REPORT

Application for a Planning Proposal applying to land at Lot 4 Main Avenue Lidcombe (Botanica)

Attachment to Business Paper for Council Meeting.

PP- 4/2013

Ref: T056632/2013

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1 INTRODUCTION

1.1 Executive summary

The application for a Planning Proposal ('the application') seeks to rezone land at lot 4 Main Avenue, Lidcombe (within Botanica) and to amend key development standards. A map showing the subject land is at Figure 1.

The application, as received by Council on 3 June 2013, seeks to rezone the land from R3 Medium Density Residential to B2 Local Centre, to increase the maximum height of buildings control to 12 metres (m) and the maximum floor space ratio control from 0.5:1 to 2:1 across the site. The changes are proposed to allow the establishment of a small village centre on the site.

The applicant has provided an indicative concept of a 400m² supermarket or grocery store, and specialty and convenience stores, business and office uses within Building 66, a building within the Lidcombe Hospital Heritage Precinct (see indicative usage diagram at Figure 11). The proposal is intended to provide convenience 'top up' shopping and other services to local residents. On street parking is proposed to be shared with other uses. The loading area is also on street.

The application was exhibited for a period of 28 days from Tuesday 18 June to Monday 15 July 2013, in accordance with Council's *Communication Plan for Planning Proposals*. No submissions were received.

A number of issues were raised in relation to the proposed zoning, FSR, the number of parking spaces and the loading facility.

Following discussions with Council staff, the applicant has agreed to proceed with the application on the basis of a rezoning to B1 Neighbourhood Centre, and a maximum FSR of 1:1. These amendments ensure that:

- the proposal does not compromise the centres hierarchy outlined in state government strategies and is consistent with the aims of *Auburn LEP 2010*;
- the heritage value of the building and the precinct is protected;
- the parking and loading requirements do not exceed the capacity of the precinct.

This report recommends that the application for a Planning Proposal be supported by Council with the amendments as agreed by the applicant.

The application would:

- establish a neighbourhood centre providing small scale convenience shopping for the residents of Botanica, within walking distance of a proportion of Botanica and along a future bus route, expected to be provided within a year;
- enable a more sensitive adaptive reuse of Building 66, a building with components of exceptional heritage significance within the Lidcombe Hospital Heritage Precinct;
- help to activate the Village Green, which is scheduled to be dedicated as public open space located opposite the proposed neighbourhood centre.

However, should Council determine to support the application, some issues will require further resolution or flexibility at DA stage. The following table outlines the key issues that have been

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resolved and those that require further consideration dependent on the specifics of the DA lodged.

Issue	Original application	Concern	Agreed change/comment
Zoning	B2 Local Centre	Inconsistent with centre hierarchy/ inappropriate for the catchment	Agreed to B1 Neighbourhood Centre
FSR	2:1	Excessive	Agreed to 1:1
Parking	14 primary, 25 secondary	Inconsistent with DCP	Likely to be inconsistent with DCP. Consistency with DCP cannot be determined with certainty until a DA is lodged. However, Council may need to be flexible on this issue if the application is to be supported.
Loading	2 spaces on Main Ave partly on Council land and partly on private land	Safety, liability, split ownership	Applicant to dedicate land to council for the loading zone

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1.2 Purpose of the report

The purpose of this report is to assess the merits of the application for a Planning Proposal applying to land at Lot 4 Main Avenue, Lidcombe. The application was lodged with Council on 3 June 2013.

This report is not a Planning Proposal. A formal Planning Proposal, to be submitted to the Department of Planning and Infrastructure, will be prepared if the application for a Planning Proposal is supported by Council.

1.3 Applicant liaison with Council

The applicant is Botanica Holdings P/L. On various occasions the applicant has been contacted directly, and has always deferred to Australand Industries No. 6 (the site owner) to act on their behalf. For the purposes of this report, either or both Botanica Holdings and Australand will be referred to as the applicant.

Two meetings have occurred between Council and the applicant as indicated in Table 1 below.

Date	Description of meeting	Purpose/comment	Outcomes
2012	Early pre-lodgment meeting with applicant	Applicant outlined the proposal.	Council advised of required documentation and issues for consideration.
16 July 2013	Meeting with applicant	Meeting to discuss council officers' preliminary comments on the Planning Proposal.	Applicant provided further detail and plans and will seek updated reports from consultants. Willing to consider Council's concerns.

Table 1: Meetings between Council staff and the applicant

Key correspondence, both verbal and written is shown at Table 2.

Date	Correspondence	
	<i>From applicant</i>	<i>From Council</i>
13 August 2012	Applicant advised they would be seeking to use the conservation incentives clause in the LEP to provide for non-conforming retail/commercial uses within the fit-out of building 66, and that this would be accompanied by detailed heritage and traffic reports.	In response, Council advised that the heritage conservation incentives clause in the LEP could not be used to support a non-conforming use, as the precinct and buildings are listed as a conservation area, rather than as a series of heritage items.
17 April 2013	Draft of Planning Proposal provided.	Council provided advice on additional material required
3 June 2013	Applicant submitted Planning Proposal with relevant documentation	.

1. Introduction

3 July 2013		Letter seeking meeting to resolve issues, seek additional plans
8 July 2013	Provided additional detail on parking	
22, 23 July 2013	Response to loading issue area issue	Discussed issue of ownership of loading area (by phone)
24 July 2013		Notes and actions from meeting circulated
7 August 2013	Advised (by phone) willingness to accept an FSR of 1:1 and a zoning of B1 Neighbourhood Centre as discussed at meeting	Given this, Council advised that the additional consultant reports need only be a brief addendum to the existing reports
13 August 2013	Applicant sent updated details of truck movements	
26 August 2013	Applicant submitted an updated traffic and parking letter from GTA (consultants)	

Table 2 Correspondence between Council and applicant

2 BACKGROUND

Consent orders for Development Application (DA) No. 572/2002 were issued by the Land and Environment Court on 7 July 2004 for the staged development of the former Lidcombe Hospital site. The DA included subdivision, demolition, remediation, site grading, civil works, tree removal, landscaping and dedication of public roads, drainage and open space. The resulting estate is now known as 'Botanica'. Botanica is expected to have around 800 residences and a population of 2,560 when completed in 2016.

A subsequent application, DA 176/2006, was approved by Council at its meeting of 20 June 2007. This DA provided for the subdivision of the superlots in the heritage precinct of Botanica, (which includes Building 66), demolition, civil and site works. Subsequent modifications (B and C) to the staging of the superlots, road widths, parking and cycleway were approved in 2011.

Another spot rezoning proposal is currently being finalised for Lot 802 DP 1150164 Main Avenue Lidcombe within the heritage precinct. The proposal relates to the form of a residential flat building.

3 EXISTING SITUATION

3.1 Description of the subject land and surrounding area

The land subject to this Planning Proposal (“the site”) is Lot 4 DP 270668, located on Main Avenue Lidcombe, within the Botanica estate, as shown in the map at Figure 1 and the aerial at Figure 2.

The site is approximately rectangular in shape with a frontage of 43.6m and a depth of about 47.4m and an area of 2,329m². The site slopes slightly from the north-east towards the Village Green.

The site contains a series of buildings, known in aggregate as Building 66. The building is two storeys at Main Avenue and a single storey to Brookes Circuit (see Figure 3). The earliest component was built around 1887 with later additions up to 1935.

The site is bound by Main Avenue to the north-east and Brookes Circuit to the south-west. To the north-west is an easement approximately 5m wide for a pathway, drainage and electricity, and beyond this are a number of weatherboard buildings (Stage 83) currently being refurbished for residential use. To the south-east are a number of brick buildings (Stage 87) also within the R3 Medium Density zone.

The site is approximately 2.3km from Regents Park railway station, 2.5km to Berala station 2.7km to Lidcombe station and 3.4km to Birrong station, each of which are associated with a range of shops and services. The closest town centre is Bankstown, at a distance of about 5km. Land on the other side of Main Ave is mostly identified for residential development, with a church further to the north along Main Ave. Across Brookes Circuit is an area designated as the Village Green, a future public reserve (see Figure 4).

4. Description of the Application

Part of the subject site is currently being used as the site office for the development of the Botanica estate. The rest of the site is vacant.

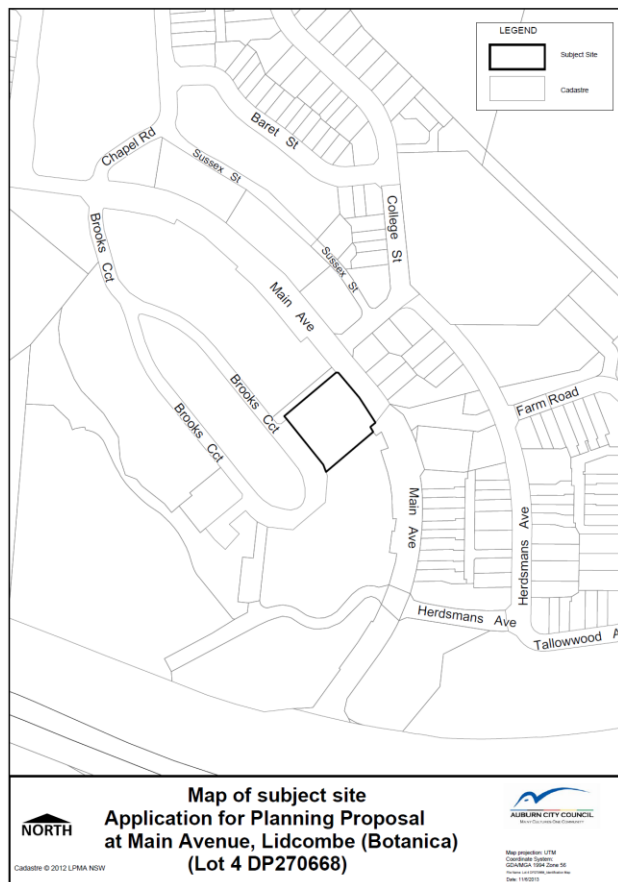


Figure 1: Location of subject site

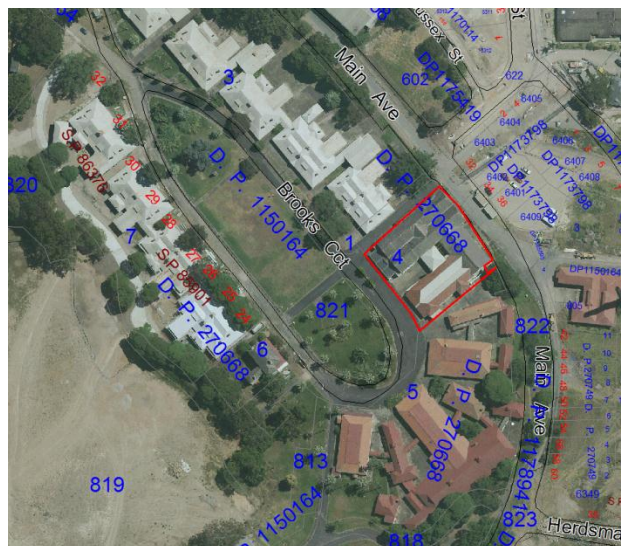


Figure 2: Aerial image showing subject land (red outline)

4. Description of the Application



Figure 3: Views of Building 66



Figure 4: Botanica Masterplan

Source: Australand <http://residential.australand.com.au/homes/nsw/lidcombe/botanica/#projectplans>

4. Description of the Application

3.1.1 Access to the site

Vehicular access from outside Botanica is available off Joseph Street via Botanica Avenue and Main Ave, off Weeroona Road via Main Avenue. There is no vehicular access from Georges Avenue or East Street. A system of roads interconnects throughout Botanica itself.

A system of pedestrian pathways, open space and cycleway are provided within the estate. Part of the planned heritage walking trail will run along Brookes Circuit, along the path directly adjacent to the subject site, and then along Main Avenue past the building and off to the east.

Veolia Transport runs bus No. 925 from Lidcombe station to Bankstown and on to East Hills via Botanica estate (see Figure 5). The service enters via Main Avenue and runs along Botanica Drive. The closest stop is the corner of Botanica Drive and Main Avenue, approximately 280m from the site. The bus service is expected to be extended along Main Avenue and Weeroona Road when the construction of the road is complete. Veolia has advised that it expects that this will be around March 2014 depending on approval timeframes.

The bus runs approximately half hourly during the peak, Monday to Friday, and 1 hourly at other times, Monday through to Sunday.

