

Planning and Assessment

IRF20/3116

Gateway determination report

LGA	Cumberland
PPA	Cumberland Council
NAME	2-36 Church Street, Lidcombe (+122 dwellings; 0 jobs)
NUMBER	PP_2020_CUMBE_003_00
LEP TO BE AMENDED	Auburn Local Environmental Plan 2010
ADDRESS	2-36 Church Street, Lidcombe
DESCRIPTION	Lots 1-18 in DP 217589
RECEIVED	25 June 2020
FILE NO.	IRF20/3116
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**), seeks to amend the development controls for land at 2-36 Church Street, Lidcombe (the site), by amending the Auburn LEP 2010 as follows:

- Increase the Floor Space Ratio (FSR) control from part 1.29:1, 1.49:1 and 2.49:1 to 3.2:1; and
- Increase the Height of Building (HOB) control from part 14.9m, 16.9m, 22.9m and 27m to part 22m, 32m and 40m.

The proposal seeks to allow for development of the site for the purpose of an integrated residential neighbourhood containing a mix of social, affordable and private housing with a childcare centre.

1.2 Site description

The site comprises of 18 allotments, defined as lots 1-18 in DP 217589 with a total area of approximately 10,132.7m².

The site is irregular in shape with a primary road frontage to Church Street of approximately 307 metres, a rear boundary of 297 metres adjoining a railway corridor and a western boundary of 20 metres.

The site is undeveloped and is currently unoccupied as shown in **Figure 1**.



Figure 1: Aerial View of 2-36 Church Street Lidcombe.

1.3 Existing planning controls

Under the Auburn Local Environmental Plan (ALEP) 2010, the site:

- is zoned R4 High Density Residential;
- has a maximum Height of Building control of part 27m, 22.9m, 16.9m and 14.9m;
- has a maximum Floor Space Ratio control of part 2.6:1, 2.49:1, 1.49:1 and 1.29:1; and
- is not mapped as containing a heritage item nor is part of a heritage conservation area but adjoins a number of heritage items.

The following map extracts from the Auburn Local Environmental Plan 2010 illustrate the current controls applying to the site in **Figures 2, 3, 4 and 5**.

