

Planning Services

Gateway Determination Report

LGA	Cumberland
PPA	Cumberland Council
NAME	4-12 Railway Street Lidcombe
NUMBER	PP_2019_CUMBE_001_00
LEP TO BE AMENDED	Auburn Local Environmental Plan 2010
ADDRESS	4-12 Railway Street Lidcombe in the Cumberland LGA
DESCRIPTION	Lot 38 DP 222712, Lot 100 DP 793305, Lots 1, 5, 7, and 8 DP 397
RECEIVED	13 February 2019 (additional information received 1 April 2019)
FILE NO.	IRF19/1722
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.

INTRODUCTION

Description of planning proposal

The planning proposal seeks to amend Auburn Local Environmental Plan (LEP) 2010 as it applies to 4-12 Railway Street Lidcombe to increase the maximum height of building control that applies to the site from the existing 32m to:

- 55m for a limited portion in the north-east corner of the site;
- 48m for a limited portion in the south-east corner of the site; and
- 45m for the remainder of the site.

The planning proposal also seeks to add a site-specific provision to apply a minimum non-residential Floor Space Ratio (FSR) of 0.4:1 to the site and a bonus FSR of 0.3:1 to the site, if a minimum non-residential FSR of 0.6:1 is provided.

The proposed amendments would permit approximately 320 residential units and 3,400m² mixed commercial and retail floor area which equates to 38 extra jobs.

Surrounding area

The subject site is located east of Lidcombe town centre. The centre is predominately zoned B4 Mixed Use, with a maximum building height of 32m.

The Lidcombe railway station is approximately 200m walking distance from the site to the north west and the Rookwood Cemetery state heritage item is approximately 80m to the east (see Figure 1).

The site is approximately 7km east of the Parramatta CBD and 15km west the Sydney CBD.



Figure 1: Subject site (blue outline) and surrounding area (Source: Planning proposal document).

Site description

The land subject to the planning proposal is legally defined as Lots 1, 5, 6, 7 and 8 of DP397 and Lot 100 of DP793305.

The site has a total area of 6,427m² and is located on the northeast corner of Railway Street, Raphael Street and (part) Davey Streets (see Figure 2, next page).

The site is adjacent to existing areas of local open space (Jewish Reserve and Friend Park which are zoned RE1 Public Recreation).

The site currently accommodates a number of low-rise commercial and industrial uses, including a construction training centre, office building and associated carpark.

Directly east of the site is land zoned IN2 Light Industrial which is currently the subject of a separate planning proposal (PP_2018_CUMBE_003_00) to rezone to B4 Mixed Use. To the west is existing 1-2 storey light industrial buildings. Immediately north of the site is the T1 train line, and the local heritage item of Lidcombe Signal Box.



Figure 2: Subject site (blue) and planning proposal PP_2018_CUMBE_003_00 (red).

Existing and proposed planning controls

The existing and proposed planning controls under Auburn LEP 2010 applicable to the subject land are summarised in Table 1 below:

Controls	Land use zoning	Maximum building height	Maximum FSR	Non-Residential FSR	Incentive Residential FSR
Existing	B4 Mixed Use and RE1 Public Recreation	32m	5:1	None	None
Proposed	No change	45m – 55mm	No change	0.4:1	0.3:1

Table 1: Existing and proposed planning controls.

Supporting the proposal is a preliminary design concept (Figure 3 and 4) for a mixed commercial and residential development with a maximum building height of 45m for the site with a taller element up to 55m for a limited portion in the north eastern corner of the site with approximately 875m² reserve dedicated to council for the future 'Friends Park'.



Figure 3: Development concept of proposed new open space reserve within site and surrounding context (Source: Planning proposal document).