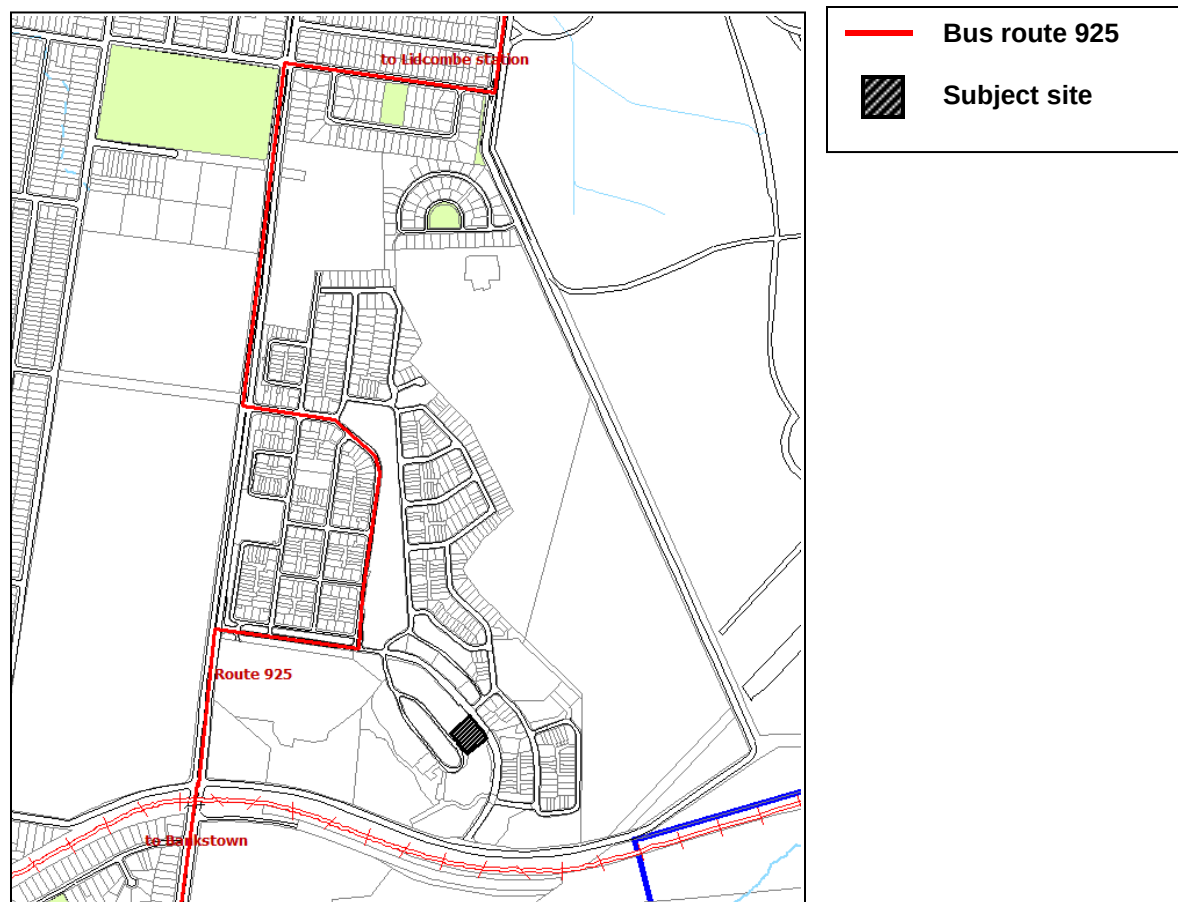


Figure 5: Current Veolia Bus Route 925 through Botanica

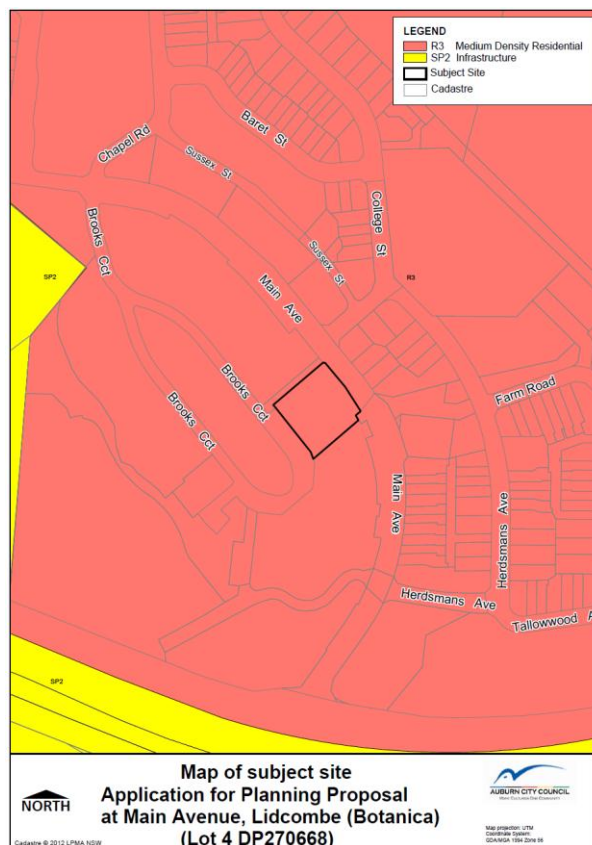
3.2 Auburn LEP 2010

3.2.1 Current zoning

The site is currently zoned R3 Low Density Residential under the *Auburn LEP 2010*. An extract from the zoning map identifying the site within a black rectangle is included at Figure 6.

The objectives and land uses for the R3 zone are outlined in Table 2. From the table, the main use of the R3 zone is for medium density residential accommodation such as small lot housing and multi dwelling housing (ie townhouses and villas).

Other uses that provide for the day to day needs of residents, such as neighbourhood shops, are also permitted. However, most commercial uses are prohibited in the zone.



**Figure 6: Zoning Extract
Auburn LEP 2010**

R3 zone objectives	R3 permissible land uses	R3 prohibited uses
• to provide for the housing needs of the community within a medium density residential development; • to provide a variety of housing types within a medium density residential development; and • to enable other land uses that provide facilities	Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual Occupancies; Dwelling houses; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Semi - detached dwellings; Seniors housing; Any other development not	'Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; Port facilities; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair

4. Description of the Application

or services to meet the day to day needs of residents.	specified in item 2 or 4.	workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies'
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Table 2 - Objectives and land uses for the R3 zone under *Auburn LEP 2010*

3.2.2 Key development standards

Table 3 below summarises the relevant principal development standards applying to the site under *Auburn LEP 2010*.

<i>Auburn LEP 2010</i> land zoning	Maximum Building Height	Floor Space Ratio (FSR)
R3 Medium Density Residential zone	9 metres	0.5:1

Table 3 - Summary of the principal existing *Auburn LEP 2010* standards applying to the site

In relation to neighbourhood shops, Clause 5.4 of the LEP sets a maximum retail floor area of 80m².

3.2.3 Heritage

Figure 7 shows the *Auburn LEP 2010* Heritage map and the location of the subject site within a heritage conservation area (red outline). The subject site is listed in Schedule 5 – Environmental Heritage of the *Auburn LEP 2010* (Item number C07144 – the Former Lidcombe Hospital Site).

The site is affected by the objectives and provisions of *Auburn LEP 2010* Clause 5.10 Heritage Conservation. The specific Heritage Conservation objectives that apply to this application are:

- 'to conserve environmental heritage of Auburn; and
- 'to conserve heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views'.

The heritage conservation area has state significance and is listed under the State Heritage Register for its

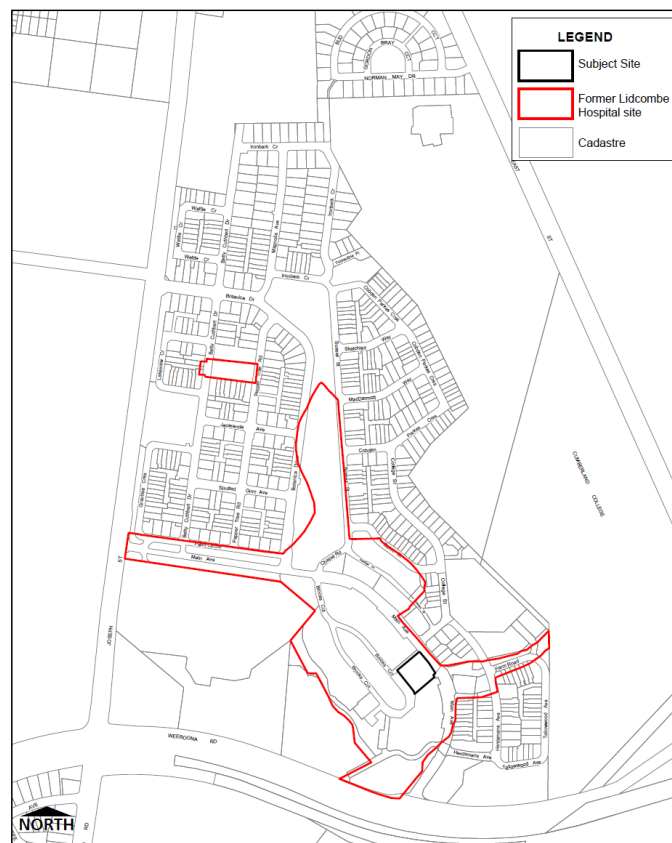


Figure 7: *Auburn LEP 2010* – Former Lidcombe Hospital site – listed heritage conservation area

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historic, aesthetic, social and technical values (State Heritage Register: 01744).

The NSW heritage register states that the buildings provide evidence of the type of self-sufficient institution developed in the late nineteenth century for the care of 'wayward' boys and later for homeless and destitute men. It describes the strong aesthetic cohesiveness between many of the buildings in this precinct, creating a harmonious arrangement of buildings around a landscaped open space. The precinct also demonstrates changing health care over the period of a century.

Godden Mackay Logan prepared a conservation management plan (CMP) for the site in 2002. The CMP identifies Building 66 as one of the core buildings within the heritage precinct. An excerpt is provided at Appendix A. The relative significance of the buildings within this area is shown at Figure 8.

The former dining hall (Building 66) and former dormitory (Building 66A) were designed by the NSW Colonial Architect, James Barnett, around the Village Green. Constructed around 1887 these were the earliest part of the hospital's hub. The extension to the dining hall (66B) and the former servery room linking the dining halls (66C) were added later, around 1933 - 35.

The building components are relatively intact and the original form can be read from the Village Green. The basement of Building 66A is noted in the CMP as being in poor condition. The CMP notes that:

'The former dining hall demonstrates all phases of the hospital's development and growth, from its beginnings as a proposed Reformatory, then the Asylum and hospital to its most recent use as the bar for the Olympic Media Village.'

Principles for management

The Conservation Management Plan (2002) (CMP) includes a number of principles and management policies relevant for the use of existing buildings within the heritage precinct. These include:

- New uses should be compatible with the significance of the buildings and the precinct;
- Uses that facilitate public access, even in a limited or controlled way, are preferable to those that do not;

Regarding building 66:

- Limited public access to the dining hall and bakery should be provided;
- The former dining hall should be conserved in a manner that allows all phases of its development to be evident and interpreted;
- The large interior dining hall should be conserved, not partitioned;
- Existing roof trusses should remain exposed, with no ceiling;
- The bakery should not be partitioned;
- The rooms adjacent to the lower kitchen need investigation and maintenance;
- A detailed Specific Elements Policy should be prepared for this building.

The heritage significance of the individual components of Building 66 is shown in Figure 9. Figure 10 shows some of the heritage listed interiors.

The heritage impact of the proposal will be discussed in Part 4 of this report.

4. Description of the Application

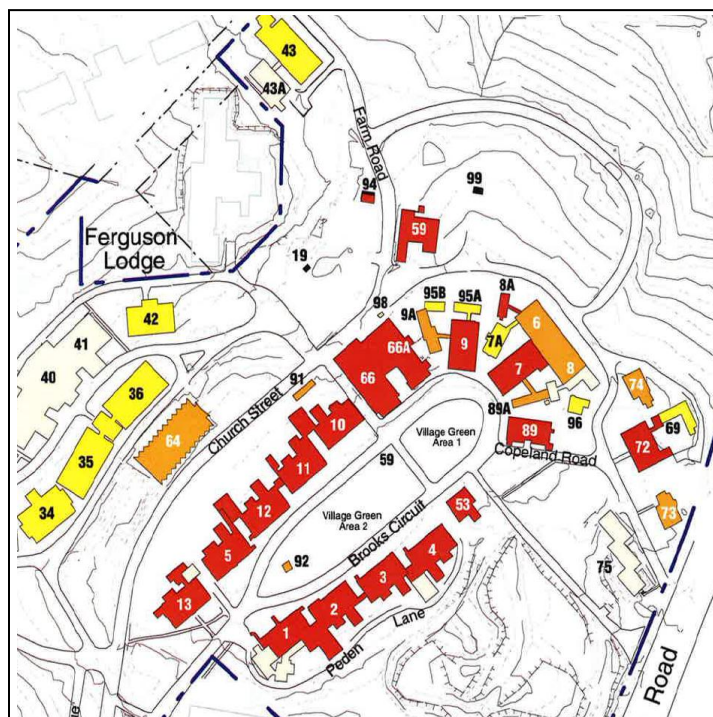


Figure 8: Significance assessment – buildings around the Village Green (from CMP 2002)

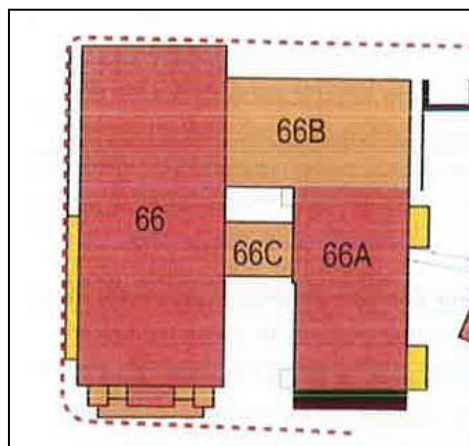
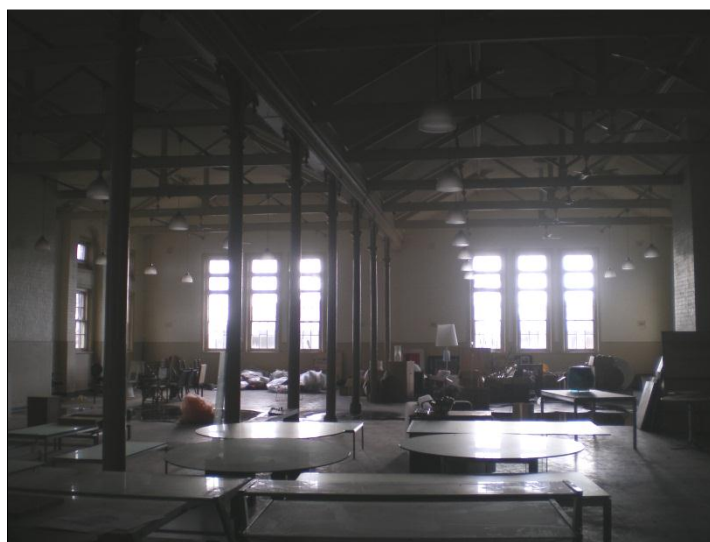
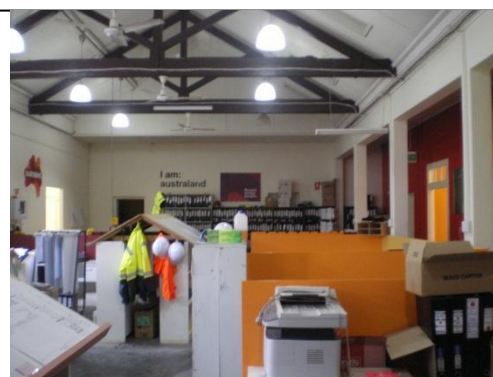


Figure 9: Significance assessment: Building 66 (from CMP 2002)



Main Dining Hall Building 66



Former dormitory - later kitchen
Building 66A



One of several
bakery ovens

Figure 10: Some of the interiors of heritage significance

4. Description of the Application

3.2.4 Acid Sulphate Soils

The subject site is shown as having Class 5 Acid Sulphate Soils under the *Auburn LEP 2010* Acid Sulphate Soils Map, which is the least affected category for development purposes.

3.2.5 Flood planning

The site is not within the flood planning area established under the *Auburn LEP 2010*.

4 DESCRIPTION OF THE APPLICATION

4.1 Proposed development

4.1.1 Purpose

The application seeks to permit the establishment of a small centre to provide retail, business and office premises on the site. An indicative concept plan of the potential mix of uses has been provided by the applicant and is shown at Figure 11.

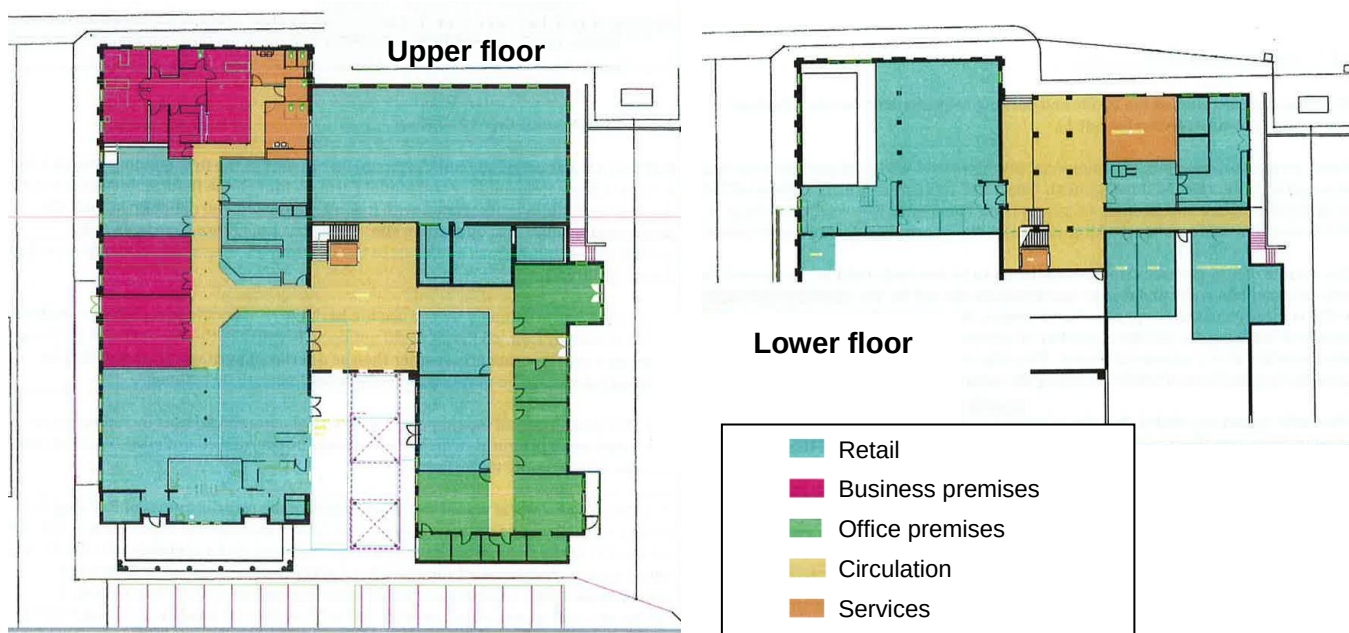


Figure 11: Indicative commercial uses

The application is accompanied by consultant reports on traffic and parking, on heritage and on the economic impact of the proposal (discussed in more detail in Part 4 of this report). In line with the CMP for the precinct and the draft SECP for Stage 87, heritage consultant Godden Logan Mackay considers that commercial use (dependent on fitout) would:

- allow for the adaptive re-use and refurbishment of Building 66;
- permit public access to parts of the building;
- reduce the extent of partitioning overall in comparison to residential development;
- allow for large spaces to be viewed to 'read' the history of building.