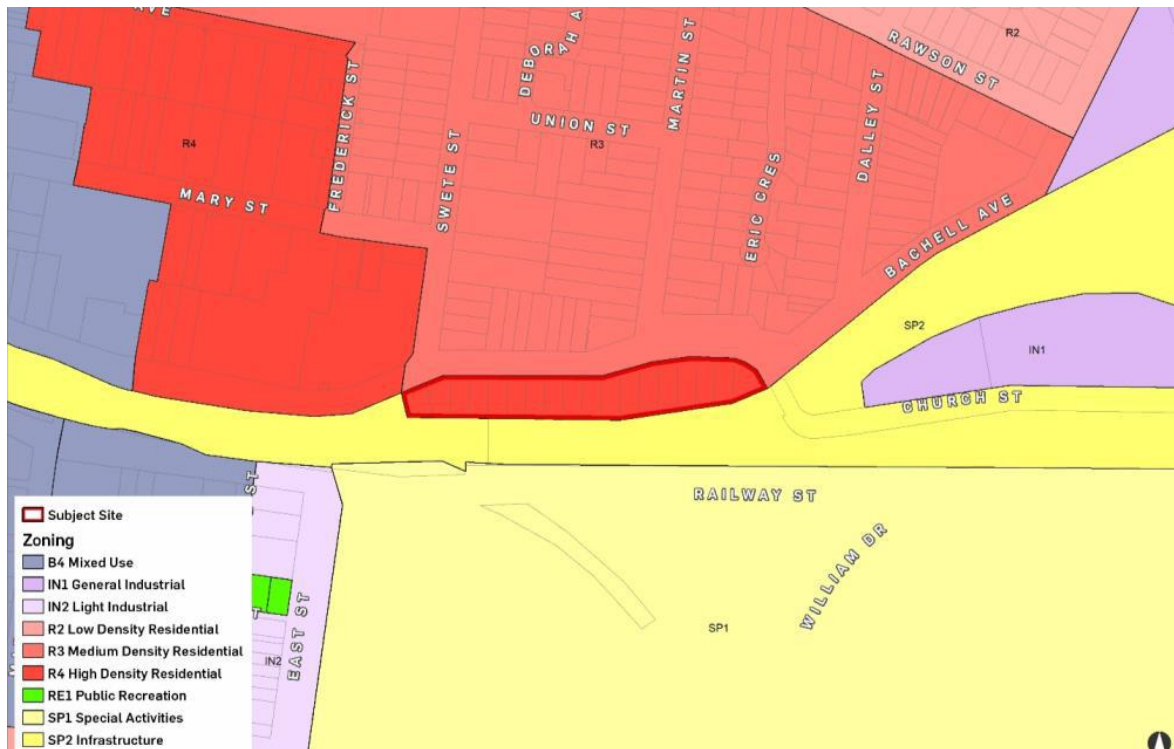


Figure 2: Existing R4 High Density Residential zoning over the site bound in red (ALEP 2010).

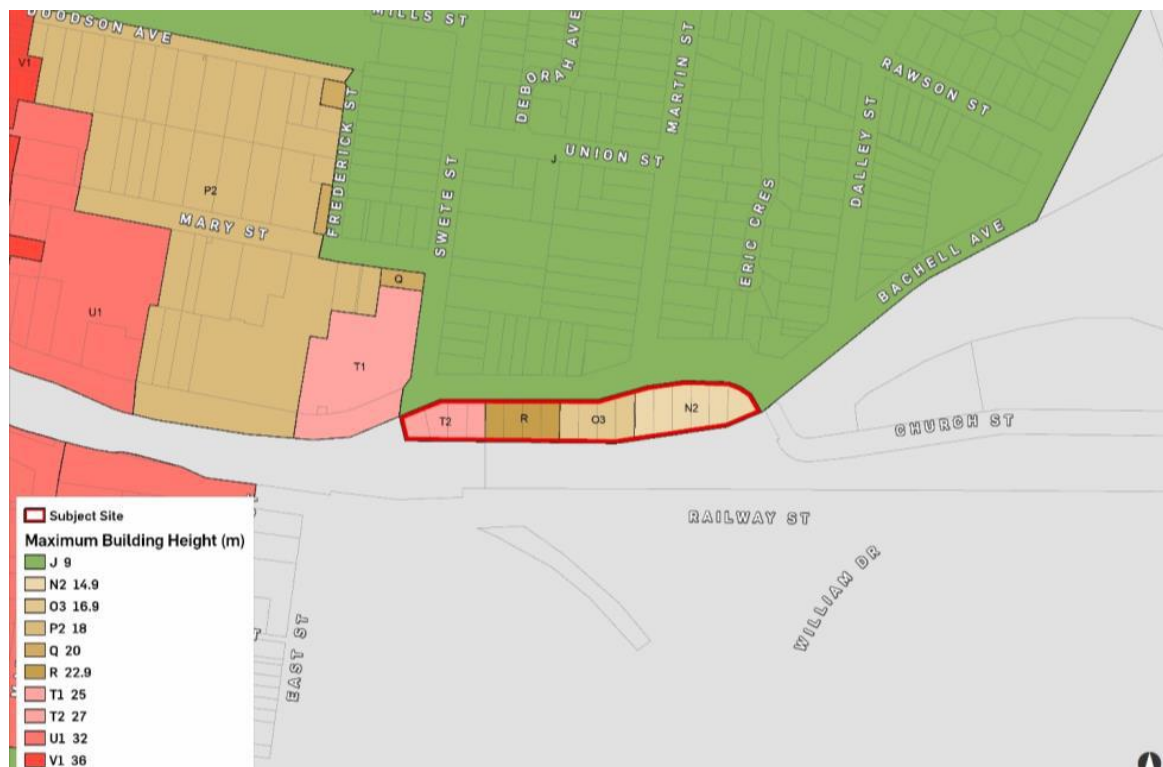


Figure 3: Existing HOB controls of 27m, 22.9m, 16.9m and 14.9m over the site bound in red (ALEP 2010).