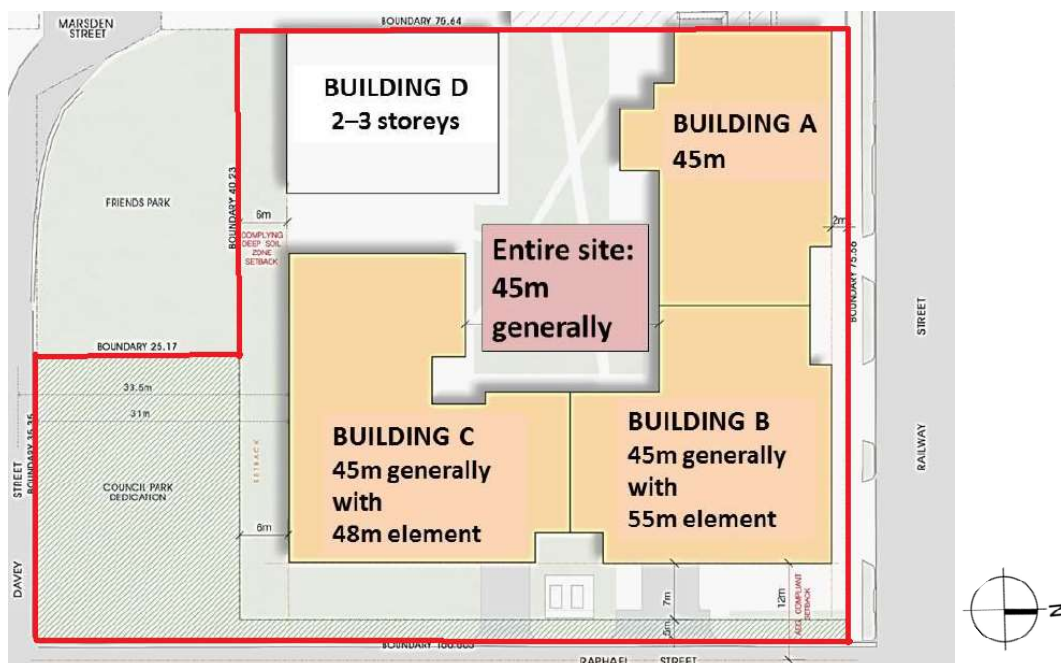


Figure 4: Preliminary development concept (Source: Planning proposal document).

Summary of recommendation

The planning proposal has merit and is supported to proceed. The proposal is consistent with state, district and local strategic planning objectives and represents a positive urban design outcome for the area. The proposal will also enable an extension to the public open space network and corridors within the town centre and increase job densities close to existing town centre amenities and Lidcombe railway station.

PROPOSAL

Objectives or intended outcomes

The objectives or intended outcomes of the proposed amendments to Auburn LEP 2010 are:

- To change the height and FSR planning controls for the site to enable the development of a mixed use building.
- Change the maximum building height planning control to:
 - Increase the maximum building height to 55m for a specified portion in the north-east corner of the site (within nominal Building B) and increase the maximum building height to 48m for a specified portion of the south-east corner of the site (within nominal Building C). This additional height is required to offset a lower building height will be achievable on the south-west corner of the site to mitigate overshadowing impacts to the public open space.
 - Apply a maximum building height of 45m to the remainder of the site.
- Implement a minimum non-residential floor space FSR control of 0.4:1 over the site.
- Provide for a bonus FSR of 0.3:1, if a non-residential floor space of 0.6:1 is achieved. This incentive is to encourage employment opportunities and ensure future development contributes to the retail / commercial needs of the local population.

Comment:

The effect of the proposed bonus provision means that the LEP amendment would permit a development with a maximum FSR of 5.3:1 on the site if the incentive provision is taken up.

The objectives or intended outcomes should further clarify whether the bonus 0.3:1 FSR is for commercial or residential accommodation as it currently does not provide sufficient detail to clearly explain this intended provision.

The provisions identified above will need to be amended prior to community consultation in accordance with the recommendations in this report and the conditions of the Gateway determination.

Explanation of provisions

In summary the proposed amendments to Auburn LEP 2010 include:

- Amend the Height of Building Map (Sheet HOB_007) from 32m to:
 - 55m for a limited portion in the north-east corner of the site (portion dimension nominated as approximately 33m by 20m).
 - 48m for a limited portion in the south-east corner of the site (portion dimensions not yet nominated).
 - 45m for the remaining part of the site.
- Amend Clause 4.4 Floor Space Ratio and the associated Floor Space Ratio Map (Sheet FSR_007).

Mapping

Mapping is provided with the planning proposal as follows (Figures 5 to 6, below). It is noted the labels on the height of building maps (“U2” label to be replaced with “U1”) will need to be corrected prior to community consultation, and it is recommended that the Gateway determination be conditioned accordingly.



