

Item No: C10/18-204

## 4-12 RAILWAY STREET, LIDCOMBE - PLANNING PROPOSAL - ENDORSEMENT TO PROCEED TO GATEWAY AND COMMUNITY CONSULTATION

Responsible Division: Environment & Infrastructure  
Officer: Group Manager - Planning  
File Number: PP-4/2017  
Community Strategic Plan Goal: *A resilient built environment*

### SUMMARY

Lodged	21 September 2017	
Proponent	Lidcombe Property (NSW) Pty Ltd	
Owners	Lidcombe Property (NSW) Pty Ltd	
Description of land	4-12 Railway Street Lidcombe Lot 100 DP793305, Lot 38 DP222712, Lots 1, 5, 6, 7 and 8 of DP387 and one laneway.	
Site area	The total site area is approximately 6,500m <sup>2</sup> : B4 zoned land is approximately 5,625m <sup>2</sup> and RE1 zoned land is approximately 875m <sup>2</sup> .	
Proposal summary	Increase the maximum FSR and building height (as described below). The proposal is accompanied by a public benefit offer for the dedication of the RE1 Public Recreation zoned land.	
Zoning	B4 Mixed Use Zone RE1 Public Recreation (No change to zoning proposed)	
Existing planning controls	Max. Building Height	32 m (approx. 9 storeys) on B4 zone
	Max. FSR	5:1 on B4 zone
Planning proposal request controls (as lodged)	Max. Building Height	62m (approx. 18 storeys)
	Max. FSR	5.65:1 on B4 zone
Cumberland LPP Recommended controls (August 2018)	Max. Building Height	45m (approx. 13 storeys) 55m (approx. 16 storeys) for limited area in the North-East corner of site
	Max. FSR	5:1 on B4 zone with min. 0.4:1 non-residential FSR
Alternative controls nominated by proponent (September 2018)	Max. Building Height	45m (approx. 13 storeys) 48m (approx. 14 storeys) on East side 55m (approx. 16 storeys) for limited area in the North-East corner of site
	Maximum FSR	5:1 on B4 zone with min. 0.4:1 non-residential FSR Bonus FSR of 0.3:1 for provision of

		minimum non-residential FSR of 0.6:1
Political donations and gifts disclosure	No information provided	
Previous considerations	Cumberland Local Planning Panel – Item CLPP037/18 – 22 August 2018	

A planning proposal request (the original proposal) was lodged with Cumberland Council on 21 September 2017 for 4-12 Railway Street, Lidcombe, (the Site) which sought to increase the maximum height of buildings and floor space ratio (FSR) controls under the Auburn Local Environmental Plan (LEP) 2010 for this site. Preliminary community consultation has been undertaken and six (6) submissions, all objecting the request, were received.

The proposal was considered by the Cumberland Local Planning Panel (CLPP), and the officer's report to the CLPP recommended proceeding with different controls to those proposed.

The CLPP generally supported the officer recommendations, and made further recommendations. The density originally sought by the proponent was not supported on the grounds that it would require excessive heights for this location within the centre. However, it was accepted that to improve the outcome for the proposed public open space, a limited area allowing up to 55m (16 storeys) was reasonable. It was understood that the original public benefit offer of free land dedication would likely need to be reviewed by the proponent and Council.

Following the CLPP meeting the proponent has amended their proposal and public benefit offer, in response to matters raised in that report and at that panel meeting. This is discussed in detail in this report and would have substantially the same built form outcome as that recommended by the Panel, but with incentive for increased commercial floor space and dedication of the RE1 Public Recreation zoned land, free of cost, to Council. This alternative option is recommended as Option A.

The concept submitted with the original request envisioned approximately 380 apartments and 900m<sup>2</sup> commercial floor space. The CLPP recommended proposal would deliver approx. 320 apartments and 2,300m<sup>2</sup> commercial floor space. The alternative recommended proposal would deliver approximately 330 apartments and 3,400m<sup>2</sup> commercial floor space.

This report provides a summary of the proposal to date, as well as an analysis of the public benefit offer and options for Council's consideration.

## **RECOMMENDATION**

### **That Council:**

- 1. Proceed to Gateway submission and formal community consultation with a planning proposal and associated public benefit offer as per Option A, being:**

- a. the existing maximum FSR of 5:1 under Auburn LEP 2010 being retained for the B4 zoned part of the subject site, with a minimum of 0.4:1 non-residential FSR to be provided;
  - b. a provision for a bonus FSR of 0.3:1 for a minimum of 0.6:1 non-residential FSR, subject to the dedication of the RE1 zoned land to Council at no cost, and with an offset of section 7.11 contributions in lieu of this land dedication;
  - c. a maximum building height of 45m apply to the site generally, with:
    - i) a taller element up to a maximum of 55m for a limited portion in the north eastern corner of the site to be shown on the LEP Height of Buildings Map; and
    - ii) a maximum building height of 48m for a limited portion of the south eastern corner of the site.
2. Develop site specific DCP controls which include setback and sunlight access controls to ensure the taller element is offset by a corresponding area in the south western part of the site that has lower height, minimising overshadowing of Friends Park and properties to the south.
  3. Require the proponent to submit updated Planning Proposal documentation including a revised concept and shadow diagrams, suitable for public exhibition.
  4. Require that further detailed modelling be undertaken to help determine site specific DCP controls for building massing.
  5. Request that the proponent provide a draft voluntary planning agreement consistent with the public benefit offer outlined in this report to be publicly exhibited with the planning proposal.

## REPORT

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### *Background and context*

A planning proposal request (the original proposal) was lodged with Cumberland Council on 21 September 2017 for 4-12 Railway Street, Lidcombe (the Site).

The site is located 200m from Lidcombe station, on the southern side of the railway line, and is bound by Railway Street, Raphael Street (east), Davey Street (south) and properties to the west (figure 1). The subject site comprises the lots identified in figure 2.