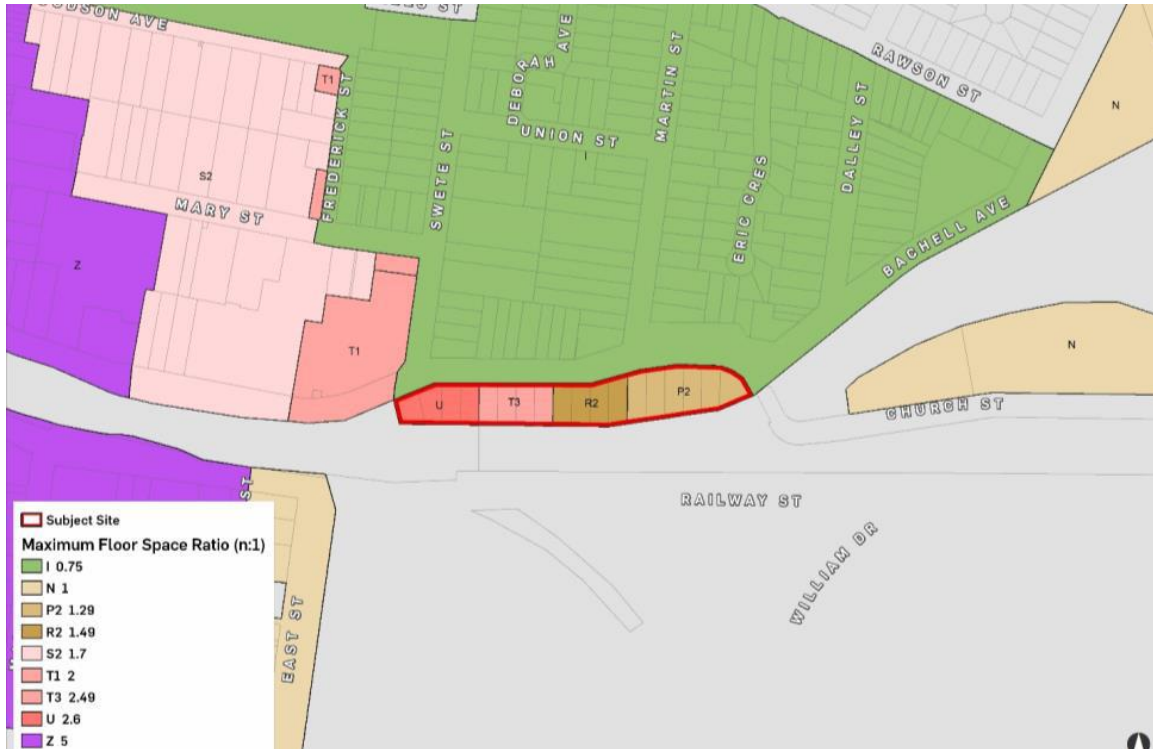


Figure 4: Existing FSR controls of 2.6:1, 2.49:1, 1.49:1 and 1.29:1 over the site bound in red (ALEP 2010).