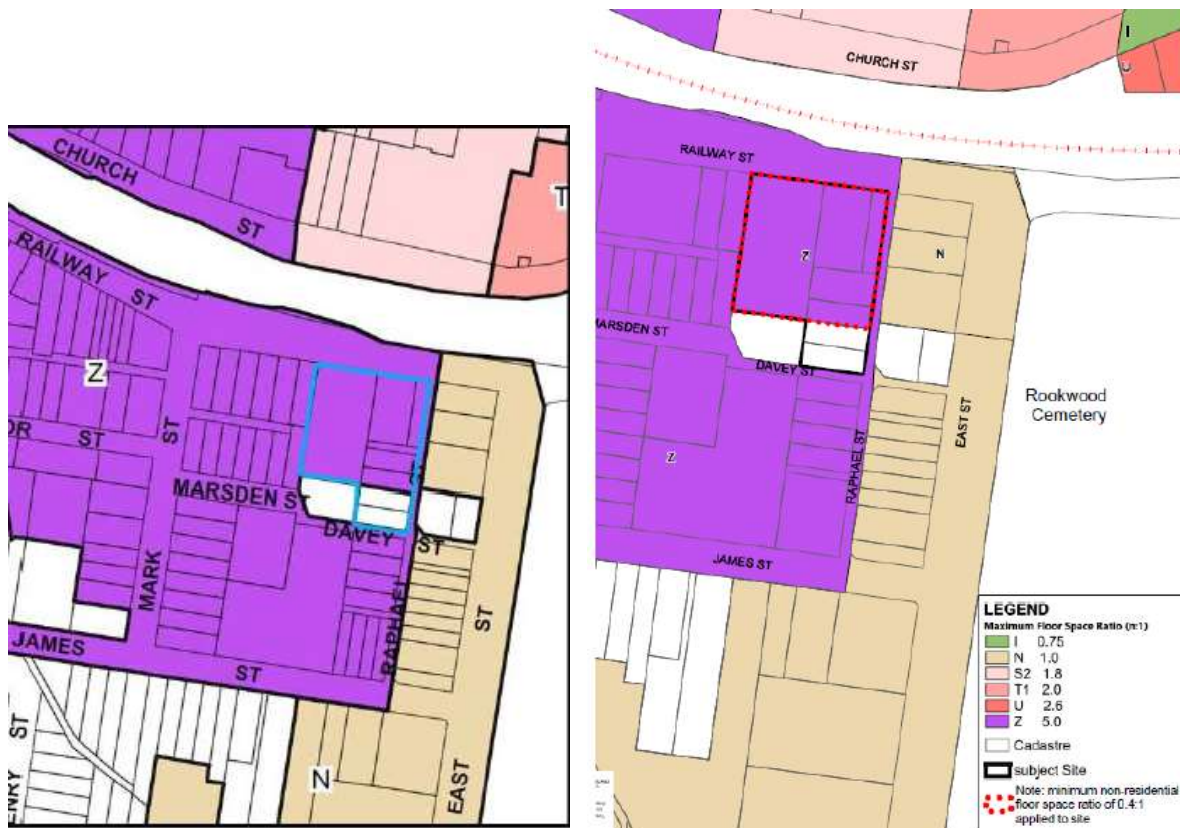


Figure 6: Current (left) and proposed (right) Floor Space Ratio maps

The floor space ratio and height of building mapping extracts provided with the planning proposal are suitable for community consultation.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is in response to an owner-initiated request (Phoenix Builders) to change height and FSR provisions to increase the development potential of the site. The proposed changes to the height of building control are intended to manage the location of taller elements within the site and its relationship to the town centre, and to protect future open space and properties to the south from overshadowing.

Under the current provisions, a mixed use development for the site would predominately be limited to ground floor retail and commercial floor space of 900m² instead of 3,400m² as proposed. The addition of a non-residential FSR will ensure floor space for jobs is protected.

The proposal is considered to be the best way to achieve the objectives and intended outcomes for the site. While the additional height was not previously anticipated under the current controls, it represents a negotiated outcome between the proponent and Council to deliver a positive urban design outcome in a highly accessible location within Lidcombe.

The Department notes that the planning proposal is further supported by meet the aim in Council's Lidcombe Strategy to improve built form and public domain outcomes in the town centre by increasing maximum building heights.