Figure 1: Subject Site (blue)

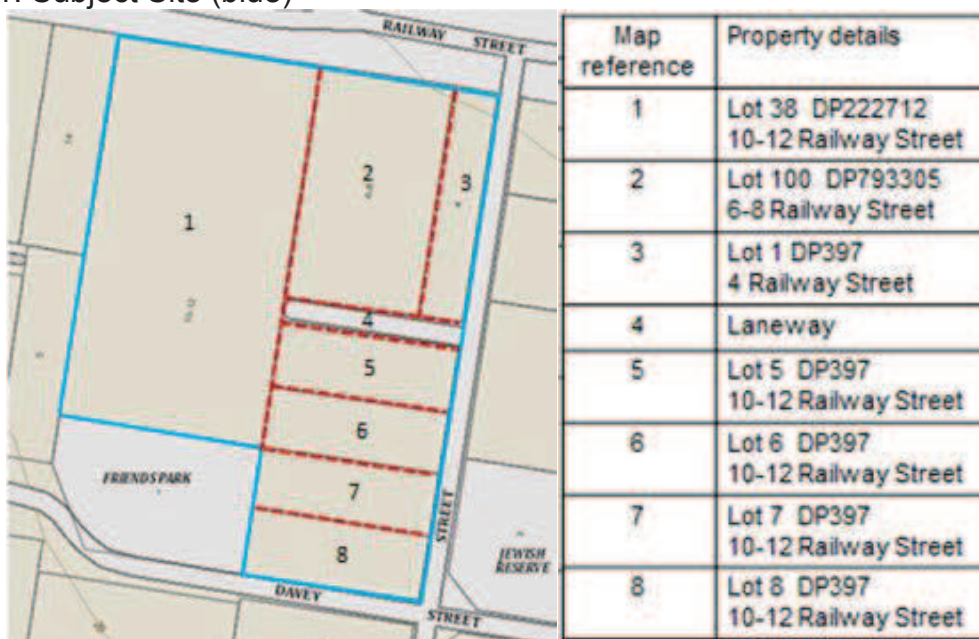


Figure 2: property details of lots (red) within overall subject site

The site area is approximately 6,500m<sup>2</sup>; of which:

- 5,625m<sup>2</sup> is zoned B4 Mixed Use (parcel references 1-6 inclusive).



- 875m<sup>2</sup> is zoned RE1 Public Recreation (parcel references 7 and 8 of figure 2). This portion is currently used as a car park.

### ***Auburn Local Environmental Plan 2010***

The existing planning controls that apply to the site under Auburn LEP 2010 are outlined in Table 1 and figures 3, 4, 5 and 6.

**Table 1: Existing LEP Planning Controls for the site**

Zoning: (Figure 3)	B4 Mixed Use RE1 Public Recreation
Floor Space Ratio (FSR): (Figure 4)	5:1 - for the B4 Mixed Use zoned land No FSR for the RE1 Public Recreation zoned land
Maximum height of buildings: (Figure 5)	32m - for the B4 Mixed Use zoned land No value - for the RE1 zoned land
Land Reservation Acquisition: (Figure 6)	The two lots zoned RE1 Public Recreation

#### **Auburn LEP 2010**

#### **Land Use Zoning (Existing)**

Zone	
B1	Neighbourhood Centre
B2	Local Centre
B4	Mixed Use
B6	Enterprise Corridor
B7	Business Park
E2	Environmental Conservation
IN1	General Industrial
IN2	Light Industrial
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
SP1	Special Activities
SP2	Infrastructure
W1	Natural Waterways
DM	Deferred Matters
MD	SEPP (Major Development Project) 2005
Cadastre	
	Cadastre 28/08/2015 © Auburn City Council

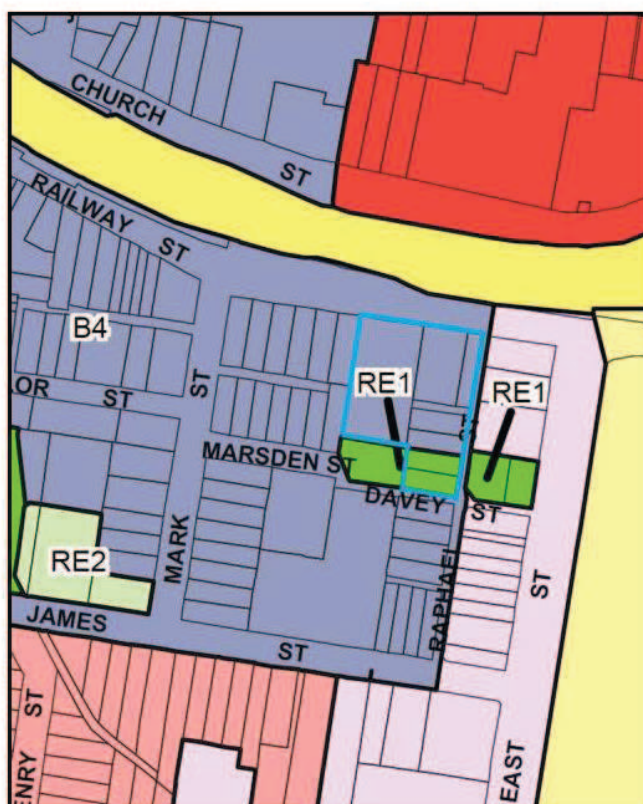


Figure 3: Existing Land use zoning, Auburn LEP 2010 (subject site blue outline)

Auburn LEP 2010  
Floor Space Ratio (FSR) (Existing)

Floor Space Ratio Map  
Sheet FSR\_007

Maximum Floor Space Ratio (n:1)

D	0.5
F	0.6
I	0.75
N	1.0
P1	1.2
P2	1.29
R1	1.4
R2	1.49
S1	1.5
S2	1.7
T1	2.0
T2	2.4
T3	2.49
U	2.6
V	3.0
W1	3.6
W2	3.75
Z	5.0

	Clause 4.4(2A)
	Clause 4.4(2B)
	Clause 4.4(2C)
	Clause 4.4(2D)