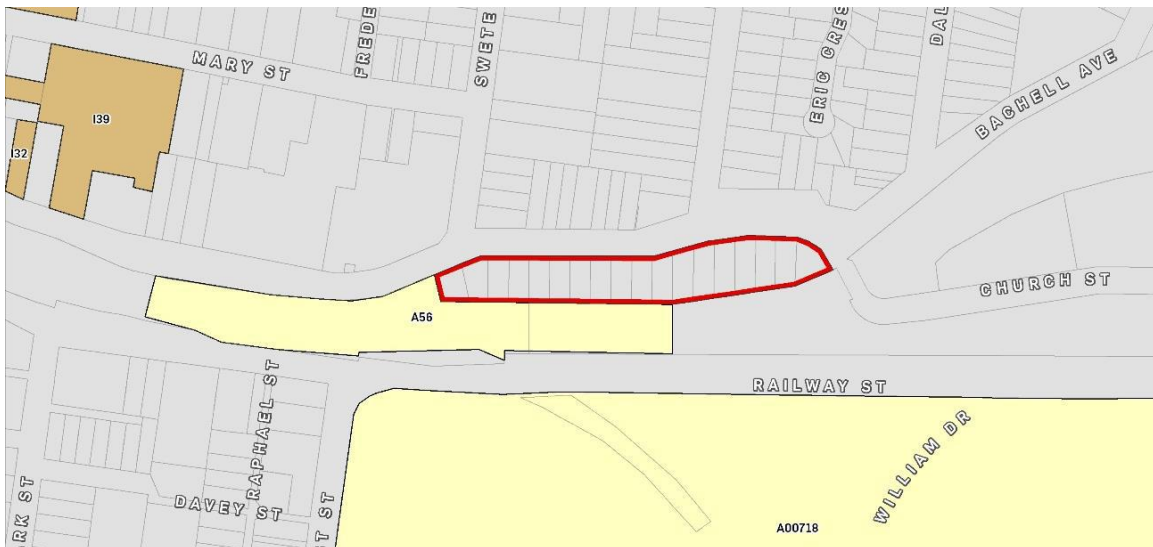


Figure 5: Existing heritage items adjoining the site (ALEP 2010).

1.4 Surrounding area

The subject site sits outside of the periphery of the Lidcombe Town Centre, located 400m to the east, 350m east of the Lidcombe Railway Station and 300m from the John Street retail area.

Development to the north of the site consists of predominately one and two storey low and medium density residential developments with an 8-storey residential flat building located opposite the site at 81 Church Street.

The southern boundary of the site adjoins a heavy rail railway corridor four tracks wide, with the State Heritage Listed Rookwood Cemetery located south of the railway corridor and beyond.

The railway corridor extends both further east and west, with development to the east characterised by industrial uses and 6-8 storey residential flat buildings to the site's west.

1.5 Summary of recommendation

It is recommended that the planning proposal should proceed subject to conditions, as outlined in this report. The proposal will facilitate the development of a vacant site for an integrated residential neighbourhood development, delivering social, affordable and private residential housing.

There are no changes proposed to the zoning of the site, and the proposed uplift will allow for approximately additional 122 dwellings over and above the existing approved development on the site. The redevelopment of the site will deliver positive social benefits to the surrounding area through the site's activation and improvements to access and traffic management reinforcing Lidcombe Town Centre as an accessible and competitive urban centre.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to facilitate development of the site for the purpose of an integrated residential neighbourhood comprising of social, affordable and private residential apartments, and a child-care centre.

The proposed uplift will allow for greater social, affordable and private dwellings by enabling approximately additional 122 dwellings in comparison to the controls of the Auburn LEP 2010 and Development Application (DA94/2019) approved by the Sydney Central City Planning Panel in December 2019. The existing approved DA already provided a mix of social, affordable and private dwellings and this mix is expected to continue as a result of the planning proposal.

The objectives of the planning proposal are clear and do not require amendment prior to community consultation.

2.2 Explanation of provisions

In order to achieve the desired objectives, the following amendments to the Auburn LEP 2013 are proposed:

- increase the maximum FSR on the Floor Space Ratio Map (Sheet FSR_007) from part 1.29:1, 1.49:1, 2.49:1 and 2.6:1 to 3.2:1; and
- increase the maximum building height on the Height of Buildings Map (Sheet HOB_007) from part 14.9m, 16.9m, 22.9m, 27m to part 22m, 32m and 40m.

2.3 Mapping

The proposal seeks to amend the following maps:

- Floor Space Ratio Map – Sheet_007; and
- Height of Buildings Map – Sheet_007.