STRATEGIC ASSESSMENT

Greater Sydney Region Plan

The Greater Sydney Region Plan provides a 40-year vision for the Greater Sydney region. The following directions, objectives and strategies/actions are considered relevant for the planning proposal:

- Direction: A city supported by infrastructure.
 - Objective 4: Infrastructure use is optimised.
 - Strategy 4.1: Maximise the utility of existing infrastructure areas.
- Direction: Housing the city.
 - Objective 10: Greater housing supply.
 - Action 4: Develop 6-10 year housing targets.
- Direction: Jobs and skills for the city.
 - Objective 23: Industrial and urban services land is planned, retained and managed.

Council's planning proposal notes the proposed amendment will provide additional jobs, commercial floorspace and housing choice in a location within the Central City District that is accessible by train services.

Central City District Plan

The following planning priorities of the Central City District Plan are relevant to the proposal:

- Planning Priority C4 Fostering healthy, creative, culturally rich and socially connected communities.
 - Action 10. Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected.
- Planning Priority C6 Creating and renewing great places and local centres, and respecting the District's heritage.
 - Action 18. Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places.
- Planning Priority C9: Delivering integrated land use and transport planning and a 30-minute city.
 - Action 32. Integrate land use and transport plans to deliver the 30-minute city.
- Planning Priority C9: Delivering integrated land use and transport planning and a 30-minute city.
 - Action 32. Integrate land use and transport plans to deliver the 30-minute city.
- Planning Priority C11: Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land.
 - Action 49: Review and Manage industrial and urban service land.

The planning proposal is consistent with the Regional Plan and District Plan as it will facilitate increased commercial uses and residential densities within a mixed use

setting in the Central City District. The proposal will also enable the realisation of an extension to Friend Park and supports delivery of the 30 minute city. The Department considers that the proposal will give effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

Local

Cumberland Community Strategic Plan 2017-27 Welcome, Belong, Succeed

The following key outcomes and strategies from Cumberland Community Strategic Plan are relevant to this proposal:

- Strategic Goal 1 – A great place to live
- Strategic Goal 2 – A safe accessible community
- Strategic Goal 4 – A strong local community
- Strategic Goal 5 – A resilient built environment

The proposal is consistent with the local community strategic plan as it will support future development to provide housing and commercial floor space as an extension of the existing town centre in proximity to rail and bus (public transport) services.

Draft Cumberland Employment and Innovation Strategy and Land Use Planning Framework 2017

The Draft Employment and Innovation Lands Strategy and Land Use Planning Framework 2017 has been prepared to assist Council in strategic planning for the economically significant employment and innovation lands located across the Cumberland local government area.

The strategy predates the Central City District Plan, and has not been endorsed by the Department, and does not address Action 49 of the district plan to review and manage industrial and urban services land.

The planning proposal does not refer to this local strategy, however given the intention with the proposed non-residential FSR provisions to encourage and influence employment outcomes on the site, it is recommended that the proposal be updated to address the strategy.

Draft Auburn and Lidcombe Town Centre Strategy

The Draft Auburn and Lidcombe Town Centre Strategy was prepared in 2015 to guide suitable heights and FSRs for the Lidcombe and Auburn Town Centres for the former Auburn Council.

The planning proposal notes that whilst the proposed 0.4:1 non-residential FSR is below that nominated under the strategy (at 0.5:1), the proposed 0.3:1 bonus incentive if 0.6:1 non-residential FSR is achieved on site will increase employment opportunities for the site. The proposed 45m average height for the site is consistent with the strategy.

Section 9.1 Ministerial Directions

The planning proposal is considered to be consistent with all Section 9.1 Directions, except Direction 6.3 as discussed below.

Direction 6.3 Site Specific Provisions

The objective of the direction is to discourage unnecessarily restrictive site-specific planning controls.

The planning proposal is inconsistent with this direction as it includes a site-specific provision which offers a bonus FSR of 0.3:1, if a non-residential floor space of 0.6:1 is achieved.

Accordingly, the Gateway determination will require the planning proposal to clearly identify whether the bonus 0.3:1 FSR is for commercial or residential accommodation.

Subject to the amendments being undertaken prior to exhibition, the Department is satisfied that any inconsistency with the direction is of minor significance.

State environmental planning policies

The planning proposal is considered to be consistent with all relevant State Environmental Planning Policies.

SITE-SPECIFIC ASSESSMENT

Social, Amenities and Open Space

The proposal is not anticipated to have an adverse social impact on the locality.