Cadastre

 Cadastre 28/08/2015 © Auburn City Council

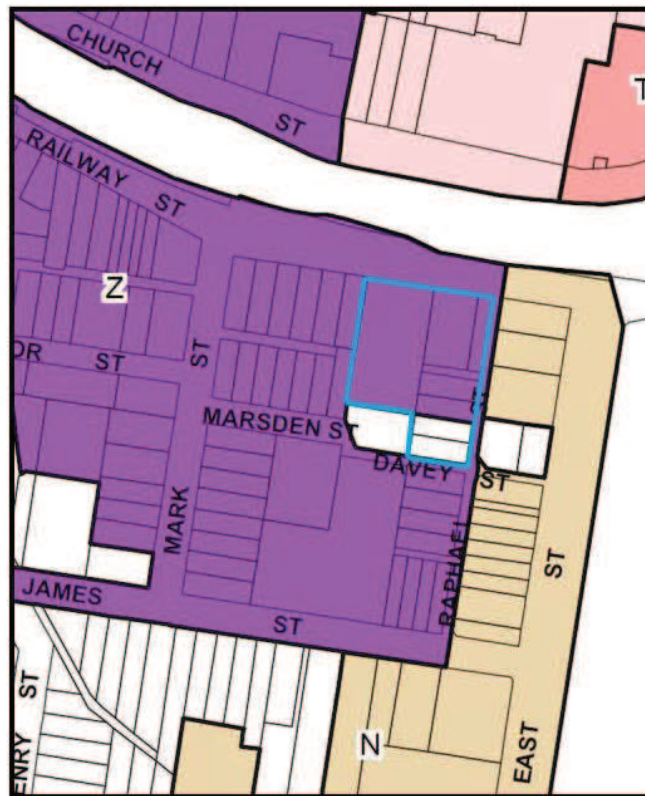


Figure 4: Existing FSR control, Auburn LEP 2010 (subject site blue outline)

Auburn LEP 2010:  
maximum height of buildings (HOB) (existing)

Height of Buildings Map -  
Sheet HOB\_007

Maximum Building Height (m)

J	9
K	10
M	12
N1	14
N2	14.9
O1	15
O2	16
O3	16.9
P1	17
P2	18
Q	20
R	22.9
T1	25
T2	27
T3	29.9
U1	32
U2	33
V1	36
V2	38
X	49
AA	60
AB	88

Refer to Clause 4.3(2A)(a)  
Refer to Clause 4.3(2A)(b)

Cadastral

Cadastral 28/08/2015 @ Auburn City Council

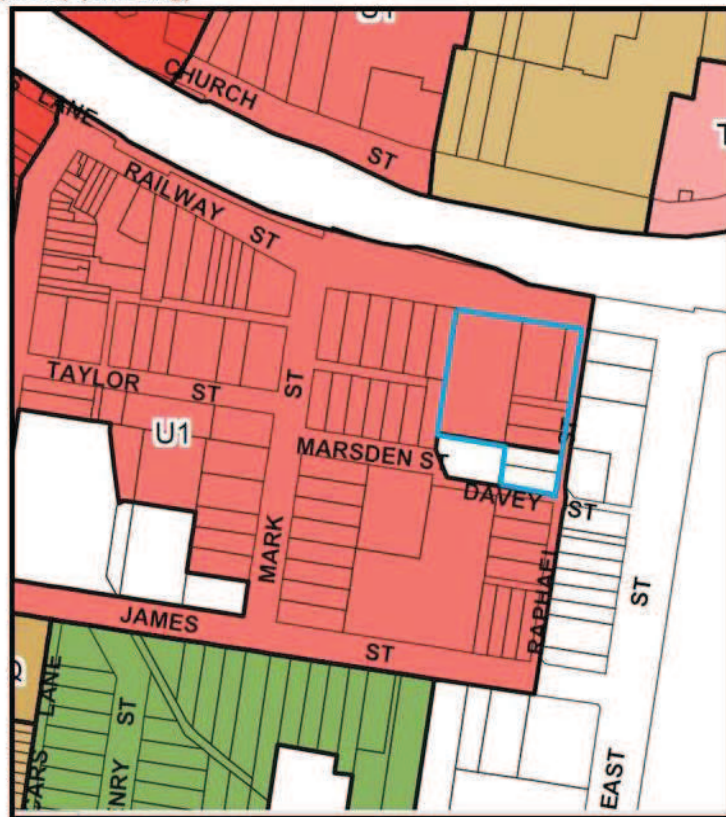


Figure 5: Existing maximum height of buildings control, Auburn LEP 2010  
(subject site blue outline)



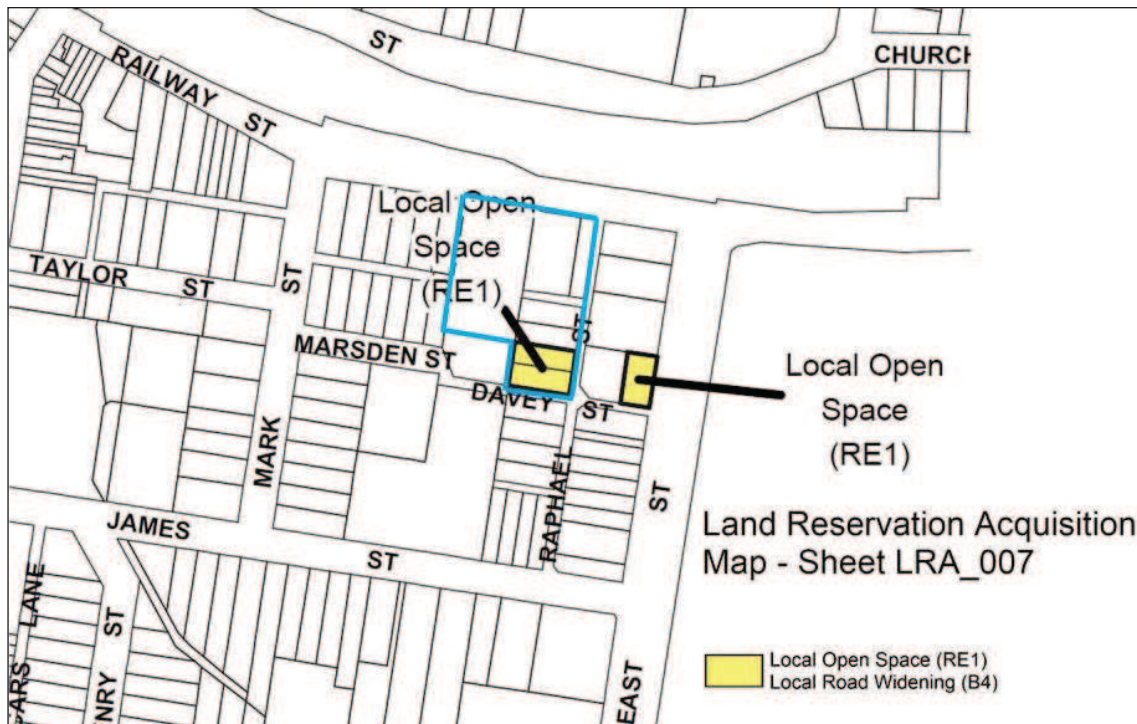


Figure 6: Existing Land Reservation Acquisition Map, Auburn LEP 2010  
(subject site blue outline)

### ***Auburn Development Control Plan 2010***

The Auburn Development Control Plan (DCP) 2010 currently applies to the site. In addition to the relevant residential and commercial controls, specific controls relating to the Marsden Street Precinct also apply, as outlined below.