The proposal includes both existing and proposed mapping to demonstrate the intended amendments. The labels identifying the intended building heights and FSR

in metrics are required to be updated prior to public exhibition to ensure consistency with the lettering approach and a legend is also required to be provided.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the result of any site-specific study or report and is a landowner-initiated planning proposal to change the height and floor space ratio provisions to provide for the development of social, affordable and private residential dwellings.

The development of the site is part of the communities plus program, which seeks to deliver new communities where social housing blends with private and affordable housing. This housing model will ensure the delivery of housing for different housing typologies and provide housing choice, in an area of identified need.

The Local Planning Panel also indicated that the proposal strongly demonstrates strategic and site-specific merit and a unique opportunity to utilise vacant land in public ownership to facilitate social and affordable housing through an integrated neighbourhood approach.

The proposal is considered the best way to achieve the objectives for the site, enhancing Lidcombe as an accessible, well serviced and competitive urban centre, improving the built form and social outcomes for the site and area.

4. STRATEGIC ASSESSMENT

4.1 Central City District Plan

The Central City District Plan provides a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

Planning Priority C5 – Providing housing supply, choice and affordability, with access to jobs and services,

The proposal will facilitate the delivery 384 apartments, comprising a mix of social, affordable and private housing supply in a highly accessible location to a range of employment, education and services within 30 minutes on public transport. The site is within walking distance of four bus stops and Lidcombe Station (350m) with direct services to Parramatta CBD, Sydney CBD, Liverpool and Olympic Park.

Planning Priority C6 – Creating and renewing great places and local centres, and respecting the District's heritage

The proposal will assist in enhancing Lidcombe Local Centre as a great place to live, work and play, through activating underutilised land for inclusive housing opportunities whilst aligning with the local residential and heritage sentiment of the area.

Planning Priority C9 – Delivering integrated land use and transport planning and a 30-minute city

The proposal will provide new dwellings in close proximity to existing public transport links and will contribute to creating a 30-minute city. The proposal will enable residents to walk or cycle to Lidcombe Town Centre and access jobs in Parramatta CBD and Auburn town centre.

4.2 Local

4.2.1 Cumberland 2030: Our Strategic Planning Statement

Council's Local Strategic Planning Statement (LSPS) Cumberland 2030 builds on the Greater Sydney Commission's Region Plan and District plan, as well as Council's own Community Strategic Plan, establishing a land use vision and actions for the local area.

The proposal is generally consistent with the plan, delivering a diverse tenure and mix of housing to suit the changing needs of the population (Priority 5), particularly focusing on the provision of social and affordable housing to support all housing needs at each stage of life (Priority 6). The childcare facility provided as part of the proposal will ensure the growing need for childcare services are promoted, whilst the proximity of the site to local jobs and education in Lidcombe, Auburn and Parramatta CBD will ensure enhanced opportunities for future residents (Priority 11).

4.2.2 Cumberland Community Strategic Plan 2017-2027

The Cumberland Community Strategic Plan sets out the community's vision for the future, the strategies in place to achieve it and measures of how to progress towards or away from the visions. The planning proposal is broadly consistent with the strategic vision set out by the plan.

The provision of needed social, affordable and private housing in an accessible and underutilised location will promote the site's activation enhancing Lidcombe as a culturally rich, socially connected and healthy place to live (Goal 1). The strategic location of the site to Lidcombe Town Centre and key transport services will ensure accessibility to a range of neighbouring employment and education opportunities (Goal 4) whilst the activation will promote safety within the neighbourhood (Goal 2).

4.2.3 Recommendations of the Local Planning Panel

The planning proposal was referred to the Cumberland Local Planning Panel on 8 April 2020 (**Attachment I**). The panel found that the proposal demonstrates both site specific and strategic merit, however found the increased heights and FSR of the proposal to be inconsistent with the controls of the adjacent Lidcombe Town Centre Strategy and raised concerns with the potential for the proposal to overshadow Rookwood Cemetery to the south. To address the Panel's advice, Council have amended the proposal to incorporate a reduced height and FSR control, which will minimise adverse heritage impacts whilst maximising public benefit resulting from the proposal (**Attachment J**). The urban design report (**Attachment F**) has also been updated to reflect the Council endorsed Planning Proposal (**Attachment A**).