The economic impact report is based on the following land uses:

Retail	1,267m ²	Potentially including a supermarket or grocery store, pharmacy, bread shop, café
Business	200m ²	Potentially including a small medical centre, hair dresser, real estate
Office	153m ²	Potentially including a travel agent, legal services, accountant
Total	1620m ²	

The consultant's traffic and parking letter was originally based on the same, however, an amended letter is based on the following:

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Retail	1,267m ²	Potentially including a supermarket or grocery store, pharmacy, bread shop, café
Business	200m ²	Potentially including a small medical centre, hair dresser, real estate
Office	153m ²	Potentially including a travel agent, legal services, accountant
Other retail/ business/office	709m ²	type subject to market demand
Total	2329m ²	

The concept plan shows a total building area of 2242m² which includes storage and service areas.

The main trade area outlined in the economic impact assessment by Hill PDA is estimated to be the block surrounded by Georges Avenue to the north, to the east by Rookwood Cemetery and Necropolis, to the west by Joseph Street and to the south by Weeroona Road. The calculations used to estimate demand are based on the likely number of residents within this area by 2016 (excluding occupants of non-residential uses, such as staff and students of the TAFE students). The main trade area contained an estimated 1,910 residents in 2011, increasing to 4,470 on completion and full occupation of the Botanica estate in 2016. As there is no existing commercial centre within the main trade area, a small commercial centre would provide both convenient shopping and local services as well a social nucleus for the surrounding community.

Due to the lack of passing trade, Hill PDA advises that to enable the centre to be viable, an anchor tenant is required, and recommends a 400m² supermarket/grocery store be included in the land use mix, together with a number of commercial suites.

4.1.2 Car parking and loading

No on-site parking will be provided due to the heritage constraints of the site. On-street car parking spaces along Brooke Circuit would be shared with other users, including 14 spaces which are provided directly outside Building 66. Proposed car parking is shown at Figure 12.

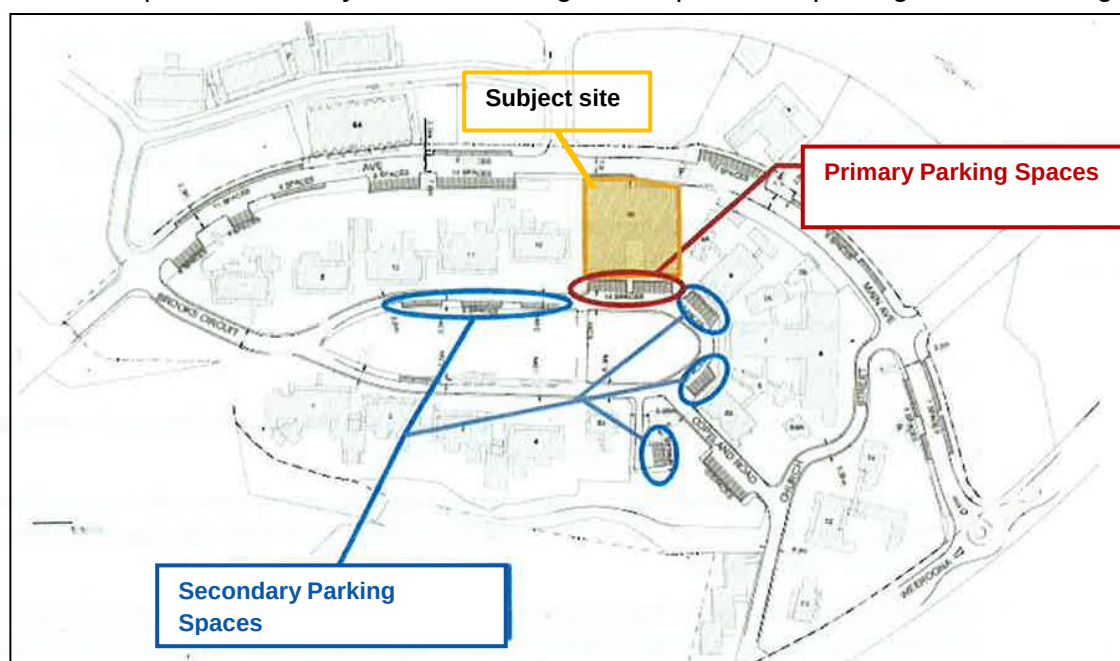


Figure 12: On Street Parking proposed to be used for the commercial use of the subject site.

Note the number of spaces claimed as secondary spaces, would also include the 6 spaces on the southern side of Brookes Circuit.

Two existing car spaces outside Building 66 along Main Avenue would be replaced with a loading bay, considered large enough by consultant GTA, for a medium rigid vehicle / waste truck, the largest truck expected to be accessing the centre. Updated plans show a heavy rigid truck able to access and egress the proposed loading zone.

4.2 Proposed changes to Auburn LEP 2010

In order to facilitate the envisaged development as outlined in Section 3.1 above, the application proposes to rezone the site and make changes to development standards within the *Auburn LEP 2010* as outlined in Table 3.

Planning control under <i>Auburn LEP 2010</i>	Existing	Proposed	As agreed by applicant
Zoning	R3 Low Density Residential	B2 Local Centre	B1 Local Centre
Maximum building height	9.0m	12.0m	12.0m
Maximum floor space ratio	0.5:1	2.0:1	1:1

Table 3: Summary of proposed changes to development standards within the *Auburn LEP 2010*

Auburn LEP 2010 prohibits commercial uses, other than neighbourhood shops in the R3 Medium Density Residential zone and limits neighbourhood shops to 80m². The proposed B2 Local Centre zoning is intended to provide the maximum flexibility in the range of commercial and compatible uses, including the potential to allow for a potential tuition school (educational establishment under the LEP). The applicant compares this with Berala centre, which is also zoned B2.

The application also seeks the same B2 zoning for Brookes Circuit and Main Avenue for the sections of the roads (for their full width) directly adjoining the site, to avoid any ambiguity in relation to the use of the road directly associated with the commercial uses of the subject site.

Following discussions with Council the applicant has agreed to a zoning of B1 Neighbourhood Centre (see Appendix B). The rationale for this decision will be outlined further in Part 5 of this report.

While the majority of the building meets the 9m maximum building height identified on the Height of Building Map in *Auburn LEP 2010*, parts of the existing two storey element facing Main Avenue exceed this height. The application states that a maximum building height of 12m is sought to avoid reliance on the exemption provisions of the LEP (cl 4.6).

The applicant states that the existing gross floor area is approximately 2,235m², which would be an FSR of approximately 0.96:1, exceeding the permitted FSR for the site. A total building area has been provided, which is broken down by use, however, this is not the same as the

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gross floor area under the definition in the LEP. Nevertheless, it appears the applicant's estimate of the existing gross floor area is very similar to their estimate of the total building area. This is discussed in Part 5 of this report.

The applicant has sought an FSR of more than 1:1, to provide design flexibility, to allow for calculation errors and to avoid relying on the exception provisions of the LEP. The applicant states that the maximum FSR would not eventuate due to the physical limits of the existing building form and the adaptive reuse of the heritage building.

An FSR of 2:1 is also described by the applicant as being consistent with other areas zoned B2 under the *Auburn LEP 2010*, such as Berala and Regents Park.

The total gross floor area of each of the proposed uses in the indicative concept plan is stated to be 1,620m². If the relevant circulation, service and storage spaces that are included in the definition of gross floor area were added to this, the total would still be considerably less than the proposed 2:1.

Following discussions with Council, the applicant has agreed to an FSR of 1:1 (see Appendix B).

5 ASSESSMENT OF THE APPLICATION

The Planning Proposal application has been assessed against the Department of Planning and Infrastructure's document *A Guide to Preparing Planning Proposals* (2012) (the Guide) and *Guidelines on Local Plan Making*. The Guide contains directions on the required content of a Planning Proposal, including objectives, explanation of the provisions, justification (including a number of questions to be answered), mapping and community consultation requirements and a timeline.

This part considers the application against each of the required parts of a Planning Proposal.

5.1 Part 1 Objectives or intended outcomes

The objectives and intended outcomes of the proposal are discussed in Part 3 of this report and relate to the provision of convenience services and heritage protection. In addition the applicant states that the following objectives will also be achieved:

- *'Provision of more choice and competition in relation to the delivery of commercial services;*
- *Provision for the orderly and economic use and development of land.'*

5.2 Part 2 Explanation of provisions

The provisions sought in the application are discussed in Part 3 of this report.

5.3 Part 3 Justification

5.3.1 Section A: Need for the Planning Proposal

The application argues that the Planning Proposal would facilitate the most appropriate adaptive reuse of the site/building given the characteristics of the site and its setting, namely a wide variety of commercial uses.

Q1. Is the Planning Proposal the result of any study or report?

No. The Planning Proposal is not the result of a strategic study or report.

The application results from a request from Australand and a prospective investor to adaptively reuse the site for a wide mix of commercial uses and responds to the to the conservation adaptive reuse objectives of the CMP and the draft SECP.

Council initially (in 2000) sought a wide range of commercial uses for Building 66, including function centre, exhibition spaces, gallery, gym restaurant and bar, however the application argues that some of these uses have not proved financially feasible.

5. Assessment of the Application

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The application argues that the proposed zoning is the best way to achieve the intended outcomes, as the proposed wide range of mixed commercial uses would facilitate the refurbishment of Building 66 in an adaptive reuse compatible with conservation objectives and would be consistent with Local Centre controls within *Auburn LEP 2010*.

The application also states that the proposed building height and floor space ratio standards are required for consistency with the site/building features.

Other options considered were:

- | | |
|--|---|
| • Uses permitted under the R3 zoning: | Residential not considered the best solution for achieving conservation objectives.
Range of commercial uses too limited - neighbourhood shops only, which are limited to 80m ² . |
| • Heritage conservation incentive provisions: | Not available under the clause as the buildings are not individually listed. |
| • The addition of a Local Provision to Part 6 of the LEP permitting commercial uses on the site: | Fails to address FSR and height. Rezoning more in line with intended site function, and less ambiguous. |
| • Use of B1 Neighbourhood zoning ¹ : | Considered the Department of Planning and Infrastructure's Practice note (PN11-002) in relation to B1 and B2 zonings, and the primary objectives and expressly permitted uses for each zone. B2 chosen to enable the widest possible range of mix business, office and retail uses including a potential tuition school (educational establishment) and other community uses. |

The first three dot points are supported. In regard to the proposed zoning, the objectives of the B1 and B2 zones are:

- | | |
|--------------------------|---|
| B1 Neighbourhood Centre: | <ul style="list-style-type: none">• To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.• To ensure development does not adversely affect the amenity of the surrounding neighbourhood. |
| B2 Local Centre: | <ul style="list-style-type: none">• To provide a range of retail, business, entertainment and community |

¹ This argument is made in the application under Part 2 of the Guide.

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uses that serve the needs of people who live in, work in and visit the local areas.

- To encourage employment opportunities in accessible locations.
- To maximize public transport patronage and encourage walking and cycling.
- To encourage high density residential development.
- To encourage appropriate businesses that contribute to economic growth.
- To achieve an accessible, attractive and safe public domain.

The application has only considered the first objective for each zone, rather than the objectives taken as a whole. From the latter perspective, it is clear that the proposed small-scale convenience centre within the medium density environment of Botanica would more closely meet the objectives of the B1 zone.

Further, the argument relies heavily on the expressly permitted uses to support the case for B2. In particular, the applicant is concerned that educational establishments are not permitted in the B1 zone. However, while not specifically included in the Land Use Table as 'Permitted with consent', educational establishments are not prohibited. Therefore they are permitted in the B1 zone. Further, educational establishments are also permitted with consent in the B1 zone under clause 28 of *State Environmental Planning Policy (Infrastructure) 2007*.

Other uses permitted in the B1 zone include business premises, child care centres, community facilities, medical centres, tourist and visitor accommodation, office premises and retail premises among others. On the other hand, PN 11-002 advises that the B2 Local Centre zone *'is generally intended for centres that provide a range of commercial, civic, cultural and residential uses that typically service a wider catchment than a neighbourhood centre.'* The very broad range and potential scale of these uses is not consistent with a small centre intended for 'top up' shopping and day to day services, without access to good public transport.

Given the objectives of each of the zones, and the wide range of commercial and community uses permitted in the B1 zone, the proposed B2 zone is not the best means of achieving the intended outcome. Following discussions with Council the applicant has accepted that the B1 zone would achieve their objectives (see Appendix B).

It is recommended that, if Council chooses to proceed with the application, that the Planning Proposal to be forwarded to the Department of Planning and Infrastructure seek rezoning to B1 Neighbourhood Centre.

The application has not considered alternates to the proposed FSR or building height. It is considered however, that a reduced FSR and retention of the existing building height would still permit the type and scale of development proposed in the indicative concept, and as outlined within the application. This is discussed in more detail in Part 5.3.2 of this report.

5.3.2 Section B: Relationship to the strategic planning framework

Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

a. Metropolitan Plan for Sydney 2036

The Department of Planning and Infrastructure's Metropolitan Plan for Sydney 2036 ('the Metro Plan') is the overarching strategic planning policy guiding growth and development in Sydney to 2036. It establishes housing and employment targets, and provides guiding principles for consideration when making planning decisions. The plan contains a number of objectives in relation to housing and employment growth, transport, the environment and the community. Each objective contains a number of associated actions. The most relevant objectives relate to the economy, housing, centres and cultural, social and community value.

Economy

The report by Hill PDA which accompanies the Planning Proposal states that the proposed level and mix of commercial facilities (approximately 1,640m²) would result in 64 jobs of which around 60% would be part-time or casual. In addition, Hill PDA estimates that the equivalent of 10 full time positions over 12 months would be created during the construction phase (that is 10 'job years').

Local construction and ongoing commercial activity also generate additional economic activity induced at the production level and the consumption level. The level of this increase is described by multipliers. The consultant has estimated that the construction activity would result in a total multiplier of 4.1, that is 41 job years. Overall, based on a capital investment of \$2.5million, it is estimated that the direct and indirect output would be \$7.2million.