The proposal will provide additional dwellings and jobs within walking distance of the amenities offered in Lidcombe town centre. Additionally, the site is approximately 200m from Lidcombe railway station, facilitating access within 30-minutes of the major employment centres of Sydney and Parramatta CBDs.

The extension of the existing park area (known as Jewish Reserve) and future connection to the nearby Friend Park will provide a green strip of public open space which will improve passive recreation opportunities and provide better connection to the Rookwood Cemetery public space. Potential overshadowing of the park area by the future development has been mitigated by the proposed building heights.

Environmental

Maximum Height of Building

The proposed amendment is seeking a maximum height of building (HOB) of 55m on the site which is an increase of 13m above the existing HOB control of 32m.

The additional height is justified on the basis that it will:

- manage the location of taller tower elements within the site and its relationship to the Lidcombe town centre, and
- protect solar access, parkland and properties to the south.

The Department considers that the proposed additional height represents a positive urban design outcome.

Impact on Critical Habitats, Threatened Species

The site is located within an established urban environment and it is not identified as containing critical habitat or threatened species, populations or ecological communities.

The planning proposal is not anticipated to raise any hazard issues.

Heritage

To the east of the site is Rookwood Cemetery (state heritage listed), and immediately north of the site is the T1 train line, and the local heritage item of Lidcombe Signal Box.

The proposal is not anticipated to have an adverse impact on the neighbouring heritage sites. A Gateway condition has been drafted requiring Council to consult with Office of Environment and Heritage - Heritage Division, to ascertain any potential impacts with regard to heritage matters.

Economic/Infrastructure

Employment

The proposal seeks to provide certainty on providing employment on the site in close proximity to Lidcombe town centre which will have a positive effect on the local economy.

Traffic

The proponent's transport Impact Assessment (Traffix – Dec 2018) provided in support of the proposal indicates that the development would result in a total of 61 morning peak and 48 afternoon peak resident trips.

Council's assessment of traffic impacts identifies that the proposal results in only minimal increase in traffic impacts with most intersections retaining current levels of service. The largest increase in delay was recorded at the intersection of Olympic Drive and Church Street in the AM Peak period with an average increase in delay of six seconds.

According to the planning proposal both Council and the RMS have identified the current capacity constraints of key intersections in the Lidcombe town centre and acknowledge these intersections will require upgrading to address future growth in the Lidcombe area. Section 7.11 development contributions from this growth, will assist to finance key intersection upgrades.

CONSULTATION

Community

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

Council has indicated a 28 day period to exhibit the proposal which is considered appropriate due to the nature and scale of the proposal.

Agencies

Consultation is required with the following public agencies under Section 3.34(2)(d) of the Act:

- Office of Environment and Heritage – Heritage Division;
- Roads and Maritime Services; and
- Transport for NSW.

Each public authority will be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

TIME FRAME

Council have proposed to finalise the plan within 12 months, which is considered to be a satisfactory timeframe.

LOCAL PLAN-MAKING AUTHORITY

Council have requested plan making delegations in relation to this proposal. Given the minor nature of the proposal, it is considered appropriate for authorisation to be issued in this instance.

CONCLUSION

Subject to conditions of Gateway, the planning proposal has merit and is supported to proceed for the following reasons:

- Consistency with state, regional and local strategic planning objectives;
- A positive urban design outcome for the site by permitting more varied tower elements within the future built form;
- Extension of the existing park area adjoining the site and future connection to the nearby Friend Park will increase provision of public open space; and
- Increased job densities close to existing town centre amenities and Lidcombe railway station.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that the inconsistency with section 9.1 Directions 6.3 Site Specific Provisions is minor, subject to further clarification being provided in the planning proposal prior to exhibition.

It is recommended that the delegate of the Minister, determine that the planning proposal should proceed subject to the following conditions:

2. Prior to undertaking community consultation, Council is required to:
 - a) Amend the height of building map to correct height labels.
 - b) Amend the objectives or intended outcomes to clarify whether the bonus 0.3:1 FSR is for commercial or residential accommodation.
 - c) Update the planning proposal to address Council's Cumberland Employment and Innovation Strategy and Land Use Planning Framework.

3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. Consultation is required with the following public authorities:
 - Office of Environment and Heritage – Heritage Division;
 - Roads and Maritime Services; and
 - Transport for NSW.
5. The time frame for completing the LEP is to be **12 months** from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council should be the local plan-making authority.



17/4/2019

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