4.3 Section 9.1 Ministerial Directions

It is considered that the planning proposal is generally consistent all Section 9.1 Directions, with the following requiring further consideration:

Direction 2.3 Heritage Conservation

The site is not identified as a heritage item, however, is in the vicinity of several local and state significant items, including the locally significant 'Lidcombe Signal Box' and State listed 'Rookwood Cemetery and Necropolis'.

The proposal will facilitate redevelopment of the site for an integrated residential flat building which is of a scale that responds to the context. The concept development demonstrates that development can be built in a form which is sympathetic to the

adjacent heritage items with the Heritage Impact Statement (**Attachment E**) indicating no adverse impacts will result. However, the design report (**Attachment F**) demonstrates the proposal will result in some minor overshadowing on the north east portion of the Rookwood Cemetery (see section 5.2.1 for further discussion).

The Auburn LEP 2010 contains development standards and heritage conservation measures for future development to enable appropriate assessment of heritage impacts at the Development Application stage. Consultation with NSW Heritage is recommended.

4.5 State environmental planning policies (SEPPs)

Additional considerations at the development application stage will be required in relation to:

SEPP No.65 Design quality of residential apartment development

SEPP 65 provides principles to ensure that residential apartments are of high-quality design and maximise amenity both externally and internally for occupants. The SEPP is supported by the Apartment Design Guide (ADG) which provides further detail on how development can achieve these principles. A design report (**Attachment F**) has been prepared in support of the planning proposal, which indicates the suitability of the site for the proposed built form. Any future development application for an integrated residential flat building on the site will need to address SEPP 65 and the ADG.

SEPP No.70 Affordable Housing (Revised Schemes)

SEPP 70 is a mechanism which allows Council's to prepare an affordable housing contribution scheme for certain precincts, areas or developments associated with up zoning their local government area in order to encourage affordable housing. The proposal indicates the intent and suitability of the integrated housing model delivering affordable housing. While Council do not have a SEPP 70 scheme in place, affordable housing can be negotiated on a site by site basis and delivered through a Voluntary Planning Agreement.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The proposal is anticipated to provide positive social benefits on the site and broader Lidcombe area. The social impact assessment (**Attachment G**) indicates the proposal will deliver an increase of social and affordable housing in an area of identified need. The proponent has submitted a draft letter of offer for a Voluntary Planning Agreement (VPA) indicating approximately 63 social housing units will be delivered through the proposal. Additionally, the activation of the undeveloped site for a childcare centre (minimum of 60 spaces) with residential uses will create opportunities for passive surveillance whilst increase the opportunities for childcare in the local area. Council advises that the delivery of affordable housing can also be negotiated through a VPA once a Gateway determination is issued.

5.2 Environmental

5.2.1 Urban Design:

As discussed previously, the property is an undeveloped parcel of publicly owned land, with the surrounding development characterised by low to medium density residential development.

The proposal maintains consistency with the boundaries of the four buildings established by the current approved development application, however, the design report (**Attachment F**) proposes building height increases and podium setbacks for each building to enable the additional residential dwellings. This will ensure adequate building separation and minimise interface issues with adjoining properties, whilst in conjunction the green space and landscaping will provide a buffer to soften the built form, particularly when viewing from the immediate northern context.

The Lidcombe Town Centre Planning Controls Strategy envisages the future context of the area to support building heights of up to 60 metres and FSRs of up to 5:1 with a stepped build height approach from west to east to ensure development sympathetic with the suburban context. The proposal responds to this vision, increasing residential densities on the fringe of the centre, transitioning from a height of 40m at the western most portion of the site to 22m at the eastern portion. This will enable the proposal to complement its immediate context and highlight the suburban gateway to the town centre at Church Street.