The application is therefore consistent with Objectives E4 and E5 which seek to provide for a range of local employment types in dispersed locations, and increase diversity of jobs and skills in Western Sydney, albeit only to a small extent.

Housing

The Plan sets housing targets for the West Central sub-region of Sydney. The *Draft West Central Subregional Strategy* (Draft WCSS) breaks this down by local government area. This matter will be discussed in the section on the Draft WCSS.

Centres

Actions B3.1 and B3.3 support an objective (B3) related to the urban renewal of existing centres well served by public transport, planning for new centres and the protection and adaptive reuse of heritage items in centres.

While the key focus is on development within the most accessible areas within existing centres as a basis for urban renewal, the plan also recognises that existing urban areas and greenfield

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sites will require new centres. The nearest centres to the Botanica estate are not within reasonable walking distance, and a small centre within Botanica would serve the local residents for convenience shopping and other daily needs. It would also provide a social focus for the community, consistent with objective H1 in relation to liveability and social inclusion.

The appropriateness of new centres depends on a range of factors including access to public transport, proximity to quality open space and schools, residential amenity, market demand and the heritage significance and adaptability of existing buildings. The impact on facilities and services in existing centres must also be considered.

The Plan provides for a hierarchy of centres. At the local scale these are town centres, villages and neighbourhood centres. The earlier *Draft West Central Subregional Strategy* (draft WCSS) breaks down the classification village into 2 categories, namely village and small village. A B2 zoning would be inconsistent with the centre hierarchy in the Metropolitan Plan. A B1 Neighbourhood Centre zoning is more appropriate as discussed below.

Under Auburn LEP 2010 the town centres are zoned B4 Mixed Use, villages are generally zoned B2 Local Centre and neighbourhood centres, B1 Neighbourhood Centre. Examples of B2 zoned centres are Berala and Regents Park. Examples of B1 zoned centres are Beaconsfield Street, Silverwater and Wellington/Cumberland Road, Auburn. Table 4 outlines the key parameters outlined in the Metropolitan Plan for the smaller centre types.

	Village	Neighbourhood centre
Comprises	Group of shops and services for daily shopping, eg supermarkets, butchers, banks, hairdressers, cafes, restaurants, takeaway food shops.	A few shops and services -eg convenience store, café, newsagent, petrol station
Access to transport	Served by strategic bus service, or local service at a minimum	Typically focused around a bus stop
Walkable catchment	400-600m Around 5,500 dwellings, with medium density housing	150-200m Around 1,000 dwellings, including some medium density
Proximity	Good links with the surrounding neighbourhood - and with schools, child care or other compatible services.	Schools, child care or other compatible services.

Table 4: Features of small centre types in the Metropolitan Plan for Sydney 2036

- Composition and scale

While the composition of the services within the either the village centre or neighbourhood centre types are relatively similar, the scale of the centres is different. The proposal more closely fits the scale of the neighbourhood centre.

- Access to transport

The proposed new centre would be located about 280m from a bus stop, with regular local services as outlined in Part 2.7 of this report. The current bus route reflects the fact that the majority of dwellings in the estate are located towards the north of the estate. However the

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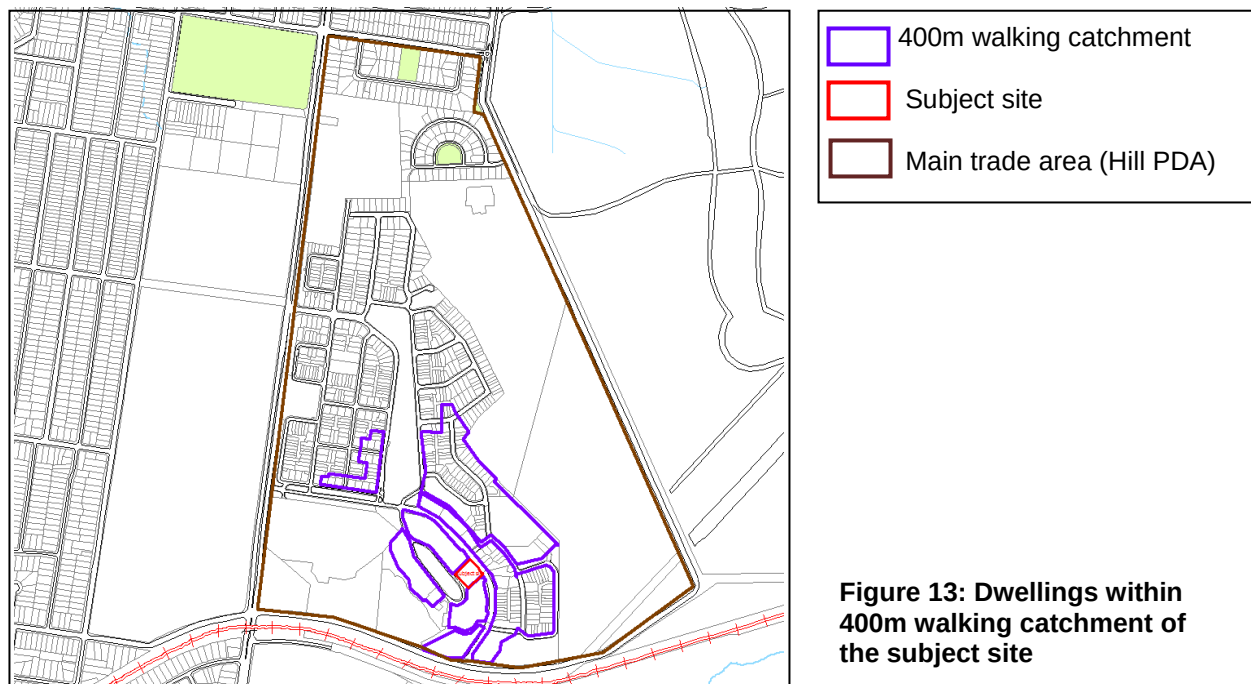
likely extension of the route past the subject site next year would support a new centre on this road.

- Walkable catchment

The proposed new centre is located near the southern end of the Botanica estate. Figure 13 shows the residential area that is within a 400m walking catchment (a 5 minute walk) which would be the lower end of the village scale (or a small village under the draft WCSS). The 150-200m catchment would include only a relatively small number of dwellings. The main trade area considered by Hill PDA in its assessment is shown for comparison. It is estimated that around a third of the main trade area outlined would be over 800m from the site, of which around half would be over 1km walking distance. Note that for the residents of Georges Avenue and Wayland Avenue at the northern end of the outlined main trade area, Berala centre is closer than the subject site.

The location of the existing bus stop about 280m from the site also reflects the fact that the majority of the dwellings within this precinct are located north of the site.

Given the existing lack of convenience services in this locality and the topography of the precinct, it is considered reasonable that many residents would walk 400m to a small convenience centre, especially given the proximity to the Village Green.



- Proximity

The subject site is located directly opposite the Village Green, an open space area of around 5,000m². Although it is near a TAFE, the TAFE is very disconnected from the subject site and Botanica estate as a whole. There are no nearby schools.

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While it is accepted that the likely walking catchment is 400m, considered overall, the most appropriate category in the centres typology is a neighbourhood centre, and the most appropriate zone, B1 Neighbourhood Centre.

Cultural, social and community value

The Metropolitan Plan includes an action on the protection and interpretation of places of heritage value. As outlined in this report, the proposed commercial use of the site is consistent with this action. The impact of the proposed height and FSR are discussed under the *Draft West Central Subregional Strategy 2007* below.

b. Draft Metropolitan Strategy for Sydney

The draft Metropolitan Strategy for Sydney will replace the existing Metropolitan Plan, and provides for new larger) sub-regions supported by new sub-regional delivery plans in the short term.

Key relevant differences from the existing Metropolitan Plan include the setting of higher staged targets for jobs and housing within the sub-regions. For the proposed Central West and North West sub-region (in which Auburn is located), the draft strategy sets a housing target of an additional 148,000 dwellings and a jobs target of an additional 142,000 jobs by 2031. The allocation of these targets to each LGA within the sub-region has not yet been undertaken and will need to be considered in the development of the sub-regional delivery plans.

The centre typology for smaller centres is similar to that in the existing Metropolitan Plan, rather than the draft WCSS. The draft strategy supports centres of all sizes as the primary location for retail services, at a scale reflecting the level of public transport accessibility. However, unlike the Metropolitan Plan, the capacity of the centre is directly related to the number of dwellings, rather than the walking catchment. In the typology a village would have a capacity for around 5,500 dwellings, while a neighbourhood centre would have capacity for around 500 dwellings. The number of dwellings in the main trade area is much closer to the neighbourhood centre size.

This is also supported by Hill PDA's analysis of the retail floor space demand. While the extent of the main trade area outlined by Hill PDA is considered to be very optimistic, nevertheless, their analysis shows that only a small proportion of the daily needs of the local residents would be provided for in the proposed centre.

Based on a population of 4,470 in 2016 in the identified main trade area, and their demographic and expenditure analysis, the demand in locally based village and neighbourhood centres from the main trade area would be 4,000 m² to 5,000m² of retail floor space². Based on commercial floor space of 1,620m², including a 400m² supermarket, the consultant estimates that only 15-20% of the total supermarket spend of the main trade area will be from the subject site. The scale of the proposed commercial uses, in terms of capacity to provide for the daily convenience needs of local residents, is appropriate to a B1 Neighbourhood Centre zoning.

² The estimated total demand for retail floor space from the main trade area is more than 12,000m².

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The draft strategy also seeks to identify centres with the capacity to grow. Given the constraints of the precinct, the heritage values, the relative isolation of the estate and the limited access to public transport, the Brookes Circuit precinct is not suitable for any significant growth in commercial, particularly retail, growth. Council advised the applicant that the B2 Local centre zoning and the proposed FSR of 2:1 would give a false expectation of such growth and would therefore be inconsistent with the Draft Metropolitan Strategy for Sydney. Accordingly the applicant has accepted a B1 zoning and an FSR of 1:1.

c. Draft West Central Subregional Strategy (Draft WCSS) 2007

The objectives and actions of the draft WCSS flow from those of the Sydney Metropolitan Strategy, which was replaced by the Metropolitan Plan for Sydney 2036. Relevant strategic objectives and actions are discussed below.

The Planning Proposal application is consistent with the following draft WCSS strategic objectives and actions contained in:

Strategic objective A – Actions A1.1 and 1.2 related to the economy and employment

- | | |
|--|--|
| <ul style="list-style-type: none">• Provision of a framework for jobs across the sub-region | <p>The proposed centre will provide for some local employment within a new residential neighbourhood, making a minor contribution to meeting Auburn's employment target of an additional 12,000 jobs.</p> |
| <ul style="list-style-type: none">• Plan sufficient zoned land and infrastructure to achieve employment capacity targets | <p>While not a strategic centre, the application argues that the bulk of the turnover in the neighbourhood will still go to established strategic centres. It is argued that this is because expenditure in department stores, hardware and bulky goods stores, for example, would still be directed to higher order centres or corridors, and due to the small scale of the proposal and the exclusion of any medium to large supermarket, only a minor proportion (15-20%) of food and regular shopping needs will be sourced from the proposed centre.</p> <p>The estimates that about \$1.95 million will come into the Botanica centre from outside the main trade area, while \$59.7million leave the main trade area and be spent in other centres or corridors, both of which are a substantial increase from current levels of expenditure. While the consultant used an FSR lower than 1:1, the extent of the difference between the incoming and outgoing is so large as to cover the FSR difference.</p> <p>Therefore the proposal will not result in job losses from the strategic centres.</p> |

Strategic objective B – Various actions related to centres and corridors

- Establish a typology of centres
The *Draft WCSS* does not identify the site as a centre in the centres map (see Figure 14). Nevertheless, the Botanica development will result in a new neighbourhood of around 2,560 people, on top of the existing population (at 2011) in the main trade area of 1,910, where the closest small centres are at least 30 minutes' walk. The 'small village' of Berala, (now a 'village') is about 3.4km from the site, and Regents Park, 2.2km. The neighbourhood centres of Birrong and Rookwood Rd is about 3.2km from the subject site.
- Concentrate retail activities in centres, business development zones and enterprise corridors
As outlined above, the application argues that the bulk of the turnover expenditure of the local community would still be directed to strategic centres and corridors and would not diminish the significance of those areas.
- Support centres with transport infrastructure and services

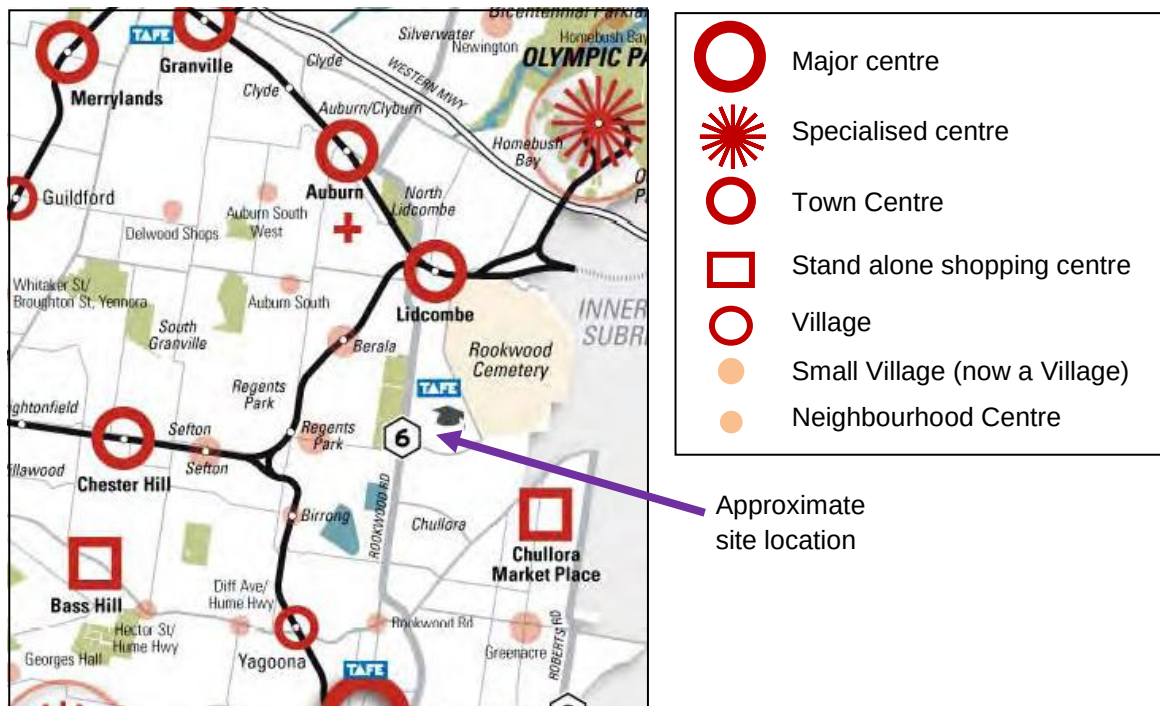


Figure 14: Typology of centres under draft WCSS

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Strategic objective C – Action C1

- Plan for increased housing capacity targets in existing areas
- The Draft WCSS sets a target of 17,000 dwellings by 2031 for the Auburn local government area.
- The application would result in about half a dozen dwellings not being constructed, of the 800 to be provided by completion of the Botanica estate.

While the application does not address this action, Council undertook a Dwelling Target Analysis in 2009. The draft WCSS allocated 6,000 dwellings to Olympic Park, which is not under Council's jurisdiction. The remaining dwelling target is therefore 11,000. Table 5 shows that this target will be exceeded. Further, the analysis did not take into account dual occupancies and secondary dwellings now permitted in the R2 zone.