The DCP objectives for the Marsden Street precinct include widening of Raphael Street and to ensure development is sensitive to areas of open space including Friends Park and the Jewish Reserve (Local Centres Part – section 15.12).

DCP Control D4 states that Raphael Street is to be widened by 2.5m on the western side of that street so as to provide for a widened carriageway and a new pedestrian footpath. This land could be included in a draft VPA as a public benefit, however it is noted that it would be required to be dedicated to Council (as a direct benefit) regardless.

DCP Control D5 states that new buildings are to be set back a minimum of 4m from all open spaces – in this case, Friends Park - and from the new boundary of Raphael Street created after the dedication. This requirement will directly affect the area of the subject site available for redevelopment and would need to be incorporated into all building designs. It is noted that the proponent has suggested that this would be increased to 6m to improve solar access, size of communal open space and opportunity for planting.

Should Council proceed with a planning proposal it would also be appropriate to prepare site specific DCP controls based on detailed modelling of the new heights,



particularly to ensure the desirable amenity outcomes for Friends Park. It is considered that amendments would include controls for building height transition, sunlight access and interface with the park, building to boundary on the western side and removal of the redundant private partial laneway (which would be incorporated into the development site). The modelling work associated with this DCP amendment can be undertaken prior to post-Gateway exhibition, should Council resolve to proceed accordingly.

### ***Friends Park***

Although located south of the block fronting Railway Street in Lidcombe, the extension of Friends Park was specifically planned as key future open space in this precinct, and was identified in the Auburn LEP 2010 as land reserved for acquisition. In addition to making Friends Park more useable space, the expansion of this park will provide a continuous linear open space connecting to the Jewish Reserve immediately to the east, and to Rookwood Cemetery beyond. The Jewish Reserve has archaeological heritage significance dating back to 1867, when it was the Raphael's Ground Cemetery.

The extension of Friends Park is also consistent with the State Government's Green grid initiative, and the objectives of the Central City District Plan, which seeks to create green linkages between larger areas of open space to foster ecological resilience, healthy living, and reduced heat island effects.

### ***Draft Auburn and Lidcombe Town Centres Strategy***

The Draft Auburn and Lidcombe Town Centres Strategy (draft Strategy) dated December 2016 applies to the Auburn and Lidcombe town centres, including the subject site. Under the draft Strategy the developable portion (zoned B4 Mixed Use) of the subject site is located within Precinct 3, and the park portion is located within Precinct 4.

Under the exhibited draft Strategy, the B4 zoned portion of the site has a recommended maximum building height of 45m, providing for the current 5:1 floor space potential to be provided in buildings of approximately 13 storeys. Council resolved to proceed to public exhibition with a number of other precincts across both town centres (including Precinct 3 in Lidcombe, containing the subject site), proposing a non-residential component FSR of 0.5:1, within an overall FSR of 5:1 (Council minutes of 21 December 2016).

The draft Strategy has been reviewed in light of the submissions received during its exhibition earlier this year, and it is anticipated that the draft Strategy will be reported to Council before the end of the year, to enable Council to consider it, including any changes recommended in response to submissions received.

### ***Original Planning Proposal Request (as lodged)***

The original Planning Proposal Request as lodged sought two key changes to the existing controls of the Auburn LEP 2010 for that portion of the subject site zoned B4 Mixed Use:

- Increase the maximum height of buildings from 32m (approx. 9 storeys) to 62m (approx. 18 storeys).
- Increase the FSR from 5:1 to 5.65:1 (a 13% increase, representing potential for some 45-50 additional dwellings).

The request did not seek to amend either the land use zoning, or any controls relating to the RE1 Public Recreation zoned portion of the site.

An indicative development concept was provided as part of the Planning Proposal Request. This indicative concept included an 18-storey and a 12-storey building fronting Railway Street with a 16-storey and 2-storey building to the rear. All buildings are located on the B4 Mixed Use zoned portion of the site (refer to Figures 7 and 8).

The development concept also reflected the future extension to Friends Park – being the portion of the site zoned for RE1 Public Recreation. This park extension was included as a public benefit offer as part of the planning proposal request, with the dedication of the RE1 Public Recreation zoned land to Council proposed in return for the transfer of FSR (for the portion of land zoned RE1) onto the development site. However, as noted in the CLPP report, the RE1 zoned portion of land has no FSR available to be transferred under Auburn LEP 2010.

It is noted that both the planning proposal request and the public benefit offer have been revised following the Cumberland Local Planning Panel meeting, and details of the revised proposal and public benefit offer are provided in subsequent sections of this report.