The overshadowing analysis of the proposed scheme (**Figure 6**), indicates that neighbouring residential properties will not be adversely impacted by any additional overshadowing as a result of the proposal, with overshadowing predominantly being absorbed by the train corridor.

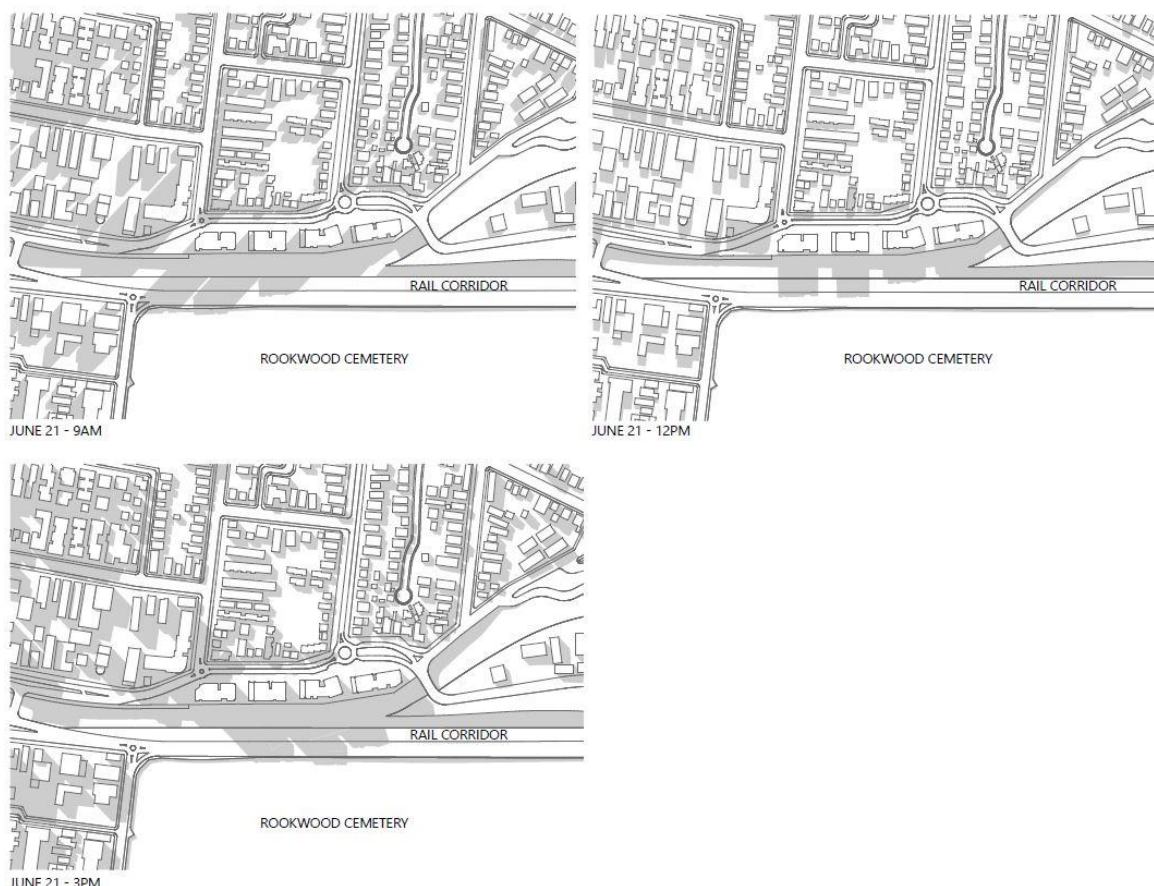


Figure 6: Overshadowing analysis of the proposed development (Source: Design study, Plus Architecture)

However, the proposed scheme will result in a small amount of overshadowing being cast on the northern boundary of Rookwood Cemetery at 9am and 3pm mid-winter. Given the heritage significance of Rookwood Cemetery and its function providing

burial and open space, Council are to consult with Department of Premier and Cabinet (DPC) - NSW Heritage.