Area analysis and timeframe	No of dwellings
Approvals between 2004 and 2009 – in centres	1,033
Approvals between 2004 and 2009 – infill areas	3,166
Known future infill (brownfield sites)	4,289
Capacity of centres under LEP at the time	4,592
Total	13,030

Table 5: Summary of Council's Dwelling Target Analysis 2009

The conversion from an R3 zoning for the subject site to a business zone will not compromise the achievement of the dwelling targets in the Draft WCSS.

Strategic objective E – Actions E6.2 and 6.3

- Recognise where Sydney's cultural contributes to its unique character and quality and manage change appropriately
- The Draft WCSS identifies the Lidcombe Hospital Site Precinct as a state significant heritage item.
- Commercial use*
- The CMP favours an adaptive reuse of the precinct as a whole by an institution, but recognizes that if this is not feasible, other uses may be compatible with the heritage significance. The advice from Godden Mackay Logan (the authors of the CMP), states in relation to the conservation of the large interior dining space that:
- 'It is evident that the commercial/retail use for the building would have a much greater chance of enabling the interior of this space to be conserved as a single volume than a residential use. Therefore, it is considered that the current proposal to rezone the property would be beneficial from a heritage viewpoint.'
- This is supported. It is noted that the consultant is only referencing the

proposed commercial use, not any particular uses or fitout. The indicative concept plan does not conserve this space as a whole. Any future DA for the site would need to prepare a detailed study for Building 66, and give further consideration to the retention of the main dining hall as a single volume.

Floor space ratio

The heritage advice does not consider the proposed intensity of the commercial use. The indicative concept (Figure 11) shows a number of partitioned areas of varying sizes with a lettable area of 1620m². The applicant provided a more detailed plan showing the total building area as 2242m², which exceeds the current permitted FSR of 0.5:1. The applicant states that the calculation is based on the existing built form, and an outside dining area. However, the inclusions do not match with the definition of gross floor area in the Auburn LEP 2010.

From the scaled plan (dimensions not provided) Council estimates the GFA is with a range from 1,960m² (FSR of 0.84:1) to 2,070m² (FSR of 89:1). The range is provided as it is not possible from the submitted plans to determine how much of the storage on the lower level would be counted as GFA. The majority of this storage is unlikely to be included, and therefore this provides some additional floor area for flexibility. An FSR of 1:1 (GFA of 2,329m²) would then give additional flexibility of between at least 259m² (12.5%) and 369m² (almost 19%).

An FSR of 1:1 would allow for the achievement of commercial uses, with sufficient flexibility for varying design options within the existing building consistent with the conservation of the heritage significance. A greater FSR would likely compromise the heritage values.

Building height

The additional height sought is not required to avoid the use of the exception provision in the Auburn LEP 2010. The need to address this clause (cl.4.6) would only be brought about by an application proposing works above the 9m building height standard. The applicant has advised that works to restore the roof and high windows are required, including in the area that is up to 12m in height. The proposed building height would allow for restoration of the building without the inherent difficulties of the LEP exception clause (Clause 4.6) and is supported.

- Interpret and promote Sydney's cultural heritage

The proposed commercial use would provide greater opportunity for public access to the site/building and the retention of key interior elements which would allow the ongoing interpretation of the site and its heritage.

The commercial use of the site is consistent with this objective. It is recommended that, if the Planning Proposal is to be submitted for Gateway determination, a maximum FSR of 1:1 is sought, to protect the site's heritage value.

d. Draft Centres Policy – Planning for Retail and Commercial development

The draft *Centres Policy* includes a number of principles, generally based on a recognition of the need for centres to grow, and new centres to form, the need to accommodate market demand, together with the need for regulation of the scale and location of centres, and the need to ensure a competitive retail and commercial market and good design to support these principles.

These matters are discussed under the strategies listed in a. to c. above.

The draft policy requires that a net community benefit test be undertaken for Planning Proposals seeking to facilitate retail or commercial floorspace. A Net Community Benefit Test as required by the draft policy³ is provided in Appendix C.

Q4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

a. Auburn LEP 2010

The proposal seeks an amendment of the LEP. The proposed commercial use of the site is consistent with the aims of the *Auburn LEP 2010*, specifically:

'(g) to facilitate economic growth and employment opportunities within Auburn,

(h) to identify and conserve the natural, built and cultural heritage'.

The B1 zoning, 12m building height and an FSR of 1:1 are consistent with the following aims:

(b) 'to foster integrated, sustainable development that contributes to Auburn's environmental social and physical well-being,

(c) to protect areas from inappropriate development'

(g) to facilitate economic growth and employment opportunities within Auburn.

³ Note that the previous *'Guide to Preparing Planning Proposals (July 2009)'* also included a section requiring a net community benefit test, but the current Guide (2012) does not. The applicant has nevertheless provided a test, under the previous guide.

b. Auburn City Community Strategic Plan 2013-2023

The outcomes of the *Auburn City Community Strategic Plan 2013-2023* relevant to the application are:

- Attractive public spaces and town centres - Council intends to achieve this goal through facilitating local investment, business growth, local jobs and employment opportunity. The proposal would facilitate local investment and some business growth through small scale retail uses, which would support the linkage between the heritage precinct and the Village Green – enhancing the use and views to this public space. It would provide some local jobs, and local convenience shopping for residents of Botanica.
- A place that celebrates cultural identity - As outlined above, limited commercial use of the site is consistent with the management of its heritage value, provided that the FSR is limited to a maximum of 1:1.
- Movement of people that is safe, accessible and efficient - Council intends to achieve this goal through a number of measures, including:
 - Management of car parking to maximise economic development and public safety, and
 - Management of roads, footpaths and car parks for safety, accessibility and efficiency.

This issue is discussed below under car parking and loading.

Car parking

A traffic and parking letter was prepared by GTA consultants on behalf of the applicant to support the application for a Planning Proposal. As there was a substantial inconsistency between the original proposal for an FSR of 2:1, and the 1620m² on which traffic consultant's letter was based, and in consideration of the applicant agreeing to an FSR of 1:1, an amended letter from GTA was provided.

GTA estimates in the amended letter, that the number of parking spaces required under Auburn DCP 2010 is around 59.

Based on the Hill PDA assessment, GTA notes that 75% of the customers will come from within Botanica. For Botanica customers GTA consultants discount the number of spaces required based on the high proportion of walk-in customers, based mostly (but not entirely) on a 400m walking catchment. The walking catchment is discussed under Section 5.3.2(a) of this report. GTA supports the proposed extent of parking spaces for the retail/commercial uses and their location as on-street parking for the following reasons:

- *'High percentage of walk in trade generated predominately by the Botanica residents*

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- *Good provision of pedestrian facilities (ie paths and lighting) and connectivity through the development*
- *Availability of on-site parking both directly adjacent to Building 66 of 14 spaces with another 45 spaces in close proximity to Building 66. In addition there are other on street parking spaces that will be shared between residential visitor parking and general public (commercial) parking along both Brookes Circuit and Main Avenue.*

Note for dot point 3 above, the original letter explained the additional parking as follows:

- *'... another 25 spaces in close proximity to Building 66. In addition there are another 19 spaces that will be shared between residential visitor parking and general public (commercial) parking.'*

GTA also remarks that:

'The nature of the proposed village retail / commercial centre uses will typically be convenience shopping with parking demand being for relatively short stay and frequent turnover of spaces.'

Due to the heritage values of the precinct, the extent of on street parking is quite limited. The heritage value and the site coverage of the existing Building 66 mean that at grade parking on the subject site itself is not desirable. While technically it may be possible to provide basement parking under the existing building, as discussed in the consultant's heritage report, this is not feasible from a financial perspective, and is potentially risky from a heritage perspective.

The extent of gross floor area is the driver for the extent of parking and loading required, and given the constraints of the site and the precinct, the FSR permitted will be critical.

The following includes excerpts from the council report for DA 176/2006 assessing the parking for the subdivision plan, including street layout and public parking for this heritage precinct. In considering the *Former Lidcombe Hospital Site Development Control Plan*, the assessment report states:

'2.7 Car Parking

The DCP identifies possible locations for off-site parking, with on-street parking along Main Road and limited on-street parking along Brookes Circuit. It is considered that the proposal satisfies the performance criteria by balancing the need to provide adequate parking within the precinct while limiting impacts on the heritage significance of the buildings and their settings.'

In regard to the *Car Parking and Loading Development Control Plan*, the DA assessment report states:

'The relevant requirements and objectives of the Car Parking and Loading DCP have been considered in the assessment of the development application. Development Standard D-1.1 requires that all new development shall provide off-street parking in accordance with specified rates. Given the significant constraints of the Heritage Precinct, insofar as almost all of the buildings are to be retained, there is limited

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opportunity to provide all of the car parking required by a particular use within the boundaries of the particular site.

The applicant is therefore proposing to provide a number of public and private car parking spaces to meet the demand for the precinct as a whole. Indicative building uses and possible locations for associated private car parking spaces have been shown on the plans...'

Note that the plans at that time also showed proposed future commercial use for sites to the east of Building 66 (see figure 15). While such uses have never been the subject of any approval, it is worthy of note that the applicant has now advised that the market will not support this extension of commercial uses, and they will not seek to rezone the sites to the east of Building 66.

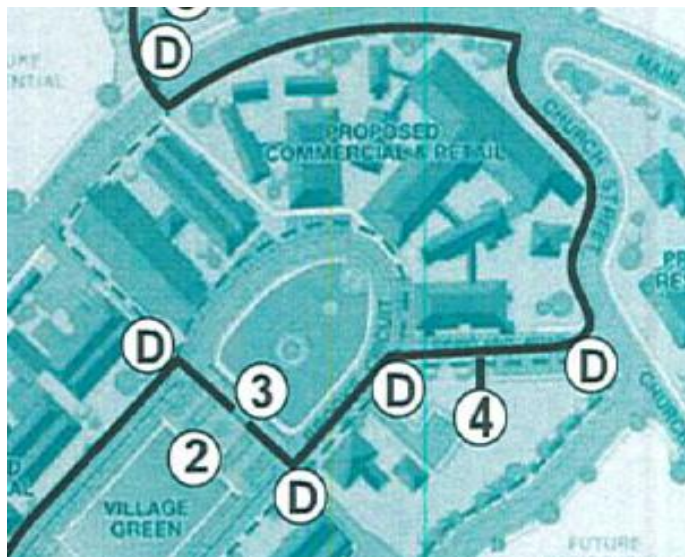


Figure 15. Plan showing indicative uses of sites at the southern end of the Village Green

The report provides the following table summarising the indicative building uses, the number of parking spaces required and the shortfall or overprovision of spaces by use.

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Use	No. of Car Parking Spaces Required	No. of car Parking Spaces Proposed	Shortfall of car parking spaces	Over-provision of car parking spaces
Indicative building uses – private land				
Residential	57	73	----	16
Child care	23	7	16	----
Medical	36	----	36	----
Office	11	----	11	----
Shops	46	2	44	----
Commercial	11	4	7	----
Place of Public worship	80	16	64	----
Parking station	----	18	----	----
Public Domain				
Public car parking	----	137	----	----
Total	266 (including 2 loading bays for the shops and commercial uses)	257		

Table 6: Summary of parking spaces – Excerpt from Report to Council on DA 176/2006

The report explains:

'The total number of private and public car parking spaces proposed to be provided is 257. Although it appears that there is only a shortfall of 9 car parking spaces for the precinct, there is an overprovision of 16 car parking spaces for the future residential uses. Taking this into account there is a shortfall of 25 car parking spaces for the indicative non-residential uses within the precinct as a whole including both private and public car parking spaces.

Based on the constraints of the site, the indication in Council's Former Lidcombe Hospital Site DCP for the adaptive re-use of the heritage buildings, and the assumed difference in peak periods of usage for some of the uses, it is considered that the provision of car parking spaces for the precinct as a whole is an acceptable approach in this instance. Further, the traffic generation associated with the precinct was taken into

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consideration in the assessment of the Stage 1 development application and the Former Lidcombe Hospital DCP.'

Prior to approval, DA 176/2006 was amended to reduce the car parking in the area of the Village Green to address issues raised by the NSW Heritage Office. Council approved the DA. The resolution included the following:

'That Council grant approval to the departures from Development Standard D1.1 provision of off-street car parking spaces of the Parking and Loading Development Control Plan due to the significant constraints of the Heritage Precinct, insofar as almost all of the buildings are to be retained and there is limited opportunity to provide all of the car parking required by a particular use within the boundaries of the particular site; the indication in Council's Former Lidcombe Hospital Site DCP for the adaptive re-use of the heritage buildings; and the assumed difference in peak periods of usage for some of the uses; it is considered that the provision of car parking spaces for the precinct as a whole is an acceptable approach in this instance.'

Since that 2011 approval a place of public worship and a child care centre have been approved nearby on Main Ave. The parking for the place of public worship has proved problematic as the extent of use is much larger than originally expected. However, the issue is limited to Sunday mornings and will not reduce parking opportunities for most of the week or the rest of the weekend.

In summary, given the constraints of the subject site, the heritage values of the precinct and the likelihood that a reasonable proportion of residents will walk to the centre, reduced levels of parking and some sharing of on-street facilities is warranted. Dependent of the details of any future DA, some compromise with the parking requirements of the DCP may be required. Note that this updated assessment is based on a total of 2,329m² of floor area broken into indicative active retail, business and office components of the building, including a small medical centre. The final mix of uses would be determined by future development applications.

An FSR greater than 1:1 cannot be supported as the parking requirements would exceed those that can reasonably be provided or shared within this precinct.

An FSR of 1:1 may allow a greater component of active commercial uses, but also includes parts of the circulation, service and storage areas. At this level, the commercial use of the site, and the proposed associated parking is consistent with the outcomes of the Community Strategic Plan in relation to the *Movement of people that is safe, accessible and efficient.*

While it is acknowledged that some flexibility in the parking provisions under Council's DCP will be required, the agreed reduction in FSR to 1:1 will reduce the number of parking spaces required on the street to a level that can be supported, given the positive outcomes of the application in terms of convenient 'top up' shopping for Botanica residents and improved heritage outcomes.

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Loading requirements

Auburn DCP 2010 includes the following performance criteria for loading areas:

- separation of loading and parking;
- size of loading bay adequate for likely vehicles using the space;
- location and design of services area to facilitate convenient and safe usage.

To achieve this for retail premises (shops and food and drink premises), the DCP requirements include:

1. facilities positioned not to interfere with designated parking spaces;
2. 1 loading space per 400m² to 2000m² GFA with an additional space for every 1000m² GFA thereafter;
3. buildings to be designed to allow loading and unloading within the building;
4. access from a laneway is permitted;
5. vehicles to be able to enter and leave in a forward direction.

The parking areas identified in the application are on Brookes Circuit, while the loading area is on Main Avenue. The closest parking available on Main Avenue is diagonally opposite on the other side of the road.

GTA consultants stated that a medium rigid vehicle/waste truck (generally 8-9m in length) would be the largest vehicle expected to access the centre, and that the allocated loading area is large enough to accommodate a truck of this size in a manner compliant with the relevant standards.

However, the applicant has since provided drawings showing that the proposed loading area can accommodate a 12.5m long heavy rigid vehicle.