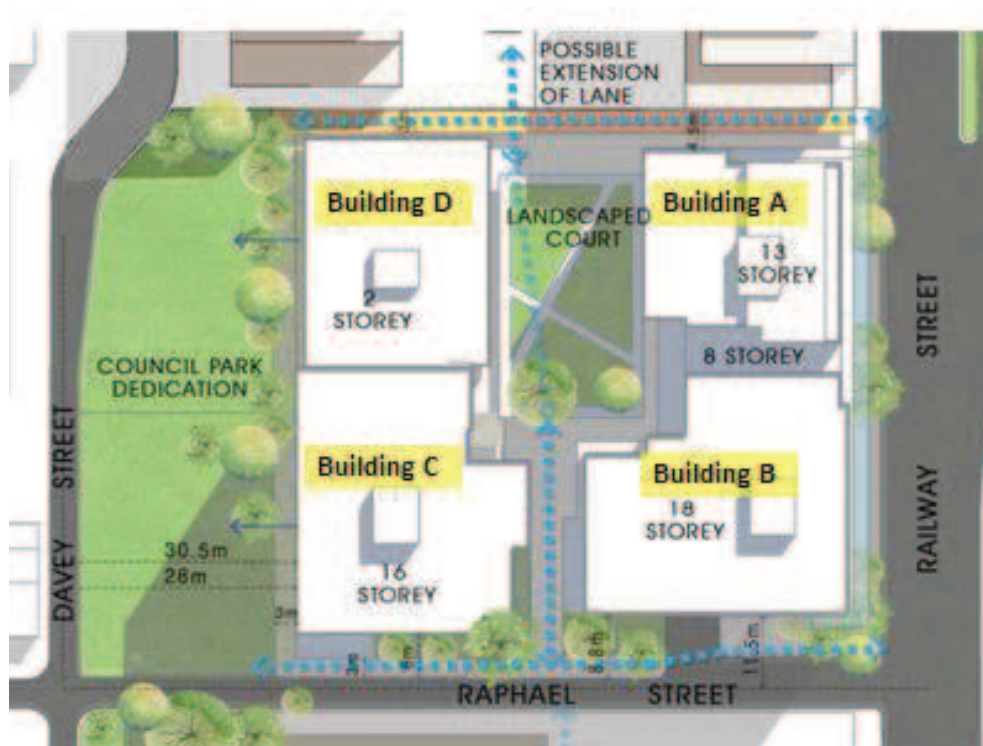


Figure 7: Original Planning Proposal Request indicative development concept  
(Buildings A-D identified within the overall lot for referencing purposes only)

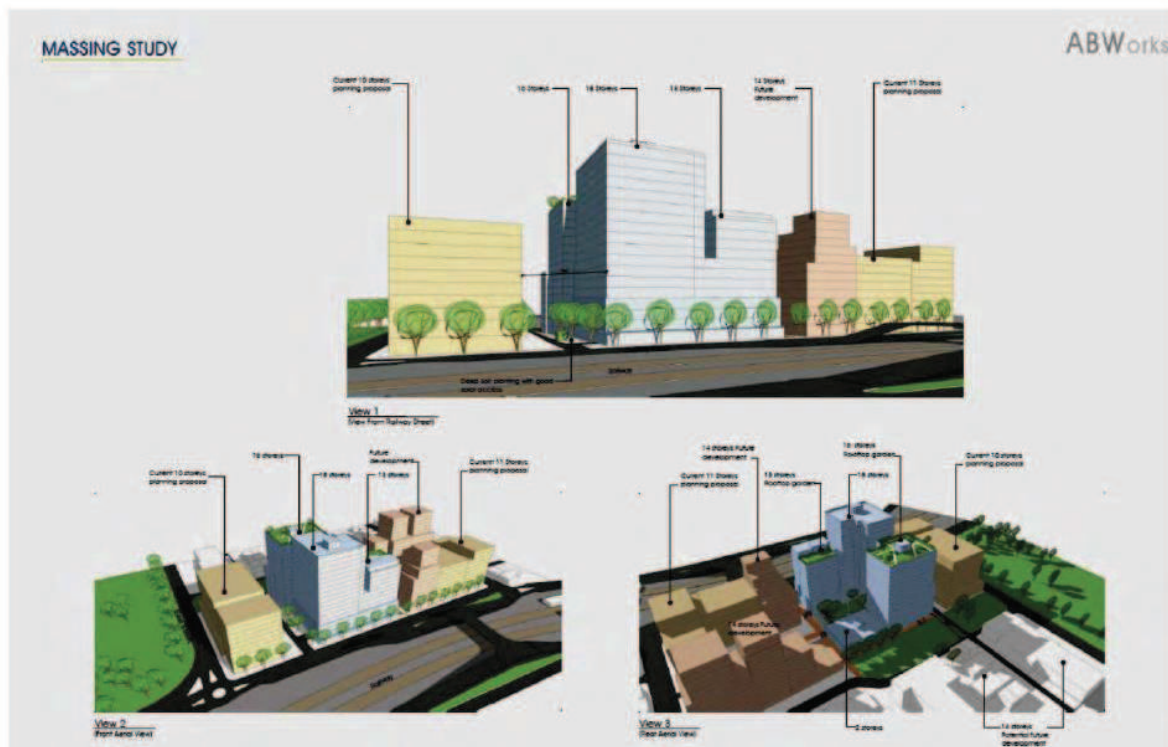


Figure 8: Indicative Planning Proposal Request concept - street and oblique views

### ***Laneway within site***

There is an unnamed laneway located approximately half way along Raphael Street which extends into the site but does not connect with any other street (marked as “4” in Figure 1). The indicative concept design indicates that the laneway would be required as part of the development site. This laneway appears to be privately owned, however searches to date have not confirmed the ownership. The proponent has indicated that they would seek to acquire this lane. If the laneway was not acquired, this would affect the future design of the buildings and public accessway within the site and may also need to accommodate the use of that laneway by vehicles. This is not considered critical to this Planning Proposal process and can be resolved separately.

### ***Preliminary Exhibition of Planning Proposal Request***

The preliminary public exhibition occurred between 10 October 2017 and 7 November 2017, and six (6) submissions were received. The key issues raised in the submissions are summarised below (refer to Attachment 1 for more a detailed summary).

- Overdevelopment of site, scale of development not appropriate to location.
- Visual impact to area.
- Amenity impacts – overshadowing, wind tunnel, visual, heritage items.

- Benefit to developer at detriment of local community.
- Reliance on the draft Auburn and Lidcombe Town Centres Strategy.
- Increased pressure on infrastructure especially schools and public transport.