5.2.2 Heritage

As noted above, the property is not identified as a heritage item but is in proximity to a number of items of both local and state heritage significance. A heritage impact statement (**Attachment E**) has been prepared in support of the proposal contending the increased height and density associated with the proposal will not create any adverse impacts on surrounding heritage. The proposed built form does not impact on any significant view corridors to both the Lidcombe Signal Box and Rookwood Cemetery as the railway corridor ensures sufficient separation of the site to these items. Further, the increase in height will enable the buildings to become characteristic elements in the future character of the Lidcombe town centre which forms the wider settings of these items.

However, as outlined in section 5.2.1 of this report, the proposal will result in a minimal amount of overshadowing of the Rookwood Cemetery at 9am and 3pm mid-winter. Due to this, the Department recommends DPC- NSW Heritage to be consulted to ensure this will not impact on understanding the heritage significance of Rookwood Cemetery.

5.2.3 Traffic, transport and parking:

A traffic impact assessment (**Attachment H**) has been prepared in support of the planning proposal. The study reports the planning proposal is projected to generate up to 92 peak hour vehicle trips to and from the subject site, in which the adjoining road network is capable of accommodating.

The proposal includes a number of road improvements which have the potential to deliver positive benefits, ensuring safe and efficient vehicular access to the site, along with the introduction of the median removing prevailing existing traffic conflicts. Additionally, Council has indicated the proponent's willingness to enter into negotiations for a public benefit offer of a monetary contribution for local road upgrades and traffic management improvements.

While this proposal will primarily impact on local roads, it is recommended that the proposal be forwarded to Transport NSW for comment.

5.3 Economic

It is not considered that the proposal would produce negative economic impacts, given the existing zoning of the site. The proposal will facilitate development of an undeveloped site, providing a scale that allows for an appropriate transition to the existing low density residential and higher residential densities experienced in the western context. The planning proposal will provide more diverse housing options for future residents close to public transport, education facilities and local shops, contributing to creating the '30-minute city'.

5.4 Infrastructure

The Department notes that the intensification of the site and likely demand on local infrastructure and services will be addressed through a future development application for the site. Council is also considering a voluntary planning agreement in relation to this proposal.

6. CONSULTATION

6.1 Community

The planning proposal outlines a community consultation process that is consistent with *A Guide to Preparing Local Environmental Plans (2016)*.

Given the nature of the planning proposal it is recommended that a 28-day community consultation period applies.

6.2 Agencies

Council proposes that consultation with relevant authorities will form part of the consultation requirements and will respond to the Gateway determination conditions.

It is recommended that Council consult with:

- Department of Premier and Cabinet – NSW Heritage and
- Transport NSW.

7. TIME FRAME

Council has suggested the proposal could be finalised in nine months following receiving a Gateway determination. A nine-month timeframe is recommended to allow for Council's intent to negotiate a Voluntary Planning Agreement and consult with State agencies.

8. LOCAL PLAN-MAKING AUTHORITY

Council has not requested to be the plan-making authority in relation to this planning proposal. Given the minor nature of the planning proposal and that it is generally consistent with surrounding land uses, it is recommended authorisation be given to Council.

9. CONCLUSION

It is recommended that the planning proposal proceed with conditions, as it:

- will allow for development of a vacant site for medium to high density residential and a childcare centre in line with the vision for Lidcombe town centre; and
- gives effect to the Central City District Plan and Council's LSPS and more specifically, the 30-minute city by providing social, affordable and private housing choices in proximity to Parramatta CBD and Auburn Town Centre.

10. RECOMMENDATION

It is recommended that the Director, Central (GPOP) delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, the proposal be updated to address the following:

- (a) Update the proposed maps to ensure consistency with the lettering approach used by Council and insert a legend.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authorities:
 - Department of Premier and Cabinet – NSW Heritage; and
 - Transport NSW.
4. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be the local plan-making authority.



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