An FSR of 1:1 would be a GFA of 2,329m². Strict compliance with the DCP would require 2 spaces designed to allow loading and unloading within the building. Only 1 space can be provided external to the building. For a truck to enter the building either a basement would need to be constructed under the building, or the façade to Main Avenue would need to be opened up. These alternatives are either not financially feasible, or are undesirable from a heritage perspective. In the circumstances 1 space external to the building is acceptable.

However the loading space is located partly within private land and partly within the roadway, which is Council owned land. This has potential liability complications in the event of an accident or damage. The loading area should be under the complete ownership of one body. Council raised this issue with the applicant.

The applicant responded that their lawyers advise them that under a community scheme they can dedicate the small amount of land associated with the loading area to council, but that they cannot add to the land i.e. they cannot add to a community lot.

Therefore the applicant suggested that the land could be dedicated to Council at the DA stage. Any matters of insurance could be considered at that time. If the Planning Proposal were to go ahead, Council could also choose to get its own legal advice in relation to the potential owner of the loading area.

If Council were to accept the dedication, Council could identify this area as a loading area. The zoning of the road as B1 Neighbourhood Zone would support this. The dedication of the land to Council would be required as a condition of consent in the future DA for the site.

5. Assessment of the Application

Accordingly, the commercial use of the site, and the location and size of the loading area is satisfactory and is consistent with the outcomes and measures in the Auburn City Community Strategic Plan, including the following outcome :

2e Management of roads, footpaths and car parks for safety, accessibility and efficiency.

c. Auburn Employment Lands Study

The *Auburn Employment Lands Study 2008* reviewed the existing employment land in the LGA in 2008, outlined future demand for industrial land, developed a vision, and produced principles to sustainable and viable business and employment growth across the LGA up to 2031.

The study focused on employment lands that were zoned for industrial uses. However, it also identified a demand for an additional 262,000m² of commercial floor space by 2031. The study recommended that the additional demand should be used to support town centres.

Nevertheless, Hill PDA have argued that the scale and uses of the proposed centre would not prevent the growth of nearby village or town centres.

The study found that jobs are not well contained within the LGA, with only 20% of workers in the LGA also residing in the LGA. It is expected that most of the jobs within the proposed centre would be local.

The application is not inconsistent with the Employment Lands Study.

Q5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The application is consistent with *State Environmental Planning Policy 55 – Remediation of Land* ('SEPP 55'). SEPP 55 requires that, when changing the zoning of land, the planning authority (which in this case is Council) must consider whether the land is contaminated.

Clause 6(2) of SEPP 55 states:

“Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines”

Contamination investigations have previously been carried out for this site and others in the vicinity. Site Audit Statement No. 0301-1006 issued by CH2M Hill Australia Pty Ltd on 27 June 2011 certifies that Lots 52, 55 to 57, 60, 61, 70 and 72 to 75 in DP 1097183 are suitable for the following uses:

- Residential with minimal opportunity for soil access, including units;
- Parks, recreational open spaces, playing field; and
- Commercial/industrial.

5. Assessment of the Application

Lot 72 has since been subdivided and contains the lot the subject of this Planning Proposal.

Other SEPPs

Assessment against the directions is based on the applicant's agreement to B1 Neighbourhood Centre zoning and an FSR of 1:1.

The application is not inconsistent with all remaining State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (deemed SEPPs). A full checklist outlining the consistency of the application with SEPPs and REPs is at Appendix D.

Q6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

Section 117 directions are directions to councils from the Minister for Planning and Infrastructure that need to be considered or given effect to in the preparation of draft LEPs. Assessment against the directions is based on the applicant's agreement to B1 Neighbourhood Centre zoning and an FSR of 1:1.

The proposal is consistent with the s. 117 Directions as outlined in the checklist at Appendix E.

5.3.3 Section C. Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affect as a result of the proposal?

There are no identified or likely, critical habitat, threatened species, populations or ecological communities, or their habitats that will be adversely affected as a result of the proposal.

Q8. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are no flooding or acid sulphate soil issues affecting the site. The likely effects on the heritage values of the site are discussed in Part 5.3.2 of this report.

Q9. Has the Planning Proposal adequately addressed any social and economic effects?

Hill PDA estimates that the turnover of the centre in 2016, when Botanica is fully occupied, will be about \$7.8million (in 2009 dollars). This is based on the projected population of the main trade area, a demographic analysis of the locality, (population, dwelling, household, employment and income characteristics), forecast expenditure by commodity type and retail store type, sourced from ABS Household Expenditure Survey 2003-04 and Marketinfo 2009

5. Assessment of the Application

database and adjusted as a result of the demographic analysis. Of this 75% would be sourced from the residents of the main trade area.

5.3.4 Section D. State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the proposal?

The site has roads on both sides, and a walkway to the north, connecting the two roads. Bus connections are discussed above.

There is inadequate space on the site for the parking and loading facilities required for the development, and it therefore relies on on-street facilities within the Botanica estate. These issues have been discussed under Council's Community Strategic Plan.

Q11. 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 sought as yet. However, if the Planning Proposal were to be supported by Council, the views of State and Commonwealth public authorities will be obtained when Council prepares a Planning Proposal for consideration under the Department of Planning's Gateway Determination process. Since the subject site is located within a state significant heritage conservation area, the Heritage Division of the NSW Office of the Environment and Heritage and the NSW Heritage Council should be consulted if the Planning Proposal proceeds.

5.3.5 Part 4 Mapping

Should Council go ahead with the Planning Proposal the following maps would require amendment:

Land Zoning Map - Sheet LZN_008

Floor Space Ratio Map - Sheet FSR_008

Height of Building Map - Sheet HOB_008.

Appendix F provides indicative amendments to maps as per the recommendations in Part 6 of this report. In addition, all the height of building maps would need a new legend incorporating the 12m height.

A number of additional maps would also be submitted to explain and support the proposal.

5.3.6 Part 5 Community Consultation

Preliminary consultation

The application for a Planning Proposal was exhibited for a period of 28 days from Tuesday 18 June to Monday 15 July 2013, in accordance with Council's *Communication Plan for Planning Proposals*.

A notice was placed in the Auburn Review, electronic copies of the relevant documentation was published on the Auburn Council website, and hard copies of the relevant documentation were made available at Council's Administration Building, Auburn Library, and the Regents Park Library. Letters were also mailed to residents within the notification area identified on the map at Appendix G.

No submissions were received.

Consultation subsequent to a gateway determination

Should Council proceed with the Planning Proposal, further community consultation will be undertaken after the gateway determination, depending on the outcome of the Council's decision on the Planning Proposal.

The Department of Planning and Infrastructure's '*Guide to preparing Local Environmental Plans 2013*' sets out periods for public consultation following a gateway determination according to the level of impact of the proposal. Low impact Planning Proposals are required to be exhibited for 14 days. All other types of Planning Proposals are to be exhibited for a period of 28 days.

A 28 day public exhibition period is considered appropriate for this proposal, however, the gateway process will determine the minimum exhibition period.

Should Council proceed with the Planning Proposal, the advice of relevant agencies should also be sought, in particular, the Heritage Council of NSW and the heritage division of the Office of Environment and Heritage.

5.3.7 Part 6 Project timeline

A project timeline has not been provided, but the applicant has outlined the key milestones and a proposed time for final notification; namely, December 2013.

If Council determines to go ahead with the Planning Proposal a project timeline will be prepared.

5.4 Council resolutions relating to the site

The resolution regarding parking associated with DA 176/2006 was discussed in section 5.3.2 of this report. There are no other relevant Council resolutions relating to the specific site.

6 RECOMMENDATIONS

Based on the assessment above is recommended that Council:

1. Support the Planning Proposal to rezone the subject land from R3 Medium Density Residential to a business zone and apply increased development standards for maximum building height and FSR to enable commercial use of the site as a centre to serve the residents of Botanica;
2. Draft the Planning Proposal to seek the rezoning of the site to B1 Neighbourhood Centre, consistent with the requirements of regional and sub-regional strategies, plans and Section 117 directions, and with the objectives of *Auburn LEP 2010*;
3. Support the increase in maximum building height from 9 metres to 12 metres, to support the restoration of the roof and high windows in this heritage precinct;
4. Prepare the Planning Proposal to seek a maximum floor space ratio of FSR of 1:1, consistent with the intent of the B1 zone, the heritage significance of the site, and the parking and loading constraints of the site and its surrounds;
5. Prepare the Planning Proposal to identify the need for a future DA to ensure that the loading area is under a single ownership, and that the applicant has offered to dedicate the land to Council to effect this;
6. Include consultation with relevant State Authorities in the Planning Proposal, in particular the Heritage Division of the NSW Office of the Environment and Heritage and the Heritage Council of NSW;
7. Forward the Planning Proposal to the Department of Planning and Infrastructure seeking a Gateway Determination.
8. Progress the Planning Proposal through to finalisation, provided that no substantial changes are required following exhibition.

Issues for consideration

It should be noted that if Council resolves to proceed with the Planning Proposal, issues in relation to parking, loading, and land dedication will require further resolution at DA stage. The resolution of these issues will depend on the specifics of the future DA.

APPENDIX A: EXCERPTS FROM CONSERVATION MANAGEMENT PLAN

by Godden Mackay Logan (2002)

Exceptional Significance

Element/Building Number

Key Values

Issues/Management Policies

Building 66 (CMLA Workshop/ former Dining Hall & Kitchen) 1887/1905/1933



- Designed by Barnet.
- Part of the first building program for Boys Reformatory and Model Farm.
- Dining Hall enlarged 1905–07, Kitchen moved below.
- Connected to building adjacent (previous Ward 4) to house new Kitchen in 1933–35. Bakery installed below. Portico added in 1930s.
- Adapted to CMLA workshop when new Kitchen built.
- Alcohol Bar ('Village Pub') for Olympic Media Village.
- Demonstrates all phases of site history.

- Within proposed heritage precinct and SHR curtilage.
- Retain, conserve and interpret as significant component of site.
- Requires detailed study to determine significance.
- Large interior dining room space to be conserved, not partitioned.
- Existing roof trusses to remain exposed, no ceiling to be introduced.
- Bakery not to be partitioned.
- Bread ovens to be conserved in situ.
- Series of rooms adjacent to lower kitchen require detailed investigation and maintenance.
- Site drainage to be improved.
- Retain and interpret evidence of iceworks.
- Retain evidence (signage) of Olympic Media Village Pub.
- Allow for limited public access to former Dining Hall and Bakery.
- Bakery could be used for interpretation.

Building 66A (Orchid Society) 1885/1933/1950



- Designed by Barnet as dormitory.
- Part of the first building program for Boys Reformatory and Model Farm.
- Connected to former Dining Hall and adapted to Kitchen
- Demonstrates original roof form.

- Within proposed heritage precinct and SHR curtilage.
- Retain and conserve.
- Remove unsympathetic additions, including brick infilled front verandah.
- Later internal alterations may be retained or removed.

APPENDIX B: EMAILS FROM APPLICANT AND SITE OWNER

From: Devcon partners [mailto:charlie@devconpartners.com.au]

Sent: 15 August 2013 2:05 PM

To: Theresa Southwell

Subject: RE: Building 66 Botanica

Hi Theresa,

I am happy to proceed with the following:

-B1 Neighbourhood Centre zoning.

- FSR of 1:1 for the site.

Please feel free to contact me if you would like anything further,

Kind Regards,

Charlie Daher

Office Manager

Devcon Partners

Mobile: 0411 307 069

Ph: (02) 9833 2666

Fax: (02) 9833 1199

Email: charlie@devconpartners.com.au

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From: Simon Twiggs [mailto:stwiggs@australand.com.au]
Sent: 15 August 2013 4:39 PM
To: Theresa Southwell
Cc: Devcon Partners; gmck@mlps.com.au
Subject: FW: Building 66 Botanica

Terri

Confirm that Australand is happy to proceed on the re zoning for building 66 on the bases of

- B1 Neighbourhood Centre zoning
- 1:1 FSR for the site

Simon

Simon Twiggs
Senior Development Manager
Australand Property Group

Mob 0412 262 173 Tel 02 9767 2070
1 Homebush Bay Drive, Building C, Level 3, Rhodes NSW 2138

australand.com.au | People driven people.



APPENDIX C: NET COMMUNITY BENEFIT EVALUATION CRITERIA

Will the LEP be compatible with agreed State and regional strategic directions for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?

Yes. As discussed in Part 5.3.2 (questions 3 and 6) of this report a new small scale centre in this location will not compromise the centres hierarchy outlined in state and regional strategies. Net benefits will include some limited additional competition in retail and services, some local employment opportunities and encouragement of walking over vehicle use for 'top up' shopping within Botanica.

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?

No. The subject site is not located within a strategic centre or corridor. The subject site forms part of the heritage precinct of the Former Lidcombe Hospital site commonly referred to as Botanica within the Auburn LGA which is being developed for medium density residential housing. The proposal will have no/minimal impact on the global city, any strategic centre or nominated corridors and therefore no external cost to the community in this regard.

Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?

No. The Planning Proposal intends to rezone the subject site from a medium density residential land to commercial land uses in response to a demonstrated need. It will not create a precedent as the development standards agreed to by the applicant are specifically in response to the heritage context of the site/building, the need for a response which protects the significance of both the exterior and the interior of the building and the regional centres hierarchy. This is discussed under Part 5.3.2 of this report. There will be no external cost to the community in this regard.

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

Yes. There are other Planning Proposals both at pre and post Gateway stages being assessed for consideration by Council. The majority of these are in other suburbs and have no relevance in relation to this application.

There is a post-Gateway Planning Proposal to increase FSRs across all B4 and R4 zones in Auburn LGA. This application does not involve either a B4 or an R4 zoning – either existing or proposed.

Another spot rezoning proposal is currently being finalised for Lot 802 DP 1150164 Main Avenue Lidcombe within the heritage precinct. The proposal relates to residential building form and is not relevant to the current application.

The characteristics of this particular site are unique and it is on this basis that the application is recommended to proceed. There are no potential cumulative impacts from adding this proposal to the other proposals currently being considered.

Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?

Additional retail and commercial floorspace to be provided will support more jobs and investment during the construction process and ongoing local jobs in retail and commercial operations. It will not result in the loss of any employment lands and therefore there will be no external costs to the community in this regard.

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

Yes. The proposal would result in a small reduction in the number of dwellings within Botanica (about half a dozen out of 800 proposed dwellings). Such a minor loss of housing is unlikely to have any impact on housing supply or affordability. The benefits of providing opportunities for local convenience shopping close to a community that has no such facilities at present, will outweigh the minor reduction in future housing in the precinct.

Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site?

Yes. The capacity of the roads within the precinct to support the proposed development is discussed in detail in Part 5.3.2 of this report. The precinct is currently served by public utilities and a road and pedestrian network, which are capable of supporting permissible medium density residential development.

The existing infrastructure is adequate to deal with the potential relatively small increase in usage of these facilities up to an FSR of 1:1. The cost to the community of sharing on-street parking is offset by the convenience of local retail and other services, the protection of the heritage values of the site, and the provision of a focus for social interaction.

Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?

Yes. The Botanica estate includes a cycleway and pedestrian paths which pass the subject site. In addition there is an easement for a public pathway directly to the north of the site linking Main Ave and Brookes Circuit.

The route and frequency of the public bus service in relation to the subject site is discussed in Part 3.1.1 and is considered adequate for the proposal. There will be no external costs to the community in this regard.

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?

Yes. The proposal would provide convenience retail and commercial facilities for local residents of Botanica, where the closest retail/commercial facilities at present are over 2km from the subject site. Some residents will be in easy walking distance of these facilities, and all residents within cycling distance, reducing the likely car use for 'top up' shopping and other services. Even where residents drive, the distance will be shorter, with less traffic, than to any of the existing nearby local centres. This will reduce greenhouse emissions, even if only to a minor extent.