The following comments are made in response to the concerns raised in the submissions:

- The Council officer's strategic merit assessment report (Attachment 2) considered the proposal against the recommendations of the draft Auburn and Lidcombe Town Centres Strategy as exhibited. This report noted the proposed height of 62m is significantly higher than is permitted under current controls, and higher than that recommended in the draft Strategy. The proposed height is not consistent with the draft Strategy's objectives of a transition in height/density from the town centre core, stepping down towards the edges of the centre, and in response, this report recommended alternative, lower building heights and FSR. Issues of amenity, overshadowing, and the scale of the development were all considered as part of this assessment.
- While the potential for wind tunnel effects generated by taller buildings is acknowledged, this aspect is more appropriately addressed at development application stage, when actual building designs are assessed. Drawings provided at planning proposal stage are indicative concepts only. Similarly, any proposed development will need to respond to State Environment Planning Policy 65 (SEPP65) Design Quality of Residential Flat Development and its Guidelines which addresses a number of important design aspects including building separation distances.
- An area of communal open space for residents will need to be provided within any future development on this site. The RE1 zoned land within the site is for the planned future expansion of Friends Park, and this need for additional public open space was recognised under previous Council strategic planning work and was zoning accordingly. The expansion of the park is not intended to 'offset' this proposal.
- Council recognises the growth occurring in Lidcombe and other town centres and is planning to provide additional facilities and spaces where these are needed and of an appropriate type.
- While Council can highlight potential demand for infrastructure such as schools and public transport, these are the responsibility of the State Government. The relevant State Government agencies will be notified of the proposal and provided an opportunity to comment as part of the subsequent public exhibition following the Gateway Determination (should a proposal proceed).
- State agencies are in communication with the Department of Planning and Environment and with Council on planning proposals and related development in the area so as to take such growth into account in their future demand planning for respective infrastructure.



The recommendations made in this report, and the recent report to the Cumberland Local Planning Panel, reflect consideration of the concerns raised in the submissions.

### ***Assessment of the Planning Proposal Request***

Strategic merit assessment of the proposal as lodged, with a proposed height of 62m and FSR of 5.65:1, identified a number of issues, including:

- A 62m building height in this location would be significantly higher than both the current LEP controls and the heights anticipated in the core of Lidcombe Town Centre under the draft Auburn and Lidcombe Town Centres Strategy.
- The proposed building height and FSR are inconsistent with the principle of a transition from the highest building heights and density in the town centre core down to lower building heights and densities towards the edge of the centre to create a more appropriate transition to the lower density areas surrounding the centre.
- The indicative modelling submitted as part of the Planning Proposal Request indicates that a height of 62m and an FSR of 5.65:1 would result in significant additional overshadowing of Friends Park.
- The FSR of 5.65:1 proposed seeks to transfer FSR from the portion of the site currently zoned RE1, however there is no FSR for this RE1 zone land under Auburn LEP 2010, and thus nothing is available to be transferred.

The extent of residential density increase was unwarranted and would have required heights that were unnecessarily high. The Council officer's report to the Cumberland Local Planning Panel (August 2018) recommended alternative controls for the site as follows:

- Retention of the existing 5:1 FSR under Auburn LEP 2010, on the basis that this is consistent with the draft Auburn and Lidcombe Town Centres Strategy as exhibited, and that overshadowing impact on Friends Park is reduced.
- An FSR of 5:1 takes into consideration the planning proposal for the land immediately to the east of the site which has received a Gateway Determination for an FSR of 3.5:1, and which provides a transition towards the eastern edge of the town centre.
- A maximum building height of 45m generally, with a maximum of 55m for a limited area on the north-eastern corner of the site, and with a lower element on the south-western corner of the site (to minimise the overshadowing impact on Friends Park).
- A minimum non-residential FSR of 0.4:1, noting that Council resolved to proceed with a minimum non-residential FSR of 0.5:1 for certain sites within the Lidcombe Town Centre as part of the draft Strategy, however given the site's

location towards the periphery of the Lidcombe Town Centre, a minimum non-residential FSR of 0.4:1 was considered to be appropriate in this location.

The Council's officer's report to the Cumberland Local Planning Panel also recommended further modelling be undertaken to determine potential overshadowing impacts associated with the recommendation, as well as recommending not proceeding with the public benefit offer as originally proposed, and that Council continue to negotiate with the proponent.

### ***Cumberland Local Planning Panel***

The Planning Proposal Request (as lodged) was considered by the Cumberland Local Planning Panel at its meeting of 22 August 2018 (report item ELPP037/18 – Attachment 3). The Panel supported the Council officer's recommendations, and added a further recommendation to achieve a better mix of apartments in any future development on this site. This would be explored further as part of Council's new DCP.

The Panel also advised that Council consider a lower FSR on sites in the periphery of the town centre, to assist in achieving a better transition to surrounding areas. This can be considered by Council as part of its post-exhibition review of the draft Strategy, but it is noted that the approach that has been recommended with the Planning Proposal on the site to the east of the subject site is consistent with this advice.

### ***Alternative Proposal by Proponent (September 2018)***

Following consideration of this matter by the Panel, the proponent has provided an alternative proposal for consideration. The alternative controls, for the B4 zoned portion, are:

- Maximum height of buildings:
  - 45m generally across the site;
  - a taller element of 55m on the north east corner (identified in the general location of Building B on Figure 9); and
  - an additional 3m (i.e. to 48m) on the south east corner (identified in the general location of Building C on Figure 9).
- Floor Space Ratio:
  - Base FSR of 5:1; and
  - a bonus FSR of 0.25:1 (say 0.3:1) if a minimum non-residential FSR of 0.6:1 is achieved.

A public benefit offer of the dedication of the portion of the site zoned RE1 to Council at no acquisition cost is offered with this option. This offer proposes an offset against s7.11 contributions; however it is estimated that such contributions would be

approximately one-third of the value of the land contribution offer. It is noted that this offer is only made in relation to this option, as the proponent has indicated that the CLPP recommended proposal does not provide sufficient value to offer the land free of charge. The alternative proposal is indicated in Figure 7 below, with the proposed height of 45m across most the site shown in yellow, 48m shown in blue and 55m for a limited portion shown in red. The green hatched area would be the subject of DCP controls to ensure sunlight access to an expanded Friends Park.