The key roads servicing the subject site have been designed to cater for a public bus and therefore will cope safely with the size and weight of service vehicles proposed for the site.

The increased truck numbers will have an impact on the cost of maintaining these roads, but this is commensurate with the benefits to the community outlined above.

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) adjoin the heritage precinct to the east. The NSW Environment Protection Authority testing laboratory is located to the west. The patronage of these facilities would not be affected by the rezoning of the subject site.

There may be a temporary minor decrease in the number of users of Joseph Street which is currently a state road, and the existing public bus services to access convenience retail and commercial facilities. By the completion of all dwellings in Botanica in 2016 and the resultant increase in population, this effect will no longer be evident.

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 or acid sulphate soils (per *Auburn LEP 2010*) or any known biodiversity issues that affect this land. There is no vegetation on the site.

The subject site is located within a heritage conservation area under the *Auburn LEP 2010* and a heritage precinct on the NSW Heritage Register. The proposal will provide for a more sensitive adaptive reuse of the site, resulting in a net community benefit in this regard.

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?

The proposed rezoning of the site seeks to provide for feasible uses within Building 66, to protect its heritage values into the future. The commercial use of the site would complement and support the surrounding residential development. While not resulting in public domain improvements per se, the proposal would provide public access to a building of significant heritage value, adding to the public interest and would add value as a focal point to the open space within Brookes Circuit.

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Yes, it would provide local commercial facilities, providing some limited competition with surrounding local centres without compromising their roles in the centres hierarchy.

If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

The proposal is a stand-alone proposal. The road and parking infrastructure within the estate is limited in part by the values of the heritage precinct. The limited parking and loading space severely constrain commercial uses. The recommended B1 zoning acknowledges these limits, and unlike the original proposal for a B2 zoning, does not encourage any future extension of the neighbourhood centre.

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

The proposed rezoning is a response to meeting the needs of the present and future population of Botanica for local convenience shopping and services, facilities which are currently lacking. It is also a response to the heritage values of the precinct and the values of some of the interior components of the building.

Not proceeding with a Planning Proposal at this time increases the likelihood that that the subject site will be developed for residential development which would likely result in the use and internal division of the existing rooms in a way that is inconsistent with the CMP for the site; an undesirable outcome from a heritage perspective.

Not proceeding with the proposal may also mean that the opportunity to provide for 'top up' shopping for the local residents of Botanica is lost.

APPENDIX D: CONSISTENCY WITH SEPPS AND REPS

a. State Environmental Planning Policies (SEPPs)

This assessment is based on the applicant's agreement to progress the application on the basis of B1 Neighbourhood Centre zoning and an FSR of 1:1.

No.	Title	Summary	Application
1	Development Standards	Seeks to provide flexibility in the application of planning controls where strict compliance of development standards would be unreasonable, unnecessary or hinder the attainment of specified objectives of the Act.	Does not apply to Auburn LGA. SEPP repealed by ALEP 2010 (clause 1.9)
4	Development without Consent and Miscellaneous Exempt and Complying Development	Aims to permit development for a purpose which is of minor environmental significance, development for certain purposes by public utility undertakings and development on certain land reserved or dedicated under the <i>National Parks and Wildlife Act 1974</i> without the necessity for development consent. Also regulates complying development for conversion of fire alarms.	Clause 6 and Parts 3 and 4 do not apply - repealed by Auburn LEP 2010 (clause 1.9). Remainder of SEPP applies to the State. The proposal does not involve exempt or complying development. Not relevant.
6	Number of Storeys in a Building	Seeks to remove confusion arising from the interpretation of provisions in EPIs controlling the height of buildings	Applies to the State. <i>Principal development standards within ALEP 2010 are consistent with this SEPP.</i> Consistent
14	Coastal Wetlands	Seeks to ensure the State's coastal wetlands are preserved and protected.	Does not apply to Auburn LGA. Applies to specified land under the National Parks & Wildlife Act, the Tomago Aluminium Smelter (Newcastle) and land to which SEPP 26 applies.
15	Rural Landsharing Communities	Seeks to facilitate the development of rural land-sharing communities committed to environmentally sensitive and sustainable land use practices.	Does not apply to Auburn LGA.
19	Bushland in Urban Areas	Seeks to protect bushland within urban areas. Specific attention to	Applies to the Auburn LGA. There is no bushland on or

No.	Title	Summary	Application
		bushland, remnant and endangered vegetation and bushland zoned or reserved for public open space.	adjoining the subject site. Not relevant
21	Caravan Parks	Seeks to facilitate the proper management and development of land used for caravan parks catering to the provision of accommodation to short and long term residents.	Applies to the State. Excludes land to land to which SEPP (Western Sydney Parklands) applies. The site is not currently used or intended to be used to be used as a caravan park. Not relevant
22	Shops and Commercial Premises	Seeks to permit change of use from commercial premises to commercial premises, and shop to shop even if the change is prohibited by another EPI, provided only minor effect and consent is obtained from relevant authorities.	Applies to State, excluding specified land under Parramatta LEP and Penrith LEP. The rezoning to a business zone and any subsequent approval for commercial premises would trigger the provisions of this SEPP. However, any change of use would still need consent and would need to be of minor effect to comply with the SEPP. Consistent
26	Littoral Rainforests	Seeks to protect littoral rainforests from development.	<i>Does not apply to Auburn LGA</i>
29	Western Sydney Recreation Area	To enable the carrying out of development for recreational, sporting and cultural purposes within the Western Sydney Recreation Area	<i>Does not apply to Auburn LGA</i> Applies to land within Western Sydney Parklands - Eastern Creek, Prospect, Horsley Park and Hoxton Park
30	Intensive Agriculture	Requires development consent and additional requirements for cattle feedlots and piggeries.	Applies to the State. The proposal is not for a cattle feedlot or piggery. Not relevant
32	Urban Consolidation	Seeks to facilitate surplus urban land redevelopment for multi-unit housing and related development in a timely manner and the	Applies to all urban land, except Western Sydney Parklands under that SEPP.

No.	Title	Summary	Application
		provision of housing within areas that have public infrastructure.	Council is required to consider the aims and objectives of the SEPP in preparing a Planning Proposal. The application for rezoning would result in the replacement of a small number of dwellings with commercial services designed to support the surrounding residential development. A B1 zone would not encourage further housing loss in this precinct, and in providing infrastructure to support the surrounding development, it is considered to be consistent with the SEPP.
33	Hazardous and Offensive Development	Seeks to provide additional support and requirements for hazardous and offensive development	Applies to the State. The proposal does not seek to provide for hazardous or offensive development. Not relevant.
36	Manufactured Home Estates	Seeks to facilitate the establishment of manufactured home estates as a contemporary form of residential housing.	<i>Does not apply to Auburn LGA.</i> Applies to land outside the Sydney Region.
39	Spit Island Bird Habitat	Seeks to enable development for the purposes of creating and protecting bird habitat.	<i>Does not apply to Auburn LGA.</i> Applies to land comprising Spit Island, Towra Point and Kurnell.
44	Koala Habitat Protection	Seeks to encourage proper conservation and management of areas of natural vegetation that provide habitat for koalas	<i>Does not apply to the Auburn LGA</i> Auburn LGA not listed in Schedule 1.
47	Moore Park Showground	Seeks to enable redevelopment of Moore Park Showground consistent with its status as being of State and regional planning importance.	<i>Does not apply to the Auburn LGA</i>
50	Canal Estate Development	Prohibits canal estate development	Applies to the State, except Penrith Lakes. Canal estate development is not

No.	Title	Summary	Application
			proposed. Not relevant.
52	Farm Dams and other works in land management areas	Requires environmental assessment under Part 4 of the EPA for artificial water bodies carried out under farm plans that implement land and water management plans.	<i>Does not apply to the Auburn LGA</i>
55	Remediation of Land	Provides a Statewide planning approach for the remediation of contaminated land.	Applies to the State SEPP 55 requires that, when changing the zoning of land, the planning authority (which in this case is Council) must consider whether the land is contaminated. Clause 6(2) of SEPP 55 states: <i>“Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines”</i> Contamination investigations have previously been carried out for this site and others in the vicinity. Site Audit Statement No. 0301-1006 issued by CH2M Hill Australia Pty Ltd on 27 June 2011 certifies that Lots 52, 55 to 57, 60, 61, 70 and 72 to 75 in DP 1097183 are suitable for the following uses: • Residential with minimal opportunity for soil access, including units; • Parks, recreational open spaces, playing field; and • Commercial/industrial. Lot 72 has since been subdivided and contains the lot the subject of this Planning Proposal. Consistent

No.	Title	Summary	Application
59	Central Western Sydney Regional Open Space and Residential	To provide for residential development on suitable land as identified in the Policy to assist in accommodating the projected population growth of Western Sydney	<i>Does not apply to the Auburn LGA</i> Applies to land identified as Regional Open Space Zone and Residential Zone within the Western Sydney Parklands
60	Exempt and Complying Development	Seeks to provide for exempt development and complying development in certain local government areas that have not provided for those types of development through a local environmental plan	<i>Does not apply to the parts of the Auburn LGA (clause 1.9) covered by the Auburn LEP 2010.</i> Applies to the state, except as provided by the policy and excludes Mt Kosciusko. Applies to land to which SREP 24 applies – refer to <i>State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Land Application Map</i> . Affected land within the Auburn LGA includes SOPA and certain land within Wentworth Point, Newington, Silverwater and Homebush Bay. The subject site is land covered by <i>Auburn LEP 2010</i> . Not relevant.
62	Sustainable Aquaculture	Seeks to encourage and regulate sustainable aquaculture development	Applies to the State The proposal does not seek aquaculture development. Not relevant.
64	Advertising and Signage	Seeks to regulate signage (but not content) and ensure signage is compatible with desired amenity and visual character of the area.	Applies to the State The proposal is not for the development of advertising or signage. Should any future DA seek advertising or signage if the Planning Proposal is supported and made, consideration of the SEPP would be required. Not relevant.

No.	Title	Summary	Application
65	Design Quality of Residential Flat Development	Seeks to improve the design qualities of residential flat building development in New South Wales.	Applies to the State, excluding Kosciusko SEPP area The proposal does not involve a residential flat building. Not relevant.
70	Affordable Housing (Revised Schemes)	Seeks to insert affordable housing provisions into EPIs and to address expiry of savings made by EP&A Amendment (Affordable Housing) Act 2000.	<i>Does not apply to Auburn LGA.</i> Applies to land within the Greater Metropolitan Region. Specifically mentions Ulitmo/Pymont precinct, City of Willoughby and Green Square.
71	Coastal Protection	Seeks to protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast.	<i>Does not apply to Auburn LGA.</i> Applies to land within the coastal zone, as per maps of SEPP.
	Affordable Rental Housing	To provide a consistent planning regime for the provision of affordable rental housing and facilitate the effective delivery of affordable housing	Applies to the State The proposed rezoning would reduce the applicability of the SEPP to only that part of the SEPP related to boarding houses. Even under the existing zoning, the likelihood of the SEPP being used within this relatively expensive area of Auburn and given the heritage constraints is extremely low. Affordable housing is not sought by the application. Not relevant.
	Building Sustainability Index: BASIX 2004	The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State	Applies to State The proposal seeks to use the existing building for commercial purposes. This would not result in the building being a 'BASIX' affected building. Not relevant.
	Exempt and Complying	Seeks to provide streamlined assessment process for	Applies to the State.

No.	Title	Summary	Application
	Development Codes 2008	development that complies with specified development standards.	Excludes land within Kosciuszko National Park, Western Sydney Parklands SEPP and land within 18kms of ANU land at Siding Spring. The provisions of this SEPP currently apply under the residential zoning of the site. The provisions of this SEPP in relation to commercial uses would be applicable if the site was rezoned. However, in both cases, the applicability would be very limited due to the listing of the conservation area on the State Heritage Register and Auburn LEP. Consistent.
	Housing for Seniors or People with a Disability 2004	Seeks to encourage the provision of housing to meet the needs of seniors or people with a disability.	Applies to the State - Land that is zoned primarily for urban purposes or adjoins such land, and as per the conditions specified in the SEPP. The SEPP applies under the current zone, and would apply under the proposed B2 zoning. It would not apply under a B1 zoning. The proposal does not seek development for Seniors Housing. The proposal is not inconsistent with the SEPP.
	Infrastructure 2007	The aim of this Policy is to facilitate the effective delivery of infrastructure across the State. Specifies exempt and complying development controls to apply to the range of development types listed in the SEPP.	Applies to the State This SEPP would be applicable at the development stage. The proposal is not inconsistent with the SEPP.
	Kosciuszko National Park – Alpine Resorts 2007	Seeks to protect and enhance the natural environment of the alpine	<i>Does not apply to Auburn LGA.</i> Applies only to specified land

No.	Title	Summary	Application
		resorts area.	within Kosciuszko National Park, Kosciuszko Road and Alpine Way.
	Kurnell Peninsula 1989		<i>Does not apply to Auburn LGA.</i> Applies to the land within Sutherland Shire known as Kurnell Peninsula. Excludes some land under SSLEP 2006.
	Major Development 2005	Aims to facilitate the development or protection of important urban, coastal and regional sites of economic, environmental or social significance to the State. Also to facilitate service delivery outcomes for a range of public services.	This Policy applies to the State. This proposal does not seek development under this SEPP. The proposal is not inconsistent with the SEPP.
	Mining, Petroleum and Extractive Industries 2007	Seeks to provide for the proper management and development of mineral, petroleum and extractive material resources	Applies to the State including coastal waters This proposal does not seek development under this SEPP. The proposal is not inconsistent with the SEPP.
	State Environmental Planning Policy (Penrith Lakes Scheme) 1989	Seeks to provide a development control process establishing environmental and technical matters which must be taken into account in implementing the Penrith Lakes Scheme in order to protect the environment,	<i>Does not apply to Auburn LGA.</i>
	State Environmental Planning Policy (Port Botany and Port Kembla) 2013	Seek to provide consistent planning regime for the development and delivery of infrastructure on land in Port Botany and Port Kembla,	<i>Does not apply to Auburn LGA.</i> Applies to the land within Botany City Council in the area known as Port Botany. It also applies to land within Wollongong City Council in an area known as Port Kembla.
	Rural Lands 2008	Seeks to facilitate the orderly and economic use and development of rural lands for rural and related	<i>Does not apply to the Auburn LGA.</i>

No.	Title	Summary	Application
		purposes	
	SEPP 53 Transitional Provisions 2011	Aim is to enact transitional provisions consequent on the repeal of State Environmental Planning Policy No 53—Metropolitan Residential Development.	<i>Does not apply to the Auburn LGA.</i> Applies to land within the Ku-ring-gai local government area.
	State and Regional Development 2011	Aims to identify State significant development and State significant infrastructure. Also to confer functions on joint regional planning panels to determine development applications.	Applies to the State This proposal does not seek development under this SEPP. The proposal is not inconsistent with the SEPP.
	Sydney Drinking Water Catchment 2011	Aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal.	<i>Does not apply to the Auburn LGA</i> Applies to land within the Sydney drinking water catchment.
	Sydney Region Growth Centres 2006	Aims to co-ordinate the release of land for development in the North West and South West Growth Centres.	<i>Does not apply to Auburn LGA.</i> Applies to all land in a 'growth centre' (North West Growth Centre or the South West Growth Centre)
	State Environmental Planning Policy (Temporary Structures) 2007	To encourage protection of the environment at the location/vicinity of temporary structures by managing noise, parking and traffic impacts and ensuring heritage protection	Applies to the State. This proposal does not seek development under this SEPP. The proposal is not inconsistent with the SEPP.
	State Environmental Planning Policy (Urban Renewal) 2010	To facilitate the orderly and economic development and redevelopment of sites in and around urban renewal precincts	<i>Does not apply to Auburn LGA.</i> Applies to land within a potential precinct – land identified as a potential urban renewal precinct. This includes Redfern-Waterloo, Granville and Newcastle.
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	To promote economic development and the creation of employment in the Western Sydney Employment Area by	<i>Does not apply to Auburn LGA.</i> Applies to land within Penrith, Blacktown, Holroyd and Fairfield LGAs. Refer to <i>State</i>

No.	Title	Summary	Application
		providing for development	<i>Environmental Planning Policy (Western Sydney Employment Area) 2009 Land Application Map.</i>
	Western Sydney Parklands	Seeks to ensure the Western Sydney Parkland can be developed as urban parkland to serve the Western Sydney Region.	<i>Does not apply to the Auburn LGA.</i> Applies to land within the Blacktown, Fairfield and Holroyd LGAs (Quakers Hill to West Hoxton)

b. State Regional Environmental Plans (REPs) (Deemed SEPPs)

No	Title	Summary	Application
5	Chatswood Town Centre	Seeks to facilitate development of land within the Chatswood Town Centre.	<i>Does not apply to the Auburn LGA.</i> Applies to Chatswood Town Centre.
8	Central Coast Plateau	Seeks to implement the state's urban consolidation policy.	<i>Does not apply to the Auburn LGA.</i> Applies to nominated land in the NSW Central Coast.
9	Extractive Industry No. 2 1995	Seeks to facilitate development of extractive industries in proximity to the population of the Sydney Metropolitan Area.	<i>Does not apply to the Auburn LGA.</i> Applies to LGAs listed in Schedule 4 of the SREP.
11	Penrith Lakes	Seeks to permit implementation of the Penrith Lakes Scheme	<i>Does not apply to the Auburn LGA.</i> Applies to the Penrith Lakes area
16	Walsh Bay	Seeks to regulate the use and development of the Walsh Bay area.	<i>Does not apply to the Auburn LGA.</i> Applies to land within the City of Sydney and within Sydney Harbour.

No	Title	Summary	Application
18	Public transport corridors	Seeks to protect provision for future public transport facilities.	<i>Does not apply to the Auburn LGA.</i> Applies to the Fairfield, Parramatta, Holroyd and Baulkham Hills LGAs.
19	Rouse Hill Development Area	Seeks to provide for the orderly and economic development of the RHDA.	<i>Does not apply to the Auburn LGA.</i> Applies to area defined by policy. Note: Rouse Hill is in The Hills and Blacktown LGAs.
20	Hawkesbury Nepean	Seeks to protect the Hawkesbury-Nepean River System.	<i>Does not apply to the Auburn LGA.</i> Applies to certain LGAs within Greater Metropolitan Region.
24	Homebush Bay Area	Seeks to encourage the co-ordinated and environmentally sensitive development of the Homebush Bay area	<i>Does not apply to land to which ALEP 2010 applies (clause 1.9).</i> Applies to rest of Auburn LGA – refer to <i>State Environmental Planning Policy (Major Development) Amendment (Sydney Olympic Park) 2009 Land Application Map</i> . The proposal is not within the area to which this plan applies.
25	Orchard Hills	Seeks to protect the prime agricultural land of Orchard Hills.	<i>Does not apply to the Auburn LGA.</i> Applies to land within the City of Penrith
26	City West	Seeks to promote the orderly and economic use and development of land within City West	<i>Does not apply to the Auburn LGA.</i> Applies to land shown as City West area (Pyrmont and Ultimo)
28	Parramatta	Seeks to establish regional planning aims for the Parramatta Primary Centre	<i>Does not apply to the Auburn LGA.</i> Applies to land known as Parramatta Primary Centre (within Parramatta City Council and City of Holroyd).

No	Title	Summary	Application
30	St Marys	Seeks to support the redevelopment of St Marys by providing a framework for sustainable development.	<i>Does not apply to the Auburn LGA.</i> Applies to specified land within the Blacktown and Penrith LGAs.
33	Cooks Cove	Seeks to establish planning principles to promote the sustainable use of the Cooks Cove site	<i>Does not apply to the Auburn LGA.</i> Applies to specified land within Cooks Cove (Arncliffe).
	Sydney Harbour Catchment	Seeks to ensure that the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained for existing and future generations.	Applies to specified land within the Sydney Harbour Catchment. It applies to most of the Auburn LGA, but excludes the southeastern corner, in which the subject site is located.

APPENDIX E: CONSISTENCY WITH SECTION 117 DIRECTIONS

Section 117 directions apply to Planning Proposals lodged with the Department of Planning and Infrastructure. This table outlines the application's consistency with the directions.

This assessment is based on the applicant's agreement to progress the application on the basis of B1 Neighbourhood Centre zoning and an FSR of 1:1.

No.	Title	Consistent?	Comment
1. Employment and resources			
1.1	Business and industrial zones	Yes	The subject site is currently zoned residential, however, the application for a Planning Proposal seeks a business zoning. The direction requires that Planning Proposals '<i>ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.</i>' As outlined in the main body of this report, the proposal is consistent with the regional and sub-regional strategies in relation to business zones (Part 5.3.2 of this report).
1.2	Rural zones	Yes	There are no rural zones in Auburn LGA.
1.3	Mining, petroleum production and extractive industries	Yes	The proposed zoning amendment does not change the permissibility of these uses, nor create land use conflicts with such uses.
1.4	Oyster aquaculture	Yes	The proposal does not seek a change in land use which could result in adverse impacts on any existing or potential oyster aquaculture.
1.5	Rural lands	N/A	This direction does not apply to Auburn LGA.
2. Environment and heritage			
2.1	Environment protection zones	Yes	The subject site and surrounds are not environmentally sensitive lands or located within an Environmental Protection Zone.
2.2	Coastal protection	N/A	The subject site is not located within the Coastal zone
2.3	Heritage conservation	Yes	This direction requires that a Planning Proposal must contain provisions that facilitate the conservation of environmental, archaeological and aboriginal heritage. The proposal is designed to protect the heritage of the site, is outlined in Part 5.3.2c of this report. It will not alter existing heritage provision within ALEP 2010.
2.4	Recreation vehicle areas	Yes	The Planning Proposal does not enable land to be developed for the purpose of a recreation vehicle area.

3. Housing, infrastructure and urban development

3.1	Residential zones	Yes	The subject site is currently zoned R3 Medium Density Residential. This direction requires a Planning Proposal in a residential zone to: provide for housing choice; make efficient use of existing infrastructure; and may not reduce permitted housing density. The application does not address this direction however, the loss of housing opportunities on the subject site is of minor significance, especially given that the proposed commercial use will provide small scale local retail and services not currently available within walking distance. Council will meet its dwelling targets without the need for housing on this site (see Section 5.3.2(c) of this report).
3.2	Caravan parks and manufactured home estates	Yes	The proposal does not provide for caravan parks or manufactured home estates.
3.3	Home occupations	Yes	The proposal does not provide for dwelling houses.
3.4	Integrating land use and transport	Yes	The Planning Proposal is consistent with the aims, objectives, principles of <i>Improving Transport Choice – Guidelines for planning and development</i>. While the proposed commercial uses are to be located out of an existing centre and key corridors, they will not have any significant impact on nearby centres or corridors. The proposal meets a number of the principles and objectives in the guidelines: By providing for small scale local convenience retail and services and within a B1 zoning framework, it helps to meet the following: • 'reduce growth in the number and length of private car journey; • make walking, cycling and public transport use more attractive.' • 'provide walkable environments'; • 'the size of activity centres is consistent with existing or planned levels of public transport'. Similarly the proposal, is justified in providing commercial services outside of an existing centre as required by <i>The Right Place for Business and Services – Planning Policy</i> as it nevertheless meets the objectives including: • locate trip-generating development which provides important services in places that: – help reduce reliance on cars and moderate the demand for car travel – encourage people to travel on public transport, walk or cycle – provide people with equitable and efficient access.

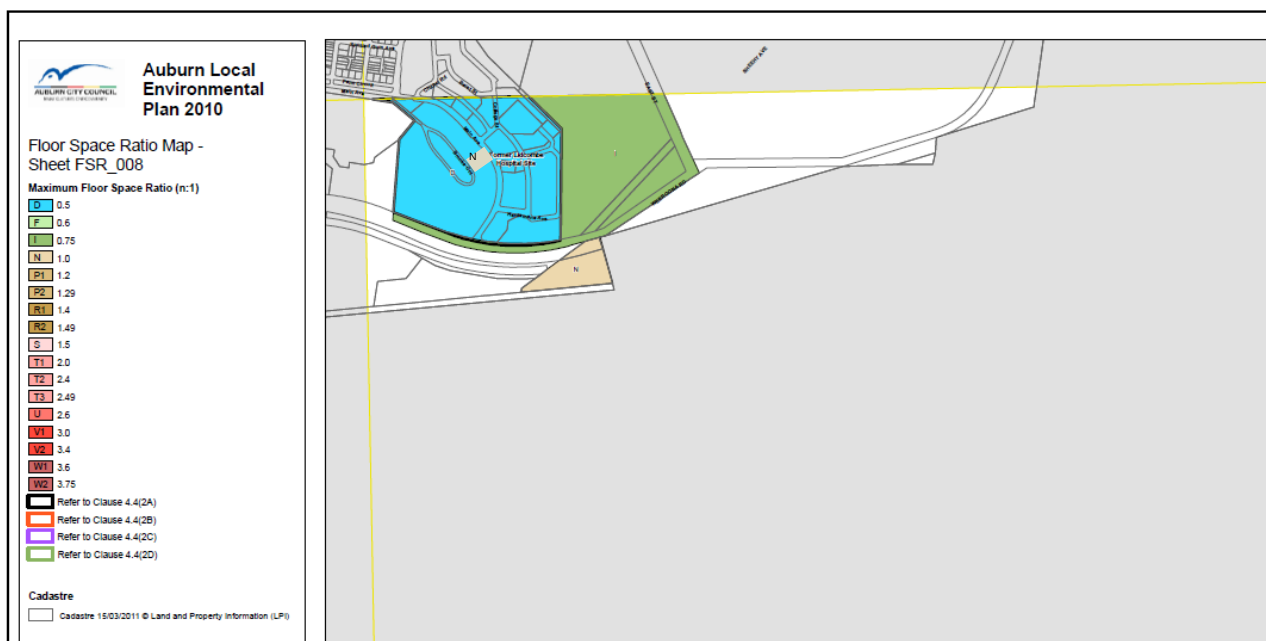
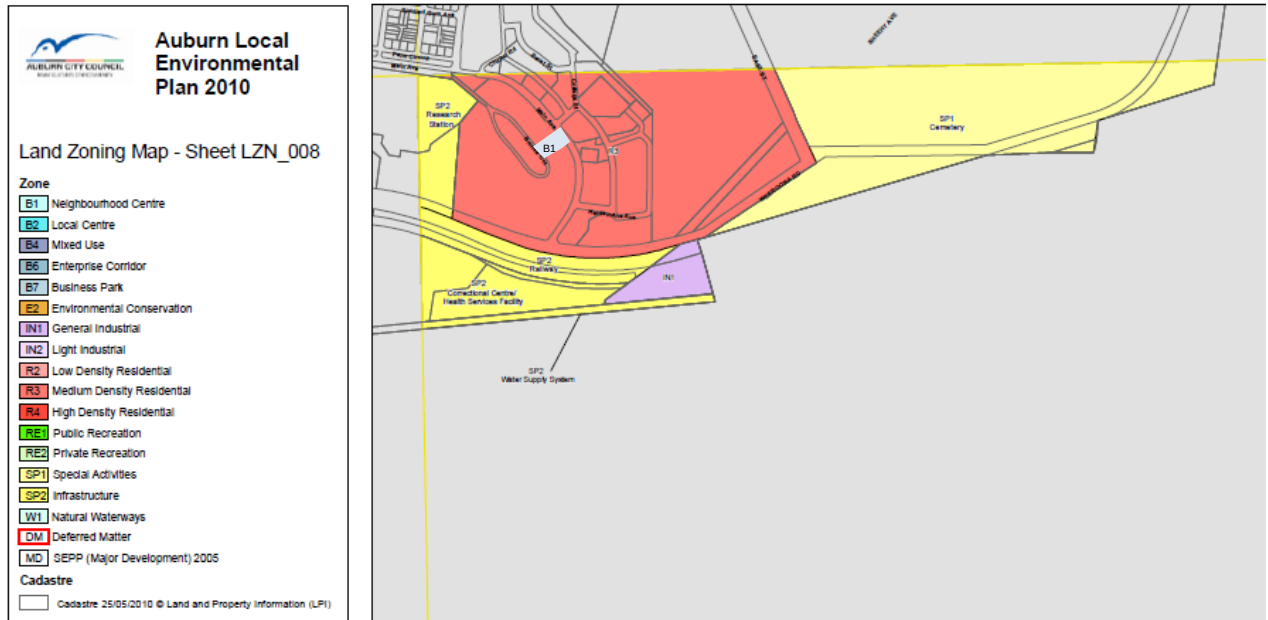
3.5	Development near licensed aerodromes	Yes	The proposal does not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.
3.6	Shooting ranges	Yes	The proposal will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
4. Hazard and risk			
4.1	Acid sulfate soils	Yes	The site is on class 5 acid sulfate soils (ASS). The proposal would amend <i>Auburn LEP 2010</i> , a standard instrument LEP containing the ASS model clause (Cl 6.1).
4.2	Mine subsidence and unstable land	N/A	The subject site is not within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961, and has not been identified as unstable land.
4.3	Flood prone land	Yes	The site is not within the Flood Planning Area, nor will it affect it.
4.4	Planning for bushfire protection	N/A	The proposal will not affect, nor is in proximity to land mapped as bushfire prone land.
5. Regional planning			
5.1	Implementation of regional strategies	N/A	Does not apply to Auburn City Council
5.2	Sydney drinking water catchments	N/A	Does not apply to Auburn City Council
5.3	Farmland of state and regional significance on the NSW Far North Coast	N/A	Does not apply to Auburn City Council
5.4	Commercial and retail development along the Pacific Highway, North Coast	N/A	Does not apply to Auburn City Council
5.8	Second Sydney Airport: Badgerys Creek	N/A	Does not apply to Auburn City Council
6. Local plan making			
6.1	Approval and referral requirements	Yes	The proposal does not seek to make approval and referral requirements or to nominate any development as designated development.
6.2	Reserving land for public purposes	Yes	The proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3	Site specific provisions	Yes	The Planning Proposal seeks to rezone the site to permit land uses permissible in the proposed zone. Concept plans included are strictly indicative only.

7. Metropolitan planning

7.1	Implementation of the Metropolitan Plan for Sydney 2036	Yes	The Planning Proposal is consistent with the Metropolitan Plan for Sydney 2036. This is discussed under Part 5.3.2 of this report.
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APPENDIX F: PROPOSED AMENDMENTS TO LEP MAPS

Note: Indicative only. Final maps to be prepared if Council resolves to proceed with the Planning Proposal





APPENDIX G: MAP SHOWING NOTIFICATION AREA