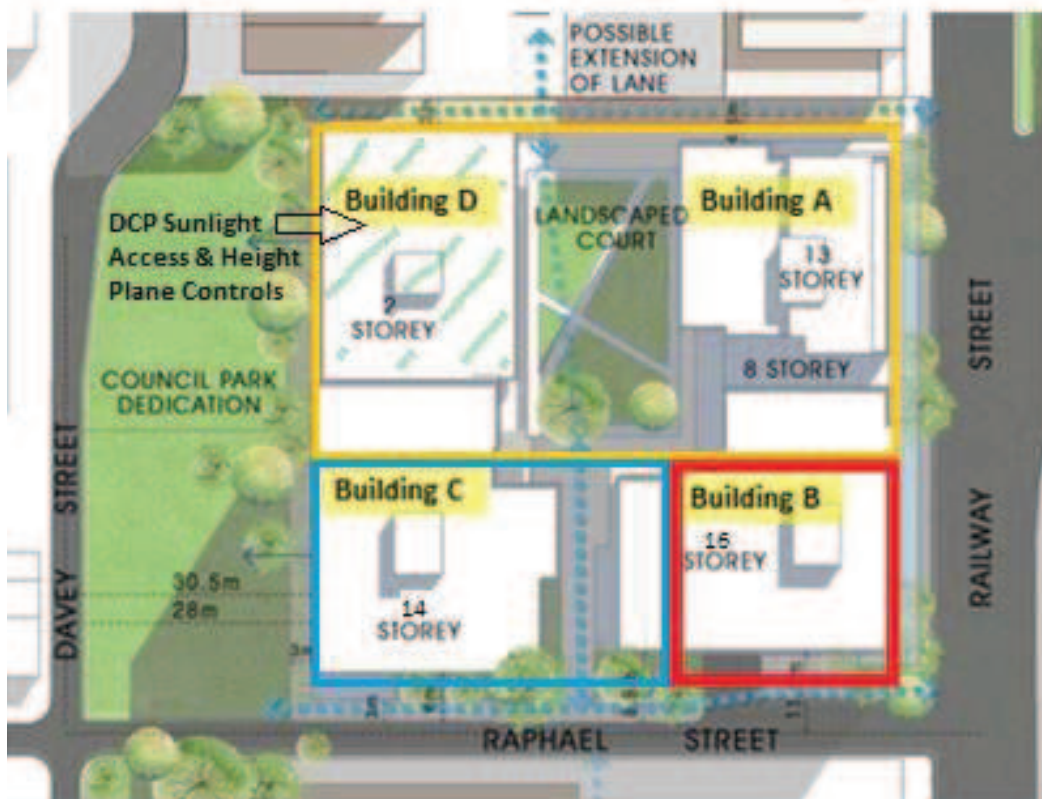


Figure 9: Alternative Planning Proposal Request indicative development concept  
(Buildings A-D identified within the overall lot for referencing purposes only)

### **Assessment of revised Proposal and Recommendation**

A summary of the revised proposal and associated public benefit offer is provided in Table 2 below as Option A; with the Cumberland Local Planning Panel recommended planning proposal provided as Option B.

In reviewing the proponent's revised offer (Option A), it is recommended that the proposed bonus FSR for provision of additional non-residential floor space be rounded up to 0.3:1 rather than 0.25:1 as proposed, as 0.3:1 is considered to be a more workable FSR increment, with potential application for other sites.

The proponent has not raised specific concern about the 0.4:1 minimum non-residential FSR and in fact is seeking to increase this further to 2 storeys of commercial with suitable incentive. As such, it is recommended that the FSR controls include a requirement for a minimum non-residential FSR 0.4:1, to ensure a minimum

component of non-residential floor space is provided, should the bonus FSR not be taken up. These have been incorporated into Option A below.

**Table 2: Summary of Public Benefit options**

<b>B4 zoned part of site</b>	<b>OPTION A</b>		<b>OPTION B</b>	
	<b>Proponent's Proposal (September 2018)</b>	<b>Alternative and Offer</b>	<b>Cumberland Recommended (August 2018)</b>	<b>LPP Proposal</b>
Heights (Max.): Block A Block B Block C Block D	45m 55m 48m 45m		45m 55m 45m 45m	
Base FSR (LEP Map):	5:1		5:1	
Minimum Commercial (non-residential) FSR	0.4:1		0.4:1	
Bonus FSR	0.3:1 for minimum commercial (non-residential)	0.6:1	Nil	
Open Space (RE1 Zone) Land Contribution	Dedicated free of cost – approximately \$6.3m value		Nil – to be acquired by Council separately at a cost of approximately \$6.3m	
S7.11 Financial Contribution	Nil – Offset in-lieu of land contribution		Approximately \$2m	

Option A, as proposed by the proponent in response to the Cumberland Local Planning Panel's consideration of this matter, remains generally consistent with the Council officer's and Panel's recommendations in terms of FSR and building height.

Importantly, the proposed FSR bonus can be accommodated within the recommended height controls. The proposed non-residential FSR bonus is considered supportable in this instance, as it provides for substantially the same built form outcome and a moderate incentive for commercial (non-residential) floor space.

The revised public benefit offer outlined in Option A represents a genuine public benefit for Council. Council's valuation advice indicates that the offer represents good value for the community, and that the value of the land zoned RE1 which would be dedicated to Council is greater than the combined value of the s7.11 contribution offset and the bonus FSR.

Option B, would see Council needing to separately acquire the RE1 zoned portion of the site for a fair market value which is estimated to be between \$6.1m and \$6.5m. Yet, the building heights and built form outcome would be very similar. While Council could seek to negotiate for some benefit under this scenario, the valuation advice received confirms the value added to the land in Option B is not significant.



The Options presented are as follows:

OPTION A – Proponents Alternative Proposal

- a. the existing maximum FSR of 5:1 under Auburn LEP 2010 being retained for the B4 zoned part of the subject site, with a minimum of 0.4:1 non-residential FSR to be provided;
- b. a provision for a bonus FSR of 0.3:1 for a minimum of 0.6:1 non-residential FSR, subject to the dedication of the RE1 zoned land to Council at no cost, and with an offset of section 7.11 contributions in lieu of this land dedication;
- c. a maximum building height of 45m apply to the site generally, with:
  - i) a taller element up to a maximum of 55m for a limited portion in the north eastern corner of the site to be shown on the LEP Height of Buildings Map; and
  - ii) a maximum building height of 48m for a limited portion of the south eastern corner of the site.

OPTION B - Cumberland LPP Recommended Proposal

- a. the existing maximum FSR of 5:1 under Auburn LEP 2010 being retained for the B4 zoned part of the subject site, with a minimum of 0.4:1 non-residential FSR to be provided;
- b. a maximum building height of 45m apply to the site generally, with a taller element up to a maximum of 55m for a limited portion in the north eastern corner of the site to be shown on the LEP Height of Buildings Map.

It is recommended that Council proceed with Option A for the purposes of a Gateway submission and formal community consultation.

**COMMUNITY ENGAGEMENT**

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The request has undergone a four (4) week preliminary public exhibition process, consistent with Council's policy on Planning Proposal notification. Submissions received from the community have been addressed in this report as well as the recent report to the Cumberland LPP and also in this report.

Should Council resolve to progress with a planning proposal for this site, and it receives a favourable Gateway Determination from the Department of Planning and Environment, it is proposed that the formal (statutory) community consultation would then be undertaken.

**POLICY IMPLICATIONS**

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This report recommends proceeding to Gateway and formal community consultation with a proposal to amend the Auburn LEP 2010. It is also proposed that an amendment to the Auburn Development Control Plan (DCP) 2010 be prepared to

provide more detailed controls for this site. It is considered that amendments would include controls for building height transition, sunlight access and interface with the park, building to boundary on the western side and removal of the redundant private partial laneway (which would be incorporated into the development site). The modelling work associated with this DCP amendment can be undertaken prior to post-Gateway exhibition, should Council resolve to proceed accordingly.

## **RISK IMPLICATIONS**

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There are minimal risk implications for Council associated with this report. In terms of the planning proposal request, a Council resolution is required for the proposal to proceed to the Department of Planning and Environment for a Gateway Determination. The financial risks associated with the proposed public benefit offer are considered to be minimal, in that a voluntary planning agreement (VPA) is required to progress this aspect. Any VPA needs to be public exhibited and subsequently endorsed by Council prior to being executed by both parties.

## **FINANCIAL IMPLICATIONS**

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The financial implications associated with the proposed public benefit offer associated with this proposal have been outlined in previous sections of this report. It is recommended that Council proceed with Option A and that Council pursue a draft voluntary planning agreement for the dedication of the portion of the site zoned RE1 to Council for the expansion of Friends Park, as proposed by the proponent in September 2018. This revised public benefit offer has been assessed by Council officers and supported by independent valuation advice, and is considered to represent an appropriate public benefit for Council and the community. This is estimated to have a net public benefit representing 100% of the value uplift of the proposal.

## **CONCLUSION**

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Council has assessed the Planning Proposal Request for 4-12 Railway Street, Lidcombe, and undertaken a preliminary public exhibition. Six submissions were received and issues raised in these submissions were addressed in both this report and the recent report to the Cumberland Local Planning Panel.

The assessment of the proposal (as originally lodged) by Council officers identified a number of issues, primarily associated with the height (62m) and FSR (5.65:1) proposed. Following consideration of this matter by the Cumberland Local Planning Panel, the proponent proposed alternative controls and a revised public benefit offer.




The proponent's revised controls (September 2018) are generally consistent with the controls recommended by Council officers and supported by the Panel. The implications of the proposed variations have been assessed by Council officers and this report recommends these be supported. Similarly, the revised public benefit offer has been assessed, and is considered to represent a genuine public benefit for Council, in the context of the estimated value uplift, and Council's strategic intentions for the expansion of Friends Park. Option A is considered to represent a significantly greater public benefit for Council than Option B where Council would need to acquire

the RE1 zoned land at a fair market rate, which is well in excess of the anticipated developer contributions associated with the development of the site.

It is therefore recommended that Council proceed with Option A, as outlined in this report, and that further modelling be undertaken to inform site-specific DCP controls, prior to post-Gateway exhibition.

## ATTACHMENTS

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1. Summary of Submissions to Preliminary Exhibition [↓](#) 
2. Planning Proposal Request Assessment Report [↓](#) 
3. Cumberland Local Planning Panel Report and Minutes [↓](#) 

**Resolved (Attie/Zaiter)**

That Council:

1. Proceed to Gateway submission and formal community consultation with a planning proposal and associated public benefit offer as per Option A, being:
  - a. the existing maximum FSR of 5:1 under Auburn LEP 2010 being retained for the B4 zoned part of the subject site, with a minimum of 0.4:1 non-residential FSR to be provided;
  - b. a provision for a bonus FSR of 0.3:1 for a minimum of 0.6:1 non-residential FSR, subject to the dedication of the RE1 zoned land to Council at no cost, and with an offset of section 7.11 contributions in lieu of this land dedication;
  - c. a maximum building height of 45m apply to the site generally, with:
    - i) a taller element up to a maximum of 55m for a limited portion in the north eastern corner of the site to be shown on the LEP Height of Buildings Map; and
    - ii) a maximum building height of 48m for a limited portion of the south

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eastern corner of the site.

2. Develop site specific DCP controls which include setback and sunlight access controls to ensure the taller element is offset by a corresponding area in the south western part of the site that has lower height, minimising overshadowing of Friends Park and properties to the south.
3. Require the proponent to submit updated Planning Proposal documentation including a revised concept and shadow diagrams, suitable for public exhibition.
4. Require that further detailed modelling be undertaken to help determine site specific DCP controls for building massing.
5. Request that the proponent provide a draft voluntary planning agreement consistent with the public benefit offer outlined in this report to be publicly exhibited with the planning proposal.

The Motion moved by Councillor Attie seconded by Councillor Zaiter on being Put to the meeting was declared CARRIED.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Councillor(s) For the Motion: Attie, Cummings, Elmore, Grove, Rahme, Sarkis, Zaiter and Zreika

Councillor(s) Against the Motion: Campbell, Christou, Garrard, Hamed, Huang, Lake and Saha.

Councillor Sarkis left the Meeting at 7:39pm and returned to the Meeting at 8:19pm during the consideration of this item.

Councillor Rahme left the Meeting at 8:08pm and returned to the Meeting at 8:12pm during the consideration of this item.

Councillor Grove left the Meeting at 8:14pm and returned to the Meeting at 8:18pm during the consideration of this item.

Councillor Saha left the Meeting at 8:20pm during the consideration of this item.